



SAN FRANCISCO PLANNING DEPARTMENT

October 9, 2018

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

**Re: Transmittal of Planning Department Case No: 2018-008654GPA/PCA/MAP
175 Golden Gate Avenue
Board File No. 180645
Planning Commission Recommendation: Approval**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Calvillo and Supervisor Kim,

On September 27, 2018, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinances that would amend the Planning Code, Zoning Map, and Downtown Area Plan, to rezone the subject property at 175 Golden Gate Avenue from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General Commercial), and expand The Land Use and Density Plan of the Downtown Area Plan to include 175 Golden Gate Avenue. At the hearing the Planning Commission recommended approval.

The proposals to amend the Planning Code, Zoning Map, and General Plan are Categorically Exempt under CEQA Guidelines Section 15308 or Class 3 Actions by Regulatory Agencies for Protection of the Environment. Any project that would result from potential TDR's is speculative and would require separate environmental review.

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,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", written over a horizontal line.

Aaron D. Starr
Manager of Legislative Affairs

cc:

Andrea Ruiz-Esquide, Deputy City Attorney
Jon Jacobo, Aide to Supervisor Kim
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Transmittal Packet



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20285

HEARING DATE SEPTEMBER 27, 2018

Project Name: 175 Golden Gate Avenue
Case Number: 2018-008654GPA/PCA/MAP
Initiated by: Planning Commission
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

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THE PLANNING COMMISSION HEREBY APPROVES A PROPOSED ORDINANCE THAT WOULD AMEND THE ZONING MAP TO REZONE 175 GOLDEN GATE AVENUE FROM RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) TO C-3-G (DOWNTOWN GENERAL) AND DESIGNATE THE BUILDING AT 175 GOLDEN GATE AVENUE AS A ARTICLE 11, CATEGORY III CONTRIBUTORY BUILDING, AND A PROPOSED ORDINANCE TO AMEND MAP 1 OF THE DOWNTOWN AREA PLAN TO INCLUDE 175 GOLDEN GATE AVENUE; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on June 12, 2018, Supervisor Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180645, that would amend the Zoning Map to rezone 175 Golden Gate Avenue, also known as the DeMarillac Academy (hereinafter Subject Property) from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown, General) and designate the subject property as an Article 11, Category III Contributory building, in order to provide for the eligibility to sell transferable development rights;

WHEREAS, on August 23, 2018, 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 Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinances on September 27, 2018; and,

WHEREAS, the proposals to amend the Planning Code, Zoning Map, and General Plan are Categorically Exempt under CEQA Guidelines Section 15308 or Class 3 Actions by Regulatory Agencies for Protection of the Environment. Any project that would result from potential TDR's is speculative and would require separate environmental review; 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 Ordinances; and

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

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. **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 Ordinance will help protect a building that has been determined to be a historic resource.

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.

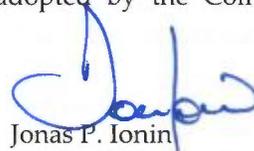
8. That our parks and open space and their access to sunlight and vistas be protected from development;

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 ADOPTS the proposed Ordinances described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 27, 2018.



Jonas P. Ionin
Commission Secretary

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

NOES: None

ABSENT: Richards

ADOPTED: September 27, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20268

HEARING DATE: AUGUST 30, 2018

Project Name: 175 Golden Gate Avenue
Case Number: 2018-008654GPA [Board File No. TBD]
Initiated by: Planning Commission
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

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INITIATING AMENDMENTS TO THE SAN FRANCISCO GENERAL PLAN TO REVISE MAP 1 OF THE DOWNTOWN AREA PLAN TO INCLUDE 175 GOLDEN GATE AVENUE, ASSESSOR'S BLOCK NO. 0349, LOT NO. 011 IN THE C-3-G, DOWNTOWN GENERAL AREA PLAN; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

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

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

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

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

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

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

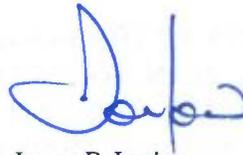
WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

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

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit A, to be considered at a publicly noticed hearing on or after **September 27, 2018**.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 30, 2018.



Jonas P. Ionin
Commission Secretary

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

NOES: None

ABSENT: None

ADOPTED: August 30, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map & General Plan Amendment

GPA INITIATION HEARING DATE: AUGUST 23, 2018

ADOPTION HEARING DATE: SEPTEMBER 27, 2018

Project Name: 175 Golden Gate Avenue
Case Number: 2018-008654GPA/PCA/MAP
Initiated by: Planning Commission
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Approve**

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PLANNING CODE, MAP, AND GENERAL PLAN AMENDMENTS

The proposed Zoning Map Amendment Ordinance would rezone the subject property, 175 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 175 Golden Gate Avenue. The Commission voted unanimously to initiate this amendment at its August 23rd hearing.

The Way It Is Now:

175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011:

- Is not included in Map 1 of the Downtown Area Plan. The map does not include the parcel in a Downtown Zoning District (C-3).
- Is zoned RC-4 (Residential-Commercial, High Density)
- Is not included in Article 11 of the Planning Code

The Way It Would Be:

175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011:

- Would be included in Map 1 of the Downtown Area Plan. The map would identify the subject lot as being zoned C-3-G.
- Would be zoned C-3-G (Commercial, Downtown General)
- Would be included in Article 11 of the Planning Code at a Category III Contributory building

BACKGROUND

On June 12, 2018 Supervisor Kim introduced an Ordinance (Board File No. 180645), which proposes to rezone the subject parcel from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown General) and designate the subject property as an Article 11, Category III Contributory building. The purpose of the proposed Ordinance is to allow the property located at 175 Golden Gate Avenue to be eligible for the City's transferable development rights program (TDR).

On August 23, 2018 the Planning Commission voted to Initiate the General Plan Amendment to include the parcel at 175 Golden Gate Avenue into Map 1 of the Downtown Area Plan. This change is necessary in order to accommodate Supervisor Kim's proposed zoning change from RC-4, to C-3-G.

On September 5, 2018 the Historic Preservation Commission heard the item and approved the proposed change of designation for 175 Golden Gate Avenue to a Category III (Contributory) building.

ISSUES AND CONSIDERATIONS

Site Conditions:

The subject property is located in the Tenderloin district 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 Church, which adjoins the subject property. The majority of the Tenderloin is zoned RC-4; however some blocks along the neighborhoods eastern edge and around 175 Golden Gate Avenue are zoned C-3-G, including the St. Boniface Church.

The DeMarillac Academy:

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

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

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



Transfer of Development Rights:

The proposed rezoning will enable 175 Golden Gate Avenue to participate in San Francisco's TDR program. 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 175 Golden Gate Avenue) 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.

The maximum amount of TDR available for this property is 30,132 sq ft. In addition to unused floor area, non-profits are allowed to exempt their *used* floor area when calculating their amount of available TDR. This number may be further refined when the TDR application is filed.

Historic Preservation Designation:

The Historic Preservation Commission heard this item on September 5th in order to provide comments on the proposed Article 11 Designation to a Category III Contributory building. The Historic Preservation Commission supported the proposed Article 11 Designation. The building is a very good example of a

Romanesque Revival style building designed by prominent San Francisco-based architectural firm Martens & Coffey and designer Brother Adrian Wewer, O.F.M., who designed more than 100 buildings for Catholic parishes across the country. It served San Francisco's large early German community, conducting services and confessions in German. It was the city's oldest German Catholic church and only German National Catholic church until the 1960s. The building retains physical integrity to its original construction. It has not undergone any significant exterior alterations and remains in use as a school building. Overall, the exterior of the building is well preserved.

RECOMMENDATION

The Department recommends that the Commission approve the proposed Zoning Map, Planning Code, 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 175 Golden Gate Avenue 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 DeMarillac Academy. Although 175 Golden Gate Avenue is subject to restrictions on alteration and demolition due "A" historic status, if 175 Golden Gate Avenue 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 designated a Category III Contributory building, 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?

Yes, the Ordinance also proposes designating 175 Golden Gate Avenue as a Category III, Contributory building under Article 11 of the Planning Code. As stated in the staff report to the Historic Preservation Commission from September 5, 2018, the building at 175 Golden Gate meets the designation criteria for a change in designation to an Article 11, Category III Contributory building. On September 5, 2018, the Historic Preservation Commission voted to approve the proposed Article 11 Designation.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval, disapproval, or approval with conditions of the proposed Planning Code, Zoning Map, and General Plan amendments.

IMPLEMENTATION

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

ENVIRONMENTAL REVIEW

The proposals to amend the Planning Code, Zoning Map, and General Plan are Categorically Exempt under CEQA Guidelines Section 15308 or Class 3 Actions by Regulatory Agencies for Protection of the Environment. Any project that would result from potential TDR's is speculative and would require separate environmental review.

PUBLIC COMMENT

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

RECOMMENDATION: Approve

Attachments

- Exhibit A: Draft Resolution
- Exhibit B: Historic Preservation Commission Staff Report
- Exhibit C: Historic Preservation Resolution
- Exhibit D: The Land Use and Density Plan of the Downtown Area Plan (aka Map 1)
- Exhibit E: General Plan Amendment Ordinance (Board File No. TBD)
- Exhibit F: Board File 180645



SAN FRANCISCO PLANNING DEPARTMENT

Exhibit A

Planning Commission Draft Resolution

HEARING DATE JULY 26, 2018

Project Name: 175 Golden Gate Avenue
Case Number: 2018-008654GPA/PCA/MAP
Initiated by: Planning Commission
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Approve**

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THE PLANNING COMMISSION HEREBY APPROVES A PROPOSED ORDINANCE THAT WOULD AMEND THE ZONING MAP TO REZONE 175 GOLDEN GATE AVENUE FROM RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) TO C-3-G (DOWNTOWN GENERAL) AND DESIGNATE THE BUILDING AT 175 GOLDEN GATE AVENUE AS A ARTICLE 11, CATEGORY III CONTRIBUTORY BUILDING, AND A PROPOSED ORDINANCE TO AMEND MAP 1 OF THE DOWNTOWN AREA PLAN TO INCLUDE 175 GOLDEN GATE AVENUE; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on June 12, 2018, Supervisor Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180645, that would amend the Zoning Map to rezone 175 Golden Gate Avenue, also known as the DeMarillac Academy (hereinafter Subject Property) from RC-4 (Residential-Commercial, High Density) to C-3-G (Downtown, General) and designate the subject property as an Article 11, Category III Contributory building, in order to provide for the eligibility to sell transferable development rights;

WHEREAS, on August 23, 2018, 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 Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinances on September 27, 2018; and,

WHEREAS, the proposals to amend the Planning Code, Zoning Map, and General Plan are Categorically Exempt under CEQA Guidelines Section 15308 or Class 3 Actions by Regulatory Agencies for Protection of the Environment. Any project that would result from potential TDR's is speculative and would require separate environmental review; 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 Ordinances; and

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

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. **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 Ordinance will help protect a building that has been determined to be a historic resource.

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 ADOPTS the proposed Ordinances described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 27, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 27, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Exhibit B

Article 11 Change of Designation Case Report

HEARING DATE: SEPTEMBER 5, 2018

1650 Mission St.
Suite 400
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CA 94103-2479

Reception:
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Date: September 5, 2018
Case No.: 2018-008949DES
Project Address: 175 Golden Gate Avenue (De Marillac Academy)
Zoning: RC-4 (Residential-Commercial, High Density)
80-T, 120-T Height and Bulk district
Block/Lot: 0349/011
Staff Contact: Shannon Ferguson – (415) 575-9074
shannon.ferguson@sfgov.org
Reviewed By: Timothy Frye – (415) 575-6822
tim.frye@sfgov.org

BACKGROUND

On June 19, 2018 the Board of Supervisors referred File No. 180645 to the Historic Preservation Commission for comment and recommendation on the Ordinance introduced on June 12, 2018 by Supervisor Kim that proposes to amend the Planning Code and Zoning Map to rezone 175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011, from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General), and change the designation of 175 Golden Gate Avenue as a Category III, Contributory Building in order to provide for eligibility to sell transferable development rights (TDR).

Historically known as the St. Boniface School, 175 Golden Gate Avenue was constructed in 1908 as part of the adjacent St. Boniface Catholic Church Complex after previous buildings constructed in 1899 were destroyed in the 1906 earthquake. In 1983, 133-135 Golden Gate Avenue (St. Boniface Church and Rectory, Assessor's Parcel Block No. 0349, Lot Nos. 012 and 013), was designated as San Francisco City Landmark No. 172. The subject building located at 175 Golden Gate Avenue is not designated as part of San Francisco City Landmark No.172.

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

The case before the Historic Preservation Commission is consideration to comment and recommend to the Board of Supervisors a change of designation of 175 Golden Gate Avenue to a Category III, Contributory building pursuant to Article 11, Section 1106 of the Planning Code. The Article 11 Change of Designation Report was prepared by Page & Turnbull at the request of Fortress Real Estate Advisors, Inc.

PROPERTY DESCRIPTION

175 Golden Gate Avenue is located on the south side of Golden Gate Avenue between Jones and Leavenworth streets in San Francisco's Tenderloin neighborhood. 175 Golden Gate Avenue is a four-story-over-basement, brick masonry school building designed in the Romanesque Revival style. The building is clad with smooth cement plaster. At the base of the third story, a molded plaster beltcourse wraps around the north and east façades. Typical fenestration consists of punched, round-arched window and door openings on the primary north and east façades. Windows at the primary east façades are double-hung, with wood-sash and a muntin pattern featuring an arched, five-lite upper sash and a two-lite lower sash. Along the north façade, windows are paired, separated by a column, and set beneath an arched lintel with plaster molding and corbel detail. The features a galvanized copper cornice with corbelled detailing beneath the cornice line along the north and east façades. Above the central bay of the north façade, the cornice is arched. The attached *Article 11 Change of Designation Report* prepared by Page & Turnbull includes a detailed building description on pages 6-17.

The immediate vicinity of the subject building is characterized by two- to five-story 20th century commercial buildings along Golden Gate Avenue to the west, with nine-to ten-story modern residential high rises building to the east. Notable buildings in the vicinity include the historic Y.M.C.A building at 200-220 Golden Gate Avenue and the Timothy Pflueger-designed, 27-story Art-Deco tower at 100 McAllister Street.

The subject parcel is currently zoned RC-4 (Residential-Commercial, High Density). The majority of the Tenderloin is zoned RC-4; however the adjacent St. Boniface Church and Rectory (133-135 Golden Gate Avenue) and some blocks along the neighborhood's eastern edge are zoned C-3-G (Downtown-General).

ENVIRONMENTAL REVIEW STATUS

The Planning Department has determined that actions by regulatory agencies for protection of the environment are exempt from environmental review, pursuant to CEQA Guidelines Section 15308 (Class 3).

OTHER ACTIONS REQUIRED

The Historic Preservation Commission may provide review and comment on proposed amendments to the Zoning Map to rezone the building at 175 Golden Gate Avenue from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General). If the Historic Preservation Commission adopts a resolution recommending approval of the change the designation of 175 Golden Gate Avenue as a Category III, Contributory Building, its recommendation will be sent by the Department to the Board of Supervisors. The recommendation would then be considered at a future Board of Supervisors hearing for formal Article 11 change of designation.

APPLICABLE PRESERVATION STANDARDS

ARTICLE 11

Section 1106 of the Planning Code authorizes the designation or change of designation of an individual structure or group of structures. Section 1106(a) outlines that a change of designation may be initiated by the Board of Supervisors, the Historic Preservation Commission, the property owner, an organization that has historic preservation stated as one of its goals in its bylaws or articles of incorporation, or by the

application of at least 50 registered voters of the City. An application by the property owner, qualified organization, or 50 registered voters must contain historic, architectural, and/or cultural documentation to support the change of designation. If initiated by the Board of Supervisors, the change of designation would be referred to the Historic Preservation Commission for its review and recommendation prior to passage by the Board of Supervisors.

Section 1102 of the Planning Code outlines the applicable standards for the five categories of Article 11 buildings which include Significant Buildings (Categories I and II), Contributory Buildings (Category III and IV), and Unrated Buildings (Category V).

Section 1106(h) of the Planning Code outlines the six grounds for an Article 11 change of designation. The designation of a building is warranted if changes in the area in the vicinity of a building impact its relationship to the environment and therefore place it in a different category; or changes in Conservation District boundaries make a building eligible or ineligible for designation; or changes in the physical features of the building due to circumstances beyond the control of the owner; or restoration of the building to its original quality and character; or by the passage of time, the building has become at least 40 years old; or the discovery of new factual information makes the building eligible for rating as a Building of Individual or Contextual Importance.

Section 1106(e) states that if the Historic Preservation Commission disapproves the proposed designation, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days. An appeal, however, is not necessary in cases whereby the Board of Supervisors initiates the change of designation.

PUBLIC / NEIGHBORHOOD INPUT

Pursuant to Section 1106(b)(2), the Department mailed a hearing notification to all property owners located within 150 feet of 175 Golden Gate Avenue. There is no known opposition to the proposed Article 11 change of designation. The Department will provide any public correspondence received after the submittal of this report in the Historic Preservation Commission's correspondence folder.

PROPERTY OWNER INPUT

The property owner, KFF RPP Storek LLC, represented by Rubicon Point Partners, initiated the request to change the designation to an Article 11 Category III (Contributory) building.

STAFF ANALYSIS

The case report and analysis under review was prepared by Department preservation staff based upon the attached *Article 11 Change of Designation Report* prepared by Page & Turnbull.

The Department finds that the subject property is eligible for a change of designation to an Article 11 Category III, Contributory building. The building is a very good example of a Romanesque Revival style building designed by prominent San Francisco-based architectural firm Martens & Coffey and designer Brother Adrian Wewer, O.F.M., who designed more than 100 buildings for Catholic parishes across the country. It served San Francisco's large early German community, conducting services and confessions in German. It was the city's oldest German Catholic church and only German National Catholic church until the 1960s. The building retains physical integrity to its original construction. It has not undergone any

significant exterior alterations and remains in use as a school building. Overall, the exterior of the building is well preserved.

Specific justification for an Article 11 change of designation for 175 Golden Gate Avenue to a Category III, Contributing building is outlined below.

Pursuant to Section 1102(c) of the Planning Code, a Category III (Contributory) building must meet the following criteria:

- (1) Is located outside a designated Conservation District; and
- (2) Is at least 40 years old; and
- (3) Is judged to be a Building of Individual Importance; and
- (4) Is rated either Very Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.

- (1) As described in the *Article 11 Change of Designation Report*, 175 Golden Gate Avenue meets the first criterion for Category III eligibility in that it is located outside a designated Conservation District.

175 Golden Gate Avenue is located within the C-3-O (Downtown-Office) zoning district but it is located outside the boundaries of any established conservation district. 175 Golden Gate Avenue meets the first criterion for designation.

- (2) 175 Golden Gate Avenue meets the second criterion for Category III eligibility regarding its age. Originally constructed in 1899 and reconstructed in 1908, 175 Golden Gate Avenue is more than 40 years old. 175 Golden Gate Avenue meets the second criterion for designation.

- (3) 149-155 9th Street meets the third criterion for Category III eligibility regarding Individual Importance. The Department concurs with the *Article 11 Change of Designation Documents* prepared by Page & Turnbull, which states that the building is individually important for the reasons set forth on page 41 of the report:

175 Golden Gate Avenue was originally designed by a team of prominent architects and designers including Brother Adrian Wewer, O.F.M who is estimated to have design over 100 buildings for Catholic Parishes across the nation, and the prominent San Francisco-based architectural firm of Martens & Coffey who were considered among the most important firms in San Francisco during the late 19th and early 20th centuries. Although the subject building lacks the ornate detail of the adjoined St. Boniface Catholic Church, and historically related building within the St. Boniface complex, the subject building retains high historic integrity with respect to its 1907 reconstruction and in terms of its harmonious architectural relationship with both the adjoined church and neighboring rectory. As such, 175 Golden Gate Avenue remains an important and very good example of a Romanesque Revival building with association to prominent designers, and to broader cultural and historic contexts in turn of the twentieth century San Francisco. The therefore upholds individual importance in terms of its architectural and cultural associations.

- (4) 175 Golden Gate Avenue meets the fourth criterion in that it appears “very good” in architectural design and/or “excellent” in relationship to the environment. As described on page 42 of the *Article 11 Change of Designation Documents* prepared by Page & Turnbull:

175 Golden Gate Avenue is one of three buildings (church, rectory, school) which comprise the historic St. Boniface complex on the south side of Golden Gate Avenue between Jones Street (south) and Leavenworth Street (north). The subject building is architecturally similar to the church and rectory buildings in that all are designed in the Romanesque Revival style. Although the subject building lacks the ornamentation and extensive architectural detail associated with St. Boniface Catholic Church, it nonetheless remains highly representative of its architectural style, era of construction, and most importantly, forms one part of a three-building complex featuring harmonious architectural character.

The Department has further determined that the subject property meets the following grounds for an Article 11 change of designation per Section 1106(h)(6):

The discovery of new factual information (for example, information about the history of the building) makes the building eligible for rating as a Building of Individual or Contextual Importance and, therefore, eligible to be designated as a Significant or Contributory Building.

175 Golden Gate Avenue meets the grounds for a change of designation per Section 1106(h)(6) in that the discovery of new factual information about the building's history and significant associations—documented above and on page 43 *Article 11 Change of Designation Report*:

The building was never intensively researched and evaluated prior to this Historic Resource Evaluation. Thus, the discovery of new factual information about the history and significance of the building makes it eligible for rating as a building of Individual or Contextual Importance as per Section 1006(h)(6). As documented in this report, the new historical information is based upon a synthesis of historic documentation including Sanborn Fire Insurance maps, historic photographs, and historic contextual information collected from various repositories, building permits, and other primary resources. The primary resource information has been set within the well-documented broader context of the history of St. Boniface Roman Catholic Church and its presence as a fixture in the Tenderloin neighborhood of San Francisco; and the work of architects Brother Adrian Wewer, O.F.M. and Martens & Coffey. The evaluation above demonstrates that the building is Individually Important. Therefore, it is eligible to be designated as a Contributory Building (Category III).

CHARACTER-DEFINING FEATURES

The identification of a building's character-defining features enables property owners and the public to understand which elements are considered most important to preserve the property's historical and architectural character. While interior character-defining features may be present, Article 11 limits designation to the exterior features.¹

¹ Interiors are subject to Article 11 if proposed interior alterations result in any visual or material impact to the exterior of the building (per Planning Code Section 1110(g)(3)).

A list of character-defining features for 175 Golden Gate Avenue are included on page 44 of the *Article 11 Change of Designation Report* and include the following:

- Four-story-over-basement, rectangular massing
- Location: Adjacency to the south side of Golden Gate Avenue (no set back from sidewalk)
- Elements indicative of the Romanesque Revival Style:
- Round-arched and segmental arched apertures (window and door openings)
- Arched parapet extension at the north façade
- Plaster motif at primary façade
- Smooth cement plaster exterior finish
- Rusticated basement level exterior cladding (east façade)
- Adjoins St. Boniface Catholic Church at the east façade
- Iron fire escape with ornate iron detailing at primary façade

GENERAL PLAN POLICIES

The Urban Design Element of the San Francisco General Plan contains the following relevant objectives and policies:

OBJECTIVE 2: Conservation of resources that provide a sense of nature, continuity with the past, and freedom from overcrowding.

POLICY 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.

The Downtown Plan of the San Francisco General Plan contains the following relevant objectives and policies:

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.

POLICY 12.2: Use care in remodeling significant older buildings to enhance rather than weaken their original character.

Designating 175 Golden Gate Avenue as an Article 11 Category III, Contributory building is consistent with the objectives and policies of the Urban Design Element and the Downtown Plan of the San Francisco General Plan. Article 11 designation will further continuity with the past because the building will be preserved for the benefit of future generations. Article 11 incentivizes preservation through the transfer of unused development rights. Designation as an Article 11 Contributory building will also require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

SAN FRANCISCO PLANNING CODE SECTION 101.1 – GENERAL PLAN CONSISTENCY AND IMPLEMENTATION

Planning Code Section 101.1 – Eight Priority Policies establishes and requires review of permits for consistency with said policies. On balance, the proposed change of designation is consistent with the priority policies in that:

The proposed change of designation will further Priority Policy No. 7, that landmarks and historic buildings be preserved. The Article 11 designation of 175 Golden Gate Avenue as a Category III, Contributory building will help to preserve an important historical resource that is a very good example of Romanesque Revival building and has cultural associations to San Francisco's early German community.

ISSUES AND OTHER CONSIDERATIONS

The proposed change of designation of 175 Golden Gate Avenue to a Category III, Contributory building will enable St. Boniface to participate in San Francisco's TDR program. 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 175 Golden Gate Avenue) 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*.

BOUNDARIES OF THE ARTICLE 11 SITE

The proposed Article 11 designation covers Assessor's Parcel Block No. 0349, Lot No. 011—on which the subject building is located.

PLANNING DEPARTMENT RECOMMENDATION

Based on the Department's analysis presented in this Case Report, 175 Golden Gate Avenue meets the designation criteria for an Article 11 Category III, Contributory building pursuant to Planning Code Section 1102. Likewise, a change of designation is warranted as the subject building meets the Grounds for Designation as outlined in Planning Code Section 1106(h)(6).

The Department recommends that the Historic Preservation Commission approve the proposed change of designation for 175 Golden Gate Avenue to a Category III (Contributory) building.

The Historic Preservation Commission may recommend approval, disapproval, or approval with

modifications of the proposed Article 11 change of designation of 175 Golden Gate Avenue.

ATTACHMENTS

1. Draft Resolution
2. Draft Designation Ordinance
3. Article 11 Change of Designation Report
4. Executive Summary, General Plan Amendment Initiation dated August 23, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Resolution No. 970

HEARING DATE: SEPTEMBER 5, 2018

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No. 2018-008949DES
Project: 175 Golden Gate Avenue (De Marillac Academy)
Re Article 11 Change of Designation
Block/Lot: 0349/011
Staff Contact: Shannon Ferguson (415) 575-9074
shannon.ferguson@sfgov.org
Reviewed By: Tim Frye – (415) 575-6822
tim.frye@sfgov.org

RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE AN ORDINANCE AMENDING THE PLANNING CODE AND ZONING MAP TO REZONE THE BUILDING AT 175 GOLDEN GATE AVENUE FROM RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) TO C-3-G (COMMERCIAL, DOWNTOWN GENERAL) AND DESIGNATE 175 GOLDEN GATE (DE MARILLAC ACADEMY), ASSESSOR'S PARCEL BLOCK NO. 0349, LOT NO. 011 AVENUE AS A CATEGORY III, CONTRIBUTORY BUILDING PURSUANT TO SECTION 1106 OF THE PLANNING CODE.

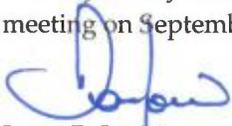
1. WHEREAS, On June 19, 2018 the Board of Supervisors referred File No. 180645 to the Historic Preservation Commission for comment and recommendation on the Ordinance introduced on June 12, 2018 by Supervisor Kim that proposes to amend the Planning Code and Zoning Map to rezone 175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011, from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General), and change the designation of 175 Golden Gate Avenue as a Category III, Contributory Building in order to provide for eligibility to sell transferable development rights (TDR); and
2. WHEREAS, the Historic Preservation Commission has no comment on the amendment of the Zoning Map to rezone 175 Golden Gate Avenue from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General);
3. WHEREAS, Historic Preservation Consultant Page & Turnbull preservation staff, who meet the Secretary of the Interior's Professional Qualification Standards, prepared the 175 Golden Gate Avenue Change of Designation Report dated August 8, 2018, and
4. WHEREAS, Planning Department staff Shannon Ferguson, and Tim Frye, who meet the Secretary of Interior's Professional Qualification Standards, reviewed the 175 Golden Gate Avenue Change

of Designation Report for completeness, accuracy, and conformance with the purposes and standards of Article 11; and

5. WHEREAS, the Historic Preservation Commission, at its regular meeting of September 5, 2018, reviewed Planning Department staff's analysis of 175 Golden Gate Avenue's historical significance per Article 11 as part of the Case Report dated September 5, 2018; and
6. Whereas, the Historic Preservation Commissions finds that 175 Golden Gate Avenue meets the Standards for Designation of Buildings pursuant to Section 1102(c) of the Planning Code as documented in the Case Report dated September 5, 2018; and
7. WHEREAS, the Historic Preservation Commission finds that 175 Golden Gate Avenue meets the provisions for a change of designation per Section 1106(h)(6) in that the discovery of new factual information makes the building eligible for rating as a Building of Individual Importance and, therefore, eligible to be designated as a Contributory building; and
8. WHEREAS, the Historic Preservation Commission finds that 175 Golden Gate Avenue appears to meet the eligibility requirements per Section 1106 of the Planning Code and warrants consideration for Article 11 change of designation to a Category III, Contributory building; and
9. WHEREAS, the Historic Preservation Commission finds that the boundary and the list of exterior character-defining features, as identified in the September 5, 2018 Case Report, should be considered for preservation as they relate to the building's historical significance and retain historical integrity; and
10. WHEREAS, the proposed change of designation is consistent with the General Plan priority policies pursuant to Planning Code section 101.1 and furthers Priority Policy No. 7 of the Planning Code, which states that historic buildings be preserved, for reasons set forth in the September 5, 2018 Case Report; and
11. WHEREAS, the Department has determined that Article 11 designation is exempt from environmental review, pursuant to CEQA Guidelines Section 15308 (Class 3);

THEREFORE BE IT RESOLVED, that the Historic Preservation Commission hereby recommends to the Board of Supervisors approval of an ordinance to amend the Planning Code and Zoning Map to rezone 175 Golden Gate Avenue (De Marillac Academy), Assessor's Parcel Block No. 0349, Lot No. 011, from RC-4 (Residential-Commercial, High Density) to C-3-G (Commercial, Downtown General), and change the designation of 175 Golden Gate Avenue as a Category III, Contributory Building.

I hereby certify that the foregoing Resolution was adopted by the Historic Preservation Commission at its meeting on September 5, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Black, Hyland, Johnck, Johns, Matsuda, Pearlman, Wolfram

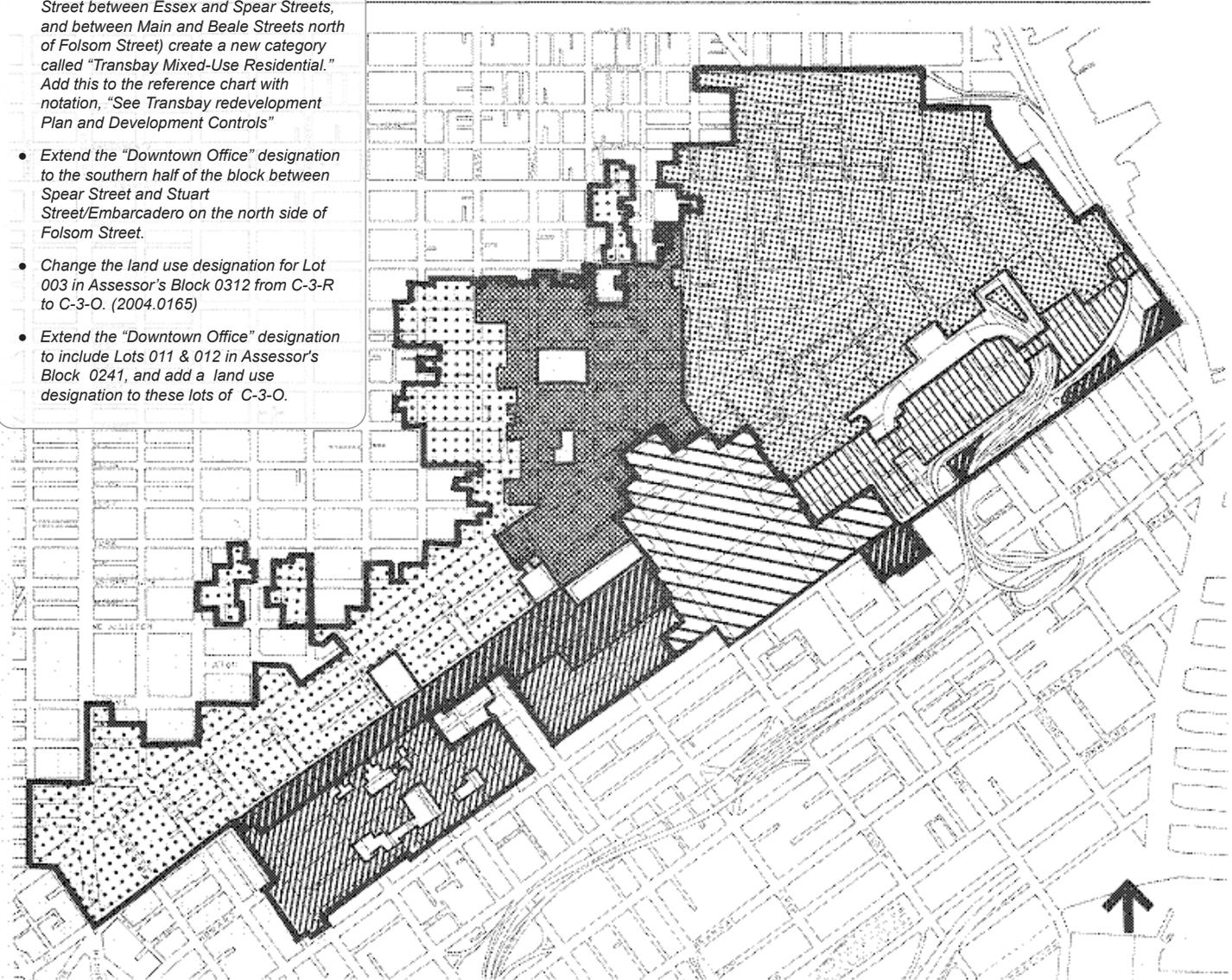
NAYS: None

ABSENT: None

ADOPTED: September 5, 2018

MAP TO BE EDITED

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



DOWNTOWN LAND USE AND DENSITY PLAN

0 400FT
Map 1

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

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

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

FILE NO.

ORDINANCE NO.

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

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

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

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

16 Section 1. Environmental and Planning Code Findings.

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

23 (b) General Plan and Planning Code Findings.

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

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

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

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

18
19 ///

20 ///

21 ///

22 ///

23 ///

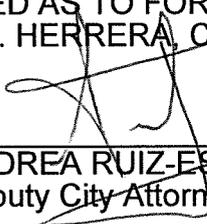
24 ///

25

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

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

7
8 By:


9 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

10 n:\legan\as2018\1700506\01295864.doc

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

June 19, 2018

File No. 180645

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

Dear Ms. Gibson:

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

File No. 180645

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

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Handwritten signature of Erica Major in cursive.

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

Attachment

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

Categorically Exempt under CEQA Guidelines Section 15308 or Class 3 Actions by Regulatory Agencies for Protection of the Environment. Any project that would result from potential TDRs is speculative and would require separate environmental review.

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

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

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

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

20 Section 1. Findings.

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

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

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

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

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

21
22 Section 2. Amendment to Zoning Map.

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

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

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

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

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

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

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

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

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

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

12 By: 
13 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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LEGISLATIVE DIGEST

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

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

Existing Law

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

Amendments to Current Law

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

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