

81-10

[Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration.]

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase, decrease, or retain the heights of certain parcels and ~~retain the current heights on other parcels~~, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing or decreasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets) and decreasing heights on two parcels at the corner of Guerrero and Duboce Streets (also known as Assessors block and lot numbers 3501004 and 3501003); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

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

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

Section 1. Findings.

(a) Under Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17970 recommending the approval of this Planning Code Amendment, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 091476.

(b) Under Planning Code Section 101.1, the Board of Supervisors finds that this ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the

1 Planning Code and with the General Plan as proposed to be amended in companion  
2 legislation and hereby adopts the findings of the Planning Commission, as set forth in  
3 Planning Commission Resolution No. 17970, and incorporates said findings by this  
4 reference thereto.

5 (c) Environmental Findings. The Planning Department has completed  
6 environmental review of this ordinance pursuant to the California Environmental Quality Act  
7 ("CEQA"), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code  
8 as follows:

9 (1) On April 5, 2007 the Planning Commission certified the Market and Octavia Area  
10 Plan Final Environmental Impact Report (FEIR), which was upheld on appeal by the Board of  
11 Supervisors. The FEIR is on file with the Clerk of the Board of Supervisors in File No.  
12 071156 and is incorporated by reference herein. In accordance with prior actions related  
13 to adoption and implementation of the Market and Octavia Area Plan (the Project), this Board  
14 adopted Planning Commission Motion No. 17407, concerning findings pursuant to the  
15 California Environmental Quality Act (California Public Resources Code sections 21000 et  
16 seq.) and adopted the Mitigation Monitoring and Reporting Program (MMRP). A copy of said  
17 Motion is on file with the Clerk of the Board of Supervisors in File No. 091476 and is  
18 incorporated by reference herein.

19 (2) On August 12, 2009 under CEQA Guidelines Section 15164 and Administrative  
20 Code Section 31.19(c)(1) the Planning Department prepared an Addendum to the FEIR  
21 (Addendum) analyzing proposed modifications to the Project including amendments to the  
22 Area Plan of the General Plan and Zoning Map to integrate the Market and Octavia Historic  
23 Resources Survey into the Area Plan, make clarifying and technical amendments to the  
24 Zoning Map and Area Plan, and making other modifications (modifications to the Project). A  
25

1 copy of the Addendum is on file with the Clerk of the Board of Supervisors in File No.

2 091476 and is incorporated by reference herein.

3 (3) The Board of Supervisors has reviewed the FEIR, the CEQA Findings, and the  
4 Addendum and, in light of the whole record, finds that the modifications to the Project,  
5 including the provisions of this ordinance, are consistent with and within the scope of the  
6 Project analyzed in the FEIR and the Addendum. The Board of Supervisors concurs with the  
7 Addendum and its conclusion that the modifications to the Project would not cause new  
8 significant impacts not previously identified in the FEIR nor would it substantially increase the  
9 severity of impacts previously identified in the FEIR and thus no additional environmental  
10 review is necessary.

11 (4) The Board of Supervisors finds that no substantial changes have occurred to the  
12 Project proposed for approval under this Ordinance that will require revisions in the Final EIR  
13 due to the involvement of new significant environmental effects or a substantial increase in the  
14 severity of previously identified significant effects, no substantial changes have occurred with  
15 respect to the circumstances under which the Project proposed for approval under the  
16 Ordinance are undertaken which will require major revisions to the Final EIR due to the  
17 involvement of new environmental effects or a substantial increase in the severity of effects  
18 identified in the Final EIR and no new information of substantial importance to the  
19 Project as proposed for approval in the Ordinance has become available which indicates that  
20 (1) the Project will have significant effects not discussed in the Final EIR, (2) significant  
21 environmental effects will be substantially more severe, (3) mitigation measure or alternatives  
22 found not feasible which would reduce one or more significant effects have become feasible  
23 or (4) mitigation measures or alternatives which are considerably different from those in the  
24 Final EIR would substantially reduce one or more significant effects on the environment.  
25

1 (5) The Board of Supervisors adopts the CEQA Findings contained in Planning  
 2 Commission Motion No. 17407 and incorporates those findings herein by reference. The  
 3 Board adopts the MMRP, on file with the Clerk of the Board in File No. 071156 and  
 4 incorporates the MMRP herein by reference.

5 Section 2. Under Sections 106 and 302(c) of the Planning Code, the following  
 6 zoning amendments to the Zoning Map, duly approved by resolution of the Planning  
 7 Commission, are hereby adopted as an amendment to Zoning Map Sheets 7 and 7H as  
 8 follows

| Block and<br>Lot | To Be<br>Superseded | Hereby<br>Approved | Sheet |
|------------------|---------------------|--------------------|-------|
| 3560013          | 50/55'              | 60/65'             | 7     |
| 3542039          | 50/55'              | 60/65'             | 7     |
| 3543010          | 50/55'              | 60/65'             | 7     |
| 3543003B         | 50/55'              | 60/65'             | 7     |
| 3559001          | 50/55'              | 60/65'             | 7     |
| 3560001          | 50/55'              | 60/65'             | 7     |
| 3543011          | 50/55'              | 60/65'             | 7     |
| 3558137          | 50/55'              | 60/65'             | 7     |
| 3558138          | 50/55'              | 60/65'             | 7     |
| 3558139          | 50/55'              | 60/65'             | 7     |
| 3558140          | 50/55'              | 60/65'             | 7     |
| 3558141          | 50/55'              | 60/65'             | 7     |
| 3558142          | 50/55'              | 60/65'             | 7     |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

|                |              |               |          |
|----------------|--------------|---------------|----------|
| 3558143        | 50/55'       | 60/65'        | 7        |
| 3558144        | 50/55'       | 60/65'        | 7        |
| 3558145        | 50/55'       | 60/65'        | 7        |
| 3558146        | 50/55'       | 60/65'        | 7        |
| 3558147        | 50/55'       | 60/65'        | 7        |
| 3558148        | 50/55'       | 60/65'        | 7        |
| 3558149        | 50/55'       | 60/65'        | 7        |
| 3558150        | 50/55'       | 60/65'        | 7        |
| 3558151        | 50/55'       | 60/65'        | 7        |
| 3558152        | 50/55'       | 60/65'        | 7        |
| 3544071        | 80/85        | 50/55         | 7        |
| 3544070        | 80/85        | 50/55         | 7        |
| 3544067        | 80/85        | 50/55         | 7        |
| 3544065        | 80/85        | 50/55         | 7        |
| 3543001        | 80/85        | 50/55         | 7        |
| <u>3554105</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554106</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554107</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554108</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554109</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554110</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554111</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554112</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554113</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

|                |              |               |          |
|----------------|--------------|---------------|----------|
| <u>3554114</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554115</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554116</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554117</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554118</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| <u>3554119</u> | <u>80/85</u> | <u>60/65'</u> | <u>7</u> |
| 3542041        | 80/85        | 60/65         | 7        |
| 3501004        | 80/85        | 60/65         | 7        |
| 3501003        | 80/85        | 60/65         | 7        |

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

By:   
Susan Cleveland-Knowles  
Deputy City Attorney



City and County of San Francisco

Tails  
Ordinance

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

File Number: 091476

Date Passed: April 13, 2010

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase, decrease, or retain the heights of certain parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing or decreasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets) and decreasing heights on two parcels at the corner of Guerrero and Duboce Streets (also known as Assessors block and lot numbers 3501004 and 3501003); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

April 06, 2010 Board of Supervisors - PASSED, ON FIRST READING

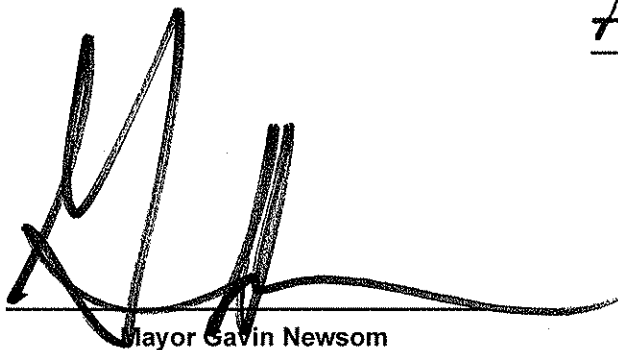
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi  
Excused: 1 - Alioto-Pier

April 13, 2010 Board of Supervisors - FINALLY PASSED

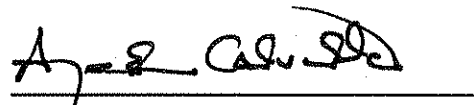
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 091476

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/13/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo  
Clerk of the Board

4/22/2010  
Date Approved