

File No. 181045 Committee Item No. 3
 Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date February 11, 2019

Board of Supervisors Meeting Date 3/5/2019

Cmte Board

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Completed by: Erica Major Date February 7, 2019
 Completed by: Erica Major Date 3/5/2019

1 [Planning Code, Zoning Map - 170 Valencia Street]

2
3 Ordinance amending the Planning Code by amending the Zoning Map to rezone a
4 portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3
5 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform
6 zoning for the site; affirming the Planning Department's determination under the
7 California Environmental Quality Act; making findings of consistency with the General
8 Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting
9 findings of public necessity, convenience, and general welfare under Planning Code,
10 Section 302.

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 181045 and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On January 17, 2019, the Planning Commission, in Resolution No. 20369, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
3 Board of Supervisors in File No. 181045, and is incorporated herein by reference.


4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
5 Planning Code amendments will serve the public necessity, convenience, and general welfare
6 for the reasons set forth in Planning Commission Resolution No. 20369 and the Board
7 incorporates such reasons herein by reference.

8
9 Section 2. The Planning Code is hereby amended by revising the Zoning Map as
10 follows, for the property known as 170 Valencia Street:

<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District Hereby Approved</u>
Assessor's Block 3502, Lot 013	RTO, NCT-3	NCT-3

15
16 Section 3. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: 
24 JUDITH A. BOYAJIAN
Deputy City Attorney

25 n:\legana\as2018\1900177\01312082.docx

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

November 7, 2018

File No. 181045

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 30, 2018, Supervisor Mandelman submitted the following legislation:

File No. 181045

Ordinance amending the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NTC-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

This proposed legislation is being transmitted to you for environmental review.

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

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Any proposal would require environmental review.

Joy Navarrete
Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2018.11.21 13:33:37 -0800



SAN FRANCISCO PLANNING DEPARTMENT

January 25, 2019

Ms. Angela Calvillo, Clerk
Honorable Supervisor Mandelman
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,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number 2018-015443MAP:
170 Valencia Street
Board File No. 181045
Planning Commission Recommendation: Approval

Dear Ms. Calvillo and Supervisor Mandelman,

On January 17, 2019, the Planning Commission conducted duly noticed public hearing at regularly scheduled meetings to consider the proposed Ordinance, introduced by Supervisor Mandelman that would amend Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

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

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc:
Judy Boyajian, Deputy City Attorney
Kyle Smealie, Aide to Supervisor Mandelman
Erica Major, Office of the Clerk of the Board

Attachments:
Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20369

HEARING DATE: JANUARY 17, 2019

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

Reception:
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Planning
Information:
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Project Name: 170 Valencia Street
Case Number: 2018-015443MAP [Board File No. 181045]
Initiated by: Supervisor Mandelman / Introduced October 30, 2018
Staff Contact: Audrey Butkus, Legislative Affairs
 Audrey.Butkus@sfgov.org, 415-575-9129
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY AMENDING THE ZONING MAP TO REZONE A PORTION OF 170 VALENCIA STREET FROM RTO (RESIDENTIAL TRANSIT ORIENTED DISTRICT) TO NCT-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT) TO ESTABLISH A UNIFORM ZONING FOR THE SITE; 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, on October 30, 2018 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 181045, which would the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 17, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning 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 Planning Commission has reviewed the proposed Ordinance; and
 WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

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:

The Commission recommends approval of the proposed Ordinance because it will establish a clear and uniform zoning for the subject site. The building at 170 Valencia Street is designed to facilitate a Community Facility use, and has operated as such since its construction in 1930. The SFGMC's purchase of the building for continued use as a Community Facility will ensure this historic resource is further preserved and a cultural institution that enhances San Francisco's identity will be able to remain in operation in a central, accessible neighborhood.

1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

ARTS ELEMENT

OBJECTIVE II-2

SUPPORT ARTS AND CULTURAL PROGRAMS WHICH ADDRESS THE NEEDS OF DIVERSE POPULATIONS.

Policy II-2.3

Continue to increase City support for organizations and developing institutions which reflect the diverse cultural traditions of the San Francisco population.

The proposed use of the building as the headquarters, rehearsal space, and educational outreach center of the SFGMC will enhance the Market and Octavia neighborhood area due to the organization's long-standing connection to the cultural identity of San Francisco.

URBAN DESIGN ELEMENT

OBJECTIVE 2

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

If San Francisco is to retain its charm and human proportion, certain irreplaceable resources must not be lost or diminished. The rezoning of 170 Valencia Street will ensure the building can continue to operate as a Community Facility, which will also preserve the historic nature of building itself.

Policy 2.4

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.

Older buildings that have significant historical associations, distinctive design or characteristics exemplifying the best in past styles of development should be preserved. The new owners of 170 Valencia

Older buildings that have significant historical associations, distinctive design or characteristics exemplifying the best in past styles of development should be preserved. The new owners of 170 Valencia Street are a community organization that will be able to utilize the building without making any significant changes to its historic character.

MARKET OCTAVIA AREA PLAN

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.6

Preserve and enhance the role of cultural and educational institutions in the plan area.

The proposed use of the building as the headquarters, rehearsal space, and educational outreach center of the SFGMC will enhance the Market and Octavia neighborhood area due to the organization's long-standing connection to the cultural identity of San Francisco.

OBJECTIVE 3.2

PROMOTE THE PRESERVATION OF NOTABLE HISTORIC LANDMARKS, INDIVIDUAL HISTORIC BUILDINGS, AND FEATURES THAT HELP TO PROVIDE CONTINUITY WITH THE PAST.

Policy 3.2.1

Preserve landmark and other buildings of historic value as invaluable neighborhood assets.

Policy 3.2.2

Encourage rehabilitation and adaptive reuse of historic buildings and resources.

Historic resources are focal points of urban context and design, and contribute greatly to San Francisco's diverse neighborhoods and districts, scale, and city pattern. The rezoning ensures that a Community Facility use can continue to occupy the historic resource at 170 Valencia, thereby serving to preserve the building's interior and exterior architectural elements of significance.

2. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to

preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

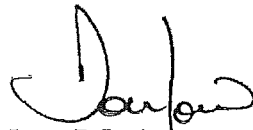
3. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

Resolution No. 20369
January 17, 2019

CASE NO.2018-015443MAP
170 Valencia Street

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 17, 2019.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

NOES: None

ABSENT: None

ADOPTED: January 17, 2019

4. 4. 4. 4. 4.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendment HEARING DATE: JANUARY 17, 2019 90-DAY DEADLINE: FEBRUARY 5, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: 170 Valencia Street
Case Number: 2018-015443MAP [Board File No. 181045]
Initiated by: Supervisor Mandelman / Introduced October 30, 2018
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: Approval

PLANNING CODE AMENDMENT

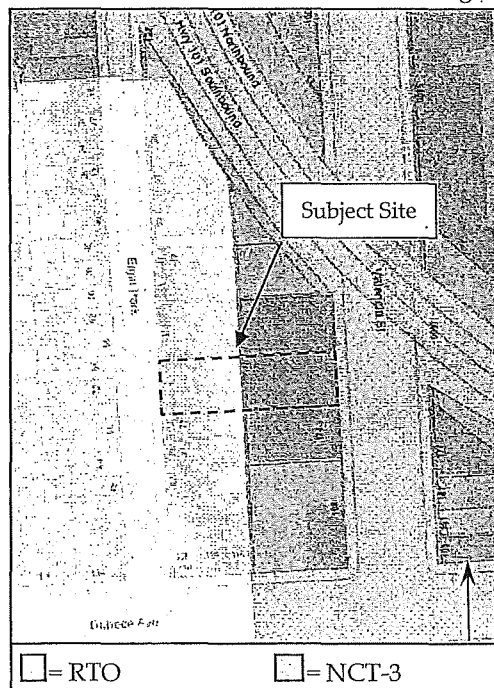
The proposed Ordinance would amend the Planning Code and Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3 (Moderate-Scale Neighborhood Commercial Transit District).

The Way It Is Now:

The parcel at 170 Valencia Street is positioned across two zoning districts. The front half of the building, fronting Valencia Street, is zoned Moderate-Scale Neighborhood Commercial Transit (NCT-3). The rear half of the building is zoned Residential Transit Oriented (RTO).

The Way It Would Be:

The parcel at 170 Valencia will be rezoned to establish a uniform zoning for the site, to fall entirely within the NCT-3 District.



www.sfplanning.org

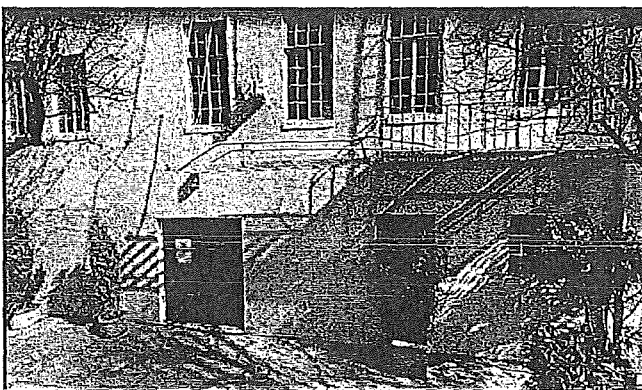
BACKGROUND

The building at 170 Valencia was constructed by Harold F. Stoner in 1930. The building was commissioned by the Independent Order of the Foresters, to serve as their private hall and offices. When initially constructed, the first floor had a business office and an auditorium, the second floor had club rooms, and the third floor had a lodge room, a banquet hall and a kitchen. The fourth floor was planned as a gymnasium. Between 1976 and 2016, the building was used as a Baha'i Faith Temple. The building was sold in December 2018 to the San Francisco Gay Men's Chorus (SFGMC). Prior to purchasing the building, the SFGMC had leased the first floor atrium and rehearsal space on the second floor, from the Bahai' Temple on a frequent (often weekly) basis since 2013. The SFGMC intends to use the building as their community facility; retaining the spaces that have previously been leased to them for rehearsal, offices, and storage, in addition to reserving space for educational outreach, master classes, and seminars. The SFGMC plans to retain the ability for San Francisco agencies and departments to occasionally rent the conference rooms and other meeting spaces in the building for public and community events.

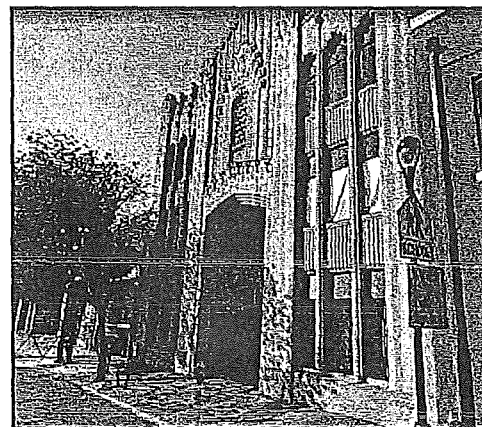
ISSUES AND CONSIDERATIONS

Surrounding Neighborhood

The composition of land uses in the area immediately surrounding the subject site is varied. Generally, the current zoning which splits the subject site's city block is appropriate for the neighborhood, as there is a stark contrast between the land uses on the east side of the block (Valencia Street), and the west side of the block (Elgin Avenue). In addition to the former Baha'i Temple building, the land uses along this block of Valencia Street consist of commercial uses such as an oil change station, several restaurants, and a furniture store. The land uses along Elgin Avenue at the back of the subject site are largely multi-unit residential and mixed-use residential. Though generally appropriate for this block, the current zoning fails to take into account the building at 170 Valencia. The subject building is one unit, and though there is a service entrance that faces onto Elgin Avenue, the main entrance is located on Valencia Street. The building has been used as a Community Facility use since its construction, and intends to remain as a Community Facility when the SFGMC moves in.



Service entrance from Elgin Avenue to 170 Valencia Street



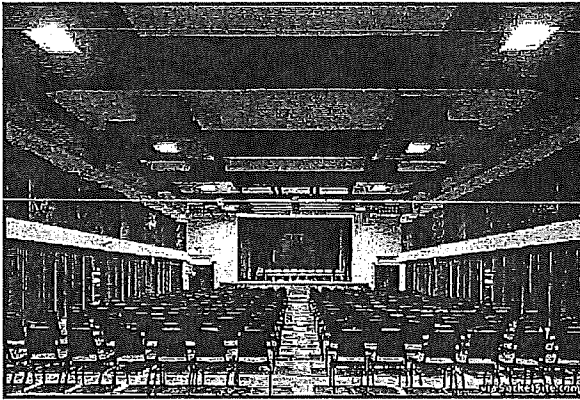
Front entrance at Valencia Street of subject site

Community Facility Use in NCT-3 versus RTO Districts

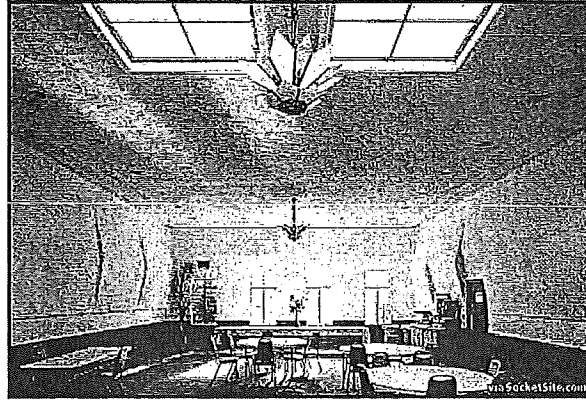
A Community Facility is defined in Planning Code Sec. 102 as:

An Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.

In September of 2018, the Zoning Administrator determined that the proposed uses of the site at 170 Valencia Street by the SFGMC constituted a Community Facility use (see exhibit B). A Community Facility



Auditorium at 170 Valencia Street (courtesy of socketsite)



Meeting Room at 170 Valencia Street (courtesy of socketsite)

use is permitted in NCT-3 Districts; however it requires a Conditional Use authorization in RTO Districts. The result is that the front half of the subject site, which faces Valencia Street and is zoned NCT-3, is allowed to operate as a Community Facility, but the back of the site must obtain a Conditional Use authorization as it is zoned RTO.

Historical Context

The building at 170 Valencia is considered an A "Historic Resource" and is listed on the National Historic Registry. The facade has been called one of the country's most elegant art deco designs. The facade is divided into three bays. The bays are separated by full-height, faceted pilasters which terminate in boldly stylized blooming flower motifs. The building retains many of its art deco interior features, such as the wood paneling, light fixtures, ceramic tile doorways, and a green and black ceramic tile water fountain in the lobby. The building has been in constant use as a Community Facility since its construction in 1930.

General Plan Compliance

The proposed Ordinance is consistent with the following objectives and policies of the General Plan:

ARTS ELEMENT

OBJECTIVE II-2

SUPPORT ARTS AND CULTURAL PROGRAMS WHICH ADDRESS THE NEEDS OF DIVERSE POPULATIONS.

Policy II-2.3

Continue to increase City support for organizations and developing institutions which reflect the diverse cultural traditions of the San Francisco population.

The proposed use of the building as the headquarters, rehearsal space, and educational outreach center of the SFGMC will enhance the Market and Octavia neighborhood area due to the organization's long-standing connection to the cultural identity of San Francisco.

URBAN DESIGN ELEMENT

OBJECTIVE 2

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

If San Francisco is to retain its charm and human proportion, certain irreplaceable resources must not be lost or diminished. The rezoning of 170 Valencia Street will ensure the building can continue to operate as a Community Facility, which will also preserve the historic nature of building itself.

Policy 2.4

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.

Older buildings that have significant historical associations, distinctive design or characteristics exemplifying the best in past styles of development should be preserved. The new owners of 170 Valencia Street are a community organization that will be able to utilize the building without making any significant changes to its historic character.

MARKET OCTAVIA AREA PLAN

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.6

Preserve and enhance the role of cultural and educational institutions in the plan area.

The proposed use of the building as the headquarters, rehearsal space, and educational outreach center of the SFGMC will enhance the Market and Octavia neighborhood area due to the organization's long-standing connection to the cultural identity of San Francisco.

OBJECTIVE 3.2

PROMOTE THE PRESERVATION OF NOTABLE HISTORIC LANDMARKS, INDIVIDUAL HISTORIC BUILDINGS, AND FEATURES THAT HELP TO PROVIDE CONTINUITY WITH THE PAST.

Policy 3.2.1

Preserve landmark and other buildings of historic value as invaluable neighborhood assets.

Policy 3.2.2

Encourage rehabilitation and adaptive reuse of historic buildings and resources.

Historic resources are focal points of urban context and design, and contribute greatly to San Francisco's diverse neighborhoods and districts, scale, and city pattern. The rezoning ensures that a Community Facility use can continue to occupy the historic resource at 170 Valencia, thereby serving to preserve the building's interior and exterior architectural elements of significance.

Implementation

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

RECOMMENDATION

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The Department recommends that the Commission approve the proposed Ordinance because it will establish a clear and uniform zoning for the subject site. The building at 170 Valencia Street is designed to facilitate a Community Facility use, and has operated as such since its construction in 1930. The SFGMC's purchase of the building for continued use as a Community Facility will ensure this historic resource is further preserved and a cultural institution that enhances San Francisco's identity will be able to remain in operation in a central, accessible neighborhood.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received one phone call inquiring as to the nature of the rezoning, and one email (*see exhibit C*) voicing support for the rezoning from a nearby resident.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Zoning Administrator Comments on SFGMC's use
- Exhibit C: Letter of Support
- Exhibit D: Board of Supervisors File No. 181045



SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT A

Planning Commission Draft Resolution

HEARING DATE JANUARY 17, 2019

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

Reception:
415.558.6378

Fax:
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Planning
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Project Name: 170 Valencia Street
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE BY AMENDING THE ZONING MAP TO REZONE A PORTION OF 170 VALENCIA STREET FROM RTO (RESIDENTIAL TRANSIT ORIENTED DISTRICT) TO NCT-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT) TO ESTABLISH A UNIFORM ZONING FOR THE SITE; 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, on October 30, 2018 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 181045, which would the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 17, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning 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 Planning Commission has reviewed the proposed Ordinance; and
WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

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:

The Commission recommends approval of the proposed Ordinance because it will establish a clear and uniform zoning for the subject site. The building at 170 Valencia Street is designed to facilitate a Community Facility use, and has operated as such since its construction in 1930. The SFGMC's purchase of the building for continued use as a Community Facility will ensure this historic resource is further preserved and a cultural institution that enhances San Francisco's identity will be able to remain in operation in a central, accessible neighborhood.

1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

ARTS ELEMENT

OBJECTIVE II-2

SUPPORT ARTS AND CULTURAL PROGRAMS WHICH ADDRESS THE NEEDS OF DIVERSE POPULATIONS.

Policy II-2.3

Continue to increase City support for organizations and developing institutions which reflect the diverse cultural traditions of the San Francisco population.

The proposed use of the building as the headquarters, rehearsal space, and educational outreach center of the SFGMC will enhance the Market and Octavia neighborhood area due to the organization's long-standing connection to the cultural identity of San Francisco.

URBAN DESIGN ELEMENT

OBJECTIVE 2

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

If San Francisco is to retain its charm and human proportion, certain irreplaceable resources must not be lost or diminished. The rezoning of 170 Valencia Street will ensure the building can continue to operate as a Community Facility, which will also preserve the historic nature of building itself.

Policy 2.4

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.

Older buildings that have significant historical associations, distinctive design or characteristics exemplifying the best in past styles of development should be preserved. The new owners of 170 Valencia

Street are a community organization that will be able to utilize the building without making any significant changes to its historic character.

MARKET OCTAVIA AREA PLAN

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.6

Preserve and enhance the role of cultural and educational institutions in the plan area.

The proposed use of the building as the headquarters, rehearsal space, and educational outreach center of the SFGMC will enhance the Market and Octavia neighborhood area due to the organization's long-standing connection to the cultural identity of San Francisco.

OBJECTIVE 3.2

PROMOTE THE PRESERVATION OF NOTABLE HISTORIC LANDMARKS, INDIVIDUAL HISTORIC BUILDINGS, AND FEATURES THAT HELP TO PROVIDE CONTINUITY WITH THE PAST.

Policy 3.2.1

Preserve landmark and other buildings of historic value as invaluable neighborhood assets.

Policy 3.2.2

Encourage rehabilitation and adaptive reuse of historic buildings and resources.

Historic resources are focal points of urban context and design, and contribute greatly to San Francisco's diverse neighborhoods and districts, scale, and city pattern. The rezoning ensures that a Community Facility use can continue to occupy the historic resource at 170 Valencia, thereby serving to preserve the building's interior and exterior architectural elements of significance.

2. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

3. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 17, 2019.

Resolution XXXXXX
January 17, 2019

CASE NO.2018-015443MAP
170 Valencia Street

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: January 17, 2019

Butkus, Audrey (CPC)

From: Sanchez, Scott (CPC)
Sent: Thursday, September 27, 2018 10:26 PM
To: tpavek@crcrc.com
Cc: Butkus, Audrey (CPC)
Subject: 170 Valencia

Hi Tim,

Based upon my understanding of the proposed use (as described below), it could be considered to be a Community Facility Use. The subject property is a through lot between Valencia and Elgin Park and straddles two different Zoning Districts: NCT-3 (1/2 fronting on Valencia) and RTO (1/2 fronting on Elgin Park). Such use would be principally permitted within the NCT-3 portion of the lot and require Conditional Use Authorization within the RTO portion of the lot.

Please let us know if you have any other questions.

Regards,

Scott F. Sanchez

Zoning Administrator

San Francisco Planning Department

1650 Mission Street, Suite 400 San Francisco, CA 94103

Direct: 415.558.6350 | www.sfplanning.org

San Francisco Property Information Map

From: Keith Pepper [mailto:keith.pepper@sfgmc.org]

Sent: Thursday, September 27, 2018 11:53 AM
To: Butkus, Audrey (CPC); Timothy Pavek
Subject: Determination of Building use for SFGMC at 170 Valencia

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon Audrey,

The San Francisco Gay Men's Chorus (SGMC) is a 501(c)3 non-profit and our strategic plan has identified building use as a gathering place for the community, a cultural center for LGBTQ arts, a place for social interaction, and to educate the community about choral music. Our mission statement is "We lead by creating extraordinary music and experiences that build community, inspire activism, and foster compassion at home and around the world."

After reading the definitions in section 102 of the Planning Code, the closest to what SFGMC does and intends to use the building for is a "**Community Facility**" defined as an Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of

persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.

Or "Community Facility, Private." An Institutional Community Use that includes a private lodge, private clubhouse, and private recreational facility other than a Community Facility as defined in this section, and which is not operated as a gainful business.

I do not think we fit within the §102 definition of **Arts Activities**. (A retail Entertainment, Arts and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: Dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glassworks, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and craft. It shall exclude accredited Schools and Post-Secondary Educational Institutions. It shall include commercial arts and art-related business service uses including, but not limited to, recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces shall include studios, workshops, archives and theaters, and other similar spaces customarily used principally for arts activities, exclusive of a Movie Theater, Amusement Game Arcade, Adult Business, and any other establishment where liquor is customarily served during performances.)

We are not a retail or for-profit institution. Our performances are held at much larger venues, namely the Nourse Theater and Davies Symphony Hall.

I am requesting confirmation that our use of the building at 170 Valencia will be considered as a Community Facility within the meaning of §102.

--



Keith Pepper

Board Chair and ASM, San Francisco Gay Men's Chorus

526 Castro St | San Francisco, CA 94114

t: 707.334.5078 | f: 415.865.3655

e: keith.pepper@sfgmc.org | w: www.sfgmc.org

EIN:94-2576101



Butkus, Audrey (CPC)

From: Butkus, Audrey (CPC)
Sent: Friday, December 28, 2018 4:27 PM
To: 'Shannon Murray'
Subject: RE: Case 2018-015443MAP

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Murray,

I will be sure to note in the staff report on this case the support of a neighbor within 300 feet of the property. If you would like, you are also welcome to attend the Commission hearing on January 17th to speak in support of the MAP change during public comment.

Thank you,

Audrey Butkus

From: Shannon Murray
Sent: Friday, December 28, 2018 4:23 PM
To: Butkus, Audrey (CPC) <audrey.butkus@sfgov.org>
Subject: Re: Case 2018-015443MAP

Ok great! Happy to support that dream/use. Please let me know if you need formal support etc.

Sent from my iPhone

On Dec 28, 2018, at 4:00 PM, Butkus, Audrey (CPC) <audrey.butkus@sfgov.org> wrote:

Dear Ms. Murray,

The proposed rezoning is for the Bahai Temple. Currently, the Temple sits on a split-zoned lot. The new owners of the temple (the San Francisco Gay Men's Chorus), plan to use the Temple much as it has been used in the past. It will serve as their new headquarters with practice space and their offices. The building is on the National Register of Historic Buildings, and there are no plans by the new owners to alter the exterior of the building, nor to conduct any major remodel of the interior. The purpose of the MAP change is to establish uniform zoning for the site, as it is one singular building.

Please feel free to reach out with further questions.

-Audrey Butkus

From: Shannon Murray
Sent: Friday, December 28, 2018 3:14 PM
To: Butkus, Audrey (CPC) <audrey.butkus@sfgov.org>
Subject: Case 2018-015443MAP

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Audrey, I live at 51 Pearl Street. Can you please let me know what the purpose of the proposed change at 170 Valencia Street is? This building is directly in my line of sight. I am particularly concerned with increases in height.

Best,

Shannon Murray

1 [Planning Code, Zoning Map - 170 Valencia Street]

2
3 **Ordinance amending the Planning Code by amending the Zoning Map to rezone a**
4 **portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3**
5 **(Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform**
6 **zoning for the site; affirming the Planning Department's determination under the**
7 **California Environmental Quality Act; making findings of consistency with the General**
8 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting**
9 **findings of public necessity, convenience, and general welfare under Planning Code,**
10 **Section 302.**

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 181045 and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
3 Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
5 Planning Code amendments will serve the public necessity, convenience, and general welfare
6 for the reasons set forth in Planning Commission Resolution No. _____ and the Board
7 incorporates such reasons herein by reference.

8
9 Section 2. The Planning Code is hereby amended by revising the Zoning Map as
10 follows, for the property known as 170 Valencia Street:

<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District Hereby Approved</u>
Assessor's Block 3502, Lot 013	RTO, NCT-3	NCT-3

11
12
13
14
15
16 Section 3. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney

n:\leganas2018\1900177\01312082.docx

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

November 7, 2018

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

Dear Commissioners:

On October 30, 2018, Supervisor Mandelman introduced the following legislation:

File No. 181045

Ordinance amending the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NTC-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general 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
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
AnMarie Rodgers, Director of Citywide Planning
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

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

November 7, 2018

File No. 181045

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 30, 2018, Supervisor Mandelman submitted the following legislation:

File No. 181045

Ordinance amending the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NTC-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

This proposed legislation is being transmitted to you for environmental review.

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

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

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

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation 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:

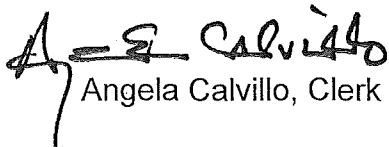
Date: Monday, February 11, 2019

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subjects: File No. 181045. Ordinance amending the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, 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, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, February 8, 2019.


Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/POSTED: February 1, 2019

Introduction Form

By a Member of the Board of Supervisors or the Mayor

BOARD OF SUPERVISORS
SAN FRANCISCO
2018 OCT 30
Time/Stamp
or meeting date

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

BY Ry

- 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. Reactivate File No. []
- 10. 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 Form.

Sponsor(s):

Supervisor Rafael Mandelman

Subject:

Planning Code - Zoning Map Amendment for 170 Valencia Street

The text is listed below or attached:

Ordinance amending the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO to NTC-3 to establish a uniform zoning for the site.

Signature of Sponsoring Supervisor: Ry

For Clerk's Use Only:

