

BOARD of SUPERVISORS



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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Derek Evans, Assistant Clerk, Board of Supervisors

DATE: October 6, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150932

Ordinance amending the General Plan of the City and County of San Francisco by amending Map 1 of the Downtown Plan to reclassify Lot Nos. 005, 006, 008, 009, 012, and 098 in Assessor's Block No. 3725 as C-3-S (Downtown Support); amending Map 5 of the Downtown Plan to reclassify the height and bulk limits in accordance with the Fifth and Mission Special Use District and Sectional Map HT001; amending Figures 2, 3, and 4 of the Downtown Plan to refer to the Fifth and Mission Special Use District, Planning Code, Section 249.74; amending Maps 4 and 5 of the Urban Design Element to refer to the Fifth and Mission Special Use District; amending Maps 2, 3, 5, and 7 of the South of Market Area Plan to remove Lot Nos. 005, 006, 008, 009, 012, and 098 in Assessor's Block No. 3725 from the boundaries of the South of Market Area Plan; and adopting findings, including environmental findings, Section 340, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Small Business Commission

[General Plan - Fifth and Mission Special Use District]

Ordinance amending the General Plan of the City and County of San Francisco by amending Map 1 of the Downtown Plan to reclassify Lot Nos. 005, 006, 008, 009, 012, and 098 in Assessor's Block No. 3725 as C-3-S; amending Map 5 of the Downtown Plan to reclassify the height and bulk limits in accordance with the Fifth and Mission Special Use District and Sectional Map HT001; amending Figures 2, 3, and 4 of the Downtown Plan to refer to the Fifth and Mission Special Use District, Planning Code, Section 249.74; amending Maps 4 and 5 of the Urban Design Element to refer to the Fifth and Mission Special Use District; amending Maps 2, 3, 5, and 7 of the South of Market Area Plan to remove Lot Nos. 005, 006, 008, 009, 012, and 098 in Assessor's Block No. 3725 from the boundaries of the South of Market Area Plan; and adopting findings, including environmental findings, Section 340, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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 Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) Pursuant to San Francisco Charter Section 4.105 and Planning Code Section 340, any amendments to the General Plan shall first be considered by the Planning Commission

1 and thereafter recommended for approval or rejection by the Board of Supervisors. On
2 September 17, 2015, by Resolution No. 19463, the Commission conducted a duly noticed
3 public hearing on the General Plan Amendments pursuant to Planning Code Section 340,
4 found that the public necessity, convenience and general welfare required the proposed
5 General Plan Amendments, adopted the General Plan Amendments, and recommended them
6 for approval to the Board of Supervisors. A copy of Planning Commission Resolution No.
7 19463 is on file with the Clerk of the Board of Supervisors in File No. _____, and
8 incorporated by reference herein.

9 (b) The Board finds that this ordinance is, on balance, in conformity with the priority
10 policies of Planning Code Section 101.1 and consistent with the General Plan as it is
11 proposed for amendment herein to accommodate the project described in the Fifth and
12 Mission Development Agreement (Ordinance No. _____) for the reasons set forth in
13 Planning Commission Motion No. _____, and the Board hereby incorporates these
14 findings herein by reference.

15 (c) California Environmental Quality Act. At its hearing on September 17, 2015, and
16 prior to recommending the proposed General Plan amendments for approval, the Planning
17 Commission certified a Final Environmental Impact Report (FEIR) for the Fifth and Mission
18 Project (Project) pursuant to the California Environmental Quality Act (CEQA) (California
19 Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg.
20 Section 15000 et seq.) and Chapter 31 of the Administrative Code. In accordance with the
21 actions contemplated herein, this Board has reviewed the FEIR and concurs with its
22 conclusions, affirms the Planning Commission's certification of the FEIR, and finds that the
23 actions contemplated herein are within the scope of the Project described and analyzed in the
24 FEIR. The Board hereby adopts and incorporates by reference as though fully set forth herein
25 the Commission's CEQA approval findings, including a statement of overriding considerations,

1 adopted by the Planning Commission on September 17, 2015. This Board also adopts and
2 incorporates by reference as though fully set forth herein the Project's Mitigation Monitoring
3 and Reporting Program (MMRP). Said findings and MMRP are on file with the Clerk of the
4 Board of Supervisors in File No. _____.

5
6 Section 2. The Board of Supervisors hereby approves amendments to the General
7 Plan, as follows:

8 (a) Downtown Plan, Map 1 ("Downtown Land Use and Density Plan") shall be
9 amended to: identify the zoning district designation for Lots 005, 006, 008, 009, 012, and 098
10 in Assessor's Block 3725 as C-3-S (Downtown Support) and incorporate them into the
11 Downtown Plan Area; and add a reference that states, "See Fifth and Mission Special Use
12 District, Section 249.74 of the Planning Code for commercial use types and density limits."

13 (b) Downtown Plan, Map 5 ("Proposed Height and Bulk Districts") shall be amended to
14 reclassify the height and bulk limits of Assessor's Block 3725 in accordance with the height
15 and bulk limitations found in the Fifth and Mission Special Use District and Sectional Map
16 HT001, as set forth in Ordinance No. _____.

17 (c) Downtown Plan, Figure 2 ("Bulk Limits") shall be amended to add a reference that
18 states, "See Fifth and Mission Special Use District, Section 249.74 of the Planning Code, for
19 buildings therein."

20 (d) Downtown Plan, Figure 3 ("Bulk Control Upper Tower Volume Reduction") shall be
21 amended to add a reference that states, "See Fifth and Mission Special Use District, Section
22 249.74 of the Planning Code, for buildings therein."

23 (e) Downtown Plan, Figure 4 ("Separation Between Towers") shall be amended to add
24 a reference that states, "See Fifth and Mission Special Use District, Section 249.74 of the
25 Planning Code, for buildings therein."

1 (f) Urban Design Element, Map 4 ("Urban Design Guidelines for Height of Buildings")
2 shall be amended to add a reference that states, "See Fifth and Mission Special Use District,
3 Section 249.74 of the Planning Code, for buildings therein."

4 (g) Urban Design Element, Map 5 ("Urban Design Guidelines for Bulk of Buildings")
5 shall be amended to add a reference that states, "See Fifth and Mission Special Use District,
6 Section 249.74 of the Planning Code, for buildings therein."

7 (h) South of Market Area Plan, Map 2 ("Generalized Land Use Plan") shall be
8 amended to remove Lots 005, 006, 008, 009, 012, and 098 in Assessor's Block 3725 from the
9 boundaries of the South of Market Area Plan.

10 (i) South of Market Area Plan, Map 3 ("Density Plan") shall be amended to remove
11 Lots 005, 006, 008, 009, 012, and 098 in Assessor's Block 3725 from the boundaries of the
12 South of Market Area Plan.

13 (j) South of Market Area Plan, Map 5 ("Height Plan") shall be amended to remove Lots
14 005, 006, 008, 009, 012, and 098 in Assessor's Block 3725 from the boundaries of the South
15 of Market Area Plan.

16 (k) South of Market Area Plan, Map 7 ("Open Space and Pedestrian Network Map")
17 shall be amended to remove Lots 005, 006, 008, 009, 012, and 098 in Assessor's Block 3725
18 from the boundaries of the South of Market Area Plan.

19
20 Section 3. The Board of Supervisors hereby approves the following amendment to the
21 General Plan Land Use Index:

22 The Land Use Index shall be updated as necessary to reflect the amendments set forth
23 in Section 2, above.
24
25

1 Section 4. The Board of Supervisors hereby approves the following amendments to
2 the Eastern Neighborhoods Area Plan Maps:

3 The Eastern Neighborhoods Area Plan Maps shall be amended as relevant to add a
4 reference that states, "The Fifth and Mission Special Use District area was not included in the
5 Eastern Neighborhoods Area Plan, see Ordinance No. 299-08."

6
7 Section 5. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: 
22 MARLENA BYRNE
23 Deputy City Attorney

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