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## MEMORANDUM

Date:

Subject:

To:Planning Department/Planning CommissionFrom:John Carroll, Assistant Clerk, Land Use and Transportation Committee

Board of Supervisors Legislation Referral - File No.

California Environmental Quality Act (CEQA) Determination

(California Public Resources Code, Sections 21000 et seq.)

- □ Ordinance / Resolution
- □ Ballot Measure

**BOARD of SUPERVISORS** 

- □ Amendment to the Planning Code, including the following Findings: (Planning Code, Section 302(b): 90 days for Planning Commission review)
   □ General Plan □ Planning Code, Section 101.1 □ Planning Code, Section 302
- □ Amendment to the Administrative Code, involving Land Use/Planning (Board Rule 3.23: 30 days for possible Planning Department review)

# General Plan Referral for Non-Planning Code Amendments *(Charter, Section 4.105, and Administrative Code, Section 2A.53)*

(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
  - Landmark (Planning Code, Section 1004.3)
  - Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)
  - Mills Act Contract (Government Code, Section 50280)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1	[Planning Code, Zoning Map - San Francisco Gateway Special Use District]
2	
3	Ordinance amending the Planning Code and the Zoning Map to establish the San
4	Francisco Gateway Special Use District generally bounded by Kirkwood Avenue to the
5	northeast, Rankin Street to the southeast, McKinnon Avenue to the southwest, and
6	Toland Street to the northwest; making findings under the California Environmental
7	Quality Act; making findings of consistency with the General Plan, and the eight
8	priority policies of Planning Code, Section 101.1; and making findings of public
9	necessity, convenience, and welfare under Planning Code, Section 302.
10	NOTE: <b>Unchanged Code text and uncodified text</b> are in plain Arial font.
11	Additions to Codes are in <u>single-underline italics Times New Roman font</u> . Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> .
12	Board amendment additions are in <u>double-underlined Arial font</u> . Board amendment deletions are in strikethrough Arial font. Asterisks (* * * *) indicate the omission of unchanged Code
13	subsections or parts of tables.
14	
15	Be it ordained by the People of the City and County of San Francisco:
16	
17	Section 1. Environmental and Land Use Findings.
18	(a) At its hearing on, and prior to recommending the proposed Planning
19	Code amendments for approval, by Motion No, the Planning Commission certified a
20	Final Environmental Impact Report (FEIR) for the San Francisco Gateway Project (Project)
21	pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
22	Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et
23	seq.), and Chapter 31 of the Administrative Code. A copy of said Motion is in Board of
24	Supervisors File No, and is incorporated herein by reference. In accordance with
25	the actions contemplated in this ordinance, this Board has reviewed the FEIR, concurs with its

conclusions, affirms the Planning Commission's certification of the FEIR, and finds that the
 actions contemplated herein are within the scope of the Project described and analyzed in the
 FEIR.

(b) In recommending the proposed Planning Code Amendments for approval by this 4 Board at its hearing on \_\_\_\_\_, by Motion No. \_\_\_\_, the Planning Commission also 5 6 adopted findings under CEQA and a Mitigation Monitoring and Reporting Program (MMRP). 7 A copy of said Motion and MMRP are in Board of Supervisors File No. 8 incorporated in this ordinance by reference. The Board hereby adopts and incorporates by 9 reference as though fully set forth herein the Planning Commission's CEQA approval findings. The Board also adopts and incorporates by reference as though fully set forth herein the 10 Project's MMRP. 11

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

(d) Pursuant to Planning Code Section 302, this Board finds that the Planning Code
Amendments in this ordinance will serve the public necessity, convenience, and welfare for
the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_and the Board
incorporates such reasons herein by reference.

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Section 2. Article 2 of the Planning Code is hereby amended by adding Section 249.7,
to read as follows:

## 24 <u>SEC. 249.7. SAN FRANCISCO GATEWAY SPECIAL USE DISTRICT.</u>

25 (a) General. A Special Use District entitled the "San Francisco Gateway Special Use

1	District" (SUD	) is horoby established	d generally bounded b	y Kirkwood Avenue to the no	rtheast Rankin
	District (SUD	<i>y is hereby estublished</i>	i, generally bounded b	γ πιτκίνουα Ανέπμε το της πο	nineusi, Kunkin

- 2 Street to the southeast, McKinnon Avenue to the southwest, and Toland Street to the northwest. The
- 3 precise boundaries of the SUD are shown on Sectional Map SU10 of the Zoning Map.
- 4 (b) **Purpose.** The purpose of the SUD is to accommodate a unique combination of PDR
- 5 (Production, Distribution, and Repair) uses, including both traditional and evolving PDR uses, and to
- 6 give effect to the Development Agreement for the San Francisco Gateway Project, as approved by the
- 7 Board of Supervisors in the ordinance in File No. 250427. The SUD will advance established City
- 8 policy to create, protect, and preserve PDR uses and a wide range of employment opportunities, in
- 9 *light of economic pressures that have reduced PDR space and employment opportunities across San*
- 10 *Francisco. New, large-scale PDR development has been limited in San Francisco given the higher*
- 11 <u>rents obtainable for other land uses, and existing PDR space that has not been redeveloped for other</u>
- 12 *uses is frequently unsuitable for current PDR users. The SUD contains a large site with a single*
- 13 *owner, and as such is uniquely positioned within the PDR districts for a large-scale, modern PDR*
- 14 *development to meet the needs of City businesses and residents.*
- 15 *PDR businesses provide employment opportunities for a wide range of workers, including those*
- 16 *without college degrees or experience, at generally higher salaries than the retail sector. The*
- 17 *development facilitated by the SUD would provide these opportunities for a wide range of workers,*
- 18 *both by directly creating new jobs and providing spaces and services that support other City businesses*
- 19 *and industries.*
- 20 *With climate change, as well as industry and regulatory changes, PDR businesses need flexible*
- 21 *facilities that can accommodate a variety of vehicle types and sizes. The SUD's site-specific*
- 22 *development controls are necessary to adapt and refine PDR district zoning controls generally*
- 23 <u>designed for smaller PDR buildings with a single user. The controls will facilitate the development of</u>
- 24 <u>high-efficiency, enclosed PDR buildings with multiple users, large PDR spaces that accommodate</u>
- 25 *modern loading facilities and vehicle circulation, and the transition to electrified vehicle fleets for such*

1 <u>users.</u>

2	(c) Definitions.
3	<u>"Major Modification" means a deviation of 15% or more from any dimensional or numerical</u>
4	standard in this SUD or in the DSG.
5	"Minor Modification" means a deviation of less than 15% from any dimensional or numerical
6	standard in this SUD or in the San Francisco Gateway Design Standards and Guidelines (DSG), or any
7	deviation from any non-numerical standard in the DSG.
8	(d) Relationship to the Development Agreement. This Section 249.7 shall be read and
9	construed consistent with the Development Agreement, and all development within the SUD that is
10	subject to the Development Agreement shall satisfy the requirements of the Development Agreement for
11	so long as the Development Agreement remains in effect.
12	(e) Relationship to Design Standards and Guidelines. The San Francisco Gateway Design
13	Standards and Guidelines (DSG), adopted by the Planning Commission by Motion No, and as
14	may be periodically amended, sets forth standards and guidelines applicable within the SUD and are
15	incorporated here by reference. A copy of the DSG is on file with the Board of Supervisors in File No.
16	and is available on the Planning Department's website. This SUD and the DSG shall be read
17	and construed together so as to avoid any conflict to the greatest extent possible. If there is an
18	unavoidable conflict between the SUD and the DSG, this SUD shall prevail. The Planning Commission
19	shall review and approve amendments to the DSG, provided, however, the Planning Director may
20	approve minor amendments to the DSG. For the purposes of this subsection (e), "minor amendments to
21	the DSG" shall be defined as amendments that are necessary to correct inadvertent omissions or
22	mistakes in the DSG and are consistent with the intent of the DSG, the SUD, the General Plan, and the
23	Development Agreement.
24	(f) Development Controls. Applicable provisions of the Planning Code shall control except as
25	otherwise provided in this Section 249.7. In the event of a conflict between other provisions of the

1	Planning Code and this Section 249.7, the provisions of this Section 249.7 shall control.
2	(1) Development applications for the construction of new buildings within the SUD
3	shall require a Conditional Use Authorization for a Planned Unit Development, except those buildings
4	constructed pursuant to Section 181(d).
5	(2) Uses. Except as described in this subsection (f)(2), uses shall be conditionally or
6	principally permitted pursuant to the controls for the PDR-2 zoning district in Section 210.3. The
7	following use controls apply in the SUD.
8	(A) Private Parking Garage is principally permitted, provided that such garage
9	<u>use shall not allow for storage or parking of personal vehicles in the form of employee, commuter, or</u>
10	short-term visitor parking. Within the SUD, such Private Parking Garage use may include storage and
11	parking of automobiles, trucks, buses, vans, bicycles, motorcycles, and similar vehicles for any
12	duration of time, and shall not be subject to provisions regulating automobile parking or loading as set
13	forth in Article 1.5. Washing, loading, preparation for vehicle movement in and out of the garage, and
14	light maintenance of such vehicles is permitted as accessory to the Private Parking Garage use without
15	limitation as to the area used for such activities.
16	(B) The addition or inclusion of electric vehicle charging and associated
17	infrastructure shall be permitted for any principally permitted or conditionally permitted uses
18	established within the SUD and shall not be considered a change of use, notwithstanding any
19	restriction on Fleet Charging as an accessory use contained in the Planning Code.
20	(C) Parcel Delivery Service is principally permitted, and is permitted as an
21	accessory use to any other principal use established within the SUD.
22	(3) No more than a total of 8,500 square feet of Occupied Floor Area for Retail Sales
23	and Service uses shall be permitted within the SUD. The use size limits on Retail Sales and Service uses
24	as described in Section 210.3A shall not apply within the SUD.
25	(4) Maximum Off-Street Parking. Off-street parking is not required but shall not

1	exceed a maximum of 1.5 spaces per 200 square feet of Gross Floor Area for all Retail Sales and
2	Services uses, and a maximum of 1 space per 1,500 square feet of Gross Floor Area for all other uses.
3	Where off-street parking is provided that exceeds the amounts identified above, such parking shall be
4	classified not as accessory parking but as a conditional use.
5	(5) Building Height Exemptions. In addition to the building height exemptions listed
6	in Section 260(b), the following features shall also be exempt from the height limits established by this
7	<u>Code:</u>
8	(A) Solar Array and EV Charging System Components. Any component of a
9	solar array system needed to collect or store solar energy, support and maintain solar panels, and
10	transfer their captured energy, and any component of a charging system for electric vehicle charging.
11	System components include solar panels and mounting hardware, any vertical and horizontal
12	structures utilized to support the solar panels, fire sprinkler system components, lighting, conduit,
13	cabling and battery storage, as well as infrastructure for electric vehicle charging. This exemption
14	shall be limited to the top 20 feet of such features, without regard to their horizontal area.
15	(B) Vehicle Parking and Circulation. Parking and circulation of passenger and
16	non-passenger vehicles, without additional structures or equipment other than trellises or similar
17	overhead screening for such vehicles with a maximum height of 20 feet. This exemption shall apply
18	without regard to horizontal area.
19	(C) Vertical Screening for Vehicle Parking and Circulation. Vertical
20	screening for vehicle parking and circulation, with a maximum height of eight feet. This exemption
21	shall apply without regard to horizontal area.
22	(D) Awnings. Horizontal awnings or other covering elements projecting from
23	rooftop penthouses for the purpose of adequately protecting elevator and stair openings from water
24	intrusion and damage, with a maximum height of 12 feet, and a maximum horizontal area of 100
25	square feet per protected opening.

1	(6) Streetscape and Pedestrian Improvements. The Streetscape and Pedestrian
2	Improvements requirements set forth in Section 138.1 shall not apply within the SUD. The streetscape
3	and pedestrian improvements included in Exhibit P to the Development Agreement shall govern within
4	the SUD.
5	(7) Transportation Demand Management. The Transportation Demand Management
6	(TDM) Program requirements set forth in Section 169 shall not apply within the SUD. The TDM
7	provisions included in Exhibit J to the Development Agreement shall govern within the SUD.
8	(8) Demolition and Replacement of Industrial Buildings in PDR Districts. The
9	demolition and replacement requirements for industrial buildings containing Industrial Uses shall not
10	apply within the SUD for any building constructed pursuant to the Development Agreement while it is
11	<u>in effect.</u>
12	(g) Project Review and Approval.
13	(1) <b>Design Review and Approval.</b> An applicant may submit, but is not required to
14	submit, a design review application for review by the Planning Department for consistency with the
15	Planning Code, including this Section 249.7, the Conditional Use Authorization for a Planned Unit
16	Development, and the DSG, prior to preparing and submitting a site or building permit application. If
17	an applicant elects to submit a design review application, the applicant must receive approval from the
18	Planning Director, or the Planning Commission if required, before obtaining any permits for the
19	applicable building construction (other than for demolition or site preparation). If an applicant
20	proposes a Minor Modification or Major Modification, the applicant must obtain such Minor
21	Modification or Major Modification through a design review application approval. Standards and
22	limitations on design review application approval are set forth in the Development Agreement and in
23	subsection (g)(2). Nothing in this Section 249.7 limits the Charter authority of any City department or
24	commission or the rights of City agencies to review and approve proposed infrastructure as set forth in
25	the Development Agreement.

1	(2) Design Review Applications and Process.
2	(A) Applications. Each design review application shall include the documents
3	and other materials necessary to determine consistency with the Planning Code, including this Section
4	249.7, the Conditional Use Authorization for a Planned Unit Development, and the DSG, including site
5	plans, floor plans, sections, elevations, renderings, landscape plans, and exterior material samples to
6	illustrate the overall concept design of the proposed building(s). The design review application shall
7	not be required to identify infrastructure or streetscape improvements that may be required in
8	association with the proposed building(s), which are subject to the review and approval process
9	described in the Development Agreement. If an applicant requests a Minor Modification or Major
10	Modification, the application shall describe proposed changes in reasonable detail, including narrative
11	and supporting images, if appropriate, and a statement of the purpose or benefits of the proposed
12	modification(s).
13	(B) Completeness. Planning Department staff shall review the application for
14	completeness and advise the applicant in writing of any deficiencies within 30 days of the date of the
15	application or, if applicable, within 15 days of receipt of any supplemental information requested
16	pursuant to this section.
17	(C) Design Review Process. Following a determination of completeness of the
18	design review application in accordance with subsection (g)(2)(B), Planning Department staff shall
19	conduct design review. If an applicant submits a design review application that does not propose any
20	Minor Modifications or Major Modifications, the Planning Director, within 30 days of the
21	determination of completeness, shall prepare and issue a design review approval letter to the applicant
22	if the design is found to be in compliance with the Planning Code, including this Section 249.7, the
23	Conditional Use Authorization for a Planned Unit Development, and the DSG, or notify the applicant
24	of their determination of non-compliance. If an applicant submits a design review application that
25	proposes Minor Modifications or Major Modifications, Planning Department staff shall prepare a staff

1	report assessing compliance with the Flamming Code, including this Section 249.7, the Conditional Ose
2	Authorization for a Planned Unit Development, and the DSG, including a recommendation regarding
3	any Minor Modifications or Major Modifications sought. The staff report shall be delivered to the
4	applicant and any third parties requesting notice in writing, shall be kept on file, and shall be posted on
5	the Department's website for public review, within 60 days of the determination of completeness. If
6	Planning Department staff determines that the design is not compliant with the Planning Code,
7	including this Section 249.7, the Conditional Use Authorization for a Planned Unit Development, or the
8	DSG, the Applicant may resubmit the application, in which case the requirements of this subsection
9	(g)(2) for determination of completeness, staff review and determination of compliance, and delivery,
10	filing, and posting of the staff report, shall apply anew.
11	(D) Approvals and Public Hearings for Buildings.
12	(i) Buildings Seeking Minor Modifications. Within 10 days after the
13	delivery and posting of the staff report on the design review application, the Planning Director shall
14	approve or disapprove the design based on its compliance with the Planning Code, including this
15	Section 249.7, the Conditional Use Authorization for a Planned Unit Development, and the DSG. If the
16	design review application is consistent with the quantitative standards set forth in this Section 249.7
17	and the DSG, the Planning Director's discretion to approve or disapprove the design review
18	application shall be limited to the application's consistency with the qualitative, non-numeric, and non-
19	dimensional elements of the DSG. Notwithstanding any other provisions of this Section 249.7, the
20	Planning Director may, in their discretion, refer any application that proposes a Minor Modification to
21	the Planning Commission if the Planning Director determines that the proposed Minor Modification
22	does not meet the intent of the DSG or this Section 249.7.
23	(ii) Buildings Seeking Major Modifications, or Minor Modifications
24	Referred by Planning Director. If a design review application seeks one or more Major Modifications,
25	or if a design review application that proposed a Minor Modification is referred to the Planning

report assessing compliance with the Planning Code, including this Section 249.7, the Conditional Use

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1	Commission, the Planning Commission shall calendar the item for a public hearing within 30 days
2	after delivery and posting of the staff report on the design review application, or the Planning
3	Director's referral (as applicable), subject to any required noticing. The Planning Commission's
4	review shall be limited to the proposed Major Modification, or the Minor Modification referred by the
5	Planning Director. The Planning Commission shall consider all comments from the public and the
6	recommendations of the staff report and the Planning Director in making a decision to approve or
7	disapprove the design review application, including the granting of any Major Modifications or
8	referred Minor Modifications in accordance with the standard of review established under this
9	subsection (g)(2). If a Major Modification or intensification of a Planned Unit Development exception
10	requires Planning Commission approval of a new Conditional Use Authorization, the Planning
11	Commission shall consider such new Conditional Use Authorization in conjunction with the design
12	review application proposing a Major Modification, and the above timelines for staff review and
13	determination of compliance, and delivery, filing, and posting of the staff report, shall not apply.
14	(iii) Notice of Hearings. Notice of any Planning Commission hearings
15	required under this SUD shall be provided in accordance with Planning Code Section 333.
16	(3) Use Consistency Review. All site or building permit applications for construction of
17	new buildings or alterations of or additions to existing structures, or for permits of occupancy that
18	would authorize a new use or a change of use, including changes within subcategories of use
19	("Applications"), submitted to the Department of Building Inspection shall be forwarded to the
20	Planning Department for use consistency review within 15 days of submittal. For purposes of this
21	subsection (g)(3), Applications do not include any submittals for interior improvements, modifications,
22	or alterations that do not involve a new use or change of use, or an expansion or intensification of an
23	existing use, provided however, that any such improvement, modification, or alteration shall otherwise
24	comply with the applicable requirements of the Planning Code. Once referred, the Department shall
25	review the Application for consistency with the Planning Code, including this Section 249.7, the

		Development Agreement, the DSG, and any applicable Conditional Use Authorization. The Applicatio			
shall include	<u>any docume</u>	nts, plans, and ma	terials necessary to deter	mine such consistency.	
(4) Discretionary Review. No requests for discretionary review shall be accepted or					
heard for projects within the SUD.					
Section 3. The Zoning Map of the Planning Code is hereby amended in accordance					
with Planning Code Section 106 by revising Height and Bulk District Map HT10 and Special					
Use District Map SU10, as follows:					
(a) To change the Height and Bulk District Map HT10 from 65-J to 97-X, as follows					
Assessor'	s Block	Lot	Current Height and	Proposed Height/Bulk to	
			Bulk District to be	be Approved	
			Superseded		
5284A		008	65-J	97-X	
5287		002	65-J		
(b) Francisco G	•	lse District Map S ecial Use District	5	ed to create the new San	
Assessor'	s Block	Lot	Special Use District		
		008	San Francisco Gateway Special Use		
5284A					

1 (a) This ordinance shall become effective 30 days after enactment. Enactment 2 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or 3 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors 4 overrides the Mayor's veto of the ordinance.

5 (b) This ordinance shall become operative on its effective date or on the effective 6 date of the Development Agreement for the San Francisco Gateway Project, enacted by the 7 ordinance in Board of Supervisors File No. 250427, whichever date occurs later; provided, 8 that this ordinance shall not become operative if the ordinance regarding the Development 9 Agreement is not approved.

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Section 5. Severability.

12 If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any 13 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 14 15 remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, 16 17 sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to 18 whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional. 19

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21 APPROVED AS TO FORM: DAVID CHIU, City Attorney

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23By:/s/ Robb KaplaROBB KAPLAROBB KAPLA24Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning Code, Zoning Map - San Francisco Gateway Special Use District]

Ordinance amending the Planning Code and the Zoning Map to establish the San Francisco Gateway Special Use District generally bounded by Kirkwood Avenue to the northeast, Rankin Street to the southeast, McKinnon Avenue to the southwest, and Toland Street to the northwest; 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.

#### Existing Law

The area within the proposed San Francisco Gateway Special Use District (SUD) consists of two parcels zoned as Core Production, Distribution, and Repair (PDR-2) within a 65-J height and bulk district.

#### Amendments to Current Law

The ordinance would amend the Planning Code and Zoning Map to create the SUD as an overlay to the underlying PDR-2 zoning and revise height and bulk limits within the SUD to 97-X. The SUD requires new construction in the district to receive a conditional use authorization for planned unit development and establishes a design review and approval process for any major or minor modifications necessary to implement the San Francisco Gateway Project ("Project"). The SUD relaxes use controls for certain private parking garage and parcel delivery service uses and maintains the underlying PDR-2 zoning controls for all other uses.

### **Background Information**

This ordinance would enable the development of the Project, which will provide a unique combination of traditional and evolving PDR uses and create a wide range of employment opportunities. The SUD's controls adapt and refine the underlying PDR-2 zoning controls to facilitate the development of high-efficiency, enclosed PDR buildings with multiple users, large PDR spaces that accommodate modern loading facilities and vehicle circulation, and the transition to electrified vehicle fleets for such users.

The Project would also require the adoption of a Design Standards and Guidelines ("DSG") document to facilitate implementation and a Development Agreement ("DA") between the Project Sponsor and the City and County of San Francisco.

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