



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary General Plan Amendment Initiation INITIATION HEARING DATE: AUGUST 23, 2018

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Project Name: 175 Golden Gate Avenue
Case Number: 2018-008654GPA
Initiated by: Planning Commission
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Initiate and Schedule for Adoption on or After September 27, 2018**

The action before the Commission is initiation of the code amendments described below. Initiation does not involve a decision on the substance of the amendments; it merely begins the required 20 day notice period, after which the Commission may hold a hearing and take action on the proposed Code amendments.

GENERAL AMENDMENT

The proposed General Plan Amendment would expand The Land Use and Density Plan (hereinafter Map 1) of the Downtown Area Plan to include 175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011.

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 lot as part of the Downtown Plan and does not include it 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 lot in the Area Plan and identify the subject lot as being zoned C-3-G.

BACKGROUND

The subject lot is 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 (Board File No. 180645), which proposes to rezone the subject parcel from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General). That Ordinance will be heard at the September 27th Planning Commission hearing and the September 5th Historic Preservation Commission hearing.

ISSUES AND CONSIDERATIONS

2014 Rezoning and GPA at 133-135 Golden Gate Avenue:

In 2014, the Board of Supervisors approved an ordinance amending the zoning map rezoning 133-135 Golden Gate Avenue (St. Boniface Church and Rectory) from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General) and amending Map 1 of the Downtown Area Plan to include 133-135 Golden Gate Avenue in order to provide for eligibility to sell transferable development rights for 133-135 Golden Gate Avenue.



Transfer of Development Rights:

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 September 27th hearing.

The DeMarillac Academy:

Historically known as the St. Boniface School, 175 Golden Gate Avenue was constructed in 1908 as part of the adjacent St. Boniface Catholic Church Complex after previous buildings constructed in 1899 were destroyed in the 1906 earthquake. Today, 175 Golden Gate Avenue is home to the De Marillac Academy: an independent, Catholic school with related youth and family programs. The school's enrollment is approximately 120 students, spanning grades 4-8.

Historic Preservation Designation:

The Historic Preservation Commission will hear this item on September 5th in order to provide comments on the proposed Article 11 designation to a Category III Contributory building. Staff is recommending the Historic Preservation Commission support the proposed Article 11 Designation. The building is a very good example of a Romanesque Revival style building designed by prominent San Francisco-based architectural firm Martens & Coffey and designer Brother Adrian Wewer, O.F.M., who designed more than 100 buildings for Catholic parishes across the country. It served San Francisco's large early German community, conducting services and confessions in German. It was the city's oldest German Catholic church and only German National Catholic church until the 1960s. The building retains physical integrity to its original construction. It has not undergone any significant exterior alterations and remains in use as a school building. Overall, the exterior of the building is well preserved.

RECOMMENDATION

The Department recommends that the Commission Adopt a Resolution of Intent to Initiate the proposed General Plan Amendment.

BASIS FOR RECOMMENDATION

At the September 27th hearing, the Commission will review an Ordinance introduced by Supervisor Kim (BF 180645) that proposes to rezone 175 Golden Gate Avenue 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 lot. 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.

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.

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 September 27th hearing, a date which 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.

REQUIRED COMMISSION ACTION

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

IMPLEMENTATION

The Department determined that this Ordinance will not impact our current implementation procedures.

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

As of the date of this report, the Department has not received any public comment on this item.

RECOMMENDATION:	Adopt Resolution of Intent to Initiate General Plan Amendment
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Attachments

- Exhibit A: Resolution to Initiate the General Plan Amendment
- Exhibit B: Draft Ordinance
- Exhibit C: The Land Use and Density Plan of the Downtown Area Plan (aka Map 1)
- Exhibit D: Board File 180645



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: AUGUST 23, 2018

Project Name: 175 Golden Gate Avenue
Case Number: 22018-008654GPA [Board File No. TBD]
Initiated by: Planning Commission
Staff Contact: Audrey Butkus, Legislative Affairs
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INITIATING AMENDMENTS TO THE SAN FRANCISCO GENERAL PLAN TO REVISE MAP 1 OF THE DOWNTOWN AREA PLAN TO INCLUDE 175 GOLDEN GATE AVENUE, ASSESSOR'S BLOCK NO. 0349, LOT NO. 011 IN THE C-3-G, DOWNTOWN GENERAL AREA PLAN; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on August 23, 2018; and,

WHEREAS, the proposed amendments would amend the General Plan to revise Map 1 of the Downtown Area Plan to include 175 Golden Gate Avenue, Assessor's Block No. 0349, Lot No. 011 in the C-3-G, Downtown General Area Plan; and

WHEREAS, the proposed amendments are in response to Board File 180645, which seeks to rezone the subject property to C-3-G, and

WHEREAS, the proposed ordinance would ensure that the Zoning Map and the General Plan are consistent should BF 180645 be approved; and

WHEREAS, the Environmental Review will be completed prior to the Commission taking action on this Ordinance; 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, 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; and

MOVED, that pursuant to Planning Code Section 302(b), the Commission adopts a Resolution to initiate amendments to the Planning Code;

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code 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 **September 27, 2018**.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 23, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

FILE NO.

ORDINANCE NO.

1 [General Plan - Downtown Area Plan Amendment for 175 Golden Gate Avenue]

2
3 **Ordinance amending the San Francisco General Plan to revise Map 1 of the Downtown**
4 **Area Plan to include 175 Golden Gate Avenue, Assessor's Block No. 0349, Lot No. 11,**
5 **in the C-3-G, Downtown General area; and making environmental findings, findings of**
6 **consistency with the General Plan and the Priority Policies of Planning Code, Section**
7 **101.1, and findings of public necessity, convenience, and welfare under Planning Code,**
8 **Section 340.**

9
10 **NOTE:** Additions are *single-underline italics Times New Roman*;
11 deletions are ~~*strike-through italics Times New Roman*~~.
12 Board amendment additions are double-underlined;
13 Board amendment deletions are ~~strikethrough normal~~.

14
15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Environmental and Planning Code Findings.

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

23 (b) General Plan and Planning Code Findings.

24 (1) Under Charter Section 4.105 and Planning Code Section 340, any
25 amendments to the General Plan shall first be considered by the Planning Commission and
thereafter recommended for approval or rejection by the Board of Supervisors. On

1 _____, by Resolution No. _____, the Commission conducted a duly noticed public
2 hearing on the General Plan Amendment pursuant to Planning Code Section 340, and found
3 that the public necessity, convenience, and general welfare required the proposed General
4 Plan Amendment, and recommended it for approval to the Board of Supervisors. The Board
5 adopts these findings as its own. A copy of said resolution is on file with the Clerk of the
6 Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

12
13 Section 2. The San Francisco General Plan is hereby amended by revising Map 1 of
14 the Downtown Area Plan to include 175 Golden Gate Avenue, Assessor's Block No. 0349, Lot
15 No. 11, within the C-3-G, Downtown General area, as recommended to the Board of
16 Supervisors by the Planning Commission in Resolution No. _____, and directs the
17 Planning Department to update the General Plan to reflect this amendment.

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19 ///

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24 ///

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

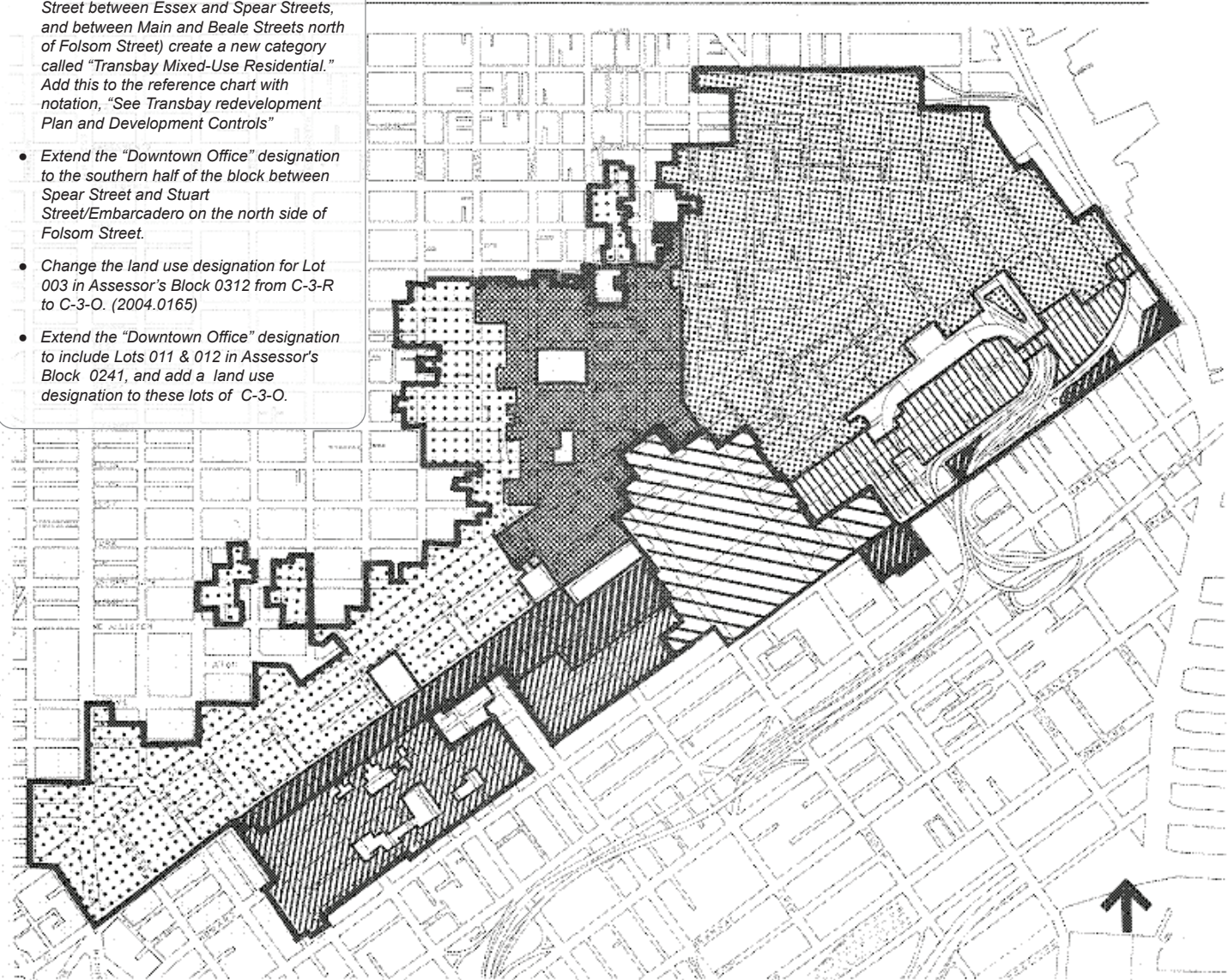
7
8 By:


9 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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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

0 400FT
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	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.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

June 19, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On June 12, 2018, Supervisor Kim introduced the following legislation:

File No. 180645

Ordinance amending the Planning Code and Zoning Map to rezone the building at 175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011, from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General); designating the building for preservation purposes as a Category III, Contributory Building; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- AnMarie Rodgers, Director of Citywide Planning
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

1 [Planning Code, Zoning Map - Rezoning, Preservation Designation - 175 Golden Gate
2 Avenue]

3 **Ordinance amending the Planning Code and Zoning Map to rezone the building at**
4 **175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot**
5 **No. 011, from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial,**
6 **Downtown General); designating the building for preservation purposes as a Category**
7 **III, Contributory Building; affirming the Planning Department's determination under the**
8 **California Environmental Quality Act; and making findings of consistency with the**
9 **General Plan, and the eight priority policies of Planning Code, Section 101.1, and**
10 **findings of public necessity, convenience, and welfare under Planning Code,**
11 **Section 302.**

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

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

20 Section 1. Findings.

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

(b) On _____, the Historic Preservation Commission, in Resolution
No. _____, adopted findings that the actions contemplated in this ordinance are

1 consistent, on balance, with the City's General Plan and eight priority policies of Planning
2 Code Section 101.1. On _____, the Planning Commission, in Resolution No.
3 _____, likewise adopted findings that the rezoning is consistent, on balance, with the City's
4 General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts
5 both of these findings as its own. Copies of said Resolutions are on file with the Clerk of the
6 Board of Supervisors in File No. _____, and are incorporated herein by reference.

7 (c) On _____, the Planning Commission, in Resolution No. _____, adopted
8 findings pursuant to Planning Code Section 302 that the proposed zoning reclassification and
9 map amendment will serve the public necessity, convenience, and welfare. On _____,
10 the Historic Preservation Commission, in Resolution No. _____, likewise adopted
11 findings pursuant to Planning Code Section 302 that the proposed amendment to Article 11
12 will serve the public necessity, convenience, and welfare. The Board adopts both of these
13 findings as its own. Copies of said Resolutions are on file with the Clerk of the Board of
14 Supervisors in File No. _____.

15 (d) On _____, the Historic Preservation Commission, in Resolution No.
16 _____, recommended that the Board of Supervisors approve the designation of the
17 building at 175 Golden Gate Avenue (De Marillac Academy), Assessor's Block No. 0349, Lot
18 No. 011, as a Contributory, Category III building as defined in Planning Code Article 11. A
19 copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
20 _____ and is incorporated herein by reference.

21
22 Section 2. Amendment to Zoning Map.

23 In accordance with Planning Code Sections 106 and 302, the following changes are
24 hereby adopted as amendments to Zoning Use District Map ZN01 of the Zoning Map of the
25 City and County of San Francisco:

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Description of Property	Use District To Be Superseded	Use District Hereby Approved
175 Golden Gate Avenue, Assessor's Block No. 0349, Lot No. 011	RC-4	C-3-G

Section 3. Designation of Category III (Contributory) Building.

(a) The Board of Supervisors hereby finds that the property identified in subsection (b) is located outside a designated Conservation District; is at least 40 years old; is judged to be a Building of Individual Importance; and is rated either Very Good in Architectural Design or Excellent or Very Good in Relationship to the Environment, and, after this ordinance has been adopted, will be located in a C-3 district. For these reasons, the Board finds that designating the following property as Category III (Contributory) will further the purposes of and conform to the standards set forth in Article 11 of the Planning Code.

(b) Pursuant to Sections 1102 and 1106 of the Planning Code, the following property is hereby designated Category III (Contributory):

Address	Assessor's Block No.	Assessor's Lot No.	Name of Building
175 Golden Gate Avenue	0349	011	De Marillac Academy

(c) Appendix C of Article 11 of the Planning Code is hereby amended to include this property.

1 (d) This property shall be subject to further controls and procedures pursuant to the
2 Planning Code, including Article 11.

3
4 Section 4. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

8
9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: 
13 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Rezoning, Preservation Designation - 175 Golden Gate Avenue]

Ordinance amending the Planning Code and Zoning Map to rezone the building at 175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011, from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General); designating the building for preservation purposes as a Category III, Contributory Building; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Currently, 175 Golden Gate Avenue (De Marillac Academy), Assessor's Block No. 0349, Lot No. 011, is zoned RC-4 (Residential-Commercial, High Density), and although it is adjacent to the C-G-3 (Commercial, Downtown General), but not within the Downtown zoning district. It does not have a preservation status under either Articles 10 or 11 of the Planning Code.

Amendments to Current Law

This Ordinance amends the Planning Code and the Zoning Map to rezone 175 Golden Gate Avenue (De Marillac Academy), Assessor's Block No. 0349, Lot No. 011, from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General). It also classifies the building at that address as a Category III, Contributory building under Article 11 of the Planning Code.

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