

1 [Planning Code, Zoning Map - India Basin Special Use District]

2

3 **Ordinance amending the Planning Code to establish the India Basin Special Use**
4 **District, located generally at Innes Avenue between Griffith Street and Earl Street,**
5 **along the India Basin shoreline, in the southeast part of San Francisco; amending the**
6 **Planning Code by amending the Zoning Map to change zoning designations, height**
7 **districts, and add the India Basin Special Use District; and making findings under the**
8 **California Environmental Quality Act, findings of consistency with the General Plan and**
9 **the eight priority policies of Planning Code, Section 101.1, and findings of public**
10 **necessity, convenience, and welfare under Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19

20 Section 1. Planning and Environmental Findings.

21 (a) In companion legislation adopting a Development Agreement associated with the
22 India Basin Mixed-Use project, the Board of Supervisors adopted environmental findings
23 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
24 Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et
25 seq.), and Chapter 31 of the Administrative Code. The Board of Supervisors adopts these
environmental findings as though fully set forth herein in relation to this ordinance. A copy of

1 said companion legislation is in Board of Supervisors File No. 180681 and it and its
2 environmental findings are incorporated herein by reference.

3 (b) In companion legislation adopting General Plan amendments associated with the
4 India Basin Mixed-Use project, the Board of Supervisors adopted findings that the actions
5 contemplated in this ordinance are consistent, on balance, with the City's General Plan and
6 eight priority policies of Planning Code Section 101.1. The Board incorporates these findings
7 by reference and adopts these findings as its own. A copy of said companion legislation is in
8 Board of Supervisors File No. 180681.

9 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
10 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
11 in Planning Commission Resolution No. 20251 and adopted on July 26, 2018, and the Board
12 adopts such reasons as its own. A copy of said resolution is on file with the Clerk of the
13 Board of Supervisors in File No. 180681 and is incorporated herein by reference.

14
15 Section 2. The Planning Code is hereby amended by adding Section 249.84, to read
16 as follows:

17 **SEC. 249.84. INDIA BASIN SPECIAL USE DISTRICT.**

18 *(a) Purpose and Boundaries. A Special Use District entitled the "India Basin Special Use*
19 *District" (SUD) is hereby established, located generally at Innes Avenue between Griffith Street and*
20 *Earl Street, along the India Basin shoreline, in the southeast part of San Francisco. The precise*
21 *boundaries of the SUD are shown on Sectional Map SU09 of the Zoning Map. The purpose of this SUD*
22 *is to implement the Development Agreement for the India Basin Mixed-Use Project (Project), approved*
23 *by the Board of Supervisors in the ordinance in Board File No. 180680. The Project will provide*
24 *several benefits to the City, such as a significant amount of open space, increased public access,*
25

1 commercial space, extensive infrastructure improvements, and affordable housing, while creating jobs,
2 housing, and a vibrant community.

3 (b) **Public Trust.** Within this SUD, certain property is or will be subject to the public trust for
4 commerce, navigation, and fisheries (the Public Trust) in accordance with a public trust exchange and
5 title settlement agreement with the State of California. The Port of San Francisco (Port) has
6 jurisdiction over the Public Trust property, with the right to prohibit uses that are not consistent with
7 the Public Trust. The Port also shall issue permits for any improvements on the Public Trust property,
8 subject to any delegation by the Port to another City agency. The Recreation and Park Department
9 will operate and maintain the public parks and open spaces located on Public Trust property, in
10 accordance with an agreement with the Port and in accordance with the open space covenant attached
11 to the Development Agreement (Open Space Covenant). The Planning Commission has jurisdiction
12 over the permitting for any development of property within the SUD that is not subject to the Public
13 Trust.

14 (c) **Relationship to Design Standards and Guidelines.** The Design Standards and Guidelines
15 (DSG), as may be periodically amended, are incorporated into this SUD and set forth standards and
16 guidelines applicable within the SUD. A copy of the DSG is on file with the Planning Department and
17 is available on its website. This SUD and the DSG shall be read and construed together so as to avoid
18 any conflict to the greatest extent possible. If there is an unavoidable conflict between the SUD and the
19 DSG, the SUD shall prevail. The Planning Director may make adjustments to the DSG for areas within
20 the Planning Commission's jurisdiction, provided any material amendment to the DSG, as determined
21 by the Planning Director, will be subject to the review and approval of the Planning Commission.
22 Adjustments to the DSG for areas outside of the Planning Commission's jurisdiction, such as
23 adjustments to the public right-of-ways, public infrastructure, or recreational facilities within the
24 parks, may be made by the Public Works Director, the San Francisco Public Utilities Commission
25 General Manager, or the Recreation and Park Department General Manager, as applicable, subject to

1 the requirements of the Development Agreement and the Open Space Covenant and following
2 consultation with the Planning Director.

3 (d) Relationship to Other Planning Code Provisions. Applicable provisions of the Planning
4 Code shall control except as otherwise provided in this SUD, the DSG within the control of the
5 Planning Commission or Recreation and Park Commission, and the Development Agreement (for so
6 long as the Development Agreement is in effect). In the event of a conflict between other provisions of
7 the Planning Code and the DSG or this SUD (and further subject to subsection (e) below), this SUD
8 shall control first, followed by the DSG and the Planning Code.

9 (e) Relationship to the Development Agreement. This SUD shall be read and construed
10 consistent with the Development Agreement, and all development within the Project Site shall satisfy
11 the requirements of the Development Agreement for so long as it remains in effect for each part of the
12 Project Site. As described in the Development Agreement, the Project is divided into Development
13 Phases, and no development may occur within a Development Phase until after the Planning
14 Department issues a Development Phase Approval. Upon expiration or termination of the
15 Development Agreement for any part of the Project Site, any new development, other than replacement
16 of what was built under the Development Agreement, shall require a conditional use approval under
17 Section 303 of this Code.

18 (f) Definitions. If not expressly superseded by definitions set forth in this Section 249.84 the
19 DSG, or the Development Agreement, all definitions, procedures, and requirements of the Planning
20 Code shall apply to this SUD. The following definitions shall govern interpretation of this Section:

21 "Applicant" means the owner or authorized agent of the owner of a parcel that applies for an
22 approval under this SUD.

23 "Building Standards" means the standards applicable to Vertical Improvements and any
24 associated privately-owned open spaces within the SUD, consisting of the standards specified in
25 subsection (h) below and the standards identified as such in the DSG. It does not mean Building Code

1 requirements under either the California, the San Francisco, or the Port of San Francisco Building
2 Codes, which this SUD and the DSG do not override.

3 “Development Agreement” shall mean the Development Agreement By and Between the City
4 and County of San Francisco and India Basin Investment LLC, a California limited liability company,
5 Relative to the Development Known as India Basin Mixed-Use Project, approved by the Board of
6 Supervisors in the ordinance in Board File No. 180681, as it may be amended from time to time.

7 “Development Phase” and “Development Phase Approval” have the meaning set forth in the
8 Development Agreement.

9 “General Manager” means the General Manager of the Recreation and Park Department.

10 “Horizontal Development” or “Horizontal Improvements” means all improvements and
11 construction required to prepare land for Vertical Improvements, including streets, right-of-ways,
12 utility lines, and infrastructure to serve development lots, transit improvements, public parks and open
13 spaces, bicycle paths, and shoreline improvements. Horizontal Development shall include all Public
14 Improvements and all Privately-Owned Community Improvements, as those terms are defined in the
15 Development Agreement.

16 “India Basin DSG” or “DSG” shall mean the document adopted by Planning Commission
17 Motion No. 20248, as may be amended from time to time. The DSG is incorporated into this SUD by
18 reference.

19 “Major Modification” means a deviation of 10% or more from any dimensional or numerical
20 standard in this SUD or in the DSG, except as explicitly prohibited per subsection (i) below.

21 “Minor Modification” means a deviation of less than 10% from any dimensional or numerical
22 standard in this SUD or in the DSG, except as explicitly prohibited per subsection (i) below, or any
23 deviation from any non-numerical standard in the DSG.

24 “Privately-Owned Community Improvement” shall mean a facility that is privately owned and
25 privately maintained, at no cost to the City, for the public benefit, that is not dedicated to the City. The

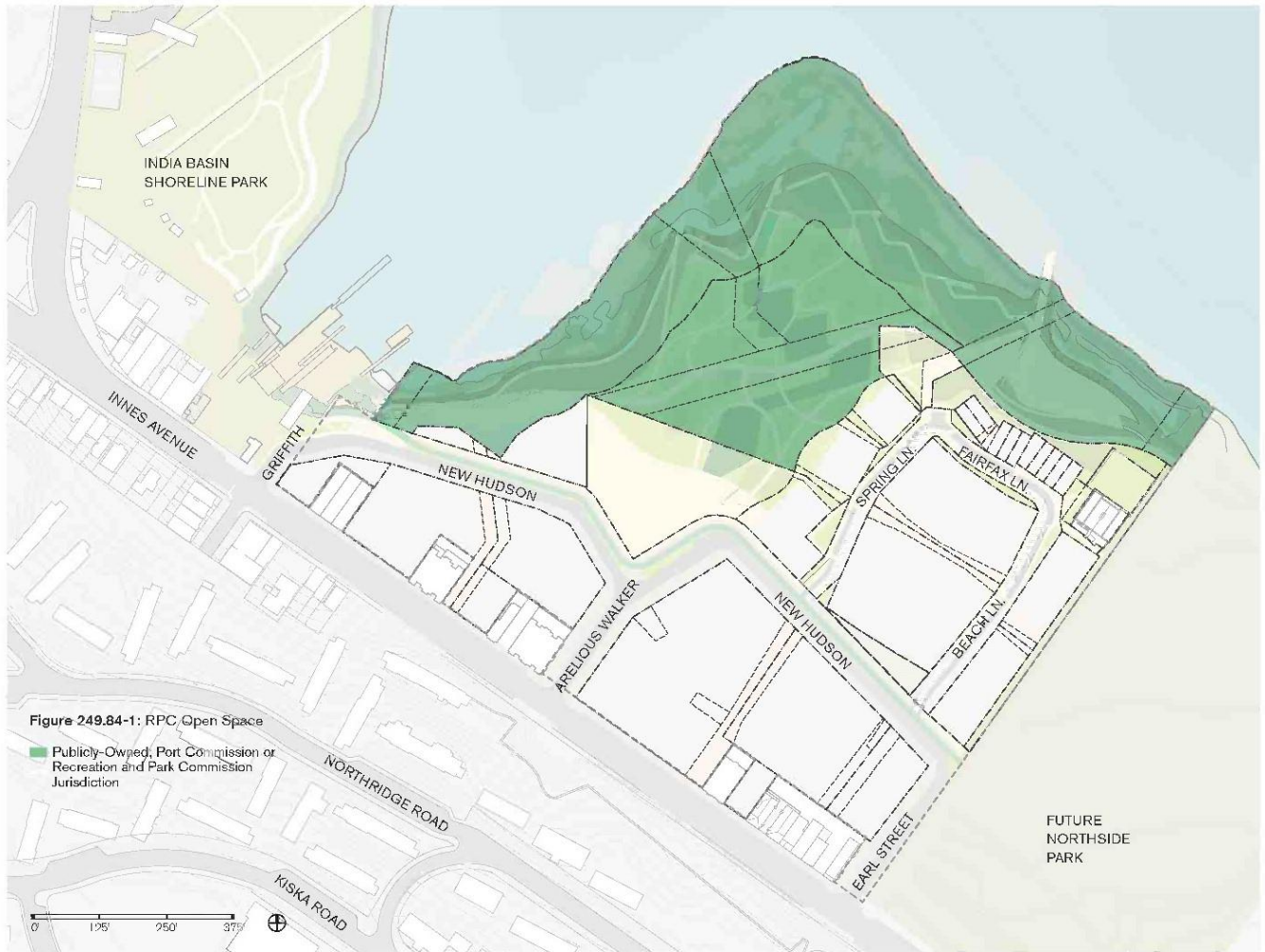
1 Privately-Owned Community Improvements include certain right-of-ways, pedestrian paths and bicycle
2 lanes, open spaces, the public market, and storm drain facilities, as more particularly described in the
3 Development Agreement.

4 “Project Site” has the meaning set forth in the Development Agreement.

5 “Public Improvements” means the facilities, both on- and off-site, to be improved, constructed,
6 and dedicated by Developer and, upon completion in accordance with the Development Agreement,
7 accepted by the City. Public Improvements include the streets within the Project Site described in the
8 Development Agreement, and all infrastructure and public utilities within the accepted streets (such as
9 gas, electricity, and water and sewer lines, but excluding any non-municipal utilities), as well as
10 sidewalks, bicycle lanes, street furniture, paths, and intersection improvements (such as curbs,
11 medians, signaling, traffic controls devices, signage, and striping). Public Improvements also include
12 the Parks and Open Spaces, the SFPUC Infrastructure, and the SFMTA Infrastructure, as those terms
13 are defined in the Development Agreement. The Public Improvements do not include Privately-Owned
14 Community Improvements.

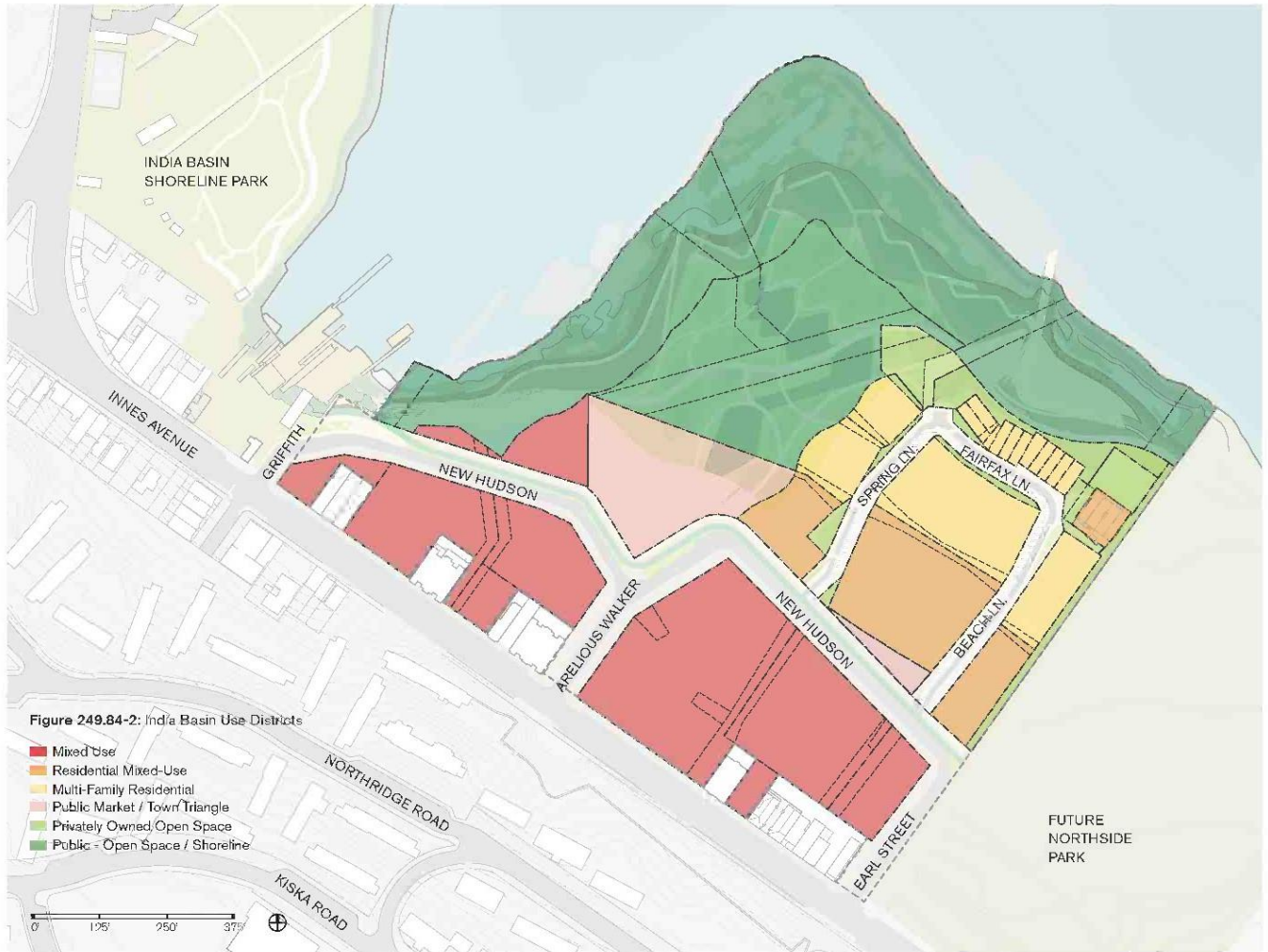
15 “RPC Open Space” means publicly-owned areas within the SUD that are within the jurisdiction
16 of the Port Commission or the Recreation and Park Commission, as depicted on Figure 249.84-1: RPC
17 Open Space.

Figure 249.84-1: RPC Open Space



“Vertical Development” or “Vertical Improvements” means new construction of a building and any later expansion or addition to a previously approved building, where the building is located within the Mixed-Use, Residential Mixed-Use, Multi-Family Residential, or Public Market land use districts within the SUD shown in Figure 249.84-2: India Basin Use Districts.

Figure 249.84-2: India Basin Use Districts



(g) Uses.

(1) Permitted Uses. *The following uses set forth in Table 249.84-1: India Basin Uses shall be permitted as indicated within the different use districts of the SUD, where P means Permitted Use and NP means Non-permitted Use.*

Table 249.84.1: India Basin Uses

<u>Use</u>	<u>Mixed Use</u>	<u>Residential Mixed-Use</u>	<u>Multi-Family Residential</u>	<u>Public Market / Town Triangle</u>	<u>Privately Owned Open Space</u>
------------	------------------	------------------------------	---------------------------------	--------------------------------------	-----------------------------------

1	<u>Agriculture Use</u>	<u>P (1,2)</u>	<u>P (1,2)</u>	<u>P (1,2)</u>	<u>P (1)</u>	<u>P (1)</u>
2	<u>Automotive Use</u>	<u>NP (3)</u>	<u>NP (3)</u>	<u>NP (3)</u>	<u>NP</u>	<u>NP</u>
3						
4	<u>Entertainment, Arts &</u>	<u>P (4,5)</u>	<u>P (4,5)</u>	<u>P (5,6)</u>	<u>P (5, 6)</u>	<u>NP</u>
5	<u>Recreation Use</u>					
6	<u>Industrial Use</u>	<u>NP (7)</u>	<u>NP (7, 8)</u>	<u>NP (3)</u>	<u>NP</u>	<u>NP</u>
7						
8	<u>Institutional Use</u>	<u>P (9)</u>	<u>P (10)</u>	<u>P (10,11)</u>	<u>NP (12)</u>	<u>NP</u>
9						
10						
11	<u>Residential Use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
12						
13	<u>Sales and Services,</u>	<u>P (13)</u>	<u>P (13)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
14	<u>Non-Retail Use</u>					
15	<u>Sales and Services,</u>	<u>P (14)</u>	<u>P (14, 15)</u>	<u>NP</u>	<u>NP (16)</u>	<u>NP</u>
16	<u>Retail Use</u>					
17	<u>Utility and</u>	<u>NP (17,</u>	<u>NP (17,</u>	<u>NP (17,</u>	<u>NP (18)</u>	<u>NP (18)</u>
18	<u>Infrastructure Use</u>	<u>18)</u>	<u>18)</u>	<u>18)</u>		

Notes:

1. Use permitted with the exception of Large Scale Urban Agriculture and Industrial Agriculture.

2. Use permitted with the exception of Greenhouses.

3. Use not permitted with the exception of Public and Private Parking facilities.

4. Use permitted with a maximum limit of three screens for any Movie Theater use.

5. Use permitted with the exception of Livery Stables and Sports Stadiums.

1 6. Use permitted with the exception of Movie Theater and Nighttime Entertainment.

2 7. Use not permitted with the exception of Cat Boarding, Kennel, Light Manufacturing, Metal
3 Working, Parcel Trade Office, Trade Shop, Animal Processing 1, and Food Fiber and Beverage
4 Processing.

5 8. Use not permitted except on Ground Floor.

6 9. Cannabis Dispensary permitted with Conditional Use.

7 10. Use permitted with the exception of Cannabis Dispensary and Hospital.

8 11. Use Permitted with the exception of Job Training, Trade School and Post-secondary
9 Educational Institution.

10 12. Use not permitted with the exception of Public Facilities.

11 13. Use permitted with the exception of Laboratory, Life Sciences, Commercial Storage,
12 Wholesale Sales, and Wholesale Storage.

13 14. Use permitted with the exception of Adult Business, Mortuary, Limited Financial Services,
14 Motel, Self-Storage and Tobacco Paraphernalia Store.

15 15. Use permitted with the exception of Animal Hospital, Fringe Financial Services.

16 16. Use not permitted with the exception of Grocery, Food and Beverage uses.

17 17. Use not permitted with the exception of Internet Service Exchange, Wireless
18 Telecommunication Services (WTS) Facility, which shall be permitted with a Conditional Use permit.

19 18. Use not permitted with the exception of Utility Installation.

20 (2) Uses within RPC Open Space. Subject to the limitations imposed by the Public
21 Trust, uses within RPC Open Space shall be subject to review under Planning Code section 211, which
22 controls land uses within P (Public) Districts. Notwithstanding Planning Code Sections 211, 211.1,
23 and 211.2, the following uses shall be considered principally permitted: concessionaire stands and
24 infrastructure as described in the Development Agreement and the DSG.

1 (3) **Temporary Uses.** Subject to the limitations imposed by the Public Trust, any of the
2 following temporary uses (collectively, Temporary Uses) may be authorized by the General Manager
3 for uses located within the RPC Open Space or the Planning Director for uses located within the SUD
4 but outside the RPC Open Space without a public hearing for a period not to exceed 90 days: booths
5 for charitable, patriotic, or welfare purposes; markets; exhibitions, festivals, circuses, musical and
6 theatrical performances, and other forms of live entertainment including setup/load-in and
7 demobilization/load-out; athletic events; open-air sales of agriculturally-produced seasonal
8 decorations such as Christmas trees and Halloween pumpkins; meeting rooms and event staging;
9 mobile food on private property; and temporary retail establishments. Such authorization may be
10 extended for another 90 days, as approved by the General Manager or Planning Director, as
11 applicable. The General Manager (for uses located within the RPC Open Space) or the Planning
12 Director (for uses located outside the RPC Open Space) may authorize recurring Temporary Uses,
13 such as a weekly farmers market, under a single authorization. All such uses on the public right-of-way
14 are subject to permitting as required under the Municipal Code.

15 (4) **Interim Uses.** Subject to the limitations imposed by the Public Trust, interim uses
16 for a period not to exceed five years may be authorized by the General Manager (for uses located
17 within the RPC Open Space) or the Planning Director (for uses located outside the RPC Open Space)
18 without a public hearing if the General Manager or Planning Director, as applicable, finds that such
19 Interim Use will not impede orderly development consistent with this SUD, the DSG, and the
20 Development Agreement. Additional time for such uses may be authorized upon a new application.
21 Any Interim Use listed in this subsection (g)(4) that is integral to development under the Development
22 Agreement, as determined by the General Manager or Planning Director, as applicable, shall not
23 require separate authorization as an Interim or Temporary use (for example, uses incidental to
24 environmental clean-up, demolition and construction, storage, and automobile and truck parking and
25 loading related to construction activities). Any authorization granted pursuant to this subsection (g)(4)

1 shall not exempt the applicant from obtaining any other permit required by law. All such uses on the
2 public right-of-way are subject to permitting as required under the Municipal Code. In addition to
3 temporary uses integral to the development, Interim Uses shall include, but are not limited to:

4 (A) Retail activities, which may include the on-site assembly, production, or sale
5 of food, beverages, and goods, the operation of restaurants or other retail food service in temporary
6 structures, outdoor seating, food trucks, and food carts;

7 (B) Temporary art installations, exhibits, and sales;

8 (C) Recreational facilities and uses (such as play and climbing structures and
9 outdoor fitness classes);

10 (D) Motor vehicle and bicycle parking, if accessory to other permitted,
11 temporary, or interim uses;

12 (E) On-site assembly and production of goods in enclosed or unenclosed
13 temporary structures;

14 (F) Educational activities, including but not limited to after-school day camp and
15 activities;

16 (G) Site management service, administrative functions, and customer amenities
17 and associated loading;

18 (H) Rental or sales offices incidental to new development;

19 (I) Entertainment uses, both unenclosed and enclosed, which may include
20 temporary structures to accommodate stages, seating, and support facilities for patrons and
21 operations; and

22 (J) Trailers, recreational vehicles, or other temporary housing for construction
23 workers, seasonal labor, or other workforce employment needs.

24 (5) Nonconforming Uses. The Planning Director and the General Manager may allow
25 the reasonable continuance, modification, or expansion of existing uses and structures that do not

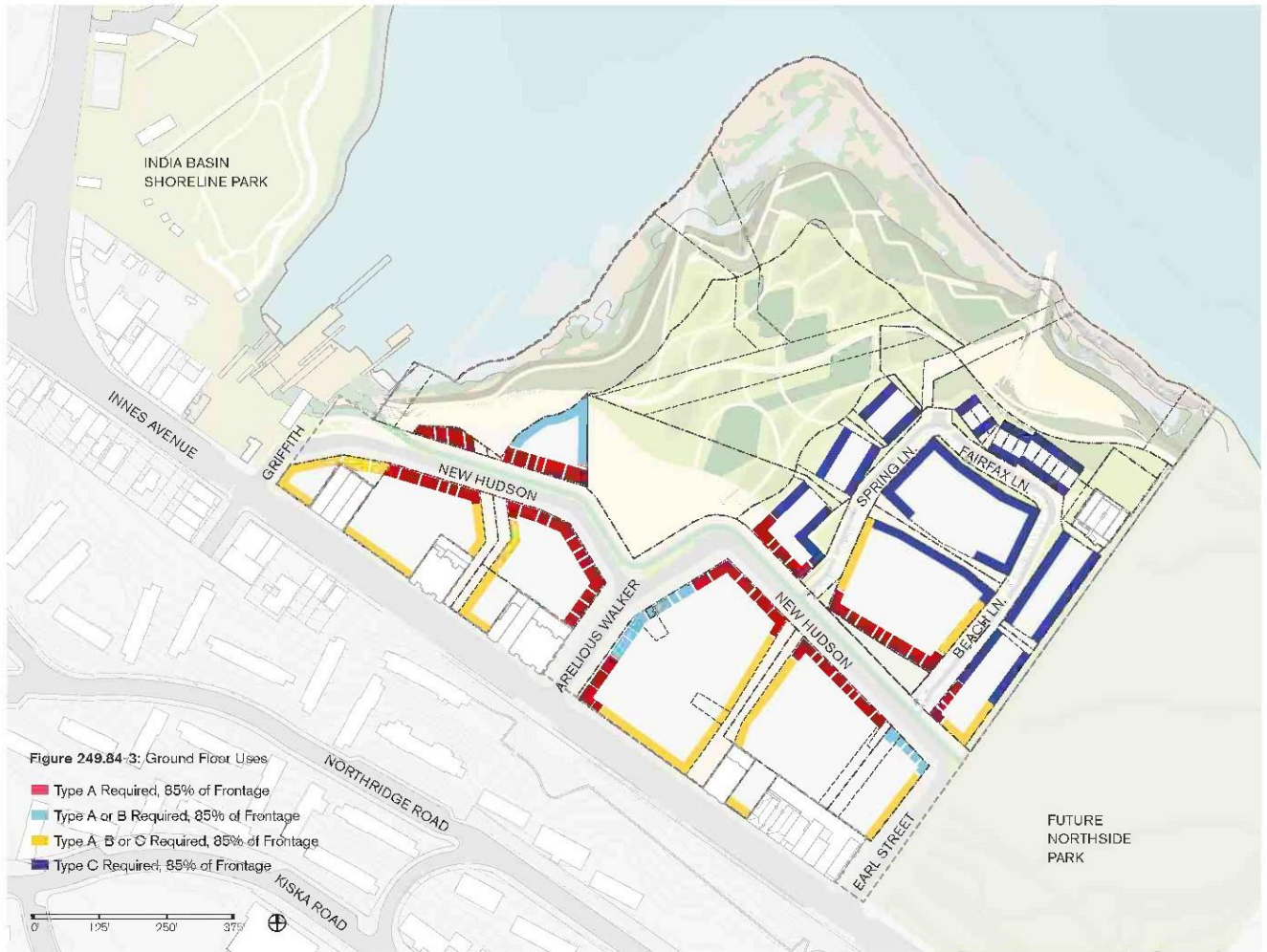
1 comply with this Section 249.84 or the DSG upon a determination that the use would not impede the
 2 orderly development of the SUD consistent with this Section and the Development Agreement.

3 (6) **Ground Floor Use Requirements.** Ground Floor Uses are required as indicated in
 4 Table 249.84-2: Types of Ground Floor Uses and Figure 249.84-3: Ground Floor Uses, below. Such
 5 uses cannot face a public right-of-way or public open space with non-transparent walls or involve the
 6 storage of goods or vehicles at a rate greater than 15% of the required frontage length, as further
 7 governed by the Ground Floor Use Requirements in the DSG.

8 **Table 249.84-2: Types of Ground Floor Uses**

<u>Ground Floor Use Type</u>	<u>Allowed Use Categories (can be principal, conditional, or accessory)</u>
<u>Type A</u>	<u>Entertainment, Arts, and Recreation Uses, Sales and Services, Retail Uses</u>
<u>Type B</u>	<u>Sales and Services, Non-Retail and Institutional Use</u>
<u>Type C</u>	<u>Residential Use Category</u>

Figure 249.84-3: Ground Floor Uses



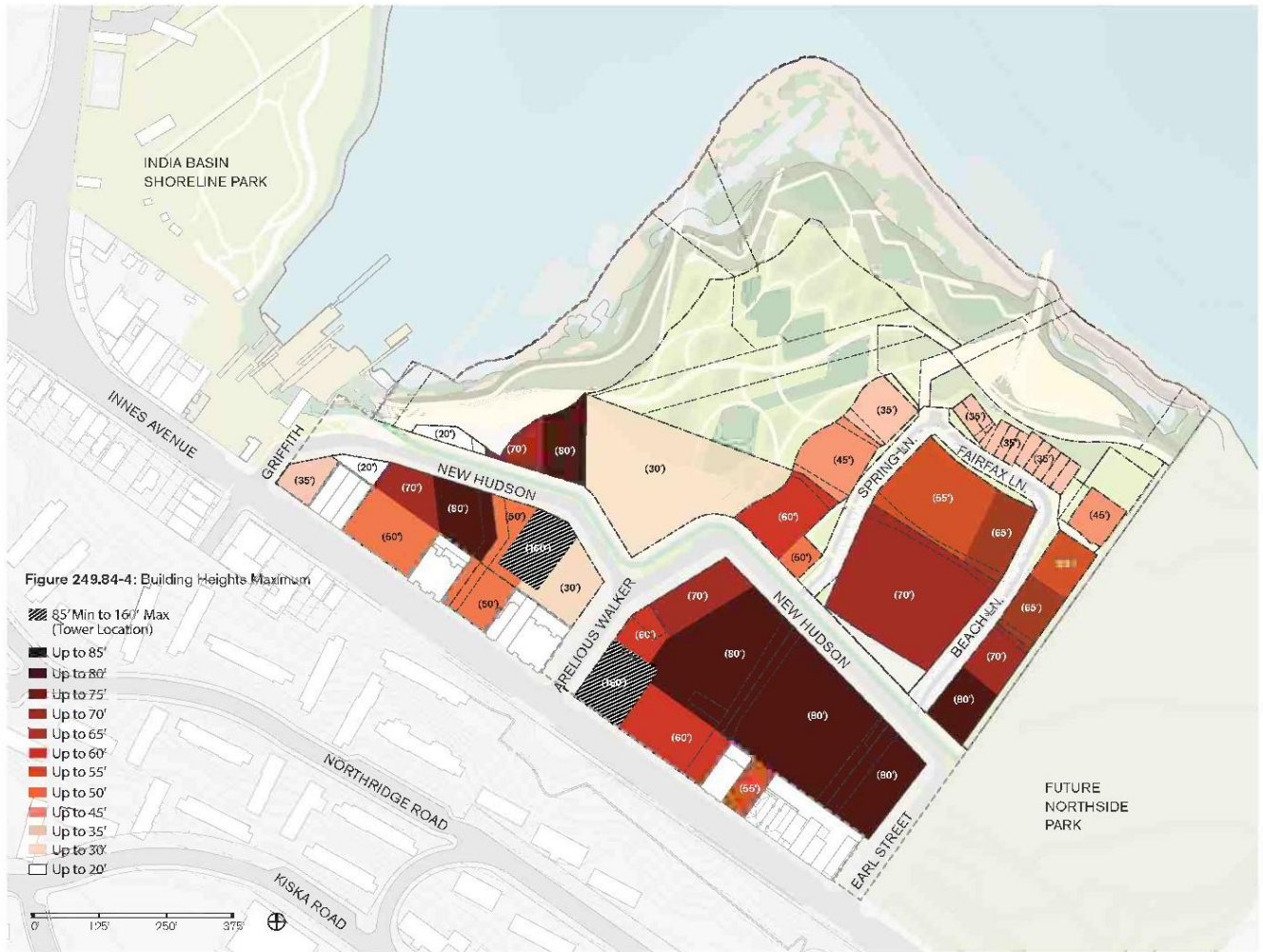
(h) Building Standards. Building Standards shall be as follows, unless modified in accordance with subsections (i)(2) or (i)(3), below.

(1) Residential Unit Density. There shall be no residential unit density limit within this SUD.

(2) Floor Area Ratio. There shall be no floor-area-ratio limit within this SUD.

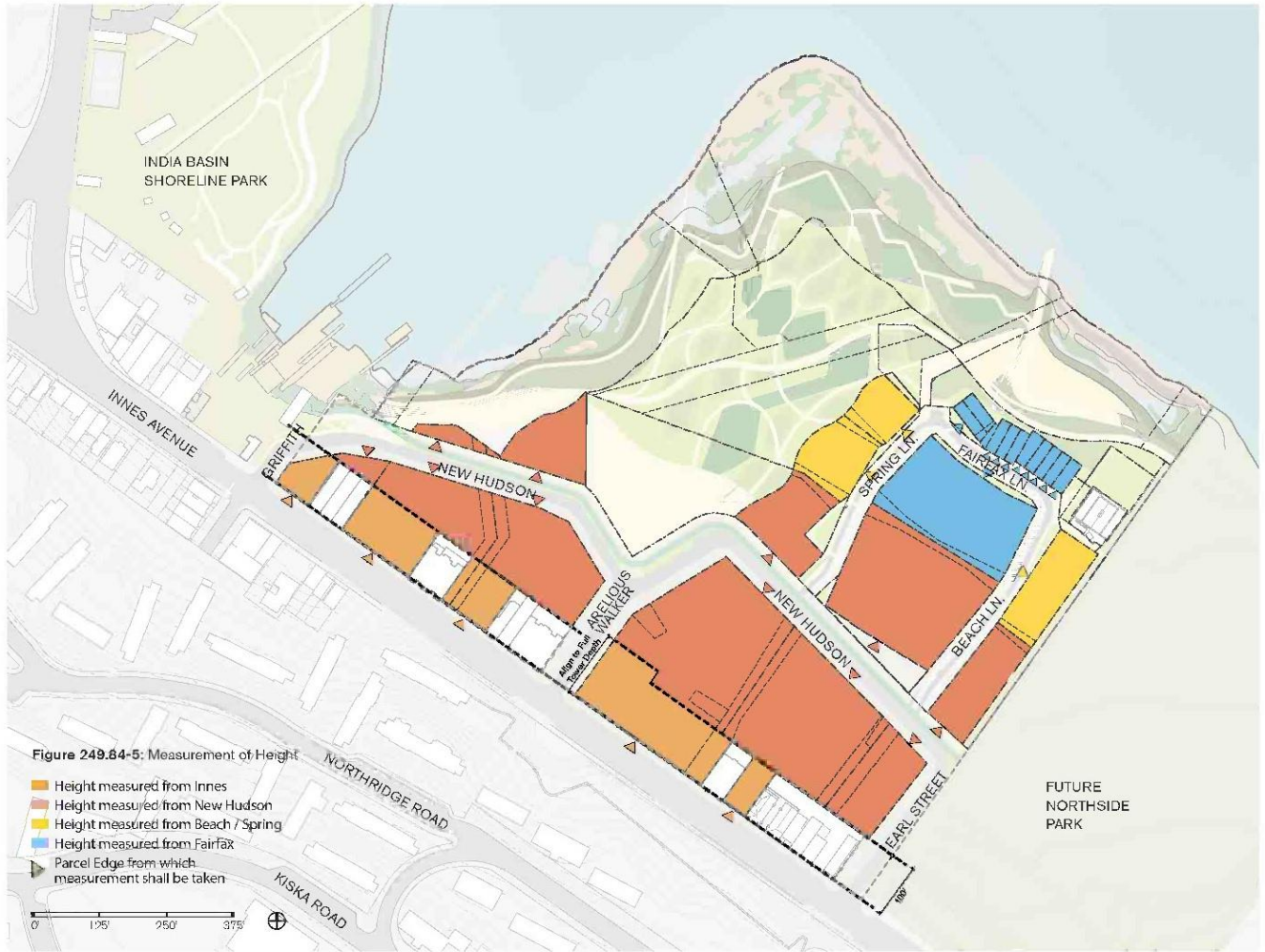
(3) Building Height. The height limits shall be as set forth on Sectional Map HT09 of the Zoning Map and as further limited and detailed in Figure 249.84-4: Building Heights Maximum, and as further governed by the DSG.

Figure 249.84-4: Building Heights Maximum



(4) Measurement of Height. Buildings shall be measured from predetermined points as provided in Figure 249.84-5: Measurement of Height and as further set forth in Chapter 5 of the DSG. Portions of the Site within the “OS” Height designations shall be subject to the same requirements and review procedures of other properties throughout San Francisco with an “OS” Height and Bulk designation.

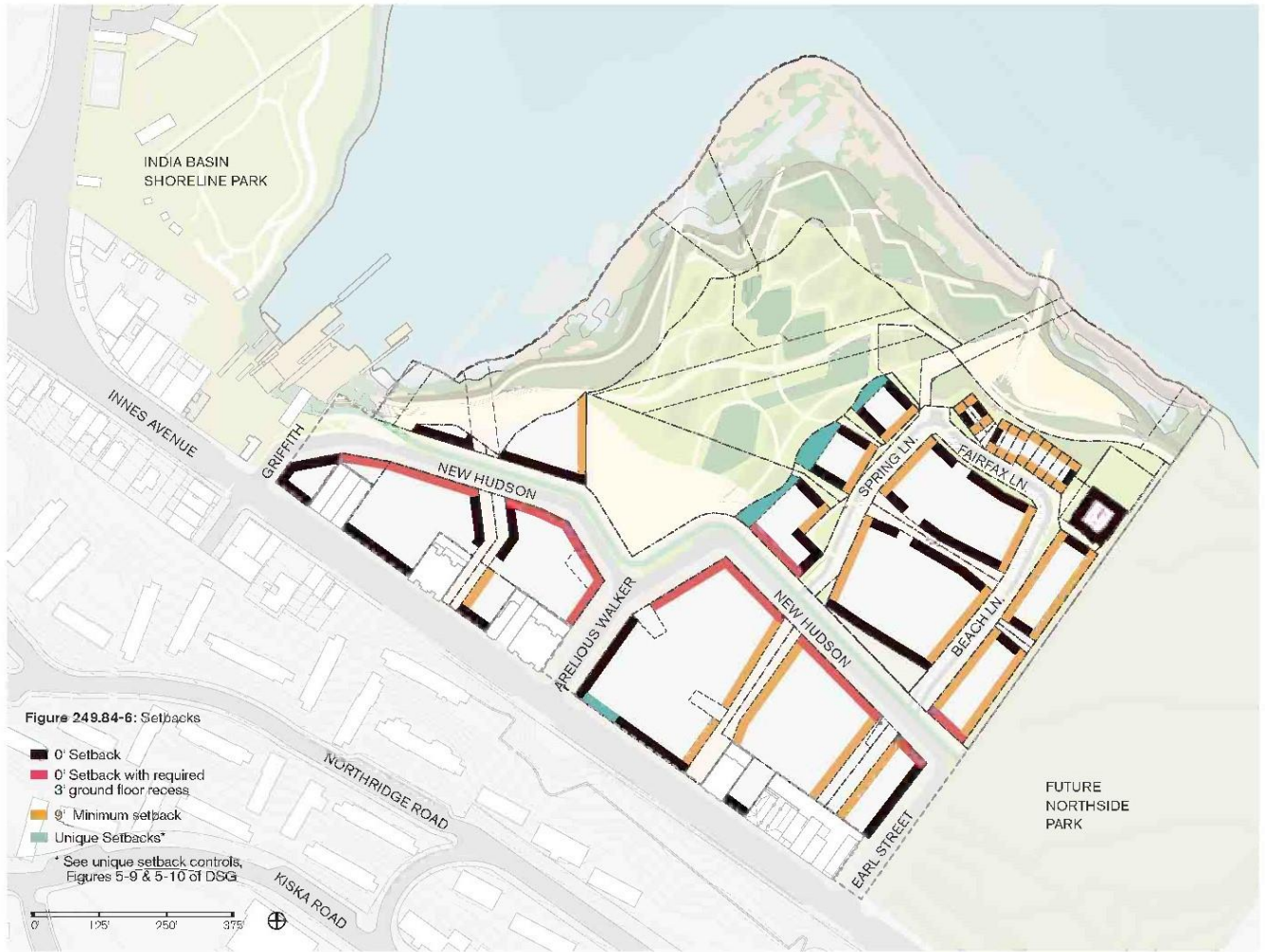
Figure 249.84-5: Measurement of Height



(5) Bulk. *No building dimension shall be greater than 270 feet along any public right-of-way or public open space. No portion of any building above 80 feet in height shall have a dimension greater than 130 feet. Buildings shall also meet the DSG requirements for building modulation and sculpting.*

(6) Setbacks. *Buildings shall be set back from or built to the respective right-of-ways as shown in Figure 249.84-6: Setbacks, and as further governed by the DSG.*

Figure 249.84-6: Setbacks



(7) Rear Yard. There shall be no rear yard requirement within the India Basin SUD.

(8) Usable Open Space. In addition to any publicly-accessible open spaces described in the DSG, a minimum of 36 square feet of open space if private, or 48 square feet of open space if common, shall be provided for each dwelling unit. Such open space may be on the ground, on decks, balconies, porches, or other facilities and shall be provided on the same development block as the unit to be served. The standards for open spaces shall be governed by the DSG. Notwithstanding the above, dwelling units within “the Cove” portion of the site, as described in the Development Agreement and

1 shown in Figure 1-38 of the DSG, are exempt from this usable open space requirement, given their
 2 immediate adjacency to “the Market Place” open space.

3 (9) Minimum Dwelling Unit Exposure. All required dwelling unit windows and
 4 openings as defined by Section 504: Light and Ventilation of the San Francisco Housing Code shall
 5 face directly on an open area such as a public street, laneway, parcel break, trail, or unobstructed open
 6 space, for a minimum horizontal clear dimension of 25 feet, measured perpendicularly from the
 7 required window or opening face, as further provided in the DSG.

8 (10) Maximum Off-Street Parking. The standards for off-street parking shall be
 9 governed by the DSG. Off-Street parking is not required and shall be limited to the following maximum
 10 ratios:

11 **Table 249.84-3: Maximum Off-Street Parking Ratios per Land Use**

<u>Land Use</u>	<u>Off-Street Parking Ratio</u>
<u>Residential</u>	<u>1 space: 1 unit</u>
<u>Office</u>	<u>1 space: 1,200 gross square feet</u>
<u>Retail, except General Grocery or Special Grocery Use</u>	<u>1 space: 700 gross square feet</u>
<u>General Grocery or Special Grocery Uses below 20,000 gross square feet</u>	<u>1 space: 500 gross square feet</u>
<u>General Grocery or Special Grocery Uses with 20,000 gross square feet or more</u>	<u>1 space: 250 gross square feet</u>

22
 23 Pursuant to subsection (l)(4), parking amounts may be greater on a parcel-by-parcel basis than
 24 otherwise allowed by Table 249.84-3, but not to exceed 1,800 off-street parking spaces in the SUD.
 25 Notwithstanding the maximum off-street parking ratios established in Table 249.84-3, up to 225 public

1 parking spaces may be provided to visitors to India Basin's parks, subject to the 1,800-parking-space
2 cap.

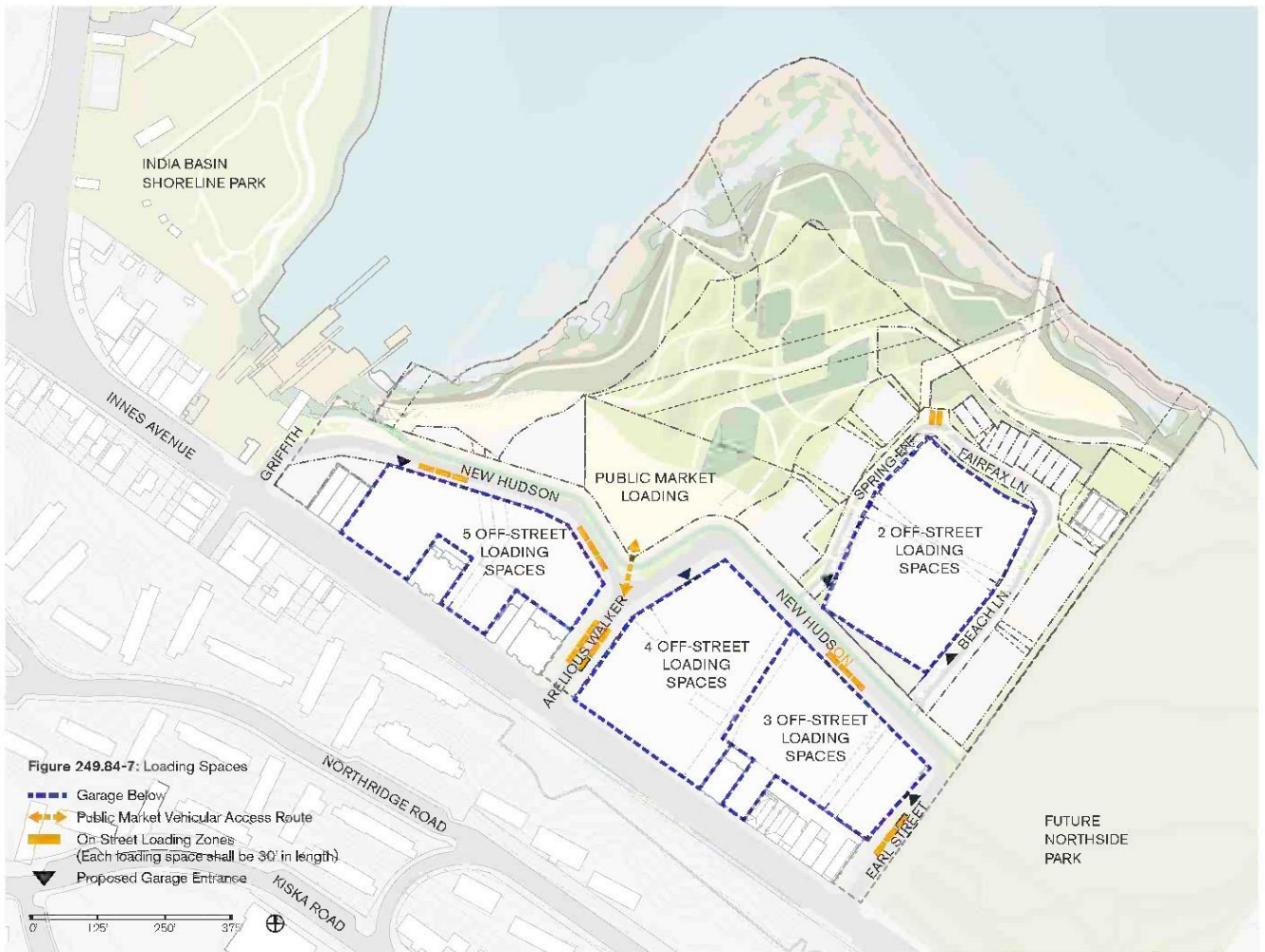
3 (11) **Loading.** Off-street loading spaces shall be provided in the following amounts,
4 and as shown in Table 249.84-4: Loading Spaces, and Figure 249.84-7: Loading Spaces, subject to
5 modifications in accordance with Section 4.7 of the DSG.

6
7
8 **Table 249.84-4: Loading Spaces**

9

<u>Garage</u>	<u>Loading Spaces</u>
<u><i>The Cove</i></u>	<u>5</u>
<u><i>Hillside</i></u>	<u>7</u>
<u><i>Flats</i></u>	<u>2</u>

Figure 249.84-7: Loading Spaces



(12) **Bicycle Parking.** The amount of bicycle parking required shall be governed by the Planning Code, but the location and design of the required bicycle parking shall be governed by the DSG and the transportation plan attached to the Development Agreement.

(13) **Showers and Lockers.** Showers and lockers shall be provided pursuant to the Planning Code.

(14) **Permitted Obstructions.** Obstructions shall extend no more than three feet within required setbacks and right-of-ways and no more than four feet within required setbacks greater than one foot, as further described in the DSG.

1 (15) Streetscape Improvements. Implementation of the Rights-of-Way Public Realm
2 Improvements as described in the DSG shall be required pursuant to the Development Agreement.

3 (16) Signage. Notwithstanding the signage controls of Article 6 for business and
4 identifying signs within NC-2 and MUG Districts, the following signage controls shall be applied
5 within the Mixed Use, Residential Mixed-Use, and Multi-Family Residential districts of this SUD, in
6 addition to regulation of signs in the DSG:

7 (A) Freestanding signs are not permitted.

8 (B) Signs shall be placed no higher than 30feet above grade.

9 (C) Identifying signs shall be no larger than 10 square feet.

10 (D) There is no limitation on the area of business signs as long as they meet the
11 controls of the DSG.

12 (E) Projecting signs may project no more than 50% of the sidewalk width and
13 must be oriented perpendicular to the building face.

14 (17) Inclusionary Housing Requirements. For so long as the Development Agreement
15 is in effect with respect to a portion of the Project Site, the affordable housing requirements of the
16 Development Agreement shall govern that portion of the Project Site. Upon expiration or termination
17 of the Development Agreement as applied to a portion of the Project Site, the then-applicable
18 affordable housing requirements of the Planning Code shall apply to that portion of the Project Site,
19 without reference to the date of any earlier environmental review application.

20 (18) Impact Fees. For so long as the Development Agreement remains in effect with
21 respect to a portion of the Project Site, the developer impact fees payable for any Vertical Development
22 on that portion of the Project Site will be determined in accordance with the Development Agreement.
23 Upon expiration or termination of the Development Agreement as applied to a portion of the Project
24 Site, the then-applicable developer impact fees in the Planning Code shall apply to that portion of the
25 Project Site.

1 (i) **Modifications to Building Standards and Ground Floor Use Requirements.** Modification
2 of the Building Standards and Ground Floor Use Requirements set forth in this SUD and as more
3 specifically set forth in the DSG may be approved on a project-by-project basis according to the
4 procedures set forth below.

5 (1) **No Modifications or Variances.** No modifications or variances are permitted for
6 maximum height and maximum off-street parking ratios established in this SUD, except as provided in
7 subsection (l)(4). Other Building Standards set forth in this SUD or in the DSG may only be modified
8 as provided in subsections (i)(2) and (i)(3).

9 (2) **Minor Modifications.** The Planning Director may approve a Minor Modification
10 administratively in accordance with the procedures set forth in subsection (l).

11 (3) **Major Modifications.** The Planning Commission shall hear any application for a
12 Major Modification in accordance with the procedures set forth in subsection (l).

13 (j) **Development Phase Approval.** The Planning Department shall approve only those
14 applications for individual building projects that are consistent with a Development Phase Approval.
15 The Development Phase Approval process, as set forth in the Development Agreement, is to ensure that
16 all Horizontal Improvements and Vertical Improvements within a Development Phase are consistent
17 with the Development Agreement and this SUD. The Planning Director shall act on a Development
18 Phase Application within 60 days after submittal of a complete Development Phase Application.

19 (k) **Design Review and Approval.** To ensure that Vertical Improvements and Privately-Owned
20 Community Improvements meet the DSG and Development Agreement requirements, an Applicant shall
21 submit a design review application and receive approval from the Planning Department, or the
22 Planning Commission if required, before obtaining any permits for the applicable construction. Design
23 review and approval for all RPC Open Spaces shall be performed by the Recreation and Park
24 Department, with Planning Department consultation, subject to the Port's approval for consistency
25 with the Public Trust for any lands that are subject to the Public Trust. Standards and limitations on

1 design review approval are set forth in the Development Agreement and in subsection (l), below.
2 Nothing in this Section 249.84 limits the Charter authority of any City department or commission or the
3 rights of City agencies to review and approve proposed infrastructure as set forth in the Development
4 Agreement.

5 **(l) Design Review Applications and Process.**

6 (1) Applications. Each design review application shall include the documents and
7 other materials necessary to determine consistency with this SUD and the DSG, including site plans,
8 sections, elevations, renderings, landscape plans, and exterior material samples to illustrate the overall
9 concept design of the proposed buildings. If an Applicant requests a Major or Minor Modification, the
10 application shall describe proposed changes in reasonable detail, including narrative and supporting
11 images, if appropriate, and a statement of the purpose or benefits of the proposed changes.
12 Substitutions should be of equal or superior quality to existing standards.

13 (2) Completeness. Planning Department staff shall review the application for
14 completeness and advise the Applicant in writing of any deficiencies within 30 days of the date of the
15 application.

16 **(3) Design Review of Vertical Improvements and Privately-Owned Community**
17 **Improvements.** Upon a determination of completeness, Planning Department staff shall conduct
18 design review and prepare a staff report determining compliance with this SUD and the DSG,
19 including a recommendation regarding any modifications sought. The staff report shall be delivered to
20 the Applicant and any third parties requesting notice in writing, shall be kept on file, and shall be
21 posted on the Department's website for public review, within 60 days of the determination of
22 completeness. If Planning Department staff determines that the design is not compliant with this SUD
23 or the DSG, the Applicant may resubmit the Application, in which case the requirements of this
24 subsection (l) for determination of completeness, staff review and determination of compliance, and
25 delivery, filing, and posting of the staff report, shall apply anew.

1 **(4) Off-Street Parking.** *Design review applications for Vertical Improvements shall*
2 *include the requested number of off-street parking spaces sought for the Vertical Improvement. It is the*
3 *intent of this SUD that at full build-out of all parcels in the SUD, the total number of off-street parking*
4 *spaces within the SUD shall not exceed the applicable maximum parking ratios specified in Table*
5 *249.84-3. The maximum parking ratios shall not apply to individual Vertical Improvements or parcels,*
6 *but shall be considered cumulatively for the Vertical Improvements within the SUD as a whole, as set*
7 *forth in the Development Agreement. Each application shall include both the individual request for off-*
8 *street parking related to the specific location and the cumulative number of off-street parking spaces*
9 *previously approved.*

10 **(5) Approvals and Public Hearings for Vertical Improvements and Privately-Owned**
11 **Community Improvements.**

12 **(A) Vertical Improvements Seeking No Modifications, or Minor Modifications.**
13 *Within 10 days after the delivery and posting of the staff report on the design review application, the*
14 *Planning Director shall approve or disapprove the design and any Minor Modifications based on its*
15 *compliance with this SUD, the DSG, and the General Plan. If the Vertical Improvement is consistent*
16 *with the numeric standards set forth in this SUD and the DSG, the Planning Director's discretion to*
17 *approve or disapprove the Vertical Improvement shall be limited to the Vertical Improvement's*
18 *consistency with the non-numeric elements of the DSG and the General Plan. Notwithstanding any*
19 *other provisions of this SUD, the Planning Director may, at his or her discretion, refer an Application*
20 *that proposes a Minor Modification to the Planning Commission if the Planning Director determines*
21 *that the proposed modification does not meet the intent of the DSG standards.*

22 **(B) Vertical Improvements Seeking Major Modifications.** *If an application for*
23 *Vertical Improvements seeks one or more Major Modifications, or if a design review application is*
24 *otherwise referred to the Planning Commission, the Planning Commission shall calendar the item for a*
25 *public hearing, subject to any required noticing. The Planning Commission's review shall be limited to*

1 the proposed Major Modification or the modifications referred by the Planning Director for failure to
2 meet the DSG standards. The Planning Commission shall consider all comments from the public and
3 the recommendations of the staff report and the Planning Director in making a decision to approve or
4 disapprove the Vertical Improvement design, including the granting of any Major Modifications.

5 (C) **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 required by
7 subsection (l)(5)(B) shall be provided as follows:

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

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

15 (m) **Change of Use.** Each building permit application submitted to the Department of Building
16 Inspection for Vertical Improvements shall be forwarded to the Planning Department. The applicable
17 department shall review the building permit application for consistency with the authorizations granted
18 pursuant to this Section 249.84. No building permit may be issued for any Vertical Improvement or for
19 a permit of Occupancy that would authorize a new use unless the Planning Department determines
20 such permit is consistent with the Standards set forth in the DSG.

21 (n) **Discretionary Review.** No requests for discretionary review shall be accepted by the
22 Planning Department or heard by the Planning Commission for any Building in the SUD.

1 Section 3. The Planning Code is hereby amended in accordance with Planning Code
 2 Section 106 by revising Sectional Map ZN09, Height Map HT09, and Special Use District Map
 3 SU09 of the Zoning Map, as follows:

4 (a) To change the Zoning Map (ZN09) from M-1 (Light Industrial) to MUG (Mixed-
 5 Use General):

Assessor's Parcels (Blocks/Lot Numbers)	Land Use District Superseded	New Land Use District
4606/100; 4607/025; 4620/001, 002; 4621/016, 018, 100, 101; 4630/005, 100; 4631/001, 002; 4644/001, 010, 010A, 010B; 010C, 011; 4645/001, 010, 010A, 011, 012, 013	M-1	MUG

13 (b) To change the Zoning Map (ZN09) from M-1 to P (Public):

4646/001; 4629A/010; 4630/002	M-1	P
-------------------------------	-----	---

16 (c) To change the Zoning Map (ZN09) from NC-2 (Neighborhood Commercial, Small
 17 Scale) to P:

4646/002, 003, 003A, 019	NC-2	P
--------------------------	------	---

21 (d) To change the Zoning Map (ZN09) from M-2 (Heavy Industrial) to P:

4646/002, 003, 003A, 019	NC-2	P
--------------------------	------	---

25 (e) To change the Height and Bulk Map (HT09) from 40-X to 20/160-IB:

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

Parcels	Height and Bulk District Superseded	New Height and Bulk District
4606/100; 4607/025; 4620/001, 002; 4621/016, 018, 100, 101; 4630/005, 100; 4631/001, 002; 4644/001, 010, 010A, 010B; 010C, 011; 4645/ 001, 010, 010A, 011, 012, 013; 4644/004A, 005, 006, 006A, 007, 008, 009; 4645/003A, 004, 006, 007, 007A, 014, 015	40-X	20/160-IB

(f) To change the Height and Bulk Map (HT09) from 40-X to OS:

Parcels	Height and Bulk District Superseded	New Height and Bulk District
4601/001, 002, 003, 003A, 019; 4629A/101; 4630/002; 4596/026; 4597/026; 4606/026; 4607/024; 4621/021; 4630/002, 006, 007	40-X	OS

1 (g) To change the Special Use District Map (SD09) by creating the new India Basin
 2 Special Use District and assigning the following parcels to be within the India Basin Special
 3 Use District:

Parcels	Special Use District
4 4606/100; 4607/025; 4620/001, 002; 4621/016, 018, 100, 5 101; 4630/005, 100; 4631/001, 002; 4644/001, 010, 010A, 6 010B; 010C, 011; 4645/001, 010, 010A, 011, 012, 013; 7 4644/004A, 005, 006, 006A, 007, 008, 009; 4645/003A, 8 004, 006, 007, 007A, 014, 015; 4596/026; 4597/026; 9 4606/026; 4607/024; 4621/021; 4630/002, 006, 007 10	India Basin Special Use District

11 Section 4: The Figures presented in this ordinance (Figures 249.84-1, 249.84-2,
 12 249.84-3, 249.84-4, 249.84-5, 249.84-6, and 249.84-7) have been placed in Board of
 13 Supervisors File No. 180680, and are incorporated herein by this reference.

14
 15 Section 5. Effective and Operative Dates.

16 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
 17 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
 18 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
 19 Mayor's veto of the ordinance.

20 (b) This ordinance shall become operative on its effective date or on the effective date
 21 of the Development Agreement for the India Basin Mixed-Use project, enacted by the
 22 ordinance in Board of Supervisors File No. 180681, whichever date occurs later; provided,
 23 that this ordinance shall not become operative if the ordinance regarding the Development
 24 Agreement is not approved.

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

3 By: _____
4 ANDREA RUIZ-ESQUIDE
5 Deputy City Attorney

6 n:\legana\as2018\1800706\01296931.docx

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25