

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: John Rahaim, Director, Planning Department

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: December 30, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Kim on December 10, 2013:

File No. 131162

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

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

Sarah Jones, Acting Environmental Review Officer
AnMarie Rodgers, Legislative Affairs
Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

*Proposed amendments included
in environmental review:
Western SoMa Community Plan,
Rezoning of Adjacent Parcels,
and 350 Eighth Street Project
SEIR certified 12/6/12; and
Addendum to EIR, Rezoning
of Adjacent Parcels, 9/5/13,
Case No. 2008.0877E
Nannie R. Turrell
Dec. 31, 2013*

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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 7th Street to the east, 9th 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 10th Street, generally bound by Washburn Street to the east,**
8 **and Minna Street to the south; amending the Western South Market Area Plan to**
9 **remove one parcel on 10th 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 _____, 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 South of Market (East SoMa) Area Plan, Market and Octavia Area
24 Plan, and the Western SoMa Area Plan (collectively, the Rezoning of Adjacent Parcels).
25

1 These amendments are on file with the Clerk of the Board of Supervisors in File
2 No. _____ and are incorporated herein 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 _____, 2013, in Motion No. _____
15 the Planning Commission initiated amendments to the General Plan related to the Rezoning
16 of Adjacent Parcels, in the File No. _____. Said motion is on file with the Clerk of
17 the Board of 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. Copies of the Planning Commission Motion and Final EIR are on file
3 with the Clerk of the Board in File No. 130001 and are incorporated herein by reference.

4 G. The project evaluated in the Final EIR includes amendments to the General Plan
5 and Zoning Map related to the Rezoning of Adjacent Parcels that the Planning Department
6 has proposed. The Rezoning of Adjacent Parcels amendment is an action proposed by the
7 Planning Department that is within the scope of the project evaluated in the Final EIR.

8 H. At the same hearing during which the Planning Commission certified the Final
9 EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the
10 Western SoMa Area Plan and the Rezoning of Adjacent Parcels in Motion 18757 and adopted
11 the Western SoMa Area Plan amendments in Resolution 18758, finding in accordance with
12 Planning Code Section 340 that the public necessity, convenience and general welfare
13 required the proposed amendments. The letter from the Planning Department transmitting the
14 proposed Western SoMa Area Plan amendments to the Board of Supervisors, the Final EIR,
15 the CEQA Findings adopted by the Planning Commission with respect to the approval of the
16 Western SoMa Area Plan amendments, including a mitigation monitoring and reporting
17 program and a statement of overriding considerations, the Western SoMa Area Plan
18 amendments and the Resolution approving the Western SoMa Area Plan Amendments are on
19 file with the Clerk of the Board in File No. 130001. These and any and all other documents
20 referenced in this Ordinance have been made available to the Board of Supervisors and may
21 be found in either the files of the Planning Department, as the custodian of records, at 1650
22 Mission Street, or in File No. 130001 with the Clerk of the Board of Supervisors at 1 Dr.
23 Carlton B. Goodlett Place, both in San Francisco, and are incorporated herein by reference.

24 I. The Board of Supervisors has reviewed and considered the Final EIR and the
25 environmental documents on file referred to herein. The Board of Supervisors has reviewed

1 and considered the CEQA Findings adopted by the Planning Commission in support of the
2 approval of the Western SoMa Area Plan amendments and Rezoning of Adjacent Parcels,
3 and hereby adopts as its own and incorporates the CEQA Findings contained in Planning
4 Commission Resolution No. _____ by reference as though fully set forth in this Ordinance.

5 J. The Board of Supervisors endorses the implementation of the mitigation
6 measures identified in the Planning Commission's CEQA Findings including those for
7 implementation by other City Departments and recommends for adoption those mitigation
8 measures that are enforceable by agencies other than City agencies, all as set forth in the
9 CEQA Findings.

10 K. The Board of Supervisors finds that no substantial changes have occurred
11 related to the parcels to be rezoned since the time the Final EIR was certified that will require
12 revisions in the Final EIR due to the involvement of new significant environmental effects or a
13 substantial increase in the severity of previously identified significant effects, no substantial
14 changes have occurred with respect to the circumstances under which the Rezoning of
15 Adjacent Parcels is undertaken which will require major revisions to the Final EIR due to the
16 involvement of new environmental effects or a substantial increase in the severity of effects
17 identified in the Final EIR and no new information of substantial importance to the Rezoning of
18 Adjacent Parcels as proposed for approval in the Ordinance has become available which
19 indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2)
20 significant environmental effects will be substantially more severe, (3) mitigation measure or
21 alternatives found not feasible which would reduce one or more significant effects have
22 become feasible or (4) mitigation measures or alternatives which are considerably different
23 from those in the Final EIR would substantially reduce one or more significant effects on the
24 environment.

1 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
2 Rezoning of Adjacent Parcels set forth in the documents on file with the Clerk of the Board in
3 File No. _____ will serve the public necessity, convenience and general welfare for the
4 reasons set forth in Planning Commission Resolution No. _____ and incorporates those
5 reasons herein by reference.

6 N. The Board of Supervisors finds that the General Plan amendments related to the
7 Rezoning of Adjacent Parcels are, on balance, in conformity with the General Plan, as
8 amended by this Ordinance, and the priority policies of Planning Code Section 101.1 for the
9 reasons set forth in Planning Commission Resolution No. _____. The Board hereby
10 adopts the findings set forth in Planning Commission Resolution No. _____.

11 Section 2. The Board of Supervisors hereby approves the General Plan amendments
12 related to the Rezoning of Adjacent Parcels, as recommended by the Planning Commission in
13 Resolution No. _____, and directs the Planning Department to update the General Plan's
14 Land Use Index to reflect these Amendments. Said amendments are on file with the Clerk of
15 the Board of Supervisors in File No. _____ and are incorporated herein by reference.

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

20
21 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

22
23 By: _____
ANDREA RUIZ-ESQUIDE
24 Deputy City Attorney

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