

1 [Zoning Map - Port of San Francisco Waterfront Plan Update; Waterfront Zoning Correction]

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3 **Ordinance amending the Zoning Map of the Planning Code to rezone certain waterfront**
 4 **parcels from P (Public) to M-1 (Light Industrial), and to add Waterfront Special Use**
 5 **District No. 4 covering areas east of the Mission Bay and Southern Waterfront areas;**
 6 **and making environmental findings, including adopting a statement of overriding**
 7 **considerations, and findings of consistency with the General Plan, and the eight**
 8 **priority policies of Planning Code, Section 101.1, and findings of public necessity,**
 9 **convenience, and welfare under Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 13 **Board amendment additions** are in double-underlined Arial font.
 14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 15 **Asterisks (* * * *)** indicate the omission of unchanged Code
 16 subsections or parts of tables.

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

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17 Section 1. Environmental and Planning Code Findings.

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19 (a) On March 16, 2023, after a duly noticed public hearing, the Planning Commission,
 20 by Motion No. 21277, certified the Final Environmental Impact Report (EIR) for the Port of
 21 San Francisco's Waterfront Plan (the Project), which updates and amends the Port's 1997
 22 Waterfront Land Use Plan and sets long term goals and policies to guide the use,
 23 management, and improvement of properties owned and managed by the Port. The Planning
 24 Commission motion finds that the Final EIR reflects the independent judgment and analysis of
 25 the City and County of San Francisco, is adequate, accurate and objective, contains no
 significant revisions to the Draft EIR, and the content of the report and the procedures through

1 which the Final EIR was prepared, publicized, and reviewed comply with the provisions of the
2 California Environmental Quality Act (California Public Resources Code Sections 21000 et
3 seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), and Chapter 31 of
4 the San Francisco Administrative Code. Copies of the Planning Commission Motion and Final
5 EIR are on file with the Clerk of the Board of Supervisors in File No. 230501 and are
6 incorporated herein by reference. The Board affirms this determination.

7 (b) With the exception of the rezoning of certain waterfront parcels from P (Public) to
8 M-1 (Light Industrial) set forth in this ordinance, the Project evaluated in the Final EIR includes
9 the proposed amendments to the Zoning Map set forth in this ordinance as well as
10 amendments to the General Plan and the Planning Code.

11 (c) Although not part of the Project, the Port also seeks rezoning of certain waterfront
12 parcels constituting a portion of Assessor’s Block 3941 from P (Public) to M-1 (Light Industrial)
13 to correct an earlier rezoning error. This site is located between the Mission Bay and Central
14 Waterfront neighborhoods. On January 12, 2023, the Planning Department determined that
15 this corrected rezoning of certain waterfront parcels from P to M-1 is exempt from CEQA. The
16 Board affirms this determination. A copy of said determination is on file with the Clerk of the
17 Board of Supervisors in File No. 230501, and is incorporated herein by reference.

18 (d) On April 11, 2023, the Port Commission, in Resolution No. 23-15, adopted findings
19 under CEQA regarding the Project’s environmental impacts, the disposition of mitigation
20 measures, and project alternatives, as well as a statement of overriding considerations
21 (CEQA Findings), and adopted a mitigation monitoring reporting program (MMRP). On
22 _____, the Port Commission, in Resolution No. _____, also affirmed the Planning
23 Department’s determination that the rezoning of certain waterfront parcels from P (Public) to
24 M-1 (Light Industrial) set forth in this ordinance is exempt from CEQA. Copies of said
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1 Resolutions are on file with the Clerk of the Board of Supervisors in File No. _____, and
2 are incorporated herein by reference.

3 (e) On _____, the Planning Commission, in Motion No. _____, adopted
4 findings under CEQA regarding the Project's environmental impacts, the disposition of
5 mitigation measures, and project alternatives, as well as a statement of overriding
6 considerations (CEQA Findings), and adopted a mitigation monitoring reporting program
7 (MMRP). On April 20, 2023, the Planning Commission, in Resolution No. 21305, also
8 affirmed the Planning Department's determination that the rezoning of certain waterfront
9 parcels from P (Public) to M-1 (Light Industrial) set forth in this ordinance is exempt from
10 CEQA. Copies of said Motions are on file with the Clerk of the Board of Supervisors in File
11 No. 230501, and are incorporated herein by reference.

12 (f) On April 20, 2023, the Planning Commission, in Resolution No. 21305,
13 recommended the proposed Zoning Map amendments for approval and adopted findings that
14 the actions contemplated in this ordinance are consistent, on balance, with the City's General
15 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
16 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
17 Supervisors in File No. 230501, and is incorporated herein by reference.

18 (g) On April 20, 2023, the Planning Commission, in Resolution No. 21305, adopted
19 findings under Planning Code section 302 that the actions contemplated in this ordinance will
20 serve the public necessity, convenience, and welfare. The Board adopts these findings as its
21 own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
22 230501, and is incorporated herein by reference.

23 (h) The Board of Supervisors has reviewed and considered the Final EIR and the
24 environmental documents on file referred to herein. The Board of Supervisors has reviewed
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1 and considered the CEQA Findings, and hereby adopts them as its own and incorporates
2 them by reference as though such findings were fully set forth in this ordinance.

3 (i) The Board of Supervisors adopts the MMRP as a condition of this approval, and
4 endorses those mitigation measures that are under the jurisdiction of other City Departments,
5 and recommends for adoption those mitigation measures that are enforceable by agencies
6 other than City agencies, all as set forth in the CEQA Findings and MMRP.

7 (j) The Board of Supervisors finds that since certification of the Final EIR no
8 substantial changes have occurred in the proposed Project that would require revisions in the
9 Final EIR due to the involvement of new significant environmental effects or a substantial
10 increase in the severity of previously identified significant effects, no substantial changes have
11 occurred with respect to the circumstances under which the proposed Project is to be
12 undertaken that would require major revisions to the Final EIR due to the involvement of new
13 environmental effects or a substantial increase in the severity of effects identified in the Final
14 EIR, and no new information of substantial importance to the proposed Project has become
15 available which indicates that (1) the Project will have significant effects not discussed in the
16 Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation
17 measure or alternatives found not feasible that would reduce one or more significant effects
18 have become feasible, or (4) mitigation measures or alternatives that are considerably
19 different from those in the Final EIR would substantially reduce one or more significant effects
20 on the environment.

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22 Section 2. The Planning Code is hereby amended by revising Zoning Use District Map
23 ZN08 and Special Use District Maps SU08 and SU09, as follows:

24 (a) The San Francisco Planning Code is hereby amended by amending Zoning Use
25 District Map ZN08 of the Zoning Map of the City and County of San Francisco, as follows:

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<u>Description of Property</u>		<u>Use Districts to be Superseded</u>	<u>Use Districts Hereby Approved</u>
<u>Assessor's Block</u>	<u>Lot</u>		
3941	031	P (Public)	M-1 (Light Industrial)

(b) The San Francisco Planning Code is hereby amended by amending Special Use District Maps SU08 and SU09 of the Zoning Map of the City and County of San Francisco, as follows:

<u>Description of Property</u>		<u>Special Use District Map</u>	<u>Special Use District Hereby Approved</u>
<u>Assessor's Block</u>	<u>Lot(s)</u>		
3941	021, 028, 031, 041	SU08	Waterfront SUD No. 4
4111	008	SU08	Waterfront SUD No. 4
4301	001	SU08	Waterfront SUD No. 4
4302	001	SU08	Waterfront SUD No. 4
4303	001	SU08	Waterfront SUD No. 4

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4304	002 [and all portions of Pier 80 within and outside the boundaries of this parcel]	SU08	Waterfront SUD No. 4
4307	006	SU08	Waterfront SUD No. 4
4308	005, 007	SU08	Waterfront SUD No. 4
4379	001	SU08	Waterfront SUD No. 4
4380	010	SU08	Waterfront SUD No. 4
4502A	002 [and all portions of Piers 90 through 96 within and outside the boundaries of this parcel]	SU08 and SU09	Waterfront SUD No. 4
4827	001, 002	SU09	Waterfront SUD No. 4
4845	002	SU09	Waterfront SUD No. 4
9900	050, 050H, 052, 054, 064, 064H, 068, 070	SU08	Waterfront SUD No. 4
9900	098 [and all portions of Heron's Head Park within and outside the boundaries of this parcel]	SU09	Waterfront SUD No. 4

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor’s veto of the ordinance.

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6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the “Note” that appears under
11 the official title of the ordinance.

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14 APPROVED AS TO FORM:
15 DAVID CHIU, City Attorney

16 By: /s/ Peter R. Miljanich
17 PETER R. MILJANICH
18 Deputy City Attorney

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