

1 [General Plan Amendments - Western South of Market Area Plan]

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3 **Ordinance amending the General Plan, by adding the Western South of Market (SoMa)**
4 **Area Plan, generally bounded on its western portion by 7th Street, Mission Street,**
5 **Division Street, and Bryant Street, and on its eastern portion by 7th Street, Harrison**
6 **Street, 4th Street, and Townsend Street; making conforming amendments to the**
7 **Housing, Commerce and Industry, and Recreation and Open Space Elements, the Land**
8 **Use Index, and the SoMa, East SoMa, Mission, Showplace Square/Potrero, and Central**
9 **Waterfront Area Plans; and making environmental findings and findings of consistency**
10 **with the General Plan and the Priority Policies of Planning Code, Section 101.1.**

11 NOTE: Additions are *single-underline italics Times New Roman*;
12 deletions are *strike-through italics Times New Roman*.
13 Board amendment additions are double-underlined;
14 Board amendment deletions are ~~strike-through normal~~.

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

16 Section 1. Findings.

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

20 B. On January 4, 2013, the Board of Supervisors received from the Planning
21 Department the proposed General Plan amendments, including the addition of the Western
22 SoMa Community Plan or Western SoMa Area Plan. These amendments are on file with the
23 Clerk of the Board of Supervisors in File No. 130001 and are incorporated herein by
24 reference.

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1 C. Section 4.105 of the City Charter further provides that if the Board of
2 Supervisors fails to Act within 90 days of receipt of the proposed the Western SoMa Area Plan
3 amendments, then the proposed amendments shall be deemed approved.

4 D. San Francisco Planning Code Section 340 provides that the Planning
5 Commission may initiate an amendment to the General Plan by a resolution of intention,
6 which refers to, and incorporates by reference, the proposed General Plan amendments.
7 Section 340 further provides that Planning Commission shall adopt the proposed General
8 Plan amendments after a public hearing if it finds from the facts presented that the public
9 necessity, convenience and general welfare require the proposed amendment or any part
10 thereof. If adopted by the Commission in whole or in part, the proposed amendments shall be
11 presented to the Board of Supervisors, which may approve or reject the amendments by a
12 majority vote.

13 E. After a duly noticed public hearing on November 8, 2012, in Resolution No.
14 18736, the Planning Commission initiated amendments to the General Plan, in the File No.
15 _____. Said motion is on file with the Clerk of the Board of Supervisors and
16 incorporated herein by reference.

17 F. On December 6, 2012 after a duly noticed public meeting, the Planning
18 Commission certified the Final Environmental Impact Report (EIR) for the proposed Western
19 SoMa Community Plan (the Project) by Motion No. 18756 finding the Final EIR reflects the
20 independent judgment and analysis of the City and County of San Francisco, is adequate,
21 accurate and objective, contains no significant revisions to the Draft EIR, and the content of
22 the report and the procedures through which the Final EIR was prepared, publicized and
23 reviewed comply with the provisions of the California Environmental Quality Act (CEQA)
24 (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal.
25 Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco Administrative

1 Code. Copies of the Planning Commission Motion and Final EIR are on file with the Clerk of
2 the Board in File No. _____ and are incorporated herein by reference.

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 that the Planning Department has
5 proposed. The Western SoMa Area Plan amendments is an action proposed by the Planning
6 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 Western SoMa Area Plan amendments in Resolution 18757 and adopted the
10 Western SoMa Area Plan amendments in Resolution 18758, finding in accordance with
11 Planning Code Section 340 that the public necessity, convenience and general welfare
12 required the proposed amendments. The letter from the Planning Department transmitting the
13 proposed Western SoMa Area Plan amendments to the Board of Supervisors, the Final EIR,
14 the CEQA Findings adopted by the Planning Commission with respect to the approval of the
15 Western SoMa Area Plan amendments, including a mitigation monitoring and reporting
16 program and a statement of overriding considerations, the Western SoMa Area Plan
17 amendments and the Resolution approving the Western SoMa Area Plan Amendments are on
18 file with the Clerk of the Board in File No. 130001. These and any and all other documents
19 referenced in this Ordinance have been made available to the Board of Supervisors and may
20 be found in either the files of the Planning Department, as the custodian of records, at 1650
21 Mission Street in San Francisco, or in File No. 130001 with the Clerk of the Board of
22 Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco and are incorporated herein by
23 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 hereby adopts as its own and
3 incorporates the CEQA Findings contained in Planning Commission Resolution No. 18757 by
4 reference as though such findings were 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, including the mitigation monitoring and reporting program contained in the
10 referenced CEQA Findings.

11 K. The Board of Supervisors finds that no substantial changes have occurred in the
12 Project proposed for approval under this Ordinance that will require revisions in the Final EIR
13 due to the involvement of new significant environmental effects or a substantial increase in the
14 severity of previously identified significant effects, no substantial changes have occurred with
15 respect to the circumstances under which the Project proposed for approval under the
16 Ordinance are undertaken which will require major revisions to the Final EIR due to the
17 involvement of new environmental effects or a substantial increase in the severity of effects
18 identified in the Final EIR and no new information of substantial importance to the Project as
19 proposed for approval in the Ordinance has become available which indicates that (1) the
20 Project will have significant effects not discussed in the Final EIR, (2) significant
21 environmental effects will be substantially more severe, (3) mitigation measure or alternatives
22 found not feasible which would reduce one or more significant effects have become feasible
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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 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
4 Western SoMa Area Plan amendments set forth in the documents on file with the Clerk of the
5 Board in File No. 130001 will serve the public necessity, convenience and general welfare for
6 the reasons set forth in Planning Commission Resolution No. 18758 and incorporates those
7 reasons herein by reference.

8 N. The Board of Supervisors finds that the Western SoMa Area Plan amendments
9 are, on balance, in conformity with the General Plan, as amended by this Ordinance, and the
10 priority policies of Planning Code Section 101.1 for the reasons set forth in Planning
11 Commission Resolution No. 18758. The Board hereby adopts the findings set forth in
12 Planning Commission Resolution No. 18758.

13 Section 2. The Board of Supervisors hereby approves the Western SoMa Area Plan
14 amendments, an amendment to the General Plan, as recommended to the Board of
15 Supervisors by the Planning Commission in Resolution No. 18758, and directs the Planning
16 Department to update the General Plan's Land Use Index to reflect these Amendments. Said
17 amendments are on file with the Clerk of the Board of Supervisors in File No. 130001 and are
18 incorporated herein by reference.

19 Section 3. Effective Date. This ordinance shall become effective 30 days from the
20 date of passage.

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

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