“Adjacent Parcels” and Western SoMa Cleanup
Initiation Packet
Table of Contents
HEARING DATE JULY 18, 2013

Date: July 11, 2013
Case No.: 2013.0617MZ
Staff Contact: Corey Teague - (415) 575-9081
corey.teague@sfgov.org

I. Executive Summary Materials
   I-1 Executive Summary Memo

II. General Plan Amendments – M Case
   II-1 General Plan Amendments Initiation Draft Resolution
   II-2 General Plan Amendments Draft Ordinance

III. Zoning Map Amendments – Z Case
   III-1 Zoning Map Amendments Initiation Draft Resolution
   III-2 Zoning Map Amendments Draft Ordinance
Exhibit I-1:
“Adjacent Parcels” and Western SoMa Cleanup
Initiation Packet
Executive Summary
HEARING DATE JULY 18, 2013

<table>
<thead>
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<tr>
<td>Case No.:</td>
<td>2013.0671MZ</td>
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<td><em>Initiation of Amendments to the General Plan and Zoning Maps</em></td>
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<td>Staff Contact:</td>
<td>Corey Teague - (415) 575-9081</td>
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<td><a href="mailto:corey.teague@sfgov.org">corey.teague@sfgov.org</a></td>
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<td>Joshua Switzky – (415) 575-6815</td>
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<td><a href="mailto:joshua.switzky@sfgov.org">joshua.switzky@sfgov.org</a></td>
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**SUMMARY**

The San Francisco Planning Department is seeking to 1) rezone a cluster of parcels along Mission and 10th Streets (the “Adjacent Parcels”) that were analyzed in the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 8th Street Project Final Environmental Impact Report (FEIR), but not included within the Western SoMa plan area or rezoning, 2) rezone two nearby properties on Mission and Jessie Streets that represent some of the last RSD zoning in the City, 3) correct the zoning for several parcels within the Western SoMa plan area that received incorrect zoning and/or height designations due to technical errors, and 4) amend the General Plan to extend the plan area boundaries of Market and Octavia and East SoMa to capture the “Adjacent Parcels.”

**BACKGROUND**

**“Adjacent Parcels”**

The “Adjacent Parcels” along Mission Street and 10th Street were left out of the Market and Octavia, and Eastern Neighborhoods plans and rezoning efforts because at the time these parcels were being considered for rezoning as part of planning efforts related to the then-proposed Mid-Market Redevelopment Plan. Also, these parcels currently retain zoning designations, C-M and SLR, which have been phased out elsewhere. In recognition of their omission, the rezoning of these parcels was analyzed in the FEIR, which was certified by the Planning Commission on December 6, 2012. However, the “Adjacent Parcels” were not included as part of the Western SoMa rezoning, which only included those parcels within the Western SoMa plan area.
Initiation of General Plan and Zoning Map Amendments
Case Number 2013.0671MZ
“Adjacent Parcels” and Western SoMa Cleanup

Parcels on Mission and Jessie Streets
Two additional parcels along Mission and Jessie Streets between 6th and 7th Streets were added to the rezoning proposal due to the fact that they are currently zoned RSD, which is one of the South of Market Mixed Use Districts established in 1990. The South of Market Area Plan was removed from the General Plan as part of the Western SoMa Area Plan adoption, and SoMa Mixed Use Districts are in the process of being phased out and replaced by other districts like Eastern Neighborhoods Mixed Use Districts and Neighborhood Commercial Districts.

These outliers are the only two parcels north of Mission Street for the entire stretch between the Embarcadero and South Van Ness that are not currently C-3.1 They also are the only SoMa Mixed Use Districts located north of Mission Street. These two additional parcels are in a 160-F height and bulk district, which is also uncommon for South of Market Mixed Use Districts. Therefore, a C-3-G zoning designation is more appropriate for these two properties so that they better conform to the zoning that currently surrounds them between Mission and Market Streets.

Western SoMa Cleanup Zoning
The rezoning associated with the Western SoMa Area Plan was adopted by the Board of Supervisors on March 19, 2013. However, several parcels within the Western SoMa Plan Area received incorrect zoning and/or height designations due to technical errors in the Zoning Amendment Ordinance. The proposal is to correctly rezone the parcels to be consistent with what was proposed in the FEIR and final maps associated with the Western SoMa rezoning.

General Plan Amendment
The “Adjacent Parcels” between 7th and 9th Streets were originally located within the South of Market Plan area and zoned SLR, a South of Market Mixed Use District. They are proposed to be rezoned to MUO, which is an Eastern Neighborhoods Mixed Use District. Their location south of Mission Street, mixed use zoning designations, and immediate proximity makes these parcels a logical fit within Eastern Neighborhoods. More specifically, the boundaries of the East SoMa Area Plan are proposed to be extended to capture these parcels.

The “Adjacent Parcels” between 9th and 10th Streets, and those along 10th Street, are located just outside of the now-defunct South of Market Plan area and the current Western SoMa Plan area. They are proposed to be rezoned to C-3-G, which is consistent with the zoning of adjacent properties within the Market and Octavia Plan area. Their immediate proximity and proposed zoning make these parcels a logical fit within the Market and Octavia Plan area.

ENVIRONMENTAL REVIEW
As discussed above, the rezoning of the “Adjacent Parcels” was analyzed in the FEIR adopted by the Planning Commission on December 6, 2012. The proposed Western SoMa cleanup rezoning is also consistent with the FEIR. Copies of the FEIR and associated CEQA Findings are available for review at the Planning Department at 1650 Mission Street, Suite 400, San Francisco.

1 With the exception of the public parcels zoned “P” and the parcels immediately fronting 6th Street, which are part of an NC district on 6th Street.
The Planning Department is currently preparing an addendum to the FEIR to analyze the rezoning of the two additional properties on Mission and Jessie Streets, as well as the proposed General Plan amendment. The addendum will be completed before the Planning Commission holds a public hearing to consider these Zoning Map and General Plan amendments.

REQUIRED COMMISSION ACTION

Prior to scheduling a hearing for the Commission to consider approving the General Plan and Zoning Map amendments, the Commission must act to “initiate” these amendments. The initiation action allows for the scheduling of a hearing to consider adoption of these amendments and for the Planning Department to provide the necessary public notification of the adoption hearing. If the Planning Commission approves the Resolutions of Intent on July 18, the Department would subsequently provide public notice for a public hearing on the proposed amendments on or after August 15, 2013.

RECOMMENDATION

Staff recommends adoption of the draft Resolutions of Intent to the initiate proposed amendments to the General Plan and Zoning Maps.

BASIS FOR RECOMMENDATION

These Zoning Map and General Plan amendments are necessary to continue the implementation of the recently adopted Western SoMa Area Plan and the continued phase-out of the South of Market Mixed Use Districts.
Initiation of General Plan and Zoning Map Amendments

Case Number 2013.0671MZ
“Adjacent Parcels” and Western SoMa Cleanup

ADJACENT PARCELS AND WESTERN SOMA CLEANUP
Zoning Districts
Initiation of General Plan and Zoning Map Amendments
Case Number 2013.0671MZ
“Adjacent Parcels” and Western SoMa Cleanup

CURRENT

PROPOSED

ADJACENT PARCELS AND WESTERN SOMA CLEANUP
Height/Bulk Districts
Planning Commission Resolution No. _____

HEARING DATE: JULY 18, 2013

Case No.: 2013.0671MZ

Project: “Adjacent Parcels” and Western SoMa Cleanup General Plan Amendments

Staff Contact: Corey Teague - (415) 575-9081
corey.teague@sfgov.org

Recommendation: Approval

ADOPTING A RESOLUTION OF INTENTION TO INITIATE AMENDMENTS TO THE SAN FRANCISCO GENERAL PLAN TO EXPAND THE BOUNDARIES OF THE EAST SOMA AND MARKET AND OCTAVIA PLAN AREAS TO INCLUDE NEARBY PARCELS ALONG MISSION STREET AND 10TH STREET.

PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend to the Board of Supervisors for approval or rejection of proposed amendments to the General Plan in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, the Planning Commission certified the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 8th Street Project Final Environmental Impact Report (FEIR) on December 6, 2012; and

WHEREAS, the FEIR analyzed the Western SoMa Community Plan, the rezoning of the “Adjacent Parcels” along Mission and 10th Streets, and a proposed development at 350 8th Street; and

WHEREAS, the Planning Commission adopted Resolution No. 18757 on December 6, 2012, making findings under the California Environmental Quality Act in support of the approval of the Western SoMa Area Plan and Adjacent Parcels amendments; and

WHEREAS, the Board of Supervisors adopted the Western SoMa Area Plan and associated General Plan, Zoning Map, Planning Code, and Administrative Code amendments on March 19, 2013; and

WHEREAS, while the “Adjacent Parcels” are not currently part of any adopted area plan, their small area, proposed zoning, and proximity make them ideal candidates for inclusion in the East SoMa and Market and Octavia Plan Areas; and
WHEREAS, the proposed legislation is intended to include these “Adjacent Parcels” into the East SoMa and Market and Octavia Plan Areas; and

WHEREAS, all the pertinent documents may be found in the files of the Planning Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

MOVED, that pursuant to Planning Code Section 340(c), the Planning Commission Adopts a Resolution of Intent to Initiate amendments to the General Plan of the City and County of San Francisco, including amendments to boundaries of the East SoMa and Market and Octavia Plan Areas.

AND BE IT FURTHER RESOLVED, That pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced General Plan amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit II-2, to be considered at a publicly noticed hearing on or after August 15, 2013.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on July 18, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 18, 2013
Ordinance amending the San Francisco General Plan by amending the boundaries of the East South of Market (East SoMa) Area Plan to incorporate 40 nearby parcels on Mission Street, generally bounded by 7th Street to the east, 9th Street to the west, and Minna Street to the south; amending the Market and Octavia Planning Area to incorporate 8 adjacent parcels along Mission Street and 10th Street, generally bound by Washburn Street to the east and Minna Street to the south; and making environmental findings and findings of consistency with the General Plan and the 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. Section 4.105 of the Charter of the City and County of San Francisco provides that the Planning Commission shall periodically recommend to the Board of Supervisors, for approval or rejection, proposed amendments to the General Plan.

B. On _____________, the Board of Supervisors received from the Planning Department the proposed General Plan amendments, including the amendments to the boundaries of the East SoMa Area Plan and the Market and Octavia Area Plan (collectively, the Rezoning of Adjacent Parcels). These amendments are on file with the Clerk of the Board of Supervisors in File No.____________ and are incorporated herein by reference.
C. Section 4.105 of the City Charter further provides that if the Board of Supervisors fails to Act within 90 days of receipt of the proposed General Plan amendments related to the Rezoning of Adjacent Parcels, then the proposed amendments shall be deemed approved.

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

E. After a duly noticed public hearing on __________, 2013, in Motion No. ______ the Planning Commission initiated amendments to the General Plan related to the Rezoning of Adjacent Parcels, in the File No. _____________. Said motion is on file with the Clerk of the Board of Supervisors and incorporated herein by reference.

F. On December 6, 2012 after a duly noticed public meeting, the Planning Commission certified the Final Environmental Impact Report (EIR) for the Western SoMa Community Plan and the Rezoning of Adjacent Parcels by Motion No. 18756, finding the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, contains no significant revisions to the Draft EIR, and the content of the report and the procedures through which the Final EIR was prepared, publicized and reviewed comply with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), the CEQA
Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code. Copies of the Planning Commission Motion and Final EIR are on file with the Clerk of the Board in File No. 130001 and are incorporated herein by reference.

G. The project evaluated in the Final EIR includes amendments to the General Plan and Zoning Map related to the Rezoning of Adjacent Parcels that the Planning Department has proposed. The Rezoning of Adjacent Parcels amendment is an action proposed by the Planning Department that is within the scope of the project evaluated in the Final EIR.

H. At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the Western SoMa Area Plan and the Rezoning of Adjacent Parcels in Motion 18757 and adopted the Western SoMa Area Plan amendments in Resolution 18758, finding in accordance with Planning Code Section 340 that the public necessity, convenience and general welfare required the proposed amendments. The letter from the Planning Department transmitting the proposed Western SoMa Area Plan amendments to the Board of Supervisors, the Final EIR, the CEQA Findings adopted by the Planning Commission with respect to the approval of the Western SoMa Area Plan amendments, including a mitigation monitoring and reporting program and a statement of overriding considerations, the Western SoMa Area Plan amendments and the Resolution approving the Western SoMa Area Plan Amendments are on file with the Clerk of the Board in File No. 130001. These and any and all other documents referenced in this Ordinance have been made available to the Board of Supervisors and may be found in either the files of the Planning Department, as the custodian of records, at 1650 Mission Street in San Francisco, or in File No. 130001 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco and are incorporated herein by reference.
I. The Board of Supervisors has reviewed and considered the Final EIR and the environmental documents on file referred to herein. The Board of Supervisors has reviewed and considered the CEQA Findings adopted by the Planning Commission in support of the approval of the Western SoMa Area Plan amendments and Rezoning of Adjacent Parcels, and hereby adopts as its own and incorporates the CEQA Findings contained in Planning Commission Resolution No. _____ by reference as though such findings were fully set forth in this Ordinance.

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

K. The Board of Supervisors finds that no substantial changes have occurred related to the parcels to be rezoned since the time the Final EIR was certified that will require revisions in the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no substantial changes have occurred with respect to the circumstances under which the Rezoning of Adjacent Parcels is undertaken which will require major revisions to the Final EIR due to the involvement of new environmental effects or a substantial increase in the severity of effects identified in the Final EIR and no new information of substantial importance to the Rezoning of Adjacent Parcels as proposed for approval in the Ordinance has become available which indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation measure or alternatives found not feasible which would reduce one or more significant effects have
become feasible or (4) mitigation measures or alternatives which are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment.

M. The Board of Supervisors finds, pursuant to Planning Code Section 340, that the Rezoning of Adjacent Parcels set forth in the documents on file with the Clerk of the Board in File No. __________will serve the public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No._________ and incorporates those reasons herein by reference.

N. The Board of Supervisors finds that the General Plan amendments related to the Rezoning of Adjacent Parcels are, on balance, in conformity with the General Plan, as amended by this Ordinance, and the priority policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No._________. The Board hereby adopts the findings set forth in Planning Commission Resolution No._________.

Section 2. The Board of Supervisors hereby approves the General Plan amendments related to the Rezoning of Adjacent Parcels, as recommended by the Planning Commission in Resolution No._________, and directs the Planning Department to update the General Plan’s Land Use Index to reflect these Amendments. Said amendments are on file with the Clerk of the Board of Supervisors in File No. __________and are incorporated herein by reference.

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

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

By: ANDREA RUIZ-ESQUIDE
Deputy City Attorney
Planning Commission Resolution No. _____

HEARING DATE: JULY 18, 2013

Case No.: 2013.0671MZ

Project: “Adjacent Parcels” and Western SoMa Cleanup
Zoning Map Amendments

Staff Contact: Corey Teague - (415) 575-9081
corey.teague@sfgov.org

Recommendation: Approval

ADOPTING A RESOLUTION OF INTENTION TO INITIATE AMENDMENTS TO THE SAN FRANCISCO ZONING MAPS PURSUANT TO THE CERTIFICATION OF THE WESTERN SOMA COMMUNITY PLAN, REZONING OF ADJACENT PARCELS, AND 350 8TH STREET PROJECT FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF THE WESTERN SOMA COMMUNITY PLAN.

PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend proposed amendments to the Zoning Maps to the Board of Supervisors;

WHEREAS, the Planning Commission certified the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 8th Street Project Final Environmental Impact Report (FEIR) on December 6, 2012; and

WHEREAS, the FEIR analyzed the Western SoMa Community Plan, the rezoning of the “Adjacent Parcels” along Mission and 10th Streets, and a proposed development at 350 8th Street; and

WHEREAS, the Board of Supervisors adopted the Western SoMa Area Plan and associated General Plan, Zoning Map, Planning Code, and Administrative Code amendments on March 19, 2013; and

WHEREAS, Zoning Map amendment Ordinance No. 43-13 included several technical errors; and

WHEREAS, the “Adjacent Parcels” are currently zoned C-M and SLR; and

WHEREAS, Block 3703, Lots 025 and 026, which front Mission and Jessie Streets are zoned RSD, but are within a 160-F height and bulk district and adjacent to a large cluster of properties zoned C-3-G and within 120-F and 160-F height and bulk districts; and
WHEREAS, an addendum to the FEIR to evaluate the proposed rezoning of Block 3703, Lots 025 and 026 is near completion; and

WHEREAS, aside from those properties within the “Adjacent Parcels” and Block 3703 Lots 025 and 026, there are very few other parcels within the City currently zoned C-M and RSD, and no other parcels in the City zoned SLR; and

WHEREAS, while the “Adjacent Parcels” are not currently part of any adopted area plan, their proximity to both the recently adopted East SoMa and Market and Octavia Plan Areas makes them ideal candidates for rezoning to allow the type of land uses that are envisioned within this part of the city; and

WHEREAS, the proposed legislation is intended to implement the rezoning of the “Adjacent Parcels” as analyzed in the Western SoMa FEIR, correct the technical errors included in Zoning Map amendment Ordinance No. 43-13, and continue the removal of the RSD zoning district within the City; and

WHEREAS, all the pertinent documents may be found in the files of the Planning Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

MOVED, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution of Intent to Initiate amendments to the Zoning Map of the City and County of San Francisco, including amendments to Sectional Maps ZN1, ZN7, ZN8, HT7, and HT8.

AND BE IT FURTHER RESOLVED, That pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Zoning Map amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit III-2, to be considered at a publicly noticed hearing on or after August 15, 2013.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on July 18, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 18, 2013
[Planning Code – Adjacent Parcels and Western SoMa Cleanup; Zoning Map Amendments]

Ordinance amending Sheets ZN01, ZN07, ZN08, HT07, and HT08 of the Zoning Map of the City and County of San Francisco to revise use districts and height and bulk districts for parcels adjacent to and within the Western SoMa Plan Area; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and 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) California Environmental Quality Act.

In accordance with the actions contemplated herein, this Board adopted Ordinance No. ________, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.) A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 130001 and is incorporated herein by reference.

(b) General Plan Consistency and Other Findings.

(1) Pursuant to Planning Code Section 302, this 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. ________, and incorporates those reasons herein by reference. A copy of Planning Commission Resolution No. ________ is on file with the Clerk of the Board of Supervisors in File No. ________.
(2) This Board of Supervisors finds that this Ordinance is, on balance, consistent with the General Plan and the Priority Policies of Planning Code Section 101.1(b) for the reasons set forth in Planning Commission Resolution No. _______, and incorporates those reasons herein by reference.

Section 2. Under Sections 106 and 302(c) of the Planning Code, the following zoning use designation amendments to Sheets ZN01, ZN07, and ZN08 are hereby approved:

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Section 3. Under Sections 106 and 302(c) of the Planning Code, the following height and bulk designation amendments to the Zoning Map, Sheets HT07 and HT08 are hereby approved.

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Section 4. Effective Date. This ordinance shall become effective 30 days from the
date of passage.

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

By: ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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