

FILE NO. 071158

ORDINANCE NO.

1 [Approving General Plan Amendments Related to Market & Octavia Area Plan.]

2 **Ordinance amending the San Francisco General Plan by adding a new area plan**  
3 **entitled the Market & Octavia Area Plan, and approving General Plan amendments to**  
4 **implement the Market and Octavia Neighborhood Plan by amending the Commerce and**  
5 **Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic**  
6 **Center Area Plan, Downtown Area Plan, South of Market Area Plan, and the Land Use**  
7 **Index; providing the ordinance shall not be effective until the effective date of an**  
8 **additional affordable housing program for the Market and Octavia area plan to be**  
9 **adopted by the Board of Supervisors; making environmental findings and findings that**  
10 **the proposed amendments are consistent with the General Plan and the eight priority**  
11 **policies of the Planning Code Section 101.1.**

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

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

17 Section 1. Findings.

18 A. Section 4.105 of the Charter of the City and County of San Francisco provides  
19 that the Planning Commission shall periodically recommend to the Board of Supervisors, for  
20 approval or rejection, proposed amendments to the General Plan.

21 B. On \_\_\_\_\_, the Board of Supervisors received from the Planning  
22 Department the proposed General Plan amendments including the addition of a new area  
23 Plan, the Market and Octavia Area Plan, and related General Plan amendments to the  
24 Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements,  
25 the Civic Center Area Plan, Downtown Area Plan, South of Market Area Plan, and the Land

1 Use Index which was adopted by the Planning Commission on April 5, 2007 (the "Market and  
2 Octavia Area Plan Amendment").

3 C. Section 4.105 of the City Charter further provides that if the Board of  
4 Supervisors fails to Act within 90 days of receipt of the proposed Market and Octavia Area  
5 Plan Amendment, then the proposed amendment shall be deemed approved.

6 D. San Francisco Planning Code Section 340 provides that an amendment to the  
7 General Plan may be initiated by a resolution of intention by the Planning Commission, which  
8 refers to, and incorporates by reference, the proposed General Plan amendment. Section  
9 340 further provides that Planning Commission shall adopt the proposed General Plan  
10 amendment after a public hearing if it finds from the facts presented that the public necessity,  
11 convenience and general welfare require the proposed amendment or any part thereof. If  
12 adopted by the Commission in whole or in part, the proposed amendment shall be presented  
13 to the Board of Supervisors, which may approve or reject the amendment by a majority vote.

14 E. On September 28, 2006, the Planning Commission initiated amendments to the  
15 General Plan, the Market and Octavia Area Plan Amendment, at a duly noticed public  
16 hearing.

17 F. On April 5, 2007, at a duly noticed public meeting, the Planning Commission  
18 certified the Final EIR for the proposed Market and Octavia Neighborhood Plan (the "Project")  
19 by Motion No. 17406 finding the Final EIR reflected the independent judgment and analysis of  
20 the City and County of San Francisco, is adequate, accurate and objective, contains no  
21 significant revisions to the Draft EIR, and the content of the report and the procedures through  
22 which the Final EIR was prepared, publicized and reviewed comply with the provisions of the  
23 California Environmental Quality Act ("CEQA") (California Public Resources Code Section  
24 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and  
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1 Chapter 31 of the San Francisco Administrative Code. A copy of the Final EIR is on file with  
2 the Clerk of the Board in File No. \_\_\_\_\_.

3 G. The Project evaluated in the Final EIR includes amendments to the General  
4 Plan, Planning Code and Zoning Map related to the Project proposed by the Planning  
5 Department. The Market and Octavia Area Plan Amendment is an action proposed by the  
6 Planning Department that is within the scope of the Project evaluated in the Final EIR.

7 H. At the same hearing during which the Planning Commission certified the Final  
8 EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the  
9 proposed Market and Octavia Area Plan Amendment in Motion 17407 and adopted the  
10 Market and Octavia Area Plan Amendment in Resolution 17408, finding that the public  
11 necessity, convenience and general welfare required the proposed amendments. The letter  
12 from the Planning Department transmitting the proposed Market and Octavia Area Plan  
13 Amendment to the Board of Supervisors, the Final EIR and supplemental material described  
14 above, the CEQA Findings adopted by the Planning Commission with respect to the approval  
15 of the Market and Octavia Area Plan Amendment, including a mitigation monitoring and  
16 reporting program and a statement of overriding considerations, the Market and Octavia Area  
17 Plan Amendment and the Resolution approving the Market and Octavia Area Plan  
18 Amendment are on file with the Clerk of the Board in File  
19 No.\_\_\_\_\_. These and any and all other documents referenced  
20 in this Ordinance have been made available to, and have been reviewed by, the Board of  
21 Supervisors, and may be found in either the files of the City Planning Department, as the  
22 custodian of records, at 1660 Mission Street in San Francisco, or in File No.  
23 \_\_\_\_\_ with the Clerk of the Board of Supervisors at 1 Dr. Carlton  
24 B. Goodlett Place, San Francisco and incorporated herein by reference.

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1 I. The Board of Supervisors has reviewed and considered the Final EIR and the  
2 environmental documents on file referred to herein. The Board of Supervisors has reviewed  
3 and considered the CEQA Findings adopted by the Planning Commission in support of the  
4 approval of the Market and Octavia Area Plan Amendment, including the mitigation monitoring  
5 and reporting program and the statement of overriding considerations, and hereby adopts as  
6 its own and incorporates the CEQA Findings contained in Planning Commission Motion 17201  
7 by reference as though such findings were fully set forth in this Ordinance.

8 J. The Board of Supervisors endorses the implementation of the mitigation  
9 measures identified in the Planning Commission's CEQA Findings for implementation by other  
10 City Departments and recommends for adoption those mitigation measures that are  
11 enforceable by agencies other than City agencies, all as set forth in the CEQA Findings,  
12 including the mitigation monitoring and reporting program contained in the referenced CEQA  
13 Findings.

14 K. The Board of Supervisors finds that no substantial changes have occurred in the  
15 Project proposed for approval under this Ordinance that will require revisions in the Final EIR  
16 due to the involvement of new significant environmental effects or a substantial increase in the  
17 severity of previously identified significant effects, no substantial changes have occurred with  
18 respect to the circumstances under which the Project proposed for approval under the  
19 Ordinance are undertaken which will require major revisions to the Final EIR due to the  
20 involvement of new environmental effects or a substantial increase in the severity of effects  
21 identified in the Final EIR and no new information of substantial importance to the Project as  
22 proposed for approval in the Ordinance has become available which indicates that (1) the  
23 Project will have significant effects not discussed in the Final EIR, (2) significant  
24 environmental effects will be substantially more severe, (3) mitigation measure or alternatives  
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1 found not feasible which would reduce one or more significant effects have become feasible  
2 or (4) mitigation measures or alternatives which are considerably different from those in the  
3 Final EIR would substantially reduce one or more significant effects on the environment.

4 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the  
5 Market and Octavia Area Plan Amendment set forth in the documents on file with the Clerk of  
6 the Board in File No. \_\_\_\_\_ will serve the public necessity, convenience  
7 and general welfare for the reasons set forth in Planning Commission Resolution No. 17408  
8 and incorporates those reasons herein by reference.

9 N. The Board of Supervisors finds that the Market and Octavia Area Plan  
10 Amendment as set forth in the documents on file with the Clerk of the Board in File No.  
11 \_\_\_\_\_, are in conformity with the General Plan, as it is amended by this  
12 Ordinance, and the eight priority policies of Planning Code Section 101.1 for the reasons set  
13 forth in Planning Commission Resolution No. \_\_\_\_\_, and for the reasons set forth in the  
14 August 1, 2007 letter to the Board of Supervisors from Dean Macris on file with the Clerk of  
15 the Board in File No. 071158. The Board hereby adopts the findings set forth in Planning  
16 Commission Resolution No. \_\_\_\_\_ and the August 1, 2007 letter to the Clerk of the  
17 Board of Supervisors from Dean Macris and incorporates those findings herein by reference.

18 Section 2: Effective Date. As discussed in more detail in Section 4 of the Planning Code Text  
19 Amendments to implement the Market and Octavia Area Plan, on file in Board of Supervisors  
20 File No. \_\_\_\_\_, the approval under this Ordinance shall take effect upon the effective  
21 date of the additional affordable housing requirement program that the Board enacts  
22 consistent with the requirements of Section 4 of the above-referenced ordinance.

1 Section 3. The Board of Supervisors hereby approves the proposed Market and Octavia Area  
2 Plan Amendment, an amendment to the General Plan as recommended to the Board of  
3 Supervisors by the Planning Commission on \_\_\_\_\_, and referred to above.

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

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9 By: \_\_\_\_\_  
Audrey Williams Pearson  
10 Deputy City Attorney

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