

1 [Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey
2 Integration.]

3 Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San
4 Francisco Planning Code to amend certain height and bulk districts within the Market
5 and Octavia Area Plan to increase, decrease, or retain the heights of certain parcels
6 ~~and retain the current heights on other parcels~~, consistent with the findings of the
7 Market and Octavia Area Plan Historic Resources Survey, specifically increasing or
8 decreasing heights on some parcels in the Upper Market Street Historic District (an
9 area generally described as Market Street between Church and Noe Streets) and
10 decreasing heights on two parcels at the corner of Guerrero and Duboce Streets (also
11 known as Assessors block and lot numbers 3501004 and 3501003); and adopting
12 environmental findings and findings of consistency with the General Plan and the eight
13 priority policies of Planning Code Section 101.1.

14 NOTE: Additions are single-underline italics Times New Roman;
15 deletions are ~~strike-through italics Times New Roman~~.
16 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough-normal~~.

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

18 Section 1. Findings.

19 (a) Under Planning Code Section 302, the Board of Supervisors finds that this
20 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
21 Planning Commission Resolution No. 17970 recommending the approval of this
22 Planning Code Amendment, and incorporates such reasons by this reference thereto. A copy
23 of said resolution is on file with the Clerk of the Board of Supervisors in File No. 091476.

24 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this
25 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the

1 Planning Code and with the General Plan as proposed to be amended in companion
2 legislation and hereby adopts the findings of the Planning Commission, as set forth in
3 Planning Commission Resolution No. 17970, and incorporates said findings by this
4 reference thereto.

5 (c) Environmental Findings. The Planning Department has completed
6 environmental review of this ordinance pursuant to the California Environmental Quality Act
7 ("CEQA"), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code
8 as follows:

9 (1) On April 5, 2007 the Planning Commission certified the Market and Octavia Area
10 Plan Final Environmental Impact Report (FEIR), which was upheld on appeal by the Board of
11 Supervisors. The FEIR is on file with the Clerk of the Board of Supervisors in File No.
12 071156 and is incorporated by reference herein. In accordance with prior actions related
13 to adoption and implementation of the Market and Octavia Area Plan (the Project), this Board
14 adopted Planning Commission Motion No. 17407, concerning findings pursuant to the
15 California Environmental Quality Act (California Public Resources Code sections 21000 et
16 seq.) and adopted the Mitigation Monitoring and Reporting Program (MMRP). A copy of said
17 Motion is on file with the Clerk of the Board of Supervisors in File No. 091476 and is
18 incorporated by reference herein.

19 (2) On August 12, 2009 under CEQA Guidelines Section 15164 and Administrative
20 Code Section 31.19(c)(1) the Planning Department prepared an Addendum to the FEIR
21 (Addendum) analyzing proposed modifications to the Project including amendments to the
22 Area Plan of the General Plan and Zoning Map to integrate the Market and Octavia Historic
23 Resources Survey into the Area Plan, make clarifying and technical amendments to the
24 Zoning Map and Area Plan, and making other modifications (modifications to the Project). A
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1 copy of the Addendum is on file with the Clerk of the Board of Supervisors in File No.
2 091476 and is incorporated by reference herein.

3 (3) The Board of Supervisors has reviewed the FEIR, the CEQA Findings, and the
4 Addendum and, in light of the whole record, finds that the modifications to the Project,
5 including the provisions of this ordinance, are consistent with and within the scope of the
6 Project analyzed in the FEIR and the Addendum. The Board of Supervisors concurs with the
7 Addendum and its conclusion that the modifications to the Project would not cause new
8 significant impacts not previously identified in the FEIR nor would it substantially increase the
9 severity of impacts previously identified in the FEIR and thus no additional environmental
10 review is necessary.

11 (4) The Board of Supervisors finds that no substantial changes have occurred to 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 to the
19 Project as proposed for approval in the Ordinance has become available which indicates that
20 (1) the 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
23 or (4) mitigation measures or alternatives which are considerably different from those in the
24 Final EIR would substantially reduce one or more significant effects on the environment.
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1 (5) The Board of Supervisors adopts the CEQA Findings contained in Planning
 2 Commission Motion No. 17407 and incorporates those findings herein by reference. The
 3 Board adopts the MMRP, on file with the Clerk of the Board in File No. 071156 and
 4 incorporates the MMRP herein by reference.

5 Section 2. Under Sections 106 and 302(c) of the Planning Code, the following
 6 zoning amendments to the Zoning Map, duly approved by resolution of the Planning
 7 Commission, are hereby adopted as an amendment to Zoning Map Sheets 7 and 7H as
 8 follows

Block and Lot	To Be Superseded	Hereby Approved	Sheet
3560013	50/55'	60/65'	7
3542039	50/55'	60/65'	7
3543010	50/55'	60/65'	7
3543003B	50/55'	60/65'	7
3559001	50/55'	60/65'	7
3560001	50/55'	60/65'	7
3543011	50/55'	60/65'	7
3558137	50/55'	60/65'	7
3558138	50/55'	60/65'	7
3558139	50/55'	60/65'	7
3558140	50/55'	60/65'	7
3558141	50/55'	60/65'	7
3558142	50/55'	60/65'	7

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3558143	50/55'	60/65'	7
3558144	50/55'	60/65'	7
3558145	50/55'	60/65'	7
3558146	50/55'	60/65'	7
3558147	50/55'	60/65'	7
3558148	50/55'	60/65'	7
3558149	50/55'	60/65'	7
3558150	50/55'	60/65'	7
3558151	50/55'	60/65'	7
3558152	50/55'	60/65'	7
3544071	80/85	50/55	7
3544070	80/85	50/55	7
3544067	80/85	50/55	7
3544065	80/85	50/55	7
3543001	80/85	50/55	7
<u>3554105</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554106</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554107</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554108</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554109</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554110</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554111</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554112</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554113</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>

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<u>3554114</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554115</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554116</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554117</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554118</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
<u>3554119</u>	<u>80/85</u>	<u>60/65'</u>	<u>7</u>
3542041	80/85	60/65	7
3501004	80/85	60/65	7
3501003	80/85	60/65	7

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

By: 
Susan Cleveland-Knowles
Deputy City Attorney