

1 [Planning Code - Chinatown Transit Station Special Use District]

2
3 **Ordinance amending the San Francisco Planning Code Section 249.66 to: 1) create the**
4 **Chinatown Transit Station Special Use District at the southwest corner of Stockton**
5 **Street and Washington Street (Assessor Block No. 211, Lot No. 1); 2) permit the**
6 **demolition of a mixed-use building in the Chinatown Residential Neighborhood**
7 **Commercial District for the construction of the Chinatown Station of the Central**
8 **Subway; and 3) adopt findings, including Planning Code Section 302 Findings, General**
9 **Plan Consistency Findings, and findings under the California Environmental Quality**
10 **Act.**

11 Note: Additions are *single-underline italics Times New Roman*;
12 deletions are *strikethrough italics Times New Roman*.
13 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. This section is uncodified. General Findings

16 (a) The San Francisco Municipal Transportation Agency (SFMTA) plans to
17 construct a continuation of the T-Third Light Rail Vehicle line from the Caltrain Station at
18 Fourth and King Streets to an underground station in Chinatown (the "Project") to create a
19 critical transportation improvement linking neighborhoods in the southeastern portion of the
20 City and County of San Francisco (the "City") with the retail and employment centers in the
21 City's downtown and Chinatown neighborhoods.

22 (b) The Project will provide direct rail service to regional destinations, including the
23 City's Chinatown, Union Square, Moscone Convention Center, Yerba Buena, SoMa and
24 AT&T Park neighborhoods; connect BART and Caltrain; serve a low-auto-ownership
25

1 population of transit customers; increase transit use and reduce travel time; reduce air and
2 noise pollution and provide congestion relief.

3 (c) On August 7, 2008, the City's Planning Commission certified that the Final
4 Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report
5 ("Final Supplemental EIS/EIR") for the Central Subway/Third Street Light Rail Phase 2
6 ("Central Subway") was in compliance with the California Environmental Quality Act, Public
7 Resources Code section 21000, et seq, and the CEQA Guidelines in Planning Commission
8 Motion No. 17668. The Final Supplemental EIS/EIR and Motion No. 17668 are on file with the
9 Clerk of the Board of Supervisors in File No. 100849 and are incorporated by reference.

10 (d) On August 19, 2008, the SFMTA's Board of Directors, by Resolution No. 08-150,
11 approved the Project, adopted CEQA Findings, including a Statement of Overriding
12 Considerations and a Mitigation Monitoring and Reporting Program (MMRP) as required by
13 CEQA. Resolution No. 08-150 is on file with the Clerk of the Board of Supervisors in File
14 No. 100849 and is incorporated by reference.

15 (e) On September 16, 2008, the City's Board of Supervisors (this "Board") adopted
16 Motion No. 08-145, in Board File No. 081138, affirming the City's Planning Department
17 decision to certify the Final Supplemental EIS/EIR. Motion No. 08-145 is on file with the Clerk
18 of the Board of Supervisors in File No. 100849 and is incorporated by reference.

19 (f) On January 26, 2012, the City's Planning Department found that there have been
20 no substantial changes proposed for the Project that would require major revisions to the Final
21 Supplemental EIS/EIR or that would result in significant environmental impacts that were not
22 evaluated in the Final Supplemental EIS/EIR; and no new information has become available
23 that was not known and could not have been known at the time the Final Supplemental
24 EIS/EIR was certified as complete and that would result in significant environmental impacts
25 not evaluated in the Final Supplemental EIS/EIR.

1 (g) On February 26, 2010, the SFMTA's Board of Directors adopted Resolution No.
2 10-024, in which it found that (a) the Project will assist SFMTA in meeting the objectives of
3 Goal No. 1 of the SFMTA Strategic Plan (to provide safe, accessible, clean, environmentally
4 sustainable service and encourage the use of auto-alternative modes through the Transit First
5 policy), of Goal No. 2 (to improve transit reliability), of Goal No. 3 (to improve economic vitality
6 through improved regional transportation), and of Goal No. 4 (to ensure the efficient and
7 effective use of resources).

8 (h) As noted in the SEIS/SEIR certified in June 2008, and in the August 5, 2008
9 SFMTA Board of Directors Resolution approving the project, construction of the underground
10 station in Chinatown, at the southwest corner of Stockton and Washington Streets, requires
11 the demolition of the existing mixed-use residential and retail building at 939-945 Stockton
12 Street. The SFMTA finalized the purchase the building at 939-945 Stockton Street in
13 November 2011, and is now the owner in fee simple.

14 (i) The SFMTA has successfully relocated almost all of the retail and residential
15 tenants at 933-949 Stockton Street in accordance with the Central Subway's *Relocation*
16 *Impact Study and Last Resort Housing Plan* (the "*Plan*"), approved by the MTA Board of
17 Directors on August 3, 2010, and by this Board of Supervisors on December 7, 2010. The
18 *Plan* among other things, establishes a program by which residential tenants are provided
19 relocation expenses, including moving expenses and social services, 42 months of rent
20 differential, and eligibility for affordable units at a new housing project planned for Broadway
21 and Sansome Streets. The *Plan* also provides commercial tenants with the services of a
22 relocation consultant, moving expenses, business re-establishment expense payments and
23 compensation for loss of goodwill.

24 Section 2. Special Findings
25

1 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that
2 this ordinance will serve the public necessity, convenience, and welfare for the reasons set
3 forth in Planning Commission Resolution No. 18526, and incorporates such reasons herein by
4 reference. A copy of said Planning Commission Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 111210.

6 (b) The Board of Supervisors finds that this ordinance is in conformity with the
7 General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set
8 forth in Planning Commission Resolution No. 18526, and hereby incorporates those reasons
9 by reference.

10 (c) The Planning Department has determined that the actions contemplated in this
11 ordinance are in compliance with the California Environmental Quality Act (California Public
12 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
13 Board of Supervisors in File No. 111210 and is incorporated herein by reference.

14 Section 2. The San Francisco Planning Code is hereby amended by adding Section
15 249.66, to read as follows:

16 **SEC. 249.66. CHINATOWN TRANSIT STATION SPECIAL USE DISTRICT.**

17 (a) Purpose. In order to facilitate the construction of the Central Subway, the
18 extension of the Third Street Light Rail Line from the Caltrain Terminal at 4th Street and King
19 Street to an underground station in Chinatown, there shall be a Chinatown Transit Station
20 Special Use District consisting of Lot 1, of Assessor's Block 0211, as designated on Sectional
21 Map SU01 of the Zoning Map of the City and County of San Francisco.

22 (b) Special Controls.

23 The following controls apply to projects within the special use district and to any
24 subsequent alterations or changes in use in a building approved under this Section.

1 (1) All otherwise applicable provisions of the Planning Code shall apply to this Special
2 Use District with the exception of Sections 312, 317 and 812.39(b).

3 Section 3. This section is uncodified. Prior to the demolition of any residential units in
4 the Special Use District, a Memorandum of Understanding to replace those units shall be
5 executed between the San Francisco Municipal Transportation Agency and the Mayor's Office
6 of Housing in substantial conformance with the terms contained in the Central Subway's
7 Relocation Impact Study and Last Resort Housing Plan, as adopted by Board of Supervisors
8 resolution number 307-10, located in Board file number 101219.

9
10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 Audrey Pearson
15 Deputy City Attorney