

BOARD of SUPERVISORS



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MEMORANDUM

TO: Jonas Ionin, Acting Commission Secretary, Planning Commission
Phil Ginsburg, General Manager, Recreation and Parks Department
Deborah Raphael, Director, Department of the Environment

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: January 16, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on December 16, 2014:

File No. 141264

Ordinance amending the General Plan by amending Policy 3.6 of the Recreation and Open Space Element to reflect the adoption by reference of the Urban Forest Plan (Phase 1: Street Trees); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

C:
Sarah Ballard, Recreation and Parks Department
Margaret McArthur, Recreation and Parks Department
Guillermo Rodriguez, Department of the Environment

1 [General Plan Amendments - Urban Forest Plan (Phase 1: Street Trees)]

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3 **Ordinance amending the General Plan by amending Policy 3.6 of the Recreation and**
4 **Open Space Element to reflect the adoption by reference of the Urban Forest Plan**
5 **(Phase 1: Street Trees); affirming the Planning Department's determination under the**
6 **California Environmental Quality Act, and making findings of consistency with the**
7 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

16 Section 1. Findings.

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

20 B. On December 9, 2014, the Board of Supervisors received from the Planning
21 Department a proposed General Plan amendment which amends Policy 3.6 of the Recreation
22 and Open Space Element (ROSE) to reflect the adoption by reference of the Urban Forest
23 Plan (Phase 1: Street Trees).

24 C. Section 4.105 of the City Charter further provides that if the Board of
25 Supervisors fails to Act within 90 days of receipt of the proposed General Plan amendment,
then the proposed amendment shall be deemed approved.

1 D. San Francisco Planning Code Section 340 provides that an amendment to the
2 General Plan may be initiated by a resolution of intention by the Planning Commission, which
3 refers to, and incorporates by reference, the proposed General Plan amendment. Section
4 340 further provides that Planning Commission shall adopt the proposed General Plan
5 amendment after a public hearing if it finds from the facts presented that the public necessity,
6 convenience and general welfare require the proposed amendment or any part thereof. If
7 adopted by the Commission in whole or in part, the proposed amendment shall be presented
8 to the Board of Supervisors, which may approve or reject the amendment by a majority vote.

9 E. On October 9, 2014 the Planning Commission initiated the adoption of the
10 General Plan amendment amending Policy 3.6 of the ROSE, at a duly noticed public hearing.

11 F. On July 24, 2014, the Environmental Planning Section of the Planning
12 Department determined that the proposed General Plan amendment was categorically
13 exempt from environmental review under Classes 4 and 8 (State CEQA Guidelines Sections
14 15304(b) and 15308).

15 G. The Planning Commission, in Resolution 19281, found that the public necessity,
16 convenience and general welfare required the proposed General Plan amendment. The letter
17 from the Planning Department transmitting the proposed General Plan amendment to the
18 Board of Supervisors, the environmental determination, and the Planning Commission
19 Resolution approving proposed General Plan amendment is on file with the Clerk of the Board
20 in File No 141264. These and any and all documents referenced in this Ordinance have been
21 made available to, and have been reviewed by, the Board of Supervisors, and may be found
22 in either the files of the City Planning Department, as the custodian of records, at 1650
23 Mission Street in San Francisco, or in Board File No. 141264 with the Clerk of the Board of
24 Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco.

1 H. The Board of Supervisors has reviewed and considered all the documents
2 mentioned above, and hereby adopts as its own and incorporates by reference the Planning
3 Department's environmental determination as though it were fully set forth in this Ordinance.

4 I. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
5 General Plan amendment set forth in the documents on file with the Clerk of the Board in File
6 No. _____ will serve the public necessity, convenience and general welfare for the reasons
7 set forth in Planning Commission Resolution No. _____ and incorporates those reasons
8 herein by reference.

9 J. The Board of Supervisors finds that the General Plan amendment as set forth in
10 the documents on file with the Clerk of the Board in Board File No. _____, is in conformity
11 with the General Plan and the eight Priority Policies of Planning Code Section 101.1 for the
12 reasons set forth in Planning Commission Resolution No. _____. The Board hereby
13 adopts these findings and incorporates them herein by reference.

14 Section 2. The Board of Supervisors hereby amends the San Francisco General Plan
15 by adopting the amendment to Policy 3.6 of the ROSE, as recommended to the Board of
16 Supervisors by the Planning Commission on _____, and referred to above.

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

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

23 By: 
24 ANDREA RUIZ-ESQUIDE
25 Deputy City Attorney

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