

1 [Planning Code - Balboa Reservoir Special Use District]

2

3 **Ordinance amending the Planning Code to make adjustments to the Balboa Reservoir**
 4 **Special Use District that allow for a connecting element between two buildings**
 5 **adjacent to South Street and across from the Brighton Paseo; establishing certain**
 6 **design parameters, authorizing residential and certain other uses, and adopting a**
 7 **maximum height at this location; affirming the Planning Commission’s determination**
 8 **under the California Environmental Quality Act; making findings of consistency with**
 9 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
 10 **adopting Planning Code, Section 302 findings of public necessity, convenience and**
 11 **general welfare related to the proposed amendments.**

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

16

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

18

19 Section 1. General Findings.

20 (a) In Ordinance No. 142-20, the Board of Supervisors approved a development
 21 agreement for the Balboa Reservoir Project for a mixed income housing development of up to
 22 approximately 1,100 housing units, including approximately 550 units affordable to low- and
 23 moderate-income households, and approximately four acres of publicly accessible open
 24 spaces, among other uses. In conjunction with this approval, the Board, in Ordinance
 25 No. 141-20, adopted the Balboa Reservoir Special Use District (“SUD”). Copies of these

1 ordinances, the development agreement, and other related approvals are on file with the Clerk
2 of the Board of Supervisors in File Nos. 200423 and 200422.

3 (b) The purpose of this ordinance is to amend the SUD to make minor adjustments to
4 the residential development proposed on Blocks C and D of the Balboa Reservoir Project
5 along South Street. Blocks C and D are located on a single parcel. The ordinance allows for
6 a portion of the public outdoor space near the entry of the new building to be sheltered by a
7 two-story open passageway, with residential uses above and an elevated walkway building
8 element between Blocks C and D. The maximum height of the connecting building element
9 would be less than the maximum height of Blocks C and D. This mid-block passageway
10 would frame the future public pedestrian path known as Brighton Paseo, which will extend
11 from Brighton Avenue to Reservoir Park.

12
13 Section 2. Environmental and Land Use Findings.

14 (a) On May 28, 2020, by Motion No. M-20730, the Planning Commission certified as
15 adequate, accurate, and complete the Final Subsequent Environmental Impact Report for the
16 Project (“FEIR”) pursuant to the California Environmental Quality Act (California Public
17 Resources Code Sections 21000 et seq.) (“CEQA”), the CEQA Guidelines (14 CCR
18 Sections 15000 et seq.), and Administrative Code Chapter 31. Also, on May 28, 2020, by
19 Motion No. M-20731, the Planning Commission adopted environmental findings, including a
20 rejection of alternatives and a statement of overriding considerations (“CEQA Findings”) and a
21 Mitigation Monitoring and Reporting Program (“MMRP”). In Ordinance No. 142-20, the Board
22 of Supervisors adopted as its own the CEQA Findings, including the statement of overriding
23 considerations, and the MMRP. A copy of this ordinance and the Planning Motions are on file
24 with the Clerk of the Board of Supervisors in File No. 200423 and incorporated herein by
25 reference.

1 (b) On _____, 2026, the Planning Commission, in Resolution No.
2 _____, determined that the actions contemplated in this ordinance are consistent
3 with the analysis in the FEIR and do not present substantial project changes or substantial
4 changes in project circumstances that would require major revisions to the FEIR due to the
5 involvement of new significant environmental effects or an increase in the severity of
6 previously identified significant impacts, and there is no new information of substantial
7 importance that would change the conclusions set forth in the FEIR or require the preparation
8 of a subsequent environmental impact report. Said Resolution and the additional related
9 CEQA findings are on file with the Clerk of the Board of Supervisors in File No. _____
10 and incorporated herein by reference. The Board affirms this determination.

11 (c) In this same Resolution No. _____, the Planning Commission also
12 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
13 with the City's General Plan and eight priority policies of Planning Code Section 101.1. In
14 accordance with Planning Code Section 302, the Planning Commission further found in this
15 Resolution that the proposed Planning Code amendments are needed to support the public
16 necessity, convenience, and general welfare. The Board adopts the City Planning
17 Commission's General Plan, Planning Code Section 101.1, and Planning Code Section 302
18 findings as its own.

19

20 Section 3. Article 2 of the Planning Code is hereby amended by revising Section
21 249.90 (specifically Figure 249.90-1, Table 249.90-1, and Figure 249.90-2), to read as follows:

22

23 **SEC. 249.90. BALBOA RESERVOIR SPECIAL USE DISTRICT.**

24 * * * *

25

1 **Figure 249.90-1 Balboa Reservoir Land Use Map**

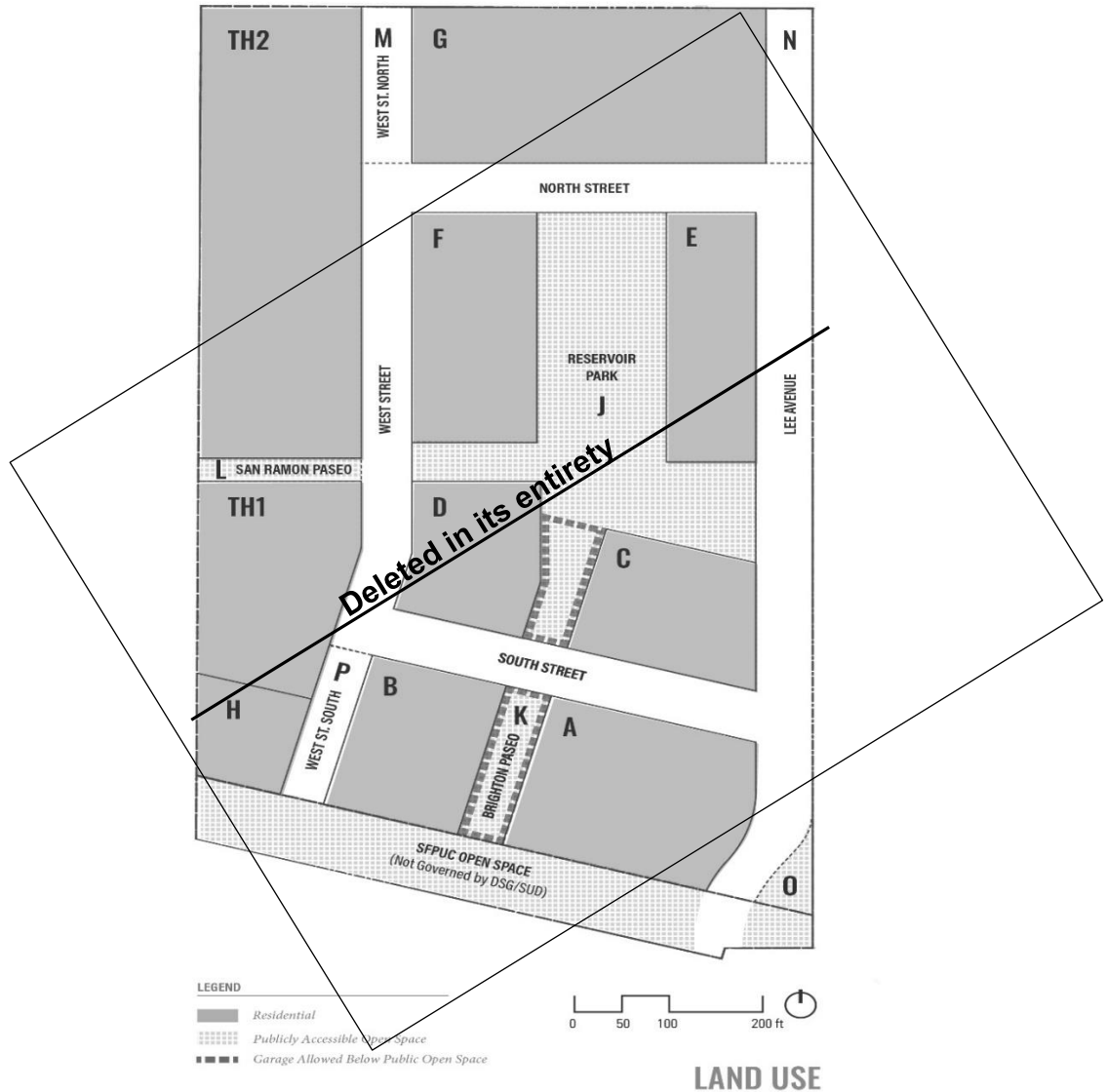
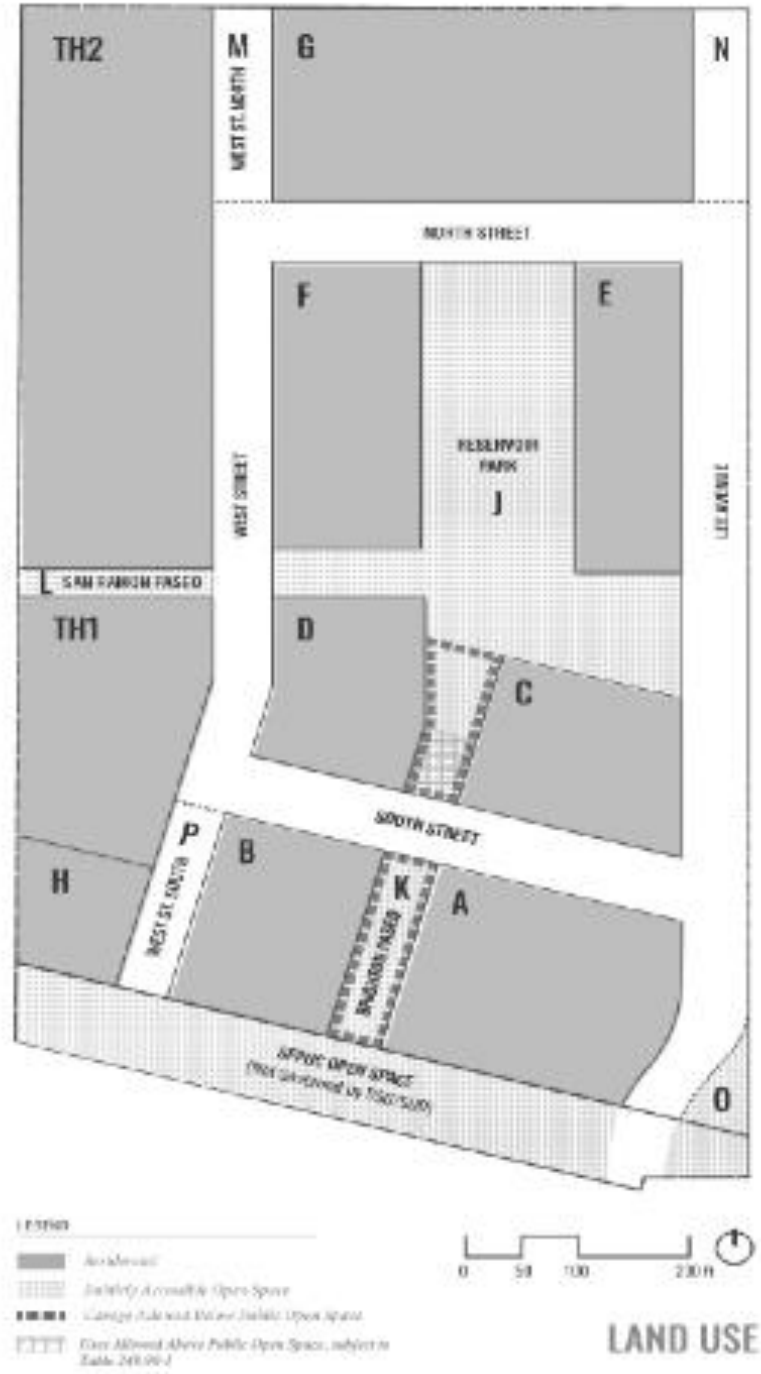


Figure 249.90-1 Balboa Reservoir Land Use Map



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Table 249.90-1 Balboa Reservoir Land Uses

Permitted Use Category	A	B	C	D	E	F	G	H	TH1	TH2	J	K, L, O
Publicly Accessible Open Space	P	P	P	P	P	P	P	P	P	P	P	P
Residential Use	P	P	P	P	P	P	P	P	P(1)	P(1)	NP(7)	NP
* * * *	P	P	P	P	P	P	P	P	P	P	P(4)	P(4)

- (1) Only Townhouse units are allowed.
- (2) All non-residential uses except multi-story parking garages are allowed only on the ground floor and below.
- (3) As defined in Section 102, except Health Care uses are not allowed.
- (4) Child care open space only.
- (5) Carts and Kiosks are allowed in Block J subject to Subsection (g)(8)(N).
- (6) Below grade only as shown in Figure 249.90-1.
- (7) Residential uses shall be allowed only as shown in Figure 249.90-1 if a clear height above grade is provided as described in Standard 7.7.2 of the Balboa Reservoir DSG. A setback of at least 5 feet from adjacent building faces must be provided, and the depth of such uses shall not exceed 60 feet measured from exterior building face to exterior building face. A connecting walkway shall be permitted, if it meets the dimensional requirements for bridges in Standard 7.7.2 of the DSG, and may be enclosed if each exterior wall of the walkway contains transparent glazing comprising at least 60% of the area of its exterior walls. Supporting structural elements may extend to the ground if a minimum clear width of 20 feet measured parallel to the building is maintained between supporting elements, and if the total cross-sectional area of the supporting elements does not exceed 40 square feet.*

* * * *

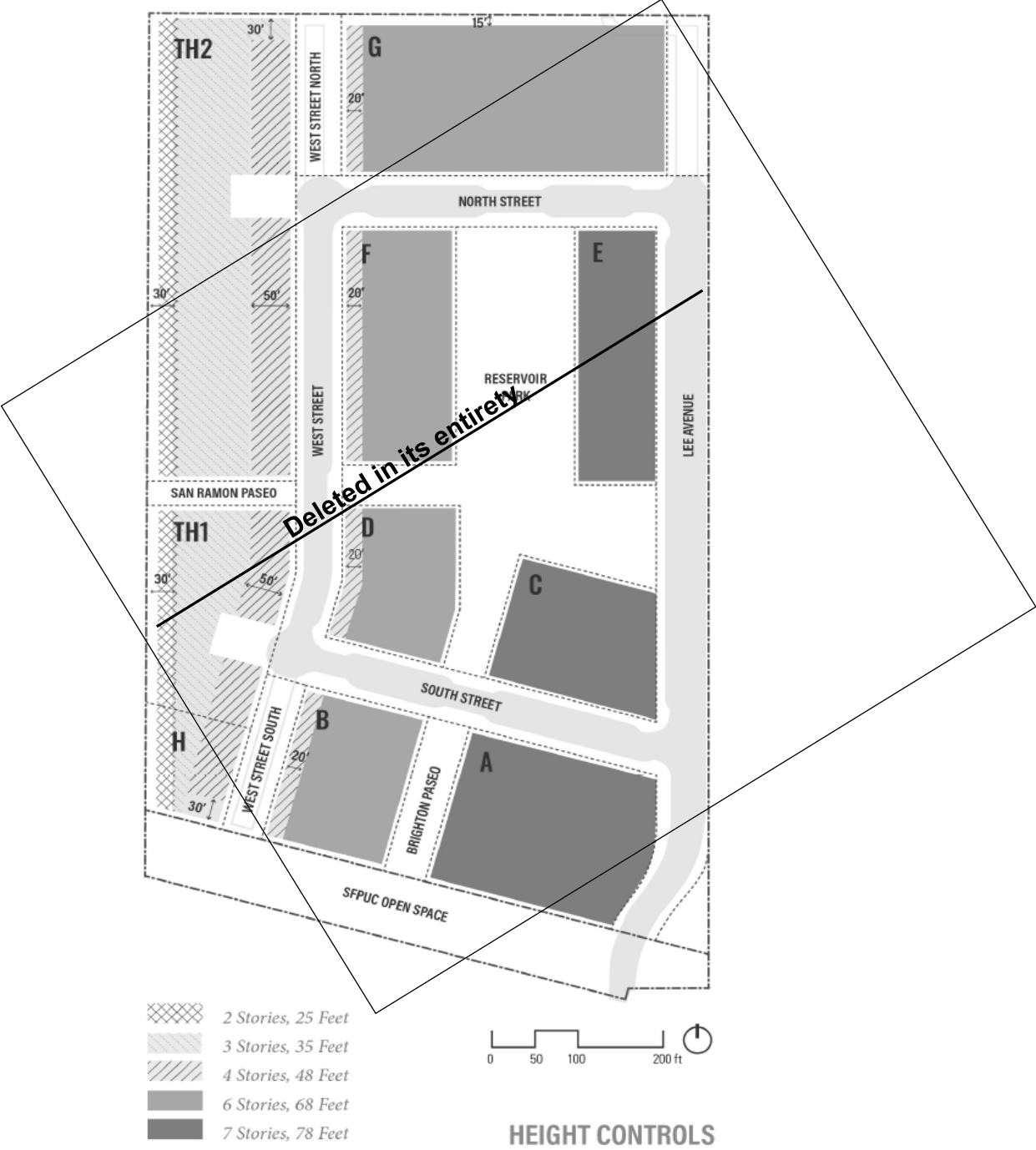
///

///

///

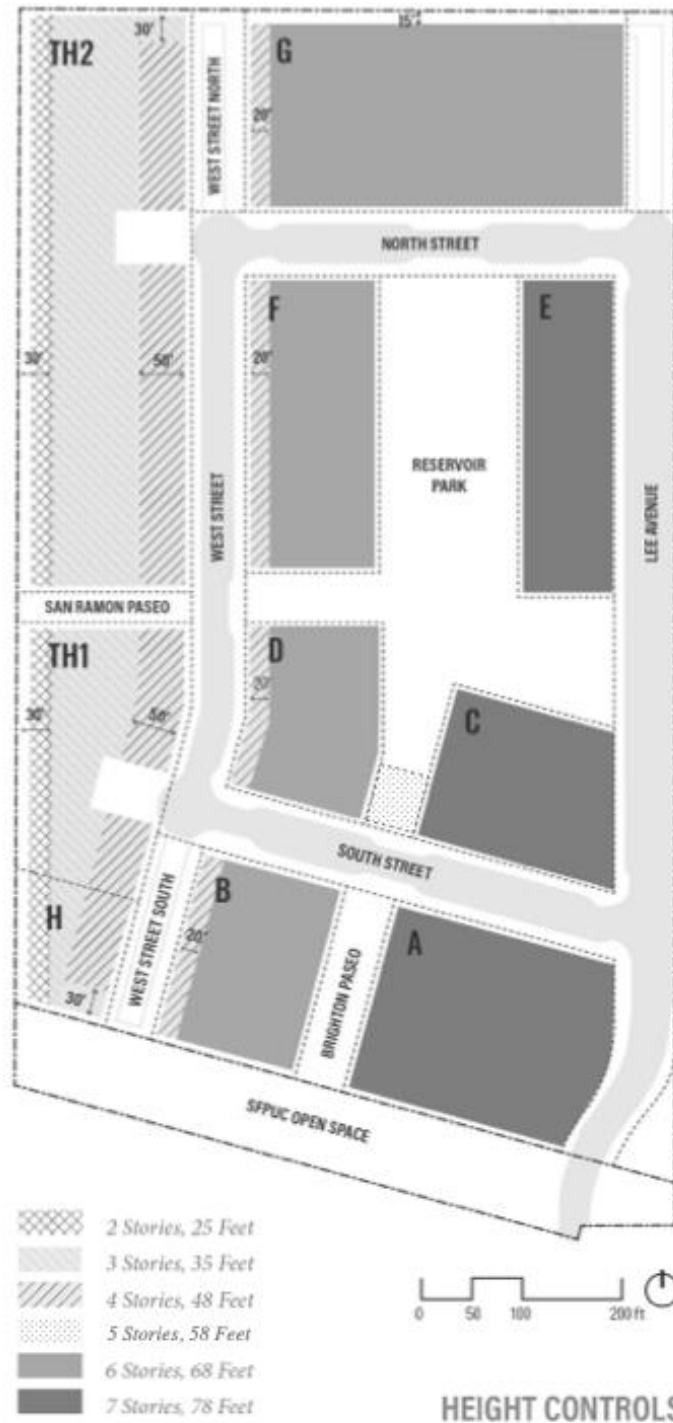
///

Figure 249.90-2 Height Limit Map



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Figure 249.90-2 Height Limit Map



1 * * * *

2
3 Section 4. Planning Code Section 249.90 was enacted as Section 249.88 by
4 Ordinance No. 141-20. Because another section was already designated as Section 249.88,
5 it was redesignated as Section 249.90 at the City Attorney’s direction, and all internal
6 references in Planning Code Section 249.90 and the references in Sections 201 and 263.35
7 were changed accordingly. The Board of Supervisors acknowledges the redesignation of the
8 Planning Code Sections referenced in this Section 4.

9
10 Section 5. Figures 249.90-1 and 249.90-2, as amended in this ordinance, are on file
11 with the Clerk of the Board of Supervisors in File No. 260362, and are incorporated herein by
12 reference.

13
14 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the “Note” that appears under
19 the official title of the ordinance. Notwithstanding the previous sentence, the deletion of
20 existing Figures 249.90-1 and 249.90-2 is represented by diagonally placing a block stating
21 “Deleted in its entirety” on each Figure; and the addition of new Figures 249.90-1
22 and 249.90-2 follows the deleted Figures respectively, but without the font normally used to
23 show additional text.

1 Section 7. Effective Date. This ordinance shall become effective on the 31st day after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/ John D. Malamut
9 JOHN D. MALAMUT
 Deputy City Attorney

10
11 4919-3534-1470, v. 1
12
13
14
15
16
17
18
19
20
21
22
23
24
25