

(Zoning Map Amendment)

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AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING ZONING MAP 8H TO CHANGE THE PROPERTY HEIGHT AND BULK CLASSIFICATIONS FOR THE PROPERTY GENERALLY BOUNDED BY BERRY TO THE SOUTH, THIRD STREET TO THE EAST, FOURTH STREET TO THE WEST AND THE CHINA BASIN CHANNEL TO THE NORTH, AND SPECIFICALLY, LOT 5 IN ASSESSOR'S BLOCK 3803 FROM A 60-X (60 FOOT) HEIGHT AND BULK DISTRICT TO A 90-X (90 FOOT) HEIGHT AND BULK DISTRICT, AFFIRMING THE SAN FRANCISCO PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) ASSOCIATED WITH THE PROJECT AS ADEQUATE AND COMPLETE, AFFIRMING THE ADDENDUM TO THE FEIR, AND ADOPTING FINDINGS CONCERNING PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

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

16 **Section 1. Findings.** The Board of Supervisors of the City and County of San Francisco
17 hereby finds and determines that:

18 A. Pursuant to Planning Code Section 302, whenever the public necessity,
19 convenience and general welfare require, the Board of Supervisors may, by ordinance, amend any
20 part of the Planning Code. Such amendments may include reclassifications of property. Any
21 amendments to the Zoning Map shall first be considered by the San Francisco Planning
22 Commission ("Planning Commission"), and thereafter recommended for approval or rejection by
23 the Board of Supervisors.

24 B. On May 7, 1998 David P. Cincotta, Esq., on behalf of BRE/CBL L.L.C. ("Project
25 Sponsor") filed Application No. 1998.281Z with the City and County of San Francisco Planning

1 Department ("Planning Department") to amend Zoning Map 8H to change the height limit for
2 Assessor's Block 3803, Lot 5, bounded by Third, Berry and Fourth Streets and the China Basin
3 Channel, from a 60 foot height to a 90 foot height limit district, in conjunction with a request under
4 Planning Code Sections 321 and 322 for authorization for the construction of a three-story addition
5 containing approximately 194,000 gross square feet of office space, to the existing 42 foot tall
6 office building located along Berry Street On July 19, 2000 the Project Sponsor filed with the
7 Planning Department an amended application for the Zoning Map reclassification, which revised
8 the project to provide for up to 120,000 square feet of office space and up to 54 residential units.
9 The proposed residential use requires conditional use authorization and discretionary review by
10 the Planning Commission.

11 C. On February 17, 2000, the San Francisco Planning Commission ("Planning
12 Commission"), by Motion No. 14985 found the Final Environmental Impact Report ("FEIR")
13 prepared for the proposed project and the zoning map reclassification to be adequate, accurate,
14 and objective, and certified the FEIR in compliance with the California Environmental Quality Act
15 ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

16 D. On September 1, 2000 the Planning Department prepared an Addendum to the
17 FEIR, which determined that no significant impacts would result from the revised Project, as
18 described in Paragraph B. above, no important changes in circumstance involving potential
19 significant impacts have occurred since the FEIR was adopted, and no new information has come
20 to light that would indicate the potential for new significant impacts not discussed in the FEIR.

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22 E. On September 7, 2000, by Resolution No. 15973, the Planning Commission
23 adopted a Resolution of intent to initiate a Zoning Map amendment to change the designation of
24 Lot 5 in Assessor's Block 3803 from 60-X to 90-X on Map 8H, as made by Section 3 below and
25 recommended it for approval to the Board of Supervisors.

1 F. This Board of Supervisors affirms the Planning Commission's certification of the
2 FEIR for the project as adequate and complete, and affirms the Addendum to the FEIR, dated
3 September 1, 2000 which determined that no significant impacts would result from the revised
4 Project, no important changes in circumstance involving potential significant impacts have
5 occurred since the FEIR was adopted, and no new information has come to light that would
6 indicate the potential for new significant impacts not discussed in the FEIR.

7 G. This Board of Supervisors adopts by reference findings in connection with its
8 consideration of the Zoning Map amendments made by Section 3 below under CEQA, the State
9 CEQA Guidelines and Charter 21 of the San Francisco Administrative Code and makes certain
10 findings in connection therewith, and adopts a mitigation monitoring program, as adopted by the
11 Planning Commission on February 17, 2000 by Motion No. 14985. These findings and programs
12 are hereby incorporated by reference as if fully set forth herein.

13 H. The Board of Supervisors finds that this ordinance will serve the public necessity,
14 convenience and general welfare for the following reasons:

15 1. The proposed amendment will facilitate the development of a structure that is
16 consistent with the General Plan's The Urban Design Elements Map, "Urban Design Guidelines
17 for Height of Buildings" which recommends for this site, a height from 89 to 160 feet.

18 2. The proposed amendment will facilitate the development of a structure that
19 consistent with its surroundings. Assessor's Block 3803, Lot 5 is generally surrounded on all sides
20 by San Francisco Redevelopment Agency areas, including Pacific Bell Park with a height of 130
21 feet, and Mission Bay with established height limits between 50 feet and 160 feet, and an area
22 subject to the Planning Code height limit of 105 feet. The proposed height of the structure will
23 serve as a transition between the small-sized existing buildings and the planned developments
24 including Mission Bay, as well as Pacific Bell Park and the 105-foot height zone located to the
25 northeast of the site.

1 3. The proposed amendment will facilitate the development of a structure that will
2 permit the provision of additional office space for the expansion of San Francisco's traditional
3 business, multimedia industry and residential units to meet the City's housing demand in an area
4 well served by transit. Moreover, the project associated with this Map Amendment will bring
5 additional employees and residents to the area, which will strengthen the businesses and other
6 retail operations near the site.

7 4. The proposed amendment will facilitate the development of a project that will create
8 hundreds of new construction and permanent jobs, and will increase the employment opportunities
9 for economically-disadvantaged San Franciscans through participation in the City's First Source
10 Hiring program.

11 5. The proposed amendment, when effective, will be consistent with the General Plan,
12 and is consistent with the eight (8) Priority Policies in Planning Code Section 101.1, for the reasons
13 set forth in Planning Commission Resolution No. 15973.

14 **Section 2. Priority Policies**

15 Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
16 ordinance conforms with the eight (8) Priority Policies of Section 101.1(b) of the Planning Code,
17 and when effective, with the General Plan, and hereby adopts the findings of the Planning
18 Commission, as set forth in Planning Commission Resolution No. 15973, and incorporates said
19 findings by this reference thereto.

20 **Section 3. Amendment of Zoning Map 8H.**

21 The following change in property height and bulk classification from 60-X District to 90-X
22 District is hereby adopted as an amendment to Section Map 8H of the Zoning Map of the City and
23 County of San Francisco.
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Assessor's Block /Lot

Height and Bulk District

Height and Bulk District

to be

hereby

Superseded

Approved

Block 3803/ Lot 5

60-X

90-X

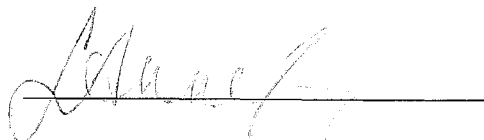
APPROVED AS TO FORM:

RECOMMENDED:

LOUISE H. RENNE, City Attorney

PLANNING COMMISSION

By:



By:



LISA-ANNE M. WONG

GERALD G. GREEN

Deputy City Attorney

Director of Planning



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 001754

Date Passed:

Ordinance amending Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) by amending Zoning Map 8H to change the property height and bulk classifications for the property generally bounded by Berry to the south, Third Street to the East, Fourth Street to the west and China Basin Channel to the north, and specifically, Lot 5 in Assessor's Block 3803 from a 60-X (60 foot) Height and Bulk District to a 90-X (90 foot) Height and Bulk District, affirming the San Francisco Planning Commission's certification of a Final Environmental Impact Report (FEIR) associated with the project as adequate and complete, affirming the addendum to the FEIR and adopting findings concerning priority policies of Planning Code Section 101.1.

November 20, 2000 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

November 20, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

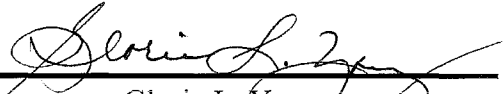
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 4, 2000 Board of Supervisors — FINALLY PASSED


Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 001754

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on December 4, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.

DEC 15 2000

DEC 15 2000
Date Approved