



PLANNING COMMISSION RESOLUTION NO. 21563

HEARING DATE: May 9, 2024

Record No.: 2021-012028PCAMAP
Project Address: 3251 20th Avenue
Existing Zoning: C-2, RH-1(D), RM-1
Height-Bulk: 40-X, 65-D
Proposed Zoning: Stonestown Special Use District
Proposed Height: 30/190-ST
Block/Lot: 7295/002, 004, 006, 007, 035, 037, 038; 7296/005, 006, 007, 008, 009, 010
Project Sponsor: Christie Donnelly, Brookfield Properties – (415) 593-4221
685 Market St., Suite 500
San Francisco, CA 94105
Staff Contact: Patrick Race – (628) 652-7461
patrick.race@sfgov.org

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A PROPOSED ORDINANCE AMENDING THE PLANNING CODE AND THE ZONING MAP TO ESTABLISH THE STONESTOWN MIXED-USE DISTRICT (SMD), STONESTOWN SPECIAL USE DISTRICT (SUD), STONESTOWN MIXED-USE HEIGHT AND BULK DISTRICT (HBD), AND STONESTOWN SPECIAL SIGN DISTRICT (SSD), ALL GENERALLY BOUNDED BY EUCALYPTUS DRIVE AND BUCKINGHAM WAY TO THE NORTH, 19TH AVENUE TO THE EAST, BUCKINGHAM WAY TO THE SOUTH, AND BUCKINGHAM WAY TO THE WEST, WITH THE SSD INCLUDING THE STONESTOWN GALLERIA MALL AND THE SMD, SUD, AND HBD EXCLUDING THE MALL; ABOLISHING AN APPROXIMATELY 15-FOOT LEGISLATED SETBACK ON THE WEST SIDE OF 19TH AVENUE BETWEEN EUCALYPTUS DRIVE AND BUCKINGHAM WAY; AND MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKING FINDINGS OF CONSISTENCY WITH 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.

WHEREAS, on April 23, 2024, Mayor London Breed and Supervisor Myrna Melgar introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 24-0409 which would amend the Planning Code to establish the Stonestown Mixed-Use District (“SMU”), Stonestown Special Use District (“SUD”), Stonestown Mixed-Use Height and Bulk District (“HBD”), and Stonestown Special Sign District (“SSD”); amend Zoning Map ZN13 and Height Map HT13; and establish and Special Use District Map SU13, for the Assessor’s Blocks and Lots as listed above.

WHEREAS, the Planning Code and Zoning Map Amendments would enable the development of the Stonestown Development Project (“Project”). Brookfield Properties (“Project Sponsor”) is the owner of the roughly 43-acre site. The site is comprised of an 11-acre shopping center (Stonestown Galleria), 27 acres of surface parking lots and operational uses, 3 acres of existing privately owned streets, and 2 acres of public right of way. The

Stonestown Development Project is located immediately northeast of San Francisco State, bounded roughly by 19th Avenue to the east, Buckingham Way to the south and west, and Rolph Nicol Jr. Playground and Eucalyptus Drive to the north; and

WHEREAS, the proposed project includes approximately 3,850,000 gross square feet (GSF) of new building area allocated among the following uses: up to approximately 3,491 residential dwelling units, up to 4,861 parking spaces, 1,277 bicycle parking spaces, approximately 160,000 GSF of retail and community amenity space, up to 96,000 GSF of office, and up to 63,000 GSF of institutional use, including on-site childcare facilities. The Project would also feature improved and newly created publicly accessible private streets, pedestrian paths and bicycle lanes. New buildings on the site are proposed to range from 30 feet to 190 feet in height and would generally step down towards the northwest corner; and

WHEREAS, approvals required for the Project include (1) certification of a Final Environmental Impact Report (“FEIR”) (2) Planning Code Text Amendments (3) Zoning Map Amendments, (4) General Plan Amendments, (5) the adoption of a Design Standards and Guidelines Document (“DSG”) to facilitate implementation, and (6) 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 Stonestown Mixed-Use zoning district, establish the Stonestown SUD, would outline the land use controls for the Project site through the SUD, and would rezone the land currently zoned C-2 (Community Business), RH-1(D) or RM-1 to Stonestown Mixed-Use zoning district 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-X to the Stonestown Height and Bulk District; and

WHEREAS, on May 9, 2024, the Planning Commission reviewed and considered the 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”)(Cal. Pub. Res. Code Sections 21000 et seq.), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 et seq., and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, on May 9, 2024, the Commission by Motion No. 21560 approved CEQA Findings, including adoption of a Mitigation Monitoring and Reporting Program (“MMRP”), under Case No. 2021-012028ENV, for approval of the Project, which findings and MMRP are incorporated by reference as though fully set forth herein; and

WHEREAS, on May 9, 2024, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the proposed General Plan Amendments and has considered the information included in the File 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, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment.

NOW THEREFORE BE IT RESOLVED that the Planning Commission hereby finds that the Planning Code and Zoning Map Amendments promote the public welfare, convenience and necessity for the following reasons:

1. The Planning Code Amendments would help implement the Stonestown Development Project development, thereby transforming existing parking lots for needed housing, open space, childcare, retail and other related uses.
2. The Planning Code Amendments would help implement the Stonestown Development Project, which in turn will provide employment opportunities for 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 Stonestown Development Project by enabling the creation of a new town center with new uses and infrastructure. The new Town Center would improve the site's connectivity with SF State and adjacent residential neighborhoods and 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.
4. The Planning Code Amendments would enable construction of new housing, including new onsite affordable housing, and other related uses. These new uses would create a new Town Center that would strengthen and complement the existing Stonestown Galleria and adjacent neighborhoods.

AND BE IT FURTHER RESOLVED, that the Planning Commission finds these Planning Code and Zoning Map Amendments are in general conformity with the General Plan, and that the Project and its approvals associated therein, all as more particularly described in Exhibit C to the Development Agreement on file with the Planning Department in Case No. 2021-012028DVA are each on balance consistent with the General Plan, as it is proposed to be amended. These General Plan Findings are for the entirety of the Project and all related approval actions that, in addition to the General Plan Amendments, include but are not limited to Planning Code Text and Zoning Map Amendments, DA approval, DSG approval, and other subsequent approvals that are consistent with and further the Project.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan

Housing Element

OBJECTIVE 3.B

CREATE A SENSE OF BELONGING FOR ALL COMMUNITIES OF COLOR WITHIN WELL-RESOURCED NEIGHBORHOODS THROUGH EXPANDED HOUSING CHOICE

The Project would add up to 3500 housing units in a well-resourced neighborhood.

OBJECTIVE 4.C

DIVERSIFY HOUSING TYPES FOR ALL CULTURES, FAMILY STRUCTURES, AND ABILITIES.

POLICY 32

Promote and facilitate aging in place for seniors and multi-generational living that supports extended families and communal households.

The Project provides flexibility to build a range of housing types that could serve both seniors and families.

OBJECTIVE 5.A

CONNECT PEOPLE TO JOBS AND THEIR NEIGHBORHOOD WITH NUMEROUS, EQUITABLE, AND HEALTHY TRANSPORTATION AND MOBILITY OPTIONS.

POLICY 37

Facilitate neighborhoods where proximity to daily needs and high-quality community services and amenities promotes social connections, supports caregivers, reduces the need for private auto travel, and advances healthy activities.

The Project provides to add new housing on existing surface parking lots in an area that is well served by transit and has existing neighborhood services and amenities including retail and restaurants.

Community Facilities Element

OBJECTIVE 3

ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

POLICY 3.3

Develop centers to serve an identifiable neighborhood.

POLICY 3.4

Locate neighborhood centers so they are easily accessible and near the natural center of activity.

POLICY 3.5

Develop neighborhood centers that are multipurpose in character, attractive in design, secure and comfortable, and inherently flexible in meeting the current and changing needs of the neighborhood served.

POLICY 3.7

Program the centers to fill gaps in needed services and provide adequate facilities for ill-housed existing services.

The Project will include a new 7,500 sq ft childcare facility (or two 4,000 sq ft facilities) with space for 100 children and a new 7,000 sq ft senior center. These facilities will greatly enhance the new Town Center to ensure services and amenities for children and seniors and help fill gaps in the neighborhood.

Environmental Protection Element

OBJECTIVE 15

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

POLICY 15.3

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

The project will provide a mix of new land uses that will complement the existing Stonestown Galleria and provide opportunities for residents to work, shop, eat, and access open space amenities and services on site. The Project includes new infrastructure for walking and biking to make it safer and easier to access a range of amenities in a new Town Center.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would provide new retail, PDR, and other commercial uses that would provide opportunities for employment and ownership of retail businesses. These new uses would serve nearby residents and the surrounding community. The Development Agreement includes commitments related to local hiring. The construction of the Project will provide opportunities to generate thousands of annual construction jobs and hundreds of permanent jobs at project completion, encouraging participation by small and local business enterprises through a comprehensive employment and contracting policy.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project would provide at full build-out up to 3500 new residential units, including affordable housing; no housing is currently present on the Project site. The Project is designed to redevelop existing parking lots to create more housing while also maintaining parking as part of the project. The project provides a new town center with residential, retail, office, childcare, and PDR uses along with new streets, infrastructure and a network of new open spaces amenities.

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would enhance the City's supply of affordable housing through its affordable housing

commitments in the Development Agreement. As detailed in the Development Agreement, the Project exceeds the inclusionary requirements in the Planning Code.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The Project would not impede transit service or overburden streets and neighborhood parking. The Project includes a robust transportation program as detailed in the Transportation Plan which provides a programmatic roadmap for key transportation elements of the proposed project, including a Transportation Demand Management ("TDM") Plan, trip reduction goals, and monitoring and reporting plan. The Project also includes new bike facilities, including on 20th Avenue. Lastly, the Project contains a new parking garage for visitors to the Stonestown Galleria, new open spaces and new retail and commercial uses. This would ensure that sufficient parking capacity is available so that the Project would not overburden neighborhood parking, while still implementing a rigorous TDM Plan to be consistent with the City's "transit first" policy for promoting transit over personal vehicle trips

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

In addition to creating new housing, the Project includes a mix of land uses including commercial, retail, childcare, and light industrial uses. All these new uses would provide future opportunities for service-sector employment. And the Project includes a large workforce development program.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would comply with all current structural and seismic requirements under the San Francisco Building Code.

7. That the landmarks and historic buildings be preserved.

The Project does entail demolishing the theater at 510 Buckingham Way, which was determined as individually eligible for listing on the California Register. The FEIR analyzed five alternatives, two of which would preserve the building to an extent. However, the Commission has found that pursuing these alternatives would not meet the Project's basic objectives to maximize the number of dwelling units throughout the project site and were rejected as infeasible.

8. That our parks and open space and their access to sunlight and vistas be protected from development.


The Project would add 6 acres of new open space including an internal network of open space amenities. The Project includes pedestrian and bicycle access through the site to the new open spaces. The proposed project would not create new shadow in a manner that substantially affects any existing outdoor recreation facilities or other public areas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

AND BE IT FURTHER RESOLVED that the Commission hereby recommends that the Board of Supervisors adopt the Planning Code and Zoning Map Amendments in substantially the form attached hereto as Exhibit A.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 9, 2024.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2024.05.20 11:29:44 -07'00'

AYES: So, Williams, Braun, Imperial, Koppel, Moore, Diamond

NOES: None

ABSENT: None

ADOPTED: May 9, 2024

[Planning Code, Zoning Map - Stonestown Mixed Use District, Special Use District, Height and Bulk District, Special Sign District]

Ordinance amending the Planning Code and the Zoning Map to establish the Stonestown Mixed-Use District (SMD), Stonestown Special Use District (SUD), Stonestown Mixed-Use Height and Bulk District (HBD), and Stonestown Special Sign District (SSD), all generally bounded by Eucalyptus Drive and Buckingham Way to the north, 19th Avenue to the east, Buckingham Way to the south, and Buckingham Way to the west, with the SSD including the Stonestown Galleria Mall and the SMD, SUD, and HBD excluding the mall; abolishing an approximately 15-foot legislated setback on the west side of 19th Avenue between Eucalyptus Drive and Buckingham Way; and making findings under the California Environmental Quality Act, making findings of consistency with 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 ~~*strikethrough italics Times New Roman font*~~. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~strikethrough Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Planning and Environmental Findings.

(a) At its hearing on _____, and prior to recommending the proposed Planning Code amendments for approval, by Motion No. _____, the Planning Commission certified a Final Environmental Impact Report (FEIR) for the Stonestown Development Project (Project)

1 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
2 Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et
3 seq.), and Chapter 31 of the Administrative Code. A copy of said Motion is in Board of
4 Supervisors File No. _____, and is incorporated herein by reference. In accordance with
5 the actions contemplated in this ordinance, this Board has reviewed the FEIR, concurs with its
6 conclusions, affirms the Planning Commission’s certification of the FEIR, and finds that the
7 actions contemplated herein are within the scope of the Project described and analyzed in the
8 FEIR.

9 (b) In recommending the proposed Planning Code Amendments for approval by this
10 Board at its hearing on _____, by Motion No. _____, the Planning Commission also
11 adopted findings under CEQA, including a statement of overriding considerations, and a
12 Mitigation Monitoring and Reporting Program (MMRP). A copy of said Motion and MMRP are
13 in Board of Supervisors File No. _____, and are incorporated in this ordinance by
14 reference. The Board hereby adopts and incorporates by reference as though fully set forth
15 herein the Planning Commission’s CEQA approval findings, including the statement of
16 overriding considerations. The Board also adopts and incorporates by reference as though
17 fully set forth herein the Project’s MMRP.

18 (c) At the same hearing on _____, the Planning Commission, in Resolution No.
19 _____, adopted findings that the actions contemplated in this ordinance are consistent, on
20 balance, with the City’s General Plan and eight priority policies of Planning Code Section
21 101.1. The Board adopts these findings as its own. A copy of said Resolution is in Board of
22 Supervisors File No. _____, and is incorporated herein by reference.

23 (d) Pursuant to Planning Code Section 302, this Board finds that the Planning Code
24 Amendments in this ordinance will serve the public necessity, convenience, and welfare for
25

1 the reasons set forth in Planning Commission Resolution No. _____ and the Board
2 incorporates such reasons herein by reference.

3
4 Section 2. Article 2 of the Planning Code is hereby amended to revise Section 201, to
5 add the Stonestown Mixed Use District (heading italicized), after the “Balboa Reservoir Mixed
6 Use District,” to read as follows:

7 **SEC. 201. CLASSES OF USE DISTRICTS.**

8 * * * *

<i>Stonestown Mixed Use District</i>	
<i>(Also see Section 249.9)</i>	
<i>S-MU</i>	<i>Stonestown Special Use District (Defined in Section 249.9(f)(1))</i>

15 * * * *

16
17 Section 3. Article 2 of the Planning Code is hereby amended by adding Sections 249.9
18 and 263.36, to read as follows:

19 **SEC. 249.9. STONESTOWN SPECIAL USE DISTRICT.**

20 (a) Purpose and Boundaries. A Special Use District entitled the “Stonestown Special Use
21 District” (SUD) is hereby established, generally bounded by Eucalyptus Drive to the north, 19th
22 Avenue to the east, San Francisco State University (SFSU) Campus to the south, and Buckingham Way
23 to the west, and excluding the existing Stonestown Galleria Mall, in the southwest part of San
24 Francisco. The boundaries of the existing Stonestown Galleria Mall are more fully described in
25 Exhibit ___ to the Development Agreement. The precise boundaries of the SUD are shown on Sectional

1 Map SU13 of the Zoning Map. The purpose of the SUD is to implement the land use controls for the
2 Stonestown Development Project, which is subject to a Development Agreement, approved by the
3 Board of Supervisors in the ordinance contained in Board File No. _____. The Project will provide
4 several benefits to the City, such as a significant amount of publicly accessible open space, increased
5 public access throughout the site, childcare facilities, extensive infrastructure improvements, and
6 affordable housing, while creating jobs, housing, and a vibrant community.

7 (b) **Relationship to Design Standards and Guidelines.** The Stonestown Design Standards
8 and Guidelines (DSG), adopted by the Planning Commission by Motion No. _____, and as may be
9 periodically amended, sets forth standards and guidelines applicable within the SUD and are
10 incorporated here by reference. A copy of the DSG is on file with the Board of Supervisors in File No.
11 _____ and is available on the Planning Department’s website. This SUD and the DSG shall be read
12 and construed together so as to avoid any conflict to the greatest extent possible. If there is an
13 unavoidable conflict between the SUD and the DSG, this SUD shall prevail. The Planning Commission
14 shall review and approve amendments to the DSG, provided, however, the Planning Director may
15 approve minor amendments to the DSG. For the purposes of this subsection (b), “minor amendments to
16 the DSG” shall be defined as amendments that are necessary to correct omissions or inadvertent
17 mistakes in the DSG and are consistent with the intent of the DSG, the SUD, the General Plan, and the
18 Development Agreement.

19 (c) **Relationship to the Development Agreement.** This SUD shall be read and construed
20 consistent with the Development Agreement. All development within the Project Site that is subject to
21 the Development Agreement must comply with the applicable requirements of the Development
22 Agreement for so long as the Development Agreement remains in effect for the applicable development.

23 (d) **Relationship to Other Planning Code Provisions.** The provisions of this SUD and the
24 DSG shall supersede the Planning Code in its entirety, with the result that the Planning Code shall not
25 apply in the SUD, except with respect to: (1) Planning Code definitions as specified in subsection (e)

1 below; (2) Planning Code sections adopted or amended in connection with this Special Use District as
2 follows: Section 105 (Zoning Maps), Section 201 (Use Districts), Section 249.9 (Stonestown Mixed-
3 Use Special Use District), Section 263.36 (Stonestown Mixed Use Height and Bulk District), and
4 Section 608.10 (Stonestown Mixed-Use Special Sign District); (3) Article 1.7 (Compliance) of the
5 Planning Code; (4) Article 3 (Zoning Procedures) of the Planning Code, subject to the limitations set
6 forth in this Section 249.9; (5) Article 4 (Development Impact Fees and Project Requirements that
7 Authorize the Payment of In Lieu Fees) of the Planning Code, subject to the limitations set forth in
8 subsection (h)(19) of this Section 249.9; and (6) any other section of the Planning Code referenced in
9 this SUD or in the DSG (but only to the extent set forth and for the purposes stated in this SUD or the
10 DSG).

11 If there is a conflict between any otherwise applicable provision of the Planning Code and this
12 SUD, this SUD shall prevail, except as to any voter-adopted initiatives in effect as of the effective date
13 of this SUD and, once the Development Agreement is no longer in effect, all applicable voter-adopted
14 initiatives. If there is a conflict between otherwise applicable portions of the Planning Code and a
15 standard or guideline in the DSG as of the effective date of this SUD, the standard or guideline in the
16 DSG as of the effective date of this SUD shall prevail. If there is a conflict between otherwise
17 applicable portions of the Planning Code and a standard or guideline in the DSG that has been
18 amended after the effective date of this SUD, the applicable Planning Code provision shall prevail over
19 such amended standard or guideline unless this SUD provides that the DSG governs that standard or
20 guideline, in which case the DSG as amended shall prevail.

21 Later amendments to the Planning Code sections referenced in the SUD shall apply where not
22 in conflict with this SUD or DSG (as set forth above) or the Development Agreement.

23 (e) **Definitions.** Any capitalized term used in this SUD and not otherwise defined in this
24 SUD shall have the meaning ascribed to it in the DSG, if it is defined in the DSG. If a term is not
25 explicitly defined in this SUD or the DSG, the definitions elsewhere in the Planning Code shall apply.

1 Later amendments to the Planning Code definitions used in this SUD or the DSG shall apply where not
2 in conflict with the SUD, or the DSG, or the Development Agreement. In addition to the specific
3 definitions set forth elsewhere in this SUD, the following definitions shall govern interpretation of this
4 SUD:

5 “Applicant” means the owner, or authorized agent of the owner of a development parcel.

6 “Base Zone” means the base of the building, defined by the ground floor or up to the third floor
7 if podium parking is included.

8 “Building” means the construction of a building within the Project Site.

9 “Building Standards” means the standards and guidelines applicable to Vertical Improvements
10 and any associated Privately Owned Community Improvements and Project Open Space within the
11 SUD, consisting of the standards specified in subsection (h) and (g)(9), below, and the standards and
12 guidelines identified as such in the DSG.

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

16 “Changing Building Technologies” means new generally prevailing and market standard
17 building and engineering technologies, features, means, methods or materials (collectively,
18 “Technologies”).

19 “City” means the City and County of San Francisco.

20 “Development Agreement” means the Development Agreement by and between the City and the
21 developer identified therein (and its successors and assigns), including all attachments thereto,
22 approved by the Board of Supervisors by the ordinance in Board File No. _____, and as may be
23 amended from time to time.

24 “External Courtyard” means a courtyard with at least one edge fronting a street or Project
25 Open Space.

1 “Floorplate” means the gross area of a given floor of a Building as bounded by the exterior
2 walls of a floor.

3 “Footprint” means square footage of the Building footprint perimeter as established by the
4 Building’s Predominant Building Façades.

5 “Gross Floor Area” has the meaning set forth in Planning Code Section 102 for C-3 districts.

6 “Ground Floor” means the level at which the Building meets the grade.

7 “Hybrid Residential Uses” has the meaning set forth in subsection (f)(6)(C) of this Section
8 249.9.

9 “Internal Courtyard” means a courtyard with no edge fronting a street or Project Open Space.

10 “Kiosk” means a structure that is set upon the ground and is not attached to a foundation, such
11 as a shipping container, trailer, or similar structure, from which food service and/or retail business is
12 conducted. A Kiosk operates in a publicly accessible Project Open Space, and remains in place until
13 the food service and/or retail business is terminated or relocated.

14 “Major Modification” means any deviation of more than 15% from any quantitative standard in
15 the Planning Code, this SUD, or DSG, except as prohibited per subsection (i) of this Section 249.9, or
16 except as otherwise included in the definition of Minor Modification.

17 “Maximum Buildable Area” means occupied floor area of all floors above the Base Zone.
18 Floors that do not contain occupied floor area are excluded from the calculation of Maximum
19 Buildable Area.

20 “Minor Modification” means (i) any deviation of 15% or less from any quantitative standards
21 in the Planning Code, SUD, or the DSG, except as prohibited in subsection (i) of this Section 249.9, (ii)
22 any deviation from any qualitative standards or any guidelines in the approved DSG, (iii) any deviation
23 to the extent necessary to reconcile any inconsistency between the provisions of this SUD, the DSG, the
24 Development Agreement or any attachment thereto (including but not limited to the Infrastructure Plan
25 and the Transportation Demand Management Plan included as an attachment to the Development

1 Agreement), or to comply with the requirements or specifications imposed by any agency with
2 jurisdiction over all or a portion of the Project, in a manner that advances the intent of the SUD, DSG,
3 or the Development Agreement (including the agreements and plans referenced in the Development
4 Agreement that the parties must comply with), or is minor or incidental; and (iv) any other deviations
5 to the extent necessary to address Changing Building Technologies or Unforeseen Site Circumstances,
6 provided the Director in granting such deviation, makes findings that: (a) the granting of such
7 deviation is necessary or desirable to avoid a hardship of complying with the DSG and/or SUD
8 because of an Unforeseen Site Circumstance or Changing Building Technologies; (b) the deviation
9 does not result in a Building of greater total Gross Floor Area than would be permitted if the minor
10 deviations were not otherwise granted and is generally consistent with urban form anticipated by the
11 DSG and SUD; (c) the deviation will not be materially detrimental to the public welfare or materially
12 injurious to the property or improvements in the vicinity; and (d) the deviation will be consistent with
13 the General Plan and in harmony with the general purpose and intent of the DSG and the SUD.

14 “New Construction” means all new Building construction within the SUD.

15 “Predominant Building Façades” means the vertical plane that aligns with the outermost edges
16 of a Building, not including projections such as bays or balconies.

17 “Privately-Owned Community Improvements,” means those facilities and services that are
18 privately-owned and privately-maintained, at no cost to the City (other than any public financing set
19 forth in the Financing Plan, a Development Agreement exhibit), for the public benefit, but not
20 dedicated to the City. The Privately-Owned Community Improvements include certain pedestrian
21 paths, storm drainage facilities, the Project Open Space, bicycle facilities, and other privately-owned
22 facilities, as further detailed in the Development Agreement.

23 “Project” means the Stonestown Development Project.

24 “Project Open Space” means the privately owned, publicly accessible open spaces to be
25 developed within the Project Site.

1 “Project Site” means the approximately 30-acre site comprised of the various subareas shown
2 on Figure 249.9-1 that is within the Special Use District.

3 **Figure 249.9-1 Stonestown Project Site**

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Note:

Parcel boundaries are approximate, subject to change and finalization through the Subdivision process for the Project.

“Publicly Accessible Sidewalk and Access Easement” means areas of horizontal building setback from the parcel boundary to accommodate required street elements.

“Senior Housing” means a Residential Use defined as dwellings that are specifically designed for and occupied by senior citizens.

“Tower” means all New Construction above 90 feet in height.

“Townhome” means a multi-story home typically with stoops and/or a patio. Townhomes may be standalone or attached by shared party walls.

“Unforeseen Site Circumstances” shall mean unanticipated circumstances related to site conditions, such as topography, grading, geological features, final infrastructure configurations, or soil conditions.

“Vertical Improvements” means new construction of a Building and any later major exterior alteration or expansion of a previously approved Building within the SUD.

(f) Uses.

(1) **Stonestown Mixed Use District Zoning Designation.** As shown on the Zoning Map, the boundaries of this SUD are coterminous with the Stonestown Mixed Use District (S-MU).

(2) **Permitted Uses.** The following uses set forth in Table 249.9-1, “Stonestown Permitted Uses,” below, shall be permitted as indicated within the SUD, where P means Permitted Use, C means Conditional Use as defined in Planning Code Section 303, and NP means Non-permitted Use. If a use is not specifically identified in Table 249.9-1 as a Permitted Use, Conditional Use or Non-permitted use, such use shall be a Permitted Use. Existing parking lots shall be a principally permitted use until such time as a certificate of occupancy is issued for New Construction or Project Open Space for the parcel on which such parking lot is located.

Table 249.9-1 Stonestown Permitted Uses

1	<u>Permitted Use</u>	<u>E1</u>	<u>E2</u>	<u>E3E*</u>	<u>E4</u>	<u>E5</u>	<u>E6</u>	<u>W1</u>	<u>W2</u>	<u>W3/</u>	<u>S1</u>	<u>S2</u>	<u>S3</u>	<u>NW</u>	<u>NW</u>	<u>NW</u>	<u>Ope</u>
2	<u>Category</u>			<u>*</u>						<u>4</u>				<u>1</u>	<u>2</u>	<u>3</u>	<u>n</u>
3																	<u>Spac</u>
4																	<u>e</u>
5	<u>Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
6	<u>Uses</u>																
7	<u>Institutional</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(2)</u>
8	<u>Uses*</u>																
9	<u>Residential Care</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
10	<u>Facility</u>																
11	<u>Community</u>	<u>P(3)</u>	<u>P</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>NP</u>
12	<u>Facility and</u>																
13	<u>Private</u>																
14	<u>Community</u>																
15	<u>Facility</u>																
16	<u>Retail Sales and</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(2)</u>
17	<u>Service Uses*</u>																
18	<u>Bar; and Eating</u>	<u>P(4)</u>	<u>P</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(4)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(2)</u>
19	<u>and Drinking</u>																
20	<u>Use</u>																
21	<u>Hotel</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
22	<u>Non-Retail</u>	<u>P(3)</u>	<u>P</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(3)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>NP</u>
23	<u>Sales and</u>																
24	<u>Service Uses*</u>																
25	<u>Catering;</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>NP</u>

1	<u>Storage.</u>																
2	<u>Commercial:</u>																
3	<u>Storage.</u>																
4	<u>Wholesale:</u>																
5	<u>Wholesale Sales</u>																
6	<u>Recreation, Arts</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(2)</u>
7	<u>and</u>																
8	<u>Entertainment</u>																
9	<u>Uses*</u>																
10	<u>Livery Stable</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
11	<u>and Sports</u>																
12	<u>Stadium</u>																
13	<u>Open</u>	<u>NP(</u>	<u>P</u>	<u>NP(4</u>	<u>NP(</u>	<u>NP(</u>	<u>P</u>	<u>NP(</u>	<u>NP(</u>	<u>NP(</u>	<u>NP(</u>	<u>NP(</u>	<u>NP(</u>	<u>NP(</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(2)</u>
14	<u>Recreation Area</u>	<u>4)</u>		<u>)</u>	<u>4)</u>	<u>4)</u>		<u>4)</u>	<u>4)</u>	<u>4)</u>	<u>4)</u>	<u>4)</u>	<u>4)</u>	<u>4)</u>			
15	<u>Automotive</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
16	<u>Uses*</u>																
17	<u>Automotive</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>NP</u>
18	<u>Sale/Rental:</u>																
19	<u>Automotive</u>																
20	<u>Service Station:</u>																
21	<u>Automotive</u>																
22	<u>Wash</u>																
23	<u>Fleet Charging:</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
24	<u>Electric Vehicle</u>																
25	<u>Charging</u>																

1	<i>Location</i>															
2	<i>Parking Lot,</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(5</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>
3	<i>Private and</i>	<i>5)</i>	<i>5)</i>	<i>)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>	<i>5)</i>
4	<i>Parking Lot,</i>															
5	<i>Public</i>															
6	<i>Parking Garage,</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(6</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>P(4)</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>P(4)</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
7	<i>Public and</i>	<i>6)</i>	<i>6)</i>	<i>)</i>	<i>6)</i>	<i>6)</i>	<i>6)</i>	<i>6)</i>	<i>6)</i>	<i>6)</i>	<i>6)</i>	<i>6)</i>				
8	<i>Parking Garage</i>															
9	<i>Private</i>															
10	<i>Vehicle Storage</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>P</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
11	<i>Garage</i>															
12	<i>Industrial</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
13	<i>Uses*</i>															
14	<i>Agricultural and</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>P(1)</i>	<i>NP</i>
15	<i>Beverage</i>															
16	<i>Processing I;</i>															
17	<i>Manufacturing,</i>															
18	<i>Light;</i>															
19	<i>Automobile</i>															
20	<i>Assembly; Metal</i>															
21	<i>Working</i>															
22	<i>Utility and</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
23	<i>Infrastructure</i>															
24	<i>Uses*</i>															

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1	<i>Wireless</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(4</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP</i>
2	<i>telecommunicati</i>	<i>4)</i>	<i>4)</i>	<i>)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>
3	<i>ons Services</i>																
4	<i>Facility:</i>																
5	<i>Internet Service</i>																
6	<i>Exchange:</i>																
7	<i>Utility</i>																
8	<i>Installation</i>																
9	<i>Agricultural</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>P(2)</i>
10	<i>Uses*</i>																
11	<i>Neighborhood</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(4</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>NP(</i>	<i>P(2)</i>
12	<i>Agriculture</i>	<i>4)</i>	<i>4)</i>	<i>)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>	<i>4)</i>

13 Legend:

14 P: Permitted use on all levels except rooftops

15 C: Conditional use

16 NP: Non-Permitted use

17 Notes:

18 * Not listed below.

19 ** This Special Use District shall not become operative as to the entirety of Parcel E3E, until the occurrence of a specified condition set forth in Section

20 7 of the ordinance in Board File No. _____, enacting this Section 249.9.

21 (1) NP above the third floor.

22 (2) Subject to auxiliary structure requirements within the DSG.

23 (3) C above the third floor.

24 (4) P on rooftops.

25 (5) P as provided for as an interim use or as an existing permitted use as set forth in the SUD.

(6) P as provided as an accessory use as set forth in 249.9(f)(6)(b) of the SUD.

Land uses are consistent with definitions included in Planning Code Article 1.

1	<u>Permitted Use</u>	<u>E1</u>	<u>E2</u>	<u>E3E**</u>	<u>E4</u>	<u>E5</u>	<u>E6</u>	<u>W1</u>	<u>W2</u>	<u>W3/4</u>	<u>S1</u>	<u>S2</u>	<u>S3</u>	<u>NW1</u>	<u>NW2</u>	<u>NW3</u>	<u>Open</u>
2	<u>Characteristic</u>																<u>Space</u>
3	<u>Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
4	<u>Characteristic</u>																
5	<u>Commercial</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(1)</u>	<u>P(2)</u>
6	<u>Use</u>																
7	<u>Characteristic*</u>																
8	<u>Hours of</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
9	<u>Operation and</u>																
10	<u>Maritime Use</u>																
11	Legend:																
12	P: Permitted use on all levels																
13	N/A: Not applicable																
14	Notes:																
15	* Not listed below.																
16	** This Special Use District shall not become operative as to the entirety of Parcel E3E, until the occurrence of a specified condition set forth in Section 7 of the ordinance in Board File No. _____, enacting this Section 249.9.																
17	(1) NP above the third floor.																
18	(2) Subject to auxiliary structure requirements within the DSG.																
19	Use characteristics are consistent with definitions included in Planning Code Article 1.																

Figure 249.9-2 Stonestown Zoning District

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Note:

Parcel boundaries are approximate, subject to change and finalization through the Subdivision process for the Project.

1
2
3 (3) **Location and Operating Conditions.** Planning Code Section 202.2 shall apply
4 within the SUD, subject to the following:

5 (A) Section 202.2(f) (Residential Uses) shall not apply within the SUD.

6 (B) Notwithstanding any provision of this SUD or the Planning Code to the
7 contrary and for the avoidance of doubt, for purposes of enforcing the location and operating
8 conditions set forth in Section 202.2 (as modified herein), the “property that is the subject of the
9 violation,” as used in Section 176(b)(1) of the Planning Code, shall be limited to the Building(s) in
10 which the establishment that is in violation is located.

11 (4) **Conditional Uses.** Only the establishment of a use that expressly requires a
12 Conditional Use authorization under this SUD shall be subject to the requirements of Section 303 of
13 the Planning Code, and the discontinuance or demolition of any use shall not require a Conditional
14 Use authorization within this SUD.

15 (5) **Intermediate Length Occupancy.** Intermediate Length Occupancy Dwelling
16 Units shall be permitted Residential Use characteristic within this SUD in accordance with subsection
17 (f)(2), above, and Table 249.9-1. Planning Code Section 202.10 shall not apply within the SUD.

18 (6) **Accessory Uses.** Accessory Uses shall be governed by the following controls
19 and the controls set forth in the DSG.

20 (A) **Generally.** Accessory Uses are related minor uses located on the same
21 parcel that support any principally permitted or conditionally permitted use located on such parcel.
22 Any use which does not qualify as an accessory use shall be classified as principally permitted,
23 conditionally permitted, or not permitted, unless it qualifies as a temporary or interim use under this
24 Section 249.9. Accessory Uses are permitted for up to 33% of the total floor area of the applicable
25 principally permitted or conditionally permitted use, except this limitation shall not apply to accessory

1 off-street parking and loading, accessory wholesaling, manufacturing or processing of foods, goods, or
2 commodities, and Hybrid Residential Uses, which shall be subject to the controls set forth below.

3 (B) **Accessory and Replacement Parking and Loading.** Accessory parking
4 and loading is permitted on all parcels excluding parcels containing Project Open Space. Parking is
5 permitted within below or above ground structures subject to the requirements set forth in this SUD.
6 Accessory parking and loading to specific uses may be located on a different parcel from the use and
7 may be shared among various uses. Replacement parking for Stonestown Galleria Mall, as prescribed
8 in subsection (h)(13), below, is permitted on any parcel within the SUD except Parcels NW1, NW2, and
9 NW3. 100% of the buildable floor area of Parcels W2 and S3 is permitted as replacement parking for
10 Stonestown Galleria Mall and parking for non-residential uses in the SUD.

11 (C) **Uses Accessory to Dwelling Units.** Medical Cannabis Dispensary as
12 defined in Section 102 of the Planning Code shall not be permitted as an Accessory Use to a Dwelling
13 Unit. Retail Sales and Service Uses, Non-Retail Sales and Service Uses, and Industrial Uses shall be
14 permitted as Accessory Uses to a Dwelling Unit (“**Hybrid Residential Uses**”) if the following
15 conditions are satisfied:

16 (i) Dwelling Units with a Hybrid Residential Use may only be
17 located on the first three levels of a Building; provided that such unit has direct access to a street or
18 open space on the ground level and the applicable Accessory Retail Sales and Service Uses, Non-Retail
19 Sales and Service Uses, and Industrial Uses is located and conducted solely on the ground level of such
20 Hybrid Residential unit.

21 (ii) Within Hybrid Residential units, Accessory Retail Sales and
22 Service Uses, Non-Retail Sales and Service Uses, and Industrial Uses are permitted for up to 50% of
23 the total floor area of the applicable dwelling unit.

24 (7) **Temporary Uses.** Temporary Uses are permitted consistent with Planning Code
25 Sections 205.1 through 205.8, subject to the following:

1 (A) The Temporary Uses listed in Sections 205.1 through 205.7 (as modified
2 pursuant to this SUD), where not otherwise permitted in the SUD, may be authorized as provided
3 therein and in this SUD, up to the time limits indicated, or for such longer period of time as approved
4 by the Planning Director, without a public hearing and without any requirement for a development
5 phase approval (as referenced in subsection (i) of this SUD), design review approval pursuant to
6 subsection (j) of this SUD, or a conditional use permit.

7 (B) The following uses may be authorized as Temporary Uses in addition to
8 those listed in Section 205.1(a): musical and theatrical performances and other forms of live
9 entertainment including setup/load-in and demobilization/load-out, special event and athletic events,
10 meeting rooms, and event staging.

11 (C) Temporary Uses listed in Section 205.1(d) may be authorized for a period
12 of up to 180 days. Retail Sales and Service Uses as well as Entertainment, Arts, and Recreation Uses
13 that are a Permitted Use pursuant to Table 249.9-1 may be authorized for a period of up to 180 days as
14 a Temporary Use.

15 (D) Temporary Uses listed in Section 205.1(e) (temporary signs) may be
16 authorized in the SUD for the period set forth in Section 205.1, or such longer time as approved by the
17 Planning Director.

18 (E) Temporary Uses listed in Section 205.2(a)(2) (Pop-Up Activations) may
19 be authorized in the SUD for the period set forth in Section 205.2(a), or such longer time as approved
20 by the Planning Director.

21 (F) Temporary Uses listed in Section 205.3 may be authorized for a period
22 up to 72 hours per event for up to 12 events per year.

23 (G) Carts and Kiosks may be permitted as Temporary Uses pursuant to
24 Section 205.4, but shall not block accessible paths of travel or areas for emergency vehicle access.

1 (H) Section 205.5 shall not apply within the SUD. Interim Uses shall be
2 governed by the controls set forth in subsection (f)(8)(Interim Uses), below.

3 (8) **Interim Uses.** Prior to completion of the Project, the Planning Director may
4 approve any interim uses in accordance with this subsection (f)(8) without a public hearing, a
5 development phase approval (referenced in subsection (i), design review approval pursuant to
6 subsection (j), below, or conditional use permit, for a period not to exceed five years if the Planning
7 Director finds that such Interim Use will not impede orderly development consistent with this Section
8 249.9, the DSG, and the Development Agreement (for so long as the Development Agreement remains
9 in effect for the applicable development). Any Interim Use listed in this subsection (f)(8) that the
10 Planning Director determines is necessary or desirable for development under the Development
11 Agreement, shall not require separate authorization as an Interim or Temporary Use or be subject to
12 the five-year limitation (for example, Interim Uses incidental to environmental clean-up, construction
13 staging, materials laydown, demolition, construction activities, storage, automobile and truck parking
14 and loading related to construction activities, or replacement motor vehicle parking, loading, or
15 bicycle parking for the Stonestown Galleria Mall). Any authorization or commencement of an Interim
16 Use pursuant to this subsection (f)(8) shall not exempt the applicant from obtaining any other permit
17 required by law. Additional time for such uses may be authorized upon a new application. The
18 approval or commencement of an Interim Use as authorized under this subsection (f)(8) shall not be
19 considered a conversion, discontinuance, abandonment, or change of use for purposes of this Code,
20 notwithstanding Sections 182 and 183 of this Code. Any property for which the Interim Use is
21 authorized shall retain its authorized land use(s). Such authorized land uses, including any
22 nonconforming uses, shall become operative upon the expiration, termination, or abandonment of such
23 Interim Use authorization. Any Interim Use authorized pursuant to this subsection (f)(8) shall not be
24 required to comply with any requirements of this SUD or the Planning Code that are not expressly
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1 applicable to such Interim Use under this subsection (f)(8). Interim Uses the Planning Director may
2 authorize include, but are not limited to:

3 (A) Retail Sales and Services, which may include but are not limited to the
4 on-site assembly, production, or sale of food, beverages, and goods, and the operation of restaurants or
5 other retail food service in temporary structures, food trucks, or food carts, with indoor or outdoor
6 seating;

7 (B) Entertainment, Arts, and Recreation, both enclosed and unenclosed,
8 including but not limited to temporary art installations, exhibits, and sales, recreational facilities and
9 uses (such as play and climbing structures and outdoor fitness classes), and temporary structures to
10 accommodate events (such as stages, seating, and support facilities for patrons and operations);

11 (C) Public and Private Parking Lots;

12 (D) Fleet Charging;

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

15 (F) Institutional Use, including but not limited to after-school day activities
16 and library services;

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

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

20 (I) Trailers, recreational vehicles, or other temporary housing or
21 administrative offices for construction workers, seasonal labor, or other workforce employment needs.

22 (9) Nonconforming Uses and Structures; Existing Structures.

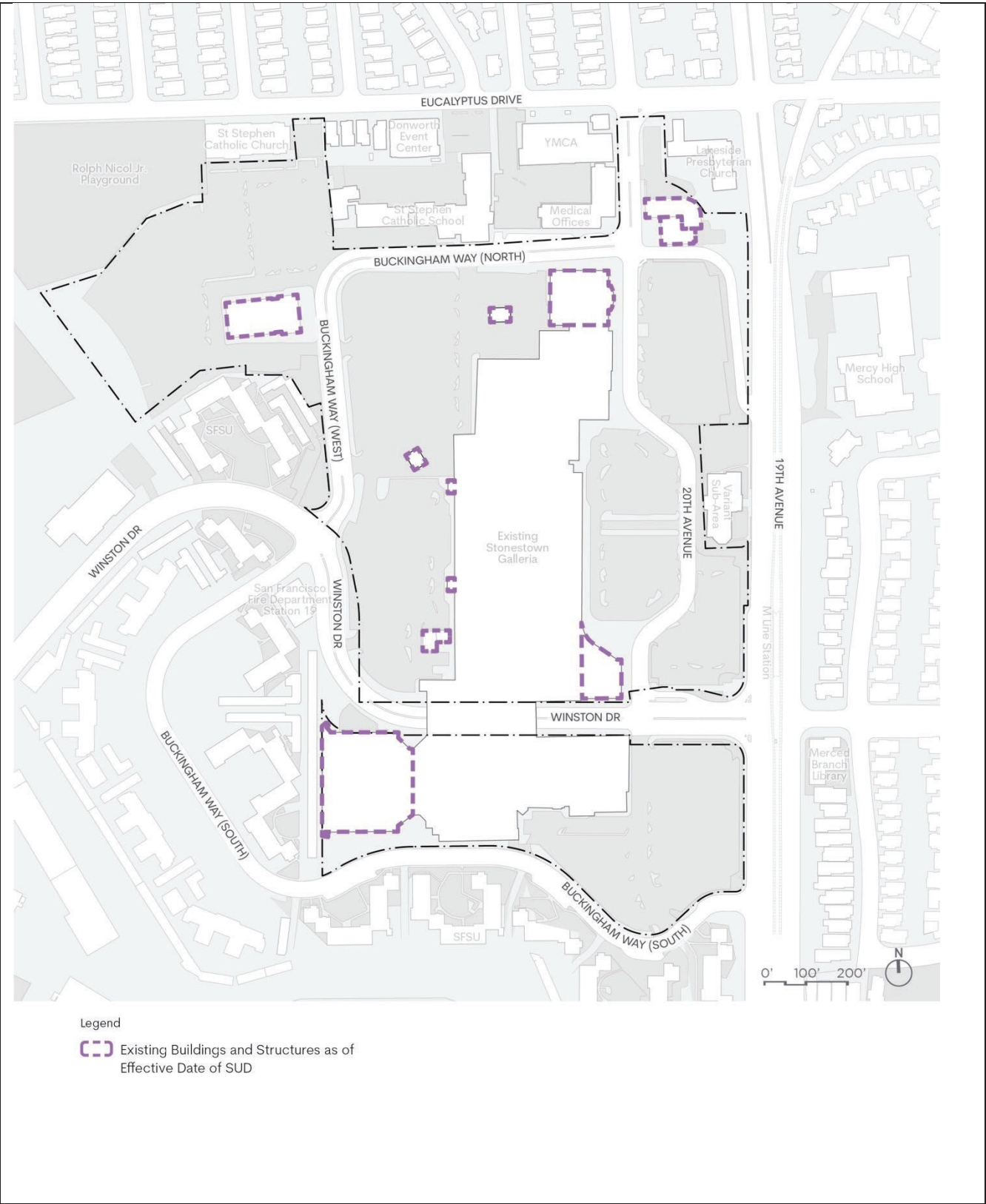
23 (A) Nonconforming Uses and Structures. Nonconforming uses and structures
24 shall be subject to Sections 181-183 and 188 of the Planning Code.

25

1 (B) Existing Structures. Notwithstanding subsection (A), existing structures
2 shown in Figure 249.9-3 shall be considered Code-complying until such time as the City approves a
3 building permit application for New Construction on parcels upon which the existing structure is
4 located. The Planning Director may allow the expansion or modification of an existing structure
5 without requiring compliance with this Section 249.9 or the DSG, upon a determination that the
6 expansion or modification would not impede the orderly development of the SUD consistent with this
7 Section and the Development Agreement; provided that any modification or expansion shall be limited
8 to 15% additional Gross Floor Area; provided further that the existing building located on Parcel E5
9 as of the effective date of this SUD may be modified and expanded only vertically up to 15% additional
10 Gross Floor Area. The approval may be made without a public hearing, a development phase approval
11 (referenced in subsection (j)), design review approval pursuant to subsection (j), or conditional use
12 permit, so long as any expansion and/or modification complies with any applicable requirements of
13 Planning Code Sections 136.1, 139, 145.1, and 210.1. Any existing structure damaged or destroyed by
14 fire, or other calamity, or by Act of God, or by the public enemy, may be restored to its former
15 condition provided that such restoration is permitted by the Building Code and is started within
16 eighteen months and diligently prosecuted to completion.

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18 **Figure 249.9-3 Stonestown Existing Buildings and Structures**

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2 (9) Ground Floor Frontages. Within this SUD, only the ground floor controls
3 contained in this SUD and the DSG shall apply.

4 (A) Each ground floor frontage as indicated in Figure 249.9-4, shall be
5 occupied by any of the qualifying uses as indicated in Table 249.9-2 and the percentages as listed
6 below:

7 (i) Priority Retail Frontage: A minimum of 80% of the length per
8 frontage shall be occupied by any of the qualifying active uses, comprised of a minimum of 50% of the
9 length per frontage occupied by any of the Priority Retail Uses and the remaining 30% of the length
10 per frontage occupied by any of qualifying active uses.

11 (ii) Retail and Service Frontage: A minimum of 50% of the length
12 per frontage shall be occupied by any of the Retail and Service Uses.

13 (iii) Active Frontage: A minimum of 50% of the length per frontage
14 shall be occupied by any of the qualifying active uses. Standalone parking garages are exempt from
15 the Active Frontage requirement.

16 (B) “Qualifying active uses” shall mean any principal, conditional, or
17 accessory use that by its nature does not require non-transparent walls fronting streets and open space
18 or involves the storage of goods or vehicles.

19 (C) Percentage of qualifying frontage shall be measured in plan against the
20 length of the overall ground floor frontage.

21 (D) New Construction ground floors, excluding residential ground floor
22 units, shall comply with Planning Code Section 145.1(c)(6) (Transparency and Fenestration).

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24 **Figure 249.9-4 Stonestown Ground Floor Frontage Controls**
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Table 249.9-2 Stonestown Ground Floor Frontage Controls

● Qualifying ground floor use

PERMITTED USE CATEGORY	QUALIFYING GROUND FLOOR USES BY USE TYPE		
	PRIORITY RETAIL USES	RETAIL AND SERVICE USES	ACTIVE USES
Residential	● Limited to Hybrid Residential Uses (1) not including Non-Retail Sales and Services or Industrial Uses	● Limited to building lobbies and Hybrid Residential Uses	● Including building lobbies, Hybrid Residential Uses, spaces accessory to residential uses, such as fitness or community rooms, and residential units. To qualify as an Active Use, residential units shall include a stoop, patio, or at-grade entrance as described in Chapter 5: Buildings.
Institutional		●	●
Retail Sales and Services	●	●	●
Non-Retail Sales and Services (Including Office uses)		●	●
Recreation, Arts and Entertainment	●	●	●
Automotive		● Limited to Automotive Sale/Rental	● Limited to Automotive Sale/Rental
Industrial		● Limited to Agricultural and Beverage Processing 1	● Limited to Agricultural and Beverage Processing 1

Notes:
 (1) Hybrid Residential Use shall be defined as set forth in Section 249.9 of this SUD.

(g) Building Standards.

(1) Maximum Building Height. *The height shall be as set forth on Sectional Map HT13 of the Zoning Map and as further limited and detailed in Figure 249.9-5 of this Section 249.9 (Building Height Maximum) and the DSG. As more particularly described in Sectional Map HT13, the "90 Foot Height Flex Zone" has been established to allow for the flexibility in locating the NW2 Building within the northwest corner of the site, up to a height of 90 feet. The 90 Foot Flex Height Zone allows for flexibility in the configuration and location of the NW2 Building, up to the indicated maximum height for such zone, as long as such Building conforms to the requirements of this Section 249.9 and the DSG.*

Figure 249.9-5: Stonestown Building Heights Maximum

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Note:

Parcel boundaries are approximate, subject to change and finalization through the Subdivision process for the Project.

(2) **Measurement of Height.** Measurement of Height within the SUD shall be governed by the controls set forth in this SUD and the DSG.

(A) **Method of Height Measurement.** Maximum height for New Construction shall be measured from the centerline of the Building, as shown in Figure 249.9-6, from frontages identified in Figure 249.9-6. For Townhomes, measurement shall be taken from the centerline of each Townhome. The measuring point shall be taken at curb level from the Building façade at-grade within 10 feet of the parcel boundary. New Construction with façades at-grade beyond 10 feet from the property line shall maintain a measuring point at a maximum depth of 10 feet from the property line. At the Building roofline, measurement of height shall be as follows:

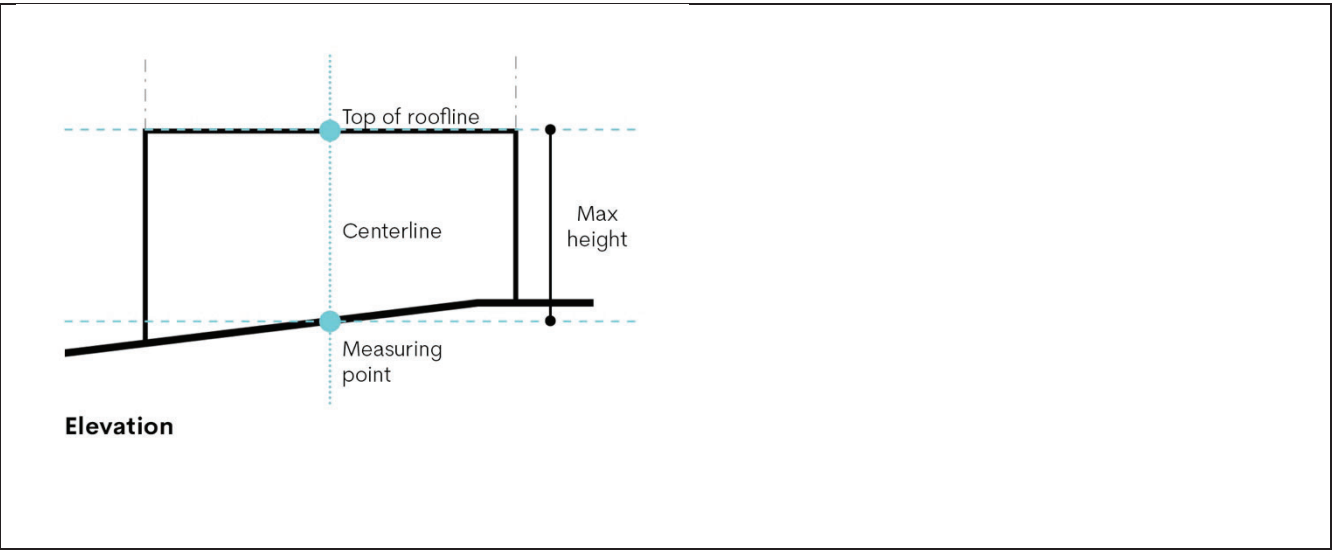
(i) The highest point on the finished roof in the case of a flat roof;

(ii) The average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form; or

(iii) The highest point of any feature not exempted from the height measurement by subsection (g)(2)(B), below.

Figure 249.9-6 Stonestown Method of Height Measurement

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* Project without Variant Sub-Area scenario

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2 (B) Exemptions from Height Measurement. The roof features listed herein
3 shall be exempt from the measurement of height without regard to their horizontal area provided the
4 limitations indicated for each are observed:

5 (i) Railings, parapets, and catwalks, with a maximum height of four
6 feet;

7 (ii) Open railings, catwalks, and fire escapes required by law,
8 wherever situated;

9 (iii) Landscaping, with a maximum height of four feet for all features
10 other than plant materials;

11 (iv) Living walls up to 10 feet in height;

12 (v) Flagpoles, flags, and weathervanes;

13 (vi) Wireless telecommunications services facilities and other
14 antennas, dishes, and towers and related screening elements;

15 (vii) Warning and navigation signals and beacons, light standards,
16 and similar devices;

17 (viii) Cranes, scaffolding, and batch plants erected temporarily at
18 active construction sites;

19 (ix) Unroofed recreation facilities with fencing or windscreens,
20 including but not limited to: tennis and basketball courts at roof level, sports fields and swimming
21 pools, lighting poles or similar structures required for the nighttime enjoyment of such rooftop
22 recreational facilities, fencing, goal boxes and other sports equipment, play equipment, netting or other
23 semi-transparent enclosure necessary for the safe enjoyment of unroofed recreation facilities, all up to
24 20 feet in height;

25 (x) Unenclosed seating areas with tables and related windscreens,

1 lattices, and sunshades with a maximum height of 10 feet;

2 (xi) Ornamental and symbolic features of public and religious
3 buildings and structures, including towers, spires, cupolas, belfries, and domes, where such features
4 are not used for human occupancy;

5 (xii) Sustainable building features including, but not limited to
6 photovoltaic panels and living roofs, with a maximum height of 20 feet;

7 (xiii) Mechanical equipment and appurtenances necessary to the
8 operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing
9 vent stacks, cooling towers, water tanks, panels, or devices for the collection of solar or wind energy,
10 and window-washing equipment, together with visual screening for any such features. This exemption
11 shall be limited to the top 16 feet of such features where the height limit is 65 feet or less, and the top
12 20 feet of such features where the height limit is more than 65 feet. This exemption is subject to the
13 requirements of the DSG for mechanical screening;

14 (xiv) Elevator, stair and mechanical penthouses, fire towers, skylights,
15 and dormer windows. This exemption shall be limited to the top 16 feet of such features where the
16 height limit is 65 feet or less, and the top 20 feet of such features where the height limit is more than 65
17 feet. However, for elevator penthouses, the exemption shall be limited to the top 20 feet and limited to
18 the footprint of the elevator shaft, regardless of the height limit of the building;

19 (xv) Enclosed spaces related to recreational and retail use on the roof,
20 up to 20 feet in height. Such enclosed spaces shall not exceed the lower of 30% of the horizontal areas
21 of the roof on which the space sits, or 6,000 square feet on parcels fronting 20th Avenue and 3,000
22 square feet on Parcels W1, W2, W3/4, S3, and NW1. Enclosed spaces related to recreational and retail
23 use are prohibited on Parcels NW2 and NW3; and

24 (xvi) Enclosed utility sheds of not more than 100 square feet, used
25 exclusively for the storage of landscaping and gardening equipment for adjacent rooftop landscaping.

1 with a maximum height of 8 feet.

2 (3) **Bulk.** Bulk controls within the SUD shall be governed as set forth below, and not
3 as set forth elsewhere in the Planning Code.

4 (A) New Construction with an overall building Footprint area greater than
5 25,000 square feet is restricted to 80% Maximum Buildable Area above the podium or third floor,
6 whichever is lower, up to 90 feet. New Construction with an overall building Footprint area over
7 70,000 square feet is restricted to 70% of Maximum Buildable Area above the podium or third floor,
8 whichever is lower, up to 90 feet. The controls of this subsection (g)(3)(A) shall not apply to Parcels
9 NW1, NW2, S3, and E4, standalone parking garages, and Tower massing above 90 feet.

10 (B) New Construction over 90 feet in height shall not exceed a Maximum
11 Average Floorplate of 12,500 square feet for portions of the building over 90 feet in height. The
12 Maximum Average Floorplate area is defined as the sum of the area of all the Floorplates above 90
13 feet in height, divided by the number of floors above 90 feet in height. No individual Building
14 Floorplate above 90 feet shall exceed 14,000 square feet.

15 (C) New Construction over 90 feet in height shall have a maximum plan
16 dimension of 160 feet and diagonal dimension of 190 feet for the portions of the building over 90 feet in
17 height.

18 (D) New Construction shall also comply with the DSG requirements for
19 massing, modulation, and sculpting.

20 (4) **Lot Coverage, Side and Rear Yards; Setbacks.** The DSG shall govern any and
21 all lot coverage, side and rear yard, and setback requirements.

22 (5) **Floor Area Ratio.** There shall be no floor-area-ratio limit within the SUD.

23 (6) **Dwelling Unit Density.** There shall be no density limit for any Residential Use
24 within the SUD.

25 (7) **Dwelling Unit Mix.**

1 (A) No less than 25% of the total number of proposed Dwelling Units in each
2 phase or subphase in a Development Phase Approval shall contain at least two bedrooms. Any fraction
3 resulting from this calculation shall be rounded to the nearest whole number of Dwelling Units.

4 (B) No less than 10% of the total number of proposed Dwelling Units in each
5 phase or subphase in a Development Phase Approval shall contain at least three bedrooms. Any
6 fraction resulting from this calculation shall be rounded to the nearest whole number of Dwelling
7 Units. Units counted towards this requirement may also count towards the requirement for units with
8 two or more bedrooms as described in subsection (g)(7)(A), above.

9 (C) To the extent any phase or subphase includes a number of two and/or three
10 bedroom Dwelling Units exceeding the number of two and/or three bedroom Dwelling Units required
11 for such phase or subphase pursuant to subsections (g)(7)(A) and (B), the number of two and/or three
12 bedroom Dwelling Units exceeding the requirement in subsections (g)(7)(A) and (B) for such phase or
13 subphase (a “Dwelling Unit Mix Exceedance”) may be carried over and applied to future phases or
14 subphases in satisfaction of the requirements for such future phases or subphases. Developer shall
15 identify any Dwelling Unit Mix Exceedance being applied to a development phase or subphase in the
16 Development Phase Application for such phase or subphase.

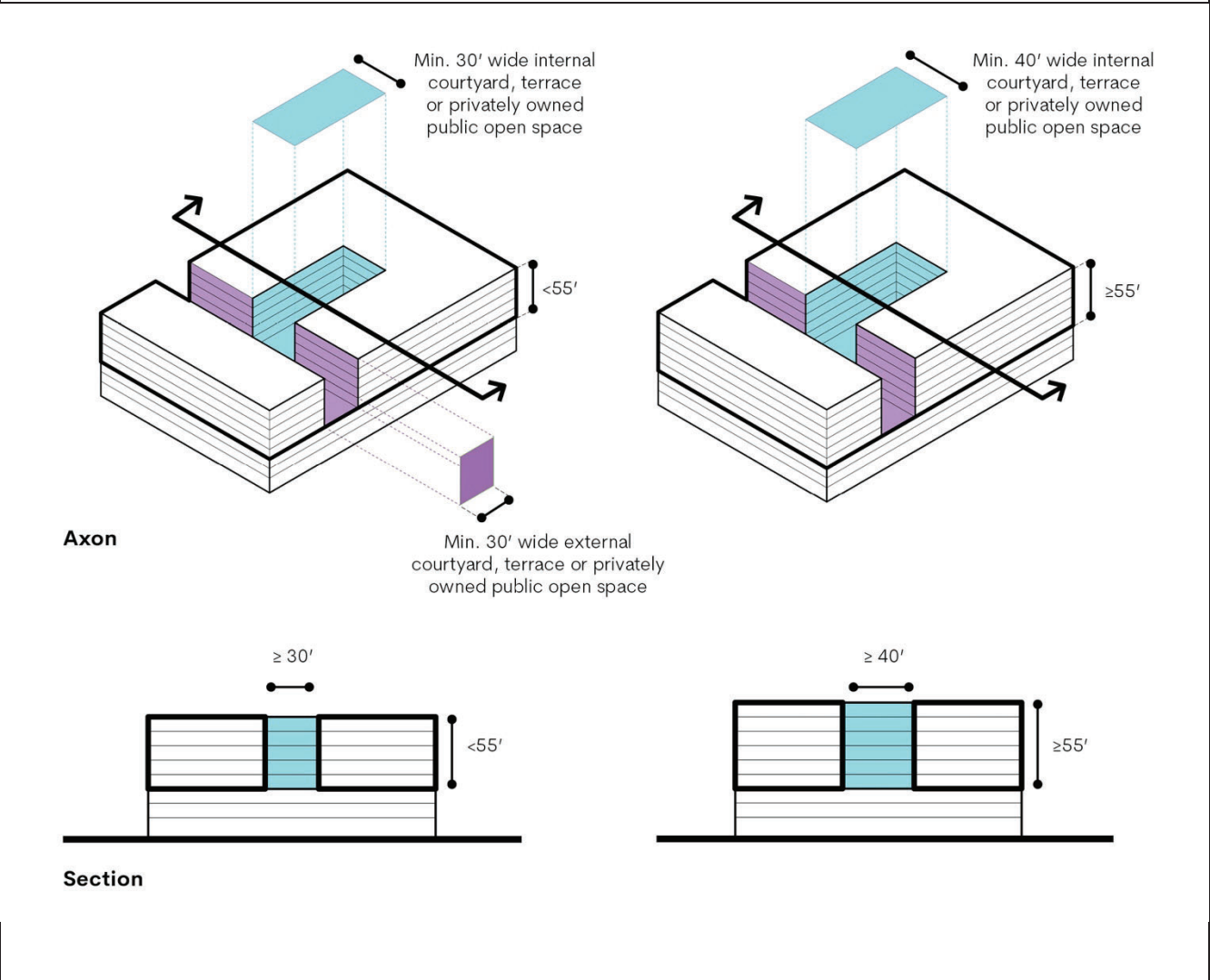
17 (D) The Dwelling Unit mix requirement in subsections (g)(9)(A) and (B),
18 above, shall not apply to Buildings for which 100% of the Residential Uses are: Group Housing,
19 Affordable Units (as defined in the Development Agreement), Single Room Occupancy (SRO) Units,
20 Student Housing, or housing specifically and permanently designated for seniors or persons with
21 physical disabilities, including units to be occupied by staff serving any of the foregoing Residential
22 Uses.

23 (8) Dwelling Unit Exposure. Dwelling Units in New Construction shall face
24 directly onto one of the following open areas that is open to the sky, as shown on Figure 249.9-7:

25 (A) A public street with a minimum width of 30 feet;

- 1 (B) A public alley or mid-block passage with a minimum width of 30 feet;
- 2 (C) An External Courtyard, terrace or privately owned Project Open Space
- 3 at least 30 feet in width; and
- 4 (D) An Internal Courtyard up to 55 feet tall as measured from the highest
- 5 elevation of the courtyard, with a minimum width of 30 feet or an Interior Courtyard taller than 55 feet,
- 6 as measured from the highest elevation of the courtyard, with a minimum width of 40 feet.

7 **Figure 249.9-7 Stonestown Dwelling Unit Exposure**



1 (9) **Open Space for Dwelling Units.** In addition to any Project Open Spaces, a
2 minimum average of 27 square feet of open space per Dwelling Unit shall be provided on each
3 residential building parcel. Such open space may be either private or common space, and may be
4 provided in the form of courtyards, terraces, rooftops, balconies, decks or porches, or similar
5 structures or areas. Any space provided as common usable open space shall have a minimum width of
6 10 feet or a minimum area of 100 square feet. Individual private residential usable spaces shall have a
7 minimum width of three feet or a minimum area of 27 square feet. The standards for open spaces shall
8 be governed by the controls set forth in this SUD and the DSG.

9 (10) **Obstructions Over Streets and Alleys.** New Construction obstructions over
10 streets and alleys are permitted in compliance with Planning Code Section 136 with the following
11 additional allowances:

12 (A) Occupiable projections shall be permitted to up to four feet in depth with
13 a minimum vertical clearance of 14 feet from the sidewalk grade.

14 (B) Balconies shall be permitted to up to six feet in depth.

15 (C) Aggregated occupiable projections, excluding balconies, are permitted
16 up to 40% of the total façade area above the ground floor.

17 (D) Occupiable projections are permitted to project beyond the parcel
18 boundary over public streets, private streets, open spaces, mid-block passages, and Publicly Accessible
19 Sidewalk and Access Easements.

20 (11) **Other Applicable Controls.** The following sections of the Planning Code shall
21 apply within this SUD: Section 121.6 (Large Scale Retail Uses), Section 139 (Standards for Bird Safe
22 Buildings), and Section 149 (Better Roofs; Living Roof Alternative).

23 (12) **Streetscape Improvements.** The streetscape, pedestrian improvement, and street
24 tree planting requirements shall be governed by the controls set forth in the DSG, Infrastructure Plan
25

1 and Development Agreement, and not as provided in Section 138.1(c) or elsewhere in the Planning
2 Code.

3 (13) **Off-Street Parking.** The location and design standards for off-street parking
4 shall be governed by the DSG and Transportation Demand Management Plan attachment to the
5 Development Agreement (for so long as the Development Agreement is in effect) or TDM program
6 standards adopted by the City (after termination of the Development Agreement), and not by any other
7 provision of the Planning Code pertaining to off-street parking. Off-Street parking is not required and
8 shall be limited to the following maximum ratios and parking counts:

<u>Table 249.9-3</u>	
<u>Maximum Permitted Off-Street Parking</u>	
<u>Residential Use</u>	<u>1 space per residential unit</u>
<u>All Non-Residential Uses and Replacement</u> <u>Parking for Stonestown Galleria Mall</u>	<u>3400 spaces</u>

16 Pursuant to subsection (j)(4), below, parking amounts may be greater on a parcel-by-
17 parcel basis than otherwise allowed by Table 249.9-3, but shall not exceed a total of 4,861 off-street
18 parking spaces in the SUD. Parking accessory to Residential Uses, Non-Residential Uses, and
19 replacement parking for Stonestown Galleria Mall are permitted to be shared among uses and across
20 various parcels, as more particularly described in the DSG.

21 (14) **Bicycle Parking.** The amount of bicycle parking and applicable design
22 requirements shall be governed by the controls set forth in Planning Code Section 155.2 (Bicycle
23 Parking: Applicability and Requirements for Specific Uses) and Zoning Administrator Bulletin No. 9.
24 The location of required bicycle parking shall be governed by the controls set forth in the DSG and the
25

1 Transportation Demand Management Plan attachment to the Development Agreement, and not the
2 Planning Code.

3 (15) **Showers and Lockers.** Planning Code Section 155.4 (Requirements for Shower
4 Facilities and Lockers) shall govern the provision of shower facilities and lockers.

5 (16) **Off-Street Loading.** Off-Street loading shall be governed by the controls set
6 forth in the DSG and Transportation Demand Management Plan attachment to the Development
7 Agreement.

8 (17) **Signage.** The requirements of the Stonestown Special Sign District as set forth
9 in Article 6, Section 608.10 of this Code shall apply to signage within this Special Use District. The
10 Stonestown Special Sign District applies to all property within this SUD, along with the Stonestown
11 Galleria Mall, which is not subject to this SUD, as further set forth in the Stonestown Special Sign
12 District.

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

19 (19) **Impact Fees.** For so long as the Development Agreement remains in effect with
20 respect to a portion of the Project Site, the impact fees payable for any Vertical Improvement on that
21 portion of the Project Site will be determined in accordance with the Development Agreement. Article 4
22 of this Code (Development Impact Fees and Project Requirements that Authorize the Payment of In-
23 Lieu Fees) shall not apply except to the extent expressly set forth in the Development Agreement. Upon
24 expiration or termination of the Development Agreement, the provisions of Article 4 shall apply.

1 (20) Relationship to State or Local Density Bonus Programs. In exchange for the
2 benefits expressed in the Development Agreement and this Section 249.9, and as set forth in the
3 Development Agreement, any Building within the SUD shall not be eligible for additional density or
4 modifications to development standards allowed in any state or local law allowing additional density
5 or modifications to development in exchange for on-site affordable housing, including but not limited to
6 the State Density Bonus Law (California Government Code §65915 et seq.), the Affordable Housing
7 Bonus Program (Planning Code Section 206 et seq.), and Planning Code Section 207.

8 (h) Modifications to Building Standards.

9 (1) Procedures for Modifications or Variances. No variances, exceptions,
10 modifications, or other deviations from the requirements or standards of the Planning Code, SUD, and
11 DSG, are permitted except through the procedures for granting of Minor and Major Modifications
12 established in this subsection (h). No Minor or Major Modifications shall be granted for increases to
13 maximum Building height or the maximum number of off-street parking spaces permitted within the
14 entire SUD.

15 (2) Modification of Other Building Standards and Use Requirements. A
16 quantitative standard may be modified only as provided in this subsection (h), on a phase-by-phase,
17 parcel-by-parcel, or building-by-building basis.

18 (3) Minor Modifications. In order to grant a Minor Modification, the Planning
19 Director must find that the proposed Minor Modification will meet the intent of the SUD and the DSG.
20 The Planning Director may approve a Minor Modification administratively by the procedures
21 described in subsection (i), below. The Planning Director may refer a Minor Modification to the
22 Planning Commission for decision pursuant to the procedures described in subsection (j), below, if the
23 Planning Director reasonably determines that the Minor Modification does not generally meet the
24 intent of the SUD or DSG.

1 (4) **Major Modifications.** In order to grant a Major Modification, the Planning
2 Commission must find that the proposed Major Modification achieves equal or superior design quality
3 or provides equivalent or greater public benefits as would strict compliance with the applicable
4 standard and meets the intent of the SUD and the DSG. The Planning Commission shall hear any
5 application for a Major Modification in accordance with the procedures described in subsection (i).

6 (i) **Project Review and Approval.** The following project review and approval procedures
7 shall apply in the SUD:

8 (1) **Purpose.** The design review process for this SUD is intended to ensure that new
9 Buildings and Project Open Space are designed to exhibit high quality architectural design, and ensure
10 consistency and compliance with the SUD and the DSG.

11 (2) **Development Phase Approval.** During the term of the Development Agreement,
12 the Planning Department shall approve only those applications for Vertical Improvements or Project
13 Open Spaces that are within the scope of a Development Phase Application previously approved in
14 accordance with the Development Agreement.

15 (3) **Design Review and Approval.** Applications for design review may be submitted
16 concurrently with or subsequent to an application for a Development Phase Approval submitted under
17 the Development Agreement; however, timelines for review and approval described in subsection (i),
18 below, will not commence prior to approval of a Phase Application containing the proposed Vertical
19 Improvement or Project Open Space. To ensure that Vertical Improvements, Buildings, and Project
20 Open Space meet the DSG and Development Agreement requirements, an Applicant shall submit a
21 design review application and receive approval from the Planning Department, or the Planning
22 Commission to the extent required under subsection (j)(5)(B), below, before obtaining any permits for
23 the applicable Building or Project Open Space (other than for demolition or site preparation, or for
24 any Temporary or Interim Uses authorized pursuant to subsection (f) of this Section 249.9). Design
25 review applications for Project Open Space can be submitted independently, or as part of an

1 application for any associated Vertical Improvement. Standards and limitations on design review
2 approval are set forth in the Development Agreement and in subsection (j), below. Nothing in this
3 Section 249.9 limits the Charter authority of any City department or commission or the rights of City
4 agencies to review and approve proposed infrastructure as set forth in the Development Agreement.

5 (j) **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 but not
8 limited to site plans, sections, elevations, renderings, and landscape plans to illustrate the overall
9 concept design of the proposed Buildings or Project Open Space. If an Applicant requests a Major or
10 Minor Modification, the application shall describe proposed changes in reasonable detail, including
11 but not limited to narrative and supporting images, if appropriate, and a statement of the purpose or
12 benefits of the proposed modification(s) that describes how the proposed modification meets the intent
13 of the SUD and DSG and, for modification of building standards, provides architectural treatment that
14 is equivalent or superior to strict compliance with the building standards.

15 (2) **Completeness.** Planning staff shall review the application for completeness and
16 advise the Applicant in writing of any deficiencies within 30 days of receipt of the application or any
17 supplemental information requested pursuant to this subsection (j).

18 (3) **Design Review of Buildings and Project Open Space.** Following a
19 determination of completeness of the design review application in accordance with subsection (j)(2),
20 above, Planning Department staff shall conduct design review and prepare a staff report determining
21 compliance with this SUD and the DSG, including a recommendation regarding any modifications
22 sought. The staff report shall be delivered to the Applicant and any third parties requesting notice in
23 writing, shall be kept on file, and shall be posted on the Department's public website within 60 days of
24 the determination of completeness. If Planning Department staff determines that the design is not
25 compliant with this SUD or the DSG, the Applicant may resubmit the Application, in which case the

1 requirements of this subsection (j) for determination of completeness, staff review and determination of
2 compliance, and delivery, filing, and posting of the staff report, shall apply anew.

3 (4) **Off-Street Parking.** Design review applications for Vertical Improvements shall
4 identify the number of off-street parking spaces, by use, to be allocated to the Vertical Improvement,
5 plus the number of replacement parking spaces for the Stonestown Galleria Mall. It is the intent of this
6 SUD that at full build-out of all parcels in the SUD, the total number of off-street parking spaces within
7 the SUD shall not exceed 4,861. The maximum parking ratios shall not apply to individual Vertical
8 Improvements or parcels, but shall be considered cumulatively for the Vertical Improvements within
9 the SUD as a whole, as set forth in the Development Agreement and Transportation Demand
10 Management Plan. Each application shall include both the number of off-street parking spaces
11 allocated to the specific location and the cumulative number of off-street parking spaces previously
12 approved. The number of off-street parking spaces allocated to individual Vertical Improvements or
13 parcels shall not be disapproved unless it would cause the cumulative maximum parking ratios to be
14 exceeded.

15 (5) **Approvals and Public Hearings for Vertical Improvements and Project Open**
16 **Space.**

17 (A) **Vertical Improvements and Project Open Space Seeking No**
18 **Modifications, or Minor Modifications.** Within 10 days after the delivery and posting of the staff
19 report on the design review application, the Planning Director shall approve or disapprove the design
20 in writing based on its compliance with this SUD, the DSG, and the General Plan. If the design review
21 application is consistent with the quantitative standards set forth in this SUD and the DSG, the
22 Planning Director's discretion to approve or disapprove the design review application shall be limited
23 to consistency with the qualitative, non-numeric, and non-dimensional elements of the DSG.
24 Notwithstanding any other provisions of this SUD, the Planning Director may refer an application that
25 proposes a Minor Modification of the DSG to the Planning Commission if the Planning Director

1 determines that the proposed Minor Modification does not meet the intent of the DSG, the SUD, the
2 General Plan, or at the applicant's request.

3 (B) **Vertical Improvements and Project Open Space Seeking Major**
4 **Modifications.** If an application for Vertical Improvements or Project Open Space seeks Major
5 Modifications, or if a design review application is otherwise referred to the Planning Commission
6 under subsection (j)(5)(A), above, the Planning Commission shall calendar the item for a public
7 hearing within 30 days after delivery and posting of the staff report on the design review application,
8 or the Planning Director's referral (as applicable), subject to any required noticing. The Planning
9 Commission's review shall be limited to the proposed Major Modification or the Minor Modification
10 submitted for review under this subsection (j)(5)(B). The Planning Commission shall consider all
11 comments from the public and the recommendations of the staff report and the Planning Director in
12 making a decision to approve or disapprove the design, including the granting of any Major
13 Modifications or Minor Modifications in accordance with the standard of review established under
14 subsection (h)(2), above.

15 (C) **Notice of Hearings.** Notice of Planning Commission hearings required
16 under this SUD shall be provided in accordance with Planning Code Section 333.

17 (k) **Building Permits.** Planning Department review of building permit applications
18 submitted to the Department of Building Inspection for Buildings and forwarded to the Planning
19 Department for review shall be limited to the application's consistency with the authorizations granted
20 pursuant to this Section 249.9.

21 (l) **Discretionary Review.** No requests for discretionary review shall be accepted by the
22 Planning Department or heard by the Planning Commission for any Vertical Improvement or
23 Privately-Owned Community Improvement or Project Open Space in the SUD.

24 (m) **Applicability of Mitigation Measures and Monitoring Report.** Compliance with
25 applicable provisions of the Mitigation Measures and Monitoring Report, as may be amended or

1 updated from time to time, is a required condition for all development within the SUD whether the
2 specific approval actions are discretionary or ministerial.

3 (n) **Operative Date for the Variant Sub-Area.** The zoning controls expressed in this SUD
4 shall not become operative as to the Variant Sub-Area, as shown on Figure 249.9-8, or any portion
5 thereof, until a Notice of Joinder to the Development Agreement approved by the Board of Supervisors
6 in Board File No. _____ has been recorded, or until the Variant Sub-Area, or any portion thereof, is
7 conveyed to the Developer. Copies of the Development Agreement, including a form of the Notice of
8 Joinder, and a legal description of the Variant Sub-Area are on file with the Clerk of the Board of
9 Supervisors in Board File No. _____.

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11 **Figure 249.9-8 Stonestown Variant Sub-Area**

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2 **SEC 263.36. STONESTOWN MIXED-USE HEIGHT AND BULK DISTRICT.**

3 **(a) Boundaries of the Stonestown Mixed-Use Height and Bulk District.** *The boundaries of*
4 *the Stonestown Mixed-Use Height and Bulk District are set forth in Sectional Map HT13 of the Zoning*
5 *Map of the City and County of San Francisco and include all areas that are the subject of the*
6 *Stonestown Special Use District set forth in Planning Code Section 249.9, as shown on Special Use*
7 *District Map SU13.*

8 **(b) Purpose.** *The purpose of the Stonestown Mixed-Use Height and Bulk District is to*
9 *enable development of the Stonestown Special Use District as a high-density, mixed-use, sustainable*
10 *community consistent with the Purposes set forth in Planning Code Section 249.9 and the Stonestown*
11 *Design Standards and Guidelines (DSG) referenced therein.*

12 **(c) Controls.**

13 **(1)** *In the Stonestown Mixed-Use Height and Bulk District, height and bulk and*
14 *definitions applicable thereto are governed by Planning Code Section 249.9 (the Stonestown Special*
15 *Use District) and the DSG referenced therein.*

16 **(2)** *Amendments to the height and bulk controls in this Stonestown Mixed-Use Height*
17 *and Bulk District shall be as provided in Section 249.9.*

18
19 Section 4. Article 6 of the Planning Code is hereby amended by revising Sections 604,
20 608, and adding Section 608.10, to read as follows:

21 **SEC. 604. PERMITS AND CONFORMITY REQUIRED.**

22 * * * *

23 (f) **Change of Copy.** A mere change of copy on a sign the customary use of which
24 involves frequent and periodic changes of copy shall not be subject to the provisions of this
25 Section 604, except that a change from general advertising to nongeneral advertising sign

1 copy or from nongeneral advertising to general advertising sign copy or an increase in area
2 including, but not limited to, any extensions in the form of writing, representation, emblem or
3 any figure of similar character shall in itself constitute a new sign subject to the provisions of
4 this Section 604. In the case of signs the customary use of which does not involve frequent
5 and periodic changes of copy, and except as provided in subsection (m), below, a change of copy
6 shall in itself constitute a new sign subject to the provisions of this Section 604 if the new copy
7 concerns a different person, firm, group, organization, place, commodity, product, service,
8 business, profession, enterprise or industry.

9 * * * *

10 (m) **Existing Signs in the C-3 Zoning District and portions of the C-2 Zoning**

11 **District.** A change of copy on existing signs the customary use of which does not involve frequent and
12 periodic changes of copy within (1) ~~Existing signage in~~ the C-3 zoning district, ~~or~~ (2) a C-2 zoning
13 district that is east of or fronting Franklin Street/13th Street and north of Townsend Street, or
14 (3) a C-2 zoning district that is also within the Stonestown SUD shall not be considered a new sign for
15 purposes of subsection (f) so long as a permit is sought and approved subject to the provisions of
16 this Section 604 or a more restrictive provision in a special sign district in Section 608 et seq.,
17 provided that a change from general advertising to nongeneral advertising sign copy or from
18 nongeneral advertising to general advertising sign copy or an increase in area including, but
19 not limited to, any extensions in the form of writing, representation, emblem or any figure of
20 similar character shall in itself constitute a new sign subject to the provisions of this Section
21 604. Consistent with Section 608, this provision shall control over any conflicting, more
22 restrictive provision in a special sign district.

23 **SEC. 608. SPECIAL SIGN DISTRICTS AND SIGNS IN SPECIAL USE DISTRICTS.**

24 In addition to the zoning districts that are established under other Articles of this Code,
25 there shall also be in the City such Special Sign Districts as are established in this Article 6

1 and certain Special Use Districts with sign controls established in Article 2 in order to ~~carry out~~
2 further the purposes of this Code. In the event of inconsistency with any other provision of
3 Article 6, the most restrictive provision shall prevail unless this Code specifically provides
4 otherwise.

5 (a) **Special Sign Districts.** The designations, locations, and boundaries of these
6 Special Sign Districts shall be as provided in this Article 6 and as shown on the Zoning Map
7 referred to in Section 105, subject to the provisions of Section 105. The original of the
8 sectional map of the Zoning Map for Special Sign Districts (numbered SSD) referred to in this
9 Article is on file with the Clerk of the Board of Supervisors under File No. 138-62. In each such
10 Special Sign District, signs, other than those signs exempted by Section 603 of this Code,
11 shall be subject to the special controls in Sections 608.1 through 608.16, respectively, in
12 addition to all other, or, if so expressly specified in those Sections, in lieu of other, applicable
13 sign provisions of this Code.

14 (b) **Signs in Special Use Districts.** The following Special Use Districts have sign
15 controls specific to the district:

16 (1) Sec. 249.64. Parkmerced Special Use District, as promulgated in the
17 Parkmerced Design Standards and Guidelines.

18 (2) Sec. 249.21. California Street and Presidio Avenue - Community Center
19 Special Use District.

20 (3) Sec. 249.5. North of Market Residential Special Use District.

21 (4) Sec. 249.9. Stonestown Special Use District.

22 **SEC. 608.10. STONESTOWN SPECIAL SIGN DISTRICT.**

23 (a) **General.** There shall be a Special Sign District known as the “Stonestown Special Sign
24 District” (“Stonestown SSD”). The boundaries of the Stonestown SSD shall be coterminous with the
25 outer boundaries of the Stonestown Special Use District, as established pursuant to Chapter 249.9, and

1 shall also include the Stonestown Galleria Mall, as shown on Figure 608.10-1 and designated on
2 Section Map SU3 of the Zoning Map of the City and County of San Francisco.

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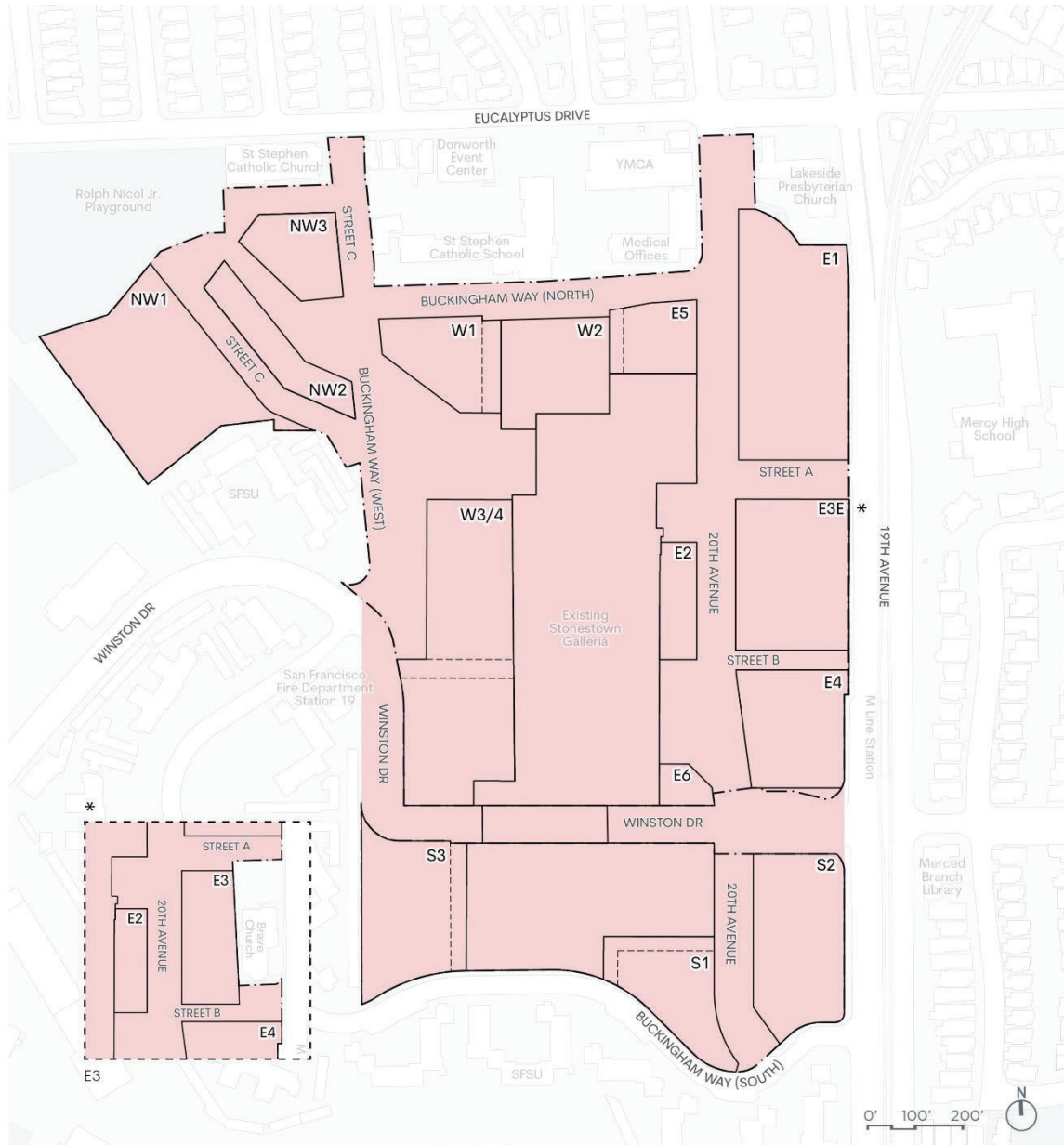
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Figure 608.10-1 Stonestown SSD Boundary



Legend
 Stonestown Special Sign District (SSD)

STONESTOWN SPECIAL SIGN DISTRICT ORDINANCE • MARCH 2024

1 **(b) Purpose and Findings.**

2 (1) The Stonestown Development Project (Project) is a mixed-use, multi-phased master-
3 planned development located on the west side of San Francisco, generally bounded by Eucalyptus
4 Drive to the north, 19th Avenue to the east, San Francisco State University (SFSU) Campus to the
5 south, and Buckingham Way to the west. It will provide several benefits to the City, such as a
6 significant amount of publicly accessible open space, increased public access throughout the site,
7 childcare facilities, extensive infrastructure improvements, and affordable housing, while creating jobs,
8 housing, and a vibrant community.

9 (2) In addition to furthering the purposes stated in Sections 101 and 601 of the
10 Planning Code, the Stonestown SSD is intended to further the purposes of the Stonestown Special Use
11 District, established pursuant to Section 249.9. The Stonestown SUD, and the Stonestown Design
12 Standards and Guidelines (DSG), implement the land use controls for the Stonestown Development
13 Project, which is subject to a Development Agreement, approved by the Board of Supervisors in the
14 ordinance contained in Board File No. _____.

15 (3) The Stonestown Galleria Mall opened in 1952. Since that time, the mall has
16 operated as a retail destination within the City. As of the enactment of the ordinance in Board File No.
17 _____ establishing the Stonestown SSD, the mall provides ample parking spaces. Because there are
18 no structures in the surface parking lot, the mall is visible to pedestrians, transit riders, and travelers in
19 cars and other motor vehicles from 19th Avenue.

20 (4) As part of the Project, the surface parking lots will be subdivided, and replaced with
21 new development, streets, and open spaces. Portions of the newly built 20th Avenue, Buckingham Way,
22 and side streets between 19th and 20th Avenues will be privately owned by the Stonestown Galleria
23 Mall, or its affiliates. In addition to providing necessary circulation for and access to the mall, the
24 private streets will provide on-street parking and access to additional parking for retail shoppers. The
25 Stonestown Galleria Mall, or its affiliates, will also own additional contiguous open spaces, and

pedestrian pathways throughout the site. These private streets and parcels will be contiguous to and abut the mall, providing parking access, and facilitate foot traffic to the mall, as well as accessible open spaces to shoppers and residents of the Project.

(5) The purposes of this SSD include: ensuring the orderly development of the Project; safeguarding and enhancing the value of the surrounding residential and commercial areas; protecting the distinctive appearance of San Francisco due to its unique geography, topography, street patterns, skyline and architectural features; providing an environment that promotes the development of business in the City; encouraging sound practices and lessening objectionable effects in respect to size and placement of signs; and reducing hazards to motorists and pedestrians traveling on the public way.

(6) To accomplish these purposes, this SSD sets controls for Signs within the Stonestown SSD area.

(c) Controls. The Sign controls shall be as follows:

(1) Signage Controls for the Stonestown Galleria Mall. As to the Stonestown Galleria Mall, Article 6 of the Planning Code shall apply, except as otherwise noted in this SSD. If there is an unavoidable conflict between the SSD and other applicable provisions of Article 6 of the Planning Code, this SSD shall prevail.

(A) Stonestown Galleria Mall Building Signage. Signs on the Stonestown Galleria Mall shall follow the number, area, height, and projection requirements as shown in Table 608.10-1.

Table 608.10-1 Stonestown Galleria Mall Signage

<u>Signage Type</u>	<u>Number</u>	<u>Sign Area</u>	<u>Height (per Sign)</u>	<u>Projection (per Sign)</u>
<u>Sign attached to</u>	<u>No limit.</u>	<u>No limit, except at the southern</u>	<u>Lesser of the roofline</u>	<u>75 percent of horizontal distance from property line to the curb</u>

<u>building</u>		<u>façade of Stonestown Galleria Mall facing Buckingham Way (South) is limited to 100 square feet.</u>	<u>immediately above the Sign, 60 feet above ground immediately below the Sign, or the applicable height limit.</u>	<u>not exceeding more than six feet beyond property line or building façade. Projecting signs shall not extend above the roofline.</u>
<u>Window Sign</u>	<u>No limit</u>	<u>Not to exceed one-third of the window area. Windows of active use shall comply with PC Section 145.1 (c)(6)</u>	<u>N/A</u>	<u>N/A</u>

(B) Video Signs. Video Signs shall be permitted on specified Stonestown Galleria Mall building walls, as shown in 608.10-2 below. Each Video Sign is limited to 30 square feet in size. No more than one Video Sign is permitted for each 100 feet of building frontage. Video signs shall be located entirely within 24 feet of the ground, with no portion higher than 24 feet from the ground. Video Signs may not change the visual representation, including animation, motion, other rolling static images, or any representation thereof, any more frequently than once every 60 seconds when fronting a publicly-owned right of way, or every 15 seconds when fronting a privately-owned public right of way. The limitations in this subsection (B) shall not apply when the video display is

1 used for non-commercial purposes, which include movie screenings, community events, and
2 interpretive historic, cultural, or art programming.

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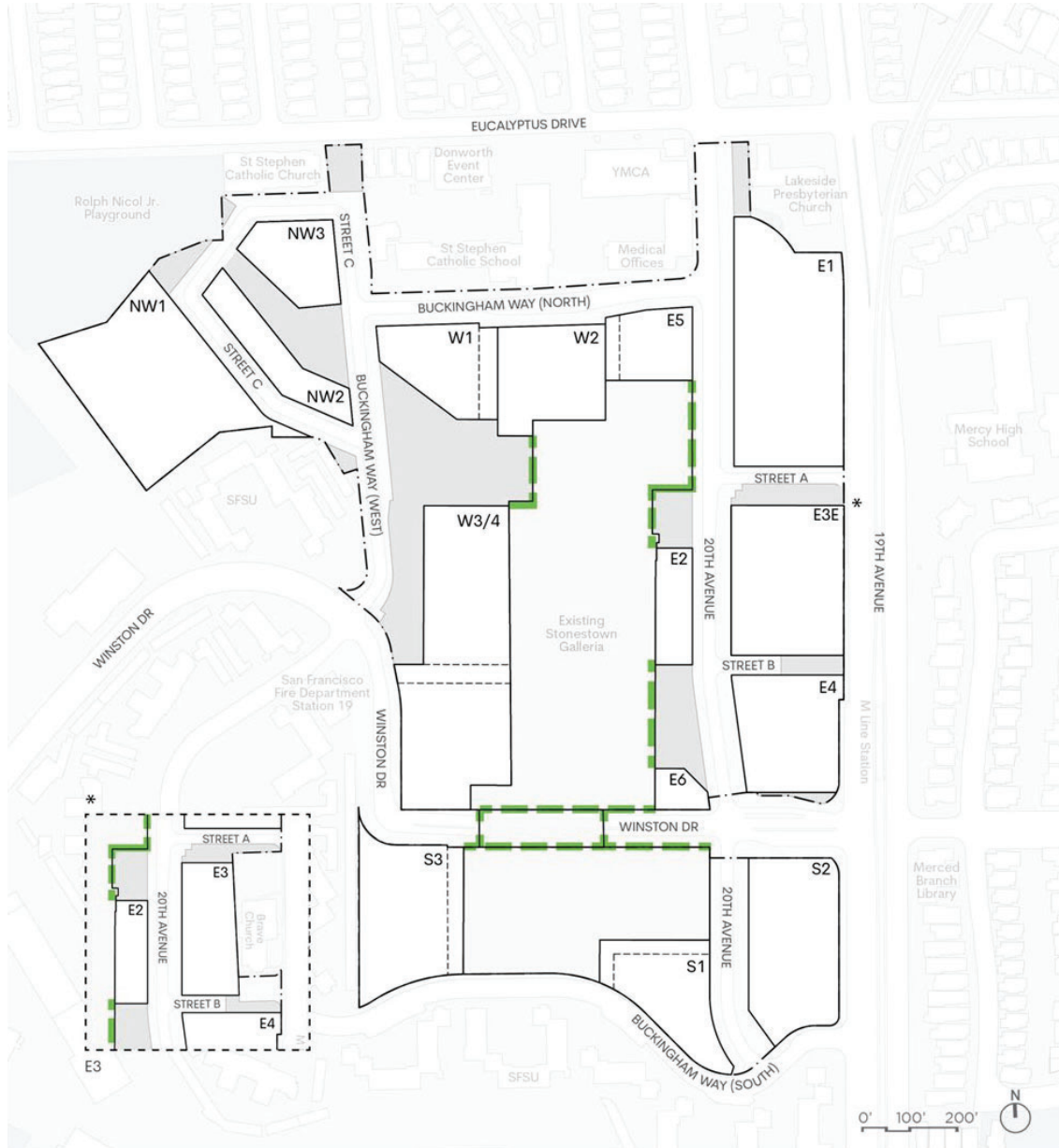
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Figure 608.10-1 Location of Video Signs on Stonestown Galleria Mall



Legend
--- Permitted Stonestown Galleria facade for Video Sign (per Stonestown SSD)

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2 (C) **Prohibited Signs.** The following sign types shall be prohibited in the
3 Stonestown SSD: General Advertising Signs (except as permitted pursuant to Planning Code Sections
4 603 and 611), roof signs, wind signs, revolving signs, balloon signs, inflated signs, and periodically,
5 and repetitively flashing light signs that are not Video Signs.

6 (2) **Signage Controls in the Stonestown SUD.**

7 (A) **Relationship to Planning Code.** Except as provided in Planning Code
8 Section 603, Signs on properties within the Stonestown SUD are subject to the controls set forth in this
9 SSD and the DSG. No other provisions of Article 6 apply, unless specifically referenced in this SSD or
10 DSG, but only to the extent and for the purposes stated in the SSD or DSG. Amendments to the
11 Planning Code sections referenced in this SSD or the DSG made after the effective date of Ordinance
12 _____ shall apply where not in conflict with this SSD, the DSG, or the Development Agreement.

13 (B) **Relationship to Design Standards and Guidelines.** Except as noted in this
14 SSD, the signage controls for property located in the Stonestown SUD area are set forth in the
15 Stonestown Design Standards and Guidelines (DSG), adopted by the Planning Commission by Motion
16 No. _____, and as it may be amended. A copy of the DSG is on file with the Board File No. _____
17 ,is available on the Planning Department’s website, and is incorporated herein by reference. This SSD
18 and the DSG shall be read and construed together so as to avoid any conflict to the greatest extent
19 possible. If there is an unavoidable conflict between the SSD and the DSG, this SSD shall prevail.
20 Amendments to the DSG shall be as set forth in the Stonestown SUD, established in Section 249.9.

21 (C) **Permitting.** All Signs on properties within the Stonestown SUD shall be
22 subject to the permitting requirements of Section 604 of the Planning Code. Existing signage in the
23 Stonestown SSD shall not be subject to the provisions of Section 604; provided, however, that an
24 increase in area of an existing Sign including, but not limited to, any extensions in the form of writing,
25 representation, emblem or any figure of similar character shall in itself constitute a new Sign subject to

1 the provisions of this Section. For purposes of permitting Business Signs for tenants of the Stonestown
2 Galleria Mall, “premises upon which such sign is located” means the Stonestown Galleria Mall along
3 with contiguous parcels within the Stonestown SSD, including Parcels E2 and E6, that are under
4 common ownership by the Stonestown Galleria Mall or its affiliate, and that are used primarily to
5 provide pedestrian, bicycle, vehicular, or parking access to the Stonestown Galleria Mall.

6 (D) **Banner signs on utility poles.** Banner signs on utility poles including lighting
7 fixtures shall be permitted throughout the SSD. On City-owned utility poles, banner signs shall be
8 governed by Public Works Code Article 5.7.

9 (E) **Portable signage.** Portable signage that need not be affixed to the ground or
10 other surface, such as sandwich boards and valet parking signage, is permitted on the private streets
11 within the Stonestown SSD and is limited to one sign of no more than 24 square feet per business. All
12 portable signage shall be located within Frontage Zones, Furnishing Zones, building setbacks, or open
13 spaces fronting businesses. Portable signage in public right-of-ways must comply with the applicable
14 provisions in the Public Works Code, Transportation Code, Police Code, or other law.

15
16 Section 5. Abolition of Legislated Setbacks Along 19th Avenue.

17 (a) Consistent with former Article 4 of the Planning Code, which was superseded in
18 October 1978 pursuant to Ordinance No. 443-78, Section 131 of the current Planning Code
19 acknowledges certain City street frontages are subject to legislated setback lines that have
20 been established by ordinance or resolution pursuant to former Article 4 of the Planning Code
21 and earlier provisions of law. Ordinance No. 443-78 expressly continued the effectiveness of
22 certain legislated setbacks as regulations of the Planning Code, including a legislated setback
23 line beginning at the eastern boundary of Assessor's Block 7295, Lot No. 038 (the western
24 boundary of 19th Avenue) and extending westward 15 feet. From north to south, the 15-foot
25 Legislated Setback Line begins at the northern boundary of Assessor's Block No. 7295, Lot

1 No. 038; extends to the south through Assessor's Parcel Block No. 7295, Lot No. 002, again
 2 through Assessor's Block No. 7295, Lot No. 038 for a length of approximately 80 feet, before
 3 narrowing to 5.83 feet for the remainder of this same Block and Lot, and continuing through
 4 Assessor's Block No. 7296, Lot No. 005 terminating at Buckingham Way. Abolition of this
 5 legislated setback line will facilitate the development of the Stonestown Special Use District,
 6 Planning Code Section 249.9.

7 (b) The Planning Code is hereby amended by abolishing the legislated setback
 8 described in Section 5(a) of this ordinance.

9

10 Section 6. The Planning Code is hereby amended in accordance with Planning Code
 11 Section 106 by revising Zoning Map ZN13, Height and Bulk District Map HT13, and Special
 12 Use District Map SU13, and creating Special Sign District Map SS03, as follows:

13 (a) To change Zoning Map ZN13 from C-2, RM-1, and RH-1(D) to S-MU, as follows:

Assessor's Block	Lot(s)	Current Zoning to be Superseded	Proposed Zoning to be Approved
7295	002	RH-1(D)	S-MU (Stonestown Mixed-Use District)
7295	004 (portion)	C-2	
7295	006, 007	RH-1(D)	
7295	035	C-2 RM-1	
7295	037, 038 (portion)	C-2 RH-1(D)	

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1	7296	005 (portion),	C-2	
2		006 (portion),		
3		007, 008		
4		(portion).		

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Where only a portion of the lot is identified above, the legal description of the rezoned areas is found in Exhibit ___ to the Development Agreement.

(b) To change the Height and Bulk District Map HT13 from 65-D and 40-X to Stonestown Mixed-Use Height and Bulk District, as follows:

Assessor's Block	Lot	Current Height and Bulk District to be Superseded	Proposed Height/Bulk to be Approved
7295	002	40-X	30/190-ST
7295	004 (portion)	65-D	
7295	006, 007	40-X	
7295	035, 037, 038 (portion)	65-D 40-X	
7296	005 (portion), 006 (portion), 007, 008 (portion),	65-D	

1 Where only a portion of the lot is identified above, the legal description of the rezoned
 2 areas is found in Exhibit ___ to the Development Agreement.

3 (c) Special Use District Map SU13 is hereby amended to create the new
 4 Stonestown Special Use District, as follows:

Assessor's Block	Lot	Special Use District
7295	002	Stonestown Special Use District
7295	004 (portion)	
7295	006, 007	
7295	035, 037, 038 (portion)	
7296	005 (portion), 006 (portion), 007, 008 (portion),	

18 (d) Special Sign District Map SS01 is hereby amended to create the new Stonestown
 19 Special Sign District, as follows:

Assessor's Block	Lot	Special Sign District
7295	002, 004, 006, 007, 035, 037, 038	Stonestown Special Sign District

7296	005, 006, 007, 008, 009, 010	
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Section 7. Effective and Operative Dates.

(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 on its effective date or on the effective date of the Development Agreement for the Stonestown Development Project, enacted by the ordinance in Board of Supervisors File No. _____, whichever date occurs later; provided, that this ordinance shall not become operative if the ordinance regarding the Development Agreement is not approved.

(c) Notwithstanding subsection (b) above, this ordinance shall not become operative as to the areas labeled as “Variant Sub-Area”, as shown on Figure 249.9-1 of the Planning Code, or any portion thereof, until the conditions in Planning Code Section 249.9(n) have been satisfied. A legal description of the area subject to this subsection (c) is on file with the Clerk of the Board of Supervisors in Board File No. _____.

Section 8. Severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the

1 remaining portions or applications of the ordinance. The Board of Supervisors hereby
2 declares that it would have passed this ordinance and each and every section, subsection,
3 sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to
4 whether any other portion of this ordinance or application thereof would be subsequently
5 declared invalid or unconstitutional.

6
7

8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Robb Kapla
11 ROBB KAPLA
12 Deputy City Attorney

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