

1 [Planning Code - Port of San Francisco Waterfront Plan Update]

2

3 **Ordinance amending the Planning Code to revise certain Waterfront Special Use**  
4 **District controls and to add Waterfront Special Use District No. 4 covering areas east of**  
5 **the Mission Bay and Southern Waterfront areas; and making environmental findings,**  
6 **including adopting a statement of overriding considerations, and findings of**  
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
8 **Section 101.1, and findings of public necessity, convenience, and welfare under**  
9 **Planning Code, Section 302.**

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

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

18 Section 1. Environmental and Planning Code Findings.

19 (a) On March 16, 2023, after a duly noticed public hearing, the Planning  
20 Commission, by Motion No. 21277, certified the Final Environmental Impact  
21 Report (EIR) for the Port of San Francisco's Waterfront Plan (the Project), which updates and  
22 amends the Port's 1997 Waterfront Land Use Plan and sets long term goals and policies to  
23 guide the use, management, and improvement of properties owned and managed by the Port.  
24 The Planning Commission motion finds that the Final EIR reflects the independent judgment  
25 and analysis of the City and County of San Francisco, is adequate, accurate and objective,  
contains no significant revisions to the Draft EIR, and the content of the report and the

1 procedures through which the Final EIR was prepared, publicized, and reviewed comply with  
2 the provisions of the California Environmental Quality Act (California Public Resources Code  
3 Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.),  
4 and Chapter 31 of the San Francisco Administrative Code. Copies of the Planning  
5 Commission Motion and Final EIR are on file with the Clerk of the Board of Supervisors in File  
6 No. 230503 and are incorporated herein by reference. The Board affirms this  
7 determination.

8 (b) The Project evaluated in the Final EIR includes the proposed amendments to the  
9 Planning Code set forth in this ordinance as well as amendments to the General Plan and the  
10 Zoning Map. The proposed Planning Code amendments set forth in this ordinance are within  
11 the scope of the Project evaluated in the Final EIR.

12 (c) On April 5, 2023, the Planning Department published Addendum No. 1 to the Final  
13 EIR (the "Addendum"), and determined that the additional information in Addendum No. 1  
14 does not change the analyses and conclusions presented in the FEIR. The Addendum  
15 provides additional language to clarify the CEQA review process for subsequent projects. The  
16 Addendum is on file with the Clerk of the Board of Supervisors in File No. 230501 and is  
17 incorporated herein by reference. The Board affirms this determination; and

18 (ed) On April 11, 2023, the Port Commission, in Resolution~~Motion~~ No.  
19 23-15, adopted findings under CEQA regarding the Project's environmental  
20 impacts, the disposition of mitigation measures, and project alternatives, as well as a  
21 statement of overriding considerations (CEQA Findings), and adopted a mitigation monitoring  
22 reporting program (MMRP). A copy of said Motion is on file with the Clerk of the Board of  
23 Supervisors in File No. 230503, and is incorporated herein by reference.

24 (de) On April 20, 2023, the Planning Commission, in Resolution~~Motion~~  
25 No. 21304, adopted findings under CEQA regarding the Project's environmental

1 impacts, the disposition of mitigation measures, and project alternatives, as well as a  
2 statement of overriding considerations (CEQA Findings) and adopted a mitigation monitoring  
3 reporting program (MMRP). A copy of said Motion is on file with the Clerk of the Board of  
4 Supervisors in File No. \_\_\_\_\_230503, and is incorporated herein by reference.

5 (ef) On \_\_\_\_\_April 20, 2023, the Planning Commission, in Resolution No.  
6 \_\_\_\_\_21304, recommended the proposed Planning Code amendments for approval  
7 and adopted findings that the actions contemplated in this ordinance are consistent, on  
8 balance, with the City's General Plan and eight priority policies of Planning Code Section  
9 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with  
10 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_230503, and is incorporated  
11 herein by reference.

12 (fg) On \_\_\_\_\_April 20, 2023, the Planning Commission, in Resolution No.  
13 \_\_\_\_\_21304, adopted findings under Planning Code section 302 that the actions  
14 contemplated in this ordinance will serve the public necessity, convenience, and welfare. The  
15 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
16 the Board of Supervisors in File No. \_\_\_\_\_230503, and is incorporated herein by  
17 reference.

18 (gh) The Board of Supervisors has reviewed and considered the Final EIR and the  
19 environmental documents on file referred to herein. The Board of Supervisors has reviewed  
20 and considered the CEQA Findings, and hereby adopts them as its own and incorporates  
21 them by reference as though such findings were fully set forth in this ordinance.

22 (hi) The Board of Supervisors adopts the MMRP as a condition of this approval, and  
23 endorses those mitigation measures that are under the jurisdiction of other City Departments,  
24 and recommends for adoption those mitigation measures that are enforceable by agencies  
25 other than City agencies, all as set forth in the CEQA Findings and MMRP.

1 (ij) The Board of Supervisors finds that since certification of the Final EIR no  
2 substantial changes have occurred in the proposed Project that would require revisions in the  
3 Final EIR due to the involvement of new significant environmental effects or a substantial  
4 increase in the severity of previously identified significant effects, no substantial changes have  
5 occurred with respect to the circumstances under which the proposed Project is to be  
6 undertaken that would require major revisions to the Final EIR due to the involvement of new  
7 environmental effects or a substantial increase in the severity of effects identified in the Final  
8 EIR, and no new information of substantial importance to the proposed Project has become  
9 available which indicates that (1) the Project will have significant effects not discussed in the  
10 Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation  
11 measure or alternatives found not feasible that would reduce one or more significant effects  
12 have become feasible, or (4) mitigation measures or alternatives that are considerably  
13 different from those in the Final EIR would substantially reduce one or more significant effects  
14 on the environment.

15

16 Section 2. Article 2 of the Planning Code is hereby amended by revising Sections 240,  
17 240.1, 240.2, and 240.3, and adding Section 240.4, as follows:

18 **SEC. 240. WATERFRONT SPECIAL USE DISTRICT.**

19 (a) **Purpose.** In order to provide for certain areas with unique natural and man-  
20 made physical characteristics, distinct historic and maritime character, special traffic, parking,  
21 and use considerations, recognized development potential, and proximity to residential,  
22 public, and commercial areas of regional, national, and international significance which should  
23 be protected from adverse adjacent development, there shall be ~~three~~four Waterfront Special  
24 Use Districts, Numbers 1, 2, ~~and 3,~~ and 4, as designated on Sectional Map~~s~~ No. 1 SU, 8 SU,  
25 and 9 SU\* of the Zoning Map. The original copy of said Sectional Map~~s~~ with these Special Use

1 Districts indicated thereon is on file with the Clerk of the Board of Supervisors under File No.  
2 171-70-4, pursuant to Ordinance No. 131-70 and subsequent amendments ~~thereunder File No.~~  
3 ~~\_\_\_\_\_~~. The provisions set forth in Sections 240.1 through ~~240.3~~240.4 shall apply, respectively,  
4 within these Special Use Districts, and shall be applicable to all property, whether public or  
5 private, including property under the jurisdiction of the San Francisco Port Commission.

6 (b) **State and Regional Land Use Controls.** Much of the property within Waterfront  
7 Special Use District Numbers 1, ~~and 3,~~ and 4 is subject to land use controls in addition to those  
8 set forth in this Code. Most of the land under the jurisdiction of the Port Commission is public  
9 trust land and is subject to use limitations as provided in California Statutes of 1968, Chapter  
10 1333, as amended (the "Burton Act") and the San Francisco Charter. In the event of a conflict  
11 between the provisions of the Burton Act and this Code, the State legislation prevails. A  
12 portion of the property under the Port Commission's jurisdiction is further subject to use  
13 limitations as provided in the California Government Code, Sections 66600 et seq. (the  
14 "McAteer-Petris Act"). The San Francisco Bay Conservation and Development Commission is  
15 responsible for implementing the provisions of the McAteer-Petris Act. Other property within  
16 ~~this~~these Waterfront Special Use Districts is subject to redevelopment plans adopted by the  
17 Board of Supervisors.

18 (c) **Waterfront Design Review Process.**

19 (1) In order to best achieve the public objectives that have been established in law  
20 and policy for the property under the jurisdiction of the Port Commission, a waterfront design  
21 review process is hereby established to review the urban design of new development on  
22 certain land under the Port Commission's jurisdiction within ~~the~~ Waterfront Special Use  
23 Districts Numbers 1, 3, and 4, consistent with applicable provisions of the Port's Waterfront ~~Land~~  
24 ~~Use Plan and its Waterfront Design and Access goals, objectives and criteria,~~ urban design, historic  
25 preservation, and public access goals, policies, and objectives, as provided below. The purpose of

1 the waterfront design review process is to identify and integrate the State, regional, and local  
2 objectives pertaining to the urban design of major, non-maritime development projects and  
3 proposed uses in order to optimize the public enjoyment and beneficial use of this public trust  
4 resource.

5 (2) The waterfront design review process shall be conducted by the Waterfront  
6 Design Advisory Committee (“Committee”), which shall consist of five members.~~a Design Advisory~~  
7 ~~Committee. The Mayor shall appoint a qualified professional urban planner or architect (general,~~  
8 ~~historic or landscape) who resides or works in San Francisco as one member.~~ The Director of  
9 Planning and the Director of the Port of San Francisco shall each appoint two members who  
10 are, consisting of (1) a senior member from their respective staffs and (2) a qualified professional  
11 urban planner<sub>s</sub> or architect<sub>s</sub> (general, historic, or landscape) who resides or works in San  
12 Francisco, and are not employed within their agency. In addition to these members, the Director of  
13 the Port shall also appoint one member who is a historic preservation professional who meets the  
14 Secretary of the Interior’s Professional Qualifications Standard. Port of San Francisco staff shall  
15 maintain Committee records and administrative procedures reflecting the roster, qualifications, and  
16 terms for each Committee member. ~~Of the original appointments, the Mayor’s appointment shall serve~~  
17 ~~for a four-year term and the Planning Director and Port Director shall each appoint one member for a~~  
18 ~~two-year term and one member for a four-year term. After expiration of the original terms, all~~  
19 ~~appointments shall be for four-year terms.~~ The Port Commission mayis granted the authority to  
20 increase the number of Committee members by adding representatives appointed by the  
21 Director of the Bay Conservation and Development Commission, if needed. The  
22 ~~Committee~~Design Advisory Committee shall select a chairperson from among its voting  
23 members, and shall establish rules and regulations for its own organization and procedure.  
24 The ~~Committee~~Committee may establish subcommittees to which it may assign Committee  
25

1 design review responsibilities. The Committee shall act by vote of a majority of those present  
2 at a meeting with a quorum of Committee members.

3 (3) The ~~Design Advisory~~ Committee shall review proposed projects to be developed  
4 on property of the Port of San Francisco, as set forth in Sections 240.1, 240.3, and ~~240.34~~ of  
5 this Code.

6 (4) The ~~Design Advisory~~ Committee shall be advisory to the Planning Department  
7 and Port of San Francisco, and shall provide its design recommendations to the Bay  
8 Conservation and Development Commission for proposed projects within its jurisdiction. The  
9 Port shall convene and provide staff assistance to the Committee and consult with the  
10 Committee on non-maritime development projects as set forth in this Code and at such other  
11 times as the Port deems appropriate.

12 ~~(5) The Planning Commission and the Port Commission shall hold a joint hearing within~~  
13 ~~two years from the date of adoption of this ordinance to evaluate the design review process and make~~  
14 ~~recommendations to the Board of Supervisors for its improvement.~~

15 (6~~5~~) The Committee shall hold a public hearing on a proposed project and make  
16 design recommendations to ensure that the urban design of the proposed project is consistent  
17 with applicable provisions of the Waterfront ~~Land Use~~ Plan's ~~Waterfront Design and Access goals,~~  
18 ~~objectives and criteria~~ urban design, historic preservation, and public access goals, policies, and  
19 objectives. ~~In addition to any other notice required by law,~~ the Committee shall provide public  
20 notice for this hearing by electronic mail to the applicant or other person or agency initiating  
21 the action and other parties who have requested ~~mailed notice of such hearing on the project in~~  
22 ~~writing~~ notice of such hearing on the project and submitted their contact information to the Port of San  
23 Francisco.

24 (7~~6~~) The Committee, as an advisory board, must review and consider any final  
25 environmental documents, or draft documents if final documents are not yet available,

1 prepared pursuant to the California Environmental Quality Act, before it makes its final  
2 recommendations.

3 (87) The determination of the Committee on urban design issues related to the  
4 proposed project shall be final as to those design issues, except as provided below. The  
5 Committee shall transmit the design recommendations to the Planning Department and Port,  
6 and to the Bay Conservation and Development Commission for proposed projects within  
7 BCDC's jurisdiction, within ~~five days~~ two weeks following the Committee action for  
8 consideration by those agencies prior to any action on the project.

9 (A) For a project that is permitted as a Principal Use, the Planning Commission  
10 ~~may~~, by majority vote within 14 days of receipt of the design recommendations of the  
11 Committee, make a determination to review the design recommendations. If the item cannot  
12 be calendared for Planning Commission consideration within that period due to a canceled  
13 meeting, the Commission may consider whether to review the design recommendations at its  
14 next available meeting. If the Planning Commission requests review, it shall conduct a public  
15 hearing on the matter within 14 days following its determination to review the design  
16 recommendations, if legally adequate environmental documents have been completed, or at  
17 its first public meeting after such documents have been completed, unless the Port Director  
18 agrees to a different date. At the request of the Port Director, the meeting shall be conducted  
19 as a joint public hearing of the Planning Commission and the Port Commission. The Planning  
20 Commission, by majority vote, may adopt, amend, or reject the design recommendations of  
21 the Committee, subject to the same standards and criteria that govern Committee decisions  
22 as provided in subsection (c)(~~56~~) above.

23 If the Port Commission accepts the design recommendations of the Committee  
24 or of the Planning Commission, the Port Commission shall incorporate the design  
25 recommendations into the Port action on the project.

1           If the Port Commission objects to or seeks to modify the design  
2 recommendations of the Committee, the Port Commission may request Planning Commission  
3 review of the design recommendations of the Committee. The Planning Commission shall  
4 schedule a public hearing and review the design recommendations of the Committee within  
5 20 days following receipt of the request, if legally adequate environmental documents have  
6 been completed, or at its first public meeting after such documents have been completed,  
7 unless the Port Director agrees to a different date. At the request of the Port Director, the  
8 meeting shall be conducted as a joint public hearing of the Planning Commission and the Port  
9 Commission.

10           If the Port Commission objects to or seeks to substantially modify design  
11 recommendations that have been approved by the Planning Commission as set forth above,  
12 the Port Commission may appeal the design recommendations to the Board of Supervisors  
13 pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section  
14 4.105 for appeals of Conditional Uses. The Board of Supervisors may disapprove the decision  
15 of the Commission by a vote of not less than two-thirds of the members of the Board.

16           (B) For a project that requires a conditional use authorization, the Director of  
17 Planning shall incorporate the design recommendations of the Committee on urban design  
18 issues related to the proposed project into the recommendation to the Planning Commission.  
19 The Director of Planning may recommend specific modifications to the Committee's design  
20 recommendations, in which case the Director's recommendation shall specify why the  
21 Committee's design recommendations should not be considered final. The Director of  
22 Planning shall schedule a public hearing before the Planning Commission within 30 days  
23 following receipt of the Committee's design recommendations, if legally adequate  
24 environmental documents have been completed, or at its first public meeting after such  
25 documents have been completed, unless the Port Director agrees to a different date.

1 (d) A project within a Waterfront Special Use District shall be reviewed under the  
2 ~~standards~~~~provisions~~ set forth in Sections 240.1 through 240.4 for the Waterfront Special Use  
3 District within which boundaries it is located, and shall not be considered, for review purposes  
4 under this Code, as including or being part of a project within an adjoining Waterfront Special  
5 Use District, notwithstanding the timing of development, the physical proximity or type of uses  
6 associated with any other such projects, or the applicant or other person or agency initiating  
7 the action.

8 **SEC. 240.1. WATERFRONT SPECIAL USE DISTRICT NO. 1.**

9 The following provisions shall apply within Waterfront Special Use District No. 1:

10 (a) **Accessory Uses Related to Maritime Uses.** A related minor use that is  
11 identified as an acceptable, existing, or interim land use in the Waterfront ~~Land Use~~ Plan  
12 adopted by the Port Commission and that is either necessary to the operation or enjoyment of  
13 a Maritime Use, as defined in Section 102 of this Code, or is appropriate, incidental, and  
14 subordinate to any such use, shall be permitted as an accessory use when located on the  
15 same lot, provided that the minor use does not ~~itself occupy~~~~involve the use of~~ more than one-  
16 third of the site area occupied by such minor use and the principal or conditional use to which  
17 it is accessory, except in the case of accessory off-street parking and loading.

18 (b) **Principal Uses shall include:**

19 (1) Maritime Uses as defined in Section 102 of this Code.

20 (2) Any use that is listed in this Code as a permitted use in the district established  
21 by Section 201 applicable to the particular property involved shall be permitted as a principal  
22 use if the use is identified as an acceptable, existing, or interim land use in the Waterfront  
23 ~~Land Use~~ Plan adopted by the Port Commission.

24 (c) **Conditional Uses** shall include any use that is listed in this Code as a  
25 conditional use in the district established by Section 201 applicable to the particular property

1 involved, provided that the use is identified as an acceptable, existing, or interim land use in  
2 the Waterfront ~~Land Use~~ Plan adopted by the Port Commission. The specific use or uses  
3 requiring a conditional use within a project, and not the project in its entirety, shall be subject  
4 to the provisions set forth in Section 303 and Article 3.5 of this Code and ~~§~~subsection (d),  
5 below.

6 (d) Any use, other than Maritime Uses defined in Section 102 of this Code, that is  
7 listed in this Code as a permitted use or conditional use in the use district established by  
8 Section 201 applicable to the particular property involved, that involves (1) new construction  
9 or (2) projects with lease terms longer than 10 years that include substantial exterior alterations  
10 visible from the street or other major public site, excluding minor changes including but not  
11 limited to maintenance, alterations, and repairs involving replacing features with similar  
12 features or adding similar features; restoration of preexisting conditions; and signs, awnings,  
13 or canopies, shall be subject to review of the urban design of the proposed use under the  
14 waterfront design review process, as provided under Section 240(c) of this Code.

15 (e) In considering any application in this special use district under Section 303 of  
16 this Code, the Planning Commission shall consider the following criteria in lieu of the criteria  
17 set forth in Section 303(c):

18 (1) That such use or feature as proposed is consistent with the Waterfront ~~Land~~  
19 ~~Use~~ Plan (~~WLUP~~) adopted by the Port Commission, including any amendments thereto which  
20 the Planning Commission has found to be consistent with the General Plan;

21 (2) That the design of such use or feature as proposed is consistent with the ~~WLUP~~  
22 ~~Waterfront Design and Access goals, policies, and criteria adopted by the Port Commission~~ Waterfront  
23 Plan urban design, historic preservation, and public access goals, policies, and objectives, including  
24 any amendments thereto which the Planning Commission has found to be consistent with the  
25 General Plan;

1 (3) Provision to the extent feasible, along the sea wall and along the perimeters of  
2 piers or platforms, of public access and of open spaces available for public use and suitable  
3 for viewing purposes or water-oriented recreation;

4 (4) Limitation of water coverage in the Northern Waterfront area from the Hyde  
5 Street Pier to Pier 46 so as not to exceed the degree of coverage by piers as existing ~~at the~~  
6 ~~effective date of this Section~~ as of February 16, 1998;

7 (5) Construction of new piers or platforms so that the water's edge shall be  
8 maintained at the sea wall where feasible;

9 (6) Provision or maintenance of view corridors along streets into the Bay, and of  
10 panoramic views, in accordance with the view policies of the Northeastern Waterfront Plan, a  
11 part of the General Plan; and

12 (7) Development over the water generally on piers or platforms rather than on fill.

13 (f) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in Section  
14 124(e) of this Code. To calculate the Floor Area Ratio on piers under the jurisdiction of the  
15 Port Commission, all building permit applications shall include a map of the lot or lease area  
16 with precise boundaries showing its location on the pier under consideration. The proposed lot  
17 shall be reviewed and approved as part of the building permit and be the basis for further  
18 alterations or expansions of the structure.

19 **SEC. 240.2. WATERFRONT SPECIAL USE DISTRICT NO. 2.**

20 The following provisions shall apply within Waterfront Special Use District No. 2:

21 (a) Industrial, commercial, and other operations directly related to the conduct of  
22 waterborne commerce or navigation shall be permitted as Principal Uses, except in residential  
23 zoning districts.

1 (b) A Hotel or Motel, if otherwise listed in this Code as a permitted use, shall be  
2 permitted only upon approval by the Planning Commission as a Conditional Use under  
3 Section 303 of this Code.

4 (c) An Automotive Service Station, if otherwise listed in this Code as a permitted use,  
5 shall be permitted only upon approval by the Planning Commission as a Conditional Use  
6 under Section 303 of this Code.

7 (d) Any building or use which provides a greater number of off-street parking spaces  
8 than required under Section 151 of this Code shall be permitted only upon approval by the  
9 Planning Commission as a ~~e~~Conditional ~~#~~Use under Section 303 of this Code; provided,  
10 however, that this subsection (d) shall not apply in any case where fewer than 10 such spaces  
11 are provided. Any building or use which provides 10 or more off-street parking spaces shall be  
12 permitted only upon approval by the Planning Commission as a Conditional Use under  
13 Section 303 of this Code.

14 *Any Use, whether Principal or Accessory, not screened from view from adjacent streets and*  
15 *other public areas, with the exception of accessory off-street parking areas for nine or fewer*  
16 *automobiles, shall be permitted only upon approval by the Planning Commission as a Conditional Use*  
17 *under Section 303 of this Code.*

18 \* \* \* \*

19 **SEC. 240.3. WATERFRONT SPECIAL USE DISTRICT NO. 3.**

20 The following provisions shall apply within Waterfront Special Use District No. 3:

21 (a) Industrial, commercial, and other operations directly related to the conduct of  
22 waterborne commerce or navigation shall be permitted as Principal Uses.

23 (b) A wholesale establishment conducted entirely within an enclosed building shall  
24 be permitted as a Principal Use.

1 (c) Any development on property not under the jurisdiction of the Port Commission  
2 which includes an area (excluding the area of public streets and alleys) of at least three acres  
3 shall be permitted only upon approval by the Planning Commission according to the  
4 procedures for conditional use approval in Section 303 of this Code. In considering any  
5 application for such a development under Section 303, the Planning Commission shall  
6 consider the following criteria in addition to those stated in Section 303(c):

7 (1) Conformance to the Northeastern Waterfront Plan, a part of the General Plan,  
8 including streets and roadways as indicated therein;

9 (2) Assurance of a general profile for development having higher portions near  
10 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

11 (3) Assurance of view corridors along public streets between Telegraph Hill or  
12 other inland areas and the waterfront and Bay;

13 (4) Provision of open spaces available to the public; and

14 (5) Adherence to the character of surrounding areas of the City.

15 (d) Any new development (*excluding alterations to existing development*) on property  
16 under the jurisdiction of the Port Commission *that requires a Port lease of more than 10 years,*  
17 ~~(excluding alterations to existing development) and which~~ includes an area ~~(excluding the area of~~  
18 ~~public streets and alleys)~~ of at least ½ acre ~~(excluding the area of public streets and alleys)~~ shall be  
19 subject to review of the urban design of the proposed use by the waterfront design review  
20 process, as provided under Section 240(c) of this Code.

21 (e) In considering any application for development on property under the jurisdiction  
22 of the Port Commission on which a specific use or uses require a conditional use, the specific  
23 use or uses requiring a conditional use within a project, and not the project in its entirety, shall  
24 be subject to the provisions set forth in Section 303 and Article 3.5 of this Code. The Planning  
25 Commission shall consider the following criteria in lieu of those stated in Section 303(c):

1 (1) That such use or feature as proposed is consistent with the Waterfront *Land*  
2 *Use Plan (WLUP)* and the design of the use is consistent with Waterfront Plan urban design, historic  
3 preservation, and public access ~~its WLUP Waterfront Design and Access~~ goals, policies, and  
4 objectives~~criteria~~, adopted by the Port Commission, including any amendments thereto which  
5 the Planning Commission has found to be consistent with the General Plan;

6 (2) Assurance of a general profile for development having higher portions near  
7 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

8 — ~~(3) [Reserved.]~~

9 (34) Assurance of view corridors along public streets between Telegraph Hill or  
10 other inland areas and the waterfront and Bay, in accordance with the view policies of the  
11 Northeastern Waterfront Plan, a part of the General Plan;

12 (45) Provision of open spaces available to the public consistent with the  
13 Waterfront Plan urban design and open space Design and Access goals, policies, and  
14 objectives~~criteria~~; and

15 (56) Adherence to the character of surrounding areas of the City.

16 (f) A Hotel or Motel, if otherwise listed in this Code as a Permitted Use, shall be  
17 permitted only upon approval by the Planning Commission as a Conditional Use under  
18 Section 303 of this Code.

19 (g) An Automotive Service Station, if otherwise listed in this Code as a Permitted  
20 Use, shall be permitted only upon approval by the Planning Commission as a Conditional Use  
21 under Section 303 of this Code.

22 (h) Any building or use which provides a greater number of off-street parking spaces  
23 than required under Section 151 of this Code shall be permitted only upon approval by the  
24 Planning Commission as a conditional use under Section 303 of this Code; provided,  
25 however, that this subsection (h) shall not apply (1) in any case where fewer than 10 such

1 spaces are provided, or (2) for property under the jurisdiction of the Port of San Francisco, to  
2 the extent such off-street parking spaces existed as of ~~the effective date of this~~  
3 ~~Subsection February 16, 1998.~~ Any building or use which provides 10 or more off-street parking  
4 spaces shall be permitted only upon approval by the Planning Commission as a Conditional  
5 Use under Section 303 of this Code.

6 ~~(i) Any use, whether Principal or Accessory, not screened from view from adjacent streets~~  
7 ~~and other public areas, with the exception of temporary uses pursuant to Section 205.1, accessory off-~~  
8 ~~street parking areas for nine or fewer automobiles, or off-street parking areas on property under the~~  
9 ~~jurisdiction of the Port of San Francisco in existence as of the effective date of this subsection, shall be~~  
10 ~~permitted only upon approval by the Planning Commission as a Conditional Use under Section 303 of~~  
11 ~~this Code.~~

12 (j) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in  
13 Section 124(e) of this Code.

14 **SEC. 240.4. WATERFRONT SPECIAL USE DISTRICT NO. 4.**

15 The following provisions shall apply within Waterfront Special Use District No. 4:

16 (a) Accessory Uses Related to Maritime Uses. A related minor use that is identified as an  
17 acceptable, existing, or interim land use in the Waterfront Plan adopted by the Port Commission and  
18 that is either necessary to the operation or enjoyment of a Maritime Use, as defined in Section 102 of  
19 this Code, or is appropriate, incidental, and subordinate to any such use, shall be permitted as an  
20 accessory use when located on the same lot, provided that the minor use does not itself occupy more  
21 than one-third of the site area occupied by such minor use and the principal or conditional use to  
22 which it is accessory, except in the case of accessory off-street parking and loading.

23 (b) Principal Uses. Principal uses shall include:

24 (1) Maritime Uses as defined in Section 102 of this Code.

1                   (2) Any use that is listed in this Code as a permitted use in the district established by  
2 Section 201 applicable to the particular property involved shall be permitted as a principal use if the  
3 use is identified as an acceptable, existing, or interim land use in the Waterfront Plan adopted by the  
4 Port Commission.

5                   (c) **Conditional Uses.** Conditional uses shall include any use that is listed in this Code as a  
6 conditional use in the district established by Section 201 applicable to the particular property involved,  
7 provided that the use is identified as an acceptable, existing, or interim land use in the Waterfront Plan  
8 adopted by the Port Commission. The specific use or uses requiring a conditional use within a project,  
9 and not the project in its entirety, shall be subject to the provisions set forth in Section 303 and Article  
10 3.5 of this Code and subsection (d) below.

11                   (d) Any new development (excluding alterations to existing development) on property under  
12 the jurisdiction of the Port Commission that requires a Port lease of more than 10 years, and includes  
13 an area of at least 1/2 acre (excluding the area of public streets and alleys) shall be subject to review of  
14 the urban design of the proposed use by the waterfront design review process, as provided under  
15 Section 240(c) of this code.

16                   (e) In considering any application in this special use district under Section 303 of this Code,  
17 the Planning Commission shall consider the following criteria along with the criteria set forth in  
18 Section 303(c). Only the specific use or uses requiring a conditional use within a project, and not the  
19 project in its entirety, shall be subject to the following criteria:

20                   (1) That such use or feature as proposed is consistent with the Waterfront Plan  
21 adopted by the Port Commission, including any amendments thereto which the Planning Commission  
22 has found to be consistent with the General Plan; and

23                   (2) That the design of such use or feature as proposed is consistent with the  
24 Waterfront Plan urban design, historic preservation, and public access goals, policies, and objectives

1 adopted by the Port Commission, including any amendments thereto which the Planning Commission  
2 has found to be consistent with the General Plan.

3  
4 Section 3. Effective Date. This ordinance shall become effective 30 days after  
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
7 of Supervisors overrides the Mayor’s veto of the ordinance.

8  
9 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the “Note” that appears under  
14 the official title of the ordinance.

15  
16 APPROVED AS TO FORM:  
17 DAVID CHIU, City Attorney

18 By: /s/ Peter R. Miljanich  
19 PETER R. MILJANICH  
Deputy City Attorney

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