

1 [General Plan Amendment.]

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3 **Ordinance amending the text of the Downtown Element, Objective 12 (Conserve**
4 **Resources that Provide Continuity with San Francisco’s Past), of the City’s General**
5 **Plan to permit transfer of Transferable Development Rights (TDR) from**
6 **historic/landmark structures within the Yerba Buena Center Redevelopment Project**
7 **Area to C-3-O zoning districts; adopting findings relating to CEQA and Planning Code**
8 **Section 101.1 Priority Policies.**

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

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

14 Section 1. Findings. The Board of Supervisors of the City and County of San
15 Francisco hereby finds and determines that:

16 (a) City Charter Section 4.105 and Planning Code Section 340 require that the San
17 Francisco Planning Commission (“Commission”) consider any proposed amendments to the
18 City’s General Plan and make a recommendation for approval or rejection by the Board of
19 Supervisors (“Board”) before the Board acts on the proposed amendments.

20 (b) On February 14, 2002, the Commission conducted a duly noticed public hearing
21 on the proposed amendment to the General Plan contained in this ordinance. Following the
22 hearing, the Commission adopted Resolution 16345, approving the General Plan amendment
23 and recommending its approval to the Board. A copy of Commission Resolution 16345 is on
24 file with the Clerk of the Board in File No. _____.

25

1 (c) The San Francisco Redevelopment Agency, acting as Lead Agency, has
2 concluded that the General Plan amendment and companion Planning Code text amendment
3 ("Project") are Categorically Exempt from environmental review. The exemption was issued
4 on May 22, 2001 pursuant to CEQA Guidelines Section 15061(b)(3) and 15305. The Agency
5 determined that the Project would constitute a minor alteration in land use limitations without
6 the potential for significant environmental impact. In Resolution No. 16345, the Planning
7 Commission concurred with the Agency's conclusion and found it was based on substantial
8 evidence in the record.
9

10 (d) The Board finds that this ordinance will serve the public necessity, convenience
11 and general welfare for the reasons set forth in Commission Resolution 16345.

12 (e) The Board finds that this ordinance meets the Priority Policies of Planning Code
13 Section 101.1 and is consistent with the General Plan as it is proposed to be amended, and
14 hereby adopts and incorporates herein by reference the findings set forth in Commission
15 Resolution 16345.
16

17 Section 2. The Board of Supervisors hereby approves the following amendment to the
18 text of the Downtown Element, Objective 12 (Conserve Resources that Provide Continuity
19 with San Francisco's Past), of the General Plan:

20 **Key Implementing Action**

21 Allow transfer of the unused development rights from Significant and Contributory
22 Buildings.
23

24 Both significant and contributory buildings should be entitled to sell for use on another
25 site "transferable development rights", that is, the difference between the actual square

1 footage of the building to be retained and the square footage of a new building that could be
2 built on the lot as determined by the applicable floor area ratio. These "transferable
3 development rights" (TDR) could be transferred to any parcel or parcels within the same
4 zoning district if the height, bulk, and other rules of this Plan would permit the increased
5 square footage. TDRs from the retail and office districts and to a more limited extent from the
6 general commercial and support districts could also be used in a special development district
7 immediately south of the existing C-3-O district or, if the transfer is from the Yerba Buena Center
8 Redevelopment Project Area, to the existing C-3-O District, where increased densities are
9 appropriate. Since the square footage is simply transferred from one lot for use on another,
10 the total allowable density downtown would not be increased.
11

12 TDRs are proposed as a planning tool to insure the maintenance of sufficient
13 development potential in the C-3 District to accommodate orderly growth and preserve a
14 compact downtown, and to balance the public and private interests affected by the
15 preservation policies. TDRs are not legally necessary to compensate property owners for
16 restricting development of sites of landmarks and significant building sites. Similar ///
17 restrictions on demolition of landmarks, without TDR, have been sustained by courts in many
18 parts of the county.
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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

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