

File No. 110625

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date June 13, 2011

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 18353</u> |
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Completed by: Alisa Somera Date June 10, 2011  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

1 [Planning Code - Zoning - Executive Park Special Use District, Special Height and Bulk  
2 Provisions, and Permit Review Procedures]

3  
4 **Ordinance amending the San Francisco Planning Code by adding Section 249.54 to**  
5 **establish the Executive Park Special Use District; adding Section 263.27 to establish**  
6 **Special Height Provisions for the Executive Park Special Use District and the 65/240 EP**  
7 **Height and Bulk District; amending Table 270 to provide that the Table is not applicable**  
8 **to the Executive Park Special Use District; and adding Section 309.2 to establish Permit**  
9 **Review Procedures in the Executive Park Special Use District; adopting findings,**  
10 **including environmental findings, Section 302 findings, and findings of consistency**  
11 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

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

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

16 Section 1. Findings.

17 (1) This legislation will affect property located in an approximately 15 acre area of  
18 southeast San Francisco generally bounded by Harney Way on the south, Highway 101 on  
19 the west, Executive Park Boulevard North on the north and Executive Park Boulevard East on  
20 the east.

21 (2) On May 5, 2011, by Motion No. 18350, the Planning Commission certified as  
22 adequate, accurate and complete the Final Environmental Impact Report ("FEIR") for the  
23 Executive Park project. A copy of Planning Commission Motion No. 18350 is on file with the  
24 Clerk of the Board of Supervisors in File No. 110626.

1 (3) In accordance with the actions contemplated herein, the Planning Commission  
2 adopted Motion No. 18351 concerning findings pursuant to the California Environmental  
3 Quality Act. Said Motion is on file with the Clerk of the Board of Supervisors in File No.  
4 110626 and the Board incorporates those findings herein by this reference.

5 (4) Pursuant to Section 302 of the Planning Code, the Board finds that this  
6 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
7 Planning Commission Resolution No. 18353 and the Board incorporates those reasons into  
8 this ordinance by this reference. A copy of Planning Commission Resolution No. 18353 is on  
9 file with the Clerk of the Board of Supervisors in File No. 110625

10 (4) The Board of Supervisors finds that this ordinance is in conformity with the  
11 Priority Policies of Section 101.1 of the Planning Code and, on balance, consistent with the  
12 General Plan as it is proposed for amendment in companion legislation on file with the Clerk  
13 of the Board of Supervisors in File No. 110624, and hereby adopts the findings set  
14 forth in Planning Commission Resolution No. 18352 and incorporates such findings into this  
15 ordinance by this reference.

16 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
17 249.54, to read as follows:

18 SEC. 249.54. EXECUTIVE PARK SPECIAL USE DISTRICT

19 (a) General. A Special Use District entitled the Executive Park Special Use District is  
20 hereby established for Assessor's Block 4991, Lots 024, 061, 065, 074, 075, 078, 085 and 086 and  
21 Assessor's Block 5076, Lots 012 and 013, generally bounded by Harney Way on the south, Highway  
22 101 on the west, Executive Park Boulevard North on the north and Executive Park Boulevard East on  
23 the east, and is set forth in Sectional Map SU10 of the Zoning Map.

24 (b) Purpose. The purpose of the Executive Park Special Use District (SUD) is to  
25 accommodate and encourage medium to high density, mixed-use, predominately residential

1 development at the location of an existing office park. The new mixed-use development is envisioned to  
2 tie together the new development with existing and approved residential development north and east of  
3 the SUD, along with long-established neighborhoods to the west. The SUD provides controls tailored  
4 to Executive Park's unique circumstances: the existing area does not feature a fine-grained street and  
5 block pattern typical of San Francisco residential development adequate to serve the access,  
6 circulation and open space needs of the envisioned urban residential and mixed use neighborhood.  
7 Also, some portions of the area may become part of dedicated public right-of-way as a result of the  
8 anticipated future widening of Harney Way and redesign of on-ramps and off-ramps to Highway 101 at  
9 Alana Way and Harney Way. The SUD anticipates a new mixed-use, predominately residential  
10 neighborhood, with a fine-grained block and street pattern and new open space, and provides for the  
11 transfer of buildable density from portions of the area that may become part of dedicated public right-  
12 of-way to other parts of the area, among other provisions.

13 (c) Controls. The Planning Code provisions for the underlying use district shall control  
14 except as provided below.

15 (1). Executive Park Design Guidelines. In addition to the Planning Code provisions,  
16 developments in the SUD shall comply with the Executive Park Subarea Plan of the Bayview Hunters  
17 Point Area Plan of the General Plan, approved by the Board of Supervisors by Ordinance No.  
18 \_\_\_\_\_ , on file with the Clerk of the Board of Supervisors in File No. 110624 and the  
19 Executive Park Design Guidelines as established by Planning Commission Resolution 18352, on file  
20 with the Clerk of the Board of Supervisors in File No. 110626 and incorporated into this Section  
21 by this reference. The Executive Park Design Guidelines also are on file with the Planning Department  
22 in File No. 2006.0422EMUTZ.

23 (2). Uses.

24 (A) Retail uses under Planning Code Section 218 are principally permitted at street level  
25 throughout the SUD when individual establishments are less than 10,000 square feet of gross floor

1 area. Retail establishments equal to or greater than 10,000 square feet of gross floor area require  
2 Permit Design Review under Planning Code Section 309.2. Tenant spaces that are expanded to be  
3 10,000 square feet or greater after initial approval will require addition review under Planning Code  
4 Section 309.2.

5 (B) Ground floor retail is required at the two southern corners of the intersection of  
6 Executive Park Boulevard North and Thomas Mellon Circle. (Portions of Block 4991, Lots 085 and  
7 086). For each corner, retail frontage is required for a minimum of 100 feet along Executive Park  
8 Boulevard North and 50 feet along Thomas Mellon Circle.

9 (C) Child-care facilities under Section 209.3(f) are principally permitted.

10 (D) Community facilities under Sec. 209.4(a) and (b) are principally permitted.

11 (E) Non-accessory parking is not permitted.

12 (3). Required Residential to Non-Residential Use Ratio. Non-residential uses are limited to  
13 one occupiable square foot for every six occupiable square feet of residential use.

14 (4). Density Transfer.

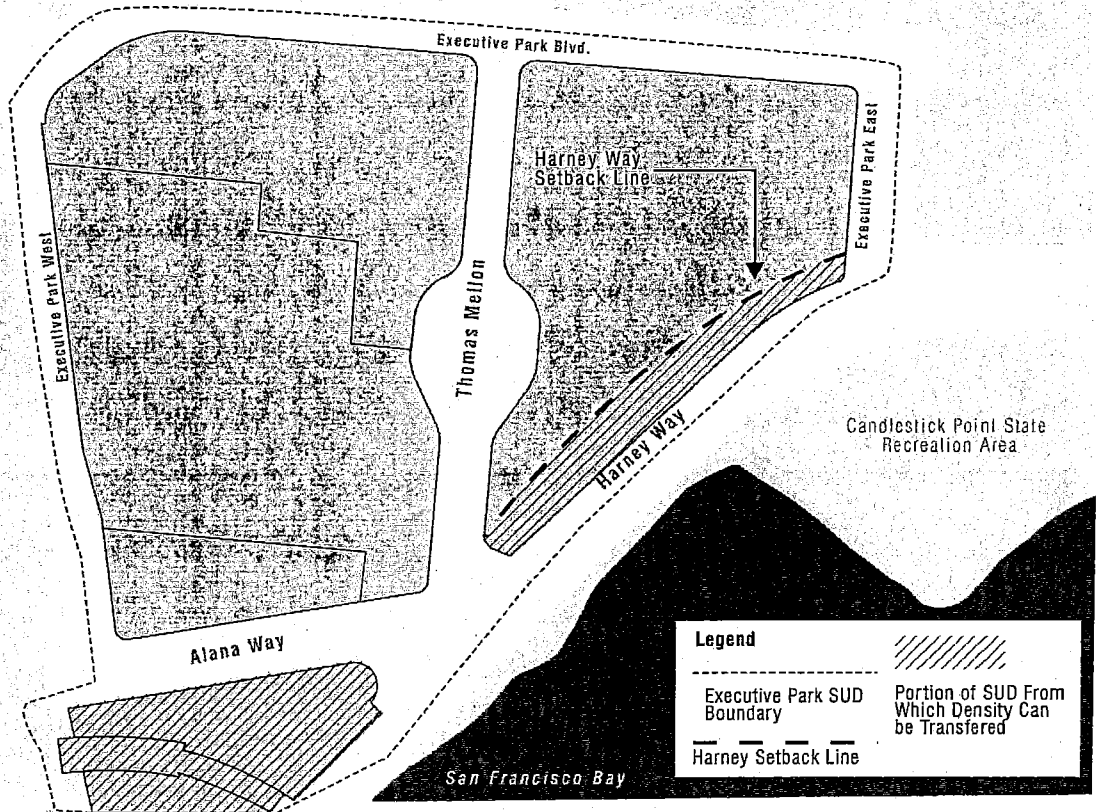
15 (A) In accordance with the provisions of this subsection, (i) the density allowed on Block  
16 4991, Lots 024, 061, 065 and 078, and Block 5076, Lots 012 and 013, may be transferred to any other  
17 lot within the SUD north of Alana Way or north of the proposed Harney Way setback line and (ii) if the  
18 portion of Assessor's Block 4991, Lot 085 south of the Harney setback line becomes its own lot through  
19 a subdivision action, the new lot south of the setback line may transfer its density to any other lot north  
20 of Alana Way or north of the Harney setback line pursuant to the procedures described in this  
21 subsection. The Blocks and Lots in the SUD and the location of the proposed Harney Way setback line  
22 are shown on the map in Figure 249.54(A). In addition, a detailed description of the Harney Way  
23 setback line is on file with the Clerk of the Board of Supervisors in File No. 110625 and  
24 incorporated into this Section by this reference.

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**Figure 249.54(A)**

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17 (B) To transfer density, a Notice of Special Restriction ("NSR") must be recorded against  
18 lots that both provide and receive the density transfer. Prior to recording a NSR for a density transfer,  
19 the Planning Department must have verified that the density transfer proposed is authorized by this  
20 subsection. The NSR shall explicitly state the square footage of the providing lot, and the maximum  
21 number of residential units and the maximum gross square footage of non-residential uses that are  
22 being forgone on the providing lot and transferred to the receiving lot or lots. If density is being  
23 distributed between more than one lot, the NSR shall explicitly state how much density each lot is  
24 receiving. The NSR must also explicitly state that by transferring density, the providing lot is foregoing  
25 all rights to develop on the providing lot the number of units and amount of non-residential square

1 footage transferred. In all cases, lots receiving density transfers will continue to be subject to all  
2 relevant controls and guidelines notwithstanding new maximum allowed density. The NSR  
3 memorializing the transfer must be approved as to form by the City Attorney.

4 (5). Family Size Units. Section 207.6 applies to lots within the SUD.

5 (6). Harney Way Setback: No building shall be built on the southern side of the Harney  
6 setback line as shown on Figure 249.54(A) and described in the detailed description of the Harney Way  
7 setback line on file with the Clerk of the Board of Supervisors in File No. 110625. Residential  
8 and non-residential densities that would have otherwise been allowed south of the setback line may be  
9 applied to other portions of the lot or transferred to other lots within the SUD pursuant to Section  
10 249.54(c)(4).

11 (7). Site Coverage. Rear yard provisions of Planning Code Section 134 do not apply. The  
12 maximum site coverage of any building is 75 percent of the site area as measured at the grade level of  
13 the building's main pedestrian entry and at each succeeding level or story of the building. The site  
14 area used to create new publicly accessible streets, will be credited toward the area required to be  
15 unbuilt when calculating the site coverage. The location of proposed new publicly accessible streets  
16 and resulting new formulated blocks are shown in Figure 249.54(B).

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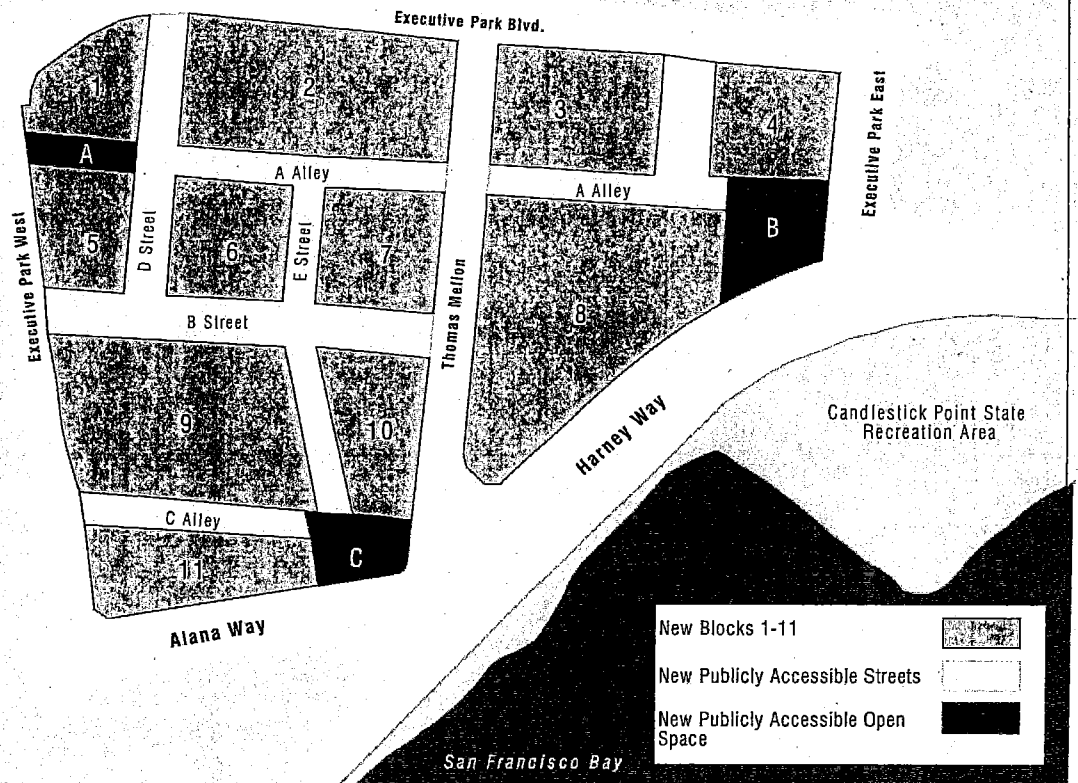
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**Figure 249.54(B)**

Note: figure diagrammatic  
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(8). Open Space: For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in Section 135, except where modified through Design Review under Section 309.2. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in 135(h) and (i) of this Code, except that in the case of new publicly accessible streets, "publicly accessible open space" does not include the curb-to-curb area that is open to vehicles and includes only the sidewalk area. At least 36 square feet of open space per dwelling unit must be provided on-site. Exceptions to this requirement may be sought through the Section 309.2 approval



1 process. For purposes of this Section "on-site" means the area within the new formulated blocks  
2 shown in Figure 249.54(B). On-site includes setback area, but not areas used to create new publicly  
3 accessible streets.

4 (9). Obstructions. Provisions in the Executive Park Design Guidelines shall be used in-lieu  
5 of Planning Code Section 136 in determining allowable obstructions.

6 (10). Off-Street Parking. The minimum off-street parking requirements set forth in Section  
7 151 shall not apply. However, for the purpose of determining the maximum amount of parking allowed  
8 as an accessory use under Section 204.5, the amount of parking required by this Code shall be the  
9 amount specified in Section 151 for the use or activity.

10 (11). Parking Location in Building. Parking shall be located below the grade of the floor of  
11 the main pedestrian entrance to the building, with exceptions for (A) parking ingress and egress, and  
12 (B) parking spaces dedicated to car sharing, vanpools, and handicap accessible parking spaces.  
13 Notwithstanding the above, for sloping lots, building floor dedicated to parking may be partially above  
14 grade, if fully wrapped with active uses as defined by Planning Code Section 145.1.

15 (12). Off-street Loading. Off-street loading pursuant to Section 152 through 152.2 is not  
16 required. There is no limit to the number of allowed loading spaces as long as loading facilities meet  
17 the Executive Park Design Guidelines.

18 (13). Car Sharing. The car sharing provisions of Planning Code Section 166 shall apply to  
19 lots within the SUD.

20 (14). Signs. Sign controls for NC-2 Districts shall apply to the SUD in-lieu of sign controls  
21 for the underlying use district.

22 (15). Streetscape and other Infrastructure Improvements.

23 (A) General Requirements For New Publicly Accessible Streets and Improvements to  
24 Existing Streets. For each building or phase of development, all bordering streets, including proposed  
25 new publicly accessible streets as shown on Figure 249.54(B), shall be fully improved for the entire

1 width of the right-of-way consistent with the Executive Park Subarea Plan and the Executive Park  
2 Design Guidelines. If a proposed building or phase does not directly connect with Thomas Mellon  
3 Drive, Executive Park Boulevard West, Executive Park Boulevard North or Executive Park Boulevard  
4 East, construction of the building or phase must also include right-of-way improvements leading to at  
5 least one of these streets. Said improvements must be completed and operational prior to the issuance  
6 of the first certificate of occupancy, whether temporary or final ("the time of occupancy"), as required  
7 by the conditions of approval for each building or phase of development.

8 (B) General Requirements for New Publicly Accessible Open Space. To provide adequate  
9 public open space, the Executive Park Subarea Plan and Executive Park Design Guidelines identify  
10 three new public open space areas in the SUD as shown in Figure 249.54(B). For any building or  
11 phase of development that is immediately adjacent to any of the three identified open spaces in the SUD  
12 as shown in Figure 249.54(B), the construction of the open space shall be completed to the satisfaction  
13 of the City prior to the issuance of any temporary or final certificate of occupancy. This requirement  
14 applies to the first such building or phase of development adjacent to the open space.

15 (C) Planning Commission approval of a building or phase under Section 309.2 shall  
16 incorporate conditions for each building or phase that clearly identifies which portions of the publicly  
17 accessible streets and open space in Figure 249.54(B) will be constructed pursuant to Subsections (A)  
18 and (B) above.

19 The Planning Commission may make exceptions to these General Requirements in formulating  
20 the related conditions of approval in extraordinary circumstances, such as but not limited to:(1) a  
21 subject right-of-way or open space is wholly or partially on a property under different ownership; or  
22 (2) strict adherence to the delivery schedule pursuant to the General Requirements would require a  
23 portion of a newly constructed right-of-way or open space to be demolished and reconstructed within  
24 two years given construction phasing.

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1 In making such exceptions, the Planning Commission shall include conditions that will assure  
2 either of the following: (1) that the delivery of open space or right-of-way improvements otherwise  
3 generally required at the time of occupancy be delivered no more than two years after said occupancy  
4 as guaranteed by a letter of credit acceptable to the City Attorney's Office or other instrument  
5 providing a similar level of guarantee acceptable to the City Attorney's Office; or (2) delivery of other  
6 public improvements as described in the Executive Park Subarea Plan of equal or greater value at the  
7 time of occupancy of the related build or phase of development.

8 (D) Street improvements must comply with any applicable provisions of the San Francisco  
9 Charter or municipal code and adopted implementing regulations, including, without limitation, those  
10 contained in the City's Subdivision Code and Public Works Code regarding street lighting, sidewalk  
11 paving, stormwater management, landscaping and design of public structures.

12 (E) Conditions of approval of a building or phase within the SUD shall require the abutting  
13 property owner or owners to hold harmless the City and County of San Francisco, its officers, agents,  
14 and employees, from any damage or injury caused by reason of the design, construction or  
15 maintenance of the improvements, and shall require the owner(s) and their successors and assigns of  
16 the respective property to be solely liable for any damage or loss occasioned by any act.

17 (F) Project Sponsors shall apply for all required permits for changes to the legislated  
18 sidewalk widths and street improvements and pay all required fees.

19 Section 3. The San Francisco Planning Code is hereby amended by adding Section  
20 263.27, to read as follows:

21 SEC. 263.27. SPECIAL EXCEPTIONS; EXECUTIVE PARK SPECIAL USE DISTRICT AND  
22 THE 65/240 EP HEIGHT AND BULK DISTRICT.

23 (a) Boundaries of the 65/240 EP Height and Bulk District. The boundaries of the EP  
24 Height and Bulk District are set forth in Sectional Map HT10.

25 ///

1           **(b) Controls.** In the 65/240 EP Height and Bulk District, height and bulk limitations are as  
2 follows:

3           **(1)** There are no bulk limits for portions of buildings below 85 feet in height. Other design  
4 requirements pursuant to the Executive Park Design Guidelines, as established by Planning  
5 Commission Resolution 18352, including but not limited to design requirements related to modulating  
6 building mass, among other topics, shall apply. The Executive Park Design Guidelines are on file with  
7 the Clerk of the Board of Supervisors in File No. 110626 and incorporated into this Section by  
8 this reference. The Executive Park Design Guidelines also are on file with the Planning Department in  
9 File No. 2006.0422EMUTZ.

10           **(2)** Conditional Use for buildings taller than 40-feet in an "R" District is not required for lots  
11 within this Special Use District.

12           **(3)** Height is limited to 65 feet with the following exceptions:

13           **(A)** Buildings throughout the 65/240 EP Height and Bulk District may be built an additional  
14 three feet in height to 68 feet if the additional three feet in height is added to the ground floor relative  
15 to ground floor heights otherwise required by the Planning Code.

16           **(B)** Building frontages along Harney Way, or the Harney Way setback line as shown on  
17 Figure 263.27(A), and along Alana Way, may be built to 85 feet measured for a depth of 70 feet  
18 relative to the front of the buildable area of the lot. Buildings or portions of buildings on any  
19 remaining portion of a lot along Harney Way or Alana Way are limited to a height of 65 feet (or 68  
20 feet if otherwise allowed by this section), measured from the upper elevation of the portion of the lot  
21 beyond a depth of 70 feet from the front of the buildable area of the lot.

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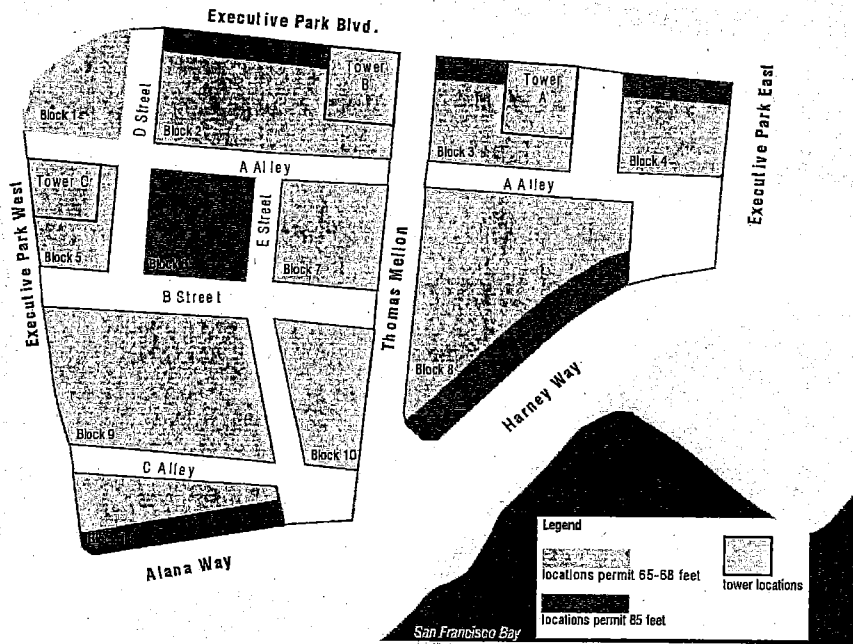
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**Figure 263.27(A)**

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(C) Buildings along Executive Park North may be built to 85 feet, measured from the Executive Park North curb for a depth of 70 feet from the front of the buildable area of the lot.

(D) For Assessor's Block 4991, Lot 075, buildings may be built to a height of 85 feet on the portion of the lot identified as new Block "6" as shown in Figure 263.27(A), the northwest corner of which is located approximately 190 feet east of Executive Park West and 215 feet south of Executive Park North and has a rectangular dimension of approximately 165 feet in the north-south direction and 155 feet in the east-west direction. Upper story setbacks from public rights-of-way are required in accordance with the Executive Park Design Guidelines.

1           (4) Towers: : Three towers (buildings taller than 85 feet) are allowed within the EP Height  
2 and Bulk District as described below:

3           (A) Tower A:

4                       Location:     Block 4991, Lot 085. The northeast corner of the tower must be  
5 located at the corner of Executive Park North and the new publicly accessible street and must front  
6 directly onto Executive Park North, as shown on Figure 263.27(A).

7                       Height:                     240 feet

8                       Separation:               150-feet from other towers

9                       Plan Length Maximum:   110 feet

10                      Plan Diagonal Maximum: 150-feet

11                      Floor Plan Maximum     10,000 square feet of gross floor area

12                      Orientation:               The longer plan dimension of the tower must be  
13 perpendicular to Executive Park North.

14           (B) Tower B:

15                      Location:     Block 4991, Lot 086. The tower must be located at the northwest  
16 corner of the lot fronting both Executive Park North and Thomas Mellon Circle as shown on Figure  
17 263.27(A).

18                      Height:                     200 feet

19                      Separation:               150 feet from other towers

20                      Plan Length:               110 feet

21                      Plan Diagonal:            150 feet

22                      Floor Plan Maximum:     10,000 square feet of gross floor area

23                      Orientation:               The longer plan dimension of the tower must be  
24 perpendicular to Executive Park North.

25           (C) Tower C:

Location: Block 4991, Lot 075. The northwest corner of the tower must be located 20-feet south along Executive Park West from the northwest corner of the subject lot.

Height: 170 feet

Separation: 150 feet from other towers

Plan Length: 125 feet

Plan Diagonal 150 feet

Floor Plan Maximum: 10,500 square feet of gross floor area

Section 4. The San Francisco Planning Code is hereby amended by amending Table 270, to read as follows:

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	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200

1	I	150	170	200
2	J	40	250	300
3	K	60	250	300
4	L	80	250	300
5	M	100	250	300
6	N	40	50	100
7	R	This table not applicable. But see Section 270(e).		
8	R-2	This table not applicable. But see Section 270(f).		
9	V		110	140
10	V	* At setback height established pursuant to Section 253.2.		
11	OS	See Section 290.		
12	S	This table not applicable. But see Section 270(d).		
13	T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
14	X	This table not applicable. But see Section 260(a)(3).		
15	TB	This table not applicable. But see Section 263.18.		
16	CP	This table not applicable. But see Section 263.24.		
17	HP	This table not applicable. But see Section 263.25.		
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1 EP

This table not applicable. But see Section 263.27.

2  
3 Section 5. The San Francisco Planning Code is hereby amended by adding Section  
4 309.2, to read as follows:

5 Section – 309.2 Permit Review in the Executive Park Special Use District

6 The provisions and procedures set forth in Section 309.1, applicable in Downtown Residential  
7 Districts, shall also apply in the Executive Park Special Use District (SUD) to achieve the objectives  
8 and policies of the General Plan and the purposes of this Code, including but not limited to Section  
9 249.54 and Section 263.27, except that Section 309.2(a) and (b) shall apply instead of the provisions in  
10 Section 309.1(a) and (b), the provisions of Section 309.1(c) are modified as provided in Section  
11 309.2(c) and Section 309.1(e) is inapplicable in the SUD.

12 (a) Design Review.

13 (1) In addition to the standard permit review process, the design of projects for all new  
14 construction shall be subject to design review and approval by Department staff. A detailed design  
15 review will be initiated by Department staff working with the project sponsor, at the time an application  
16 for Section 309.2 review or building permit is filed, and may take place in advance of filing a building  
17 permit application. This comprehensive review shall resolve issues related to the project's design,  
18 including the following:

19 (A) Overall building massing and scale;

20 (B) Architectural treatments, façade design and building materials;

21 (C) The design of lower floors, including building setback areas, townhouse-style units and  
22 entries, and parking and loading access;

23 (D) The provision of required open space, both on- and off-site;

24 (E) Streetscape and other public improvements, including tree planting, street furniture, and  
25 lighting and adherence to all relevant regulations, plans and guidelines;

1 (F) Circulation, including streets, alleys and mid-block pedestrian pathways.

2 (2) For review of projects that include retail space as specified in Planning Code Section  
3 281 of 10,000 gross square feet or more, the Commission shall consider the criteria in Section  
4 121.2(a)(1) – (3).

5 (3) Other changes necessary to bring a project into conformance with the Executive Park  
6 Subarea Plan of the Bayview Hunters Point Area Plan, approved by the Board of Supervisors on  
7 \_\_\_\_\_ , the Executive Park Design Guidelines, approved by the Planning Commission  
8 by Resolution No. 18352 and incorporated by this reference into this Section, and other elements and  
9 area plans of the General Plan. If the project sponsor opposes project modifications and conditions  
10 recommended by the Director of Planning pursuant to the design review, the Director shall prepare a  
11 report of recommended modifications which shall be presented to the Planning Commission for a  
12 hearing pursuant to Subsection (c) and which shall be available to the public upon mail notification of  
13 said hearing.

14 (b) Exceptions.

15 (1) Exceptions to the following provisions of this Code may be granted as provided for  
16 below:

17 (A) Reductions in the dwelling unit exposure requirements of Section 140.

18 (B) Modification from dimension and exposure requirements for site open space  
19 requirements.

20 (C) Reduction of required on-site residential open space of 36 square feet per unit described  
21 in Section 249.54 to create additional off-site publicly-accessible open space and superior building  
22 design.

23 (D) Design, location, and size of publicly-accessible open space as allowed by Section  
24 249.53 and equivalence of proposed publicly-accessible open space in size and quality with required  
25 on-site open space.

1           (E) Minor deviations from the provisions for measurement of height in Sections 260 of the  
2 Code as otherwise provided in Section 304(d)(6), in cases where the Planning Commission finds that  
3 such minor measurement modification is necessary for a project of outstanding overall design,  
4 complementary to the design of the surrounding area, and necessary to meet the intent and policies of  
5 the relevant area plan of the General Plan.

6           (c) Hearing and Determination on Design Modifications and Applications for Exceptions.  
7 The provisions and procedures in Section 309.1(c) shall apply with the following modifications:

8           (1) Hearing. The Planning Commission shall hold a public hearing for all projects  
9 involving new construction and projects involving the establishment of retail uses of 10,000 gross  
10 square feet or more.

11           (2) Notice of Hearing. Notice of such hearings shall follow all notice and posting provisions  
12 for Hearings for Conditional Use authorizations for properties within NC Districts.

13           (3) Director's Recommendations on Modifications and Exceptions. At the hearing, the  
14 Director of Planning shall review for the Commission key urban design issues related to the project  
15 based on the design review pursuant to Subsection (a) and recommend to the Commission  
16 modifications to the project and conditions for approval as necessary. The Director shall also make  
17 recommendations to the Commission on any proposed exceptions pursuant to Subsection (b).

18           (4) Decision and Imposition of Conditions. If pursuant to the provisions of Section  
19 309.1(c), the Planning Commission determines that conditions should be imposed on the approval of a  
20 building or site permit application or an application for exceptions to conform the building to the  
21 standards and intent of the Executive Park Subarea Plan and other elements of the General Plan and  
22 the applicant agrees to comply, the Commission may approve the application subject to those  
23 conditions.


24           Section 5. This section is uncodified.

25           In enacting this Ordinance, the Board intends to amend only those words, phrases,

1 paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams or any  
2 other constituent part of the Planning Code that are explicitly shown in this legislation as  
3 additions, deletions, Board amendment additions, and Board amendment deletions in  
4 accordance with the "Note" that appears under the official title of the legislation. This  
5 Ordinance shall not be construed to effectuate any unintended amendments. Any additions or  
6 deletions not explicitly shown as described above, omissions, or other technical and non-  
7 substantive differences between this Ordinance and the Planning Code that are contained in  
8 this legislation are purely accidental and shall not effectuate an amendment to the Planning  
9 Code. The Board hereby authorizes the City Attorney, in consultation with the Clerk and other  
10 affected City departments, to make those necessary adjustments to the published Planning  
11 Code, including non-substantive changes such as renumbering or relettering, to ensure that  
12 the published version of the Planning Code is consistent with the laws that this Board enacts.

13  
14 Specifically, the Board of Supervisors recognizes that pending ordinances in Files Nos.  
15 110624 and 110626 amend one of the same sections of the Planning Code  
16 amended by this Ordinance. The Board intends that, if adopted, the Board amendment  
17 additions, and Board amendment deletions shown in all three Ordinances be given effect so  
18 that the substance of each ordinance be given full force and effect. To this end, the Board  
19 directs the City Attorney's office and the publisher to harmonize the provisions of each  
20 ordinance.

21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By:   
24 Elaine C. Warren  
25 Deputy City Attorney

## LEGISLATIVE DIGEST

[Planning Code - Zoning - Executive Park Special Use District, Special Height and Bulk Provisions, and Permit Review Procedures]

**Ordinance amending the San Francisco Planning Code by adding Section 249.54 to establish the Executive Park Special Use District; adding Section 263.27 to establish Special Height Provisions for the Executive Park Special Use District and the 65/240 EP Height and Bulk District; amending Table 270 to provide that the Table is not applicable to the Executive Park Special Use District; and adding Section 309.2 to establish Permit Review Procedures in the Executive Park Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

### Existing Law

Article 2 of the Planning Code provides for various Use districts in the City and County of San Francisco; Sections 249.1 *et seq.* establish various Special Use Districts. Article 2.5 provides for various San Francisco Height and Bulk Districts and establishes review procedures and measurement methods for height and bulk; Sections 263 *et seq.* set forth Special Exceptions for various Height and Bulk Districts.

### Amendments to Current Law

This ordinance will add Sections 249.54 and 263.27 to the Planning Code to establish, respectively, the Executive Park Special Use District and the 65/240 EP Height and Bulk District. Section 263.27 also establishes Special Exceptions related to height and bulk for the Special Use District. Table 270 (Bulk Limits) is amended to refer to the new Special Height and Bulk District. This ordinance also adds Section 309.2 to establish permit review procedures for the Executive Park Special Use District.

### Background Information

Executive Park is a 71 acre area in the southeastern part of the City located east of Highway 101 and generally bounded on the south and north by San Francisco Bay and Bayview Hill. The Executive Park Special Use District comprises approximately 15 acres in the Executive Park Subarea Plan area of the General Plan that contains an existing office park. Other areas of Executive Park have been or are being developed for residential uses. The Executive Park Special Use District is generally bounded on the north and east, respectively, by Executive Park North and Executive Park East, on the west by Highway 101 and on the south by Harney Way. This ordinance is part of a package of amendments to the General Plan, the Zoning Map and the Planning Code that will facilitate the transition of the existing office park to a medium to high density, mixed-use, predominately residential area.





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18353

HEARING DATE: MAY 5, 2011

*Date:* April 21, 2011  
*Case No.:* 2006.0422EMUTZ  
*Project:* Executive Park Planning Code Text Amendment  
*Location:* Highway 101 and Harney Way  
*Staff Contact:* Mat Snyder – (415) 575-6891  
mathew.snyder@sfgov.org  
*Recommendation:* Approve Amendments

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

APPROVING AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE BY ESTABLISHING THE EXECUTIVE PARK SPECIAL USE DISTRICT, THE 65/240-EP HEIGHT AND BULK DISTRICT, AND PLANNING CODE SECTION 309.2 REGARDING REVIEW PROCEDURES FOR PROJECTS WITHIN THE EXECUTIVE PARK SPECIAL USE DISTRICT MAKING VARIOUS FINDINGS, INCLUDING CEQA FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco provides to the Planning Commission the opportunity to periodically recommend Planning Code Text Amendments to the Board of Supervisors; and

On May 11, 2006, Universal Paragon Inc. (Project Sponsor) and on March 22, 2006 Yerby Corporation (Project Sponsor) submitted applications to jointly amend the Planning Code. In working with the Project Sponsors, the Planning Department is proposing amendment to the Planning Code by adding Planning Code Section 249.54 to establish the Executive Park Special Use District, Planning Code Section 263.27 and Planning Section to establish the 65/240-EP Height and Bulk District and controls thereto, and Planning Code Section 309.2, "Permit Review in Executive Park".

This Zoning Text Amendment application is part of a larger project that includes three components: (1) a development project sponsored by UPC that would include up to 1,100 dwelling units, approximately 70,000 gross square feet of retail, and approximately 1,677 off-street parking spaces (2) a development project sponsored by Yerby that would include up to 500 dwelling units and approximately 750 off-street parking spaces; and (3) General Plan amendments along with Planning Code Map and subject Text amendments.

The history of Executive Park in its current form starts in the mid 1970s. In 1976, the Planning Commission certified the San Francisco Executive Park Final EIR which analyzed a project that included 833,000 square feet of office space, 174,000 square feet of hotel/meeting space and 75,000 square feet of retail space (about 1,100,000 square feet in total), plus 3,900 parking spaces. At the time, Amendments were made to the South Bayshore Plan to allow commercial uses at the location. In 1978, a master

development plan ("1978 Development Plan") was created to guide development based on the Project analyzed in the 1976 EIR.

In 1980 and 1981, the Planning Commission approved minor changes to the 1978 Development Plan, which slightly altered the locations and amounts of the various land uses. The City issued permits for the construction of four office buildings and a restaurant under the 1978 Development Plan; three of the office buildings had been constructed by 1985 (OB-1, OB-2 and OB-3), for a total of about 307,600 square feet of office space and 2,500 square feet of retail space. The fourth office building and the restaurant were not constructed.

In 1985, following certification of a subsequent environmental impact report, the Planning Commission approved a Planned Unit Development that revised the 1978 Development Plan that, when combined with the four office buildings and restaurant previously approved, provided for 1,644,000 square feet of office space, 234,000 square feet of hotel, 50,000 square feet of retail/restaurant space and 600 residential units, plus about 5,300 parking spaces. At the same time, the Executive Park Subarea Plan was established as part of the South Bayshore Area Plan to memorialize the development program and urban form through a General Plan Amendment. Related Planning Code Map amendments were also approved.

In 1992, the developer sought and obtained a further revision to the 1985 Planned Unit Development. This revision added 25,000 square feet of health club space, 10,000 square feet of child care space and an additional 10,000 square feet of restaurant space and increased the square footage of residential use but not the unit count. Five residential buildings, located in the eastern portion of the site, containing 304 units and 517 parking spaces have been constructed under this development proposal by TopVision. ("TopVision Phases I and II"). Minor General Plan amendments were approved in conjunction with this approval.

In 1999, the Planning Commission certified a supplemental environmental impact report, and in 2000, approved a Planned Unit Development that extended and modified the prior 1985 Planned Unit Development authorization by including a residential variant, which provided for some additional residential development in the northwestern portion of the site. Amendments to the Executive Park Subarea Plan that replaced all of the Plan's figures and added text were adopted in conjunction with these approvals. The general land use program remained the same.

In 2005, Signature Properties development project was approved under a separate PUD for the northwestern portion of the Subarea Plan Area. Nearing completion, it will include up to 450 residential units, 14,000 square feet of retail space, and 588 parking spaces when built-out. Amendments to the Executive Park Subarea Plan were adopted as a part of this Planned Unit Development authorization.

In 2007 TopVision obtained approval under the 2000 Approved Development Plan for a Phase III development, which includes 465 units and about 776 parking spaces north of existing TopVision Phases I and II residential buildings on the eastern portion of the Subarea Plan Area.

Existing and approved development projects in the Executive Park Subarea Plan Area currently include up to approximately 1,220 residential units, 307,600 square feet of office space in OB-1, OB-2 and OB-3, 17,400 square feet of retail and restaurant space, 2,013 residential parking spaces and 830 office parking spaces.

Yerby has applied for approval to demolish OB-1 and replace it with a mixed use, predominantly residential development of up to 500 dwelling units and 750 subsurface parking spaces, and Universal



Paragon Corporation ("UPC") has applied for approval to demolish OB-2 and OB-3 and replace them with up to 1,100 residential units and 1,677 subsurface parking spaces. These projects will require amendment of the Executive Park Subarea Plan and related amendments to the Zoning Map and Planning Code. The proposed General Plan amendments would apply to the entire 71-acre Executive Park Subarea Plan Area, be consistent with existing development and approvals, and provide for the transition of the existing office park development within a 14.5 acre southern portion of the Subarea Plan Area (the Yerby and UPC development sites) to a new, primarily residential area with 1,600 additional residential units and about 73,000 gsf retail. These projects would complete the build-out of the Subarea Plan Area and accomplish its transition from the office park first approved in 1976 to a new mixed-use, predominantly residential neighborhood.

Since 2006, proposed amendments to the Executive Park Subarea Plan and the development proposals of Yerby and UPC have been reviewed in public meetings by the Bayview Hunters Point community, the Visitacion Valley community, the Little Hollywood community and other stakeholders, including at meetings held before the Executive Park Citizens Advisory Committee, a body composed of property owners of Executive Park, the Bayview Hunters Point Redevelopment Project Area Committee, and the Visitacion Valley Planning Alliance.

On April 7, 2011, pursuant to Planning Code section 302(b) and the Commission initiated the Planning Code text amendments by Resolution No. 18311, including amendments that add Section 249.54 for the Executive Park Special Use District, Section 263.27 that height and bulk provisions for the Executive Park SUD, and Section 309.2 that add design review provisions for the Executive Park SUD; and scheduled a public hearing to consider the amendments; and

On May 5, 2011, by Motion No. 18350, the Commission certified the Final Environmental Impact Report ("FEIR") as accurate, complete and in compliance with the California Environmental Quality Act ("CEQA"); and

On May 5, 2011, by Resolution No. 18351, the Commission adopted findings in connection with its consideration of, among other things, the adoption of amendments to the Executive Park Subarea Plan and related zoning text and map amendments, under CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and made certain findings in connection therewith, which findings are hereby incorporated herein by this reference as if fully set forth; and

A draft ordinance, substantially in the form attached hereto as Exhibit A, approved as to form, would amend the Planning Code by adding Section 249.54, Section 263.27, and Section 309.2.

**NOW THEREFORE BE IN RESOLVED**, That the Planning Commission hereby finds that the Planning Code text amendments promote the public welfare, convenience and necessity for the following reasons:

1. The Planning Code text amendments would enable the creation of a mixed-use predominately residential project that would include upwards of 1,600 additional units of housing on a portion of the Executive Park site that features an underutilized insular suburban-style office park that effectively cuts off the rest of the City from the adjacent shoreline.
2. The amendments include Planning Code provisions that promote vibrant high-density, mixed-use, multi-modal and transit oriented development as a means to fully realize its shoreline location and to help connect and integrate adjacent neighborhoods.

3. The amendments will accommodate development that will, in turn, support development that will provide employment opportunities in construction, residential property management and operation, and related retail and services .
4. The Planning Code text amendments include provisions that will require adherence to newly created Design Guidelines that will assure a high quality public realm and street network.
5. The Planning Code text amendments anticipate future improvements to regional transportation infrastructure thereby providing a framework where future development will appropriately interface with expected future infrastructure..
6. The Planning text amendments, and by extension the Design Guidelines, include provisions that will new streets designed for multiple modes of transport, emphasizing travel by foot and by bicycle.

**AND BE IT FURTHER RESOLVED**, That the Planning Commission finds the Planning Code amendments are in general conformity with the General Plan, and Planning Code section 101.1(b) pursuant to Planning Commission Resolution No. 18352. The findings attached to Resolution No18352 as Exhibit B, are hereby incorporated herein by this reference as if fully set forth.

**AND BE IT FURTHER RESOLVED**, That pursuant to Planning Code Section 302, the Planning Commission recommends to the Board of Supervisors **approval** the Planning Code Text amendments.

**AND BE IT FURTHER RESOLVED**, The Commission has considered a proposal to move the tower closest to the Highway one parcel to the East. The Commission urges the Board to request the Department to study such a proposal under CEQA and, if feasible with no more than an addendum to the Environmental Impact Report, to consider such an amendment at the Board. The Commission has considered this issue for purposes of Planning Code Section 302(d).

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on May 5, 2011.

Jonas Ionin  
Acting Commission Secretary

AYES: President Olague, Commissioners Miguel, Antonini, Borden, Moore, Suguya, and Fung

NOES:

ABSENT: