



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary General Plan Amendment Initiation

HEARING DATE: JANUARY 9, 2014

Date: December 31, 2013
Case No.: **2013.1663M**
Project Address: **133-135 GOLDEN GATE AVE.**
Block/Lot: 0349/012 & 013
Project Sponsor: Supervisor Kim
Staff Contact: Aaron Starr – (415) 558-6362
aaron.starr@sfgov.org
Recommendation: Adopt Resolution to Initiate

1650 Mission St.
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The action before the Commission is an initiation of the General Plan Amendment described below. Initiation does not involve a decision on the substance of the amendments; it merely begins the required notice period, after which the Commission may hold a hearing and take action on the proposed Code amendments.

GENERAL PLAN AMENDMENT

The proposed General Plan Amendment would expand The Land Use and Density Plan (hereinafter Map 1) of the Downtown Area Plan to include 133-135 Golden Gate Avenue (APN 0349/012 & 013). The subject lots are currently zoned RC-4 (Residential-Commercial, High Density) and not included in the Downtown Area Plan. This initiation is proposed by the Department in response to a separate proposed Ordinance, introduced by Supervisor Kim (BF 130999) proposes to rezone the subject parcels from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General). That Ordinance will be heard at the January 23rd Planning Commission hearing and the January 22, Historic Preservation Commission hearing.

The Way It Is Now:

Map 1 of the Downtown Area Plan outlines the boundaries and zoning districts of the Area Plan. It does not currently include the subject lots as part of the Downtown Plan and does not include them in a Downtown Zoning District (C-3).

The Way It Would Be:

Map 1 of the Downtown Area Plan would be amended to include the subject lots in the Area Plan and identify the subject lots as being zoned C-3-G.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval to initiate the Planning Code amendments.

RECOMMENDATION

The Department recommends that the Commission Adopt a Resolution of Intent to Initiate

BASIS FOR RECOMMENDATION

At the January 23, 2014 hearing, the Commission will review an Ordinance introduced by Supervisor Kim (BF 130999) that proposes to rezone 133-135 Golden Gate Avenue, also known as St. Boniface, from RC-4 to C-3-G so that it may participate in the City's Transfer of Development Rights (TDR) program. In order for the proposed rezoning to be consistent with the General Plan, Map 1 of the Downtown Area Plan must be modified to include the subject lots. General Plan amendments can only be initiated by the Planning Commission and cannot be initiated by elected officials¹.

The Department is proposing to amend the General Plan to implement Supervisor Kim's proposed rezoning and associated opportunity for participation within the TDR program as the proposal meets the Department's criteria for new TDR designation. The criteria proposed for evaluation of a new TDR opportunity are intended to be rigorous to guarantee that the rezoning is within the public interest. Below are the key considerations that the Department will use to evaluate this proposal:

Proposed key considerations for designation of new TDR opportunity:

- 1) Is the parcel adjacent/contiguous with other C-3 zoned parcels?
- 2) Would the rezoning increase development potential in FAR or height? If so, what are the urban design implications of additional FAR or height?
- 3) Are there potential impacts of the rezoning due to adjacency of sensitive parcels uses?
- 4) Has the subject parcel been part of a recent rezoning or community planning effort?
- 5) Does the property need both a rezoning and a new historic designation? If so, does the Department believe that the subject building is significant enough to either be an individual City Landmark or a Category 11 Building?

It is the Department's intent that proposed rezoning would be evaluated against each of these criteria and the Commission would have the opportunity to review and comment on the proposed request for rezoning at their January 23, 2014 hearing (Case # 2013.1663Z).

Pursuant to Planning Code Sec. 340, proposed amendments can be initiated by a Resolution of Intention by the Planning Commission. If the Planning Commission approves the Resolution of Intention, the Department would subsequently provide public notice as required by Planning Code Sec. 306.3, and schedule a public hearing on the proposed General Plan amendment for January 23, 2014, a date which

¹ Planning Code Section 340(c) states, "[A General Plan] amendment may be initiated by a resolution of intention by the Planning Commission in response to a request by a member of the Planning Commission, the Board of Supervisors, or an application by one or more property owners, residents or commercial lessees or their authorized agents. A resolution of intention adopted by the Planning Commission shall refer to, and incorporate by reference, the proposed General Plan amendment.

would be concurrent with the Commission's decision on Supervisor Kim's proposed rezoning. An initiation action does not commit the Commission to any action at the adoption hearing, but rather allows the full range of commission actions at their later hearing. By authorizing this initiation today, the Commission would be permitted to consider adoption of Supervisor Kim's rezoning later in the month; without today's initiation, the rezoning would conflict with a map in the General Plan. General Plan findings must be completed with each Commission action on proposed ordinances to make certain that new laws are consistent with the City's adopted policy.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines.

PUBLIC COMMENT

The Department received some inquiries about the proposed rezoning, but as of the date of this report has not received any letters of support or opposition.

RECOMMENDATION: Adopt Resolution of Intent to Initiate General Plan Amendment

Attachments

- Exhibit A: Draft Ordinance
- Exhibit B: Resolution to Initiate the General Plan Amendment
- Exhibit C: Board File 130999
- Exhibit D: The Land Use and Density Plan of the Downtown Area Plan (aka Map 1)
- Exhibit E: Zoning Map including subject property.

Exhibit A

[General Plan—Downtown Area Plan Amendments for 133-135 Golden Gate Avenue (St. Boniface Church and Rectory) for Transferable Development Rights Sale Eligibility]

Ordinance amending the San Francisco General Plan to allow the sale of transferable development rights for 133-135 Golden Gate Avenue (St. Boniface Church and Rectory) by amending Map 1 of the Downtown Area Plan; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in *strikethrough italics Times New Roman font*. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings

(a) This Board proposes the following General Plan amendment to allow the property located at 133-135 Golden Gate Avenue, St. Boniface Church and Rectory, designated as City Landmark No. 172, (Assessor’s Block No. 349, Lot Nos. 12 and 13), to be eligible for the City’s transferable development rights program.

(b) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.), and this Board of Supervisors hereby affirms this determination. Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

1 (c) Section 4.105 of the Charter of the City and County of San Francisco provides that
2 the Planning Commission shall periodically recommend to the Board of Supervisors, for
3 approval or rejection, proposed amendments to the General Plan.

4 (d) On _____, the Board of Supervisors received from the Planning
5 Department this proposed General Plan amendment.

6 (e) Section 4.105 of the City Charter further provides that if the Board of Supervisors
7 fails to Act within 90 days of receipt of the proposed the General Plan amendment, then the
8 proposed amendment shall be deemed approved.

9 (f) San Francisco Planning Code Section 340 provides that the Planning Commission
10 may initiate an amendment to the General Plan by a resolution of intention, which refers to,
11 and incorporates by reference, the proposed General Plan amendments. Section 340 further
12 provides that Planning Commission shall adopt the proposed General Plan amendments after
13 a public hearing if it finds from the facts presented that the public necessity, convenience and
14 general welfare require the proposed amendment or any part thereof. If adopted by the
15 Commission in whole or in part, the proposed amendments shall be presented to the Board of
16 Supervisors, which may approve or reject the amendments by a majority vote.

17 (g) After a duly noticed public hearing on hearing on January 9, 2014, in Resolution
18 No. _____, the Planning Commission initiated this amendment to the General Plan.
19 Said resolution is on file with the Clerk of the Board of Supervisors and incorporated herein by
20 reference.

21 (h) On _____, the Planning Commission adopted this amendment by
22 Resolution No. _____, finding in accordance with Planning Code Section 340 that
23 the public necessity, convenience and general welfare required the proposed amendments.
24 Said Resolution is on file with the Clerk of the Board in File No. _____. These and
25 any and all other documents referenced in this Ordinance have been made available to the

1 Board of Supervisors and may be found in either the files of the Planning Department, as the
2 custodian of records, at 1650 Mission Street in San Francisco, or in File No. _____
3 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco
4 and are incorporated herein by reference.

5 (i) The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
6 amendment set forth in this ordinance will serve the public necessity, convenience and
7 general welfare for the reasons set forth in Planning Commission Resolution No.
8 _____ and incorporates those reasons herein by reference.

9 (j) The Board of Supervisors finds that this amendment is, on balance, in conformity
10 with the General Plan, as amended by this ordinance, and the priority policies of Planning
11 Code Section 101.1 for the reasons set forth in Planning Commission Resolution No.
12 _____. The Board hereby adopts the findings set forth in Planning Commission
13 Resolution No. _____.

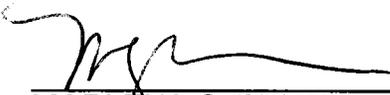
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15 Section 2. The San Francisco General Plan is hereby amended by amending Map 1 of
16 the Downtown Area Plan to include the property located at 133-135 Golden Gate Avenue (St.
17 Boniface Church and Rectory), Assessor's Block No. 0349, Lot Nos. 12 and 13, within the C-
18 3-G area, as recommended to the Board of Supervisors by the Planning Commission in
19 Resolution No. _____, and directs the Planning Department to update the General
20 Plan to reflect this amendment.

21
22 Section 3. Effective Date. This ordinance shall become effective 30 days after
23 enactment, or, under Section 4.105 of the City Charter, if the Board of Supervisors fails to act
24 within 90 days of receipt of this amendment, then this proposed amendments shall be
25 deemed approved. Enactment occurs when the Mayor signs the ordinance, the Mayor returns

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the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
MARLENA G. BYRNE
Deputy City Attorney

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Exhibit B

SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

HEARING DATE: JANUARY 9, 2013

Date: December 31, 2013
Case No.: **2013.1663M**
Project: Amending the Downtown Area Plan to include
133-135 Golden Gate Avenue
Staff Contact: Aaron Starr – (415) 558-6362
aaron.starr@sfgov.org
Recommendation: Adopt Resolution to Initiate

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INITIATING AMENDMENTS THE SAN FRANCISCO GENERAL PLAN TO ALLOW THE SALE OF TRANSFERABLE DEVELOPMENT RIGHTS FOR 133-135 GOLDEN GATE AVENUE (ST. BONIFACE CHURCH AND RECTORY) BY AMENDING MAP 1 OF THE DOWNTOWN AREA PLAN.

PREAMBLE

WHEREAS, the City adopted The Downtown Area Plan in 1985; and

WHEREAS, that Plan contains the Downtown Land Use and Density Plan (also known as Map 1), which outlines the boundaries of the City's Downtown Area and the various zoning districts within it; and

WHEREAS, on the Supervisor Kim introduced an Ordinance (BF 130999) that would expand the boundaries of the C-3-G (Downtown, General) Zoning District by including Lots 12 and 13 of Assessor's block 0349, also known as 133-135 Golden Gate Avenue in order to allow the sale of transferable development rights; and

WHEREAS, in order for Supervisor Kim's Ordinance to be consistent with the General Plan, Map 1 of the Downtown Area Plan must be expanded to include Lots 12 and 13 of Assessor's block 0349; and

WHEREAS, the proposed Ordinance is intended to resolve the aforementioned issues; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider this Resolution on January 9, 2013; and

Whereas, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15061(b)(3); and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

MOVED, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution of Intent to initiate amendments to the General Plan.

AND BE IT FURTHER RESOLVED, That pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced General Plan amendments contained in the draft ordinance, approved as to form by the City Attorney in **Exhibit A**, to be considered at a publicly noticed hearing on or after January 23, 2013.

I hereby certify that the foregoing Resolution was **ADOPTED** by the San Francisco Planning Commission on January 9, 2013.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

DATE: January 9, 2013

Exhibit C

1 [Zoning Map - Transferable Development Right Sale Eligibility - 133-135 Golden Gate Avenue
2 (St. Boniface Church and Rectory)]

3 **Ordinance amending the Planning Code, Zoning Use District Map ZN01, to provide for**
4 **eligibility to sell transferable development rights for property at 133-135 Golden Gate**
5 **Avenue (St. Boniface Church and Rectory); and making environmental findings, and**
6 **findings of consistency with the General Plan, and the eight priority policies of**
7 **Planning Code, Section 101.1.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
17 finds and determines that:

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.) and this Board adopts this determination as its own. Said
21 determination is on file with the Clerk of the Board of Supervisors in File No. _____ and
22 is incorporated herein by reference.

23 (b) On _____, the Planning Commission, in Resolution No. _____,
24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
25 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
the Board of Supervisors in File No. _____, and is incorporated herein by reference.

1 (c) On _____, the Planning Commission, in Resolution No. _____,
2 adopted findings pursuant to Planning Code Section 302 that the proposed zoning
3 reclassification and map amendment will serve the public necessity, convenience and welfare.
4 The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk
5 of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 (d) This Board proposes the following Zoning Map amendments to allow the property
7 located at 133-135 Golden Gate Avenue, St. Boniface Church and Rectory, designated as
8 City Landmark No. 172, (Assessor's Block No. 349, Lot Nos. 12 and 13), to be eligible for the
9 City's transferable development rights program.

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11 Section 2. In accordance with Planning Code Sections 106 and 302, the following
12 changes are hereby adopted as amendments to Zoning Use District Map ZN01 of the Zoning
13 Map of the City and County of San Francisco:

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Description of Property	Use District To Be Superseded	Use District Hereby Approved
133-135 Golden Gate Avenue (St. Boniface Church and Rectory), Assessor's Block No. 0349, Lot Nos. 12 and 13	RC-4	C-3-G

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23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

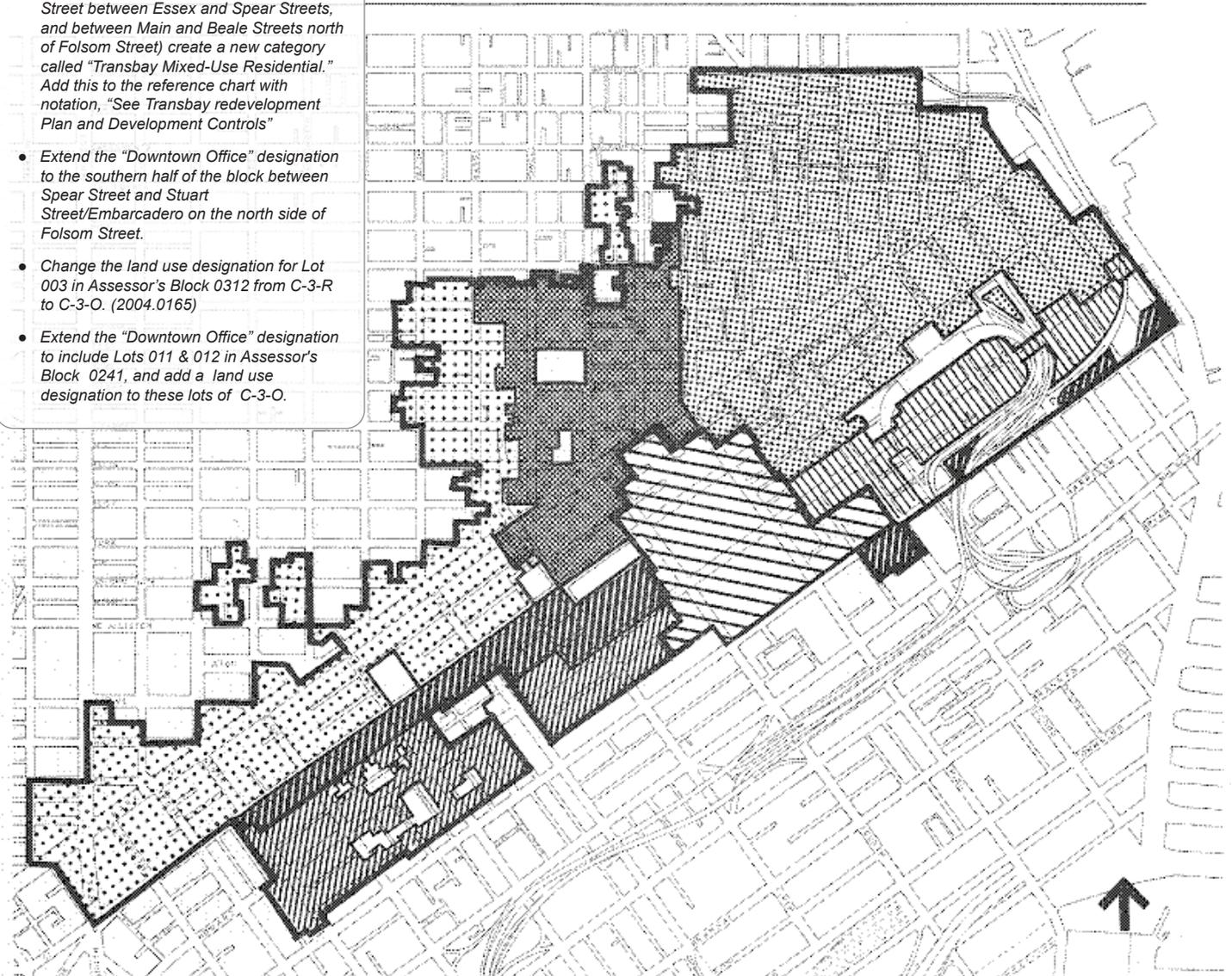
10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 MARLENA BYRNE
15 Deputy City Attorney

16 n:\legana\as2013\1400113\00877973.docx

MAP TO BE EDITED

- For public parcels on former freeway ramps in the Transbay (along Folsom Street between Essex and Spear Streets, and between Main and Beale Streets north of Folsom Street) create a new category called "Transbay Mixed-Use Residential." Add this to the reference chart with notation, "See Transbay redevelopment Plan and Development Controls"
- Extend the "Downtown Office" designation to the southern half of the block between Spear Street and Stuart Street/Embarcadero on the north side of Folsom Street.
- Change the land use designation for Lot 003 in Assessor's Block 0312 from C-3-R to C-3-O. (2004.0165)
- Extend the "Downtown Office" designation to include Lots 011 & 012 in Assessor's Block 0241, and add a land use designation to these lots of C-3-O.



DOWNTOWN LAND USE AND DENSITY PLAN

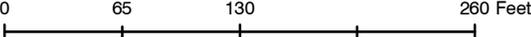
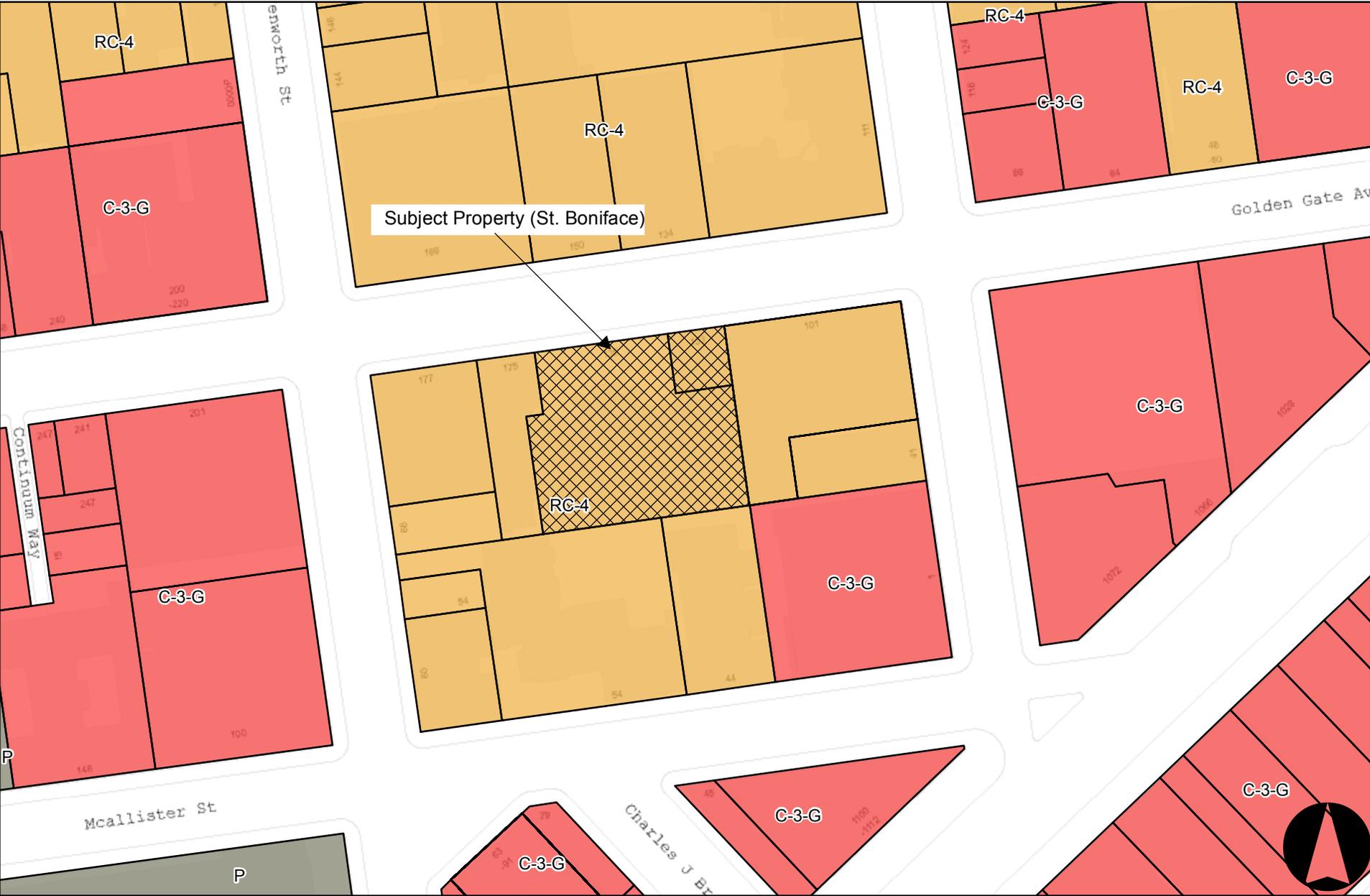
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Map 1

Predominant Commercial Use Type	Building Commercial Intensity Density*	Height	Appropriate Zoning District
Downtown Office	FAR 9:1		C-3-O
Downtown Office	6:1		C-3-O (SD)
Downtown Retail	6:1		C-3-R
Downtown General Commercial	6:1		C-3-G
Downtown Service	5:1		C-3-S
Downtown Service, Industrial Housing Conservation	2:1 office, 5:1 other		C-3-S (SU)
Mixed Use	See Yerba Buena Center Redevelopment Plan		

*Unused FAR may be transferred from preservation sites to development sites up to a maximum FAR of 18:1 in the C-3-O and C-3-O (SD) districts and up to one and one half times the basic FAR in the C-3-R, C-3-G and C-3-S districts. See Preservation of the Past Chapter.

NOTE: The notations shown in italics represent recent amendments to the General Plan. This map is intended only as a temporary placeholder, and will be replaced by final maps illustrating these amendments in graphic form.

St. Boniface Rezoning



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