

1 [Planning Code and Zoning Map - Balboa Reservoir Special Use District]

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3 **Ordinance amending the Planning Code and Zoning Map to create the Balboa**
 4 **Reservoir Special Use District and rezone the Balboa Reservoir west basin project site**
 5 **generally bounded by the City College of San Francisco Ocean Campus to the east,**
 6 **Archbishop Riordan High School to the north, the Westwood Park neighborhood to the**
 7 **west, and a San Francisco Public Utilities Commission parcel containing a water**
 8 **pipeline running parallel to a mixed-use multifamily residential development along**
 9 **Ocean Avenue to the south; adopting findings under the California Environmental**
 10 **Quality Act; making findings of consistency under the General Plan, and the eight**
 11 **priority policies of Planning Code, Section 101.1; and making findings of public**
 12 **necessity, convenience, and welfare under Planning Code, Section 302.**

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

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

21 Section 1. Planning and Environmental Findings.

22 (a) The Balboa Reservoir Project (the "Project") addresses the City's housing
 23 challenges by contributing to the City's goal of creating 5,000 housing units each year. The
 24 Project site was specifically identified in the General Plan for additional housing in close
 25 proximity to local and regional public transportation. The Project implements the goals and
 objectives of the General Plan Housing Element and of the 2009 Balboa Park Station Area

1 Plan that calls for the development of a mixed-use residential neighborhood on the west
2 reservoir to address the citywide demand for housing. The Project also implements the goals
3 of the City's 2014 Public Land for Housing program and the Surplus Public Lands Initiative
4 (Proposition K), that the electorate passed in November 2015, by replacing an underused
5 surface parking lot located on surplus public land with a substantial amount of new housing,
6 including a high percentage of affordable housing.

7 (b) In companion legislation adopting a Development Agreement associated with the
8 Project, the Board of Supervisors adopted environmental findings pursuant to the California
9 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et
10 seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et seq.), and Chapter 31 of
11 the Administrative Code. The Board adopts these environmental findings as though fully set
12 forth herein in relation to this ordinance. A copy of said companion legislation is in Board of
13 Supervisors File No. _____ and its environmental findings are incorporated herein
14 by reference.

15 (c) The Planning Commission, in its Motion No. _____ adopted on
16 _____, 2020, made findings that the Project and actions contemplated in this
17 ordinance are consistent, on balance, with the City's General Plan and eight priority policies of
18 Planning Code Section 101.1. The Board incorporates these findings by reference and
19 adopts these findings as though fully set forth herein in relation to this ordinance. A copy of
20 said Planning Commission Motion is in Board of Supervisors File No. _____.

21 (d) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
22 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
23 in Planning Commission Resolution No. _____ and adopted on _____,
24 2020, and the Board adopts such reasons as its own. A copy of said resolution is on file with
25 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein

1 by reference.

2
3 Section 2. The Planning Code is hereby amended by adding Section 249.88, to read
4 as follows:

5 **SEC. 249.88. BALBOA RESERVOIR SPECIAL USE DISTRICT.**

6 **(a) Purpose and Boundaries.** *A Special Use District entitled the "Balboa Reservoir Special*
7 *Use District" (the SUD) is hereby established, bounded by the City College of San Francisco Ocean*
8 *Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to*
9 *the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline that is*
10 *adjacent to a mixed-use multifamily residential development along Ocean Avenue to the south. The*
11 *precise boundaries of the SUD are shown on Sectional Map SU12 of the Zoning Map. The purpose of*
12 *the SUD is to implement the land use controls for the Balboa Reservoir Project, which is subject to a*
13 *Development Agreement, approved by the Board of Supervisors in the ordinance contained in Clerk of*
14 *the Board of Supervisors File No. _____ . The Project will provide several benefits to the City,*
15 *such as a significant amount of new housing, including a high percentage of affordable and educator*
16 *housing, publicly accessible open space, a child care and community facility, retail space, and extensive*
17 *infrastructure improvements, while creating jobs and a vibrant environmentally sustainable community.*

18 **(b) Relationship to Other Planning Code Provisions.** *Applicable provisions of the Planning*
19 *Code shall control except as otherwise provided in this Section 249.88. If there is a conflict between*
20 *other provisions of the Planning Code and this Section 249.88, this Section 249.88 shall prevail.*

21 **(c) Relationship to Design Standards and Guidelines.** *The Design Standard and Guidelines*
22 *("DSG"), adopted by the Planning Commission by Motion No. _____ on _____,*
23 *2020, and as may be periodically amended, sets forth design standards and guidelines applicable*
24 *within the SUD. A copy of the DSG is on file with the Clerk of the Board of Supervisors in File No.*
25 *_____ . Any capitalized term in this Section 249.88, and not otherwise defined in this Section*

1 or elsewhere in the Planning Code shall have the meaning ascribed to it in the DSG. This Section, the
2 remainder of the Planning Code, and the DSG shall be read and construed together so as to avoid any
3 conflict to the greatest extent possible. If there is a conflict between the DSG and either this Section or
4 the remainder of the Planning Code, this Section or the other provision of the Planning Code shall
5 prevail. Subject to this Section 249.88(c), if a later amendment to any provision of the Planning Code,
6 including this Section 249.88, results in a conflict with the DSG, such amended Planning Code
7 provision shall prevail. Amendments to the DSG may be made by the Planning Commission upon
8 initiation by the Planning Department or upon application by Developer, but if there is a conflict
9 between an amendment to the DSG and this Section or the remainder of the Planning Code, as
10 applicable, this Section or other provision of the Planning Code shall prevail unless and until such time
11 as this Section or the remainder of the Planning Code is amended to be consistent with the amendment
12 to the DSG. The Planning Director may approve minor amendments to the DSG to clarify its
13 provisions. For the purposes of this subsection (c), “minor amendments” shall be defined as
14 amendments necessary to clarify omissions or correct inadvertent mistakes in the DSG and are
15 consistent with the intent of the DSG, the SUD, the General Plan, and the Development Agreement.

16 **(d) Relationship to the Development Agreement.** This Section 249.88 shall be read and
17 construed consistent with the Development Agreement, and all development within the Project Site that
18 is subject to the Development Agreement shall satisfy the requirements of the Development Agreement
19 for so long as the Development Agreement remains in effect.

20 **(e) Definitions.** For purposes of this Section 249.88, the following definitions shall apply. If
21 not expressly superseded by definitions set forth in this subsection (e), all definitions of the Planning
22 Code shall apply.

23 “Active Use” means use that consists of a Retail Sales and Service, Entertainment, Arts,
24 Recreation, Child Care, Community Facility, or Residential use.

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1 “Block” means a Building Project block or a Publicly Accessible Open Space block as depicted
2 on Figure 249.88-1.

3 “Building Project” or “Building” means the construction of a building or group of buildings
4 within the Project Site.

5 “Building Standards” means the standards applicable to Building Projects and any associated
6 privately-owned open spaces within the SUD, consisting of the standards specified in subsection (g)
7 below and the standards and guidelines designated as such in the DSG. It does not mean Building Code
8 requirements under either the California or San Francisco Building Codes, which this Section 249.88
9 and the DSG do not override.

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

13 “Design Standards and Guidelines” or “DSG” shall mean the Balboa Reservoir Design
14 Standards and Guidelines adopted by Planning Commission Motion No. _____, as may be
15 amended from time to time. The Design Standards and Guidelines is incorporated into this Section
16 249.88 by reference.

17 “Developer” means the BHC Balboa Builders, LLC, a California limited liability company, or
18 its successor(s). Developer also may be an applicant.

19 “Development Agreement” means the Development Agreement by and between the City and the
20 Developer, approved by the Board of Supervisors by the ordinance in Board File No. _____,
21 and as the Development Agreement may be amended from time to time.

22 “Development Phase Application” means an application for each Building phase of the Project
23 that describes at a minimum, the Block numbers, the Master Infrastructure Plan elements, and vertical
24 improvements proposed in the phase, including number and sizes of affordable housing units, number
25 and sizes of market rate housing units, and square footage of retail, arts activity, community facility

1 and child care square space, and publicly accessible open space. The Development Phase Application
2 also shall include a list of any requested Minor or Major Modifications that are contemplated to be
3 requested in the phase.

4 “Frontage” means the vertical exterior face or wall of a Building and its linear extent that is
5 adjacent to or fronts on a street, right-of-way, or open space.

6 “Kiosk” means a Building or other structure that is set upon the ground and is not attached to a
7 foundation, such as a shipping container, trailer, or similar structure, from which food service and/or
8 retail business is conducted. A Kiosk may operate in a Publicly Accessible Open Space, and remain in
9 place until the business operation is terminated or relocated.

10 “Major Modification” means a deviation of more than 10% from any dimensional or numerical
11 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
12 subsection (g) below.

13 “Mass Reduction” means one or more breaks in a Building that reduce the horizontal scale of
14 the Building into discrete sections.

15 “Master Infrastructure Plan” or “MIP” shall mean the Balboa Reservoir Master
16 Infrastructure Plan approved by the Board of Supervisors as part of the Development Agreement and
17 found in Clerk of the Board of Supervisors File No. _____, and as may be amended from time
18 to time.

19 “Minor Modification” means a deviation of up to 10% from any dimensional or numerical
20 standard in the Planning Code, this Section 249.88, or in the DSG, except as explicitly prohibited per
21 subsection (g) below, or any deviation from any non-dimensional or non-numerical standard in the
22 DSG.

23 “Privately-Owned Community Improvement,” means those facilities and services that are
24 privately-owned and privately-maintained, at no cost to the City (other than any public financing set
25 forth in the Financing Plan, a Development Agreement exhibit), for the public benefit, but not

1 dedicated to the City. Privately-Owned Community Improvements include certain pedestrian paseos,
2 storm drainage facilities, publicly accessible open spaces.

3 “Project” means the Balboa Reservoir Project.

4 “Project Site” means the approximately 16.5 acre site shown on Figure 249.88-1 that is within
5 the SUD. The 80-foot wide strip of land along the southern boundary of the west basin that contains
6 SFPUC pipelines is regulated by the Development Agreement, but is not part of the Project Site or
7 within the SUD and remains within a P (Public) zoning district.

8 “Publicly Accessible Open Space” means a usable open space that is accessible to the public,
9 including an unenclosed park or garden at street grade or following the natural topography,
10 improvements to hillsides or other unimproved public areas, an unenclosed plaza at street grade, or an
11 unenclosed pedestrian pathway, or a shared pedestrian/vehicular right-of-way.

12 “Residential Use” means uses that provide housing for San Francisco residents, rather than
13 visitors, including Dwelling Units, Group Housing, Senior Housing, and Student Housing.

14 “Multifamily Housing” means a residential Building where multiple separate housing units for
15 residential inhabitants are contained within one Building.

16 “Retail Sales and Services” means the use described in Section 102, except for Retail
17 Automobile Uses, Adult Business, Hotel, Motel, and Self-Storage.

18 “Step Back” means a reduction of one or more stories in a portion of one or more upper stories
19 of a Building.

20 “Streetwall” means a continuous façade of a Building and/or Buildings along a street
21 Frontage.

22 “Townhouse” means a single-family dwelling unit with at least two floors that shares a wall
23 with another dwelling and with direct access into the dwelling unit from a street or Publicly Accessible
24 Open Space that does not require access through a lobby, corridor, or other common indoor space
25 shared with other housing units.

1 (f) **Development Controls.** This SUD, as established in Section 249.88, and other Planning
2 Code Sections referenced herein establish all zoning controls for the Project Site.

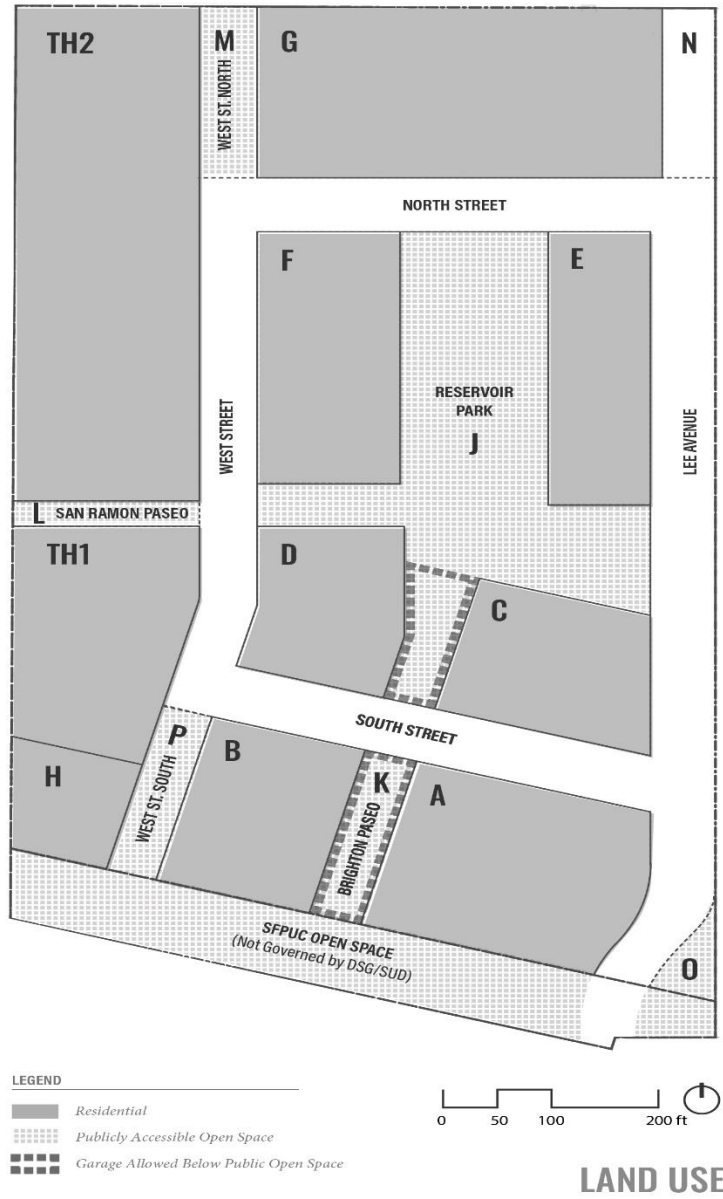
3 (g) **Uses.**

4 (1) **Balboa Reservoir Special Use District Zoning Designations.** As shown on the
5 Zoning Map, the SUD is co-terminus with the Balboa Reservoir Mixed Use District (BR-MU). This
6 SUD, as established in Section 249.88, and other Planning Code Sections referenced herein establish
7 all zoning controls for the BR-MU district.

8 (2) **Permitted Uses.** The following Uses set forth in Table 249.88-1: Balboa Reservoir
9 Land Uses shall be permitted within the different Blocks of the SUD shown in Figure 249.88-1, where P
10 means Permitted Use and NP means Non-permitted Use. All other uses not stated are prohibited.

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Figure 249.88-1 Balboa Reservoir Land Use Map



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Table 249.88-1 Balboa Reservoir Land Uses

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Permitted Use Category	A	B	C	D	E	F	G	H	TH1	TH2	J	K, L, M, O, P
Publicly Accessible Open Space Residential Use	P	P	P	P	P	P	P	P	P	P	P	P
Child Care Facility	P	P	P	P	P	P	P	P	P	P	P(4)	P(4)
Community Facility (2), (3)	P	P	P	P	P	P	P	P	NP	NP	NP	NP
Retail Sales and Services (2)	P	P	P	P	P	P	P	NP	NP	NP	NP	NP
Arts Activities (2)	P	P	P	P	P	P	P	NP	NP	NP	NP	NP
Carts and Kiosks (5)	NP	NP	N P	N P	N P	N P	NP	NP	NP	NP	P	NP
Public Parking Garage	P	P	P	P	P	P	P	P	NP	NP	P(6)	NP

(1) Only Townhouse units are allowed

(2) All non-residential uses except multi-story parking garages are allowed only

1 on the ground floor and below

2 (3) As defined in Section 102, except Health Care uses are not allowed

3 (4) Child care open space only

4 (5) Carts and Kiosks are allowed in Block J subject to Subsection (g)(8)(N)

5 (6) Below grade only as shown in Figure 249.88-1

6 (3) **Temporary Uses.** Temporary Uses are permitted consistent with Planning Code
7 Sections 205.1 through 205.4 for Neighborhood Commercial Districts.

8 (4) **Interim Uses.**

9 (A) Prior to completion of the Project, one or more Public or Private Parking
10 Lots, including construction worker parking lots, shall be permitted without regard to the provisions
11 regulating automobile parking set forth in Sections 155, 156, 303(t) or (u), and other provisions of
12 Article 1.5 of this Code, and such parking lot(s) shall not be required to be surrounded by a fence or
13 wall.

14 (B) Prior to completion of the Project, certain other interim uses may be
15 authorized for a period not to exceed five years by the Planning Director, without a public hearing if
16 the Planning Director finds that such Interim Use will not impede orderly development consistent with
17 this Section 249.88, the DSG, and the Development Agreement. Any authorization granted pursuant to
18 this subsection 249.88(g)(4)(B) shall not exempt the Developer from obtaining any other permit
19 required by law. Additional time for such uses may be authorized upon a new application for the
20 proposed Interim Use. Permitted Interim Uses shall include, but are not limited to:

21 (i) Retail Sales and Services;

22 (ii) Entertainment, Arts, and Recreation, including but not limited to
23 temporary art installations, exhibits, and sales, recreational facilities and uses (such as play and
24 climbing structures and outdoor fitness classes), and temporary structures to accommodate events
25 (such as stages, seating, and support facilities for patrons and operations);

1 (iii) Institutional Education Use, including but not limited to after-school
2 day camp and activities;

3 (iv) Site management service, administrative functions, and customer
4 amenities and associated loading;

5 (v) Rental or sales offices incidental to new development; and

6 (vi) Trailers, recreational vehicles, or other temporary housing for
7 construction workers, seasonal labor, or other workforce employment needs.

8 (5) Residential Density. The dwelling unit and group housing density limits applicable
9 in the RM-3 District, as it may be modified pursuant to Section 304, shall govern residential density
10 within the SUD. However, greater residential density than permitted in an RM-3 District may be
11 provided on individual Blocks, as long as the overall density of the SUD does not exceed the density
12 allowed in a RM-3 District, as it may be modified pursuant to Section 304, for the entire SUD.

13 (6) Minimum Dwelling Unit Mix. No less than 25% of the total aggregate number of
14 proposed dwelling units in the SUD shall contain at least two bedrooms, and no less than 10% of the
15 total aggregate number of proposed dwelling units in the SUD shall contain at least three bedrooms.
16 The minimum dwelling unit mix may be less on any individual Block than otherwise required provided
17 the total dwelling unit mix in the SUD shall not be less than the minimum dwelling unit mix upon
18 completion of the Project.

19 (7) Floor Area Ratio. There shall be no floor-area-ratio limit within the SUD.

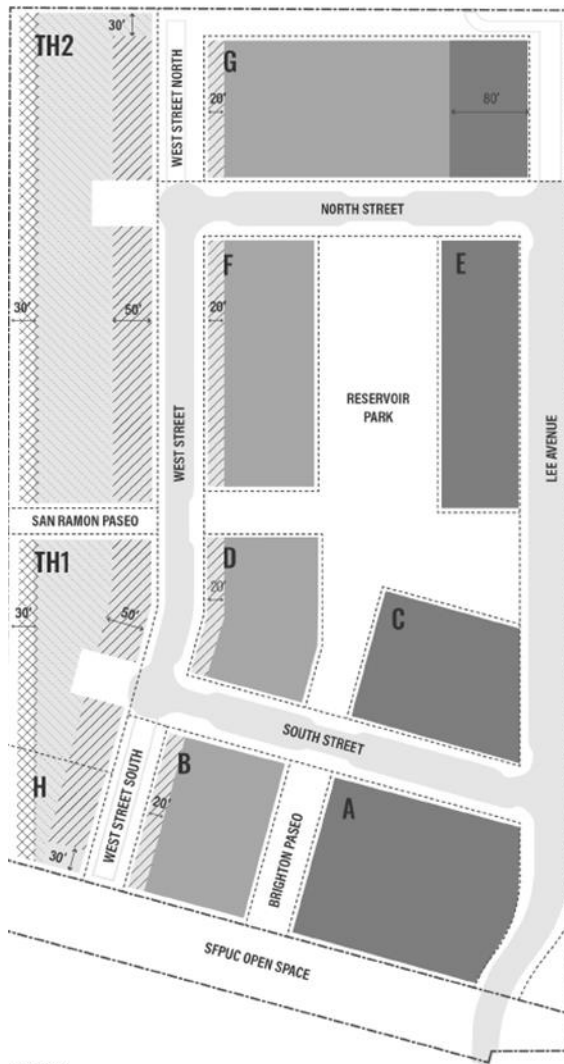
20 (8) Building Standards.

21 (A) Building Height. For purposes of the SUD, the height limits shall be as set
22 forth in Section Map HT12 of the Zoning Map and as further limited and detailed in Figure 249.88-2:
23 Building Height Maximums, and as further governed by this Section 249.88(g)(8)(A). The features set

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Figure 249.88-2 Height Limit Map



	2 Stories, 25 Feet
	3 Stories, 35 Feet
	4 Stories, 48 Feet
	6 Stories, 68 Feet
	7 Stories, 78 Feet

HEIGHT CONTROLS

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1 forth in Section 260(b)(1) and those below may extend above the maximum allowable height provided
2 the sum of the horizontal areas of said features do not exceed 40 percent of the rooftop area and do
3 not encroach into the required step back at upper floors as required below:

4 (i) Solar energy collection devices shall be allowed to a maximum height
5 of 10 feet.

6 (ii) Rooftop enclosed utility sheds designed exclusively for the storage of
7 landscaping, gardening supplies, and related equipment for living roofs shall be allowed, provided they
8 do not exceed 100 square feet of gross area and a maximum height of 10 feet.

9 (iii) Projections above the allowable height necessary to accommodate
10 additional ceiling height at common amenity spaces located on the top floor shall be allowed to a
11 maximum ceiling height of 10 feet average measured to finished surface at ceiling.

12 (iv) Non-occupied architectural features, including wind screens shall be
13 allowed up to 8 feet above the allowable height.

14 (B) **Building Bulk.** There are no bulk limits in this SUD.

15 (C) **Setbacks.** Minimum setbacks of the façade of Buildings from street rights of
16 way and from publicly accessible open space shall be provided in the locations and depth shown in
17 Figure 249.88-3.

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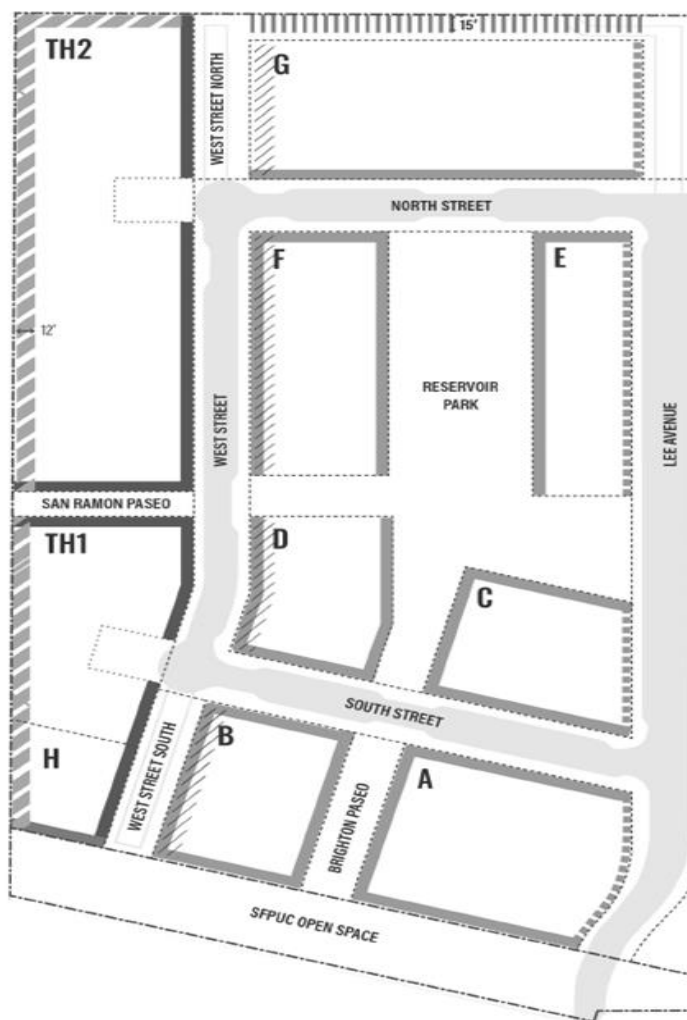
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Figure 249.88-3 Minimum Building Setbacks



- LEGEND**
- Type A, Lee Avenue, 5 Foot Setback at Ground Floor
 - ▬ Type B, Streets and Open Space, 5 Foot Setback
 - ▬ Type C, Townhouses, 5 Foot Setback
 - ▨ Type D, 12 Foot Setback at Project Boundary
 - ▨ Type E, 15 Foot Setback at Project Boundary

MINIMUM BUILDING SETBACKS

(D) Streetwall. A streetwall is required at all Building frontages facing public right of ways, publicly accessible open spaces, and paseos. The required streetwalls shall be located at

1 the setback line or at the property line where there is no setback control. Streetwalls may be offset
2 from the setback line or property line by not more than two feet towards the interior of the Block.
3 Streetwalls shall be provided at not less than 60% of the total area of the Building facade area.
4 Openings to interior courtyards and other breaks in the streetwall that are required under Mass
5 Reduction shall not count towards the required streetwall.

6 (E) **Mass Reduction.** Buildings taller than 40 feet with a frontage exceeding
7 180 feet in length shall incorporate at least one of the following Mass Reduction strategies:

8 (i) **Exterior Recess.** Provide a recess at Building exterior with a minimum
9 width of 15 feet and minimum depth of 10 feet from the Building wall extending vertically for height at least
10 75% of the height of the facade. The recess may start at second floor or may terminate at the top floor.

11 (ii) **Vertical Elements.** Provide a combination of elements consisting of
12 recess and/or projection with a minimum width of 10 feet, minimum depth of five feet, and extending
13 vertically for a height equal to at least 75% of the height of the facade. The cumulative base footprint area
14 of all vertical elements on a frontage shall equal a minimum of 150 square feet to qualify as a mass
15 reduction strategy. Balconies at vertical elements are allowed if the railings are visually differentiated from
16 the main facade.

17 (iii) **Alternative means of satisfying the mass reduction requirement for all**
18 Blocks shall be as set forth in the DSG.

19 (F) **Step Backs at Upper Floors.** Each of the Buildings on Blocks A, B, C, D, E,
20 F, and G shall provide one or more step backs at the top floor. The intent of the step backs is to
21 articulate Building silhouettes and to provide potential locations for roof terraces overlooking the
22 shared open space. The required height reduction along West Street shall not count towards the
23 required step back.

24 (i) **Blocks A, C, and E shall provide a one-story contiguous step back**
25 equal to 15% of the roof area or one-story non-contiguous step backs equal to 25% of the roof area.

1 The contiguous step backs shall have a minimum horizontal dimension of not less than 20 feet.

2 (ii) Blocks B, D, F, and G shall provide a top floor step back equal to
3 10% of the roof area. These step backs may be located in a single contiguous element or may be
4 comprised of multiple elements provided each step back area has a minimum horizontal dimension of
5 not less than 10 feet in all directions.

6 **(G) Setback Requirements; Waiver of Planning Code Sections 132, 133, and**
7 **134.** Rear yard, side yard, or front yard setback requirements shall be set forth in the SUD and DSG in
8 lieu of the provisions of Section 132, 133, and 134.

9 **(H) Unit Exposure.** For all residential units, the required window (as defined
10 by Section 504 of the San Francisco Housing Code) of at least one room that meets the requirement of
11 Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

12 (i) A public street, public alley, or paseo at least 25 feet in width in
13 Blocks A, B, C, D, E, F, and G, and 20 feet in width in Blocks TH1, TH2, and H.

14 (ii) An open area, an inner court, or a space between separate Buildings
15 on the same Block, which is unobstructed (except for obstructions listed in Planning Code Section 136)
16 and is no less than 25 feet in every horizontal dimension in Blocks A, B, C, D, E, F, and G or 20 feet in
17 every horizontal dimension in Blocks TH1, TH2, and H.

18 **(I) Usable Open Space.** The usable open space requirement for dwelling units
19 shall be 40 square feet of private or common usable open space per unit. For Group Housing, the
20 minimum usable open space requirements shall be one-third the amount specified in this subsection (I)
21 for a dwelling unit. Required usable open space shall be on the same Block as the unit it serves.
22 Publicly Accessible Open Space, streets, and paseos on Blocks J, K, L, M, N, O, and P shall not count
23 towards the required on-site usable open space.

24 (i) Any space credited as private usable open space shall have a
25 minimum horizontal dimension of five feet and a minimum area of 35 square feet.

1 (ii) Any space credited as common usable open space shall have a
2 minimum horizontal dimension of 10 feet and a minimum area of 150 square feet.

3 (iii) Inner courts in which the enclosing Building walls are four stories
4 or more in height shall be large enough to inscribe a rectangular area 30 feet by 40 feet within the
5 enclosing walls.

6 (iv) Outer courts in which enclosing Building walls are four stories or
7 more shall be large enough to inscribe a rectangular area 25 feet by 25 feet within the enclosing walls.

8 (v) Space that is accessible for automobiles shall not count towards
9 usable open space in any Block.

10 (J) Ground Floor Floor-to-Floor Height. The minimum ground floor floor-to-
11 floor height of non-residential uses, lobbies and residential common areas shall be 15 feet in Blocks A,
12 B, C, and D and 12 feet in Blocks E and F. The minimum ground floor floor-to-floor height for
13 residential uses shall be 10 feet, except for townhouse units which shall have no minimum floor-to-floor
14 height.

15 (K) Ground Floor Activation. The ground floor activation standards set forth
16 in Sections 7.10, 7.20, and 7.21 of the DSG shall apply in the SUD.

17 (L) Parking Garages. The standards and guidelines for the location, depth,
18 and exterior frontages of parking garages set forth in Section 7.20 and 7.21 of the DSG shall apply in
19 the SUD. With the exception of space allowed for parking and loading access, Building egress, and
20 Building services, above grade parking on any Block shall be wrapped at all stories with a liner of
21 Active Use not less than 20 feet in depth from all facades facing streets and Publicly Accessible Open
22 Spaces.

23 (M) Signage. One identifying sign shall be permitted for each residential
24 Building, except for townhouse Blocks, where one identifying sign shall be permitted per Block. Sign
25 controls set forth in Section 607.1 for RC Districts shall apply to signs for non-residential uses.

1 (N) Carts and Kiosks. *The standards and guidelines for Kiosks and Carts set*
2 *forth in the DSG shall apply in the SUD.*

3 (9) Off-Street Automobile Parking and Loading. *The location and design standards*
4 *for off-street automobile parking shall be governed by the DSG. There is no minimum off-street*
5 *parking or loading requirement for any use in the SUD, except that there shall be a minimum of 200*
6 *off-street parking spaces in the SUD, and that Buildings in Blocks A, B, C, D, E, F, and G containing*
7 *100,000 gross square feet or more of residential space and a parking garage shall provide at least one*
8 *off-street loading space meeting the dimensional requirements of standard 7.24.2 of the DSG.*

9 (A) Maximum Off-Street Parking. *The number of off-street parking spaces*
10 *within this SUD shall not exceed the following:*

11 **Table 249.88-2: Maximum Off-Street Parking Spaces per Land Use**

<u>Land Use</u>	<u>Off-Street Parking Ratio</u>
<u>Dwelling Units</u>	<u>0.5 space per unit</u>
<u>Group Housing</u>	<u>1 space per three bedrooms</u>
<u>All Non-Residential Uses</u>	<u>1 space per 500 gross square feet of Occupied</u> <u>Floor Area</u>
<u>Public Parking</u>	<u>450 spaces</u>

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19 *Parking amounts for dwelling units, group housing, and non-residential uses may be greater on any*
20 *individual Block than otherwise allowed by Table 249.88-2 provided the total number of spaces in the*
21 *SUD shall not exceed the maximum upon completion of the Project. The maximum number of spaces*
22 *for the Public Parking Garages shown in Table 249.88-2 shall be reduced if the parking spaces for*
23 *dwelling units or group housing are allowed to be used as public parking during any part of the day.*
24 *The maximum number of spaces for the Public Parking Garages also shall be reduced in the event the*
25 *Developer enters into an agreement with adjacent property owner(s) to fund or build public parking on*

1 the adjacent site to the east of the Project. The Planning Director shall determine whether these
2 conditions are met pursuant to Transportation Exhibit, Exhibit J, of the Development Agreement. Car
3 share parking spaces shall be provided in the amounts set forth in Section 166. The width and location
4 of vehicular openings shall be as set forth in the DSG.

5 (B) Driveway and Loading Operations Plan. The purpose of a Driveway and
6 Loading Operations Plan (DLOP) is to reduce potential conflicts between driveway and loading
7 operations, such as passenger and freight loading activities, and pedestrians, bicycles, and vehicles.
8 The goal of the plan is to maximize utilization of off-street space to accommodate loading demand, and
9 to ensure that off-street loading is considered and attempted, to the extent physically and feasibly
10 possible, in the design of new Buildings. The Developer shall prepare a DLOP in accordance with the
11 Planning Code, Planning Department guidelines, and any standard environmental conditions.

12 (10) Bicycle Parking. Bicycle parking shall be provided as required by the Planning
13 Code.

14 (11) Waiver of Planning Code Section 138.1. The streetscape design set forth in the
15 Master Infrastructure Plan and DSG sets forth the standards for pedestrian and streetscape
16 improvements in the SUD.

17 (12) Waiver of Planning Code Section 169. The transportation demand management
18 provisions included in the Development Agreement shall govern in the SUD in lieu of the provisions of
19 Section 169.

20 (13) Compliance with Article 4 of the Planning Code.

21 (A) Inclusionary Housing Requirements. The provisions of Sections 415 et
22 seq. shall not apply, except as otherwise stipulated in the Development Agreement.

23 (B) Other Impact Fees. For so long as the Development Agreement remains in
24 effect, the Developer impact fees payable for any Building Project will be determined in accordance
25 with the Development Agreement.

1 (14) Relationship to State or Local Density Bonus Programs. In exchange for the
2 benefits expressed in the Development Agreement and this Section 249.88, and as set forth in the
3 Development Agreement, any Building Projects within the SUD shall not be eligible for additional
4 density or modifications to development standards allowed in any State or local law allowing
5 additional density or modifications to development in exchange for on-site affordable housing,
6 including but not limited to the State Density Bonus Law (California Government Code Sections 65915
7 et seq.), the Affordable Housing Bonus Program (Planning Code Sections 206 et seq.), and Planning
8 Code Sections 207 et seq.

9 (15) Modifications to Building Standards and Use Requirements.

10 (A) No Modifications or Variances. No variances, exceptions, modifications, or
11 other deviations from the requirements and standards of the Planning Code, including the SUD, and of
12 the DSG are permitted except through the procedures for granting of Minor and Major Modifications
13 established in the SUD. No modifications or variances are permitted for maximum Building height or
14 maximum automobile parking spaces.

15 (B) Modification of Other Building Standards and Use Requirements. A
16 dimensional or numerical standard may be modified only as provided in subsection (i), on a project-by-
17 project basis. In order to grant a Minor or Major Modification, the Planning Director or Commission
18 must find that the proposed Minor or Major Modification achieves equal or superior design quality and
19 public benefit as strict compliance with the applicable standard and meets the intent of the SUD and
20 the DSG.

21 (C) Minor Modifications. The Planning Director may approve a Minor
22 Modification administratively in accordance with the procedures set forth in subsection (i).

23 (D) Major Modifications. The Planning Commission may approve an
24 application for a Major Modification in accordance with the procedures set forth in subsection (i).

25 ///

1 (h) **Project Review and Approval.** In lieu of the procedures set forth in Planning Code Article
2 3, the following project review and approval procedures shall apply in the SUD.

3 (1) **Purpose.** The design review process for this SUD is intended to ensure that new
4 Building Projects are designed to complement the aesthetic quality of the development, exhibit high
5 quality architectural design, and promote the purpose of this SUD.

6 (2) **Development Phase Application.** Consistent with the Development Agreement, the
7 Developer shall submit a Development Phase Application to the Planning Director for approval, and
8 no development may be approved within a Development Phase until after the Planning Director issues
9 a Development Phase Application approval. The Development Phase Application process, as set forth
10 in the Development Agreement, is to ensure that all Publicly Accessible Open Space and Building
11 Projects within a development phase are consistent with the Development Agreement and the SUD.
12 Planning shall review Development Phase Applications within 30 days of receipt in order to determine
13 completeness. If the Planning Director fails to respond within such 30-day period, the Development
14 Phase Application will be deemed complete. The Planning Director shall act on a Development Phase
15 Application within 60 days after submittal of a complete Development Phase Application. Changes
16 proposed by the Planning Department will be reasonably considered by Developer, and changes
17 proposed by Developer will be reasonably considered by the Planning Department. If there are no
18 objections, or upon resolution of any differences, the Planning Director shall approve the Development
19 Phase Application with such revisions, comments, or requirements as may be permitted in accordance
20 with the terms of the Development Agreement and the phasing plan.

21 (3) **Concurrent Submittal of Development Phase Application and Design Review**
22 **Application.** Applications for design review may be submitted concurrently with or subsequent to a
23 Development Phase Application. When submitted concurrently, the time limits for the Planning
24 Department review of completeness and design review described in subsection (i) shall not commence
25 until after the Planning Director has issued a Development Phase Application approval. The Planning

1 Department shall approve only those applications for individual Buildings that are consistent with a
2 Development Phase Application approval. To ensure that Building Projects and Privately-Owned
3 Community Improvements meet the requirements of the Planning Code, including this Section 249.88,
4 and the DSG, Developer shall submit a Design Phase Application and receive approval from the
5 Planning Director, or, if required, the Planning Commission before obtaining any permits for the
6 applicable construction. Standards and limitations on design review approval are set forth in
7 subsection (i) below. Nothing in this Section 249.88 limits the Charter authority of any City
8 department or commission or the rights of City agencies to review and approve proposed infrastructure
9 as set forth in the Development Agreement.

10 **(i) Design Review Applications and Process.**

11 **(1) Applications.** Each design review application shall include the documents and
12 other materials necessary to determine consistency with the Planning Code, this Section 249.88, and
13 the DSG, including site plans, floor plans, sections, elevations, renderings, landscape plans, a DLOP,
14 and exterior material samples to illustrate the overall concept design of the proposed Buildings.
15 Design review applications also should contain information on dwelling unit count and type, parking,
16 and other building characteristics typical of Planning Department development applications. If
17 Developer requests a Major or Minor Modification, the application shall describe proposed changes in
18 reasonable detail, and to the satisfaction of the Planning Director, including narrative and supporting
19 images, if appropriate, and a statement of the purpose or benefits of the proposed Minor or Major
20 Modification(s). As part of design review application process, the Planning Director shall consult with
21 the San Francisco Municipal Transportation Agency regarding the Developer's DLOP.

22 **(2) Completeness.** Planning Department staff shall review the application for
23 completeness and advise the Developer in writing of any deficiencies within 30 days of the date of the
24 application or, if applicable, within 15 days after receipt of any supplemental information requested
25 pursuant to this section.

1 **(3) Design Review of Buildings and Privately-Owned Community Improvements.**

2 **(A) Building Pre-Application Meeting.** *Prior to submittal of a design review*
3 *application for a Building, the Developer shall conduct a minimum of one pre-application public*
4 *meeting. The meeting shall be conducted at, or within a one-mile radius of, the Project Site, but*
5 *otherwise subject to the Planning Department’s pre-application meeting procedures, including but not*
6 *limited to the submittal of required meeting documentation. A Planning Department representative*
7 *shall be invited to such meeting.*

8 **(B) Publicly Accessible Open Space Outreach.** *Prior to submittal of a design*
9 *review application for a Publicly Accessible Open Space, the Developer shall conduct a minimum of*
10 *one pre-application public meeting on design of the Publicly Accessible Open Space. The Developer*
11 *shall conduct a minimum of one additional public meeting prior to any approval action on the*
12 *application. Additional meetings may be required at the discretion of the Planning Director. The*
13 *meetings shall be conducted at, or within a one-mile radius of, the Project Site, and the pre-application*
14 *meeting shall be subject to the Planning Department’s pre-application meeting procedures, including*
15 *but not limited to, the submittal of required meeting documentation. Developer shall invite a Planning*
16 *Department representative to such meetings.*

17 **(C) Design Review Process.** *Following submittal of the design review*
18 *application, upon a determination of completeness, Planning Department staff shall conduct design*
19 *review and prepare a staff report determining compliance with this Section 249.88, the Planning Code,*
20 *and the DSG, including a recommendation regarding any Minor or Major Modifications sought. The*
21 *Planning Department staff shall deliver the report to the Developer and any third parties requesting*
22 *notice in writing, shall be kept on file, and shall be posted on the Department’s website for public*
23 *review within 60 days of the determination of completeness. If Planning Department staff determines*
24 *that the design is not compliant with this Section 249.88, the Planning Code, or the DSG, the Developer*
25 *may resubmit the application, in which case the requirements of this subsection (i) for determination of*

1 completeness, staff review, and determination of compliance, and delivery, filing, and posting of the
2 staff report, shall apply anew.

3 **(4) Approvals and Public Hearings for Buildings and Privately-Owned Community**
4 **Improvements.**

5 **(A) Buildings and Privately-Owned Community Improvements Seeking No**
6 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
7 application, the Planning Director shall approve or disapprove the design based on its compliance with
8 the Planning Code, including this Section 249.88, the DSG, and the General Plan. If the design review
9 application is consistent with the numeric standards set forth in this Section 249.88 and the DSG, the
10 Planning Director's discretion to approve or disapprove the design review application shall be limited
11 to the Developer's consistency with the non-numeric and non-dimensional elements of the DSG and
12 the General Plan.

13 **(B) Buildings and Privately-Owned Community Improvements Seeking Minor**
14 **Modifications.** Within 10 days after the delivery and posting of the staff report on the design review
15 application including a Minor Modification, the Planning Director, shall approve or disapprove any
16 Minor Modification based on its compliance with the Planning Code, including this Section 249.88, the
17 DSG, and the General Plan. Notwithstanding any other provisions of this Section 249.88, the Planning
18 Director, at his or her discretion, may refer any application that proposes a Minor Modification to the
19 Planning Commission if the Planning Director determines that the proposed Minor Modification does
20 not meet the intent of the DSG or the SUD.

21 **(C) Buildings and Privately-Owned Community Improvements Seeking Minor**
22 **or Major Modifications.** If the design review application seeks one or more Major Modifications, or if
23 the Planning Director refers a design review application that proposed a Minor Modification to the
24 Planning Commission, the Planning Commission shall calendar the item for a public hearing, subject
25 to any required noticing. For purposes of this subsection (C), Minor Modifications and Major

1 Modifications shall be collectively referred to as Major Modifications. The Planning Commission's
2 review shall be limited to the proposed Major Modification. The Planning Commission shall consider
3 all comments from the public and the recommendations of the staff report and the Planning Director in
4 making a decision to approve or disapprove the granting of any Major Modifications.

5 (D) Notice of Hearings. In addition to complying with the notice requirements
6 of the Brown Act and the Sunshine Ordinance, notice of Planning Commission hearings shall be
7 provided as follows:

8 (i) by mail not less than 20 days prior to the date of the hearing, to the
9 Developer, to residents within 300 feet of the exterior boundaries of the property that is the subject of
10 the application, using for this purpose the names and addresses as shown on the citywide assessment
11 roll in the Office of the Tax Collector, and to any person who has requested such notice; and

12 (ii) by posting on the subject property not less than 10 days prior to the
13 date of the hearing.

14 (j) Building Permits. Each building permit application submitted to the Department of
15 Building Inspection for Buildings shall be forwarded to the Planning Department for review of the
16 application's consistency with the authorizations granted pursuant to this Section 249.88.

17 (k) Discretionary Review. The Planning Department shall not accept, and the Planning
18 Commission shall not hear, requests for discretionary review for projects subject to this Section 249.88.

19 (l) Change of Use. The Planning Department shall review each building permit application
20 that the Developer submits to the Department of Building Inspection for vertical improvements for
21 consistency with the authorizations granted pursuant to this Section 249.88. The Department of
22 Building Inspection shall not issue a permit for any Vertical Improvement or for occupancy that would
23 authorize a new use unless the Planning Department determines such permit is consistent with the
24 Building Standards set forth in the DSG.

25 ///

1 Section 3. The Planning Code is hereby amended by adding Section 263.35, to read
 2 as follows:

3 **SEC. 263.35. BALBOA RESERVOIR SPECIAL USE DISTRICT AND THE 48/78-X**
 4 **HEIGHT AND BULK DISTRICTS.**

5 *In the Balboa Reservoir Special Use District and the 48-X and 78-X Height and Bulk Districts,*
 6 *heights are more specifically prescribed for each Block, as defined in Section 249.88, pursuant to*
 7 *Figure 249.88-2*

8
 9 Section 4. The Planning Code is hereby amended in accordance with Planning Code
 10 Section 106 by revising Sectional Map ZN12, Height Map HT12, and Special Use District Map
 11 SU12 of the Zoning Map, as follows:

12 (a) To change the Zoning Map ZN12 as follows:

Assessor’s Parcels (Block/Lot Numbers)	Current Zoning to be Superseded	Proposed Zoning to be Approved
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	P	BR-MU

18 (b) To change the Height and Bulk Map HT12 as follows:

Assessor’s Parcels (Block/Lot Numbers)	Height and Bulk Districts Superseded	New Height and Bulk Districts
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	40-X and 65-A	48-X for Blocks TH1, TH2, and H; 78-X for the remainder of the site

1 (c) To change the Special Use District Map SU12 by creating the new Balboa
 2 Reservoir Special Use District and assigning the following Parcels to be within the Balboa
 3 Reservoir Special Use District:

Assessor's Parcels (Block/Lot Numbers)	Special Use District
3180/190, except for the 80-foot wide strip along the southern boundary containing SFPUC pipelines	Balboa Reservoir Special Use District

7
 8 Section 5. The Planning Code is hereby amended to revise Section 201 as follows:

9 To add the Balboa Reservoir Mixed Use District, after the "Potrero Power Station Mixed
 10 Use District", as follows:

<i>Balboa Reservoir Mixed Use District</i> <i>(Also See Section 249.88(g)(1))</i>	
<u><i>BR-MU</i></u>	<u><i>Balboa Reservoir Mixed Use District</i></u> <u><i>(Defined in Section 249.88(g)(1))</i></u>

15
 16 Section 6. The Figures presented in this ordinance (Figures 249.88-1 through 249.88-
 17 3) have been placed in the Clerk of the Board of Supervisors File No. _____, and
 18 are incorporated herein by reference.

19
 20 Section 7. Effective Date and Operative Date.

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

25 ///

1 (b) This ordinance shall become operative only on (and no rights or duties are affected
2 until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective
3 date of the ordinance approving the Development Agreement for the Project. A copy of said
4 ordinance is on file with the Clerk of the Board of Supervisors in File No. _____.

5
6 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: /s/ JOHN D. MALAMUT
17 JOHN D. MALAMUT
18 Deputy City Attorney

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