[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 (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.

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.
and thereafter recommended for approval or rejection by the Board of Supervisors. On September 17, 2015, by Resolution No. 19463, the Commission conducted a duly noticed public hearing on the General Plan Amendments pursuant to Planning Code Section 340, found that the public necessity, convenience and general welfare required the proposed General Plan Amendments, adopted the General Plan Amendments, and recommended them for approval to the Board of Supervisors. A copy of Planning Commission Resolution No. 19463 is on file with the Clerk of the Board of Supervisors in File No. 150932, and incorporated by reference herein.

(b) The Board finds that this ordinance is, on balance, in conformity with the priority policies of Planning Code Section 101.1 and consistent with the General Plan as it is proposed for amendment herein to accommodate the project described in the Fifth and Mission Development Agreement (Ordinance No. 206-15) for the reasons set forth in Planning Commission Resolution No. 19460, and the Board hereby incorporates these findings herein by reference.

(c) California Environmental Quality Act. At its hearing on September 17, 2015, and prior to recommending the proposed General Plan amendments for approval, the Planning Commission certified a Final Environmental Impact Report (FEIR) for the Fifth and Mission Project (Project) pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et seq.) and Chapter 31 of the Administrative Code. In accordance with the actions contemplated herein, this Board has reviewed the FEIR and concurs with its conclusions, affirms the Planning Commission's certification of the FEIR, and finds that the actions contemplated herein are within the scope of the Project described and analyzed in the FEIR. The Board hereby adopts and incorporates by reference as though fully set forth herein the Commission's CEQA approval findings, including a statement of overriding considerations,
adopted by the Planning Commission on September 17, 2015. This Board also adopts and incorporates by reference as though fully set forth herein the Project's Mitigation Monitoring and Reporting Program (MMRP). Said findings and MMRP are on file with the Clerk of the Board of Supervisors in File No. 150932.

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

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

(b) Downtown Plan, Map 5 ("Proposed Height and Bulk Districts") shall be amended to reclassify the height and bulk limits of Assessor's Block 3725 in accordance with the height and bulk limitations found in the Fifth and Mission Special Use District and Sectional Map HT001, as set forth in Ordinance No. 205-15.

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

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

(e) Downtown Plan, Figure 4 ("Separation Between Towers") shall be amended to add a reference that states, "See Fifth and Mission Special Use District, Section 249.74 of the Planning Code, for buildings therein."
(f) Urban Design Element, Map 4 ("Urban Design Guidelines for Height of Buildings") shall be amended to add a reference that states, "See Fifth and Mission Special Use District, Section 249.74 of the Planning Code, for buildings therein."

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

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

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

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

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

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

The Land Use Index shall be updated as necessary to reflect the amendments set forth in Section 2, above.
Section 4. The Board of Supervisors hereby approves the following amendments to the Eastern Neighborhoods Area Plan Maps:

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

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

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

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

By: MARLENA BYRNE
Deputy City Attorney
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.

November 09, 2015 Land Use and Transportation Committee - REFERRED WITHOUT RECOMMENDATION

November 17, 2015 Board of Supervisors - PASSED ON FIRST READING
     Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener and Yee
     Noes: 3 - Avalos, Campos and Mar

December 01, 2015 Board of Supervisors - FINALLY PASSED
     Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener and Yee
     Noes: 3 - Avalos, Campos and Mar

File No. 150932

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/1/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved