

1 [General Plan - Adjacent Parcels to the Western South of Market, East South of Market, and  
2 Market and Octavia Area Plans]

3 **Ordinance amending the General Plan by amending the boundaries of the East South**  
4 **of Market Area Plan to incorporate 40 nearby parcels on Mission Street, generally**  
5 **bounded by 7<sup>th</sup> Street to the east, 9<sup>th</sup> Street to the west, and Minna Street to the south;**  
6 **amending the Market and Octavia Planning Area to incorporate nine adjacent parcels**  
7 **along Mission Street and 10<sup>th</sup> Street, generally bound by Washburn Street to the east,**  
8 **and Minna Street to the south; amending the Western South of Market Area Plan to**  
9 **remove one parcel on 10<sup>th</sup> Street; and making environmental findings, and findings of**  
10 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
11 **Section 101.1.**

12 NOTE: Additions are *single-underline italics Times New Roman*;  
13 deletions are ~~*strike-through 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 November 19, 2013, the Board of Supervisors received from the Planning  
22 Department the proposed General Plan amendments, including the amendments to the  
23 boundaries of the East SoMa Area Plan, Market and Octavia Area Plan, and the Western  
24 SoMa Area Plan (collectively, the Rezoning of Adjacent Parcels). These amendments are on  
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1 file with the Clerk of the Board of Supervisors in File No. 131162 and are incorporated herein  
2 by reference.

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 General Plan amendments  
5 related to the Rezoning of Adjacent Parcels, these amendments shall be deemed approved.

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

14 E. After a duly noticed public hearing on August 1, 2013, in Motion No. 18997 the  
15 Planning Commission initiated amendments to the General Plan related to the Rezoning of  
16 Adjacent Parcels, in the File No. 131162. Said motion is on file with the Clerk of the Board of  
17 Supervisors and incorporated herein by reference.

18 F. On December 6, 2012 after a duly noticed public meeting, the Planning  
19 Commission certified the Final Environmental Impact Report (EIR) for the Western SoMa  
20 Community Plan and the Rezoning of Adjacent Parcels by Motion No. 18756, finding the  
21 Final EIR reflects the independent judgment and analysis of the City and County of San  
22 Francisco, is adequate, accurate and objective, contains no significant revisions to the Draft  
23 EIR, and the content of the report and the procedures through which the Final EIR was  
24 prepared, publicized and reviewed comply with the provisions of the California Environmental  
25 Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), the CEQA

1 Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco  
2 Administrative Code. On September 25, 2013, the Planning Department issued an  
3 Addendum to Environmental Impact Report (Addendum), analyzing minor modifications to the  
4 Rezoning of Adjacent Parcels. The Addendum concluded that the conclusions of the EIR  
5 remained valid, and that no additional environmental review was required, because the  
6 revisions to the project would not cause any new significant impacts not identified in the EIR,  
7 and no new mitigation measures would be necessary to reduce significant impacts. Copies of  
8 the Planning Commission Motion, and Final EIR, and Addendum are on file with the Clerk of  
9 the Board in File No. 130001 and are incorporated herein by reference.

10 G. The project evaluated in the Final EIR and Addendum includes amendments to  
11 the General Plan and Zoning Map related to the Rezoning of Adjacent Parcels that the  
12 Planning Department has proposed. The Rezoning of Adjacent Parcels amendment is an  
13 action proposed by the Planning Department that is within the scope of the project evaluated  
14 in the Final EIR and Addendum.

15 H. At the same hearing during which the Planning Commission certified the Final  
16 EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the  
17 Western SoMa Area Plan and the Rezoning of Adjacent Parcels in Motion 18757 and adopted  
18 the Western SoMa Area Plan amendments in Resolution 18758, finding in accordance with  
19 Planning Code Section 340 that the public necessity, convenience and general welfare  
20 required the proposed amendments. The letter from the Planning Department transmitting the  
21 proposed Western SoMa Area Plan amendments to the Board of Supervisors, the Final EIR,  
22 the Addendum, the CEQA Findings adopted by the Planning Commission with respect to the  
23 approval of the Western SoMa Area Plan amendments, including a mitigation monitoring and  
24 reporting program and a statement of overriding considerations, the Western SoMa Area Plan  
25 amendments and the Resolution approving the Western SoMa Area Plan Amendments are on

1 file with the Clerk of the Board in File No. 130001. These and any and all other documents  
2 referenced in this Ordinance have been made available to the Board of Supervisors and may  
3 be found in either the files of the Planning Department, as the custodian of records, at 1650  
4 Mission Street, or in File No. 130001 with the Clerk of the Board of Supervisors at 1 Dr.  
5 Carlton B. Goodlett Place, both in San Francisco, and are incorporated herein by reference.

6 I. The Board of Supervisors has reviewed and considered the Final EIR, the  
7 Addendum, and the environmental documents on file referred to herein. The Board of  
8 Supervisors has reviewed and considered the CEQA Findings adopted by the Planning  
9 Commission in support of the approval of the Western SoMa Area Plan amendments and  
10 Rezoning of Adjacent Parcels, and hereby adopts as its own and incorporates the CEQA  
11 Findings contained in Planning Commission Resolution No. 18757 by reference as though  
12 fully set forth in this Ordinance.

13 J. The Board of Supervisors endorses the implementation of the mitigation  
14 measures identified in the Planning Commission's CEQA Findings including those for  
15 implementation by other City Departments and recommends for adoption those mitigation  
16 measures that are enforceable by agencies other than City agencies, all as set forth in the  
17 CEQA Findings.

18 K. The Board of Supervisors finds that no substantial changes have occurred  
19 related to the parcels to be rezoned since the time the Final EIR was certified that will require  
20 revisions in the Final EIR due to the involvement of new significant environmental effects or a  
21 substantial increase in the severity of previously identified significant effects, no substantial  
22 changes have occurred with respect to the circumstances under which the Rezoning of  
23 Adjacent Parcels is undertaken which will require major revisions to the Final EIR due to the  
24 involvement of new environmental effects or a substantial increase in the severity of effects  
25 identified in the Final EIR and no new information of substantial importance to the Rezoning of

1 Adjacent Parcels as proposed for approval in the Ordinance has become available which  
2 indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2)  
3 significant environmental effects will be substantially more severe, (3) mitigation measure or  
4 alternatives found not feasible which would reduce one or more significant effects have  
5 become feasible or (4) mitigation measures or alternatives which are considerably different  
6 from those in the Final EIR would substantially reduce one or more significant effects on the  
7 environment.

8 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the  
9 Rezoning of Adjacent Parcels set forth in the documents on file with the Clerk of the Board in  
10 File No. 131162 will serve the public necessity, convenience and general welfare for the  
11 reasons set forth in Planning Commission Resolution No. 18997 and incorporates those  
12 reasons herein by reference.

13 N. The Board of Supervisors finds that the General Plan amendments related to the  
14 Rezoning of Adjacent Parcels are, on balance, in conformity with the General Plan, as  
15 amended by this Ordinance, and the priority policies of Planning Code Section 101.1 for the  
16 reasons set forth in Planning Commission Resolution No. 18997. The Board hereby adopts  
17 the findings set forth in Planning Commission Resolution No. 18997.

18 Section 2. The Board of Supervisors hereby approves the General Plan amendments  
19 related to the Rezoning of Adjacent Parcels, as recommended by the Planning Commission in  
20 Resolution No. 18997, and directs the Planning Department to update the General Plan's  
21 Land Use Index to reflect these Amendments. Said amendments are on file with the Clerk of  
22 the Board of Supervisors in File No. 131162 and are incorporated herein by reference.

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

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

6 By: \_\_\_\_\_  
7 ANDREA RUIZ-ESQUIDE  
8 Deputy City Attorney

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