

1 [Approving General Plan amendments to South Bayshore Area Plan.]

2 **Ordinance approving General Plan amendments to the South Bayshore Area Plan;**
3 **making environmental findings and findings that the proposed amendments are**
4 **consistent with the General Plan and the eight priority policies of the Planning Code**
5 **Section 101.1.**

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7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
10 Board amendment deletions are ~~strikethrough-normal~~.

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

12 Section 1. Findings.

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

16 B. On March 14, 2006, the Board of Supervisors received from the Planning
17 Department a revised and updated South Bayshore Area Plan, which the Planning
18 Department proposed to retitle as the Bayview Hunters Point Area Plan of the General Plan of
19 the City and County of San Francisco, adopted by the Planning Commission on March 2,
20 2006 (referred to hereinafter as the "Updated South Bayshore Area Plan").

21 C. Section 4.105 of the City Charter further provides that if the Board of
22 Supervisors fails to Act within 90 days of receipt of the proposed Updated South Bayshore
23 Area Plan, then the proposed amendment shall be deemed approved.

24 D. San Francisco Planning Code Section 340 provides that an amendment to the
25 General Plan may be initiated by a resolution of intention by the Planning Commission, which
refers to, and incorporates by reference, the proposed General Plan amendment. Section

1 340 further provides that Planning Commission shall adopt the proposed General Plan
2 amendment after a public hearing if it finds from the facts presented that the public necessity,
3 convenience and general welfare require the proposed amendment or any part thereof. If
4 adopted by the Commission in whole or in part, the proposed amendment shall be presented
5 to the Board of Supervisors, which may approve or reject the amendment by a majority vote.

6 E. On February 2, 2006, the Planning Commission initiated amendments to the
7 South Bayshore Area Plan, an Area Plan of the San Francisco General Plan, at a duly noticed
8 public hearing.

9 F. On March 2, 2006, at a joint hearing with the Redevelopment Commission, the
10 Planning Commission certified the Final EIR for the proposed Bayview Hunters Point
11 Redevelopment Projects and Zoning proposal (the "Project") by Motion No. 17200 finding the
12 Final EIR reflected the independent judgment and analysis of the City and County of San
13 Francisco, is adequate, accurate and objective, contains no significant revisions to the Draft
14 EIR, and the content of the report and the procedures through which the Final EIR was
15 prepared, publicized and reviewed comply with the provisions of the California Environmental
16 Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), the CEQA
17 Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco
18 Administrative Code. A copy of the Final EIR is on file with the Clerk of the Board in File No.

19 060354

20 G. The Project evaluated in the Final EIR includes amendments to redevelopment
21 plans proposed by the Redevelopment Agency and amendments to the General Plan and
22 zoning in the Bayview Hunters Point area proposed by the Planning Department. The
23 Updated South Bayshore Area Plan is an action proposed by the Planning Department to
24 revise outdated information and to incorporate physical, social, and economic changes that
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1 have occurred in the area over the past ten years, and is within the scope of the Project
2 evaluated in the Final EIR.

3 H. At the hearing on March 2, 2006, a member of the public asserted that the Final
4 EIR did not contain specific information regarding the environmental impacts on the Bayview
5 Hunters Point area resulting from radioactive substances that may be present on the Hunters
6 Point Shipyard. The record before the City and County of San Francisco, including the Board
7 of Supervisors, at the time that it considered approval actions related to development of
8 Parcel A of the Hunters Point Shipyard in December 2004 contained substantial evidence that
9 radioactive substances that may be present at the Hunters Point Shipyard do not pose a risk
10 to areas outside of the Shipyard or to future residents of Parcel A. The Planning Department
11 has provided relevant information concerning this issue to the Board of Supervisors, which is
12 on file with the Clerk of the Board in File No. 060354.

13 I. At the same hearing during which the Planning Commission certified the Final
14 EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the
15 proposed Updated South Bayshore Area Plan in Motion 17201 and adopted the Updated
16 South Bayshore Area Plan in Resolution 17202, finding that the public necessity, convenience
17 and general welfare required the proposed amendments. The letter from the Planning
18 Department transmitting the proposed Updated South Bayshore Area Plan to the Board of
19 Supervisors, the Final EIR and supplemental material described above, the CEQA Findings
20 adopted by the Planning Commission with respect to the approval of the Updated South
21 Bayshore Area Plan, including a mitigation monitoring and reporting program and a statement
22 of overriding considerations, the Updated South Bayshore Area Plan and the Resolution
23 approving the Updated South Bayshore Area Plan are on file with the Clerk of the Board in
24 File No. 060354. These and any and all other documents
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1 referenced in this Ordinance have been made available to, and have been reviewed by, the
2 Board of Supervisors, and may be found in either the files of the City Planning Department, as
3 the custodian of records, at 1660 Mission Street in San Francisco, or in File No.

4 060354 with the Clerk of the Board of Supervisors at 1 Dr. Carlton
5 B. Goodlett Place, San Francisco and incorporated herein by reference.

6 J. The Board of Supervisors has reviewed and considered the Final EIR and the
7 environmental documents on file referred to herein. The Board of Supervisors has reviewed
8 and considered the CEQA Findings adopted by the Planning Commission in support of the
9 approval of the Updated South Bayshore Area Plan, including the mitigation monitoring and
10 reporting program and the statement of overriding considerations, and hereby adopts as its
11 own and incorporates the CEQA Findings contained in Planning Commission Motion 17201
12 by reference as though such findings were fully set forth in this Ordinance.

13 K. The Board of Supervisors endorses the implementation of the mitigation
14 measures identified in the Planning Commission's CEQA Findings for implementation by other
15 City Departments and recommends for adoption those mitigation measures that are
16 enforceable by agencies other than City agencies, all as set forth in the CEQA Findings,
17 including the mitigation monitoring and reporting program contained in the referenced CEQA
18 Findings.

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

9 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
10 update to the South Bayshore Area Plan set forth in the documents on file with the Clerk of
11 the Board in File No. 060354 will serve the public necessity, convenience
12 and general welfare for the reasons set forth in Planning Commission Resolution No. 17202
13 and incorporates those reasons herein by reference.

14 N. The Board of Supervisors finds that the update to the South Bayshore Area Plan
15 as set forth in the documents on file with the Clerk of the Board in File No.
16 060354, are in conformity with the General Plan, as it is amended by this
17 Ordinance, and the eight priority policies of Planning Code Section 101.1 for the reasons set
18 forth in Planning Commission Resolution No. 17202. The Board hereby adopts the findings
19 set forth in Planning Commission Resolution No. 17202 and incorporates those findings
20 herein by reference.

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Section 2. The Board of Supervisors hereby approves the proposed Updated South Bayshore Area Plan, an amendment to the General Plan, hereafter known as the Bayview Hunters Point Area Plan, recommended to the Board of Supervisors by the Planning Commission on March 2, 2006, and referred to above.

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

By: *Elaine C. Warren*
Elaine C. Warren
Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 060354

Date Passed:

Ordinance approving General Plan amendments to the South Bayshore Area Plan; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

May 9, 2006 Board of Supervisors — PASSED ON FIRST READING


Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

May 16, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

File No. 060354

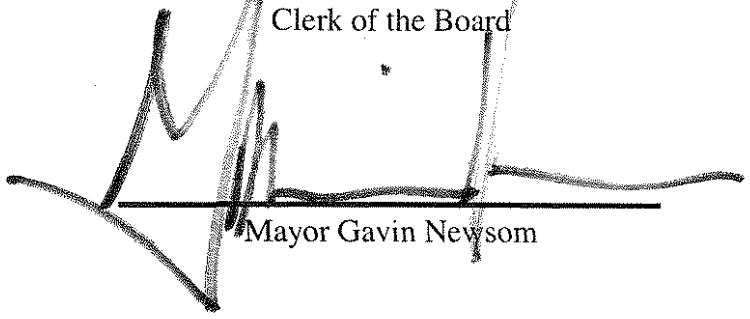
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on May 16, 2006 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

5/19/06

Date Approved



Mayor Gavin Newsom