

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

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

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

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

16 Section 1. Findings.

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

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

1 (3) In accordance with the actions contemplated herein, the Planning Commission  
2 adopted Motion No. 18351 concerning findings pursuant to the California Environmental  
3 Quality Act. Said Motion is on file with the Clerk of the Board of Supervisors in File No.  
4 \_\_\_\_\_ and the Board incorporates those findings herein by this reference. Also on  
5 file with the Clerk of the Board in File No. \_\_\_\_\_ is an Addendum prepared by the  
6 Planning Department dated June 7, 2011, finding that no new significant impacts would result  
7 from a modification to the Project analyzed in the EIR that moves the tower closest to  
8 Highway 101 one parcel to the East; the Board incorporates the findings in the Addendum  
9 herein by this reference.

10 (4) Pursuant to Section 302 of the Planning Code, the Board finds that this  
11 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
12 Planning Commission Resolution No. 18353 and the Board incorporates those reasons into  
13 this ordinance by this reference. A copy of Planning Commission Resolution No. 18353 is on  
14 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_

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

21 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
22 249.54, to read as follows:

23 SEC. 249.54. EXECUTIVE PARK SPECIAL USE DISTRICT

24 (a) General. A Special Use District entitled the Executive Park Special Use District is  
25 hereby established for Assessor's Block 4991, Lots 024, 061, 065, 074, 075, 078, 085 and 086 and

1 Assessor's Block 5076, Lots 012 and 013, generally bounded by Harney Way on the south, Highway  
2 101 on the west, Executive Park Boulevard North on the north and Executive Park Boulevard East on  
3 the east, and is set forth in Sectional Map SU10 of the Zoning Map.

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

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

20 (1). Executive Park Design Guidelines. In addition to the Planning Code provisions,  
21 developments in the SUD shall comply with the Executive Park Subarea Plan of the Bayview Hunters  
22 Point Area Plan of the General Plan, approved by the Board of Supervisors by Ordinance No.  
23 \_\_\_\_\_ , on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and the  
24 Executive Park Design Guidelines as established by Planning Commission Resolution 18352, on file  
25 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and incorporated into this Section

1 by this reference. The Executive Park Design Guidelines also are on file with the Planning Department  
2 in File No. 2006.0422EMUTZ.

3 (2). Uses.

4 (A) Retail uses under Planning Code Section 218 are principally permitted at street level  
5 throughout the SUD when individual establishments are less than 10,000 square feet of gross floor  
6 area. Retail establishments equal to or greater than 10,000 square feet of gross floor area require  
7 Permit Design Review under Planning Code Section 309.2. Tenant spaces that are expanded to be  
8 10,000 square feet or greater after initial approval will require addition review under Planning Code  
9 Section 309.2.

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

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

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

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

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

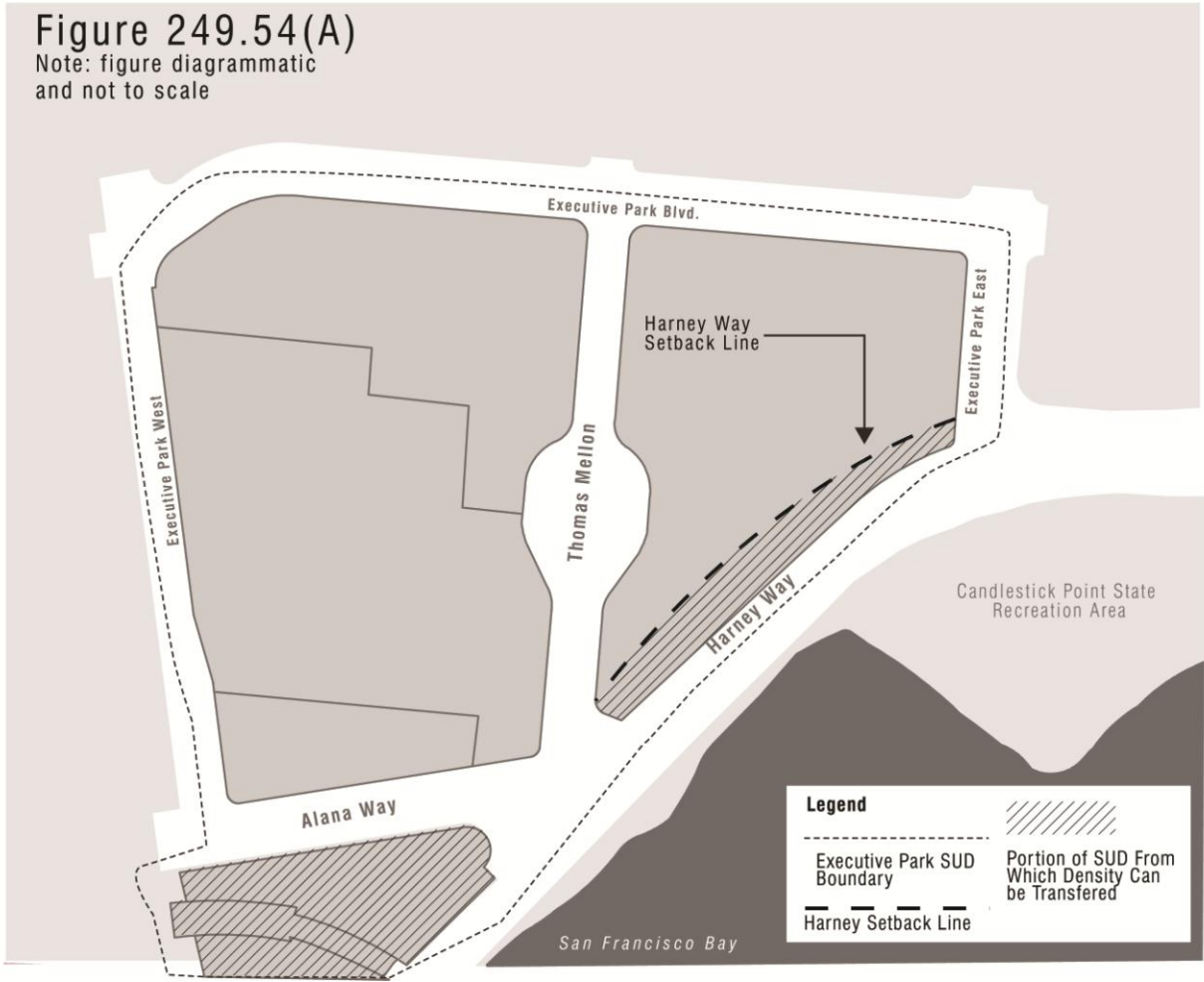
19 (4). Density Transfer.

20 (A) In accordance with the provisions of this subsection, (i) the density allowed on Block  
21 4991, Lots 024, 061, 065 and 078, and Block 5076, Lots 012 and 013, may be transferred to any other  
22 lot within the SUD north of Alana Way or north of the proposed Harney Way setback line and (ii) if the  
23 portion of Assessor's Block 4991, Lot 085 south of the Harney setback line becomes its own lot through  
24 a subdivision action, the new lot south of the setback line may transfer its density to any other lot north  
25 of Alana Way or north of the Harney setback line pursuant to the procedures described in this

1 subsection. The Blocks and Lots in the SUD and the location of the proposed Harney Way setback line  
2 are shown on the map in Figure 249.54(A). In addition, a detailed description of the Harney Way  
3 setback line is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and  
4 incorporated into this Section by this reference.

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6 **Figure 249.54(A)**  
7 Note: figure diagrammatic  
8 and not to scale



22 (B) To transfer density, a Notice of Special Restriction ("NSR") must be recorded against  
23 lots that both provide and receive the density transfer. Prior to recording a NSR for a density transfer,  
24 the Planning Department must have verified that the density transfer proposed is authorized by this  
25 subsection. The NSR shall explicitly state the square footage of the providing lot, and the maximum

1 number of residential units and the maximum gross square footage of non-residential uses that are  
2 being forgone on the providing lot and transferred to the receiving lot or lots. If density is being  
3 distributed between more than one lot, the NSR shall explicitly state how much density each lot is  
4 receiving. The NSR must also explicitly state that by transferring density, the providing lot is foregoing  
5 all rights to develop on the providing lot the number of units and amount of non-residential square  
6 footage transferred. In all cases, lots receiving density transfers will continue to be subject to all  
7 relevant controls and guidelines notwithstanding new maximum allowed density. The NSR  
8 memorializing the transfer must be approved as to form by the City Attorney.

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

10 (6). Harney Way Setback: No building shall be built on the southern side of the Harney  
11 setback line as shown on Figure 249.54(A) and described in the detailed description of the Harney Way  
12 setback line on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ . Residential  
13 and non-residential densities that would have otherwise been allowed south of the setback line may be  
14 applied to other portions of the lot or transferred to other lots within the SUD pursuant to Section  
15 249.54(c)(4).

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

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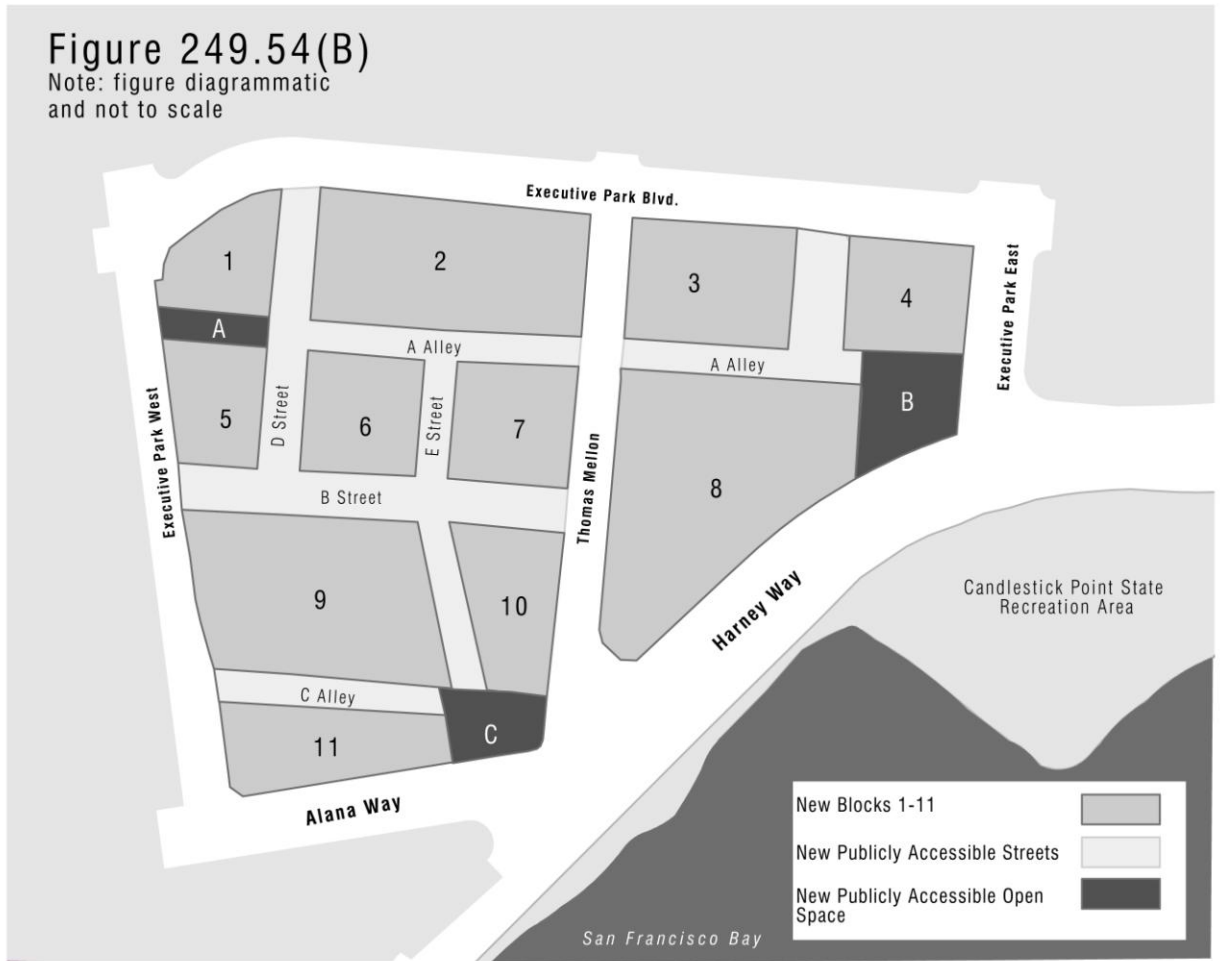
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7 **Figure 249.54(B)**

8 Note: figure diagrammatic  
9 and not to scale



22 (8). Open Space: For all residential uses, 75 square feet of open space is required per  
23 dwelling unit. All residential open space must meet the provisions described in Section 135, except  
24 where modified through Design Review under Section 309.2. Open space requirements may be met  
25 with the following types of open space: “private usable open space” as defined in Section 135(a) of this

1 Code, “common usable open space” as defined in Section 135(a) of this Code, and “publicly accessible  
2 open space” as defined in 135(h) and (i) of this Code, except that in the case of new publicly accessible  
3 streets, “publicly accessible open space” does not include the curb-to-curb area that is open to vehicles  
4 and includes only the sidewalk area. At least 36 square feet of open space per dwelling unit must be  
5 provided on-site. Exceptions to this requirement may be sought through the Section 309.2 approval  
6 process. For purposes of this Section “on-site” means the area within the new formulated blocks  
7 shown in Figure 249.54(B). On-site includes setback area, but not areas used to create new publicly  
8 accessible streets.

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

11 (10). Off-Street Parking. The minimum off-street parking requirements set forth in Section  
12 151 shall not apply. However, for the purpose of determining the maximum amount of parking allowed  
13 as an accessory use under Section 204.5, the amount of parking required by this Code shall be the  
14 amount specified in Section 151 for the use or activity.

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

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

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



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

3           (15). Streetscape and other Infrastructure Improvements.

4           (A) General Requirements For New Publicly Accessible Streets and Improvements to  
5 Existing Streets. For each building or phase of development, all bordering streets, including proposed  
6 new publicly accessible streets as shown on Figure 249.54(B), shall be fully improved for the entire  
7 width of the right-of-way consistent with the Executive Park Subarea Plan and the Executive Park  
8 Design Guidelines. If a proposed building or phase does not directly connect with Thomas Mellon  
9 Drive, Executive Park Boulevard West, Executive Park Boulevard North or Executive Park Boulevard  
10 East, construction of the building or phase must also include right-of-way improvements leading to at  
11 least one of these streets. Said improvements must be completed and operational prior to the issuance  
12 of the first certificate of occupancy, whether temporary or final ("the time of occupancy"), as required  
13 by the conditions of approval for each building or phase of development.

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

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

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

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

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

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

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

1 Section 3. The San Francisco Planning Code is hereby amended by adding Section  
2 263.27, to read as follows:

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

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

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

10 (1) There are no bulk limits for portions of buildings below 85 feet in height. Other design  
11 requirements pursuant to the Executive Park Design Guidelines, as established by Planning  
12 Commission Resolution 18352, including but not limited to design requirements related to modulating  
13 building mass, among other topics, shall apply. The Executive Park Design Guidelines are on file with  
14 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and incorporated into this Section by  
15 this reference. The Executive Park Design Guidelines also are on file with the Planning Department in  
16 File No. 2006.0422EMUTZ.

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

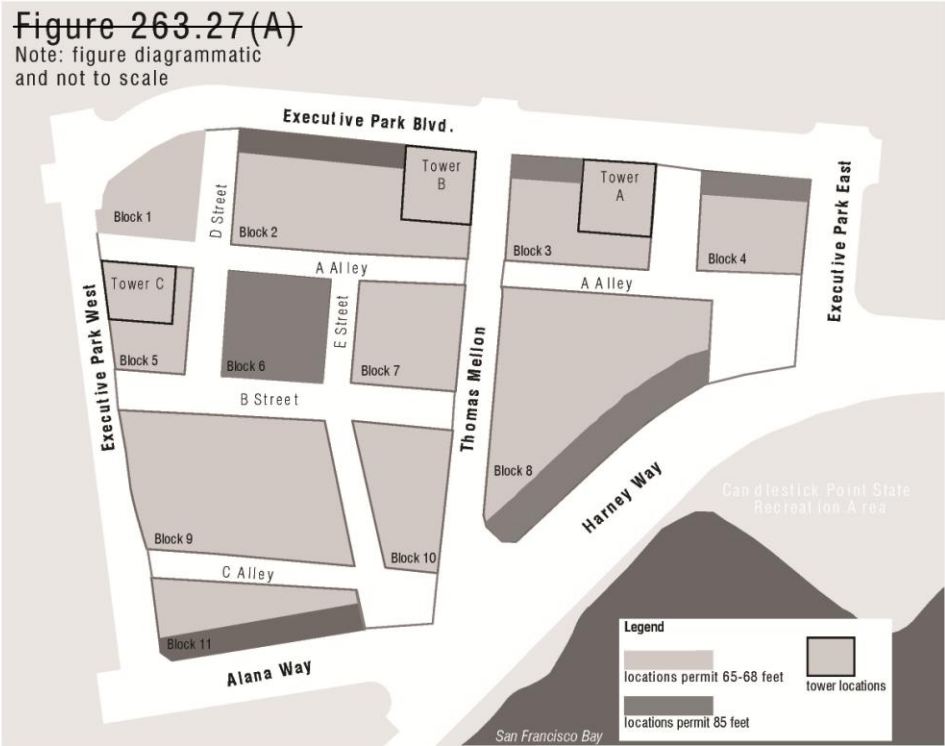
19 (3) Height is limited to 65 feet with the following exceptions:

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

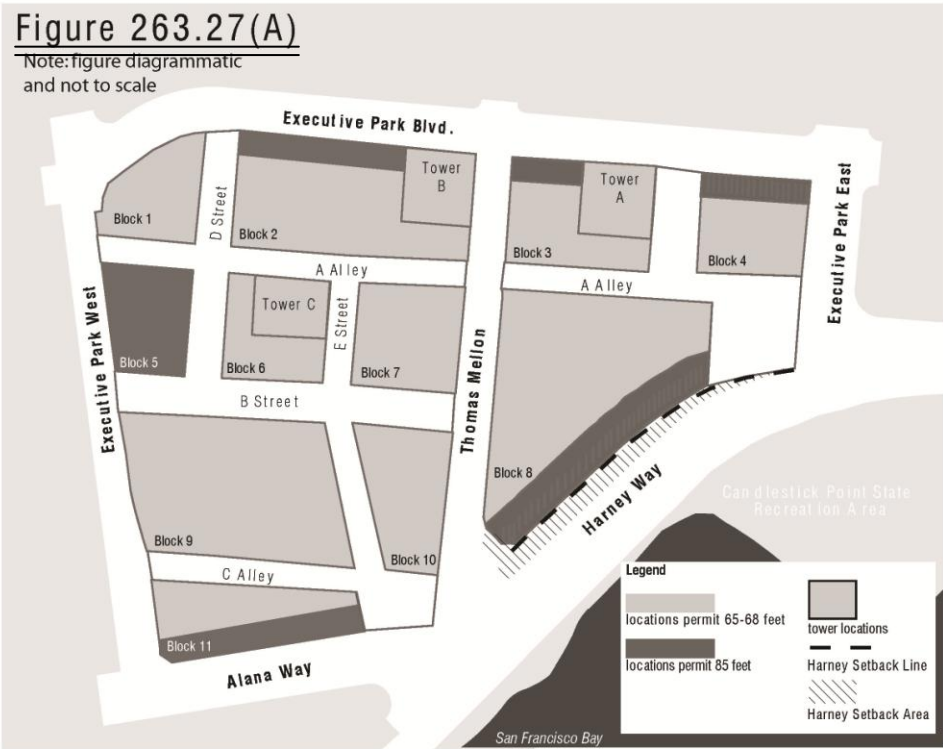
23 (B) Building frontages along Harney Way, or the Harney Way setback line as shown on  
24 Figure 263.27(A), and along Alana Way, may be built to 85 feet measured for a depth of 70 feet  
25 relative to the front of the buildable area of the lot. Buildings or portions of buildings on any

1 remaining portion of a lot along Harney Way or Alana Way are limited to a height of 65 feet (or 68  
2 feet if otherwise allowed by this section), measured from the upper elevation of the portion of the lot  
3 beyond a depth of 70 feet from the front of the buildable area of the lot.

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

(D) For Assessor's Block 4991, Lot 075, buildings may be built to a height of 85 feet on the portion of the lot identified as new Block "6"-"5" as shown in Figure 263.27(A), the northwest corner of which is located approximately 190 feet east of Executive Park West and 215 feet south of Executive Park North and has a rectangular dimension of approximately 165 feet in the north-south direction and 155 feet in the east-west direction. Upper story setbacks from public

1 ~~rights-of-way are required in accordance with the Executive Park Design Guidelines~~20 feet  
2 south of the northwest corner of Assessor's Block 4991, Lot 075.

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

5 (A) Tower A:

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

9 Height: 240 feet

10 Separation: 150-feet from other towers

11 Plan Length Maximum: 110 feet

12 Plan Diagonal Maximum: 150-feet

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

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

16 (B) Tower B:

17 Location: Block 4991, Lot 086. The tower must be located at the northwest  
18 corner of the lot fronting both Executive Park North and Thomas Mellon Circle as shown on Figure  
19 263.27(A).

20 Height: 200 feet

21 Separation: 150 feet from other towers

22 Plan Length: 110 feet

23 Plan Diagonal: 150 feet

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

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

(C) Tower C:

Location: Block 4991, Lot 075. The northwest corner of the tower must be located 20 feet south along Executive Park West from the northwest corner of the subject lot. On the portion of the lot identified as new Block "6" the tower must be located such that the northeast corner of the tower is approximately 340 feet east of Executive Park West and 215 feet south of Executive Park North as shown in Figure 263.27(A).

Height: 170 feet

Separation: 150 feet from other towers

Plan Length: 125 feet

Plan Diagonal: 150 feet

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

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

TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125

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D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125



1	X	This table not applicable. But see Section 260(a)(3).
2	TB	This table not applicable. But see Section 263.18.
3	CP	This table not applicable. But see Section 263.24.
4	HP	This table not applicable. But see Section 263.25.
5	<u>EP</u>	<u>This table not applicable. But see Section 263.27.</u>

8  
9 Section 5. The San Francisco Planning Code is hereby amended by adding Section  
10 309.2, to read as follows:

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

12 The provisions and procedures set forth in Section 309.1, applicable in Downtown Residential  
13 Districts, shall also apply in the Executive Park Special Use District (SUD) to achieve the objectives  
14 and policies of the General Plan and the purposes of this Code, including but not limited to Section  
15 249.54 and Section 263.27, except that Section 309.2(a) and (b) shall apply instead of the provisions in  
16 Section 309.1(a) and (b), the provisions of Section 309.1(c) are modified as provided in Section  
17 309.2(c) and Section 309.1(e) is inapplicable in the SUD.

18 (a) Design Review.

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

25 (A) Overall building massing and scale;

1 (B) Architectural treatments, facade design and building materials;

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

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

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

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

8 (2) For review of projects that include retail space as specified in Planning Code Section  
9 281 of 10,000 gross square feet or more, the Commission shall consider the criteria in Section  
10 121.2(a)(1) – (3).

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

20 (b) Exceptions.

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

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

24 (B) Modification from dimension and exposure requirements for site open space  
25 requirements.

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

4           (D) Design, location, and size of publicly-accessible open space as allowed by Section  
5 249.53 and equivalence of proposed publicly-accessible open space in size and quality with required  
6 on-site open space.

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

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

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

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

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

24           (4) Decision and Imposition of Conditions. If pursuant to the provisions of Section  
25 309.1(c), the Planning Commission determines that conditions should be imposed on the approval of a

1 building or site permit application or an application for exceptions to conform the building to the  
2 standards and intent of the Executive Park Subarea Plan and other elements of the General Plan and  
3 the applicant agrees to comply, the Commission may approve the application subject to those  
4 conditions.

5 Section 5. This section is uncodified.

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

19  
20 Specifically, the Board of Supervisors recognizes that pending ordinances in Files Nos.  
21 \_\_\_\_\_ and \_\_\_\_\_ amend one of the same sections of the Planning Code  
22 amended by this Ordinance. The Board intends that, if adopted, the Board amendment  
23 additions, and Board amendment deletions shown in all three Ordinances be given effect so  
24 that the substance of each ordinance be given full force and effect. To this end, the Board  
25

1 directs the City Attorney's office and the publisher to harmonize the provisions of each  
2 ordinance.

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

5 By: \_\_\_\_\_  
6 Elaine C. Warren  
7 Deputy City Attorney

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