

BOARD of SUPERVISORS



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December 12, 2017

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On December 5, 2017, Mayor Lee introduced the following substitute legislation and proposed legislation:

File No. 170940

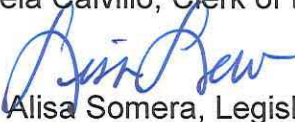
Ordinance amending the Planning Code and the Zoning Map to add the Mission Rock Special Use District, generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the west; to amend other related provisions; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.

File No. 171286

Resolution affirming the Planning Department's certification of the Final Environmental Impact Report and adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, including findings of fact, findings regarding significant impacts and significant and unavoidable impacts, evaluation of mitigation measures and alternatives, a statement of overriding considerations, and adoption of a mitigation monitoring and reporting program related to the approvals for the proposed Seawall Lot 337 and Pier 48 Mixed-Use Project.

The proposed legislations are being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The legislations are pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

for By:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Acting Environmental Review Officer
- AnMarie Rodgers, Senior Policy Advisor
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

1 [Planning Code, Zoning Map - Mission Rock Special Use District]

2

3 **Ordinance amending the Planning Code and the Zoning Map to add the Mission Rock**
4 **Special Use District, generally bounded by China Basin to the north; Pier 48, the**
5 **marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry**
6 **Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the**
7 **west; to amend other related provisions; making findings under the California**
8 **Environmental Quality Act; and making findings of consistency with the General Plan,**
9 **the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section**
10 **302.**

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

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

19 Section 1. Findings.

20 (a) California Environmental Quality Act.

21 The actions contemplated in this ordinance are within the scope of the project
22 for which the Board adopted the resolution in Board File No. _____, affirming the
23 Planning Commission’s certification of the Final Environmental Impact Report for the Seawall
24 Lot 337 and Pier 48 Mixed-Use Project (“FEIR”) and making findings in accordance with the
25 ///
///

1 California Environmental Quality Act (California Public Resources Code section 21000 et
2 seq.) and the Administrative Code Chapter 31. Said resolution is incorporated herein by this
3 reference.

4 (b) On October 5, 2017, the Planning Commission, in Resolution No. 20019,
5 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
6 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
7 Board adopts these findings as its own. A copy of said Resolution is in Board of Supervisors
8 File No. _____, and is incorporated herein by reference.

9 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
10 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth
11 in Planning Commission Resolution No. 20019, and the Board incorporates such reasons
12 herein by reference.

13 (d) On June 30, 2014, the voters of the City and County of San Francisco approved
14 an initiative requiring voter approval for any future construction projects on the San Francisco
15 waterfront that required an increase in existing height limits (“Proposition B”). On November
16 3, 2015, in satisfaction of the requirements of Proposition B, the voters of the City and County
17 of San Francisco approved the “Mission Rock Affordable Housing, Parks, Jobs and Historic
18 Preservation Initiative” (“Proposition D”) which established policies and modifications to the
19 San Francisco General Plan and Planning Code for an approximately 28 acre site located
20 between AT&T Park and the City’s new Public Safety Building (the “Mission Rock Site”).
21 These modifications included adding a new Section 291 to the Planning Code creating a
22 Mission Rock Height and Bulk District for the Mission Rock Site and establishing revised
23 maximum building height limits therein.

24 ///
25 ///

1 (e) Section 291 of the Planning Code and Section 7 (Implementing Action) of
2 Proposition D also directs the establishment of design controls that will be applicable to the
3 Mission Rock Site.

4 (f) On _____ and October 5, 2017, the Port Commission and the Planning
5 Commission, respectively, conducted duly noticed public hearings on proposed Mission Rock
6 Design Controls (“Design Controls”) and by Resolutions _____ and 20021, respectively,
7 approved the Design Controls.

8 Section 2. The Planning Code is hereby amended by revising Section 201, adding
9 Section 249.80, and amending Sections 291, 901, and 902 to read as follows:

10 **SEC. 201. CLASSES OF DISTRICTS.**

11 In order to carry out the purposes and provisions of this Code, the City is hereby
12 divided into the following classes of use districts:

13 * * * *

<u>Mission Rock Mixed Use District</u>	
<i>(Also see Section 249.80)</i>	
<u>MR-MU</u>	<u>Mission Rock Mixed Use District (Defined in Section 249.80(f)(1))</u>

18 * * * *

19 **SEC. 249.80. MISSION ROCK SPECIAL USE DISTRICT.**

20 (a) **Purpose and Boundaries.** *A Special Use District entitled the Mission Rock Special Use*
21 *District (SUD), the boundaries of which are shown on Sectional Map SU08 of the Zoning Maps of the*
22 *City and County of San Francisco, is hereby established to facilitate the City’s long-term goal of*
23 *development of a new Mission Rock neighborhood. The purpose of this SUD is to implement the*
24 *Mission Rock Affordable Housing, Parks, Jobs and Historic Preservation Initiative approved by City*
25 *voters on November 3, 2015 (Proposition D), and give effect to the Development Agreement (DA).*

1 Disposition and Development Agreement (DDA) and related transactional documents as approved by
2 the Board of Supervisors in ordinances in File No. _____, which will provide benefits to the
3 City such as, among other things, development of a mixed-use, transit-oriented community on the
4 waterfront near public transit, major new housing, including a significant amount of affordable
5 housing, increased public access and open spaces, extensive infrastructure improvements, shops,
6 restaurants, cafes, neighborhood-serving retail, community spaces, commercial/office and light
7 industrial/production space, preservation and renovation of historic Pier 48, job creation,
8 responsiveness to climate change and resulting sea level rise, and the generation of revenue to fund
9 public improvements.

10 (b) **Role of Port Commission.** The property within the SUD is under the jurisdiction of the
11 Port Commission. As authorized under the Burton Act and AB 2797, the Port may hold, use, conduct,
12 operate, maintain, manage, administer, regulate, improve, sell, lease, encumber, and control non-trust
13 lands and improvements within the SUD for any purpose on conditions specified in the Burton Act and
14 AB 2797. In the event of a conflict between this Code and the Burton Act, AB 2797, or the McAteer-
15 Petris Act (Cal. Gov't Code §§ 66600 et seq.), state law shall prevail.

16 (c) **Relationship to Design Controls.** The Mission Rock Design Controls (Design Controls
17 or DC), adopted by the Planning Commission and the Port Commission and as may be periodically
18 amended, sets forth Standards and Guidelines, applicable within the SUD. A copy of the Design
19 Controls is on file with the Clerk of the Board of Supervisors in File No. _____ and available
20 on the Board's website, and is incorporated herein by reference as though fully set forth. Any term
21 used in this Section 249.80 and not otherwise defined in the SUD or this Code shall have the meaning
22 ascribed to it in the Design Controls. The Port shall have exclusive jurisdiction and approval rights
23 over amendments to the Design Controls that affect only open space and right-of-way (including
24 streetscape) development within the SUD, which includes Chapters 2 through 4 of the Design Controls
25 and could include, depending on the context and application to the open space/streetscape areas within

1 Port jurisdiction, the following: Design Controls Section 5.1 (Designing for Environmental Change:
2 Site Grading and Differential Settlement), Section 5.3 (Active Edges), Section 5.4 (Public Passages),
3 Section 5.7 (Parkfront Zone), Section 6.6 (Environmental Comfort), Section 7.1 (Interpretative Signage,
4 Regionally Appropriate Vegetation), Section 7.4 9 (Signage), and Section 7.5 (Lighting). Other than
5 amendments to sections of the Design Controls identified in this subsection (c) as being within the
6 exclusive jurisdiction of the Port Commission as specified above, the Port Commission and the
7 Planning Commission may amend the Design Controls upon initiation by either body or upon
8 application by an Applicant, to the extent that such amendment is consistent with this Section, the
9 General Plan, and the DA. Both the Port Commission and Planning Commission must approve any
10 amendment to the Design Controls that does not exclusively affect the open space and right-of-way
11 Chapters under the exclusive jurisdiction of the Port Commission. In the event of any conflict between
12 the SUD and the Design Controls, the SUD shall prevail.

13 (d) **Relationship to Other Planning Code Provisions.** The provisions of this SUD and the
14 Design Controls shall supersede the Planning Code in its entirety, with the result that the Planning
15 Code shall not apply in the SUD, except with respect to (1) Planning Code definitions as specified in
16 subsection (e) below; (2) Planning Code sections adopted or amended in connection with this Special
17 Use District as follows: Section 105 (Zoning Maps), Section 201 (Mission Rock Mixed Use District),
18 Section 249.80 (Mission Rock Special Use District), Section 291 (Mission Rock Height and Bulk
19 District;) and Section 901 (Applicability of Article 9 Provisions and Other Provisions of the Planning
20 Code); (3) Planning Code sections adopted by ballot proposition prior to the effective date of the
21 ordinance (in Board of Supervisors File No. _____) adopting this SUD as follows, and only to the
22 extent that such provisions are applicable under the ballot proposition to development within the SUD:
23 sections of the Planning Code adopted or amended by Proposition M (November, 1986) (Sections
24 101.1, 164, and 320-325); Proposition K (June, 1984) (Section 295); and Proposition G (March, 2002)
25 (Sections 602.7 (recodified at 602) and 611; and (4) any other section of the Planning Code referenced

1 herein (but only to the extent and for the purposes stated herein). Sections of the Planning Code
2 adopted by ballot proposition that are limited geographically and do not apply to the SUD are
3 Proposition G (Small Business Protection Act) (November, 2006) (Section 303.1); and Proposition X
4 (Limitation on Conversion of Production, Distribution, and Repair Use, Institutional Community Use,
5 and Arts Activities Use) (November, 2016) (Section 202.8). In the event of a conflict between any
6 provisions of the Planning Code that are incorporated herein by reference pursuant to subsection
7 (d)(4) above and the Design Controls or this Section 249.80, this Section 249.80 and the Design
8 Controls shall control. Later amendments to the code sections referenced in this subsection as
9 applicable in the SUD shall apply where not conflict with this SUD, the DC or the DA.

10 (e) **Definitions.** If not explicitly superseded by definitions established in this SUD or in the
11 DC, the definitions in this Code shall apply. In addition to the specific definitions set forth elsewhere in
12 this Section 249.80, the following definitions shall govern interpretation of this Section:

13 “Active Uses” means Active Uses as defined and described in Chapter 1 of the Design Controls.

14 “Applicant” means the ground lessee, owner, or authorized agent of the owner or ground lessee of a
15 development parcel on the Project Site.

16 “Block” is a development Block as depicted on Figure 249.80-MR-1.

17 “Building Standards” means the standards applicable to Buildings and any associated privately-
18 owned open spaces within the Project Site as specified in subsection (g).

19 “Commercial Uses” means all Institutional Uses and Non-Retail Sales and Services, but excluding
20 Hospital, Commercial Storage, Wholesale Sales, and Wholesale Storage.

21 “DDA” means the Disposition and Development Agreement by and between the Port and Developer
22 regarding development of Vertical Improvements and Horizontal Improvements on the Project Site.

23 “Executive Director” means the Executive Director of the Port of San Francisco.

24 “Horizontal Improvement” means public capital facilities and infrastructure built or installed at the
25 Project Site. Horizontal Improvement include Shoreline Improvements, Public Space, Public ROWs.

1 and Utility Infrastructure, and exclude Site Preparation and Vertical Improvements, all as such terms
2 are more particularly defined in the DDA.

3 “Major Modification” means a deviation of 10% or more from any dimensional or numerical Standard
4 in the Design Controls or Building Standard in the SUD, except as limited by subsection (j)(1) below;
5 provided, however, that any such deviation from a Standard in Chapter 5 of the Design Controls shall
6 be deemed a minor modification. Major Modification also means a change to a standard that is non-
7 numeric but is absolute, such as locations of curb cuts.

8 “Minor Modification” means a deviation of (1) less than 10% from any dimensional or numerical
9 Standard in the Design Controls or Building Standard in the SUD, except as limited by subsection
10 (j)(1) below; or (2) from any non-numerical (other than non-numeric, absolute) or qualitative Standard
11 in the Design Controls.

12 “Other Uses” means Community Recycling Collection Center, Open Recreation Area, Passive
13 Outdoor Recreation, Public Transportation Facility, Utility Installation, and Wireless
14 Telecommunications Facility.

15 “Parking Garage” means either a Private Parking Garage or Public Parking Garage as further
16 described in subsection 249.80(g)(7) and the Design Controls.

17 “Phase” means a phase of development as defined in the DDA.

18 “Production Uses” means all Agricultural and Industrial Uses, but excluding Large Scale Urban
19 Agriculture; Automobile Wrecking; Food, Fiber and Beverage Processing 2; Hazardous Waste
20 Facility; Junk Yard; Power Plant; Shipyard; Storage Yard; Storage, Volatile Materials; Truck
21 Terminal; and all Non-Retail Automotive Uses.

22 “Project Site” means the Project Site for the Mission Rock development, as more particularly
23 described in the DDA.

24 “Proposition D” means the Mission Rock Affordable Housing, Parks, Jobs and Historic Preservation
25 Initiative, which San Francisco voters approved on November 3, 2015.

1 **“Residential Uses”** means Residential Uses as defined in Section 102, including Single Room

2 Occupancy and Student Housing and excluding any residential component of an Institutional Use.

3 **“Retail Uses”** means all Retail Sales and Services, and Retail Entertainment, and Arts and Recreation

4 Uses; but excluding Adult Business, Motel, Fringe Financial Services, Self-Storage, Livery Stable, and

5 Sports Stadium. Retail Automotive Uses are not permitted.

6 **“Standard”** means the category of design control described in the Chapter Summary to the Design

7 Controls.

8 **“Vertical DDA”** means a Vertical Disposition and Development Agreement between the Port and an

9 Applicant that sets forth contractual terms and conditions governing the Applicant’s development of

10 Vertical Improvements at the Project Site.

11 **“Vertical Improvements”** means new construction of a Building or the rehabilitation of Pier 48 at the

12 Project Site, and any later expansion or major alteration of or addition to a previously approved

13 Building at the Project Site.

14 (f) **Uses.**

15 (1) **Mission Rock Mixed Use District Zoning Designation.** The Mission Rock
16 Mixed Use District (MR-MU) is the zoning designation for the Mission Rock site and is co-terminus
17 with the boundaries of the Mission Rock Special Use District. This Special Use District Section 249.80
18 and other Sections referenced herein establish all zoning controls for the MR-MU district.

19 (2) **Permitted Uses.** Uses principally permitted within the SUD are set forth in
20 Table 249.80-MR1. Figure 249.80-MR1 and Table 249.80-MR1 identify each development block and a
21 primary land use designation for that development block. Additional requirements that apply to
22 certain primary land use designations in a block, and the clarification of permitted uses on publicly-
23 accessible open spaces described in the Design Controls are set forth in subsections (f)(2)(A) through
24 (D) below. Permitted uses at the ground floor are set forth in subsection (f)(3) below. All uses are
25 allowed in this SUD unless otherwise explicitly prohibited as identified in this subsection (f). The intent

1 of this subsection is that the Planning Director, or the Executive Director in the case of temporary and
2 interim uses, interpret permitted uses broadly to allow for uses that may not currently exist or be
3 identified in this subsection (f) but that are consistent with the classes of expressly identified permitted
4 uses. The major categories of permitted uses in the SUD as set forth in Table 249.80-MR1 are:
5 Residential, Production (which includes Industrial and Agricultural uses), Commercial, Retail, Parking
6 Garage and Other Uses.

7 (A) On Blocks primarily designated as Residential Mixed Use, at least 60%
8 of the gross square footage of the Buildings above the ground floor in each Block shall consist of
9 Residential Uses. The minimum 60% requirement shall be considered cumulatively on each subject
10 Block, starting with the first Vertical Improvement on the Block. No Vertical Improvement or change
11 of use may be approved if it causes the gross square footage on the Block as a whole, considering all
12 existing and approved uses on the Block, to fall below 60% Residential Uses.

13 (B) On Blocks primarily designated as Commercial Mixed Use, at least 60%
14 of the gross square footage of the Buildings above the ground floor in each Block shall consist of Non-
15 Residential Uses. The minimum 60% requirement shall be considered cumulatively on each subject
16 Block, starting with the first Vertical Improvement on the Block. No Vertical Improvement or change
17 of use may be approved if it causes the gross square footage on the Block as a whole, considering all
18 existing and approved uses on the Block, to fall below 60% Non-Residential Uses.

19 (C) Hotel Uses are considered Retail Uses in this SUD and in the DC except
20 where otherwise specified therein, and in the DA for fee calculation purposes; provided however, that
21 for purposes of permitted land use location only, Hotels shall (i) be allowed in any location in which
22 Residential Uses are permitted; and (ii) count as Residential Uses for purposes of the 60% calculation
23 in this subsection (f)(2)(A). The Design Controls contain a more detailed description of design and
24 other controls that govern Hotel Uses.

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(D) The principally permitted use on publicly accessible open spaces as described in the Design Controls is Open Space/public access, subject to continuing maritime use on the south side of the apron and consistency of public access therewith, all as set forth in the DA and the Design Controls.

Table 249.80-MRI Land Uses(1)

P=Permitted.

<u>Mission Rock Parcels (as shown in Figure 249.80- MRI)</u>	<u>Residential Uses</u>	<u>Production Uses(2)</u>	<u>Commercial Uses</u>	<u>Retail Uses</u>	<u>Parking Garage(3)</u>	<u>Other Uses</u>
<u>A (Residential Mixed Use)(4)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>B (Commercial Mixed Use)(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>C (Commercial Mixed Use)(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>D1 (Residential Mixed Use)(4)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>D2</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
<u>E (Commercial Mixed Use)(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>F (Residential Mixed Use)(4)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>G (Commercial Mixed Use)(5)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>H (Flex Commercial or Residential Mixed Use)(6)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>I (Flex Commercial or Residential Mixed Use)(6)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>

<u>J (Flex Commercial or Residential Mixed Use)(6)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>K (Residential Mixed Use)(4)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>Pier 48 (7)</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>

NP=Not Permitted.

Notes:

(1) See Table 249.80-MR2 and Figure 249.80-MR2 for Ground Floor Controls. This Table 249.80-MR1 applies to uses above the ground floor.

(2) The following uses are permitted in areas designated for Production Uses only as accessory to Production Uses in accordance with subsection 249.80 (f)(7): Heavy Manufacturing 1 (woodworking mill only), Heavy Manufacturing 2 (rendering or reduction of fat, bones, or other animal material only), Heavy Manufacturing 3 (candles (from tallow), dye, enamel, lacquer, perfume, printing ink, refuse mash, refuse grain, or soap only), Wholesale Sales, and Wholesale Storage.

(3) See Section 249.80(g)(7) for Building Standards that apply to off-street parking. Automotive Repair and Automotive Wash are permitted as accessory to all Parking Garages.

(4) See Section 249.80(f)(2)(A) for additional requirements that apply on Residential Mixed Use Blocks. Hotel uses (up to 300 rooms) are permitted in any location in which Residential Uses are permitted. See Section 249.80(f)(2)(C) for additional requirements that apply to Hotels.

(5) See Section 249.80(f)(2)(B) for additional requirements that apply to Commercial Mixed Use Blocks.

(6) A Flex Block can be developed as either a Commercial Mixed Use or Residential Mixed Use Block.

(7) District-Serving Utility Installation as defined in the Design Controls is the only Other Use permitted; in addition, Active Uses are permitted.

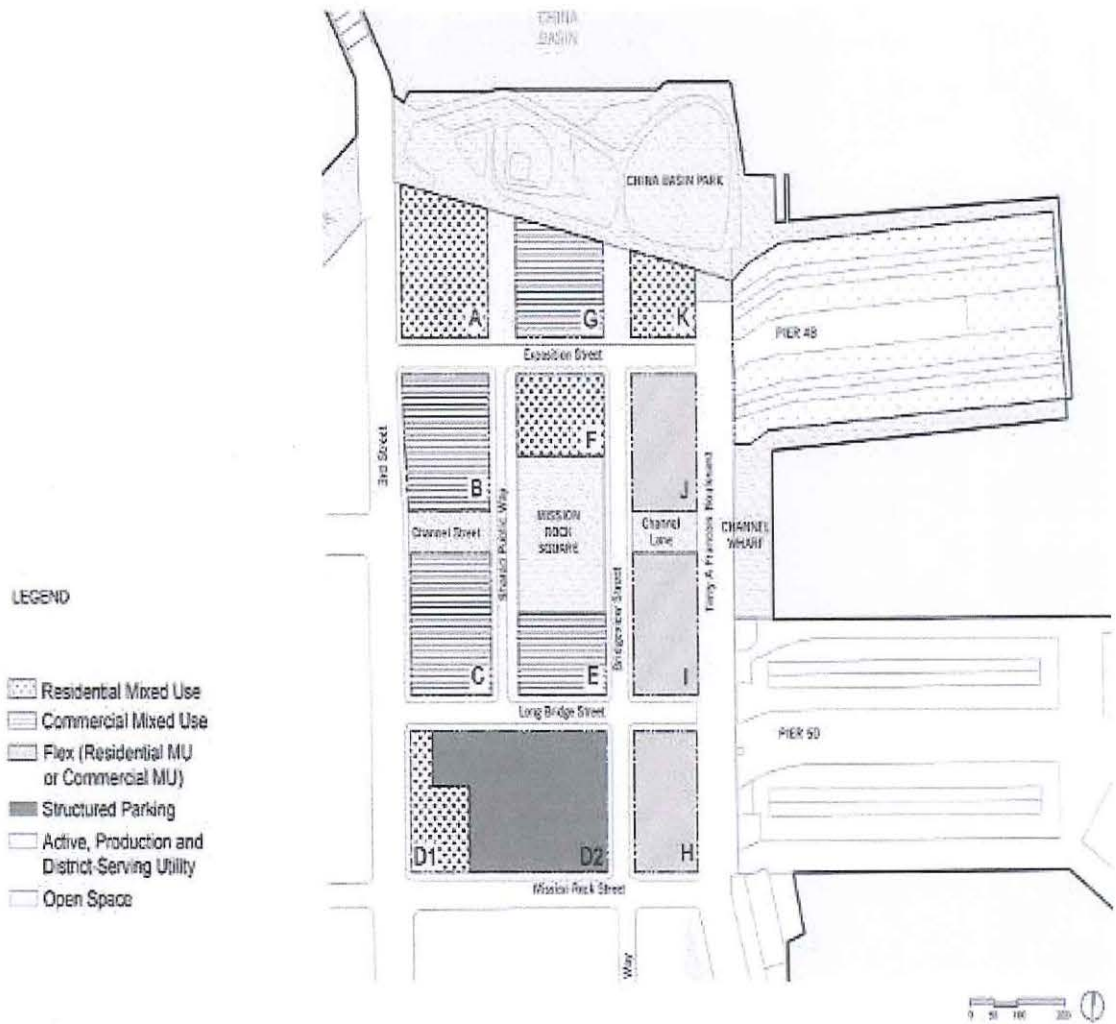
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Figure 249.80-MR1 Land Use Designation by Block



(3) **Ground Floor Frontage Zones.** Ground Floor Frontage Zones are required as indicated in Table 249.80-MR2 and Figure 249.80-MR2 below and include permitted land uses and minimum frontage depths.

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Table 249.80-MR2 – Ground Floor Frontage Zone Controls(1), (2)

<u>Ground Floor Frontage Zone</u>	<u>Allowed Ground Floor Uses</u>	<u>Minimum Frontage Depth</u>
<u>High Retail Zone</u>	<u>Retail Use</u>	<u>40 feet</u>
<u>Parkfront Zone</u>	<u>Retail Use</u>	<u>40 feet</u>
<u>Working Waterfront Zone</u>	<u>Production Use, Retail Use</u>	<u>40 feet</u>
<u>Neighborhood Street Zone: Residential</u>	<u>Residential Use</u>	<u>20 feet</u>
<u>Neighborhood Street Zone: Non- Residential</u>	<u>Retail Use, Production Use, other uses that qualify as Active Uses Parking (only on Parcel D2 and as otherwise allowed in DA/DDA). Active Uses not required on the parking garage frontages.</u>	<u>20 feet</u>

Notes:

(1) See Design Controls Table 5.5 for more detailed controls that govern these zones.

(2) A Child Care Facility is a permitted use in all ground floor frontage zones.

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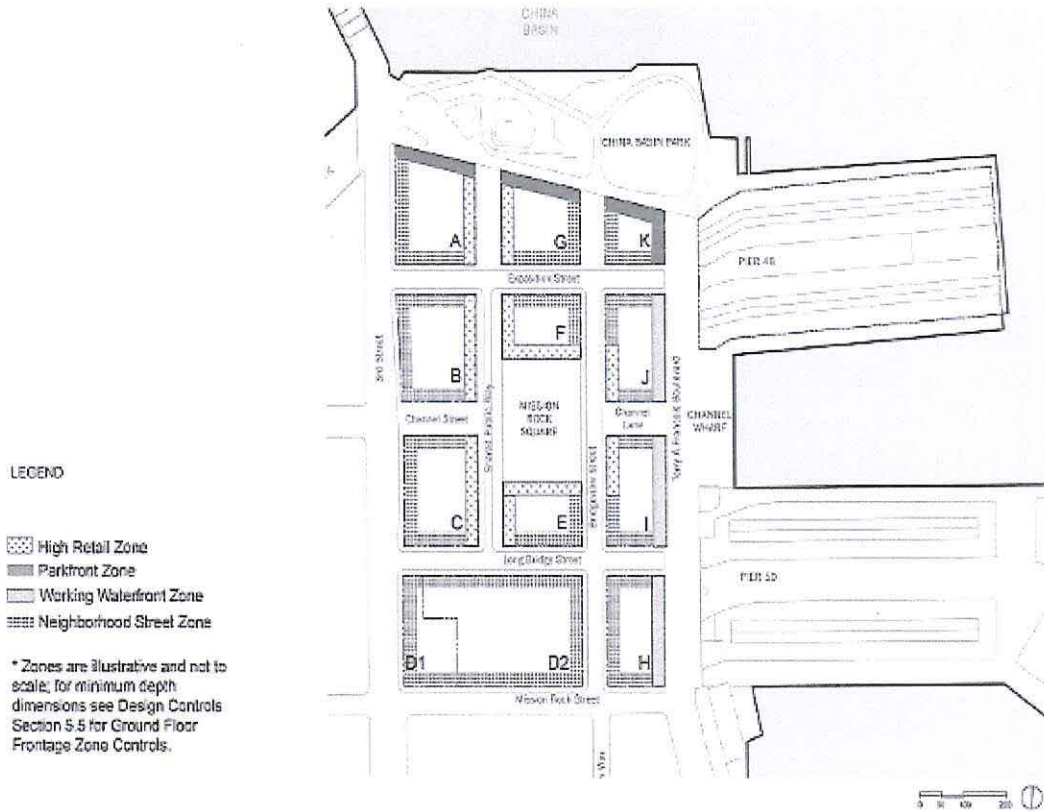
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Figure 249.80-MR2 Frontage Zones



(4) **Temporary Uses.** *The Executive Director may approve without a public hearing any of the following uses ("Temporary Uses") for a period not to exceed 90 days, or for such longer period of time as may be approved by the Executive Director under any Port lease or license: booths for charitable, patriotic or welfare purposes; markets; exhibitions, festivals, circuses, musical and theatrical performances and other forms of live entertainment including setup/load-in and demobilization/load-out; athletic events; open-air sales of agriculturally-produced seasonal decorations such as Christmas trees and Halloween pumpkins; meetings rooms and event staging; mobile food and temporary retail establishments; and automobile and truck parking and loading*

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1 associated with any authorized temporary use. The Executive Director may authorize recurring
2 Temporary Uses (such as a weekly farmers market or concert series) under a single authorization.

3 (5) **Interim Uses.** The Executive Director may approve any interim use listed in this
4 section without a public hearing for a period not to exceed five years if the Executive Director finds
5 that such use will not impede orderly development consistent with this Section 249.80, the Design
6 Controls, and the DA. Interim uses under this Section are limited to uses at Pier 48 and the existing
7 unimproved areas, open space and surface parking lots in the SUD area. Any interim use listed in this
8 section that is integral to development under the DA, DDA or Vertical DDA and permitted by the Port
9 under any Port lease or license shall not require separate authorization as an interim or temporary use
10 (for example, uses incidental to environmental clean-up, demolition and construction, storage, and
11 automobile and truck parking and loading related to construction activities.) Any authorization
12 granted pursuant to this subsection (f)(5) shall not exempt the Applicant from obtaining any other
13 permit required by law. Additional time for such uses may be authorized upon a new application.
14 Interim uses that the Executive Director may authorize include, but are not limited to the following or
15 similar activities:

16 (A) Retail activities, which may include the on-site assembly, production or
17 sale of food, beverages and goods, the operation of restaurants or other retail food service in
18 temporary structures, outdoor seating, food trucks, and food carts;

19 (B) Temporary art installations, exhibits, and sales;

20 (C) Recreational facilities and uses (such as play and climbing structures and
21 outdoor fitness classes);

22 (D) Motor vehicle and bicycle parking;

23 (E) On-site assembly and production of goods in enclosed or unenclosed
24 temporary structures;

25 ///

1 (F) Educational activities, including but not limited to after-school day camp
2 and associated activities;

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

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

6 (I) Entertainment uses, both unenclosed and enclosed, which may include
7 temporary structures to accommodate stages, seating and support facilities for patrons and operations.

8 (6) **Nonconforming Uses.** The Executive Director may allow the reasonable
9 continuance, modification, or expansion of existing uses and structures that do not comply with this
10 Section or the Design Controls under the terms and conditions set forth in the DDA.

11 (7) **Accessory Uses.** Accessory uses are governed by the provisions of Planning
12 Code Section 204 that apply to C Districts, with the following modifications:

13 (A) Table 249.80-MR1 identifies certain Production Uses and two non-Retail
14 Sales and Service Uses (Wholesale Sales and Storage, Wholesale) that are permitted in the SUD only
15 as accessory to another principally permitted Production Use. Such accessory uses must be related to
16 the underlying principal Production Use and are limited to up to 33% of the total floor area occupied
17 by such principal Production Use.

18 (B) In parking garages, car washing and minor automotive maintenance and
19 repair activities shall be permitted as accessory uses.

20 (g) **Building Standards.**

21 (1) **Density of Dwelling Units.** There shall be no dwelling unit density limit within
22 the SUD.

23 (2) **Floor Area Ratio.** There shall be no floor area ratio limit within the SUD.

24 (3) **Lot Coverage and Rear Yard.** There shall be no lot coverage or rear yard
25 requirements in the SUD.

1 (4) Usable Open Space Requirements for Dwelling Units. *In addition to any*
2 *publicly-accessible open spaces described in the Design Controls, a minimum of 36 square feet of open*
3 *space if private, or 48 square feet of open space if common, shall be provided for each dwelling unit.*
4 *Such open space may be on the ground and on decks, balconies, porches or other facilities and shall be*
5 *provided on the same development block as the unit to be served. The standards for open spaces shall*
6 *be governed by the Design Controls.*

7 (5) Dwelling Unit Exposure. *All dwelling units shall face onto a public or private*
8 *right-of-way, or onto an open area, defined as:*

9 (A) A public street, publicly accessible alley, or mid-block passage (public or
10 private) at least 20 feet in width.

11 (B) An exterior courtyard or terrace that is open to a public street, public
12 alley, mid-block passage (public or private), or public open space and at least 25 feet in width.

13 (C) An interior courtyard at least 25 feet in width, with adjacent walls up to a
14 maximum height of 55 feet, or 40 feet in width with adjacent walls 55 feet or higher.

15 (D) Undeveloped airspace over rooftops of either adjacent Buildings within
16 the SUD or a Building on the same parcel where such Building has been built to the maximum height
17 allowed pursuant to Section 291.

18 (6) Building Height and Bulk. *Building height and bulk limits and controls within*
19 *the SUD shall be as set forth in Planning Code Section 291.*

20 (7) Off-Street Parking. *Off-street automobile parking shall not be required for any*
21 *use in this SUD. At Project buildout, total parking spaces in the SUD shall not exceed 3,100. Up to*
22 *3,000 parking spaces are permitted in the Parcel D2 parking garage or a combination of Parcel D2*
23 *parking garage and a below grade parking garage beneath Mission Rock Square. A maximum of 100*
24 *additional spaces in aggregate are permitted in other Vertical Improvements in the SUD. There shall*
25 *be a minimum of 31 car share spaces at buildout of the SUD, located in any combination of the parking*

1 garage on Parcel D2, underground parking garage beneath Mission Rock Square and other Vertical
2 Improvements in the SUD area. Phasing and amounts of parking for each Vertical Improvement shall
3 be governed by the DDA.

4 (8) **Off-Street Loading.** Off-street loading spaces are not required in the SUD, and
5 loading shall be governed by Design Controls Chapters 4 and 5.

6 (9) **Bicycle Parking; Showers and Lockers.** Bicycle parking, and the provision of
7 showers and lockers shall be governed by Planning Code Sections 155.1-155.4 provided, however,
8 that:

9 (A) the number of Class I bicycle parking spaces shall be provided at the higher
10 of the ratios set forth in Planning Code Section 155.2 or the following: Residential: one space per
11 dwelling unit; Commercial and Production Uses: one space per 2,500 square feet of Commercial or
12 Production Use; and Retail: one space per 3,750 square feet of Retail Use;

13 (B) Class II bicycle parking spaces shall not be required pursuant to Section
14 155.2 but shall be provided at the ratios and based on the criteria and locations set forth in the
15 Transportation Demand Management requirements in the DDA on a Phase basis pursuant to the DDA
16 in connection with Horizontal Improvements; and,

17 (C) in lieu of the Zoning Administrator waiver process, the Minor Modification
18 and Major Modification process in subsection (m) below shall apply.

19 (10) **Signage.** Signage in the publicly accessible open spaces described in subsection
20 (f)(2) and along public realm streets and rights-of-way identified in the Design Controls Chapters 2
21 through 4, shall be subject to public realm signage standards and guidelines to be established as part
22 of the first Phase submittal, as set forth in the DA and DDA. Signage for Buildings, including parking
23 garages, in the SUD shall be governed by the provisions of Planning Code Article 6 that apply in the
24 C-3 District. In lieu of the permit process described in Planning Code Section 604, all signage in the
25 SUD shall be reviewed and approved by the Port in accordance with the DA and DDA.

1 (11) **Transportation Demand Management.** *Transportation Demand Management*
2 *requirements shall be governed by the DA and DDA.*

3 (h) **Zoning Procedures.**

4 (1) **Institutional Master Plans.** *Each Post-Secondary Educational Institutional use,*
5 *including Group Housing affiliated with and operated by any such institution, shall comply with the*
6 *applicable provisions of Planning Code Section 304.5, following the requirements and procedures for*
7 *such uses in C-3 Districts.*

8 (2) **Removal of Dwelling Units.** *The removal of Dwelling Units in the SUD shall be*
9 *governed by Planning Code Section 317, in accordance with the procedures of Section 303 of this*
10 *Code.*

11 (3) **Health Care Services Master Plan.** *Any change of use to a Medical Use that*
12 *would occupy 10,000 gross sf of floor area, or any expansion of an existing Medical Use that would*
13 *add at least 5,000 gross square feet of floor area, is subject to Planning Code Section 342.*

14 (4) **Places of Entertainment.** *Planning Code Section 314 (Places of Entertainment)*
15 *shall not apply in the SUD. In lieu of this requirement, through the DDA the Port will address*
16 *disclosures to residents regarding the proximity of Places of Entertainment to the Residential Uses.*

17 (5) **Good Neighbor Policies.** *Planning Code Section 803.5 (Good Neighbor*
18 *Policies) shall not apply in the SUD. The Port will enforce substantially similar policies through the*
19 *DDA and Vertical DDA.*

20 (6) **Retail Leasing Program.** *Planning Code Section 303.1 (Formula Retail) shall*
21 *not apply in the SUD. In lieu of this requirement, through the DDA the Port will require a*
22 *Merchandising Program as part of each Phase submittal. Each Vertical Improvement will be required*
23 *to be consistent with the Merchandising Program, which will include standards and guidelines that,*
24 *among other things, provide for a range of retail types and an appropriate mix of local, regional and*
25 *national retail tenants.*

1 (i) **Processing and Impact Fees.** Processing and impact fees, including inclusionary
2 housing requirements, for development in the SUD are governed by the DDA and DA.

3 (j) **Modification to Building Standards.** Modification of the Building Standards may be
4 approved as authorized by this subsection (j) on a project-by-project basis according to the procedures
5 of subsection (m).

6 (1) **No Modifications Permitted.** Major and Minor Modifications under subsection
7 (m) are not permitted for:

8 (A) maximum height and bulk established in Section 291;

9 (B) maximum off-street parking amounts established in subsection (g);

10 (C) minimum Class 1 bicycle parking quantities established in subsection (g); or,

11 (D) land use requirements established in subsections (f).

12 Modifications to other Building Standards and provisions of this SUD are governed by subsection (m).

13 (2) **Minor Modifications.** The Planning Director may approve a Minor
14 Modification administratively according to the procedures described in subsection (m).

15 (3) **Major Modifications.** The Planning Commission shall hear any application for
16 a Major Modification according to the procedures described in subsection (m).

17 (k) **Review and Approval of Development Phases.** The Port must approve a Phase
18 application in accordance with the DDA for the Phase that includes the applicable Vertical
19 Improvements before Planning may approve an application for design review under this Section
20 249.80.

21 (l) **Review and Approval of Open Space.** The Port has exclusive jurisdiction over the
22 review of proposed publicly-owned open space and right-of-way (including streetscape) within the
23 SUD. The Port's exclusive jurisdiction review authority includes determinations of consistency with
24 the Design Controls, including program, design, and the inclusion of any associated or ancillary
25

1 structures. Any privately-owned, publicly-accessible open space on any of the development parcels
2 shall be reviewed and approved by Planning as part of the associated Vertical Improvement.

3 (m) **Design Review and Approval of Vertical Improvements.**

4 (1) **Applications.** Applications for design review are required for all Vertical
5 Improvements prior to issuance of site or building permits. An Applicant shall file for design review at
6 the Port for the property for which the design review is sought, with a copy delivered simultaneously to
7 the Planning Department. Each application shall include the documents and materials necessary to
8 determine consistency with this Section and the Design Controls, including site plans, sections,
9 elevations, renderings, landscape plans, and exterior material samples to illustrate the overall concept
10 design of the proposed Buildings. If an Applicant requests a Major or Minor Modification, the
11 application shall contain descriptive material such as narrative or supporting imagery, if appropriate,
12 that describes how the proposed Vertical Improvement meets the intent of the SUD and Design
13 Controls and provides architectural treatment and public benefit that are equivalent or superior to
14 strict compliance with the Standards or Building Standards.

15 (2) **Completeness.** Port and Planning staff shall review the application for
16 completeness and jointly advise the Applicant in writing of any deficiencies within 30 days after receipt
17 of the application or, if applicable, within 15 days after receipt of any supplemental information
18 requested pursuant to this Section. Completeness review by Port staff will also include a review for
19 compliance with the requirements of the applicable Vertical DDA. If staff from either Department does
20 not advise the Applicant of any deficiencies within the 30 day review period, the application shall be
21 deemed complete.

22 (3) **Staff Design Review for Buildings.** Each application for Vertical Improvements
23 shall be subject to the administrative design review process set forth in this subsection (m)(3). Upon a
24 determination of completeness (or deemed completeness), staff shall conduct design review and
25 prepare a joint staff report determining compliance of the Vertical Improvement with this Section

1 249.80 and the Design Controls, including a recommendation regarding any modifications sought.
2 Such staff report shall be delivered to the Applicant and any third parties requesting notice in writing,
3 shall be kept on file, and posted on the Department's website for public review, within 60 days after the
4 determination of completeness (or deemed completeness). If staff determines that the Vertical
5 Improvement is not compliant with the Design Controls and this Section 249.80, it will notify the
6 Applicant within the applicable 60-day period, in which case the Applicant may resubmit the
7 application and the requirements under this subsection (m)(3) shall apply anew, except that the time for
8 staff review shall be 30 days.

9 (4) **Port Review for Pier 48.** Port staff shall review the schematic design for Pier 48
10 in accordance with the timeframes and procedures set forth in this subsection (m) above or as
11 otherwise set forth in the DDA, except that the Port will not refer the application to the Planning
12 Department. The application will be processed by Port staff, and actions designated for the Planning
13 Director in subsection (m) will be undertaken by the Port Director. Port staff review shall include a
14 determination of consistency with the Design Controls and applicable mitigation measures, including
15 compliance with Secretary of the Interior's Standards for the Treatment of Historic Properties.

16 (5) **Approvals and Public Hearings for New Development.**

17 (A) **New Construction.** Within 10 days after the delivery and posting of the
18 staff report in accordance with subsection (m)(3), the Planning Director shall approve or disapprove
19 the Vertical Improvement design and any Minor Modifications based on its compliance with this
20 Section 249.80 and the Design Controls and the findings and recommendations of the staff report. If
21 the Vertical Improvement is consistent with the numeric Building Standards set forth in this Section
22 249.80 and the Standards in Design Controls, then the Planning Director's discretion to approve or
23 disapprove the Vertical Improvement shall be limited to the Vertical Improvement's consistency with
24 the non-numeric elements of the Design Controls or the General Plan. Notwithstanding any other
25 provisions of this Section 249.80, the Planning Director may refer an application that proposes

1 modification to the non-numeric elements of the Design Controls to the Planning Commission, even if
2 not otherwise classified as a Major Modification, if the Planning Director determines that the proposed
3 modification does not meet the intent of the Standards in the Design Controls.

4 (B) **Vertical Improvements Seeking Major Modifications.** This subsection
5 applies to Vertical Improvements seeking one or more Major Modifications and any Vertical
6 Improvements seeking Minor Modifications that the Planning Director, in his or her sole discretion,
7 refers as a Major Modification. Upon delivery and posting of the staff report under subsection (m)(3),
8 the Planning Commission shall calendar the item for a public hearing at the next regularly scheduled
9 Planning Commission meeting (or a special meeting, at the Planning Commission's discretion), subject
10 to any required noticing. The Planning Commission shall consider all comments from the public, the
11 recommendations of the consolidated Port/Planning staff report, and the recommendations of the
12 Planning Director in making a decision to approve or disapprove the Vertical Improvement design,
13 including the granting of any Major or Minor Modifications.

14 (C) **Notice of Hearings.** Notice of hearings required by subsection (m)(5)(B)
15 above shall be provided as follows:

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

21 (ii) by posting on the subject property at least 10 days prior to the
22 date of the hearing.

23 (n) **Building Permit Approval.** The Chief Harbor Engineer shall review each site/building
24 permit application for consistency with the authorizations granted pursuant to this Section. The Chief
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1 Harbor Engineer shall not issue any site/building permit for work within the SUD that is inconsistent
2 with such authorization.

3 (o) **Change of Use.** Before issuing any building permit or other permit or license, or for a
4 permit of Occupancy that would authorize a new use, a change of use or maintenance of an existing use
5 of any land, Building or Structure, the Chief Harbor Engineer shall refer the matter to the Planning
6 Department for a consistency determination within 15 days of referral. If the determination is not
7 provided within 15 days, then the submittal shall be deemed consistent.

8 (p) **Discretionary Review.** No requests for discretionary review shall be accepted by the
9 Planning Department or heard by the Planning Commission for any Buildings or Structures in the
10 SUD.

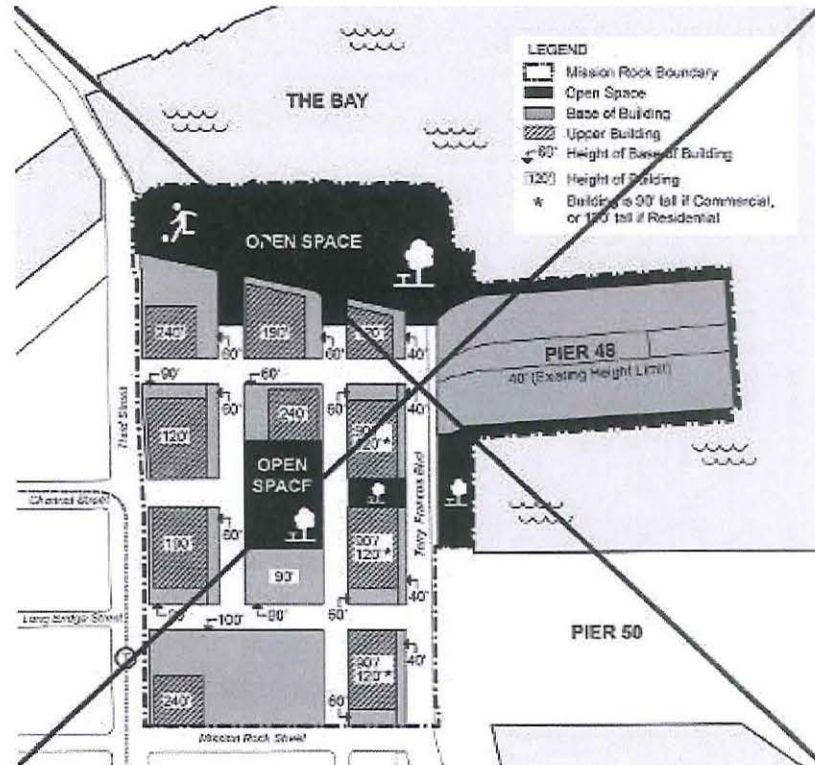
11 **SEC. 291. MISSION ROCK HEIGHT AND BULK DISTRICT.**

12 (a) **Purpose.** The purpose of the Mission Rock Height and Bulk District is to enable
13 development of Mission Rock as a mixed use, transit-oriented neighborhood, with significant
14 open space, public access and affordable housing. The property within the District is *planned*
15 ~~to be~~ divided into a number of separate blocks and varying height limits shall apply within such
16 blocks as provided below. Design controls shall be adopted for the District to guide the design
17 of improvements within the established height limits.

18 In approving the “Mission Rock Affordable Housing, Park, Jobs and Historic Preservation
19 Initiative” (“Proposition D”) on November 3, 2015, the voters of the City and County of San Francisco
20 established certain limits and parameters for the height and bulk of buildings at Mission Rock. These
21 parameters are laid out in subsections (a)(1) through (5) below. The detailed height and bulk controls
22 contained in subsections (b) through (g), adopted subsequent to approval of Proposition D, as
23 described in the Mission Rock Special Use District in Section 249.80, are consistent with and
24 implement these voter-established limitations and requirements. Mission Rock Design Controls (Design
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1 Controls), adopted by the Planning Commission and the Port Commission subsequent to approval of
2 Proposition D, are incorporated by reference in Section 249.80.

3 (b) Height Limits. The height limits applicable to the currently planned blocks within the
4 Mission Rock Height and Bulk District shall be are as shown on the graphic below.



19 The boundaries of the blocks and the height limits applicable within such blocks as
20 shown in the graphic ~~above~~ in subsection (b) below may only be modified in a manner consistent
21 with all of the requirements set forth ~~below~~ in the following subsections (a)(1) through (5), which
22 requirements may not be amended without voter approval:

23 (1) **Open Space.** Approximately 8 acres of open space shall be provided
24 within the District, and in these open space areas any buildings shall be limited in height to a
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1 single story, consistent with the height and bulk designation of OS (Open Space) in effect
2 prior to the adoption of this Section 291 and the provisions of Planning Code Section 916.

3 (2) **Pier 48.** Pier 48, totaling approximately 5 acres (exclusive of the apron
4 which shall remain as open space), shall be subject to a height limit of 40 feet, ~~consistent with~~
5 ~~the prior height~~ and bulk designation of 40-X. No height limit in excess of 40 feet shall be
6 established in the District within 100 feet landward of the shoreline of San Francisco Bay,
7 measured from the mean high tide line as of the adoption of this Section 291.

8 (3) **Lots Fronting Terry A. Francois Boulevard.** Building frontages along
9 the west side of the reconfigured Terry A. Francois Boulevard shall be no more than 40 feet in
10 height, with height in excess of 40 feet stepping back from the street in accordance with the
11 Design Controls ~~design controls to be adopted~~. The maximum height of buildings on blocks
12 fronting on the west side of reconfigured Terry A. Francois Boulevard shall be 120 feet,
13 provided that floor area above 90 feet shall be used exclusively for residential uses and uses
14 accessory thereto and/or restaurant uses.

15 (4) **Elsewhere in the District.** Three buildings within the District shall be
16 permitted to exceed a height of 190 feet; provided that (i) occupied floor area above 190 feet
17 shall be used exclusively for residential uses and uses accessory thereto and/or restaurant
18 uses, (ii) the maximum height of such buildings shall be 240 feet, and (iii) the ~~design controls~~
19 Design Controls are in effect to ensure slender towers, including a requirement that typical
20 floors above a height of 190 feet do not exceed 12,000 square feet of gross floor area, with
21 minor variation permitted for articulation. Consequently, the typical floors above 190 feet in the
22 three buildings combined shall comprise no more than about 3% of the approximately 28 acre
23 area of the Mission Rock Height and Bulk District. The height limit on all other blocks within
24 the Mission Rock Height and Bulk District shall not exceed 190 feet or such lower height limit
25 as may be required in accordance with the provisions of paragraphs (1) through (3) above.

(5) **Maximum Area Subject to Increased Height Limit.** As compared to the height limits in effect prior to the adoption of this Section 291, the height limit shall be increased on a maximum of 10 acres of the approximately 28 acre Mission Rock Height and Bulk District. The 18 acres on which the height limit is not increased shall include: (i) areas to be devoted to open space (approximately 8 acres), (ii) the circulation network for pedestrians, bicycles and vehicles (approximately 5 acres), and (iii) Pier 48 (approximately 5 acres).

(b) Height Limits. The height limits applicable to the blocks within the Mission Rock Height and Bulk District are as shown on the graphic below.

Figure 291-MR1, Maximum Height and Bulk Plan

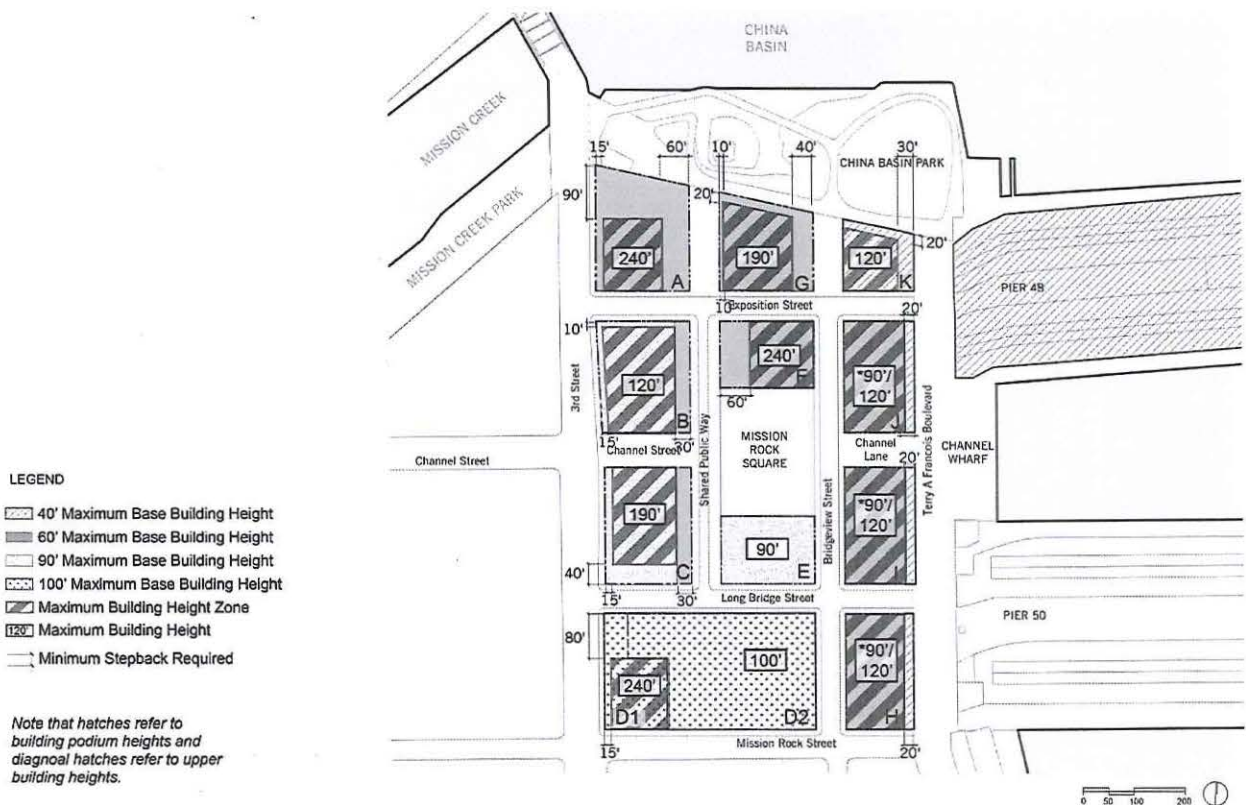


FIGURE 291-MR1 Maximum Height and Bulk

1 (c) **Height and Bulk Measurement.** Maximum building heights shall be measured from the
2 highest point of the finished grade (as referenced in the Design Controls) along the property line, up to
3 the highest point of the uppermost structural slab in the case of a flat roof, and up to the average height
4 of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form. Maximum Base
5 Building heights shall be measured from the highest point of the finished grade (as referenced in the
6 Design Controls of the finished grade (as referenced in the Design Controls) along the property line up
7 to the highest point on the uppermost structural slab of the Base Building in the case of a flat roof, and
8 the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form
9 of the Base Building.

10 (d) **Building Envelopes.** Building envelopes shall consist of the Base Building and the
11 Upper Building, as illustrated in Figure 291-MR2, Components of the Building Envelope. Upper
12 building massing must be located within the hatched zones and stepbacks are required above Base
13 Buildings, both as indicated on Figure 291-MR1, Maximum Height and Bulk Plan.

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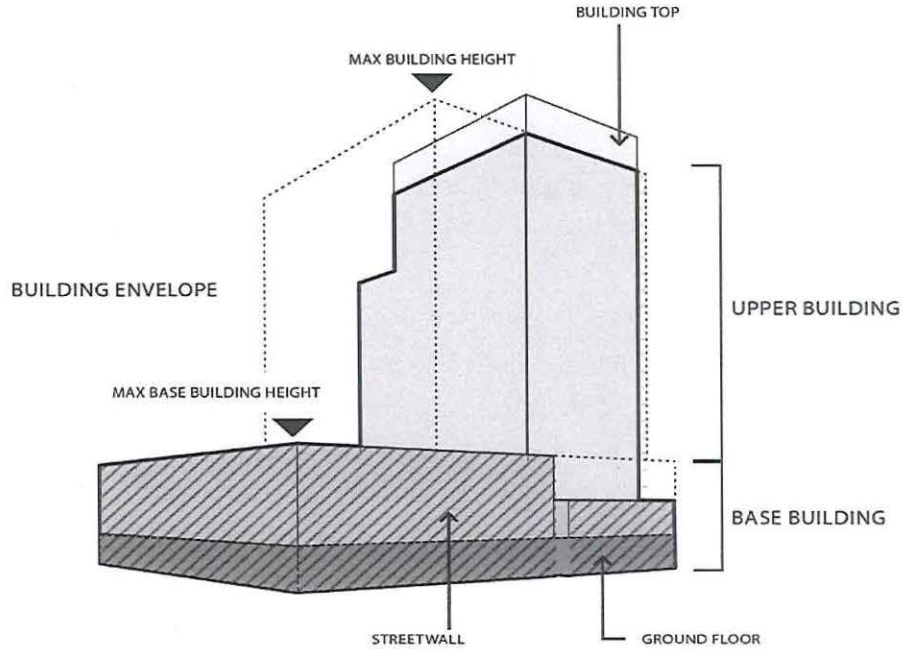
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Figure 291-MR2. Components of the Building Envelope



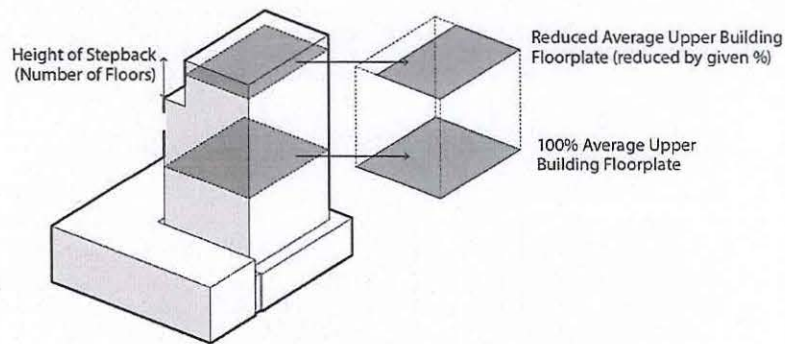
(e) **Upper Building Tops.** The tops of Upper Buildings may extend up to 20 feet vertically above the maximum permitted building height, except on Block F, where the building may extend up to 40 feet vertically above the maximum permitted building height. In both cases, the extension is allowed only for non-occupied architectural features.

(f) **Rooftop Elements.** The following rooftop elements may extend beyond the maximum permitted building height as specified below, provided that in no event shall the maximum height in subsection (e) be exceeded: mechanical enclosures, and sustainable infrastructure such as photovoltaic panels, windmills, fog catchers and Greenhouses (up to 20 feet in height). On the Base Building, rooftop elements must step back at a minimum ratio of 1.2 feet horizontally from the streetwall for every foot that they exceed the maximum permitted height limit. Common use structures

1 are permitted on the Base Building up to 20 feet in height, provided that they are limited to 25% of the
2 roof area for each Base Building. On the Upper Building, rooftop elements must be screened or
3 enclosed within the building top. Railings, planters and visually permeable building elements no
4 greater than 42 inches above the roof are exempt from step-back requirements.

5 (g) **Upper Building Floorplate Reduction and Bulk Controls.** For buildings taller than
6 160 feet, bulk floorplate reduction and controls shall be required in accordance with Figure 291-MR3
7 and Table 291-MR1 as follows:

8 **Figure 291-MR3. Floorplate Reduction**



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Table 291-MR1 – Upper Building Bulk Controls

<u>Block</u>	<u>Primary Land Use</u>	<u>Upper Building Max Plan Dimension</u>	<u>Upper Building Max Diagonal Dimension</u>	<u>Height of Building Top</u>	<u>Upper Building Max Average Floorplate</u>	<u>% Reduction of Max Average Floorplate</u>	<u>Height of Stepback</u>
<u>Block A</u>	<u>Residential</u>	<u>140 feet</u>	<u>160 feet</u>	<u>20 feet</u>	<u>11,001-12,000</u>	<u>25%</u>	<u>Uppermost 5 floors</u>
					<u>11,000 square feet or less</u>	<u>None Required</u>	<u>Not Applicable</u>
<u>Block B</u>	<u>Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>25,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
<u>Block C</u>	<u>Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>20,000 square feet</u>	<u>10%</u>	<u>Uppermost 2 floors</u>
<u>Block D</u>	<u>Residential</u>	<u>140 feet</u>	<u>160 feet</u>	<u>20 feet</u>	<u>12,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
<u>Block E</u>	<u>Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>NA</u>	<u>None Required</u>	<u>Not Applicable</u>
<u>Block F</u>	<u>Residential</u>	<u>140 feet</u>	<u>160 feet</u>	<u>40 feet</u>	<u>11,001 - 12,000 square feet</u>	<u>25%</u>	<u>Uppermost 5 floors</u>
					<u>11,000 square feet or less</u>	<u>None Required</u>	<u>Not Applicable</u>

1	<u>Block G</u>	<u>Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>20,000 square feet</u>	<u>10%</u>	<u>Uppermost 2 floors</u>
2								
3	<u>Block H (flex)</u>	<u>If Residential</u>	<u>115 feet</u>	<u>150 feet</u>	<u>20 feet</u>	<u>10,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
4		<u>If Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>20,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
5								
6	<u>Block I (flex)</u>	<u>If Residential</u>	<u>115 feet</u>	<u>150 feet</u>	<u>20 feet</u>	<u>10,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
7		<u>If Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>20,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
8								
9	<u>Block J (flex)</u>	<u>If Residential</u>	<u>115 feet</u>	<u>150 feet</u>	<u>20 feet</u>	<u>10,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
10		<u>If Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>20,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
11								
12	<u>Block K</u>	<u>If Residential</u>	<u>115 feet</u>	<u>150 feet</u>	<u>20 feet</u>	<u>10,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
13		<u>If Commercial</u>	<u>NA</u>	<u>NA</u>	<u>20 feet</u>	<u>20,000 square feet</u>	<u>None Required</u>	<u>Not Applicable</u>
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21 **SEC. 901. SCOPE AND PURPOSE OF ARTICLE 9.**

22 (a) **Applicability of Article 9 Provisions and Provisions of Other Parts of the**
 23 **Planning Code.** This Article is adopted specifically for Mission Bay Use Districts.
 24 Notwithstanding any other provision of this Article 9, the term "Mission Bay Use Districts" is
 25 defined for purposes of this Article 9 to include only the non-shaded areas indicated on

1 Figure 1. The shaded areas on Figure 1 are now governed by the Mission Bay North and
2 Mission Bay South Redevelopment Plans, and in MB-OS and P20, Sections 249.80 and 291, and
3 are not subject to any provisions of this Article 9. The provisions set forth or referenced in this
4 Article 9 shall apply to any use, property, structure, or development, both public and private,
5 which is located in a Mission Bay Use District, unless otherwise provided for within this Article.
6 Other provisions of this Code referenced in this Article are applicable in Mission Bay Use
7 Districts shall apply only to the extent indicated in the reference. Other provisions of this Code
8 which by their general terms would apply to Mission Bay Use Districts shall apply only to the
9 extent expressly provided in this Article. The "Mission Bay Plan," formerly a part of the
10 General Plan for the City and County of San Francisco, has been rescinded and adopted, as
11 to the non-shaded areas on Figure 1, by the Planning Commission as the "Mission Bay
12 Guidelines." Any reference in this Article 9 to the Mission Bay Plan shall be deemed to refer to
13 the Mission Bay Guidelines adopted by the Planning Commission.

14 * * * *

15 **SEC. 902. ESTABLISHMENT AND LOCATION OF MISSION BAY USE DISTRICTS.**

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Assessor's Block	Lot	Current Zoning to be Superseded	Proposed Zoning to be Approved
9900	048	M-2	Mission Rock Mixed Use (MR-MU) District
8719	006	MB-OS	Mission Rock Mixed Use (MR-MU) District

(b) Sectional Map SU08 is hereby amended to create the new Mission Rock Special Use District, bounded by the following streets:

Generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the west; and consisting of Assessor's Block 8719/Lot 006, and Block 9900/Lot 048. The area is also referred to as Seawall Lot 337, including the existing China Basin Park; the 0.3-acre strip of land on the south side of Seawall Lot 337; and Pier 48.

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

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

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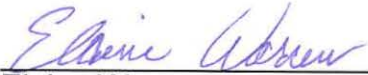
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the official title of the ordinance.

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

By: 
Elaine Warren
Deputy City Attorney
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REVISED LEGISLATIVE DIGEST

(Substituted, 12/5/2017)

[Planning Code, Zoning Map - Mission Rock Special Use District]

Ordinance amending the Planning Code and the Zoning Map to add the Mission Rock Special Use District, generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the west; to amend other related provisions; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.

Existing Law

The Mission Rock area of San Francisco is Port property directly south of the AT&T ballpark, consisting of China Basin Park, a surface parking lot leased to the Giants, and Pier 48. On November 3, 2015, in satisfaction of the requirements of Proposition B, which requires voter approval to increase height limits on certain Port property, the voters approved the "Mission Rock Affordable Housing, Parks, Jobs and Historic Preservation Initiative" ("Proposition D"). Proposition D established policies and modifications to the San Francisco General Plan to guide future development and added Section 291 to the Planning Code, establishing new height and bulk standards. Proposition D left the existing site zoning in place. Pier 48 is zoned Heavy Industrial (M-2) and the rest of the area is zoned Mission Bay Open Space (MB-OS).

Amendments to Current Law

This Ordinance adds Section 249.80 to the Planning Code, which establishes the Mission Rock Special Use District (SUD). The SUD envisions development of a mixed-use, transit-oriented community on the waterfront near public transit, new housing, increased public access and open spaces, infrastructure improvements, retail, community spaces, commercial/office and light industrial/production space, and preservation and renovation of historic Pier 48, job creation.

The SUD in conjunction with the Mission Rock Design Controls (Design Controls) establish land use controls and building standards for the area. The Design Controls document, adopted by the Planning and Port Commissions, describes standards and guidelines for development in detail.

The Ordinance defines permitted land uses, and temporary, and interim uses on the Project site. The building standards address dwelling unit density, floor area ratio, lot coverage, rear yard and open space requirements, dwelling unit exposure, off-street parking and loading,

bicycle parking, signage, and transportation demand management. The Ordinance addresses various zoning procedures, processing and impact fees, and modifications to the building standards. The Ordinance establishes procedures for review and approval of development phases, open space, and vertical improvements. The Ordinance also augments height and bulk controls through amendments to Planning Code Section 291.

Finally, the Ordinance amends Sections 201, 901 and the Zoning Map to (a) change the use of the site from MB-OS (Mission Bay Open Space) and M-2 (Heavy Industrial) to the Mission Rock Mixed Use District (MR-MU), and (b) create the Mission Rock SUD in the sectional map.

Background Information

The Mission Rock project site is generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south, and 3rd Street to the west. The Project involves construction of infrastructure, public open space and other public facilities, new building construction, and rehabilitation of historic Pier 48, resulting in a mix of market-rate and affordable residential uses, commercial use, retail/light-industrial uses, open space, and shoreline improvements. The Planning Department has prepared an environmental impact report (EIR) on the Project under the California Environmental Quality Act (CEQA). Related separate legislation that would further development of the project address establishment of a financing district and approval of a development agreement, disposition and development agreement, lease with the Port, and public trust exchange.

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1 [California Environmental Quality Act Findings - Seawall Lot 337 and Pier 48 Mixed-Use
2 Project]

3 **Resolution affirming the Planning Department’s certification of the Final Environmental**
4 **Impact Report and adopting environmental findings under the California Environmental**
5 **Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code,**
6 **Chapter 31, including findings of fact, findings regarding significant impacts and**
7 **significant and unavoidable impacts, evaluation of mitigation measures and**
8 **alternatives, a statement of overriding considerations, and adoption of a mitigation**
9 **monitoring and reporting program related to the approvals for the proposed Seawall**
10 **Lot 337 and Pier 48 Mixed-Use Project.**

11
12 WHEREAS, The Board of Supervisors makes the following findings in compliance with
13 the California Environmental Quality Act (CEQA), California Public Resources Code, Sections
14 21000 et seq., the CEQA Guidelines, 14 Cal. Code Reg. Code, Sections 15000 et seq.

15 (CEQA Guidelines), and San Francisco Administrative Code, Chapter 31 (Chapter 31); and

16 WHEREAS, The proposed area for development is an approximately 28-acre project
17 site that consists of the 14.2-acre Seawall Lot 337; the 0.3-acre strip of land along the south
18 boundary of Seawall Lot 337, referred to as P20; the 6.0-acre Pier 48; the existing 2.2-acre
19 China Basin Park; and 5.4 acres of streets and access areas within or adjacent to the
20 boundaries of Seawall Lot 337 and Pier 48 (Project Area); and

21 WHEREAS, The Planning Department ("Department") has undertaken a planning and
22 environmental review process for the proposed Project Area and provided for appropriate
23 public hearings before the Planning Commission; and

24 WHEREAS, The actions listed in Attachment A, "Seawall Lot 337 and Pier 48 Mixed
25 Use Project California Environmental Quality Act Findings; Findings of Fact, Evaluation of

1 Mitigation Measures and Alternatives, and Statement of Overriding Considerations," San
2 Francisco Planning Commission, October 5, 2017, a copy of which is in Board File No.
3 _____, and available on the Board's website, and incorporated herein as
4 though fully set forth, ("Actions") are various actions proposed to implement the Seawall Lot
5 337 and Pier 48 Mixed Use Project (Project), as more particularly defined in Attachment A;
6 and,

7 WHEREAS, On April 26, 2017, the Department released for public review and
8 comment the Draft Environmental Impact Report for the Project, (Department Case No.
9 2013.0208ENV); and

10 WHEREAS, The Planning Commission on June 1, 2017, held public hearings on the
11 Draft Environmental Impact Report and received written public comments until 5:00 pm on
12 June 12, 2017, for a total of 47 days of public review; and

13 WHEREAS, The Department prepared a Final Environmental Impact Report ("FEIR")
14 for the Project consisting of the Draft Environmental Impact Report, the comments received
15 during the review period, any additional information that became available after the publication
16 of the Draft Environmental Impact Report, and the Draft Summary of Comments and
17 Responses, all as required by law, a copy of which is in Board File No. _____, and
18 available on the Board's website and is incorporated into this resolution by this reference; and

19 WHEREAS, The FEIR files and other Project-related Department files have been
20 available for review by this Board of Supervisors and the public, and those files are part of the
21 record before this Board of Supervisors; and

22 WHEREAS, On October 5, 2017, the Planning Commission reviewed and considered
23 the FEIR and, by Motion No. 20017, found that the contents of said report and the procedures
24 through which the FEIR was prepared, publicized and reviewed complied with the provisions
25

1 of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines and Chapter
2 31 of the San Francisco Administrative Code; and

3 WHEREAS, By Motion No. 20017, found that the FEIR was adequate, accurate and
4 objective, reflected the independent judgment and analysis of Commission and that the
5 summary of Comments and Responses contained no significant revisions to the Draft
6 Environmental Impact Report; and

7 WHEREAS, By Motion No. 20017, adopted findings that the Project will have
8 significant and unavoidable project impacts and make a considerable contribution to
9 cumulative impacts in the areas of transportation, noise, air quality and wind; and

10 WHEREAS, By Motion No. 20017, certified the completion of the Final Environmental
11 Impact Report for the Project in compliance with CEQA and the CEQA Guidelines; and

12 WHEREAS, On October 5, 2017, by Motion No. 20018, the Planning Commission
13 adopted Findings, as required by CEQA, regarding the alternatives, mitigation measures,
14 significant environmental impacts analyzed in the FEIR, and a statement of overriding
15 considerations, for approving the Project, including all of the actions listed in Attachment A.
16 The Planning Commission also adopted a mitigation monitoring and reporting program,
17 denoted as Attachment B, a copy of which is in Board File No. _____, which material was
18 made available to the public and this Board of Supervisors for its review, consideration and
19 actions; now, therefore, be it

20 RESOLVED, That the Board of Supervisors has reviewed and considered Planning
21 Commission Motion No. 20017 certifying the FEIR and finding the FEIR adequate, accurate
22 and objective, and reflecting the independent judgment and analysis of the Planning
23 Commission, and hereby affirms the Planning Commission's certification of the FEIR; and be
24 it
25

1 FURTHER RESOLVED, That the Board of Supervisors finds that (1) modifications
2 incorporated into the Project and reflected in the Actions will not require important revisions to
3 the FEIR due to the involvement of new significant environmental effects or a substantial
4 increase in the severity of previously identified significant effects; (2) no substantial changes
5 have occurred with respect to the circumstances under which the Project or the Actions are
6 undertaken that would require major revisions to the FEIR due to the involvement of new
7 significant environmental effects, or a substantial increase in the severity of effects identified
8 in the FEIR; and (3) no new information of substantial importance to the Project or the Actions
9 has become available that would indicate (a) the Project or the Actions will have significant
10 effects not discussed in the FEIR; (b) significant environmental effects will be substantially
11 more severe; (c) mitigation measures or alternatives found not feasible, which would reduce
12 one or more significant effects, have become feasible; or (d) mitigation measures or
13 alternatives, which are considerably different from those in the FEIR, would substantially
14 reduce one or more significant effects on the environment; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
16 the FEIR and hereby adopts the CEQA Findings contained in Planning Commission Motion
17 No. 20018, including the Findings in Attachment A, and the mitigation monitoring and
18 reporting program contained in Attachment B, on file in Board File No. _____, and
19 incorporates the same into this resolution by this reference.

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