

1 [Planning Code - Special Use District - Parkmerced]

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3 **Ordinance amending the San Francisco Planning Code by amending Sections 102.5**
4 **and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish**
5 **the Parkmerced Special Use District for the property consisting of Assessor's Blocks**
6 **~~7303, 7303A, 7308 through 7311, 7309A, 7315 through 7323, 7325 and 7326, 7330, 7331~~**
7 **~~(Lot 4), 7332 (Lot 4), 7333 (Lots 1 and 3), 7333A, 7333B, 7333C, 7333D, 7333E, 7334~~**
8 **~~through 7345, 7345A, 7345B, 7345C, 7356 through 7359, and 7360 through 7370;~~**
9 **amending Planning Code Section 270 to refer to the Parkmerced Special Use District;**
10 **and adopting findings, including environmental findings, Planning Code Section 302**
11 **findings, and findings of consistency with the General Plan and the priority policies of**
12 **Planning Code Section 101.1.**

13 NOTE: Additions are *single-underline italics Times New Roman*;
14 deletions are *strike-through italics Times New Roman*.
15 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

17 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
18 hereby finds and determines that:

19 (a) In accordance with the actions contemplated herein, this Board incorporates by
20 reference as though fully set forth herein and adopts the findings, including a statement of
21 overriding considerations, adopted by the Planning Commission on February 10, 2011
22 pursuant to the California Environmental Quality Act (California Public Resources Code
23 Section 21000 et seq.). Said findings are on file with the Clerk of the Board of Supervisors in
24 File No. 110301 ~~and are incorporated herein by reference.~~

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1 (b) On February 10, 2011, the Planning Commission conducted a duly noticed
2 public hearing on the proposed Planning Code amendments and, by Resolution No. 18271
3 recommended them for approval. The Planning Commission found that the proposed
4 Planning Code amendment was, on balance, consistent with the City's General Plan, as it is
5 proposed for amendment, and with Planning Code Section 101.1(b). A copy of said
6 Resolution are on file with the Clerk of the Board of Supervisors in File No. 110301 and is
7 incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning
9 Code amendments will serve the public necessity, convenience, and welfare for the reasons
10 set forth in Planning Commission Motion No. 18271 and the Board incorporates such reasons
11 herein by reference. A copy of Planning Commission Motion No. 18271 is on file with the
12 Clerk of the Board of Supervisors in File No. 110301.

13 (d) The Board finds that these Planning Code amendments are on balance
14 consistent with the General Plan and with the priority policies of Planning Code Section 101.1
15 for the reasons set forth in Planning Commission Motion No. 18271 and the Board hereby
16 incorporates such reasons herein by reference.

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18 Section 2. The San Francisco Planning Code is hereby amended by amending Section
19 102.5, to read as follows:

20 SEC. 102.5. DISTRICT.

21 A portion of the territory of the City, as shown on the Zoning Map, within which certain
22 regulations and requirements or various combinations thereof apply under the provisions of
23 this Code. The term "district" shall include any use, special use, height and bulk, or special
24 sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-

1 1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C
2 District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that
3 subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean
4 any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-
5 G, or PDR-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or
6 RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The
7 term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District"
8 shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and
9 Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation
10 District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean
11 any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and
12 Neighborhood Commercial Transit District identified by street or area name in Section 702.1.
13 The term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-
14 2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name.
15 The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed
16 Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term
17 "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown
18 R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall
19 refer to all RED, RSD, SLR, SLI, or SSO Districts named in Section 802.1. The term "Eastern
20 Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU
21 named in Section 802.1. The term "DTR District" or "Downtown Residential District" shall refer
22 to any Downtown Residential District identified by street or area name in Section 825, 827,
23 828, and 829. The term "PM District" or "Parkmerced District" shall refer to any PM-R, PM-MU1,
24 PM-MU2, PM-S, PM-CF, or PM-OS District named in Section 249.64.

25

Section 3. The San Francisco Planning Code is hereby amended by amending Section 201, to add the following Classes of Use Districts at the end of the included Table (which is not included here in its entirety for brevity) as follows:

<u>Park Merced Districts</u>	
<u>(Also see Section 249.64)</u>	
<u>PM-R</u>	<u>Parkmerced Residential District</u>
<u>PM-MU1</u>	<u>Parkmerced Mixed Use - Social Heart District</u>
<u>PM-MU2</u>	<u>Parkmerced Mixed Use – Neighborhood Commons</u>
<u>PM-S</u>	<u>Parkmerced School District</u>
<u>PM-CF</u>	<u>Parkmerced Community/Fitness District</u>
<u>PM-OS</u>	<u>Parkmerced Open Space District</u>

Section 4. The San Francisco Planning Code is hereby amended by adding Section 249.64, to read as follows:

SEC. 249.64 Parkmerced Special Use District

(a) Purpose. In order to give effect to the Development Agreement for the Parkmerced development project as approved by the Board of Supervisors in Ordinance No. _____, there shall be a Parkmerced Special Use District consisting of Assessor's Blocks 7303 (Lot 1), 7303A (Lot 1), 7308 and 7309 (both Lots 1), 7309A (Lot 1), 7310 and 7311 (both Lots 1), 7315 through 7319 (all Lots 1), 7320 (Lot 3), 7321 through 7323 (all Lots 1), 7325 and 7326 (both Lots 1), 7330 (Lot 1), 7331 (Lot 4), 7332 (Lot 4), 7333 (Lots 1 and 3), 7333A (Lot 1), 7333B (Lot 1), 7333C (Lot 1), 7333D (Lot 1), 7333E (Lot 1), 7334 through 7345 (all Lots 1), 7345A (Lot 1), 7345B (Lot 1), 7345C (Lot 1), 7356 through 7370 (all Lots 1), as designated on Sectional Map SU13 of the Zoning Maps of the City and County of San Francisco. In creating this Parkmerced

1 Special Use District, the City is doing so subject to the provisions of the State Density Bonus Statute.
2 The developer is providing affordable units under the Inclusionary Housing Ordinance, and the City is
3 granting the Project certain forms of public assistance, including but not limited to: the removal of
4 maximum density controls other than those found in specific Code limitations related to height, bulk,
5 setbacks, open space, exposure, and unit mix, as well as the Parkmerced Design Standards; a reduction
6 of setback and rear yard requirements; and an increase the permissible height and bulk envelope for
7 new buildings in at least half the existing project site.

8 (b) Development Controls. Development in the Parkmerced Special Use District shall be
9 regulated by the controls contained in the Parkmerced Design Standards and Guidelines, as adopted by
10 the Planning Commission and periodically amended, except for those controls specifically enumerated
11 in this Section. Where not explicitly superseded by definitions established in the Parkmerced Design
12 Standards and Guidelines, the definitions in this Code shall apply. All procedures and requirements in
13 Article 3 shall apply to development in this Special Use District to the extent that they are not in
14 conflict with this Special Use District or the Development Agreement, approved by the Board of
15 Supervisors in Ordinance No. _____ . The Planning Commission may amend the Parkmerced
16 Design Standards and Guidelines upon initiation by the Planning Department or upon application by
17 an owner of property within Parkmerced (or his or her authorized agent) to the extent that such
18 amendments are consistent with this Special Use District, the General Plan, and the approved
19 Development Agreement.

20 (1) Zoning Designation. The applicable zoning designation shall be as set forth in Zoning
21 Map ZN13, consisting of the following zoning districts: Parkmerced Residential (PM-R), Parkmerced
22 Mixed Use – Social Heart (PM-MU1), Parkmerced Mixed Use – Neighborhood Commons (PM-MU2),
23 Parkmerced School (PM-S), Parkmerced Community/Fitness (PM-CF), and Parkmerced Open Space
24 (PM-OS).

25 (2) Uses.

1 (A) Principally Permitted Uses. The following uses are principally permitted:

2 (i) Parkmerced Residential (PM-R). Residential dwelling units; live/work units, provided
3 any such live/work unit is intended for small home business; community gathering spaces such as
4 community rooms and kitchens, business centers, recreation facilities, and art facilities; and child care
5 facilities not larger than 5,000 occupied square feet;

6 (ii) Parkmerced Mixed Use – Social Heart (PM-MU1). All uses permitted in PM-R; locally
7 servicing retail and services not larger than 15,000 occupied square feet per business establishment; one
8 full service grocery store not larger than 50,000 occupied square feet; and professional, medical and
9 business offices, provided such professional, medical or business office use shall not exceed 10,000
10 occupied square feet per business if located on the ground floor of any building;

11 (iii) Parkmerced Mixed Use – Neighborhood Commons (PM-MU2). All uses permitted in
12 PM-R; locally servicing retail and services not larger than 5,000 occupied square feet per business
13 establishment; and professional, medical and business offices not larger than 5,000 occupied square
14 feet per business, provided that such use does not occupy more than 2,000 occupied square feet per
15 business establishment on the ground floor;

16 (iv) Parkmerced School (PM-S). Child care facilities, pre-schools and one elementary
17 school; all uses permitted in PM-R provided at least 25,000 square feet of the above school uses have
18 been constructed or approved within the district. Pursuant to this zoning designation, child care
19 facilities, pre-schools and elementary school uses shall provide direct access to adjacent, dedicated
20 public open spaces;

21 (v) Parkmerced Community/Fitness (PM-CF). Recreation facilities, spas, physical fitness
22 facilities and other health and wellness related uses; community gathering spaces such as community
23 rooms and kitchens, business centers, recreation facilities and art facilities; and retail intended to
24 support community/fitness activities, provided such use does not exceed 1,000 occupied square feet per
25 business establishment; and

1 (vi) Parkmerced Open Space (PM-OS). Publicly-accessible open space and other open
2 space amenities as specifically established in the Parkmerced Design Standards and Guidelines,
3 including: neighborhood commons; parks and passive open space; plazas; recreational space
4 including playgrounds and sports fields; farms; one restaurant not exceeding 3,500 occupied square
5 feet on Block 23 (as designated in the Parkmerced Design Standards and Guidelines); farmer's
6 markets; and farm support uses and food sales accessory to on-site agriculture. Up to three retail
7 kiosks are permitted on each of Juan Bautista Circle and the land designated as a farm on Block 23
8 (each as designated and described in Parkmerced Design Standards and Guidelines), provided each
9 such kiosk does not exceed 200 square feet. Up to four retail kiosks not exceeding 500 square feet each
10 and an aggregate total of 1,000 square feet, along with a retail bicycle shop not exceeding 3,200
11 square feet are permitted on Block 17 (as designated in the Parkmerced Design Standards and
12 Guidelines and also referred to as the "Transit Plaza").

13 (B) Conditionally Permitted Uses. The following uses may be approved as a Conditional
14 Use by the Planning Commission:

15 (i) any use that is not principally permitted in a given district and is not prohibited by Section
16 (b)(2)(C) below;

17 (ii) any use in excess of the maximum occupied square footage permitted as a principally
18 permitted use by Section (b)(2)(A); and

19 (iii) in the PM-S district, any use permitted in PM-R if less than 25,000 square feet of school use
20 has been constructed or entitled.

21 In approving any such Conditional Use, the Planning Commission shall not use the criteria set
22 forth in Section 303, but rather shall approve the Conditional Use if it finds that: (i) the proposed use
23 will serve the public necessity, convenience and welfare; (ii) the proposed use makes a positive
24 contribution to the neighborhood; and (iii) the proposed use is of a size and intensity that is compatible
25 with the district in which it is located.

1 (C) Prohibited Uses. The following uses shall be prohibited within this Special Use District:
 2 drive-through facilities; adult entertainment; and general advertising. Notwithstanding Sections
 3 (b)(1)(A) and (b)(1)(B) above, any non-residential use that could pose a nuisance to surrounding
 4 residential uses shall be prohibited.

5 (3) Density of Dwelling Units. The dwelling unit density within the Special Use District
 6 shall be governed by the controls set forth in the Parkmerced Design Standards and Guidelines and not
 7 as provided in Article 2.

8 (4) Building Standards.

9 (A) Building Height. The applicable height limits for this Special Use District shall be as
 10 set forth on Section Map HT13 of the Zoning Map of the City and County of San Francisco. Height
 11 shall be measured and regulated as provided in the Parkmerced Design Standards and Guidelines and
 12 not as provided in Article 2.5.

13 (B) Building Bulk. The applicable bulk limitations for this Special Use District shall be as
 14 set forth in the following Figure 1, Bulk Table:

15
 16 Figure 1. Bulk Table.

<u>Building Height</u>	<u>Max Floor Plate</u>	<u>Max Plan Length</u>	<u>Max Diagonal</u>	<u>Max Apparent Face 1</u>	<u>Max Apparent Face 2</u>	<u>Change in Apparent Face</u>
<u>Up to 35'</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>30'</u>	<u>NA</u>	<u>Minimum 1' deep x 1' wide notch; or minimum 2' offset of building massing; or major change in</u>

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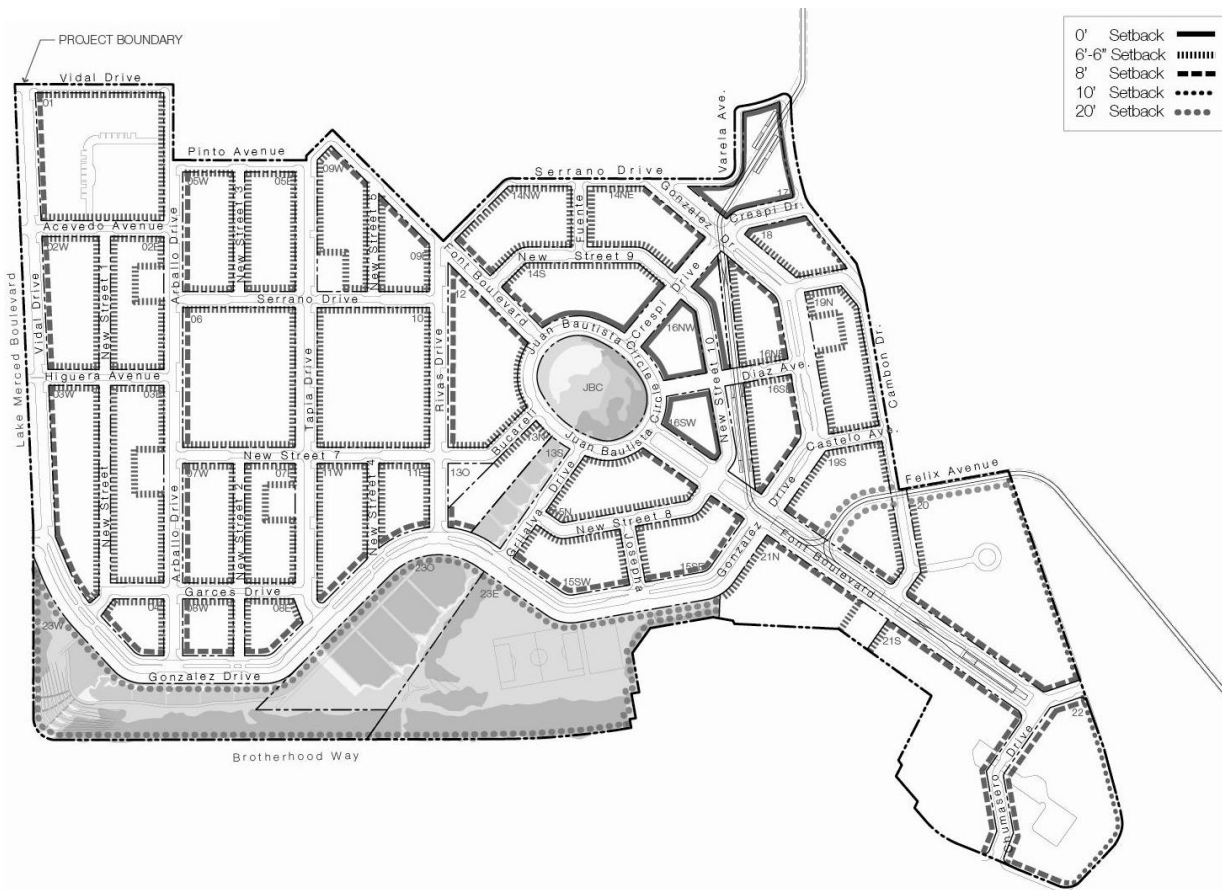
						<u>fenestration pattern and/or material.</u>
<u>36'-45'</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>120'</u>	<u>80'</u>	<u>Minimum 2' deep x 3' wide notch; or minimum 2' offset of building massing; or major change in fenestration pattern and/or material.</u>
<u>46'-85'</u>	<u>20,000 sf</u>	<u>200'</u>	<u>NA</u>	<u>80'</u>	<u>40'</u>	<u>Minimum 5' deep x 5' wide notch; or minimum 5' offset of building massing.</u>
<u>86'-145'</u>	<u>12,000 sf</u>	<u>140'</u>	<u>170'</u>	<u>110'</u>	<u>40'</u>	<u>Minimum 10' deep x 10' wide notch; or minimum 10' offset of building massing and a major change in fenestration</u>

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						<u>pattern and/or</u> <u>material.</u>
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(C) Building Setbacks. The applicable building setback requirements for this Special Use District shall be as set forth in the following Figure 2, Building Setbacks:

1 Figure 2. Building Setbacks.



18 (5) Off-Street Automobile Parking. There is no minimum off-street parking requirement for
19 any use in this Special Use District. Upon completion of the Parkmerced Project, the number of off-
20 street parking spaces within this Special Use District shall not exceed: one parking space per
21 residential dwelling unit; one parking space per 500 square feet of occupied grocery store use; one
22 parking space per 1,000 square feet of occupied school, fitness or community center use; and one
23 parking space per 750 square feet of occupied space for all other non-residential uses. Because the
24 Project will be built in phases, any off-street parking constructed that would cause the cumulative off-
25 street parking in the Special Use District to exceed these ratios may not be used for parking and shall

1 be physically cordoned off to preclude parking use of such spaces (including prohibition of the
2 commercial or public rental of such spaces on a daily, weekly, monthly or annual basis) until such time
3 as sufficient additional development is completed to bring the overall parking ratios in conformance
4 with the applicable ratio. At Project completion, the ratio for off-street parking constructed shall not
5 exceed the above ratios or the following total amounts, whichever is less: 8,900 residential spaces; and
6 550 non-residential spaces.

7 (6) Usable Open Space Requirements for Dwelling Units. Usable open space meeting the
8 standards of Section 135 of this Code shall be provided for each dwelling unit in the following ratios:
9 36 square feet if private or 48 square feet if common. In no event shall any space in a public right-of-
10 way, publicly-accessible “paseo” (as defined in the Parkmerced Design Standards and Guidelines), or
11 public open space required by the Development Agreement, including Juan Bautista Circle, the Transit
12 Plaza, the Farm, the Sports Fields, Belvedere Gardens, the Neighborhood Commons or the Community
13 Gardens (each as more specifically defined in the Parkmerced Design Standards and Guidelines), be
14 counted in satisfaction of the requirements of this subsection.

15 (7) Streetscape and Public Realm Requirements. Each individual building project shall be
16 part of an approved Development Phase Application, which shall include the design and construction
17 of the appropriate adjacent and related street and public realm infrastructure, including applicable
18 mitigation measures, consistent with the Development Agreement, Parkmerced Design Standards and
19 Guidelines, Transportation Plan, Sustainability Plan, and other supporting documents to the
20 Development Agreement. Implementation of such improvements shall be subject to approval and review
21 by the Planning Department and other relevant City agencies as provided by the Development
22 Agreement.

23 (c) Modifications to Building Standards. Modification of the Building Standards set forth in
24 subsection (3) above and as outlined in the Parkmerced Design Standards and Guidelines may be
25 approved on a project-by-project basis and according to the procedures of subsection (d).

1 (1) No Other Modifications or Variances Permitted. No modifications or variances are
2 permitted for the following standards in this Special Use District: building maximum floor plates,
3 maximum off-street auto parking ratios, and height limits. Except as explicitly provided in subsections
4 (2) and (3) below, no other Standard set forth in this Special Use District or in the Parkmerced Design
5 Standards and Guidelines may be modified or varied.

6 (2) Major Modifications. Each modification listed below in Figure 3, Major Modifications,
7 shall be deemed to be a Major Modification. Any Major Modification shall be approved by the
8 Planning Commission at a public hearing according to the procedures set forth in subsection (d).
9 Except as explicitly prohibited above and notwithstanding the limitations of this subsection (c)(2), the
10 Planning Director may, in his or her sole discretion, refer a proposed modification, even if otherwise
11 classified as a Minor Modification, to the Planning Commission as a Major Modification if: (i) the
12 proposed modification deviates from any numerical standard in this Special Use District or the
13 Parkmerced Design Standards and Guidelines by more than 10 percent; or (ii) the Planning Director
14 determines that the proposed modification does not meet the intent of the design standards as set forth
15 in the Parkmerced Design Standards and Guidelines.

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17 Figure 3: Major Modifications

18 Development Blocks and Easements. A deviation of more than 10 percent from
19 the dimensional standards set forth in Section 02.01.03 (Pedestrian Paseos),
20 Section 02.01.05 (Pedestrian Walks) and Figure 02.01B (Pedestrian Paseos and
21 Walks) of the Parkmerced Design Standards and Guidelines.

22 Lot Coverage and Usable Open Space. A deviation of more than 10 percent from
23 the numerical standards set forth in this Special Use District and in Section
24 03.02.04 (Usable Open Space), Section 03.02.05 (Semi-Private Open Space), and
25 Section 03.02.06 (Private Open Space) of the Parkmerced Design Standards and

1 Guidelines.

2 Bulk and Massing. A deviation of more than 10 percent from the numerical
3 standards set forth in Section (b)(4) of this Special Use District and Section 03.04
4 (Building Controls – Bulk + Massing) of the Parkmerced Design Standards and
5 Guidelines.

6 Bicycle Parking and Car Sharing. Modification of any standard set forth in
7 Section 04.01.01 (Bicycle Parking + Car Sharing) of the Parkmerced Design
8 Standards and Guidelines.

9 Loading and Servicing. Modification of any standard set forth in Section
10 04.03.05 (Limited Impact) of the Parkmerced Design Standards and Guidelines.

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12 (3) Minor Modifications. Each modification listed in Figure 4, Minor Modifications, shall
13 be deemed to be a Minor Modification. A Minor Modification may be approved administratively by the
14 Planning Director according to the procedures described in subsection (d).

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16 Figure 4. Minor Modifications

17 Development Blocks and Easements. A deviation of 10 percent or less from the
18 dimensional standards set forth in Section 02.01.03 (Pedestrian Paseos), Section
19 02.01.05 (Pedestrian Walks) and Figure 02.01B (Pedestrian Paseos and Walks)
20 of the Parkmerced Design Standards and Guidelines.

21 View Corridors. Modification of the planting specifications set forth in Section
22 02.02.01 (Neighborhood Controls – View Corridors) of the Parkmerced Design
23 Standards and Guidelines.

24 Lot Coverage and Usable Open Space. A deviation of 10 percent or less from the
25 numerical standards set forth in Sections 03.02.04 (Usable Open Space),

1 03.02.05 (Semi-Private Open Space), and 03.02.06 (Private Open Space) of the
2 Parkmerced Design Standards and Guidelines.

3 Bulk and Massing. A deviation of 10 percent or less from the numerical
4 standards set forth in Section (b)(4) of this Special Use District and Section 03.04
5 (Building Controls – Bulk + Massing) of the Parkmerced Design Standards and
6 Guidelines.

7 Setbacks. A modification of the standards set forth in Section 03.05 (Building
8 Controls – Setback) of the Parkmerced Design Standards and Guidelines.

9 Streetwall. A modification of the standards set forth in Section 03.06 (Building
10 Controls – Streetwall) of the Parkmerced Design Standards and Guidelines.

11 Residential Base. A modification of the standards set forth in Section 03.07
12 (Building Controls – Residential Base) of the Parkmerced Design Standards and
13 Guidelines.

14 Commercial Base. A modification of the standards set forth in Section 03.08
15 (Building Controls – Commercial Base) of the Parkmerced Design Standards and
16 Guidelines.

17 Façade. A modification of the standards set forth in Section 03.09 (Building
18 Controls – Façade) of the Parkmerced Design Standards and Guidelines.

19 Building Top. A modification of the standards set forth in Section 03.10
20 (Building Controls – Building Top) of the Parkmerced Design Standards and
21 Guidelines.

22 Lighting. A modification of the standards set forth in Section 03.13 (Building
23 Controls – Lighting) of the Parkmerced Design Standards and Guidelines.

24 Car Parking and Storage. Modification of the standards set forth in Section 4.02
25 (Car Parking + Storage) of the Parkmerced Design Standards and Guidelines;

1 notwithstanding the foregoing, modification of Sections 04.02.01 (Off-Street
2 Parking), 04.02.02 (Parking Location) and 04.02.05 (Unbundled Parking) shall
3 not be allowed.

4 Loading and Servicing. Modification of the standards set forth in Section 04.03
5 (Loading + Servicing), except Section 04.03.05 (Limited Impact) (modification of
6 which shall be deemed a Major Modification), of the Parkmerced Design
7 Standards and Guidelines.

8
9 (d) Project Review and Approval.

10 (1) Purpose. The design review process for Parkmerced is intended to ensure that new
11 buildings within Parkmerced are designed to complement the aesthetic quality of the development,
12 exhibit high quality architectural design and promote the purpose of this Special Use District.

13 (2) Applications. Applications for design review described in this Section are required for
14 the construction, expansion or major alteration of or additions to all structures within this Special Use
15 District. The applications for design review may be filed by the owner or authorized agent of the owner
16 of the property for which the design review is sought. Department staff shall review the application for
17 completeness and advise the applicant in writing of any deficiencies within 30 days after receipt of the
18 application or, if applicable, within 15 days after receipt of any supplemental information
19 requested pursuant to this section. If Department staff does not so advise the applicant, the
20 application will be deemed complete. The application shall include the documents and materials
21 necessary to determine consistency with this Parkmerced Special Use District and the
22 Parkmerced Design Standards and Guidelines, including site plans, sections, elevations,
23 renderings, landscape plans, and exterior material samples to illustrate the overall concept design of
24 the proposed buildings. The application must also discuss how the design will meet the green building
25 standards contained in the Parkmerced Sustainability Plan. If any requests for a Major Modification

1 or Minor Modification are sought in accordance with the allowances of this Section, the application
2 shall contain a narrative for each modification sought that describes how the proposed project meets
3 the full intent of the Parkmerced Design Standards and Guidelines and provides architectural
4 treatment and public benefit that are superior to strict compliance with the standards.

5 (3) Staff Design Review. Each application shall be subject to an administrative design
6 review process by the Department. Prior to consideration for project approval, and not more than
7 60 days after such application is complete, Department staff shall review the project to determine
8 that it complies with this Special Use District, the Parkmerced Design Standards and Guidelines, and
9 any applicable mitigation measures and will issue a staff report to the Planning Director or Planning
10 Commission, as appropriate, including a recommendation regarding any modifications sought. Such
11 staff report shall be delivered to the applicant no less than 10 days prior to Planning Director or
12 Planning Commission action on the application, and shall be kept on file for public review.

13 (4) Approvals and Public Hearings.

14 (A) Except for projects seeking a Major Modification, the Planning Director may approve
15 or disapprove the project design and any Minor Modifications based on its compliance with this
16 Special Use District and the Standards set forth in the Parkmerced Design Standards and Guidelines
17 and the findings and recommendations of the staff report. If the project is consistent with the
18 quantitative Standards set forth in this Special Use District and the Parkmerced Design Standards and
19 Guidelines, the Planning Director's discretion to approve or disapprove the project shall be limited to
20 the project's consistency with the qualitative elements of the Parkmerced Design Standards and
21 Guidelines and the General Plan. Prior to making a decision, the Planning Director, in his or her
22 sole discretion, may seek comment and guidance from the public and Planning Commission on the
23 design of the project, including the granting of any Minor Modifications, in accordance with the
24 procedures of subsection (B) below. If a Minor Modification is not sought, any Planning Commission
25 review of the project shall be limited to the project's consistency with the qualitative elements of the

1 Parkmerced Design Standards and Guidelines. Upon approval the Planning Director shall,
2 promptly, mail notice of the determination to the applicant and owners of real property within
3 300 feet of all exterior boundaries of the project area, using for this purpose the names and
4 addresses shown on the citywide assessment roll in the Office of the Tax Collector, and any
5 other person who has requested such notice.

6 (B) Public Hearing for Large Projects. Prior to decision by the Planning Director
7 pursuant to subsection (d)(4)(A) above, each ~~Each~~ project subject to the below criteria shall be
8 presented to the Planning Commission for its review and comment prior to decision by the Planning
9 Director under subsection (A) above. If a public hearing is also required under subsection
10 (g)(4)(D)(ii), the Planning Commission shall calendar both items together to take action on the
11 Major Modification and provide comment only on the project design. The Planning Director shall
12 consider all comments from the public and the Planning Commission in making his or her decision to
13 approve or disapprove the project design, including the granting of any Minor Modifications. A public
14 hearing shall be required if:

15 (i) The project includes the construction of a new building greater than 65 feet in height or
16 includes a vertical addition to an existing building resulting in a total building height greater than 65
17 feet; or

18 (ii) The project involves a net addition or new construction of more than 25,000 gross
19 square feet; or

20 (iii) The project has 150 linear feet or more of contiguous street frontage on any public
21 right-of-way.

22 (C) Projects Seeking Major Modifications. The Planning Commission shall hold a public
23 hearing for all projects seeking one or more Major Modifications and for any project seeking one or
24 more Minor Modifications that the Planning Director, in his or her sole discretion, refers to the
25 Commission as a Major Modification. The Planning Commission shall consider all comments from the

1 public and the recommendations of the staff report and the Planning Director in making a decision to
2 approve or disapprove the project design, including the granting of any Major or Minor Modifications.

3 (D) Notice of Hearings. Notice of hearings required by subsections (B) and (C) above shall
4 be provided as follows: (i) by mailed not less than 10 days prior to the date of the hearing to the
5 project applicant, to property owners within 300 feet of the exterior boundaries of the property that
6 is the subject of the application, using for this purpose the names and addresses as shown on the
7 citywide Assessment Roll in the Assessor's Office of the Tax Collector, and to any person who has
8 requested such notice; and (ii) by posting on the subject property at least 10 days prior to the
9 date of the hearing. Such notice shall also be published at least once in a newspaper of
10 general circulation at least 20 days prior to the date of the hearing. The notice shall state that
11 the staff report, including written recommendation of the Planning Director regarding any
12 modifications, is available for public review at the office of the Department.

13 (5) Design Review Approval of Community Improvements. To ensure that any Community
14 Improvements (as defined in the Development Agreement) meet the Parkmerced Design Standards and
15 Guidelines, an application for design review shall be submitted and design review approval granted
16 before any separate permits consistent with Section 2.4 of the Development Agreement are obtained for
17 the construction of any Community Improvement within or adjacent to the Special Use District. The
18 applications for design review shall be filed by the owner or authorized agent of the owner of any
19 proposed project that triggers the construction of a Community Improvement pursuant to the
20 Development Agreement Phasing Plan or any project mitigation measure. The Community
21 Improvement design review application shall include site plans, sections, elevations, renderings, and
22 landscape plans, the purpose of which is to illustrate the overall concept design of the proposed
23 Community Improvement.

24 The Planning Department shall review the proposed Community Improvement for conformance
25 with the Parkmerced Design Standards and Guidelines, issue a preliminary approval of the design

1 review application if it so conforms, or propose modifications to the Design Review Application that
2 create conformance with the Parkmerced Design Standards and Guidelines. Once the Planning
3 Department has issued a preliminary approval, it shall then circulate the design review application to
4 the San Francisco Municipal Transportation Agency, Department of Public Works, the San Francisco
5 Public Utilities Commission, and any other affected City agency to the extent that construction of the
6 Community Improvement falls within the jurisdiction or permitting authority of such agency or
7 department. Each aforementioned agency or department shall review the proposed Community
8 Improvement for conformance with the Parkmerced Design Standards and Guidelines and the agency
9 or department's generally-applied technical design guidelines in effect at that time (to the extent that
10 they affect the overall concept design of the Community Improvement) and shall approve the design
11 review application if it so conforms or propose modifications to the design review application to ensure
12 its conformance. Any proposed modifications shall be consistent with the requirements of the
13 Development Agreement, for so long as it is in effect.

14 If none of the reviewing agencies propose any modifications, the Planning Department shall
15 issue a final approval of the Community Improvement design review application to the project sponsor.
16 If any of the reviewing agencies propose modifications to a Community Improvement design review
17 application that has received preliminary approval, their proposals shall be consolidated and
18 forwarded to the project sponsor. The Planning Department shall not issue a final approval of a
19 Community Improvement design review application until it has received a revised design review
20 application that conforms with any reviewing agency or department comments, consistent with the
21 requirements and limitations of the Development Agreement, for so long as it is in effect.

22 Nothing in this subsection 5 shall be construed as a limitation on the discretion retained by any
23 City agency or department under the terms of the Development Agreement, including but not limited to
24 as set forth in Section 2.4 of the Development Agreement.

1 (6) Building Permit Approval by the Planning Department. Each building permit
2 application submitted to the Department of Building Inspection shall be forwarded to the Planning
3 Department. Planning Department staff shall review the building permit application for consistency
4 with the authorizations granted pursuant to this Section. No building permit may be issued for work
5 within this Special Use District unless Planning Department staff determines such permit is consistent
6 with the standards set forth in the Parkmerced Design Standards and Guidelines and the metrics set
7 forth in the Parkmerced Sustainability Plan, in each case, only to the extent such standards or metrics
8 regulate building design.

9 (7) Discretionary Review. No requests for discretionary review shall be accepted by the
10 Planning Department or heard by the Planning Commission for projects subject to this Section.

11 (8) Demolition of Dwelling Units. No mandatory discretionary review or Conditional Use
12 authorization pursuant to Section 317 shall be required for the demolition of any residential dwelling
13 unit within the Parkmerced Special Use District.

14 (9) Appeal and Decision on Appeal. The decision of the Planning Director to grant or deny
15 any project, including any Minor Modification, ~~and or~~ of the Planning Commission to grant or deny of
16 any Major Modification, may be appealed to the Board of Appeals by any person aggrieved within 15
17 days after the date of the decision by filing a written notice of appeal with that body. Such notice must
18 set forth the alleged error in the interpretation of the provisions of this Code or the Parkmerced Design
19 Standards and Guidelines or the alleged abuse of discretion on the part of the Planning Director or
20 Planning Commission, which error or abuse is the basis for the appeal. Upon the hearing of an
21 appeal, the Board of Appeals may, subject to the same limitations placed on the Planning Commission
22 or Planning Director by Charter, this Code, and the Development Agreement, approve, disapprove or
23 modify the appealed decision by a vote of four of its members. Notwithstanding anything to the
24 contrary in the Business and Tax Regulations Code, if the determination of the Board differs from that
25 of the Planning Director or Planning Commission, the Board of Appeals shall, in a written decision,

1 make findings specifying the error of interpretation or abuse of discretion on the part of the Planning
 2 Director or Planning Commission, and the specific facts relied upon, that are the basis for the Board's
 3 determination. A decision of the Planning Commission with respect to a Conditional Use may
 4 be appealed to the Board of Supervisors in the same manner as set forth in Section 308.1.

5
 6 Section 5. The San Francisco Planning Code is hereby amended by amending Section
 7 270, to read as follows:

8 SEC. 270. BULK LIMITS; MEASUREMENT.

9 (a) The limits upon the bulk of buildings and structures shall be as stated in this
 10 Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and
 11 "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the
 12 maximum plan dimensions shall be as specified in the following table, at all horizontal cross-
 13 sections above the height indicated.

14

Table 270			
Bulk Limits			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	V	125
C	80	110	125
D	40	110	140
E	65	110	140

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F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		
CP	This table not applicable. But see Section 263.24.		
HP	This table not applicable. But see Section 263.25.		
<u>PM</u>	<u>This table not applicable. But see Section 249.46 Parkmerced Special Use District.</u>		

1 (b) These limits shall not apply to the buildings, structures and equipment listed in
2 Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed
3 therein.

4 (c) Maximum plan lengths and diagonal dimensions do not apply to cornices or
5 other decorative projections.

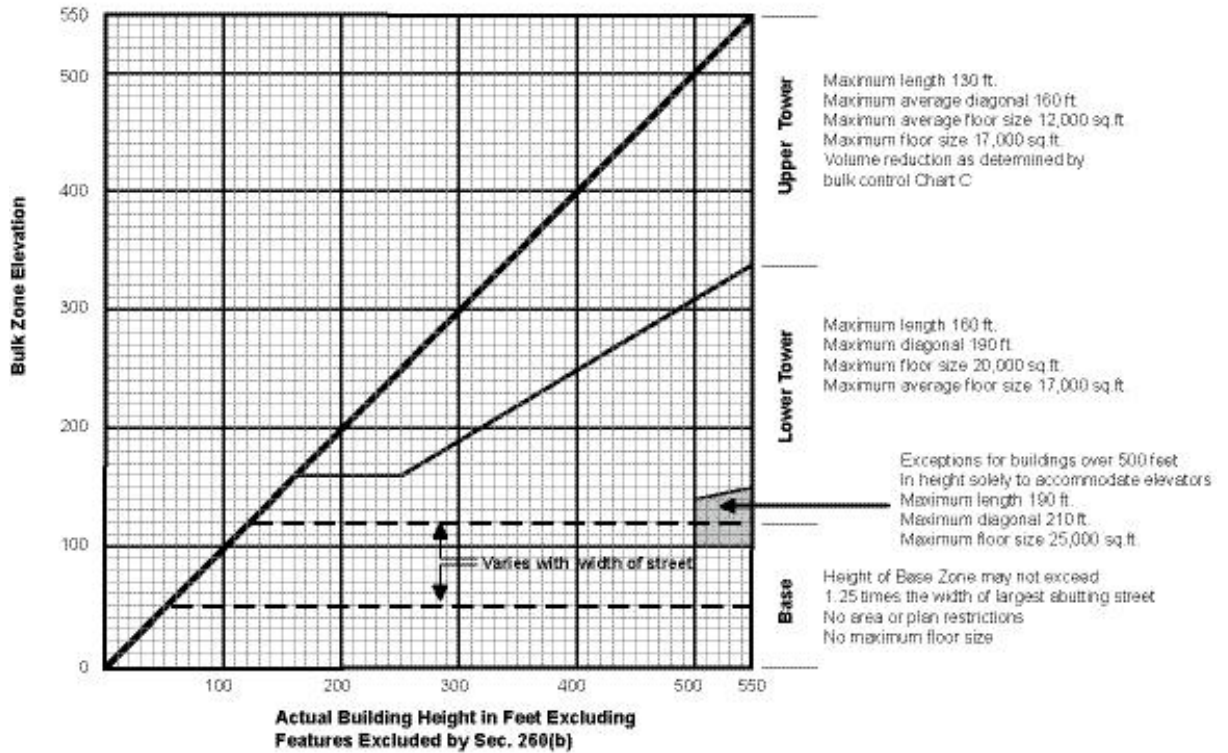
6 (d) The bulk limits contained in this subsection shall apply in S Bulk Districts as
7 designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

8 (1) Base. The base is the lowest portion of the building extending vertically to a
9 streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever
10 is more. There are no length or diagonal dimension limitations applicable to the base. The
11 building base shall be delineated from the lower and upper tower and related to abutting
12 buildings by a setback, cornice line or equivalent projection or other appropriate means.

13 (2) Lower Tower.

14 (A) Dimensions. Bulk controls for the lower tower apply to that portion of the
15 building height above the base as shown on Chart B. For buildings of less than 160 feet in
16 height, the lower tower controls are the only bulk controls above the base of the building. The
17 bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of
18 20,000 square feet, and a maximum diagonal dimension of 190 feet.

**CHART B
BULK LIMITS**



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1 (B) Additional Bulk for Elevators. Solely in order to accommodate additional
2 elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the
3 lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190
4 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000
5 square feet without a corresponding reduction in upper floor size.

6 (3) Upper Tower.

7 (A) Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet.
8 They apply to the upper tower portion of a building up to the height shown on Chart B, which
9 height excludes the vertical attachment and other features exempted by Section 260 and
10 excludes the extended upper tower height exceptions provided for in Section 263.7 of this
11 Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum
12 average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square
13 feet; and a maximum average diagonal measure of 160 feet. In determining the average floor
14 size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may
15 not be counted and sculptured architectural forms that contain large volumes of space but no
16 usable floors shall be included in average floor size calculation by computing the cross section
17 at 12.5-foot intervals.

18 (B) Volume Reduction. When the average floor size of the lower tower exceeds
19 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the
20 volume that would occur if the average floor size of the lower tower were extended to the
21 proposed building height. The percentage varies with the bulk of the lower tower and with
22 whether or not a height extension is employed pursuant to Section 263.7 and is shown on
23 Chart C. In achieving the required volume reduction, a setback or change in profile at a
24 specific elevation is not required.

1 (C) Extensions. Extension of the upper tower above the otherwise allowable height
2 limits may be permitted as provided in Section 263.9.

3 (D) Termination of the Tower. The top of the tower shall be massed in a manner that
4 will create a visually distinctive roof or other termination of the building facade. Modifications
5 to a proposed project may be required, in the manner provided in Section 309, to achieve this
6 purpose.

7 (e) Rincon Hill and South Beach. In Bulk District R (Rincon Hill and South Beach
8 DTR Districts), bulk limitations are as follows:

9 (1) There are no bulk limits below the podium height as described in Section
10 263.19, except for the lot coverage limitations and setback requirements described in
11 Sections 825 and 827.

12 (2) Tower Bulk and Spacing. All portions of structures above the podium height as
13 described in Section 263.19 shall meet the following bulk limitations, as illustrated in Chart C.

14 (A) Buildings between the podium height limit and 240 feet in height may not exceed
15 a plan length of 90 feet and a diagonal dimension of 120 square feet.

16 (B) Buildings between 241 and 300 feet in height may not exceed a plan length of
17 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor
18 area of 8,500 gross square feet.

19 (C) Buildings between 301 and 350 feet in height may not exceed a plan length of
20 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average
21 floor area of 9,000 gross square feet.

22 (D) Buildings between 351 and 550 feet in height may not exceed a plan length of
23 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average
24 floor area of 10,000 gross square feet.

25

1 (E) To allow variety in the articulation of towers, the floor plates of individual floors
2 may exceed the maximums described above by as much as 5 percent, provided the maximum
3 average floor plate is met.

4 (F) To encourage tower sculpting, the gross floor area of the top one-third of the
5 tower shall be reduced by 10 percent from the maximum floor plates described in (A)—(D)
6 above, unless the overall tower floor plate is reduced by an equal or greater volume.

7 (G) In order to provide adequate sunlight and air to streets and open spaces, a
8 minimum distance of 115 feet must be preserved between all structures above 110 feet in
9 height at all levels above 110 feet in height. Spacing shall be measured horizontally from the
10 outside surface of the exterior wall of the subject building to the nearest point on the closest
11 structure above 110 feet in height. Any project that is permitted pursuant to the exception
12 described in Section 270(e)(3) shall not be considered for the purposes of measuring tower
13 spacing pursuant to this Section.

14 (H) The procedures for granting special exceptions to bulk limits described in
15 Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and
16 270(e)(4).

17 (I) Additional setback, lot coverage, and design requirements for the DTR Districts
18 are described in Sections 825 and 827.

19 (3) Exceptions to tower spacing and upper tower sculpting requirements in Rincon
20 Hill DTR. An exception to the 115 feet tower spacing requirement and the upper tower
21 sculpting requirement described in (F) and (G) above may be granted to a project only on
22 Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006, pursuant to
23 the procedures described in 309.1 of this Code provided that projects meet the following
24 criteria:
25

1 (i) Applications for environmental review and conditional use related to a building
2 above 85 feet in height on the subject lot have been filed with the Department prior to March
3 1, 2003 and February 1, 2005, respectively;

4 (ii) Given the 115 tower spacing requirement described in (F) above, the existence
5 of an adjacent building greater than 85 feet in height precludes the development of a tower on
6 the subject lot;

7 (iii) The subject lot has a total area of no less than 35,000 square feet;

8 (iv) The proposed project is primarily residential and has an area of no more than
9 528,000 gross square feet;

10 (v) The proposed project conforms to all other controls described or referenced in
11 Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

12 (vi) For the purposes of subsection (iv) above, the term "gross square feet" shall be
13 the sum of the gross areas of all floors of a building or buildings above street grade measured
14 from the exterior faces of exterior walls or from the center lines of walls separating two
15 buildings, excluding area below street grade. Where columns are outside and separated from
16 an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged
17 that the curtain wall is clearly separated from the structural members, the exterior face of the
18 curtain wall shall be the line of measurement, and the area of the columns themselves at each
19 floor shall also be counted.

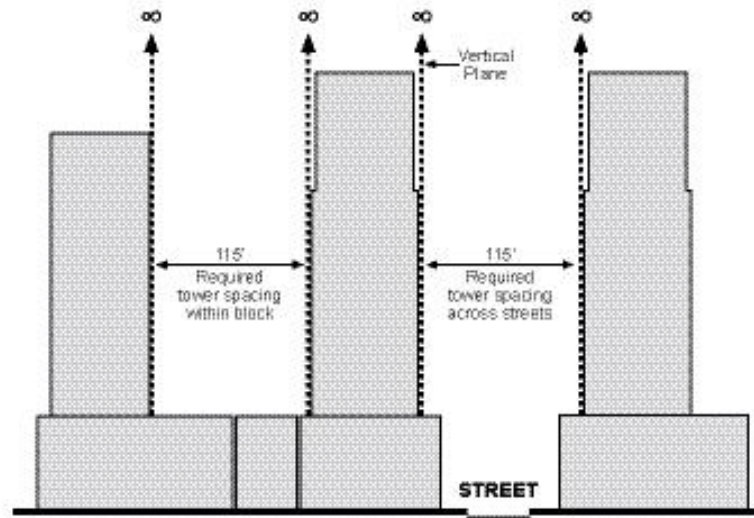
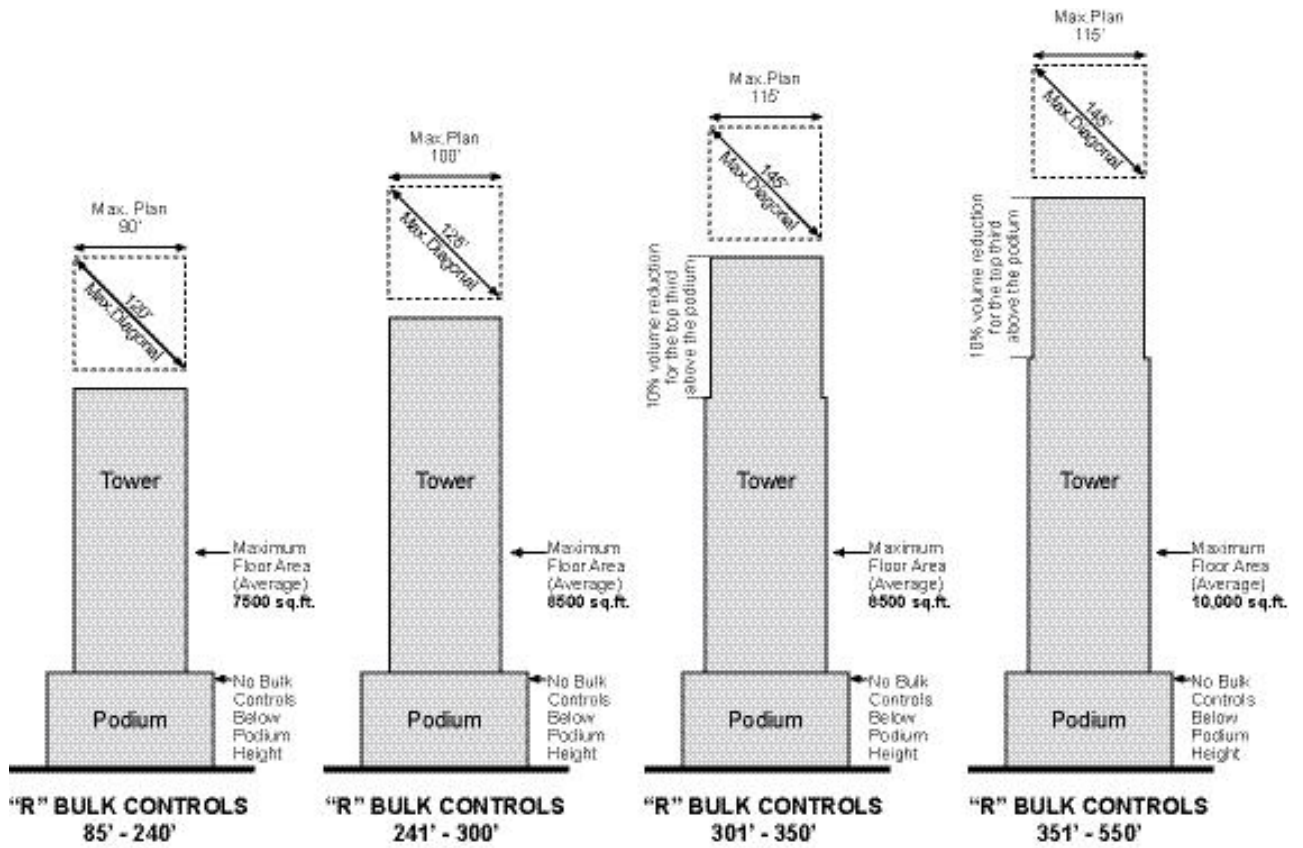
20 (4) Allowance for limited reduction in spacing from existing towers in Rincon Hill
21 DTR. To allow limited variation in tower placement from towers for which a certificate of
22 occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described
23 in (G) above may be granted pursuant to the procedures described in 309.1 of this Code if all
24 the following criteria are met:
25

1 (i) For every percent reduction from the maximum average floor area as described
2 in (2) above, an equal percent reduction in tower separation may be granted subject to the
3 following limits:

4 (ii) Up to a height of one-and-one-half times the maximum permitted podium height,
5 tower spacing described in (G) above may be reduced by not more than 15 percent; (iii) up to
6 a height of 180 feet, tower spacing described in (G) above may be reduced by not more than
7 10 percent; and (iv) all floors above 180 feet achieve the full 115-foot minimum tower spacing
8 requirement described in (G) above. A project may average the tower separation of all floors
9 below 180 feet so long as the requirements of (iii) and (iv) are satisfied.

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**REQUIRED TOWER SPACING
IN "R" BULK DISTRICTS**

1 (f) Van Ness and Market Downtown Residential Special Use District. In Bulk
2 District R-2 (Van Ness and Market Downtown Special Use District), bulk limitations are as
3 follows:

4 (1) Tower Bulk and Spacing. In height districts 120/200-R-2, 120/300-R-2, 120/320-
5 R-2, and 120/400-R-2, there are no bulk limitations below 120 feet in height, and structures
6 above 120 feet in height shall meet the bulk limitations described in subsection (e)(2)(A)-(F).
7 In height district 85/250-R-2 there are no bulk limitations below 85 feet in height, and
8 structures above 85 feet in height shall meet the bulk limitations described in subsections
9 (e)(2)(A)—(F).

10 (2) In order to provide adequate sunlight and air to streets and open spaces, a
11 minimum distance of 115 feet must be preserved between all structures above 120 feet in
12 height at all levels above 120 feet in height. Spacing shall be measured horizontally from the
13 outside surface of the exterior wall of the subject building to the nearest point on the closest
14 structure above 120 feet in height.

15 (3) No exceptions shall be permitted. The procedures for granting special
16 exceptions to bulk limits described in Section 272 shall not apply.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By: _____
22 MARLENA G. BYRNE
23 Deputy City Attorney
24
25