

1 [General Plan Amendment in connection with 55 Ninth Street.]

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3 **Ordinance amending the San Francisco General Plan in connection with approvals for**  
4 **the proposed State Compensation Workers Fund office building at 55 Ninth Street;**  
5 **adopting findings pursuant to the California Environmental Quality Act; and adopting**  
6 **findings that the General Plan amendment is consistent with the eight Priority Policies**  
7 **of Planning Code Section 101.1.**

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Note: This entire section is new.

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

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Section 1. Findings. The Board of Supervisors of the City and County of San  
11 Francisco hereby finds and determines that:

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(a) City Charter Section 4.105 requires that the San Francisco Planning Commission  
14 (the “Planning Commission”) consider any proposed amendments to the City’s General Plan  
15 and make a recommendation for approval or rejection to the Board of Supervisors before the  
16 Board of Supervisors acts on the proposed amendments.

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(b) Approval of the State Compensation Insurance Fund’s proposed approximately  
19 268,000 gross square foot 12-story office building at 55 Ninth Street (“55 Ninth Street Project”) requires an amendment to Map 5 of the Downtown Area Plan of the General Plan of the City  
20 and County of San Francisco (“General Plan”) to reflect a change in the Height and Bulk  
21 District. The proposed amendment is to change the height and bulk classification as shown in  
22 the General Plan, Downtown Area Plan, Map 5 from 120-X to 200-S.

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(c) The Planning Department conducted environmental review of the 55 Ninth Street  
25 Project, including the proposed General Plan amendment, pursuant to the California  
Environmental Quality Act (“CEQA”) and Chapter 31 of the San Francisco Administrative

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1 Code. On March 4, 2004, by Motion No. 16635, the Planning Commission made findings and  
2 certified a Final Environmental Impact Report for the Proposed Project, a copy of which is on  
3 file with the Clerk of the Board of Supervisors in File No. 040633, and that Motion is  
4 incorporated by reference herein.

5 (d) On March 25, 2004, in Motion No. 16756, the Planning Commission adopted  
6 findings under CEQA, mitigation measures and a mitigation monitoring program for the  
7 construction of the 55 Ninth Street Project, a copy of which is on file with the Clerk of the  
8 Board of Supervisors in File No. 040633, and that Motion is incorporated by reference  
9 herein.

10 (e) On March 25, 2004, in Resolution No. 16758, the Planning Commission found that  
11 the public necessity, convenience, and general welfare require amending Zoning Map 7H of  
12 the County of San Francisco to reclassify the height and bulk limits of 55 Ninth Street,  
13 Assessor's Block 6501, Lot 063, from 120-X to 200-S. Planning Commission Resolution No.  
14 16758, a copy of which is on file with the Clerk of the Board of Supervisors in File No.  
15 040633, is incorporated by reference herein.

16 (f) On March 25, 2004, in Motion No. 16759, the Planning Commission approved with  
17 conditions a request for approval under Planning Code Section 309 for Determinations of  
18 Compliance and Request for Exceptions for wind, bulk limits and replacement parking for the  
19 55 Ninth Street Project. Planning Commission Motion No. 16759, a copy of which is on file  
20 with the Clerk of the Board of Supervisors in File No. 040633, is incorporated by reference  
21 herein.

22 (g) On March 25, 2004, in Motion 16760, the Planning Commission approved with  
23 conditions a request for approval under Planning Code Section 321 for Determinations of  
24 Compliance with the 2003-2004 Annual Office Development Limitation Program for the  
25 construction of the 55 Ninth Street Project. Planning Commission Motion No. 16760, a copy

1 of which is on file with the Clerk of the Board of Supervisors in File No. 040633, is  
2 incorporated by reference herein.

3 (h) On March 25, 2004, in Resolution No. 16757, the Planning Commission approved  
4 and recommended for adoption by the Board an amendment to Map 5 in the Downtown Area  
5 Plan of the General Plan to reflect a change in the Height and Bulk classification for 55 Ninth  
6 Street, Assessor's Block 6501, Lot 063, from 120-X to 200-S. Planning Commission  
7 Resolution No. 16757, a copy of which is on file with the Clerk of the Board of Supervisors in  
8 File No. 040633, is incorporated by reference herein.

9 (i) Pursuant to Planning Code Section 340, this Board of Supervisors finds that this  
10 General Plan Amendment will serve the public necessity, convenience and general welfare for  
11 the reasons set forth in Planning Commission Resolution No. 16757 and incorporates such  
12 reasons by reference herein.

13 (j) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this  
14 ordinance is consistent with the priority policies of Section 101.1(b) of the Planning Code and  
15 the General Plan and hereby adopts the findings of the Planning Commission, as set forth in  
16 Planning Commission Resolution No. 16757, and incorporates said findings by reference  
17 herein. A copy of said motion and resolution are on file with the Clerk of the Board of  
18 Supervisors in File No. 040633.

19 (k) The Board of Supervisors has reviewed and considered the information in the Final  
20 Environmental Impact Report for 55 Ninth Street Project dated March 4, 2004, a copy of which  
21 is on file with the Clerk of the Board of Supervisors in File No. 040633. The Board hereby  
22 adopts and incorporates herein by reference as though fully set forth the California  
23 Environmental Quality Act ("CEQA") findings adopted by the Planning Commission in Motion  
24 No. 16756. For purposes of this action, this Board also adopts the CEQA mitigation  
25 monitoring and reporting programs, set forth in Planning Commission Motion No. 16756 as its

1 own and finds that the mitigation measures cited therein are within the jurisdiction of the City  
2 agencies identified therein and such measures have been, can and should be adopted and  
3 implemented by such other agencies.

4 Section 2. The Board of Supervisors hereby approves amendments identifying Height  
5 and Bulk reclassification to the General Plan as follows: The Height and Bulk designation for  
6 55 Ninth Street, Assessor's Block 6501, Lot 063, found on Map 5 of the Downtown Area Plan  
7 of the General Plan, shall be amended to have a height and bulk designation of 200-S.

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

RECOMMENDED:  
PLANNING COMMISSION

By: \_\_\_\_\_  
Judith A. Boyajian  
Deputy City Attorney

By: \_\_\_\_\_  
Lawrence B. Badiner  
Acting Director of Planning