

FILE NO. 012042

ORDINANCE NO. 65-03

1 [Zoning Map Amendments – King and Seventh Street]
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3 **Ordinance amending the San Francisco Planning Code by amending the Zoning Map of**
 4 **the City and County of San Francisco, Section Map 8H, to change the height and bulk**
 5 **district designation of Assessor's Block 3800, Lots 1 and 2, at King and Seventh**
 6 **Streets, from 50-X to 65-X; and making findings of consistency with the General Plan**
 7 **and Planning Code Section 101.1.**

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

9 Section 1. Findings. The Board of Supervisors of the City and County of San
 10 Francisco hereby finds and determines that:

11 (a) A Final Environmental Impact Report (FEIR) for 601 King Street (Planning
 12 Department File No. 1999.554E) was certified as adequate, accurate and objective by the
 13 Planning Commission on August 17, 2000 in its Motion No. 15953. On June 13, 2002, the
 14 Environmental Review Office determined pursuant to Section 31.19 of the San Francisco
 15 Administrative Code that since the issuance of the FEIR, changes in the project, including the
 16 amendment to the Zoning Map proposed by this ordinance, did not give rise to any of the
 17 elements set forth in Section 15162 of the California Environmental Quality Act (CEQA)
 18 Guidelines for preparation of a supplemental or subsequent environmental impact report for
 19 the 601 King Street project and issued the Addendum to the FEIR contained in Planning
 20 Department File No. 1999.554E pursuant to Section 15164 of the CEQA Guidelines.

21 (b) In Resolution No. 208-03, this Board of Supervisors adopted findings in
 22 connection with its consideration of the Zoning Map amendments described herein pursuant
 23 to CEQA, the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative
 24 Code and adopted a mitigation monitoring program. Said resolution, its CEQA findings, and
 25

Supervisor Daly, Maxwell
 BOARD OF SUPERVISORS

1 mitigation program are on file with the Clerk of the Board of Supervisors in File No.

2 021297 and are incorporated herein by reference.

3 (c) The Planning Commission failed to act on the proposed Zoning Map amendment
4 within 90 days from the date of referral of a prior draft of the proposed amendment by the
5 Board of Supervisors to the Planning Commission, and the proposed amendment is therefore
6 deemed disapproved by the Planning Commission, pursuant to Section 306.4(d)(3) of the San
7 Francisco Planning Code. Nonetheless, on March 13, 2003, the Planning Commission
8 approved by its Motion No. 16545 a conditional use permit for a proposed 61- to 65-foot tall
9 mixed-use project at Block 3800, Lots 1 and 2, conditional upon enactment of this ordinance
10 by the Board of Supervisors. Planning Commission Motion No. 16545 is on file with the Clerk
11 of the Board in Board File No. 012042.

12 (d) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
13 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
14 Attachment A in Board File No. 012042 and in Planning Commission Motion No. 16545 and
15 incorporates such reasons by reference herein.

16 (e) The Board of Supervisors finds that the height and bulk district redesignation is
17 consistent with General Plan for the reasons set forth in Attachment B in Board File No.
18 012042 and Planning Commission Motion No. 16545 and incorporates such findings by
19 reference as though fully set forth herein and the Board of Supervisors finds that the
20 ordinance is consistent with the eight (8) priority policies of Section 101.1 of the Planning
21 Code, as follows:

22 Policy 1: The 601 King Street mixed-use project contemplated to be developed
23 pursuant to this height and bulk district redesignation (the "Project") will add space for a
24 neighborhood-serving retail use, whereas none currently exists. In addition, other
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1 neighborhood-serving retail uses in the area will be supported by the approximately 250
2 dwelling units in the Project.

3 Policy 2: The proposed Project will significantly improve neighborhood character by
4 replacing obsolete and seismically unsound warehouses with a well-designed mixed-use
5 development and will enhance the cultural and economic diversity of the neighborhood by
6 providing housing for people from diverse backgrounds and at a variety of income levels. The
7 predominant commercial uses in this neighborhood are design-related showrooms and
8 offices, which are compatible with residential development, thereby preserving the existing
9 cultural and economic diversity of this neighborhood. The Project incorporates sound proofing
10 measures to protect residents from noise created by nearby industrial uses, including Golden
11 Gate Disposal truck parking and repair and a construction supply business, San Francisco
12 Gravel Company, thereby protecting these businesses from displacement due to resident
13 complaints. To further protect existing neighborhood businesses, a Notice of Special
14 Restrictions will be recorded and residential lease terms will be imposed notifying future
15 purchasers or tenants of the residential units of the mixed-use nature of the area and the
16 presence of nearby industrial uses and their external impacts.

17 Policy 3: The Project does not displace or detract from the City's supply of affordable
18 housing. To the contrary, the Project includes approximately 250 units of needed housing,
19 including a substantial number of permanently affordable dwelling units.

20 Policy 4: The Project's location avoids potential conflicts with existing transit service
21 routes while remaining convenient to such transit services, including MUNI buses, MUNI
22 Metro trains, and Caltrans.

23 Policy 5: The Project will promote a diverse economic base by providing new retail
24 service and production, distribution and repair (PDR) employment opportunities in the
25 Project's commercial space that include an equal or greater number of jobs than are presently

1 provided in the obsolete and seismically unsound warehouse structures currently on the site.
2 There will be no displacement of industrial or service sector businesses due to commercial
3 office development. The predominant commercial uses in this neighborhood are design-
4 related showrooms and offices, which are compatible with residential development, thereby
5 protecting those sectors from displacement. The Project incorporates sound proofing
6 measures to protect residents from noise created by nearby industrial uses, including Golden
7 Gate Disposal truck parking and repair and a construction supply business, San Francisco
8 Gravel Company, thereby protecting these businesses from displacement due to resident
9 complaints. To further protect existing neighborhood businesses, a Notice of Special
10 Restrictions will be recorded and residential lease terms will be imposed notifying future
11 purchasers or tenants of the residential units of the mixed-use nature of the area and the
12 presence of nearby industrial and service uses and their external impacts.

13 Policy 6: Demolition of the existing structures and construction of the Project will
14 enhance earthquake preparedness and protect against injury and loss of life by replacing
15 buildings that are of substandard construction with a new structure that meets or exceeds
16 current seismic standards.

17 Policy 7: The existing buildings to be demolished do not have any historic significance
18 nor are they classified or registered as landmarks or historic structures.

19 Policy 8: The height of the Project will be consistent with other nearby structures and
20 will have no impact on sunlight access to or vistas from any park or open space.

21 Section 2. Pursuant to Section 302(c) of the San Francisco Planning Code, the
22 following change in height and bulk district designation, deemed disapproved by the Planning
23 Commission, is hereby adopted as an amendment to the Zoning Map of the City and County
24 of San Francisco, Section Map 8H, as shown on the Map of the City and County of San
25

1 Francisco as shown on the Map on File with the Clerk of the Board of Supervisors under File
2 No. 12042.

| <u>Description of Property</u> | <u>Height and Bulk District to be Superseded</u> | <u>Height and Bulk District hereby approved</u> |
|--|--|---|
| Assessor's Block 3800; Lots 1 and 2 | 50-X | 65-X |

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: 
11 John D. Malamut
12 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 012042

Date Passed:

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Section Map 8H, to change the height and bulk district designation of Assessor's Block 3800, Lots 1 and 2, at King and Seventh Streets, from 50-X to 65-X; and making findings of consistency with the General Plan and Planning Code Section 101.1.

August 8, 2002 Board of Supervisors — CALLED FROM COMMITTEE

August 19, 2002 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin,
Sandoval, Yee

Absent: 1 - Newsom

November 18, 2002 Board of Supervisors — RE-REFERRED: Transportation and Commerce
Committee

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin,
Sandoval

Absent: 3 - Hall, Leno, Yee

April 1, 2003 Board of Supervisors — PASSED ON FIRST READING

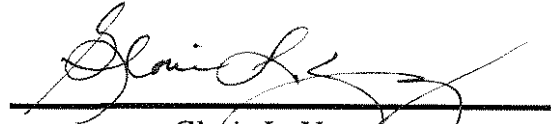
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

April 8, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

File No. 012042

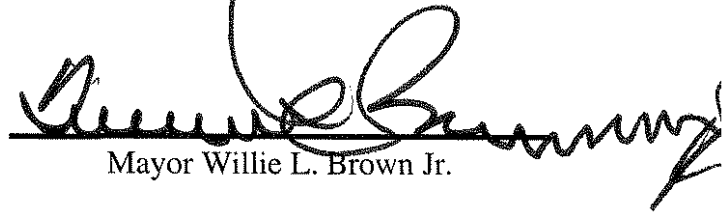
I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 8, 2003 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 18 2003

Date Approved



Mayor Willie L. Brown Jr.