

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

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

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

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

Section 1. Environmental and Planning Code Findings.

(a) On March 16, 2023, after a duly noticed public hearing, the Planning Commission, by Motion No. 21277, certified the Final Environmental Impact Report (EIR) for the Port of San Francisco's Waterfront Plan (the Project), which updates and amends the Port's 1997 Waterfront Land Use Plan and sets long term goals and policies to guide the use, management, and improvement of properties owned and managed by the Port. The Planning Commission motion finds that the Final EIR reflects the independent judgment and analysis of 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

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

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

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

19 On April 5, 2023, the Planning Department published Addendum No. 1 to the Final
20 EIR (the "Addendum"), and determined that the additional information in Addendum No. 1
21 does not change the analyses and conclusions presented in the FEIR. The Addendum
22 provides additional language to clarify the CEQA review process for subsequent projects. The
23 Addendum is on file with the Clerk of the Board of Supervisors in File No. 230501 and is
24 incorporated herein by reference. The Board affirms this determination; and
25

1 (de) On April 11, 2023, the Port Commission, in ResolutionMotion No.
2 23-15, adopted findings under CEQA regarding the Project's environmental
3 impacts, the disposition of mitigation measures, and project alternatives, as well as a
4 statement of overriding considerations (CEQA Findings), and adopted a mitigation monitoring
5 reporting program (MMRP). On April 11, 2023, the Port Commission, in
6 ResolutionMotion No. 23-15, also affirmed the Planning Department's
7 determination that the rezoning of certain waterfront parcels from P (Public) to M-1 (Light
8 Industrial) set forth in this ordinance is exempt from CEQA. Copies of said Motions are on file
9 with the Clerk of the Board of Supervisors in File No. 230501 , and are
10 incorporated herein by reference.

11 (ef) On April 20, 2023, the Planning Commission, in ResolutionMotion No.
12 21305, adopted findings under CEQA regarding the Project's environmental
13 impacts, the disposition of mitigation measures, and project alternatives, as well as a
14 statement of overriding considerations (CEQA Findings), and adopted a mitigation monitoring
15 reporting program (MMRP). On April 20, 2023 , the Planning Commission, in
16 ResolutionMotion No. 21305 , also affirmed the Planning Department's
17 determination that the rezoning of certain waterfront parcels from P (Public) to M-1 (Light
18 Industrial) set forth in this ordinance is exempt from CEQA. Copies of said Motions are on file
19 with the Clerk of the Board of Supervisors in File No. 230501, and are
20 incorporated herein by reference.

21 (fg) On April 20, 2023 , the Planning Commission, in ResolutionMotion No.
22 21305 , recommended the proposed Zoning Map amendments for approval and
23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
24 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
25 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of

1 the Board of Supervisors in File No. 230501 and is incorporated herein by
2 reference.

3 (gh) On April 20, 2023, the Planning Commission, in Resolution No.
4 21305, adopted findings under Planning Code section 302 that the actions
5 contemplated in this ordinance will serve the public necessity, convenience, and welfare. The
6 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
7 the Board of Supervisors in File No. 230501 and is incorporated herein by
8 reference.

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

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

17 (jk) The Board of Supervisors finds that since certification of the Final EIR no
18 substantial changes have occurred in the proposed Project that would require revisions in the
19 Final EIR due to the involvement of new significant environmental effects or a substantial
20 increase in the severity of previously identified significant effects, no substantial changes have
21 occurred with respect to the circumstances under which the proposed Project is to be
22 undertaken that would require major revisions to the Final EIR due to the involvement of new
23 environmental effects or a substantial increase in the severity of effects identified in the Final
24 EIR, and no new information of substantial importance to the proposed Project has become
25 available which indicates that (1) the Project will have significant effects not discussed in the

1 Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation
 2 measure or alternatives found not feasible that would reduce one or more significant effects
 3 have become feasible, or (4) mitigation measures or alternatives that are considerably
 4 different from those in the Final EIR would substantially reduce one or more significant effects
 5 on the environment.

6
 7 Section 2. The Planning Code is hereby amended by revising Zoning Use District Map
 8 ZN08 and Special Use District Maps SU08 and SU09, as follows:

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

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

17
 18 (b) The San Francisco Planning Code is hereby amended by amending Special Use
 19 District Maps SU08 and SU09 of the Zoning Map of the City and County of San Francisco, as
 20 follows:

<u>Description of Property</u>		<u>Special Use</u>	<u>Special Use</u>
<u>Assessor's</u>	<u>Lot(s)</u>	<u>District Map</u>	<u>District Hereby</u>
<u>Block</u>			<u>Approved</u>

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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
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

1	4827	001, 002	SU09	Waterfront SUD No. 4
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3	4845	002	SU09	Waterfront SUD No. 4
4				
5	9900	050, 050H, 052, 054, 064, 064H, 068,	SU08	Waterfront SUD
6		070		No. 4
7	9900	098 [and all portions of Heron's Head	SU09	Waterfront SUD
8		Park within and outside the boundaries		No. 4
9		of this parcel]		

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

16
17 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
20 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
21 additions, and Board amendment deletions in accordance with the "Note" that appears under
22 the official title of the ordinance.

23
24
25 APPROVED AS TO FORM:

1 DAVID CHIU, City Attorney

2 By: /s/ Peter R. Miljanich
3 PETER R. MILJANICH
4 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: 230501

Date Passed: July 25, 2023

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

July 10, 2023 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 10, 2023 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

July 18, 2023 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 25, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230501

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/25/2023 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of London N. Breed

London N. Breed
Mayor

7/28/23

Date Approved