RESOLUTION NO. 82-2001
Adopted May 22, 2001

ADOPTING A POLICY ON TRANSFER OF DEVELOPMENT RIGHTS AND APPLICATION OF CITY PLANNING CODE SECTION 128 TO REDEVELOPMENT PROJECT AREAS THAT CONTAIN PROPERTY WITH AN UNDERLYING C-3 DISTRICT DESIGNATION; RINCON POINT-SOUTH BEACH REDEVELOPMENT PROJECT AREA AND YERBA BUENA CENTER REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. In 1985, the Board of Supervisors of the City and County of San Francisco adopted Ordinance 414-85, which added Section 128 to the Planning Code of the City and County of San Francisco ("City Planning Code"). City Planning Code Section 128, as amended by Ordinance 115-90, contains a procedure for the certification and transfer of unused development rights in the form of unused gross floor area development potential ("TDR") from a property located in a C-3 zoning district for use on one or more properties located in the same or certain other C-3 zoning districts. City Planning Code Section 128 further indicates that a property is eligible to serve as a source of TDR if such property has a C-3 zoning designation and contains a building designated as either a Landmark pursuant to Article 10 of the City Planning Code or a building designated as either a Significant Building, Contributory Building or Category V Building pursuant to Article 11 of the City Planning Code ("Preservation Lot"). A Preservation Lot may be referred to as a Transfer Lot after a Statement of Eligibility has been approved for such property pursuant to City Planning Code Section 128.

2. Certain adopted Redevelopment Project Areas contain one or more sites with an underlying C-3 zoning district designation that may qualify for treatment as a Transfer Lot pursuant to City Planning Code Section 128. These are the Rincon Point-South Beach Redevelopment Project Area and the Yerba Buena Center Redevelopment Project.

3. This Resolution confirms the application of Planning Code Section 128 to such adopted Redevelopment Project Areas and sets standards for the Redevelopment Agency of the City and County of San Francisco ("Agency") concurrence as to a Statement of Eligibility pertaining to a Preservation Lot located in a Redevelopment Project Area, that is prepared by the Zoning Administrator, and for the use of TDR on a C-3 District Transfer Lot in a Redevelopment Project Area or as provided in Planning Code Section 128.

4. The Agency Commission recognizes that the use of TDR in the development of another property ("Development Lot") may be subject to separate environmental review, based on the requirements of the California Environmental Quality Act ("CEQA").
Agency’s staff recommends the adoption of a finding that adoption of this Resolution is categorically exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA"), based on review of the following: the analysis contained in the March 28, 2001 memorandum prepared by Ms. Nancy Cunningham Clark, an independent environmental consultant retained by the Agency (copy attached and incorporated as Attachment B), that is based on the following documents: provisions of the City Planning Code contained in Section 127, Section 128, Article 10 and Article 11; the Downtown Plan, an Area Plan of the San Francisco General Plan; Appendix G: Land Use and Real Estate Development Analysis of the Consultant’s Report, and the Environmental Impact Reports ("EIRs") certified in connection with the amendment of the Yerba Buena Center Redevelopment Plan in 1983, 1992 and 1997. The Agency Commission has reviewed Attachment B and, based on its independent judgment, finds that the adoption of this Resolution is categorically exempt from further environmental review for the following reasons:

A. The general exemption described in State CEQA Guidelines Section 15061(b)(3), applies because the adoption of this Resolution merely confirms the application of City Planning Code Section 128 to those properties with an underlying C-3 zoning located in a Redevelopment Project Area and the adoption of this Resolution will therefore have no significant effect on the environment.

B. The Class 5 categorical exemption described in State CEQA Guidelines Section 15305 also applies because the adoption and application of this Resolution will not result in changes in land use or density as to Preservation Lots located in the Rincon Point-South Beach Redevelopment Project Area and the Yerba Buena Center Redevelopment Project Area, and will not alter the land use or density permitted elsewhere in the City.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco as follows:

1. The adoption of this Resolution is exempt from CEQA for the reasons previously stated in this Resolution and the Commission’s review of Attachment B to this Resolution.

2. Unless expressly excluded by the terms of a Redevelopment Plan, City Planning Code Section 128 applies to a property located in a Redevelopment Project area if such property has an underlying C-3 zoning district designation and contains a building designated as a Landmark pursuant to Article 10 of the City Planning Code or designated as a Contributory Building or Significant Building pursuant to Article 11 of the City Planning Code (jointly “Historic Building”). Any amendment to City Planning Code Section 128 adopted after this Resolution will become a part of this Policy on and after the Agency Commission’s adoption of a further resolution confirming and incorporating such Planning Code amendment as a part of this Policy.
3. The Rincon Point-South Beach Redevelopment Project area and the Yerba Buena Center Redevelopment Project area except the Emporium Site Area) contain one or more properties with an underlying C-3 zoning district designation on which a Historic Building is located and therefore eligible for approval of TDR pursuant to City Planning Code Section 128 ("Preservation Lots"). The Executive Director is authorized to concur in the Zoning Administrator’s issuance of a Statement of Eligibility pursuant to City Planning Code Section 128 for a Preservation Lot in a Redevelopment Project Area, if the Agency Commission adopts a resolution determining that issuance of such Statement of Eligibility will promote the goals of the applicable Redevelopment Plan and contribute to the preservation, enhancement or maintenance of a Historic Building located on such Preservation Lot.

4. Attachment A to this Resolution is hereby approved and incorporated by this reference as the Redevelopment Agency's TDR Policy and the Executive Director is authorized to develop such additional regulations, consistent with this Resolution, which the Executive Director deems necessary to implement this Resolution.

APPROVED AS TO FORM:

[Signature]
Bertha A. Ontiveros
Agency General Counsel