

1 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan.]

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3 **Ordinance amending the San Francisco General Plan by the Balboa Park Station Area**
4 **Plan and approving General Plan amendments to implement the aforementioned Plan**
5 **by amending various General Plan Elements; making environmental findings that the**
6 **proposed amendments are consistent with the General Plan and the eight priority**
7 **policies of the Planning Code Section 101.1.**

8 NOTE: Additions are single-underline italics Times New Roman;
9 deletions are ~~strike-through italics Times New Roman~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough-normal~~.

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

13 Section 1. Findings.

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

17 B. On Feb. 10, 2009 the Board of Supervisors received from the Planning Department the
18 proposed General Plan amendments including the addition of the Balboa Park Station Area
19 Plan and related General Plan amendments to various General Plan Elements (the "Balboa
20 Park Station Area Plan Amendments" or "Plan Amendments"). These Amendments are on
21 file with the Clerk of the Board of Supervisors in File No. 090180 and are incorporated
22 herein by reference.

23 C. Section 4.105 of the City Charter further provides that if the Board of Supervisors fails to
24 Act within 90 days of receipt of the proposed the Balboa Park Station Area Plan Amendments,
25 then the proposed amendments shall be deemed approved.

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

9 E. After a duly noticed public hearing on November 6, 2008, in ^{Motion} Resolution No. 17740,
10 the Planning Commission initiated amendments to the General Plan. Said ^{Motion} Resolution is on
11 file with the Clerk of the Board of Supervisors in File No. 090180 and incorporated
12 herein by reference.

13 F. On December 4, 2008 after a duly noticed public meeting, the Planning Commission
14 certified the Final Environmental Impact Report (EIR) for the proposed Balboa Park Station
15 Area Plan (the "Project") by Motion No. 17774 and found that the Final EIR reflected the
16 independent judgment and analysis of the City and County of San Francisco, is adequate,
17 accurate and objective, contains no significant revisions to the Draft EIR, and the content of
18 the report and the procedures through which the Final EIR was prepared, publicized and
19 reviewed comply with the provisions of the California Environmental Quality Act ("CEQA")
20 (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal.
21 Code Regs. Sections 15000 et seq.) and Chapter 31 of the San Francisco Administrative
22 Code. Copies of the Planning Commission Motion and Final EIR are on file with the Clerk of
23 the Board in File No. 090180 and are incorporated herein by reference.

24 G. The Project evaluated in the Final EIR includes amendments to the General Plan,
25 Planning Code and Zoning Map related to the Project that the Planning Department has

1 proposed. The Balboa Park Station Area Plan Amendments is an action proposed by the
2 Planning Department that is within the scope of the Project evaluated in the Final EIR.

3 H. At the same hearing during which the Planning Commission certified the Final EIR,
4 the Planning Commission adopted CEQA Findings with respect to the approval of the
5 proposed Balboa Park Station Area Plan Amendments in Motion No. 17775 and adopted the
6 Balboa Park Station Area Plan Amendments in Motion No. 17776, finding in accordance with
7 Planning Code Section 340 that the public necessity, convenience and general welfare
8 required the proposed amendments. The letter from the Planning Department transmitting the
9 proposed Balboa Park Station Area Plan Amendments to the Board of Supervisors, the Final
10 EIR and supplemental material described above, the CEQA Findings adopted by the Planning
11 Commission with respect to the approval of the Balboa Park Station Area Plan Amendments,
12 including a mitigation monitoring and reporting program and a statement of overriding
13 considerations, the Balboa Park Station Area Plan Amendments and the Motion approving the
14 Balboa Park Station Area Plan Amendments are on file with the Clerk of the Board in File No.
15 090180. These and any and all other documents referenced in this Ordinance have
16 been made available to the Board of Supervisors and may be found in either the files of the
17 Planning Department, as the custodian of records, at 1650 Mission Street in San Francisco, or
18 in File No. 090180 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B.
19 Goodlett Place, San Francisco, and are incorporated herein by reference.

20 I. The Board of Supervisors has reviewed and considered the Final EIR and the
21 environmental documents on file referred to herein. The Board of Supervisors has reviewed
22 and considered the CEQA Findings adopted by the Planning Commission in support of the
23 approval of the Balboa Park Station Area Plan Amendments, including the mitigation
24 monitoring and reporting program and the statement of overriding considerations, and hereby
25

1 adopts as its own and incorporates the CEQA Findings contained in Planning Commission
2 Motion No. 17775 by reference as though such findings were fully set forth in this Ordinance.

3 J. The Board of Supervisors endorses the implementation of the mitigation measures
4 identified in the Planning Commission's CEQA Findings including those for implementation by
5 other City Departments and recommends for adoption those mitigation measures that are
6 enforceable by agencies other than City agencies, all as set forth in the CEQA Findings,
7 including the mitigation monitoring and reporting program contained in the referenced CEQA
8 Findings.

9 K. The Board of Supervisors finds that no substantial changes have occurred in the
10 Project proposed for approval under this Ordinance that will require revisions in the Final EIR
11 due to the involvement of new significant environmental effects or a substantial increase in the
12 severity of previously identified significant effects, no substantial changes have occurred with
13 respect to the circumstances under which the Project proposed for approval under the
14 Ordinance are undertaken which will require major revisions to the Final EIR due to the
15 involvement of new environmental effects or a substantial increase in the severity of effects
16 identified in the Final EIR and no new information of substantial importance to the Project as
17 proposed for approval in the Ordinance has become available which indicates that (1) the
18 Project will have significant effects not discussed in the Final EIR, (2) significant
19 environmental effects will be substantially more severe, (3) mitigation measure or alternatives
20 found not feasible which would reduce one or more significant effects have become feasible
21 or (4) mitigation measures or alternatives which are considerably different from those in the
22 Final EIR would substantially reduce one or more significant effects on the environment.

23 M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
24 Balboa Park Station Area Plan Amendments set forth in the documents on file with the Clerk
25 of the Board in File No. 090180 will serve the public necessity, convenience and


1 general welfare for the reasons set forth in Planning Commission Motion No. 17776 and
2 incorporates those reasons herein by reference.

3 N. The Board of Supervisors finds that the Balboa Park Station Area Plan
4 Amendments are, on balance, in conformity with the General Plan, as it is amended by this
5 Ordinance, and the eight priority policies of Planning Code Section 101.1 for the reasons set
6 forth in Planning Commission Motion No. 17776. The Board hereby adopts the findings set
7 forth in Planning Commission Motion No. 17776 as its own.

8 Section 2. The Board of Supervisors hereby approves the proposed Balboa Park
9 Station Area Plan Amendments, an amendment to the General Plan, as recommended to the
10 Board of Supervisors by the Planning Commission in Motion No. 17776, and directs the
11 Planning Department to update the General Plan's Land Use Index to reflect these
12 Amendments. Said Amendments, including General Plan map amendments, are on file with
13 the Clerk of the Board of Supervisors in File No. 090180 and incorporated herein by
14 reference.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:


19 John D. Malamut
20 Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 090180

Date Passed:

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

March 31, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

April 7, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090180

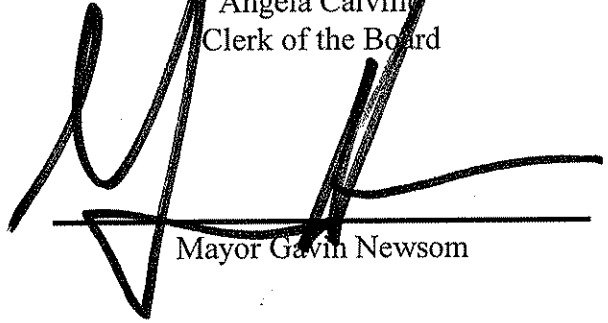
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 7, 2009 by the Board of Supervisors of the City and County of San Francisco.

4/17/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom