

1 [Approving a General Plan Amendment Related to the Trinity Plaza Project at Market and 8th
2 Streets.]

3 **Ordinance amending the San Francisco General Plan by amending the height and bulk**
4 **districts found on “Map 5 - Proposed Height and Bulk Districts,” and referred to in**
5 **Policy 13.1 of the Downtown Area Plan, for the proposed Trinity Plaza Special Use**
6 **District, which encompasses the real property located at 1167 Market Street**
7 **(Assessor's Block 3702, Lot No. 053), 670 Stevenson Street (Assessor's Block 3702, Lot**
8 **No. 051), 693 Stevenson Street (Assessor's Block 3702, Lot No. 052), 1164 Mission**
9 **Street (Assessor's Block 3702, Lot No. 039), and a portion of former Jessie Street**
10 **between 7th and 8th Streets, by changing the height and bulk classification from 120-X,**
11 **150-X and 240-S to 160-X, 180-X and 240-S; adopting environmental findings and**
12 **findings that the proposed General Plan amendments are consistent with the General**
13 **Plan and eight Priority Policies of Planning Code Section 101.1.**

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

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

18 Section 1. Findings.

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

22 B. On _____, the Board of Supervisors received from the Planning
23 Department the proposed General Plan amendment, which consists of the proposed
24 amendment to “Map 5—Proposed Height and Bulk Districts,” for the real property at 1167
25 Market Street (Assessor's Block 3702, Lot No. 053), 670 Stevenson Street (Assessor's Block

1 3702, Lot No. 051), 693 Stevenson Street (Assessor's Block 3702, Lot No. 052), 1164 Mission
2 Street (Assessor's Block 3702, Lot No. 039), and a portion of former Jessie Street between
3 7th and 8th Streets (collectively, "Project Site" and "Trinity Plaza Special Use District") within
4 the Downtown Area to change the height and bulk classification from 120-X, 150-X and 240-S
5 to 160-X, 180-X, and 240-S ("Proposed General Plan Amendment"), which the Planning
6 Commission, in Resolution No. 17363, adopted on January 25, 2007.

7 C. Section 4.105 of the City Charter further provides that if the Board of
8 Supervisors fails to Act within 90 days of receipt of the proposed General Plan Amendment,
9 then the proposed amendment shall be deemed approved.

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

17 E. The Proposed General Plan Amendment is related to a project proposed by the
18 Project Sponsor to demolish an existing 4- to-7 story apartment building at the Project Site
19 that contains 377 residential rental units (including 360 rent-controlled units), a ground-floor
20 restaurant, and surface and below-grade parking for approximately 450 vehicles, and replace
21 it with three buildings—ranging in height from 148 feet to 223 feet and totaling approximately
22 1,943,000 gross square feet—which would contain residential units, retail/personal services at
23 street level, off-street accessory parking, and open space ("Project").

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1 F. On February 17, 2006, Trinity Properties, Inc. ("Project Sponsor") filed an
2 application for a Proposed General Plan Amendment. On November 7, 2006, the Board of
3 Supervisors denied this General Plan Amendment, a copy of which is on file with the Clerk of
4 the Board of Supervisors in File No. 061213. On November 30, 2006, the Planning
5 Commission initiated the same General Plan Amendment to accompany legislation relating to
6 the Project that is pending at the Board of Supervisors.

7 G. The Project Sponsor has also filed applications for: (1) approval of a
8 Development Agreement under Administrative Code Chapter 56; (2) a Zoning Map
9 amendment under Planning Code Section 302; (3) a Planning Code amendment under
10 Planning Code Section 302; (4) Conditional Use Authorization under Planning Code Section
11 303; (5) C-3 District Review, including exceptions, under Planning Code Section 309; and (6)
12 a determination of insignificant shadow impact under Planning Code Section 295.

13 H. The City wishes to ensure appropriate development of the Project Site as an
14 important part of an ongoing effort to revitalize the Mid-Market area, to provide for the
15 replacement of the 360 rent-controlled units and tenant amenities in the residential structure
16 currently existing on the Project Site and proposed to be demolished, and to protect the
17 tenants of the existing residential structure from displacement due to the proposed future
18 development of the Project Site. To this end, the Development Agreement for the Trinity
19 Plaza Development Project has been proposed.

20 I. On August 3, 2006, at a duly noticed public hearing, the Planning Commission
21 certified the Final Environmental Impact Report ("Final EIR") for the proposed Project, by
22 Motion No. 17291, finding that the Final EIR reflects the independent judgment and analysis
23 of the City and County of San Francisco, is adequate, accurate and objective, contains no
24 significant revisions to the Draft EIR, and the content of the report and the procedures through
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1 which the Final EIR was prepared, publicized and reviewed comply with the provisions of the
2 California Environmental Quality Act (California Public Resources Code sections 21000 et
3 seq., "CEQA"), the State CEQA Guidelines (California Code of Regulations Title 14 sections
4 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). A
5 copy of the Final EIR is on file with the Clerk of the Board in File No. _____.

6 J. The Project evaluated in the Final EIR includes, among other things,
7 amendments to the General Plan, Planning Code, and Zoning Map related to the Project. The
8 Proposed General Plan Amendment is within the scope of the Project evaluated in the Final
9 EIR.

10 K. At the same hearing during which the Planning Commission certified the Final
11 EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the
12 proposed Project in Motion 17292. The letter from the Planning Department transmitting the
13 proposed General Plan Amendment to the Board of Supervisors, the Final EIR and
14 supplemental material described above, the CEQA Findings adopted by the Planning
15 Commission with respect to the approval of the Project, including a mitigation monitoring and
16 reporting program and a statement of overriding considerations, the Proposed General Plan
17 Amendment and the Resolution approving the Proposed General Plan Amendment are on file
18 with the Clerk of the Board in File No. _____. These and any and all other
19 documents referenced in this Ordinance have been made available to, and have been
20 reviewed by, the Board of Supervisors, and may be found in either the files of the City
21 Planning Department, as the custodian of records, at 1660 Mission Street in San Francisco, or
22 in File No. _____ with the Clerk of the Board of Supervisors at 1 Dr. Carlton B.
23 Goodlett Place, San Francisco and are incorporated herein by reference.

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1 L. 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 proposed Project, including the mitigation monitoring and reporting program
5 and the statement of overriding considerations, and hereby adopts as its own and
6 incorporates the CEQA Findings contained in Planning Commission Motion No. 17292 by
7 reference as though such findings were fully set forth in this Ordinance.

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

3 O. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
4 Proposed General Plan Amendment set forth in the documents on file with the Clerk of the
5 Board in File No. _____ will serve the public necessity, convenience and general
6 welfare for the reasons set forth in Planning Commission Resolution No. 17363 and
7 incorporates those reasons herein by reference.

8 P. The Board of Supervisors finds that the Proposed General Plan Amendment as
9 set forth in the documents on file with the Clerk of the Board in File No. _____, are
10 in conformity with the General Plan, as it is amended by this Ordinance, and the eight priority
11 policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission
12 Resolution No. 17363. The Board hereby adopts the findings set forth in Planning
13 Commission Resolution No. 17363 as its own and incorporates those findings herein by
14 reference.

15 Section 2. The Board of Supervisors hereby approves the Proposed General Plan
16 Amendment, as referenced above, that the Planning Commission, on January 25, 2007,
17 recommended to the Board of Supervisors. The General Plan Amendment is as follows: The
18 height and bulk districts for the Project Site, found on "Map 5 - Proposed Height and Bulk
19 Districts" and referred to in Policy 13.1 of the Downtown Area Plan of the General Plan, shall
20 be amended from the height and bulk classifications of 120-X, 150-X and 240-S to 160-X,
21 180-X and 240-S, as shown on the drawing on file with the Clerk of the Board of Supervisors
22 in File No. _____.

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

By: _____
John D. Malamut
Deputy City Attorney