

File No. 130999

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date February 24, 2014

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date February 20, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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. X

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. 130999 and is  
22 incorporated herein by reference.

23 (b) On January 23, 2014, the Planning Commission, in Resolution No. 19067, adopted  
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
25 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. 130999, and is incorporated herein by reference.

1 (c) On January 9, 2014, the Planning Commission, in Resolution No. 19058, adopted  
2 findings pursuant to Planning Code Section 302 that the proposed zoning reclassification and  
3 map amendment will serve the public necessity, convenience and welfare. The Board adopts  
4 these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of  
5 Supervisors in File No. 130999, 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.

10  
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:

14

| 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:\vegana\as2013\1400113\00877973.docx



# SAN FRANCISCO PLANNING DEPARTMENT

January 28, 2014

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Kim  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
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Planning  
Information:  
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**Re: Transmittal of Planning Department Case Number 2013.1663ZM  
Rezoning of 133-135 Golden Gate Avenue (aka St. Boniface)  
Board File No. 130999  
Planning Commission and Historic Preservation Commission  
Recommendation: Approval**

Dear Ms. Calvillo and Supervisor Kim,

On January 23, 2014, the Planning Commission conducted a duly noticed public hearing at regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Kim, and the General Plan Amendment, initiated by the Planning Commission, that would rezone the subject property from RC-4 to C-3-G and include the subject property in Map 1 of the Downtown Area Plan.

On January 15, 2014, The Historic Preservation Commission conducted a duly notice public hearing at regularly scheduled meeting to consider the same items.

The proposed rezoning and General Plan amendment were found to be categorically exempt from environmental review under the California Environmental Quality Act Section 15061 (b)(3).

Please find attached documents relating to the actions of the Commissions. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

  
AnMarie Rodgers  
Manager of Legislative Affairs

cc:

Marlena Byrne, Deputy City Attorney  
April Veneracion Ang, Aide to Supervisor Kim  
Alisa Miller, Office of the Clerk of the Board

Attachments

Planning Commission Resolution

Planning Department Executive Summary for the Planning Commission

Historic Preservation Commission Resolution

Planning Department Executive Summary for the Historic Preservation Commission

Planning Commission General Plan Initiation Resolution

General Plan Amendment Ordinance



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19067

HEARING DATE JANUARY 23, 2014

*Case No.:* 2013.1663ZM  
*Project Address:* 133-135 GOLDEN GATE AVE.  
*Current Zoning:* RC-4 (Residential-Commercial, High Density)  
80-T and 120-T Height and Bulk District  
*Proposed Zoning:* C-3-G (Downtown, General)  
80-T and 120-T Height and Bulk District  
*Block/Lot:* 0349/012 & 013  
*Project Sponsor:* Supervisor Kim  
*Staff Contact:* Aaron Starr – (415) 558-6362  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)  
*Recommendation:* Recommend Approval

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RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A PROPOSED ORDINANCE TO AMEND THE ZONING MAP THAT WOULD REZONE 133-135 GOLDEN GATE AVENUE FROM RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) TO C-3-G (DOWNTOWN GENERAL), AND A PROPOSED ORDINANCE TO AMEND MAP 1 OF THE DOWNTOWN AREA PLAN TO INCLUDE 133-135 GOLDEN GATE AVENUE; TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS; AND FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.

WHEREAS, on October 8, 2013, Supervisor Kim introduced an Ordinance under Board of Supervisors (hereinafter "Board") File Number 130999 for a Zoning Map Amendment to rezone 133-135 Golden Gate Avenue (APN 0349/012 & 013) also known as St. Boniface (hereinafter Subject Property) from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown, General) in order to provide for the eligibility to sell transferable development rights; and

WHEREAS, on January 9, 2014, the Planning Commission (hereinafter Commission) initiated a General Plan Amendment to expand The Land Use and Density Plan (hereinafter Map 1) of the Downtown Area Plan to include the Subject Property so that Supervisor Kim's Ordinance would be consistent with the Downtown Area Plan; and

WHEREAS, the Subject Property is Landmark #172, which puts any proposed changes to the Subject Property also under the purview of the Historic Preservation Commission; and

WHEREAS, the Historic Preservation Commission unanimously recommended that the Board of Supervisors approve the proposed Zoning Map Amendment and the General Plan Amendment at their January 15, 2014 hearing; and

WHEREAS, an exemption from Environmental Review under the General Rule Exclusion found in the State CEQA Guidelines Section 15061 (b)(3) was issued for the Project on January 2, 2014; 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 by Department staff and other interested parties; and

WHEREAS, the Commission has reviewed the proposed Ordinances; and

MOVED, that the Commission hereby recommends that the Board of Supervisors *approve the proposed Ordinances* and adopts this Resolution to that effect.

### FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Allowing St. Boniface to participate in the TDR program will provide it with needed funds for the restoration and upkeep of the church, a designated City Landmark.
2. A Zoning Map Amendment and a General Plan Amendment for this same purpose were done for Old St. Mary's Church in 2010 (Case # 2009.1180TZM) also a designated City Landmark.
3. 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 Property.
4. The proposed rezoning will maintain a contiguous zoning district.
5. The proposed rezoning along with the sale of TDR will not increase the development potential for the subject site.
6. The proposed rezoning will not have adverse effects to adjacent properties.
7. The Subject Property was not part of a recent rezoning effort.
8. The Subject Property is already a designated historic landmark; therefore it will not need a new historic designation in addition to the proposed rezoning.
9. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:



## DOWNTOWN AREA PLAN

### OBJECTIVE 2

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

#### Policy 2.2

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

*The proposed rezoning and inclusion in the Downtown Area Plan will not displace another use or significantly increase the boundaries of the downtown core. It will help maintain a compact downtown core by allowing more commercial and residential development in other parts of the downtown.*

### OBJECTIVE 6

WITHIN ACCEPTABLE LEVELS OF DENSITY, PROVIDE SPACE FOR FUTURE OFFICE, RETAIL, HOTEL, SERVICE AND RELATED USES IN DOWNTOWN SAN FRANCISCO.

#### Policy 6.1

Adopt a downtown land use and density plan which establishes subareas of downtown with individualized controls to guide the density and location of permitted land use.

*The proposed General Plan Amendment will maintain consistency between the City's zoning map and Map 1 of the Downtown Area Plan.*

### OBJECTIVE 12

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

#### Policy 12.1

Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

*The proposed project will help preserve a designated historic landmark.*

10. The proposed project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinances will not have an adverse effect on neighborhood-serving businesses.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed Ordinances will not displace existing housing, nor will it have a negative effect on existing neighborhood character. Allowing the Subject Property to participate in the City's TDR program will allow the church to acquire funds that will, in part, be used to help preserve a*

*designated historic landmark, helping to conserve neighborhood character. Further, the continued operation of the church's mission in the exiting building will help maintain the cultural and economic diversity of the neighborhood.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinances will not adversely affect the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinances would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinances will not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinances. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Rezoning the Subject Property so that it can take part in the City's TDR program will allow the church to acquire funds that will be used, in part, to help preserve one of the City's designated historic landmarks.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinances. Any additional development caused by the sale of TDR will also be subject to the City's Proposition K shadow requirements.*

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board APPROVE the proposed Ordinances as described in this Resolution to rezone the Subject Property from RC-4 to C-3-G and expand Map 1 of the Downtown Area Plan to include the Subject Property.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 23, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Borden, Hillis, Moore, Sugaya and Wu

NOES: none

ABSENT: Commissioners Antonini and Fong

ADOPTED: January 23, 2014



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Zoning Map and General Plan Amendment HEARING DATE: JANUARY 23, 2014

*Date:* January 15, 2014  
*Case No.:* 2013.1663ZM  
*Project Address:* 133-135 GOLDEN GATE AVE.  
*Current Zoning:* RC-4 (Residential-Commercial, High Density)  
80-T and 120-T Height and Bulk District  
*Proposed Zoning:* C-3-G (Downtown, General)  
80-T and 120-T Height and Bulk District  
*Block/Lot:* 0349/012 & 013  
*Project Sponsor:* Supervisor Kim  
*Staff Contact:* Aaron Starr – (415) 558-6362  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)  
*Recommendation:* **Recommend Approval**

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### PROJECT DESCRIPTION

The proposed Zoning Map Amendment Ordinance would rezone the subject property, 133-135 Golden Gate Avenue, from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General Commercial) so that it may participate in the City's Transfer of Development Rights (TDR) program.

The proposed General Plan Amendment Ordinance would expand The Land Use and Density Plan (hereinafter Map 1) of the Downtown Area Plan to include 133-135 Golden Gate Avenue. The Commission voted unanimously to initiate this amendment at its January 9, 2014 hearing, (CPC Resolution # 19058).

### SITE DESCRIPTION AND PRESENT USE

The subject property, known as St. Boniface, is located on the south side of Golden Gate Avenue between Leavenworth and Jones Street. The property is composed of two lots; one larger lot that is approximately 32,000 sq. ft. and one smaller lot that is approximately 2,000. The subject building is a Romanesque revival, reinforced masonry structure designated as an Article 10 Landmark (Landmark #172). St. Boniface's order has existed since 1887, and its website describes it as "a Franciscan peace parish in the Tenderloin." The church offers several ministries including the St. Vincent de Paul Society, the Filipino Community at St Boniface, and the Sacred Heart Gospel Choir. The church also lets the City's homeless sleep in the pews, even during Mass, and provides a host of services to hundreds of those who are required to leave when homeless shelters close in the morning.<sup>1</sup>

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<sup>1</sup> Mints, Zoe. "St. Boniface Church in San Francisco Lets Homeless People Sleep In Pews." HuffingtonPost.com, Published January 31, 2013, Accessed January 7, 2014.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The subject property is located in the Tenderloin districts about one block from Market Street. The neighborhood is made up mostly of midrise apartment buildings and converted industrial buildings, and is home to many charitable organizations and religious institutions, such as St. Boniface. The majority of the Tenderloin is zoned RC-4; however some blocks along the neighborhoods eastern edge and around St. Boniface are zoned C-3-G.

## **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 email and phone call of inquiries about the proposed Ordinance, and also a packet of 10 support letters from the project sponsor. The Department has not received any letters of opposition.

## **ISSUES AND OTHER CONSIDERATIONS**

1. The proposed rezoning will enable St. Boniface to participate in San Francisco's TDR program<sup>2</sup>. TDRs are units of gross floor area that may be transferred from one lot to another within C-3 Zoning District. Each one square foot of gross floor area is one unit of TDR. Transferring unused or excess TDR units allows a structure on a Development Lot to be built that exceeds the basic floor area ratio and, in return, enables the Transfer Lot (in this case St. Boniface) to sell "excess" TDR units as an extra financial incentive towards the preservation of that structure.

As part of the TDR application the Transfer Lot is required to submit for approval by the Department a Preservation, Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation work and that guarantees the maintenance and upkeep of the Transfer Lot. This Plan is required to include a plan for the ongoing maintenance of the Transfer Lot; the information regarding the nature and cost of any rehabilitation, restoration or preservation work to be conducted on the Transfer Lot, including information about any required seismic, life safety, or disability access work; a construction schedule; and any other such information as the Department may require. All rehabilitation and maintenance work is required to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

2. The maximum amount of TDR available for this property is 128,640. In addition to unused floor area, non-profits are allowed to sell used floor area if the space is open to the public. How much of the 128,640 sq. ft. is open to the public will be decided when the TDR application is filed.

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<sup>2</sup> St. Boniface has not yet submitted a TDR application, but if this rezoning passes, we have been told that such an application would be filed.

3. Allowing the church to participate in the TDR program will provide it with needed funds for the restoration and upkeep of the church. The church has several million dollars' worth of deferred maintenance and upkeep expenses, including restoration of their stained glass windows (see Exhibit G).
4. A Zoning Map Amendment and General Plan Amendment for this exact purpose were done for Old St. Mary's in 2010, case # 2009.1180TZM
5. 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 officials<sup>3</sup>.
6. The Historic Preservation Commission heard both the Both Amendments are required for St. Boniface to be able to participate in the City's TDR program. The voted unanimously to forward both Ordinances to the Board of Supervisors with a positive recommendation.

### **REQUIRED COMMISSION ACTION**

The Commission may recommend approval, or approval in part, or disapproval the proposed Zoning Map and General Plan Amendments.

### **BASIS FOR RECOMMENDATION**

The Department developed the following criteria to use when evaluating these types of cases. The criteria proposed for evaluation of a new TDR opportunity are intended to be rigorous in order to guarantee that the rezoning is within the public interest. Based on the Department's review, this case meets all of the proposed criteria.

#### Proposed key considerations for designation of new TDR opportunity:

- 1) Is the parcel adjacent/contiguous with other C-3 zoned parcels?

*Yes, the property is located adjacent to a C-3-G zoned property. In addition, three blocks that face the subject block also contains properties zoned C-3-G.*

- 2) Would the rezoning increase development potential in FAR or height? If so, what are the urban design implications of additional FAR or height?

*While changing the zoning of St. Boniface from RC-4 to C-3-G is technically an up-zoning, after the TDR is sold the building will effectively be downzoned. The site's existing zoning of RC-4 allows much taller and larger structures than the existing church and rectory. Although St. Boniface is subject to restrictions*

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<sup>3</sup> 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.

*on alteration and demolition due to its landmark status, if St. Boniface were to be destroyed by fire or earthquake, with RC-4 zoning a much larger structure in terms of height, bulk and density could be developed in its place. Once rezoned to C-3-G and after the TDR are sold, the resulting permanent limitations on re-development of the site, imposed on all Transfer Lots, would be even more restrictive than those in place today.*

- 3) Are there potential impacts of the rezoning due to adjacency to sensitive parcels uses?

*The Department has not identified or been made aware of any sensitive uses that could be impacted by this change. However, given that the proposed Ordinance will allow the existing use to continue, and help preserve an existing historic building, it's doubtful that it will have any negative impact on the surrounding neighborhood.*

- 4) Has the subject parcel been part of a recent rezoning or community planning effort?

*No, the subject property has been zoned RC-4 for several decades.*

- 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?

*No, the subject property was designated as a Historic Landmark in 1984.*

|                                 |
|---------------------------------|
| <b>RECOMMENDATION:</b> Approval |
|---------------------------------|

**Attachments:**

- Exhibit A:        Draft Resolution
- Exhibit B:        Zoning Map Amendment Ordinance
- Exhibit C:        General Plan Amendment Ordinance
- Exhibit D:        Zoning Map
- Exhibit E:        Map 1 of the Downtown Area Plan
- Exhibit F:        Site Photograph
- Exhibit G:        Interior Design Elements and Art Glass Windows



# SAN FRANCISCO PLANNING DEPARTMENT

## Historic Preservation Commission Resolution No. 729

HEARING DATE JANUARY 15, 2014

*Case No.:* 2013.1663ZM  
*Project Address:* 133-135 GOLDEN GATE AVE.  
*Current Zoning:* RC-4 (Residential-Commercial, High Density)  
80-T and 120-T Height and Bulk District  
*Proposed Zoning:* C-3-G (Downtown, General)  
80-T and 120-T Height and Bulk District  
*Block/Lot:* 0349/012 & 013  
*Project Sponsor:* Supervisor Kim  
*Staff Contact:* Aaron Starr – (415) 558-6362  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)  
*Recommendation:* **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A PROPOSED ORDINANCE TO AMEND THE ZONING MAP THAT WOULD REZONE 133-135 GOLDEN GATE AVENUE FROM RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) TO C-3-G (DOWNTOWN GENERAL), AND A PROPOSED ORDINANCE TO AMEND MAP 1 OF THE DOWNTOWN AREA PLAN TO INCLUDE 133-135 GOLDEN GATE AVENUE; TO MAKE AND ADOPT ENVIRONMENTAL FINDINGS; AND FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.

WHEREAS, on October 8, 2013, Supervisor Kim introduced an Ordinance under Board of Supervisors (hereinafter "Board") File Number 130999 for a Zoning Map Amendment to rezone 133-135 Golden Gate Avenue (APN 0349/012 & 013) also known as St. Boniface (hereinafter Subject Property) from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown, General) in order to provide for the eligibility to sell transferable development rights; and

WHEREAS, on January 9, 2014, the Planning Commission initiated a General Plan Amendment to expand The Land Use and Density Plan (hereinafter Map 1) of the Downtown Area Plan to include the Subject Property; and

WHEREAS, the Subject Property is Landmark #172, which puts any proposed changes to the Subject Property under the purview of the Historic Preservation Commission (hereinafter Commission); and

WHEREAS, an exemption from Environmental Review under the General Rule Exclusion found in the State CEQA Guidelines Section 15061 (b)(3) was issued for the Project on January 2, 2014; 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 by Department staff and other



interested parties; and

WHEREAS, the Commission has reviewed the proposed Ordinances; and

MOVED, that the Commission hereby recommends that the Board of Supervisors *approve the proposed Ordinances* and adopts this Resolution to that effect.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Allowing St. Boniface to participate in the TDR program will provide it with needed funds for the restoration and upkeep of the church, a designated historic landmark.
2. A Zoning Map Amendment and a General Plan Amendment for this same purpose were done for Old St. Mary's Church in 2010 (Case # 2009.1180TZM) also a designated historic landmark.
3. 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 Property.
4. The proposed rezoning will maintain a contiguous zoning district.
5. The proposed rezoning along with the sale of TDR will not increase the development potential for the subject site.
6. The proposed rezoning will not have adverse effects to adjacent properties.
7. The Subject Property was not part of a recent rezoning effort.
8. The Subject Property is already a designated historic landmark; therefore it will not need a new historic designation in addition to the proposed rezoning.
9. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

## DOWNTOWN AREA PLAN

### OBJECTIVE 2

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

### Policy 2.2

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

*The proposed rezoning and inclusion in the Downtown Area Plan will not displace other use or significantly increase the boundaries of the downtown core. It will help maintain a compact downtown core by allowing more commercial and residential development in other parts of the downtown.*

**OBJECTIVE 6**

WITHIN ACCEPTABLE LEVELS OF DENSITY, PROVIDE SPACE FOR FUTURE OFFICE, RETAIL, HOTEL, SERVICE AND RELATED USES IN DOWNTOWN SAN FRANCISCO.

**Policy 6.1**

Adopt a downtown land use and density plan which establishes subareas of downtown with individualized controls to guide the density and location of permitted land use.

*The proposed General Plan Amendment will maintain consistency between the City's zoning maps and Map 1 of the Downtown Area Plan.*

**OBJECTIVE 12**

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

**Policy 12.1**

Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

*The proposed project will help preserve a designated historic landmark.*

10. The proposed project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinances will not have an adverse effect on neighborhood-serving businesses.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed Ordinances will not displace existing housing, nor will it have a negative effect on existing neighborhood character. Allowing the Subject Property to participate in the City's TDR program will allow the church to acquire funds that will, in part, be used to help preserve a designated historic landmark, helping to conserve neighborhood character. Further, the continued operation of the church's mission in the exiting building will help maintain the cultural and economic diversity of the neighborhood.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinances will not adversely affect the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinances would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinances will not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinances. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Rezoning the Subject Property so that it can take part in the City's TDR program will allow the church to acquire funds that will be used, in part, to help preserve one of the City's designated historic landmarks.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinances. Any additional development caused by the sale of TDR will also be subject to the City's Proposition K shadow requirements.*

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board APPROVE the proposed Ordinances as described in this Resolution to rezone the Subject Property from RC-4 to C-3-G and expand Map 1 of the Downtown Area Plan to include the Subject Property.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 15, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commisisoners Hasz, Hyland, Johnck, Johns, Matsuda, Pearlman, Wolfram

NOES: none

ABSENT: none

ADOPTED: January 15, 2014



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Zoning Map and General Plan Amendment HEARING DATE: JANUARY 15, 2014

*Date:* January 8, 2014  
*Case No.:* 2013.1663ZM  
*Project Address:* 133-135 GOLDEN GATE AVE.  
*Current Zoning:* RC-4 (Residential-Commercial, High Density)  
80-T and 120-T Height and Bulk District  
*Proposed Zoning:* C-3-G (Downtown, General)  
80-T and 120-T Height and Bulk District  
*Block/Lot:* 0349/012 & 013  
*Project Sponsor:* Supervisor Kim  
*Staff Contact:* Aaron Starr – (415) 558-6362  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)  
*Recommendation:* **Recommend Approval**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The proposed Zoning Map Amendment Ordinance would rezone the subject property, 133-135 Golden Gate Avenue, from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General Commercial) so that it may participate in the City's Transfer of Development Rights (TDR) program.

The proposed General Plan Amendment Ordinance would expand The Land Use and Density Plan (hereinafter Map 1) of the Downtown Area Plan to include 133-135 Golden Gate Avenue.

### SITE DESCRIPTION AND PRESENT USE

The subject property, known as St. Boniface, is located on the south side of Golden Gate Avenue between Leavenworth and Jones Street. The property is composed of two lots; one larger lot that is approximately 32,000 sq. ft. and one smaller lot that is approximately 2,000. The subject building is a Romanesque revival, reinforced masonry structure designated as an Article 10 Landmark (Landmark #172). St. Boniface's order has existed since 1887, and its website describes it as "a Franciscan peace parish in the Tenderloin." The church offers several ministries including the St. Vincent de Paul Society, the Filipino Community at St Boniface, and the Sacred Heart Gospel Choir. The church also lets the City's homeless sleep in the pews, even during Mass, and provides a host of services to hundreds of those who are required to leave when homeless shelters close in the morning.<sup>1</sup>

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<sup>1</sup> Mints, Zoe. "St. Boniface Church in San Francisco Lets Homeless People Sleep In Pews." HuffingtonPost.com, Published January 31, 2013, Accessed January 7, 2014.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The subject property is located in the Tenderloin districts about one block from Market Street. The neighborhood is made up mostly of midrise apartment buildings and converted industrial buildings, and is home to many charitable organizations and religious institutions, such as St. Boniface. The majority of the Tenderloin is zoned RC-4; however some blocks along the neighborhoods eastern edge and around St. Boniface are zoned C-3-G.

## **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 email and phone call of inquiries about the proposed Ordinance, but as of the date of this report has not received any letters of support or opposition.

## **ISSUES AND OTHER CONSIDERATIONS**

1. The proposed rezoning will enable St. Boniface to participate in San Francisco's TDR program<sup>2</sup>. TDRs are units of gross floor area that may be transferred from one lot to another within C-3 Zoning District. Each one square foot of gross floor area is one unit of TDR. Transferring unused or excess TDR units allows a structure on a Development Lot to be built that exceeds the basic floor area ratio and, in return, enables the Transfer Lot (in this case St. Boniface) to sell "excess" TDR units as an extra financial incentive towards the preservation of that structure.

As part of the TDR application the Transfer Lot is required to submit for approval by the Department a Preservation, Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation work and that guarantees the maintenance and upkeep of the Transfer Lot. This Plan is required to include a plan for the ongoing maintenance of the Transfer Lot; the information regarding the nature and cost of any rehabilitation, restoration or preservation work to be conducted on the Transfer Lot, including information about any required seismic, life safety, or disability access work; a construction schedule; and any other such information as the Department may require. All rehabilitation and maintenance work is required to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

2. The maximum amount of TDR available for this property is 128,640. In addition to unused floor area, non-profits are allowed to sell used floor area if the space is open to the public. How much of the 128,640 sq. ft. is open to the public will be decided when the TDR application is filed.

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<sup>2</sup> St. Boniface has not yet submitted a TDR application, but if this rezoning passes, we have been told that such an application would be filed.

3. Allowing the church to participate in the TDR program will provide it with needed funds for the restoration and upkeep of the church. The Church has several million dollars' worth of deferred maintenance and upkeep expenses, including restoration of their stained glass windows.
4. A Zoning Map Amendment and General Plan Amendment for this exact purpose were done for Old St. Mary's in 2010, case # 2009.1180TZM
5. 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 officials<sup>3</sup>.

### REQUIRED COMMISSION ACTION

The Commission may approve, or approve in part, or disapprove the proposed map change.

### BASIS FOR RECOMMENDATION

The Planning Commission is scheduled to initiate the proposed General Plan Amendment at its January 9, 2013 hearing. Following that at its January 23, 2014 hearing, the Planning Commission's will review and vote on Supervisor Kim's Ordinance as well as the proposed General Plan Amendment. Both Amendments are required for St. Boniface to be able to participate in the City's TDR program. In addition, The Historic Preservation Commission (HPC) is also required per the City Charter to weigh in on issues that directly impact Article 10 Buildings. Because St. Boniface is an Article 10 Building, the proposed Zoning Map and General Plan Amendments are being presented to the HPC so that they can review and comment on both items.

The Department developed the following criteria to use when evaluating these types of cases. The criteria proposed for evaluation of a new TDR opportunity are intended to be rigorous in order to guarantee that the rezoning is within the public interest. Based on the Department's review, this case meets all of the proposed criteria.

#### Proposed key considerations for designation of new TDR opportunity:

- 1) Is the parcel adjacent/contiguous with other C-3 zoned parcels?

*Yes, the property is located adjacent to a C-3-G zoned property. In addition, three blocks that face the subject block also contains properties zoned C-3-G.*

- 2) Would the rezoning increase development potential in FAR or height? If so, what are the urban design implications of additional FAR or height?

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<sup>3</sup> 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.

*While changing the zoning of St. Boniface from RC-4 to C-3-G is technically an up-zoning, after the TDR is sold the building will effectively be downzoned. The site's existing zoning of RC-4 allows much taller and larger structures than the existing church and rectory. Although St. Boniface is subject to restrictions on alteration and demolition due to its landmark status, if St. Boniface were to be destroyed by fire or earthquake, with RC-4 zoning a much larger structure in terms of height, bulk and density could be developed in its place. Once rezoned to C-3-G and after the TDR are sold, the resulting permanent limitations on re-development of the site, imposed on all Transfer Lots, would be even more restrictive than those in place today.*

- 3) Are there potential impacts of the rezoning due to adjacency to sensitive parcels uses?

*The Department has not identified or been made aware of any sensitive uses that could be impacted by this change. However, given that the proposed Ordinance will allow the existing use to continue, and help preserve an existing historic building, it's doubtful that it will have any negative impact on the surrounding neighborhood.*

- 4) Has the subject parcel been part of a recent rezoning or community planning effort?

*No, the subject property has been zoned RC-4 for several decades.*

- 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?

*No, the subject property was designated as a Historic Landmark in 1984.*

|  |
|--|
| <b>RECOMMENDATION:</b> <b>Approval</b> |
|--|

**Attachments:**

- Exhibit A:          Draft Resolution
- Exhibit B:          Zoning Map Amendment Ordinance
- Exhibit C:          General Plan Amendment Ordinance
- Exhibit D:          Zoning Map
- Exhibit E:          Map 1 of the Downtown Area Plan
- Exhibit F:          Site Photograph





# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 19058

HEARING DATE: JANUARY 9, 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](mailto:aaron.starr@sfgov.org)  
*Recommendation:* Adopt Resolution to Initiate

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

Reception:  
415.558.6378

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Planning  
Information:  
415.558.6377

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: Commissioners Antonini, Borden, Fong, Moore, Sugaya and Wu

NOES: none

ABSENT: Commissioner Hillis

DATE: January 9, 2013



January 15, 2013

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

**Re: 133-135 Golden Gate Avenue**

Dear President Fong and members of the Commission:

On behalf of San Francisco Heritage ("Heritage"), thank you for the opportunity to comment on the proposed rezoning of 133-135 Golden Gate Avenue, home to St. Boniface Church. Rezoning the property from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General Commercial) would generate Transferable Development Rights (TDRs) that the church could sell to finance much needed rehabilitation work. Given the significance of St. Boniface, its nonprofit mission, and the relative lack of preservation incentives available to religious institutions, Heritage strongly supports the proposed rezoning of 133-135 Golden Gate Avenue to allow the church's participation in the City's TDR program.

Built in 1902 and reconstructed in 1908, St. Boniface Church is City Landmark #172 and is significant for its architecture and social history. The church was founded by a Franciscan order of German descent that dates back to 1852. As the oldest German Catholic congregation in San Francisco, St. Boniface's Romanesque Revival edifice serves an enduring visual landmark in the neighborhood. Even more significant, however, is the role that St. Boniface plays in the community, providing spiritual and social services to the homeless population in the Tenderloin and surrounding neighborhoods.

As a religious institution, St. Boniface Church has limited access to traditional economic incentives that could help finance preservation needs. The proposed rezoning will enable the church to access a critical funding mechanism for rehabilitation and restoration work.

On behalf of San Francisco Heritage, thank you for the opportunity to comment on the proposed rezoning of 133-135 Golden Gate Avenue. Please do not hesitate to contact Heritage's preservation project manager, Desiree Smith, at [dsmith@sfheritage.org](mailto:dsmith@sfheritage.org) or (415) 441-3000 x11 should you have any questions or need additional information.

Sincerely,

Mike Buhler  
Executive Director

Learning for Life



Transforming Lives

December 27, 2013

San Francisco Planning Commission  
c/o San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Dear Commissioners:

I write to respectfully request your approval of the rezoning of St. Boniface Church. The ensuing transferable development rights (TDR) could then benefit St. Boniface and the Tenderloin community it serves for decades to come. As you know, St. Boniface serves the most economically challenged community in the Archdiocese of San Francisco, and I am proud to write in support of their mission and this endeavor.

A large building such as St. Boniface is expensive to repair and maintain. Without a source of new funds, St. Boniface does not have the money to repair and maintain the building; the sale of TDR would provide those funds. St. Boniface is a significant landmark in the Tenderloin and an anchor of hope for the community. The Church should be maintained as a source of pride for the people that live and work in the Tenderloin, and for this reason I write to ask for your support of the necessary rezoning in order for the TDR process to occur at later point.

Please feel free to contact me should you have any questions or concerns. Thank you for your consideration of this request.

Sincerely,

Michael Daniels, Ed.D.  
President



## The Gubbio Project, Inc

St. Boniface Church, 133 Golden Gate Ave., San Francisco, CA 94102  
Phone: (415) 861-5848      [www.thegubbioproject.org](http://www.thegubbioproject.org)

6 January 2014

San Francisco Planning Commission  
1650 Mission St., Ste 400  
San Francisco, CA 04103-2414

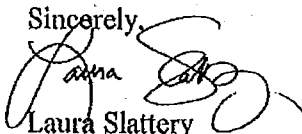
Dear Commissioners,

The Gubbio Project supports the rezoning of St. Boniface Catholic Church so that it may take advantage of the opportunity to generate Transferable Development Rights. We understand that the proceeds from the sale of the TDRs would be used exclusively for the repair and maintenance of this landmark church that is over 100 years old.

We believe that maintaining this church is important to the neighborhood and especially to the poorest of San Franciscans, those living on the streets. The Gubbio Project is a non-profit that has partnered with the church to provide day shelter and sleep each weekday from 6 am to 3 pm for an average of 95 people at any given time (often there are over 100 people sleeping on the pews). An additional 80 people access services such as bathrooms, socks, blankets, and interfaith chaplaincy each day. This is a unique program that, as far as I know, is unique in the entire United States. As you may well imagine, there is a fair amount of wear and tear that this old church sustains by allowing our Project (and the 175 homeless people with their belongings) to use its sanctuary.

If there is a way that St. Boniface can receive funds for maintaining the Church, The Gubbio Project is in support of those efforts. If you have any questions about our support of this rezoning measure, please do not hesitate to contact me.

Sincerely,



Laura Slattery  
Executive Director  
[lauras@thegubbioproject.org](mailto:lauras@thegubbioproject.org)  
415.861.5848

*"In the shelter of each other, the people live." – Celtic proverb*

*Executive Director: Laura Slattery*

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*Board of Directors: Martha Arbouex, Bridget Kurtt DeJong, Chris DeMay, Rob Grant, Karen Gruneisen, Mary Litell, Lucas Muñoz, Angela Oliva, Nguyễn Quốc Thành*



January 8, 2014

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Dear Commissioners,

Tenderloin Neighborhood Development Corporation (TNDC) supports the efforts of St. Boniface Church to rezone its property to generate Transferable Development Rights (TDRs). We understand that the proceeds from the sale of TDRs from the property would be used to rehabilitate the existing building, preserving its historic character and enhancing its social and religious mission in the Tenderloin.

TNDC is a nonprofit community development corporation that develops affordable housing and offers supportive social services in the Tenderloin neighborhood and other low income communities in San Francisco. We own and operate over 2500 units primarily targeted to households earning under 30% of the Area Median Income.

St. Boniface has long played a leading role in the Tenderloin, responding to the spiritual and social needs of newcomers and others among the poorest in our community. By rezoning its land and enabling the church to sell its TDRs, the Commission will be granting St. Boniface a benefit that will directly assist in the support of homeless and other low-income residents of the Tenderloin at no cost to the City and without advancing the risk of future high-density development.

Please do not hesitate to contact me at [dfalk@tndc.org](mailto:dfalk@tndc.org) or (415) 358-3923 if I can provide any additional information. Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Donald S. Falk".

Donald S. Falk  
Executive Director

TENDERLOIN  
NEIGHBORHOOD  
DEVELOPMENT  
CORPORATION

201 EDDY STREET  
SAN FRANCISCO  
CA 94102

PH: 415.776.2151  
FAX: 415.776.3952  
INFO@TNDC.ORG  
WWW.TNDC.ORG

NeighborWorks  
CHARTERED MEMBER

O:\General\Community Issues\TNDC Support Letters\2014\St. Boniface TNDC  
Support Letter 01-06-2014.doc



UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW

DAVID SEWARD  
*Chief Financial Officer*

January 8, 2014

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

RE: St. Boniface Church

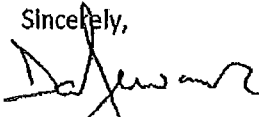
Dear Planning Commissioners,

I am writing to express support St. Boniface Church and their efforts to develop a funding mechanism that will allow them the financial means to preserve the church so that it can continue to be an anchor in the neighborhood providing for the disenfranchised and those who rely on this very special place for spiritual renewal and succor. Apart and distinct from its role as a place of physical and spiritual haven, St. Boniface is a historical asset that we as a community share an interest to preserve for current benefit and future generations.

Old historic buildings need money to maintain and the costs associated with such work is substantial. The community that St. Boniface serves is not well positioned to provide financial support. We support St. Boniface's efforts to rezone its property to generate Transferable Development Rights (TDRs). We understand that the proceeds from the sale of TDRs from the property would be used to rehabilitate the existing building, preserving its historic character and enhancing its social and religious mission in the Tenderloin. This result is achieved by the creation and sale of TDR's that would further projects undergoing planning review in areas of the City and County of San Francisco that are zoned for high density development and achieve project approvals pursuant to policies promulgated by the San Francisco Planning Commission and the Board of Supervisors.

These efforts complement the shared goal of making the Tenderloin a more livable place for all who live, work and visit our community. Please feel free to contact me at [sewardd@uchastings.edu](mailto:sewardd@uchastings.edu) or (415) 565-4710. Thank you for your consideration.

Sincerely,



David Seward







**Episcopal  
Community Services**  
San Francisco

*Building Community. Developing Skills. Enriching Lives.*

December 30, 2013

San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Dear Commissioners:

Episcopal Community Services of San Francisco (ECS) supports the efforts of St. Boniface Church to rezone its property to generate Transferable Development Rights (TDRs). We understand that the proceeds from the sale of TDRs from the property would be used to rehabilitate the existing building, preserving its historic character and enhancing its social and religious mission in the Tenderloin.

St. Boniface has long played a leading role in the Tenderloin, responding to the spiritual and social needs of newcomers and others among the poorest in our community. ECS also has been active in the Tenderloin and the South of Market neighborhoods for many years, providing shelter, housing and support services for homeless and formerly homeless men and women at eleven housing and program locations. ECS partners with St. Boniface in providing on-site winter shelter, and we collaborate with the Gubbio Project, which also is housed at that location.

By rezoning its land and enabling the church to sell its TDRs, the Commission will be granting St. Boniface a benefit that will directly assist in the support of homeless and other low-income residents of the Tenderloin at no cost to the City and without advancing the risk of future high-density development.

This is an opportunity that should not be missed.

Sincerely,

Kenneth J. Reggio  
Executive Director



To: San Francisco Planning Commission  
From: Community Housing Partnership  
Regarding: Rezoning St. Boniface Church

This letter is written in support of the proposed rezoning of St. Boniface Church from RC-4 to C-3. The C-3 zoning would allow St. Boniface to sell Transferable Development Rights (TDR) owned by its historic church building and generate needed cash to repair and maintain the church building. St. Boniface serves an economically disadvantaged, vulnerable population in the Tenderloin. It offers critical services provided by a welcoming religious community. The church is an important and irreplaceable part of the community. The sale of TDR will help the church continue its mission into the future.

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Community Housing Partnership is in the process of closing a similar TDR sale transaction. The transaction will provide significant funds for a historic building owned by CHP. These funds will be used to repair, maintain and continue to operate the building as housing for the homeless in San Francisco. We believe the sale of TDR is a good way for mission driven owners of historic buildings to generate funds to support their work. CHP is working with Edward Suharski on this transaction and recommend him for his deep knowledge of the TDR program, his understanding of non-profit organizations and the services they provide to their communities and his unquestioned integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Gilman", with a long horizontal line extending to the right.

Gail Gilman  
Executive Director

# peace & all good.

"Peace and All Good" is a Franciscan greeting that we use at St. Anthony's. St. Francis used this phrase along the road to beckon his fellow travelers toward a peace-filled world where all good things are shared.

o 415 241 2600 f 415 440 7770 w STANTHONYSF.ORG a 150 GOLDEN GATE AVENUE SAN FRANCISCO CA 94102

December 30, 2013

The San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

## Members of the Commission:

I write to support legislation that would allow St. Boniface Church and Rectory to participate in San Francisco's TDR program. As the Executive Director of St. Anthony Foundation I know firsthand the value of this church to the neighborhood and the city that we both serve. I know also the challenges this parish community faces trying to maintain physical structures when, in this neighborhood, so many of our resources go toward addressing the needs of an extremely poor population.

Here at St. Anthony's we look forward to this September when we will be completing a new structure (121 Golden Gate) next door to St. Boniface Rectory that will be the new home of St. Anthony's Dining Room. In 2005 we completed our Admin/Clinic Building (150 Golden Gate) across the street from St. Boniface Church. We are committed to this neighborhood and its betterment. We believe that a decision by your commission to rezone St. Boniface Church and Rectory to allow the sale of TDR to be used solely for preservation and rehabilitation will only enhance the efforts to maintain the physical structures in which so much good has been and will continue to be accomplished.

If you have any questions about our support of this rezoning measure, please do not hesitate to contact me at 415-592-2752.

Sincerely,



Barry J. Stenger  
Executive Director

## Founder

Alfred Breddeker, OFM  
(1803-1894)

## Executive Director

Barry J. Stenger

## Board of Trustees

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Michael Doherty, OFM

David Gaa, OFM

Michael Harzer, OFM

Martin Ibarra, OFM

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**From:** ABD SIX <sf\_district6@yahoo.com>  
**Sent:** Thursday, January 16, 2014 2:27 PM  
**To:** aaron.starr@sfgov.org  
**Subject:** Re: 2013.16632ZM 133-135 Golden Gate Ave St. Boniface Church

Re: 2013.16632ZM 133-135 Golden Gate Ave St. Boniface Church

Aaron Star:

I am writing on behalf two community-based organizations who had members present at a presentation were St. Boniface Church was on the agenda to discuss their TDR Proposal. After hearing what all the other community stakeholders had to say about the project and having all their questions answered the Alliance for a Better District 6 Executive Board and Tenant Associations Coalition of San Francisco have agreed to support 133-135 Golden Gate Ave St. Boniface Church's Transferable Development Rights Proposal.

The motion that both organizations have created collectively is:

"We collectively represent as part of membership base the community stakeholders representing both residents, small businesses, service providers, and property owners as part of our membership do hereby proclaim our support on 1/15/14 the proposed legislation that would allow for amendments to the zoning map which rezoning the St. Boniface property at 133-135 Golden Gate Ave from a RC-4 to C-3-G for the proposed purpose of allowing St. Boniface to sell their Transferable Development Rights. We are aware of the community services that St. Boniface Church offers our community and we wish to recognize this fact. And we also want to join that long list of neighborhood agencies that are supporters."

Please forward this letter of support to the Planning Commissioners.

If there is any questions about the letter of support please let us know.

Michael Nulty, Program Director  
Tenant Associations Coalition of San Francisco

Marvis Phillips, Land Use Chair  
Alliance for a Better District 6

*Michael Nulty*  
**Executive Director**

**ALLIANCE FOR A BETTER DISTRICT 6**

P.O. Box 420782; San Francisco, CA 94142-0782


(415) 820-1560 Voice / (415) 820-1565 Fax

<http://www.abd6.com/>

<http://allianceforabetterdistrict6.blogspot.com/>

<http://groups.yahoo.com/group/District6inSF/>

<http://www.facebook.com/groups/AllianceForABetterDistrict6/>

Incorporating the interests of District 6's low-income households onto San Francisco public, social and land use policy since 1999. 

<http://www.linkedin.com/in/michaelnulty>

<http://studycenter.org/test/cce/issues/116/ccx.116-cp2.pdf>

<http://www.examiner.com/article/a-community-hero-michael-nulty-san-francisco>

<http://www.naymz.com/michaelnulty>

<http://twitter.com/sfdistrict6>

<http://www.facebook.com/michael.nulty>



## ST. BONIFACE CHURCH

133 Golden Gate Avenue • San Francisco, California 94102  
(415) 863-7515 • Fax (415) 863-7602

December 31, 2013

San Francisco Planning Commission  
c/o San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Dear Commissioners:

I write you to respectfully request your approval of the rezoning of St. Boniface Church. The sale of the transferable development rights (TDR) would benefit the church community and all of the Tenderloin for the following reasons:

1. The Tenderloin is one of the poorest neighborhoods of San Francisco and also one of the most culturally diverse. St. Boniface Church serves five different cultural groups (Latin American, Vietnamese, Filipino, African American and Euro American) and regularly offers religious services and ministers to these groups in four different languages. To continue to offer this important ministry, the buildings that belong to St. Boniface (constructed in 1906) require a lot of expensive maintenance. Since most of the parishioners are quite poor, St. Boniface must always seek outside funding to continue to function.
2. The Gubbio Project has been using St. Boniface Church for nine years Monday through Friday from 6:00 AM to 3:00 PM to offer a place for homeless people in the Tenderloin to rest in peacefulness and beauty, sometimes up to a hundred people each day. Many homeless people cannot find space in shelters at night and have come to rely on the Gubbio Project to give their needed daily rest. If St. Boniface Church, due to increased income from TDRs, is able to better maintain the main church building, it will continue to offer the proper space the Gubbio Project needs to the homeless people of the Tenderloin.
3. The stained glass in St. Boniface Church is some of the most beautiful in all of San Francisco. It was crafted at the turn of the century in Germany and St. Louis and then shipped by rail to its home at St. Boniface. The Franciscan Friars, who have ministered at St. Boniface for over a hundred years, value beauty along with their deep commitment to serve the poor. People from all walks of life and from a variety of cultures appreciate the humanizing great beauty of the church as a contrast to the dehumanizing violence and poverty that is rampant in the Tenderloin. Now over 100 years, all the stained glass in the church needs renovation at a minimum cost of \$2 million dollars. Income from the TDRs would be used to renovate our stained glass and help maintain St. Boniface as a place of beauty in Tenderloin.

I will be out of the country January 6-16. However, feel free to contact me after January 16<sup>th</sup> if you should have any questions or concerns. Thank you for your consideration of this request.

Sincerely,

*Fr. Tommy King, OFM*  
Fr. Tommy King, OFM  
Pastor

BOARD of SUPERVISORS



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

October 16, 2013

Planning Commission and  
Attn: Jonas Ionin  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Commissioners:

On October 8, 2013, Supervisor Kim introduced the following proposed legislation:

**File No. 130999**

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

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 & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

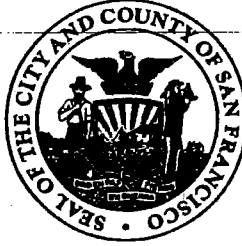
Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk  
Land Use & Economic Development Committee

c: John Rahaim, Director of Planning  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
AnMarie Rodgers, Legislative Affairs  
Monica Pereira, Environmental Planning  
Nannie Turrell, Environmental Planning

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TDD/TTY No. 554-5227

October 16, 2013

File No. 130999

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On October 8, 2013, Supervisor Kim introduced the following proposed legislation:

**File No. 130999**

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

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk  
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning  
Nannie Turrell, Environmental Planning

*Not a project per CEQA  
Guidelines Section 15060(c)(2).*

*Nannie Turrell  
January 2, 2014*



BOARD of SUPERVISORS



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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

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:


**Date:** Monday, February 24, 2014

**Time:** 1:30 p.m.

**Location:** Committee Room 263, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 130999. Ordinance amending the Planning Code, Zoning Use District Map ZN01, to provide for eligibility to sell transferable development rights for property at 133-135 Golden Gate Avenue (St. Boniface Church and Rectory); and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on February 21, 2014.

  
Angela Calvillo, Clerk of the Board

DATED: February 10, 2014

PUBLISHED/POSTED: February 14, 2014

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

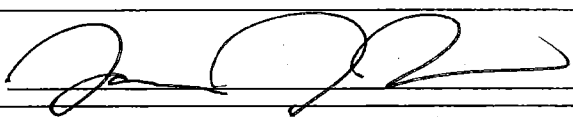
Kim

**Subject:**

Zoning Map-133-135 Golden Gate Ave. (St. Boniface Church and Rectory) Transferable Development Right Sale

**The text is listed below or attached:**

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

130999