

1 [Planning Code - Chinatown Transit Station Special Use District]

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3 **Ordinance amending the San Francisco Planning Code Section 249.66 to: 1) create the**  
4 **Chinatown Transit Station Special Use District at the southwest corner of Stockton**  
5 **Street and Washington Street (Assessor Block No. 211, Lot No. 1); 2) permit the**  
6 **demolition of a mixed-use building in the Chinatown Neighborhood Commercial**  
7 **District for the construction of the Chinatown Station of the Central Subway; and 3)**  
8 **adopt findings, including General Plan Consistency Findings and findings under the**  
9 **California Environmental Quality Act.**

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

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

14 Section 1. This section is uncodified. General Findings

15 (a) The San Francisco Municipal Transportation Agency (SFMTA) plans to  
16 construct a continuation of the T-Third Light Rail Vehicle line from the Caltrain Station at  
17 Fourth and King Streets to an underground station in Chinatown (the "Project") to create a  
18 critical transportation improvement linking neighborhoods in the southeastern portion of the  
19 City and County of San Francisco (the "City") with the retail and employment centers in the  
20 City's downtown and Chinatown neighborhoods.

21 (b) The Project will provide direct rail service to regional destinations, including the  
22 City's Chinatown, Union Square, Moscone Convention Center, Yerba Buena, SoMa and  
23 AT&T Park neighborhoods; connect BART and Caltrain; serve a low-auto-ownership  
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1 population of transit customers; increase transit use and reduce travel time; reduce air and  
2 noise pollution and provide congestion relief.

3 (c) On August 7, 2008, the City's Planning Commission certified that the Final  
4 Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report  
5 ("Final Supplemental EIS/EIR") for the Central Subway/Third Street Light Rail Phase 2  
6 ("Central Subway") was in compliance with the California Environmental Quality Act, Public  
7 Resources Code section 21000, et seq, and the CEQA Guidelines in Planning Commission  
8 Motion No. 17668. The Final Supplemental EIS/EIR and Motion No. 17668 are on file with the  
9 Clerk of the Board of Supervisors in File No. 100849 and are incorporated by reference.

10 (d) On August 19, 2008, the SFMTA's Board of Directors, by Resolution No. 08-150,  
11 approved the Project, adopted CEQA Findings, including a Statement of Overriding  
12 Considerations and a Mitigation Monitoring and Reporting Program (MMRP) as required by  
13 CEQA. Resolution No. 08-150 is on file with the Clerk of the Board of Supervisors in File  
14 No. 100849 and is incorporated by reference.

15 (e) On September 16, 2008, the City's Board of Supervisors (this "Board") adopted  
16 Motion No. 08-145, in Board File No. 081138, affirming the City's Planning Department  
17 decision to certify the Final Supplemental EIS/EIR. Motion No. 08-145 is on file with the Clerk  
18 of the Board of Supervisors in File No. 100849 and is incorporated by reference.

19 (f) On \_\_\_\_\_, the City's Planning Department found that there  
20 have been no substantial changes proposed for the Project that would require major revisions  
21 to the Final Supplemental EIS/EIR or that would result in significant environmental impacts  
22 that were not evaluated in the Final Supplemental EIS/EIR; and no new information has  
23 become available that was not known and could not have been known at the time the Final  
24 Supplemental EIS/EIR was certified as complete and that would result in significant  
25 environmental impacts not evaluated in the Final Supplemental EIS/EIR.

1 (g) On February 26, 2010, the SFMTA's Board of Directors adopted Resolution No.  
2 10-024, in which it found that (a) the Project will assist SFMTA in meeting the objectives of  
3 Goal No. 1 of the SFMTA Strategic Plan (to provide safe, accessible, clean, environmentally  
4 sustainable service and encourage the use of auto-alternative modes through the Transit First  
5 policy), of Goal No. 2 (to improve transit reliability), of Goal No. 3 (to improve economic vitality  
6 through improved regional transportation), and of Goal No. 4 (to ensure the efficient and  
7 effective use of resources).

8 (h) As noted in the SEIS/SEIR certified in June 2008, and in the August 5, 2008  
9 SFMTA Board of Directors Resolution approving the project, construction of the underground  
10 station in Chinatown, at the southwest corner of Stockton and Washington Streets, requires  
11 the demolition of the existing mixed-use residential and retail building at 939-945 Stockton  
12 Street. The SFMTA finalized the purchase the building at 939-945 Stockton Street in  
13 November 2011, and is now the owner in fee simple.

14 (i) The SFMTA has successfully relocated almost all of the retail and residential  
15 tenants at 933-949 Stockton Street in accordance with the Central Subway's *Relocation*  
16 *Impact Study and Last Resort Housing Plan* (the "*Plan*"), approved by the MTA Board of  
17 Directors on August 3, 2010, and by this Board of Supervisors on December 7, 2010. The  
18 *Plan* among other things, establishes a program by which residential tenants are provided  
19 relocation expenses, including moving expenses and social services, 42 months of rent  
20 differential, and eligibility for affordable units at a new housing project planned for Broadway  
21 and Sansome Streets. The *Plan* also provides commercial tenants with the services of a  
22 relocation consultant, moving expenses, business re-establishment expense payments and  
23 compensation for loss of goodwill.

24 Section 2. Special Findings  
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1 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that  
2 this ordinance will serve the public necessity, convenience, and welfare for the reasons set  
3 forth in Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons  
4 herein by reference. A copy of said Planning Commission Resolution is on file with the Clerk  
5 of the Board of Supervisors in File No. \_\_\_\_\_.

6 (b) The Board of Supervisors finds that this ordinance is in conformity with the  
7 General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set  
8 forth in Planning Commission Resolution No. \_\_\_\_\_, and hereby incorporates those  
9 reasons by reference.

10 (c) The Planning Department has determined that the actions contemplated in this  
11 ordinance are in compliance with the California Environmental Quality Act (California Public  
12 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the  
13 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

14 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
15 249.66, to read as follows:

16 **SEC. 249.66. CHINATOWN TRANSIT STATION SPECIAL USE DISTRICT.**

17 (a) Purpose. In order to facilitate the construction of the Central Subway, the  
18 extension of the Third Street Light Rail Line from the Caltrain Terminal at 4th Street and King  
19 Street to an underground station in Chinatown, there shall be a Chinatown Transit Station  
20 Special Use District consisting of Lot 1, of Assessor's Block 0211, as designated on Sectional  
21 Map SU01 of the Zoning Map of the City and County of San Francisco.

22 (b) Special Controls.

23 The following controls apply to projects within the special use district and to any  
24 subsequent alterations or changes in use in a building approved under this Section.

1 (1) All otherwise applicable provisions of the Planning Code shall apply to this Special  
2 Use District with the exception of Section 317 and 812.39(b).

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

7 By: \_\_\_\_\_  
8 Audrey Pearson  
9 Deputy City Attorney  
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