

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. _____. The Board hereby adopts the
14 findings set forth in Planning Commission Resolution No. _____ and incorporates those
15 findings herein by reference.

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

21 Section 3. The Board of Supervisors hereby approves the proposed Market and Octavia Area
22 Plan Amendment, an amendment to the General Plan as recommended to the Board of
23 Supervisors by the Planning Commission on _____, and referred to above.

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

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4 By: _____
5 Susan Cleveland-Knowles
6 Deputy City Attorney

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