

# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20733

HEARING DATE: MAY 28, 2020

*Case No.:* 2018-007883PCAMAP  
*Project:* Balboa Reservoir Project  
*Existing Zoning:* P (Public)  
*Height-Bulk:* 40-X, 65-A  
*Proposed Zoning:* Balboa Reservoir Mixed-Use District (BR-MU)  
Balboa Reservoir Special Use District  
*Proposed Height:* 48-X and 78-X  
*Blocks/Lots:* Block 3180/Lot 190  
*Project Sponsor:* Reservoir Community Partners LLC,  
Kearstin Dischinger, (415) 321-3515, kdischinger@bridgehousing.com  
*Staff Contact:* Seung Yen Hong – (415) 575-9026, seungyen.hong@sfgov.org

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO THE PLANNING CODE TO: (1) ESTABLISH THE BALBOA RESERVOIR SPECIAL USE DISTRICT; (2) ESTABLISH THE BALBOA RESERVOIR MIXED USE DISTRICT; (3) AMEND ZONING MAP 12 TO REZONE THE PROJECT SITE FROM P (PUBLIC) TO BR-MU (BALBOA RESERVOIR-MIXED USE); (4) AMEND PLANNING CODE HEIGHT AND BULK MAP 12 TO INCREASE THE HEIGHT LIMIT AT THE PROJECT SITE FROM 40-X / 65-A TO 48-X / 78-X; (5) AMEND PLANNING CODE SPECIAL USE DISTRICT MAP 12 BY ZONING THE PROJECT SITE AS BALBOA RESERVOIR SPECIAL USE DISTRICT; AND (6) ADOPT FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1 AND FINDINGS UNDER PLANNING CODE SECTION 302, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**WHEREAS**, On April 28, 2020, Supervisor Norman Yee introduced an ordinance (Board File 200422) for Planning Code Amendments to establish the Balboa Reservoir Special Use District (herein "SUD"), and for Zoning Map Amendments by amending Zoning Maps ZN12, SU12 and HT12, for the Assessor's Blocks and Lots as listed above; and

**WHEREAS**, The Planning Code and Zoning Map Amendments would enable the development of the Balboa Reservoir Project ("Project"). Reservoir Community Partners ("Project Sponsor") submitted an application to the San Francisco Planning Department ("Department") for environmental review on May 31, 2018. The Project is located north of the Ocean Avenue Neighborhood Commercial District, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School, also known as the Balboa Reservoir. The Project site, which is approximately 17.6 acres, is owned by the City and County of San Francisco ("City") under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC"). The Project site subject to Planning Code and Zoning Map Amendments does not include the 80-foot wide strip along the southern boundary containing SFPUC pipelines. The Project is a mixed-use development containing an integrated network of new publicly accessible parks and a mixed-use neighborhood. The Project includes up to 1.64

million gross square feet in new construction on 10 blocks and would provide approximately 1,100 residential units totaling about 1.3 million gross square feet. A total of up to 50 percent of the new units would be designated affordable to low- and moderate-income households and would include up to 150 units restricted to occupancy by educator households. The Project would contain approximately 10,000 gross square feet of childcare and community space, approximately 7,500 gross square feet of retail space, approximately 550 off-street residential parking spaces and up to 450 off-street parking spaces for use by the public. Maximum heights of new buildings would range between 25 feet and 78 feet. The tallest permitted building heights would generally be located toward Lee Avenue extension near the City College campus and step down westerly. The western side of the project site would build townhomes in order to provide a gradual transition to the lower prevailing heights in Westwood Park. The townhomes facing Westwood Park will be required to provide building setbacks to respect the character of Westwood Park. In addition, upper story setbacks will be required on almost every block on the Project site; and

**WHEREAS**, Approvals required for the Project include (1) certification of an Environmental Impact Report ("EIR"), (2) Planning Code and Zoning Map amendments, (3) General Plan Amendments, (4) Planning Code Text and Map Amendments, (5) the adoption of a Design Standards and Guidelines ("DSG") document to facilitate implementation, and (6) approval of the Project and a Development Agreement ("DA") between the Project Sponsor and the City and County of San Francisco; and

**WHEREAS**, These Planning Code Text Amendments would establish the BR-MU zoning district, establish the Balboa Reservoir SUD, would outline the land use controls for the Project site through the SUD, and would rezone the land currently zoned P (Public) to BR-MUD (Balboa Reservoir Mixed-Use District) designation that are more appropriate for the area and that allow the implementation of the Project. This rezoning also includes re-designating the height and bulk districts within the SUD from 40-X and 65-A to 48-X and 78-X; and

**WHEREAS**, On May 28, 2020, the Planning Commission reviewed and considered the Final EIR ("FEIR") for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the FEIR for the Project in compliance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and Chapter 31 by Motion No. 20730; and

**WHEREAS**, On May 28, 2020, the Planning Commission adopted staff recommendations to approve the Project, as particularly defined in the Planning Commission's DA Resolution, and authorize the Planning Director to make a design decision on garage locations at the time of Development Phase Application approval; and

**WHEREAS**, On May 28, 2020, the Commission by Motion No. 20731 approved CEQA Findings, including adoption of a statement of overriding considerations and a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2018-007883ENV, for approval of the Project, which findings, statement of overriding considerations and MMRP are incorporated by reference as though fully set forth herein; and

**WHEREAS**, On May 28, 2020, the Commission by Resolution No. 20732 found that the Project, including the actions contemplated in this Resolution, is on balance consistent with the General Plan, as it is

proposed to be amended, and the eight Priority Policies of Planning Code Section 101.1. That Resolution is incorporated by reference as though fully set forth herein; and

**WHEREAS**, On May 28, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the proposed Planning Code Text and Map Amendments and has considered the information included in the Planning Commission's files for these Amendments, the staff reports and presentations, public testimony and written comments, as well as the information provided about the Project from other City departments; and.

**WHEREAS**, An ordinance, in the form attached hereto as Exhibit A, approved as to form by the City Attorney, would establish the Balboa Reservoir SUD, and make other related Planning Code Map amendments; and

**WHEREAS**, Supervisor Yee, the sponsor of the ordinance, has proposed additional amendments to the Balboa Reservoir SUD that are attached to the staff report and are before the Planning Commission as part of its record for consideration and recommendation.

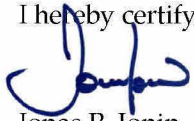
**NOW THEREFORE BE IT RESOLVED**, That the Planning Commission hereby adopts the CEQA Findings for purposes of this action and finds that the Planning Code Text Amendments and Zoning Map Amendments promote the public welfare, convenience and necessity for the following reasons:

1. The Planning Code Amendments would help implement the Balboa Reservoir Project development, thereby evolving currently under-utilized land for needed housing, parks and open space, community facilities and amenities, and other related uses.
2. The Planning Code Amendments would help implement the Balboa Reservoir Project, which in turn will provide employment opportunities for local residents during construction and occupancy, as well as community facilities and parks for new and existing residents.
3. The Planning Code Amendments would help implement the Balboa Reservoir Project by enabling the creation of a mixed-use and sustainable neighborhood, with new infrastructure.
4. The Planning Code Amendments would enable the construction of a new vibrant, safe, and connected neighborhood, including new parks and open spaces. The Planning Code Amendments would help ensure a vibrant neighborhood with active streets and open spaces, high quality and well-designed buildings, and thoughtful relationships between buildings and the public realm.
5. The Planning Code Amendments would enable construction of new housing, including new on-site affordable housing and educator housing. The Project would create a new mixed-use neighborhood that would strengthen and complement nearby neighborhoods.
6. The Planning Code Amendments would help promote child-friendly development in the Balboa Reservoir neighborhood by providing a higher portion of 2 plus bedroom units and a range of amenities like a childcare center, cargo bicycle parking, and an ample amount of well-designed open spaces.

**AND BE IT FURTHER RESOLVED**, That the Commission finds the Balboa Reservoir Planning Code Amendments are in conformity with the General Plan, as it is proposed to be amended, and Planning Code Section 101.1 as set forth in Resolution No. 20732.

**AND BE IT FURTHER RESOLVED,** That the Commission hereby recommends that the Board of Supervisors adopt the Balboa Reservoir Planning Code and Zoning Map Amendments, in substantially the form attached hereto as Exhibit A, including Supervisor Yee's proposed amendments as shown in the Planning Department staff report.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 28, 2020.



Jonas P. Ionin  
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Johnson, Koppel, Moore

NOES: None

ABSENT: None

ADOPTED: May 28, 2020

[Planning Code and Zoning Map - Balboa Reservoir Special Use District]

**Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

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 ~~striketrough italics Times New Roman font~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~striketrough 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 1. Planning and Environmental Findings.

(a) The Balboa Reservoir Project (the "Project") addresses the City's housing challenges by contributing to the City's goal of creating 5,000 housing units each year. The Project site was specifically identified in the General Plan for additional housing in close proximity to local and regional public transportation. The Project implements the goals and objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area

1 Plan that calls for the development of a mixed-use residential neighborhood on the west  
2 reservoir to address the citywide demand for housing. The Project also implements the goals  
3 of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative  
4 (Proposition K), that the electorate passed in November 2015, by replacing an underused  
5 surface parking lot located on surplus public land with a substantial amount of new housing,  
6 including a high percentage of affordable housing.

7 (b) In companion legislation adopting a Development Agreement associated with the  
8 Project, the Board of Supervisors adopted environmental findings pursuant to the California  
9 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et  
10 seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et seq.), and Chapter 31 of  
11 the Administrative Code. The Board adopts these environmental findings as though fully set  
12 forth herein in relation to this ordinance. A copy of said companion legislation is in Board of  
13 Supervisors File No. \_\_\_\_\_ and its environmental findings are incorporated herein  
14 by reference.

15 (c) The Planning Commission, in its Motion No. \_\_\_\_\_ adopted on  
16 \_\_\_\_\_, 2020, made findings that the Project and actions contemplated in this  
17 ordinance are consistent, on balance, with the City's General Plan and eight priority policies of  
18 Planning Code Section 101.1. The Board incorporates these findings by reference and  
19 adopts these findings as though fully set forth herein in relation to this ordinance. A copy of  
20 said Planning Commission Motion is in Board of Supervisors File No. \_\_\_\_\_.

21 (d) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
22 amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
23 in Planning Commission Resolution No. \_\_\_\_\_ and adopted on \_\_\_\_\_,  
24 2020, and the Board adopts such reasons as its own. A copy of said resolution is on file with  
25 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein

1 by reference.

2  
3 Section 2. The Planning Code is hereby amended by adding Section 249.88, to read  
4 as follows:

5 **SEC. 249.88. BALBOA RESERVOIR SPECIAL USE DISTRICT.**

6 **(a) Purpose and Boundaries.** *A Special Use District entitled the "Balboa Reservoir Special*  
7 *Use District" (the SUD) is hereby established, bounded by the City College of San Francisco Ocean*  
8 *Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to*  
9 *the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline that is*  
10 *adjacent to a mixed-use multifamily residential development along Ocean Avenue to the south. The*  
11 *precise boundaries of the SUD are shown on Sectional Map SU12 of the Zoning Map. The purpose of*  
12 *the SUD is to implement the land use controls for the Balboa Reservoir Project, which is subject to a*  
13 *Development Agreement, approved by the Board of Supervisors in the ordinance contained in Clerk of*  
14 *the Board of Supervisors File No. \_\_\_\_\_ . The Project will provide several benefits to the City,*  
15 *such as a significant amount of new housing, including a high percentage of affordable and educator*  
16 *housing, publicly accessible open space, a child care and community facility, retail space, and extensive*  
17 *infrastructure improvements, while creating jobs and a vibrant environmentally sustainable community.*

18 **(b) Relationship to Other Planning Code Provisions.** *Applicable provisions of the Planning*  
19 *Code shall control except as otherwise provided in this Section 249.88. If there is a conflict between*  
20 *other provisions of the Planning Code and this Section 249.88, this Section 249.88 shall prevail.*

21 **(c) Relationship to Design Standards and Guidelines.** *The Design Standard and Guidelines*  
22 *("DSG"), adopted by the Planning Commission by Motion No. \_\_\_\_\_ on \_\_\_\_\_,*  
23 *2020, and as may be periodically amended, sets forth design standards and guidelines applicable*  
24 *within the SUD. A copy of the DSG is on file with the Clerk of the Board of Supervisors in File No.*  
25 *\_\_\_\_\_ . Any capitalized term in this Section 249.88, and not otherwise defined in this Section*

1 or elsewhere in the Planning Code shall have the meaning ascribed to it in the DSG. This Section, the  
2 remainder of the Planning Code, and the DSG shall be read and construed together so as to avoid any  
3 conflict to the greatest extent possible. If there is a conflict between the DSG and either this Section or  
4 the remainder of the Planning Code, this Section or the other provision of the Planning Code shall  
5 prevail. Subject to this Section 249.88(c), if a later amendment to any provision of the Planning Code,  
6 including this Section 249.88, results in a conflict with the DSG, such amended Planning Code  
7 provision shall prevail. Amendments to the DSG may be made by the Planning Commission upon  
8 initiation by the Planning Department or upon application by Developer, but if there is a conflict  
9 between an amendment to the DSG and this Section or the remainder of the Planning Code, as  
10 applicable, this Section or other provision of the Planning Code shall prevail unless and until such time  
11 as this Section or the remainder of the Planning Code is amended to be consistent with the amendment  
12 to the DSG. The Planning Director may approve minor amendments to the DSG to clarify its  
13 provisions. For the purposes of this subsection (c), "minor amendments" shall be defined as  
14 amendments necessary to clarify omissions or correct inadvertent mistakes in the DSG and are  
15 consistent with the intent of the DSG, the SUD, the General Plan, and the Development Agreement.

16 **(d) Relationship to the Development Agreement.** This Section 249.88 shall be read and  
17 construed consistent with the Development Agreement, and all development within the Project Site that  
18 is subject to the Development Agreement shall satisfy the requirements of the Development Agreement  
19 for so long as the Development Agreement remains in effect.

20 **(e) Definitions.** For purposes of this Section 249.88, the following definitions shall apply. If  
21 not expressly superseded by definitions set forth in this subsection (e), all definitions of the Planning  
22 Code shall apply.

23 "Active Use" means use that consists of a Retail Sales and Service, Entertainment, Arts,  
24 Recreation, Child Care, Community Facility, or Residential use.

25 ///



1           “Block” means a Building Project block or a Publicly Accessible Open Space block as depicted  
2 on Figure 249.88-1.

3           “Building Project” or “Building” means the construction of a building or group of buildings  
4 within the Project Site.

5           “Building Standards” means the standards applicable to Building Projects and any associated  
6 privately-owned open spaces within the SUD, consisting of the standards specified in subsection (g)  
7 below and the standards and guidelines designated as such in the DSG. It does not mean Building Code  
8 requirements under either the California or San Francisco Building Codes, which this Section 249.88  
9 and the DSG do not override.

10           “Cart” means a mobile structure used in conjunction with food service and/or retail uses, that  
11 operates intermittently in a publicly accessible open space, and that is removed daily from such open  
12 space during non-business hours.

13           “Design Standards and Guidelines” or “DSG” shall mean the Balboa Reservoir Design  
14 Standards and Guidelines adopted by Planning Commission Motion No. \_\_\_\_\_, as may be  
15 amended from time to time. The Design Standards and Guidelines is incorporated into this Section  
16 249.88 by reference.

17           “Developer” means the BHC Balboa Builders, LLC, a California limited liability company, or  
18 its successor(s). Developer also may be an applicant.

19           “Development Agreement” means the Development Agreement by and between the City and the  
20 Developer, approved by the Board of Supervisors by the ordinance in Board File No. \_\_\_\_\_,  
21 and as the Development Agreement may be amended from time to time.

22           “Development Phase Application” means an application for each Building phase of the Project  
23 that describes at a minimum, the Block numbers, the Master Infrastructure Plan elements, and vertical  
24 improvements proposed in the phase, including number and sizes of affordable housing units, number  
25 and sizes of market rate housing units, and square footage of retail, arts activity, community facility

1 and child care square space, and publicly accessible open space. The Development Phase Application  
2 also shall include a list of any requested Minor or Major Modifications that are contemplated to be  
3 requested in the phase.

4 “Frontage” means the vertical exterior face or wall of a Building and its linear extent that is  
5 adjacent to or fronts on a street, right-of-way, or open space.

6 “Kiosk” means a Building or other structure that is set upon the ground and is not attached to a  
7 foundation, such as a shipping container, trailer, or similar structure, from which food service and/or  
8 retail business is conducted. A Kiosk may operate in a Publicly Accessible Open Space, and remain in  
9 place until the business operation is terminated or relocated.

10 “Major Modification” means a deviation of more than 10% from any dimensional or numerical  
11 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per  
12 subsection (g) below.

13 “Mass Reduction” means one or more breaks in a Building that reduce the horizontal scale of  
14 the Building into discrete sections.

15 “Master Infrastructure Plan” or “MIP” shall mean the Balboa Reservoir Master  
16 Infrastructure Plan approved by the Board of Supervisors as part of the Development Agreement and  
17 found in Clerk of the Board of Supervisors File No. \_\_\_\_\_, and as may be amended from time  
18 to time.

19 “Minor Modification” means a deviation of up to 10% from any dimensional or numerical  
20 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per  
21 subsection (g) below, or any deviation from any non-dimensional or non-numerical standard in the  
22 DSG.

23 “Privately-Owned Community Improvement,” means those facilities and services that are  
24 privately-owned and privately-maintained, at no cost to the City (other than any public financing set  
25 forth in the Financing Plan, a Development Agreement exhibit), for the public benefit, but not

1 dedicated to the City. Privately-Owned Community Improvements include certain pedestrian paseos,  
2 storm drainage facilities, publicly accessible open spaces.

3 “Project” means the Balboa Reservoir Project.

4 “Project Site” means the approximately 16.5 acre site shown on Figure 249.88-1 that is within  
5 the SUD. The 80-foot wide strip of land along the southern boundary of the west basin that contains  
6 SFPUC pipelines is regulated by the Development Agreement, but is not part of the Project Site or  
7 within the SUD and remains within a P (Public) zoning district.

8 “Publicly Accessible Open Space” means a usable open space that is accessible to the public,  
9 including an unenclosed park or garden at street grade or following the natural topography,  
10 improvements to hillsides or other unimproved public areas, an unenclosed plaza at street grade, or an  
11 unenclosed pedestrian pathway, or a shared pedestrian/vehicular right-of-way.

12 “Residential Use” means uses that provide housing for San Francisco residents, rather than  
13 visitors, including Dwelling Units, Group Housing, Senior Housing, and Student Housing.

14 “Multifamily Housing” means a residential Building where multiple separate housing units for  
15 residential inhabitants are contained within one Building.

16 “Retail Sales and Services” means the use described in Section 102, except for Retail  
17 Automobile Uses, Adult Business, Hotel, Motel, and Self-Storage.

18 “Step Back” means a reduction of one or more stories in a portion of one or more upper stories  
19 of a Building.

20 “Streetwall” means a continuous façade of a Building and/or Buildings along a street  
21 Frontage.

22 “Townhouse” means a single-family dwelling unit with at least two floors that shares a wall  
23 with another dwelling and with direct access into the dwelling unit from a street or Publicly Accessible  
24 Open Space that does not require access through a lobby, corridor, or other common indoor space  
25 shared with other housing units.

1           **(f) Development Controls.** *This SUD, as established in Section 249.88, and other Planning*  
2 *Code Sections referenced herein establish all zoning controls for the Project Site.*

3           **(g) Uses.**

4           **(1) Balboa Reservoir Special Use District Zoning Designations.** *As shown on the*  
5 *Zoning Map, the SUD is co-terminus with the Balboa Reservoir Mixed Use District (BR-MU). This*  
6 *SUD, as established in Section 249.88, and other Planning Code Sections referenced herein establish*  
7 *all zoning controls for the BR-MU district.*

8           **(2) Permitted Uses.** *The following Uses set forth in Table 249.88-1: Balboa Reservoir*  
9 *Land Uses shall be permitted within the different Blocks of the SUD shown in Figure 249.88-1, where P*  
10 *means Permitted Use and NP means Non-permitted Use. All other uses not stated are prohibited.*

11       ///

12       ///

13       ///

14       ///

15       ///

16       ///

17       ///

18       ///

19       ///

20       ///

21       ///

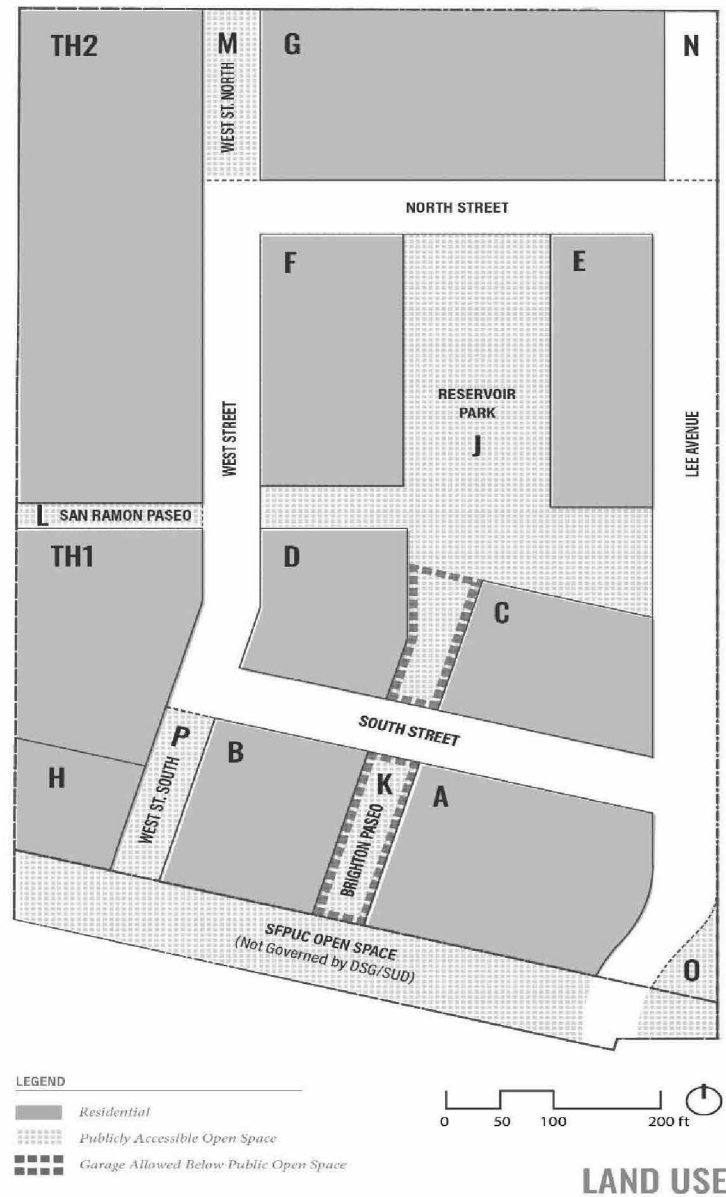
22       ///

23       ///

24       ///

25       ///

**Figure 249.88-1 Balboa Reservoir Land Use Map**



**Table 249.88-1 Balboa Reservoir Land Uses**

| <b><i>Permitted<br/>Use Category</i></b>                                     | <b><i>A</i></b> | <b><i>B</i></b> | <b><i>C</i></b>      | <b><i>D</i></b>      | <b><i>E</i></b>      | <b><i>F</i></b>      | <b><i>G</i></b>       | <b><i>H</i></b> | <b><i>TH1</i></b> | <b><i>TH2</i></b> | <b><i>J</i></b> | <b><i>K, L,<br/>M, O,<br/>P</i></b> |
|--|-----------------|-----------------|----------------------|----------------------|----------------------|----------------------|-----------------------|-----------------|-------------------|-------------------|-----------------|-------------------------------------|
| <b><i>Publicly<br/>Accessible<br/>Open Space<br/>Residential<br/>Use</i></b> | <i>P</i>        | <i>P</i>        | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>              | <i>P</i>        | <i>P</i>          | <i>P</i>          | <i>P</i>        | <i>P</i>                            |
| <b><i>Child Care<br/>Facility</i></b>  | <i>P</i>        | <i>P</i>        | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>              | <i>P</i>        | <i>P</i>          | <i>P</i>          | <i>P(4)</i>     | <i>P(4)</i>                         |
| <b><i>Community<br/>Facility (2),<br/>(3)</i></b>                            | <i>P</i>        | <i>P</i>        | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>              | <i>P</i>        | <i>NP</i>         | <i>NP</i>         | <i>NP</i>       | <i>NP</i>                           |
| <b><i>Retail Sales<br/>and Services<br/>(2)</i></b>                          | <i>P</i>        | <i>P</i>        | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>              | <i>NP</i>       | <i>NP</i>         | <i>NP</i>         | <i>NP</i>       | <i>NP</i>                           |
| <b><i>Arts<br/>Activities (2)</i></b>  | <i>P</i>        | <i>P</i>        | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>              | <i>NP</i>       | <i>NP</i>         | <i>NP</i>         | <i>NP</i>       | <i>NP</i>                           |
| <b><i>Carts and<br/>Kiosks (5)</i></b>                                       | <i>NP</i>       | <i>NP</i>       | <i>N</i><br><i>P</i> | <i>N</i><br><i>P</i> | <i>N</i><br><i>P</i> | <i>N</i><br><i>P</i> | <i>NP</i><br><i>P</i> | <i>NP</i>       | <i>NP</i>         | <i>NP</i>         | <i>P</i>        | <i>NP</i>                           |
| <b><i>Public<br/>Parking<br/>Garage</i></b>                                  | <i>P</i>        | <i>P</i>        | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>             | <i>P</i>              | <i>P</i>        | <i>NP</i>         | <i>NP</i>         | <i>P(6)</i>     | <i>NP</i>                           |

(1) Only Townhouse units are allowed

(2) All non-residential uses except multi-story parking garages are allowed only

1           on the ground floor and below

2                     (3) As defined in Section 102, except Health Care uses are not allowed

3                     (4) Child care open space only

4                     (5) Carts and Kiosks are allowed in Block J subject to Subsection (g)(8)(N)

5                     (6) Below grade only as shown in Figure 249.88-1

6                     (3) **Temporary Uses.** Temporary Uses are permitted consistent with Planning Code  
7                     Sections 205.1 through 205.4 for Neighborhood Commercial Districts.

8                     (4) **Interim Uses.**

9                     (A) Prior to completion of the Project, one or more Public or Private Parking  
10                    Lots, including construction worker parking lots, shall be permitted without regard to the provisions  
11                    regulating automobile parking set forth in Sections 155, 156, 303(t) or (u), and other provisions of  
12                    Article 1.5 of this Code, and such parking lot(s) shall not be required to be surrounded by a fence or  
13                    wall.

14                    (B) Prior to completion of the Project, certain other interim uses may be  
15                    authorized for a period not to exceed five years by the Planning Director, without a public hearing if  
16                    the Planning Director finds that such Interim Use will not impede orderly development consistent with  
17                    this Section 249.88, the DSG, and the Development Agreement. Any authorization granted pursuant to  
18                    this subsection 249.88(g)(4)(B) shall not exempt the Developer from obtaining any other permit  
19                    required by law. Additional time for such uses may be authorized upon a new application for the  
20                    proposed Interim Use. Permitted Interim Uses shall include, but are not limited to:

21                             (i) Retail Sales and Services;

22                             (ii) Entertainment, Arts, and Recreation, including but not limited to  
23                    temporary art installations, exhibits, and sales, recreational facilities and uses (such as play and  
24                    climbing structures and outdoor fitness classes), and temporary structures to accommodate events  
25                    (such as stages, seating, and support facilities for patrons and operations);

1 (iii) Institutional Education Use, including but not limited to after-school  
2 day camp and activities;

3 (iv) Site management service, administrative functions, and customer  
4 amenities and associated loading;

5 (v) Rental or sales offices incidental to new development; and

6 (vi) Trailers, recreational vehicles, or other temporary housing for  
7 construction workers, seasonal labor, or other workforce employment needs.

8 (5) Residential Density. The dwelling unit and group housing density limits applicable  
9 in the RM-3 District, as it may be modified pursuant to Section 304, shall govern residential density  
10 within the SUD. However, greater residential density than permitted in an RM-3 District may be  
11 provided on individual Blocks, as long as the overall density of the SUD does not exceed the density  
12 allowed in a RM-3 District, as it may be modified pursuant to Section 304, for the entire SUD.

13 (6) Minimum Dwelling Unit Mix. No less than 25% of the total aggregate number of  
14 proposed dwelling units in the SUD shall contain at least two bedrooms, and no less than 10% of the  
15 total aggregate number of proposed dwelling units in the SUD shall contain at least three bedrooms.  
16 The minimum dwelling unit mix may be less on any individual Block than otherwise required provided  
17 the total dwelling unit mix in the SUD shall not be less than the minimum dwelling unit mix upon  
18 completion of the Project.

19 (7) Floor Area Ratio. There shall be no floor-area-ratio limit within the SUD.

20 (8) Building Standards.

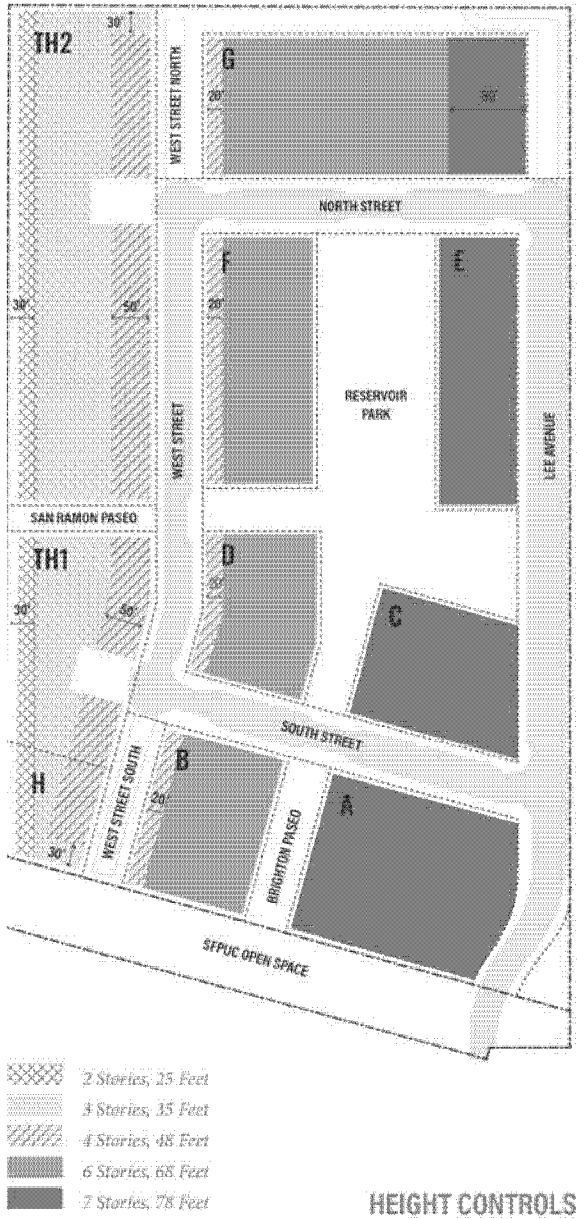
21 (A) Building Height. For purposes of the SUD, the height limits shall be as set  
22 forth in Section Map HT12 of the Zoning Map and as further limited and detailed in Figure 249.88-2:  
23 Building Height Maximums, and as further governed by this Section 249.88(g)(8)(A). The features set

24 ///

25 ///



**Figure 249.88-2 Height Limit Map**



**HEIGHT CONTROLS**

1 forth in Section 260(b)(1) and those below may extend above the maximum allowable height provided  
2 the sum of the horizontal areas of said features do not exceed 40 percent of the rooftop area and do  
3 not encroach into the required step back at upper floors as required below:

4 (i) Solar energy collection devices shall be allowed to a maximum height  
5 of 10 feet.

6 (ii) Rooftop enclosed utility sheds designed exclusively for the storage of  
7 landscaping, gardening supplies, and related equipment for living roofs shall be allowed, provided they  
8 do not exceed 100 square feet of gross area and a maximum height of 10 feet.

9 (iii) Projections above the allowable height necessary to accommodate  
10 additional ceiling height at common amenity spaces located on the top floor shall be allowed to a  
11 maximum ceiling height of 10 feet average measured to finished surface at ceiling.

12 (iv) Non-occupied architectural features, including wind screens shall be  
13 allowed up to 8 feet above the allowable height.

14 (B) **Building Bulk.** There are no bulk limits in this SUD.

15 (C) **Setbacks.** Minimum setbacks of the façade of Buildings from street rights of  
16 way and from publicly accessible open space shall be provided in the locations and depth shown in  
17 Figure 249.88-3.

18 ///

19 ///

20 ///

21 ///

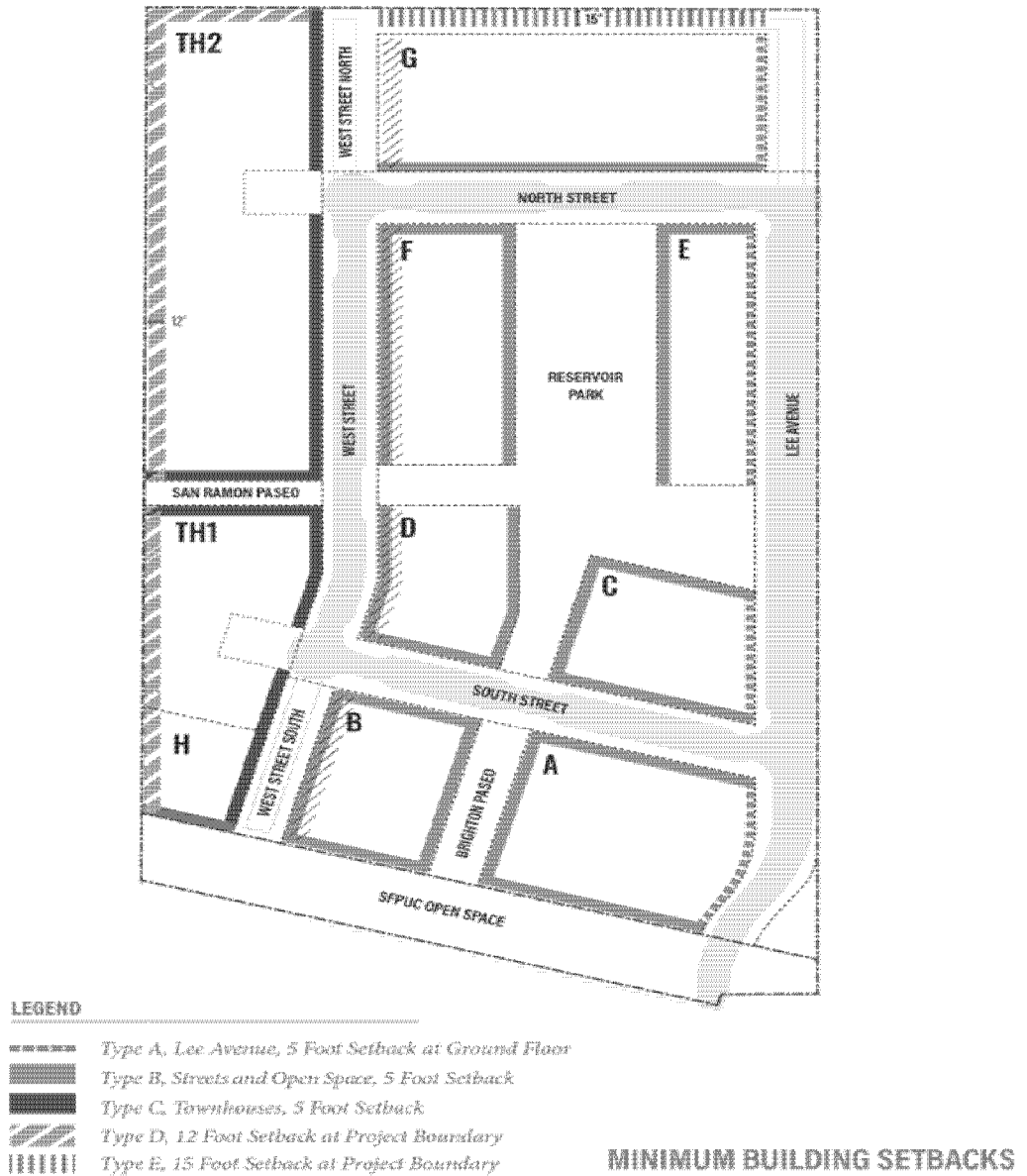
22 ///

23 ///

24 ///

25 ///

**Figure 249.88-3 Minimum Building Setbacks**



**(D) Streetwall.** *A streetwall is required at all Building frontages facing public right of ways, publicly accessible open spaces, and paseos. The required streetwalls shall be located at*

1 the setback line or at the property line where there is no setback control. Streetwalls may be offset  
2 from the setback line or property line by not more than two feet towards the interior of the Block.  
3 Streetwalls shall be provided at not less than 60% of the total area of the Building facade area.  
4 Openings to interior courtyards and other breaks in the streetwall that are required under Mass  
5 Reduction shall not count towards the required streetwall.

6 (E) **Mass Reduction.** Buildings taller than 40 feet with a frontage exceeding  
7 180 feet in length shall incorporate at least one of the following Mass Reduction strategies:

8 (i) **Exterior Recess.** Provide a recess at Building exterior with a minimum  
9 width of 15 feet and minimum depth of 10 feet from the Building wall extending vertically for height at least  
10 75% of the height of the facade. The recess may start at second floor or may terminate at the top floor.

11 (ii) **Vertical Elements.** Provide a combination of elements consisting of  
12 recess and/or projection with a minimum width of 10 feet, minimum depth of five feet, and extending  
13 vertically for a height equal to at least 75% of the height of the facade. The cumulative base footprint area  
14 of all vertical elements on a frontage shall equal a minimum of 150 square feet to qualify as a mass  
15 reduction strategy. Balconies at vertical elements are allowed if the railings are visually differentiated from  
16 the main facade.

17 (iii) **Alternative means of satisfying the mass reduction requirement for all**  
18 Blocks shall be as set forth in the DSG.

19 (F) **Step Backs at Upper Floors.** Each of the Buildings on Blocks A, B, C, D, E,  
20 F, and G shall provide one or more step backs at the top floor. The intent of the step backs is to  
21 articulate Building silhouettes and to provide potential locations for roof terraces overlooking the  
22 shared open space. The required height reduction along West Street shall not count towards the  
23 required step back.

24 (i) **Blocks A, C, and E shall provide a one-story contiguous step back**  
25 equal to 15% of the roof area or one-story non-contiguous step backs equal to 25% of the roof area.

1 The contiguous step backs shall have a minimum horizontal dimension of not less than 20 feet.

2 (ii) Blocks B, D, F, and G shall provide a top floor step back equal to  
3 10% of the roof area. These step backs may be located in a single contiguous element or may be  
4 comprised of multiple elements provided each step back area has a minimum horizontal dimension of  
5 not less than 10 feet in all directions.

6 (G) **Setback Requirements; Waiver of Planning Code Sections 132, 133, and**  
7 **134.** Rear yard, side yard, or front yard setback requirements shall be set forth in the SUD and DSG in  
8 lieu of the provisions of Section 132, 133, and 134.

9 (H) **Unit Exposure.** For all residential units, the required window (as defined  
10 by Section 504 of the San Francisco Housing Code) of at least one room that meets the requirement of  
11 Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

12 (i) A public street, public alley, or paseo at least 25 feet in width in  
13 Blocks A, B, C, D, E, F, and G, and 20 feet in width in Blocks TH1, TH2, and H.

14 (ii) An open area, an inner court, or a space between separate Buildings  
15 on the same Block, which is unobstructed (except for obstructions listed in Planning Code Section 136)  
16 and is no less than 25 feet in every horizontal dimension in Blocks A, B, C, D, E, F, and G or 20 feet in  
17 every horizontal dimension in Blocks TH1, TH2, and H.

18 (I) **Usable Open Space.** The usable open space requirement for dwelling units  
19 shall be 40 square feet of private or common usable open space per unit. For Group Housing, the  
20 minimum usable open space requirements shall be one-third the amount specified in this subsection (I)  
21 for a dwelling unit. Required usable open space shall be on the same Block as the unit it serves.  
22 Publicly Accessible Open Space, streets, and paseos on Blocks J, K, L, M, N, O, and P shall not count  
23 towards the required on-site usable open space.

24 (i) Any space credited as private usable open space shall have a  
25 minimum horizontal dimension of five feet and a minimum area of 35 square feet.

1 (ii) Any space credited as common usable open space shall have a  
2 minimum horizontal dimension of 10 feet and a minimum area of 150 square feet.

3 (iii) Inner courts in which the enclosing Building walls are four stories  
4 or more in height shall be large enough to inscribe a rectangular area 30 feet by 40 feet within the  
5 enclosing walls.

6 (iv) Outer courts in which enclosing Building walls are four stories or  
7 more shall be large enough to inscribe a rectangular area 25 feet by 25 feet within the enclosing walls.

8 (v) Space that is accessible for automobiles shall not count towards  
9 usable open space in any Block.

10 (J) Ground Floor Floor-to-Floor Height. The minimum ground floor floor-to-  
11 floor height of non-residential uses, lobbies and residential common areas shall be 15 feet in Blocks A,  
12 B, C, and D and 12 feet in Blocks E and F. The minimum ground floor floor-to-floor height for  
13 residential uses shall be 10 feet, except for townhouse units which shall have no minimum floor-to-floor  
14 height.

15 (K) Ground Floor Activation. The ground floor activation standards set forth  
16 in Sections 7.10, 7.20, and 7.21 of the DSG shall apply in the SUD.

17 (L) Parking Garages. The standards and guidelines for the location, depth,  
18 and exterior frontages of parking garages set forth in Section 7.20 and 7.21 of the DSG shall apply in  
19 the SUD. With the exception of space allowed for parking and loading access, Building egress, and  
20 Building services, above grade parking on any Block shall be wrapped at all stories with a liner of  
21 Active Use not less than 20 feet in depth from all facades facing streets and Publicly Accessible Open  
22 Spaces.

23 (M) Signage. One identifying sign shall be permitted for each residential  
24 Building, except for townhouse Blocks, where one identifying sign shall be permitted per Block. Sign  
25 controls set forth in Section 607.1 for RC Districts shall apply to signs for non-residential uses.

(N) Carts and Kiosks. The standards and guidelines for Kiosks and Carts set forth in the DSG shall apply in the SUD.

(9) Off-Street Automobile Parking and Loading. The location and design standards for off-street automobile parking shall be governed by the DSG. There is no minimum off-street parking or loading requirement for any use in the SUD, except that there shall be a minimum of 200 off-street parking spaces in the SUD, and that Buildings in Blocks A, B, C, D, E, F, and G containing 100,000 gross square feet or more of residential space and a parking garage shall provide at least one off-street loading space meeting the dimensional requirements of standard 7.24.2 of the DSG.

(A) Maximum Off-Street Parking. The number of off-street parking spaces within this SUD shall not exceed the following:

**Table 249.88-2: Maximum Off-Street Parking Spaces per Land Use**

| <b><u>Land Use</u></b>          | <b><u>Off-Street Parking Ratio</u></b>                          |
|---------------------------------|---|
| <u>Dwelling Units</u>           | <u>0.5 space per unit</u>                                       |
| <u>Group Housing</u>            | <u>1 space per three bedrooms</u>                               |
| <u>All Non-Residential Uses</u> | <u>1 space per 500 gross square feet of Occupied Floor Area</u> |
| <u>Public Parking</u>           | <u>450 spaces</u>   |

Parking amounts for dwelling units, group housing, and non-residential uses may be greater on any individual Block than otherwise allowed by Table 249.88-2 provided the total number of spaces in the SUD shall not exceed the maximum upon completion of the Project. The maximum number of spaces for the Public Parking Garages shown in Table 249.88-2 shall be reduced if the parking spaces for dwelling units or group housing are allowed to be used as public parking during any part of the day. The maximum number of spaces for the Public Parking Garages also shall be reduced in the event the Developer enters into an agreement with adjacent property owner(s) to fund or build public parking on

1 the adjacent site to the east of the Project. The Planning Director shall determine whether these  
2 conditions are met pursuant to Transportation Exhibit, Exhibit J, of the Development Agreement. Car  
3 share parking spaces shall be provided in the amounts set forth in Section 166. The width and location  
4 of vehicular openings shall be as set forth in the DSG.

5 (B) Driveway and Loading Operations Plan. The purpose of a Driveway and  
6 Loading Operations Plan (DLOP) is to reduce potential conflicts between driveway and loading  
7 operations, such as passenger and freight loading activities, and pedestrians, bicycles, and vehicles.  
8 The goal of the plan is to maximize utilization of off-street space to accommodate loading demand, and  
9 to ensure that off-street loading is considered and attempted, to the extent physically and feasibly  
10 possible, in the design of new Buildings. The Developer shall prepare a DLOP in accordance with the  
11 Planning Code, Planning Department guidelines, and any standard environmental conditions.

12 (10) Bicycle Parking. Bicycle parking shall be provided as required by the Planning  
13 Code.

14 (11) Waiver of Planning Code Section 138.1. The streetscape design set forth in the  
15 Master Infrastructure Plan and DSG sets forth the standards for pedestrian and streetscape  
16 improvements in the SUD.

17 (12) Waiver of Planning Code Section 169. The transportation demand management  
18 provisions included in the Development Agreement shall govern in the SUD in lieu of the provisions of  
19 Section 169.

20 (13) Compliance with Article 4 of the Planning Code.

21 (A) Inclusionary Housing Requirements. The provisions of Sections 415 et  
22 seq. shall not apply, except as otherwise stipulated in the Development Agreement.

23 (B) Other Impact Fees. For so long as the Development Agreement remains in  
24 effect, the Developer impact fees payable for any Building Project will be determined in accordance  
25 with the Development Agreement.



1                   **(14) Relationship to State or Local Density Bonus Programs.** *In exchange for the*  
2 *benefits expressed in the Development Agreement and this Section 249.88, and as set forth in the*  
3 *Development Agreement, any Building Projects within the SUD shall not be eligible for additional*  
4 *density or modifications to development standards allowed in any State or local law allowing*  
5 *additional density or modifications to development in exchange for on-site affordable housing,*  
6 *including but not limited to the State Density Bonus Law (California Government Code Sections 65915*  
7 *et seq.), the Affordable Housing Bonus Program (Planning Code Sections 206 et seq.), and Planning*  
8 *Code Sections 207 et seq.*

9                   **(15) Modifications to Building Standards and Use Requirements.**

10                   **(A) No Modifications or Variances.** *No variances, exceptions, modifications, or*  
11 *other deviations from the requirements and standards of the Planning Code, including the SUD, and of*  
12 *the DSG are permitted except through the procedures for granting of Minor and Major Modifications*  
13 *established in the SUD. No modifications or variances are permitted for maximum Building height or*  
14 *maximum automobile parking spaces.*

15                   **(B) Modification of Other Building Standards and Use Requirements.** *A*  
16 *dimensional or numerical standard may be modified only as provided in subsection (i), on a project-by-*  
17 *project basis. In order to grant a Minor or Major Modification, the Planning Director or Commission*  
18 *must find that the proposed Minor or Major Modification achieves equal or superior design quality and*  
19 *public benefit as strict compliance with the applicable standard and meets the intent of the SUD and*  
20 *the DSG.*

21                   **(C) Minor Modifications.** *The Planning Director may approve a Minor*  
22 *Modification administratively in accordance with the procedures set forth in subsection (i).*

23                   **(D) Major Modifications.** *The Planning Commission may approve an*  
24 *application for a Major Modification in accordance with the procedures set forth in subsection (i).*

25 *///*

1           (h) **Project Review and Approval.** In lieu of the procedures set forth in Planning Code Article  
2 3, the following project review and approval procedures shall apply in the SUD.

3           (1) **Purpose.** The design review process for this SUD is intended to ensure that new  
4 Building Projects are designed to complement the aesthetic quality of the development, exhibit high  
5 quality architectural design, and promote the purpose of this SUD.

6           (2) **Development Phase Application.** Consistent with the Development Agreement, the  
7 Developer shall submit a Development Phase Application to the Planning Director for approval, and  
8 no development may be approved within a Development Phase until after the Planning Director issues  
9 a Development Phase Application approval. The Development Phase Application process, as set forth  
10 in the Development Agreement, is to ensure that all Publicly Accessible Open Space and Building  
11 Projects within a development phase are consistent with the Development Agreement and the SUD.  
12 Planning shall review Development Phase Applications within 30 days of receipt in order to determine  
13 completeness. If the Planning Director fails to respond within such 30-day period, the Development  
14 Phase Application will be deemed complete. The Planning Director shall act on a Development Phase  
15 Application within 60 days after submittal of a complete Development Phase Application. Changes  
16 proposed by the Planning Department will be reasonably considered by Developer, and changes  
17 proposed by Developer will be reasonably considered by the Planning Department. If there are no  
18 objections, or upon resolution of any differences, the Planning Director shall approve the Development  
19 Phase Application with such revisions, comments, or requirements as may be permitted in accordance  
20 with the terms of the Development Agreement and the phasing plan.

21           (3) **Concurrent Submittal of Development Phase Application and Design Review**  
22 **Application.** Applications for design review may be submitted concurrently with or subsequent to a  
23 Development Phase Application. When submitted concurrently, the time limits for the Planning  
24 Department review of completeness and design review described in subsection (i) shall not commence  
25 until after the Planning Director has issued a Development Phase Application approval. The Planning

1 Department shall approve only those applications for individual Buildings that are consistent with a  
2 Development Phase Application approval. To ensure that Building Projects and Privately-Owned  
3 Community Improvements meet the requirements of the Planning Code, including this Section 249.88,  
4 and the DSG, Developer shall submit a Design Phase Application and receive approval from the  
5 Planning Director, or, if required, the Planning Commission before obtaining any permits for the  
6 applicable construction. Standards and limitations on design review approval are set forth in  
7 subsection (i) below. Nothing in this Section 249.88 limits the Charter authority of any City  
8 department or commission or the rights of City agencies to review and approve proposed infrastructure  
9 as set forth in the Development Agreement.

10 **(i) Design Review Applications and Process.**

11 (1) Applications. Each design review application shall include the documents and  
12 other materials necessary to determine consistency with the Planning Code, this Section 249.88, and  
13 the DSG, including site plans, floor plans, sections, elevations, renderings, landscape plans, a DLOP,  
14 and exterior material samples to illustrate the overall concept design of the proposed Buildings.  
15 Design review applications also should contain information on dwelling unit count and type, parking,  
16 and other building characteristics typical of Planning Department development applications. If  
17 Developer requests a Major or Minor Modification, the application shall describe proposed changes in  
18 reasonable detail, and to the satisfaction of the Planning Director, including narrative and supporting  
19 images, if appropriate, and a statement of the purpose or benefits of the proposed Minor or Major  
20 Modification(s). As part of design review application process, the Planning Director shall consult with  
21 the San Francisco Municipal Transportation Agency regarding the Developer's DLOP.

22 (2) Completeness. Planning Department staff shall review the application for  
23 completeness and advise the Developer in writing of any deficiencies within 30 days of the date of the  
24 application or, if applicable, within 15 days after receipt of any supplemental information requested  
25 pursuant to this section.

1                   **(3) Design Review of Buildings and Privately-Owned Community Improvements.**

2                   **(A) Building Pre-Application Meeting.** *Prior to submittal of a design review*  
3 *application for a Building, the Developer shall conduct a minimum of one pre-application public*  
4 *meeting. The meeting shall be conducted at, or within a one-mile radius of, the Project Site, but*  
5 *otherwise subject to the Planning Department's pre-application meeting procedures, including but not*  
6 *limited to the submittal of required meeting documentation. A Planning Department representative*  
7 *shall be invited to such meeting.*

8                   **(B) Publicly Accessible Open Space Outreach.** *Prior to submittal of a design*  
9 *review application for a Publicly Accessible Open Space, the Developer shall conduct a minimum of*  
10 *one pre-application public meeting on design of the Publicly Accessible Open Space. The Developer*  
11 *shall conduct a minimum of one additional public meeting prior to any approval action on the*  
12 *application. Additional meetings may be required at the discretion of the Planning Director. The*  
13 *meetings shall be conducted at, or within a one-mile radius of, the Project Site, and the pre-application*  
14 *meeting shall be subject to the Planning Department's pre-application meeting procedures, including*  
15 *but not limited to, the submittal of required meeting documentation. Developer shall invite a Planning*  
16 *Department representative to such meetings.*

17                   **(C) Design Review Process.** *Following submittal of the design review*  
18 *application, upon a determination of completeness, Planning Department staff shall conduct design*  
19 *review and prepare a staff report determining compliance with this Section 249.88, the Planning Code,*  
20 *and the DSG, including a recommendation regarding any Minor or Major Modifications sought. The*  
21 *Planning Department staff shall deliver the report to the Developer and any third parties requesting*  
22 *notice in writing, shall be kept on file, and shall be posted on the Department's website for public*  
23 *review within 60 days of the determination of completeness. If Planning Department staff determines*  
24 *that the design is not compliant with this Section 249.88, the Planning Code, or the DSG, the Developer*  
25 *may resubmit the application, in which case the requirements of this subsection (i) for determination of*

1 completeness, staff review, and determination of compliance, and delivery, filing, and posting of the  
2 staff report, shall apply anew.

3 **(4) Approvals and Public Hearings for Buildings and Privately-Owned Community**  
4 **Improvements.**

5 **(A) Buildings and Privately-Owned Community Improvements Seeking No**  
6 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review  
7 application, the Planning Director shall approve or disapprove the design based on its compliance with  
8 the Planning Code, including this Section 249.88, the DSG, and the General Plan. If the design review  
9 application is consistent with the numeric standards set forth in this Section 249.88 and the DSG, the  
10 Planning Director's discretion to approve or disapprove the design review application shall be limited  
11 to the Developer's consistency with the non- numeric and non-dimensional elements of the DSG and  
12 the General Plan.

13 **(B) Buildings and Privately-Owned Community Improvements Seeking Minor**  
14 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review  
15 application including a Minor Modification, the Planning Director, shall approve or disapprove any  
16 Minor Modification based on its compliance with the Planning Code, including this Section 249.88, the  
17 DSG, and the General Plan. Notwithstanding any other provisions of this Section 249.88, the Planning  
18 Director, at his or her discretion, may refer any application that proposes a Minor Modification to the  
19 Planning Commission if the Planning Director determines that the proposed Minor Modification does  
20 not meet the intent of the DSG or the SUD.

21 **(C) Buildings and Privately-Owned Community Improvements Seeking Minor**  
22 **or Major Modifications.** If the design review application seeks one or more Major Modifications, or if  
23 the Planning Director refers a design review application that proposed a Minor Modification to the  
24 Planning Commission, the Planning Commission shall calendar the item for a public hearing, subject  
25 to any required noticing. For purposes of this subsection (C), Minor Modifications and Major

1 Modifications shall be collectively referred to as Major Modifications. The Planning Commission's  
2 review shall be limited to the proposed Major Modification. The Planning Commission shall consider  
3 all comments from the public and the recommendations of the staff report and the Planning Director in  
4 making a decision to approve or disapprove the granting of any Major Modifications.

5 (D) Notice of Hearings. In addition to complying with the notice requirements  
6 of the Brown Act and the Sunshine Ordinance, notice of Planning Commission hearings shall be  
7 provided as follows:

8 (i) by mail not less than 20 days prior to the date of the hearing, to the  
9 Developer, to residents within 300 feet of the exterior boundaries of the property that is the subject of  
10 the application, using for this purpose the names and addresses as shown on the citywide assessment  
11 roll in the Office of the Tax Collector, and to any person who has requested such notice; and

12 (ii) by posting on the subject property not less than 10 days prior to the  
13 date of the hearing.

14 (j) Building Permits. Each building permit application submitted to the Department of  
15 Building Inspection for Buildings shall be forwarded to the Planning Department for review of the  
16 application's consistency with the authorizations granted pursuant to this Section 249.88.

17 (k) Discretionary Review. The Planning Department shall not accept, and the Planning  
18 Commission shall not hear, requests for discretionary review for projects subject to this Section 249.88.

19 (l) Change of Use. The Planning Department shall review each building permit application  
20 that the Developer submits to the Department of Building Inspection for vertical improvements for  
21 consistency with the authorizations granted pursuant to this Section 249.88. The Department of  
22 Building Inspection shall not issue a permit for any Vertical Improvement or for occupancy that would  
23 authorize a new use unless the Planning Department determines such permit is consistent with the  
24 Building Standards set forth in the DSG.

25 ///

Section 3. The Planning Code is hereby amended by adding Section 263.35, to read as follows:

**SEC. 263.35. BALBOA RESERVOIR SPECIAL USE DISTRICT AND THE 48/78-X HEIGHT AND BULK DISTRICTS.**

*In the Balboa Reservoir Special Use District and the 48-X and 78-X Height and Bulk Districts, heights are more specifically prescribed for each Block, as defined in Section 249.88, pursuant to Figure 249.88-2*

Section 4. The Planning Code is hereby amended in accordance with Planning Code Section 106 by revising Sectional Map ZN12, Height Map HT12, and Special Use District Map SU12 of the Zoning Map, as follows:

(a) To change the Zoning Map ZN12 as follows:

| Assessor's Parcels (Block/Lot Numbers)   | Current Zoning to be Superseded | Proposed Zoning to be Approved |
|--|---------------------------------|--------------------------------|
| 3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines | P                               | BR-MU                          |

(b) To change the Height and Bulk Map HT12 as follows:

| Assessor's Parcels (Block/Lot Numbers)   | Height and Bulk Districts Superseded | New Height and Bulk Districts                                       |
|--|--------------------------------------|---|
| 3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines | 40-X and 65-A                        | 48-X for Blocks TH1, TH2, and H; 78-X for the remainder of the site |

(c) To change the Special Use District Map SU12 by creating the new Balboa Reservoir Special Use District and assigning the following Parcels to be within the Balboa Reservoir Special Use District:

| Assessor's Parcels (Block/Lot Numbers)   | Special Use District                     |
|--|--|
| 3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines | Balboa Reservoir<br>Special Use District |

Section 5. The Planning Code is hereby amended to revise Section 201 as follows:  
To add the Balboa Reservoir Mixed Use District, after the "Potrero Power Station Mixed Use District", as follows:

|  |  |
|--|--|
| <i>Balboa Reservoir Mixed Use District</i><br><i>(Also See Section 249.88(g)(1))</i> |  |
| <u>BR-MU</u>   | <u><i>Balboa Reservoir Mixed Use District</i></u><br><u><i>(Defined in Section 249.88(g)(1))</i></u> |

Section 6. The Figures presented in this ordinance (Figures 249.88-1 through 249.88-3) have been placed in the Clerk of the Board of Supervisors File No. \_\_\_\_\_, and are incorporated herein by reference.

Section 7. Effective Date and Operative Date.  
(a) 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.  
///



(b) This ordinance shall become operative only on (and no rights or duties are affected until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective date of the ordinance approving the Development Agreement for the Project. A copy of said ordinance is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

Section 8. 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: /s/ JOHN D. MALAMUT  
JOHN D. MALAMUT  
Deputy City Attorney

n:\legana\as2020\2000401\01444417.docx