

1 [General Plan Amendment – Market and Octavia Area Plan]

2

3 **Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area**
4 **generally described as approximately one square mile surrounding the Market Street**
5 **and Octavia Boulevard intersection) to amend the historic resource provisions of the**
6 **Plan to integrate the results of the Historic Resource Survey by removing language**
7 **calling for the Area Plan Level Survey, calling out new historic districts, replacing**
8 **interim procedures for the review of projects that may affect historic resources with**
9 **permanent review procedures for projects in historic districts; and adding a new**
10 **design principle; amending the provisions related to alleys to include terminology**
11 **consistent with other Area Plans; and making environmental findings and findings that**
12 **the proposed amendments are consistent with the General Plan and the eight priority**
13 **policies of Planning Code Section 101.1.**

14 NOTE: Additions are *single-underline italics Times New Roman*;
15 deletions are *strike-through italics Times New Roman*.
16 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through 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 October 24, 2007, the Board of Supervisors approved a General Plan
23 Amendment which was adopted by the Planning Commission on April 5, 2007, including the
24 addition of a new area Plan, the Market and Octavia Area Plan, and related General Plan
25 amendments to the Commerce and Industry, Housing, Recreation and Open Space and

1 Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South of Market
2 Area Plan, and the Land Use Index.

3 (1) Policy 3.2.1 of the Area Plan called for the preparation of an historic survey for
4 the Market and Octavia Plan Area.

5 (2) The Planning Department and Page and Turnbull Consultants prepared an
6 Area Plan Level Historic Survey. On December 3, 2008 and February 23, 2009 respectively,
7 the Landmarks Preservation Advisory Board and the Planning Commission, with some
8 modifications adopted the Market and Octavia Area Plan Historic Resources Survey
9 ("Survey").

10 (3) The Planning Commission initiated amendments to the General Plan to integrate
11 the results of the Survey by removing language calling for the Area Plan Level Survey, calling
12 out new historic districts, replacing interim procedures for the review of projects that may
13 affect historic resources with permanent review procedures for projects in historic districts;
14 and adding a new design principle; amending the provisions related to alleys to include
15 terminology consistent with other Area Plans ("Market and Octavia Area Plan Amendment").

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

19 D. San Francisco Planning Code Section 340 provides that an amendment to the
20 General Plan may be initiated by a resolution of intention by the Planning Commission, which
21 refers to, and incorporates by reference, the proposed General Plan amendment. Section
22 340 further provides that Planning Commission shall adopt the proposed General Plan
23 amendment after a public hearing if it finds from the facts presented that the public necessity,
24 convenience and general welfare require the proposed amendment or any part thereof. If
25

1 adopted by the Commission in whole or in part, the proposed amendment shall be presented
2 to the Board of Supervisors, which may approve or reject the amendment by a majority vote.

3 E. On August 13, 2009 in ~~Resolution~~ Motion No. 17938, the Planning Commission
4 initiated the Market and Octavia Area Plan Amendment, at a duly noticed public hearing. On,
5 October 22, 2009 in Resolution No. 17969, the Planning Commission approved the Market
6 and Octavia Area Plan Amendment at a duly noticed public hearing and recommended that
7 the Board of Supervisors adopt the amendment.

8 F. Environmental Findings. The Planning Department has completed
9 environmental review of this ordinance pursuant to the California Environmental Quality Act
10 ("CEQA"), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code
11 as follows:

12 (1) On April 5, 2007 the Planning Commission certified the Market and Octavia Area
13 Plan Final Environmental Impact Report (FEIR), which was upheld on appeal by the Board of
14 Supervisors. The FEIR is on file with the Clerk of the Board of Supervisors in File No. 071156
15 and is incorporated by reference herein. In accordance with prior actions related to adoption
16 and implementation of the Market and Octavia Area Plan (the Project), this Board adopted
17 Planning Commission Motion No. 17407, concerning findings pursuant to the California
18 Environmental Quality Act (California Public Resources Code sections 21000 et seq.) and
19 adopted the Mitigation Monitoring and Reporting Program (MMRP). A copy of said Motion is
20 on file with the Clerk of the Board of Supervisors in File No. 091475 and is incorporated by
21 reference herein.

22 (2) On August 12, 2009 under CEQA Guidelines Section 15164 and Administrative
23 Code Section 31.19(c)(1) the Planning Department prepared an Addendum to the FEIR
24 (Addendum) analyzing proposed modifications to the Project including amendments to the
25 Area Plan of the General Plan and Zoning Map to integrate the Market and Octavia Historic

1 Resources Survey into the Area Plan, make clarifying and technical amendments to the
2 Zoning Map and Area Plan, and making other modifications (modifications to the Project). A
3 copy of the Addendum is on file with the Clerk of the Board of Supervisors in File No. 091475
4 and is incorporated by reference herein.

5 (3) The Board of Supervisors has reviewed the FEIR, the CEQA Findings, and the
6 Addendum and, in light of the whole record, finds that the modifications to the Project,
7 including the provisions of this ordinance, are consistent with and within the scope of the
8 Project analyzed in the FEIR and the Addendum. The Board of Supervisors concurs with the
9 Addendum and its conclusion that the modifications to the Project would not cause new
10 significant impacts not previously identified in the FEIR nor would it substantially increase the
11 severity of impacts previously identified in the FEIR and thus no additional environmental
12 review is necessary.

13 (4) The Board of Supervisors finds that no substantial changes have occurred to the
14 Project proposed for approval under this Ordinance that will require revisions in the Final EIR
15 due to the involvement of new significant environmental effects or a substantial increase in the
16 severity of previously identified significant effects, no substantial changes have occurred with
17 respect to the circumstances under which the Project proposed for approval under the
18 Ordinance are undertaken which will require major revisions to the Final EIR due to the
19 involvement of new environmental effects or a substantial increase in the severity of effects
20 identified in the Final EIR and no new information of substantial importance to the Project as
21 proposed for approval in the Ordinance has become available which indicates that (1) the
22 Project will have significant effects not discussed in the Final EIR, (2) significant
23 environmental effects will be substantially more severe, (3) mitigation measure or alternatives
24 found not feasible which would reduce one or more significant effects have become feasible
25

1 or (4) mitigation measures or alternatives which are considerably different from those in the
2 Final EIR would substantially reduce one or more significant effects on the environment.

3 (5) The Board of Supervisors adopts the CEQA Findings contained in Planning
4 Commission Motion No. 17407 and incorporates those findings herein by reference. The
5 Board adopts the MMRP, on file with the Clerk of the Board in File No. 071156 and
6 incorporates the MMRP herein by reference.

7 G. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
8 Market and Octavia Area Plan Amendment set forth in the document so entitled on file with
9 the Clerk of the Board in File No. 091475 will serve the public necessity, convenience and
10 general welfare for the reasons set forth in Planning Commission Resolution No. 17969 and
11 incorporates those reasons herein by reference.

12 H. The Board of Supervisors finds that the Market and Octavia Area Plan
13 Amendment as set forth in the documents on file with the Clerk of the Board in File No.
14 091475, are in conformity with the General Plan, as it is amended by this Ordinance, and the
15 eight priority policies of Planning Code Section 101.1 for the reasons set forth in Planning
16 Commission Resolution No. 17969. The Board hereby adopts the findings set forth in
17 Planning Commission Resolution No. 17969 and incorporates those findings herein by
18 reference.

19 Section 2. The Board of Supervisors hereby approves the proposed Market and
20 Octavia Area Plan Amendment, an amendment to the General Plan as recommended to the
21 Board of Supervisors by the Planning Commission on 17969, and on file with the Clerk of the
22 Board in File No. 091475.

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

3 By: _____
4 Susan Cleveland-Knowles
5 Deputy City Attorney
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25