(Zoning Map Amendment)

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.

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

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

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

B. On May 7, 1998 David P. Cincotta, Esq., on behalf of BRE/CBL L.L.C. ("Project Sponsor") filed Application No. 1998.281Z with the City and County of San Francisco Planning
Department ("Planning Department") to amend Zoning Map 8H to change the height limit for Assessor’s Block 3803, Lot 5, bounded by Third, Berry and Fourth Streets and the China Basin Channel, from a 60 foot height to a 90 foot height limit district, in conjunction with a request under Planning Code Sections 321 and 322 for authorization for the construction of a three-story addition containing approximately 194,000 gross square feet of office space, to the existing 42 foot tall office building located along Berry Street. On July 19, 2000 the Project Sponsor filed with the Planning Department an amended application for the Zoning Map reclassification, which revised the project to provide for up to 120,000 square feet of office space and up to 54 residential units. The proposed residential use requires conditional use authorization and discretionary review by the Planning Commission.

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

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

E. On September 7, 2000, by Resolution No. 15973, the Planning Commission adopted a Resolution of intent to initiate a Zoning Map amendment to change the designation of Lot 5 in Assessor’s Block 3803 from 60-X to 90-X on Map 8H, as made by Section 3 below and recommended it for approval to the Board of Supervisors.
F. This Board of Supervisors affirms the Planning Commission's certification of the FEIR for the project as adequate and complete, and affirms the Addendum to the FEIR, dated September 1, 2000 which determined that no significant impacts would result from the revised Project, no important changes in circumstance involving potential significant impacts have occurred since the FEIR was adopted, and no new information has come to light that would indicate the potential for new significant impacts not discussed in the FEIR.

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

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

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

2. The proposed amendment will facilitate the development of a structure that consistent with its surroundings. Assessor's Block 3803, Lot 5 is generally surrounded on all sides by San Francisco Redevelopment Agency areas, including Pacific Bell Park with a height of 130 feet, and Mission Bay with established height limits between 50 feet and 160 feet, and an area subject to the Planning Code height limit of 105 feet. The proposed height of the structure will serve as a transition between the small-sized existing buildings and the planned developments including Mission Bay, as well as Pacific Bell Park and the 105-foot height zone located to the northeast of the site.
3. The proposed amendment will facilitate the development of a structure that will permit the provision of additional office space for the expansion of San Francisco's traditional business, multimedia industry and residential units to meet the City's housing demand in an area well served by transit. Moreover, the project associated with this Map Amendment will bring additional employees and residents to the area, which will strengthen the businesses and other retail operations near the site.

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

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

Section 2. Priority Policies

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

Section 3. Amendment of Zoning Map 8H.

The following change in property height and bulk classification from 60-X District to 90-X District is hereby adopted as an amendment to Section Map 8H of the Zoning Map of the City and County of San Francisco.

BOARD OF SUPERVISORS
Assessor's Block /Lot Height and Bulk District

to be

Superseded

60-X

Approval as to form:

LOUISE H. RENNE, City Attorney

By: LISA-ANNE M. WONG
Deputy City Attorney

Height and Bulk District hereby

Approved

90-X

Recommended:

PLANNING COMMISSION

By: GERALD G. GREEN
Director of Planning
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
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

Date Approved

Mayor Willie L. Brown Jr.