

1 [Zoning Map - Transbay Block 4 Redevelopment Project]

2

3 **Ordinance amending the Zoning Map of the Planning Code to facilitate development of**  
4 **the Transbay Block 4 Redevelopment Project (located on the south side of Howard**  
5 **Street between Beale and Main Streets) by increasing height limits; adopting findings**  
6 **under the California Environmental Quality Act; making findings of consistency with**  
7 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**  
8 **making public necessity, convenience, and general welfare findings under Planning**  
9 **Code, Section 302.**

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

14

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

16

17 Section 1. General Findings.

18 (a) The proposed project on Block 4 of the Transbay Redevelopment Project Area  
19 (Assessor's Parcel Block No. 3739, Lot 010) (the "Project") consists of a multi-part, mixed-  
20 use, mixed income residential development. Transbay Block 4 is an approximately 45,375  
21 square foot site along the south side of Howard Street between Beale Street and Main Street.  
22 The tower portion of the Project would extend to a height of 513 feet.

23 (b) The Project is within Zone One of the Redevelopment Plan for the Transbay  
24 Redevelopment Project Area ("Redevelopment Plan"). Within Zone One, the land use  
25 regulations of the Redevelopment Plan are applicable.

1 (c) This ordinance is related to two companion ordinances: (1) an amendment to the  
2 Redevelopment Plan that would increase the height limit for Block 4 from 450 feet to 513 feet  
3 to accommodate the proposed Project (the “Plan Amendment”); and (2) an amendment to the  
4 Transit Center District Plan, a Sub-Area Plan of the Downtown Plan, to modify the Transit  
5 Center District height map to accommodate the proposed Project (the “General Plan  
6 Amendment”). The companion ordinances are on file with the Clerk of the Board of  
7 Supervisors in File Nos. 220914 and 220858, respectively.

8 (d) This ordinance would amend the Zoning Map to conform the Zoning Map with  
9 the height limit specified in the Redevelopment Plan Amendment and the General Plan  
10 Amendment.

11  
12 Section 2. Environmental and Planning Code Findings.

13 (a) On April 22, 2004, after a duly noticed joint public hearing with the Peninsula  
14 Corridor Joint Powers Board (the “JPB”), in Motion No. 16773, the Planning Commission  
15 certified as adequate and complete the final Environmental Impact Statement/Environmental  
16 Impact Report (“EIS/EIR”) for the Transbay Terminal/Caltrain Downtown  
17 Extension/Redevelopment Project (Planning Department Case No. 2000.048E) in accordance  
18 with the California Environmental Quality Act (California Public Resources Code Sections  
19 21000 et seq.), the CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et  
20 seq.), and Chapter 31 of the San Francisco Administrative Code. Said Motion is on file with  
21 the Clerk of the Board of Supervisors in File No. 041079 and is incorporated herein by  
22 reference.

23 (b) On April 20, 2004, in Resolution No. 45-2004, the former San Francisco  
24 Redevelopment Agency (“Former Agency”), at a duly noticed public hearing, also certified the  
25

1 Final EIR and made findings similar to those of the Commission and JPB in regard to CEQA  
2 and the CEQA Guidelines.

3 (c) In Resolution No. 612-04, effective October 7, 2004, the Board of Supervisors  
4 adopted findings that various actions related to the Transbay Terminal/Caltrain Downtown  
5 Extension/Redevelopment Project complied with CEQA. Said Resolution and the CEQA  
6 Findings are on file with the Clerk of the Board of Supervisors in File No. 041079 and are  
7 incorporated herein by reference.

8 (d) Subsequent to the State of California's dissolution of the Former Agency and the  
9 transfer of certain of the Former Agency's assets and obligations to the Successor Agency to  
10 the Redevelopment Agency of the City and County of San Francisco ("Successor Agency,"  
11 commonly known as the Office of Community Investment and Infrastructure), the Board of  
12 Supervisors, acting as the legislative body of the Successor Agency, established the  
13 Successor Agency Commission ("OCII Commission") and delegated to it the authority to  
14 approve all actions related to the Successor Agency's assets, including the authority to  
15 exercise land use and development approval.

16 (e) The Successor Agency, as lead agency under CEQA and in consultation with the  
17 Planning Department, prepared Addendum No. 9 to the FEIS/EIR, dated June 13, 2022  
18 ("Addendum"). The Addendum evaluates the environmental effects of the Project.

19 (f) On June 21, 2022, after a duly noticed public hearing, the OCII Commission  
20 considered various approvals related to the Project, and by Resolution No. 18-2022,  
21 determined that: the Project would not cause new significant impacts that were not identified  
22 in the EIS/EIR; the Project would not cause significant impacts that were previously identified  
23 in the EIS/EIR to become substantially more severe; no new mitigation measures would be  
24 necessary to reduce significant impacts; no changes have occurred with respect to  
25 circumstances surrounding the Project that would cause significant environmental impacts to

1 which the Project would contribute considerably; and no new information has become  
2 available that shows that the Project would cause significant environmental impacts. For these  
3 reasons, no supplemental environmental review is required. This determination is on file with  
4 the Clerk of the Board of Supervisors in File No. 220836 and is incorporated herein by  
5 reference.

6 (g) Also on June 21, 2022, the OCII Commission, by Resolution Nos. 19-2022 and 20-  
7 2022, referred the Plan Amendment to the Planning Commission for its report and  
8 recommendation on the Plan Amendment and its conformance to the General Plan; found and  
9 determined that the Plan Amendment is within the scope of the project analyzed by the  
10 EIS/EIR and the Addendum; approved the Plan Amendment; and recommended the Plan  
11 Amendment to the Board of Supervisors for its approval. Copies of the Plan Amendment and  
12 OCII Commission Resolution Nos. 18-2022, 19-2022, and 20-2022 are on file with the Clerk of  
13 the Board of Supervisors in File No. 220836, and are incorporated herein by reference.

14 (h) The Board of Supervisors, acting in its capacity as a responsible agency under  
15 CEQA, has reviewed and considered the EIS/EIR and the Addendum, and hereby adopts the  
16 CEQA findings set forth in Successor Agency Commission Resolution Nos. 18-2022, 19-2022,  
17 and 20-2022 and Planning Commission Motion No. 21154 and hereby incorporates such  
18 findings by reference as though fully set forth in this ordinance.

19 (i) On July 28, 2022, the Planning Commission, in Resolution No. 21153, adopted  
20 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
21 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
22 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
23 Board of Supervisors in File No. 220914, and is incorporated herein by reference.

24 (j) On Julye 28, 2022, the Planning Commission, in Resolution No. 21153, adopted  
25 findings that the actions contemplated in this ordinance will serve the public necessity,

1 convenience, and welfare. The Board adopts these findings as its own. A copy of said  
 2 Resolution is on file with the Clerk of the Board of Supervisors in File No. 220914, and is  
 3 incorporated herein by reference.

4  
 5 Section 3. The Planning Code is hereby amended by amending Height and Bulk  
 6 District Map HT01 of the Zoning Map as follows:

7

<u>Assessor's Block</u>	<u>Lot</u>	<u>Height and Bulk District to be Superseded</u>	<u>Height and Bulk District to be Hereby Approved</u>
3739	010	50/85/450-TB	513-TB

12  
 13 Section 4. Effective Date. This ordinance shall become effective 30 days after  
 14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
 15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
 16 of Supervisors overrides the Mayor's veto of the ordinance.

17  
 18 APPROVED AS TO FORM:  
 19 DAVID CHIU, City Attorney

20 By: Peter R. Miljanich  
 21 PETER R. MILJANICH  
 Deputy City Attorney

22 n:\legana\as2022\2100136\01613750.docx