

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

Ordinance amending the Planning Code to add Section 249.74 to create the Fifth and Mission Special Use District; amending Zoning Sectional Maps ZN001, SU001, and HT001 to reflect the Fifth and Mission Special Use District; and making environmental findings, including a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings pursuant to Planning Code, Section 302.

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

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) On September 17, 2015, the Planning Commission conducted a duly noticed public hearing on the proposed Fifth and Mission Project (Project), including the proposed Planning Code and Zoning Map amendments, and by Resolution No. 19464 recommended the proposed amendments for approval. The Planning Commission found that the proposed Planning Code and Zoning Map amendments were, on balance, consistent with the City's General Plan as it is proposed to be amended and with Planning Code Section 101.1(b) for the reasons set forth in Planning Code Resolutions No. 19460 and 19464. A copy of said

1 Resolution is on file with the Clerk of the Board of Supervisors in File No. 150787 and is
2 incorporated herein by reference.

3 (b) The Board finds that these Planning Code and Zoning Map amendments are on
4 balance consistent with the General Plan as it is proposed to be amended and with the
5 Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning
6 Commission Resolutions No. 19460, and the Board hereby incorporates such reasons herein
7 by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that the Planning Code
9 and Zoning Map amendments will serve the public necessity, convenience, and welfare for
10 the reasons set forth in Planning Commission Resolutions No. 19464, and the Board
11 incorporates such reasons herein by reference.

12 (d) California Environmental Quality Act. At its hearing on September 17, 2015, and
13 prior to recommending the proposed Planning Code and Zoning Map amendments for
14 approval, the Planning Commission certified a Final Environmental Impact Report (FEIR) for
15 the Project pursuant to the California Environmental Quality Act (CEQA) (California Public
16 Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section
17 15000 et seq.) and Chapter 31 of the Administrative Code. On November 17, 2015, the Board
18 of Supervisors, in Motion No. _____ affirmed the decisions of the Planning Commission
19 to certify the FEIR and rejected the appeal of the FEIR certification. Copies of the Planning
20 Commission Motion No. 19458 and Board of Supervisors Motion No. _____ are on file
21 with the Clerk of the Board of Supervisors in File Nos. 150787 and _____. In
22 accordance with the actions contemplated herein, this Board has reviewed the FEIR and
23 concurs with its conclusions, affirms the Planning Commission's certification of the FEIR, and
24 finds that the actions contemplated herein are within the scope of the Project described and
25 analyzed in the FEIR. The Board hereby adopts and incorporates by reference as though fully

1 set forth herein the Commission's CEQA approval findings, including a statement of overriding
2 considerations, adopted by the Planning Commission on September 17, 2015 in Motion No.
3 19459. This Board also adopts and incorporates by reference as though fully set forth herein
4 the Project's Mitigation Monitoring and Reporting Program (MMRP). Said findings and MMRP
5 are on file with the Clerk of the Board of Supervisors in File No. 150787.

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7 Section 2. The Planning Code is hereby amended by adding new Section 249.74, to
8 read as follows:

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10 **SEC. 249.74. FIFTH AND MISSION SPECIAL USE DISTRICT.**

11 (a) General. A Special Use District entitled the Fifth and Mission Special Use District
12 ("District"), the boundaries of which are shown on Sectional Map SU001 of the Zoning Maps of the
13 City and County of San Francisco, is hereby established for the purpose set out below.

14 (b) Purpose. The purpose of the District is to give effect to the Development Agreement
15 for the Fifth and Mission Project as approved by the Board of Supervisors in Ordinance No.
16 _____. The District will to facilitate the reuse of underutilized lands in downtown San Francisco,
17 including the San Francisco Chronicle Building, Camelline and Dempster Buildings; to unify
18 zoning of the lots included in the District; to encourage mixed-use development of the District as an
19 integrated whole; and to provide benefits to the City such as open space, cultural, arts, commercial
20 and residential and commercial uses proximate to major transit routes, affordable housing, job
21 opportunities and streetscape improvements.

22 The District expands existing residential density provisions to require at least 40% 2-
23 bedroom units in residential buildings and permits cultural, centralized open space, retail,
24 office and related uses, as well as child care, affordable housing, a first source hiring program.

1 affordable housing fees, transit and transportation fees, art and school fees, bicycle parking,
2 and streetscape improvements.

3 In addition, at build-out, under a Development Agreement, which will take effect only if
4 the District takes effect, the developer would provide a broad array of community benefits in
5 excess of existing City requirements and without displacing residents; 40% of the total 600
6 units of market rate housing as affordable housing; more than one acre of public open space
7 in place of parking lots and on the historic Chronicle Building rooftop; earlier affordable
8 housing fees dedicated to the area surrounding the project, as well as land for affordable
9 senior housing; support for youth development programs in the immediate project area; a
10 workforce program funding job readiness, barrier removal, job resources for disadvantaged
11 adults and information and communication internships and training, as well as specialized
12 construction training and a local business utilization program; anticipated annual average of
13 approximately 1,200 construction jobs during construction, approximately 3,150 new
14 permanent jobs, and an approximately \$12,100,000 annual increase in general fund
15 revenues; a transportation program providing for specific sidewalk and pedestrian
16 improvements; a transportation management program; a transit fee for specific area
17 improvements to enhance bicycle and pedestrian safety; a contribution of the existing historic
18 Dempster Building to non-profit cultural, arts and other uses and funding for its rehabilitation;
19 funds for capital improvements and studies for the historic Old Mint Building; and funding for
20 the establishment of the Filipino Cultural Heritage District.

21 (c) Relationship to Design for Development. The Fifth and Mission Design for Development
22 dated _____ September 3, 2015 adopted by the Planning Commission (Resolution No.
23 _____19465) and Board of Supervisors as part of this Special Use District (the "Design for
24 Development") sets forth design Standards and Guidelines (as defined therein) for implementing the
25 development controls applicable to the District. A copy of the Fifth and Mission Design for

1 Development is on file with the Clerk of the Board of Supervisors in File No. 150787 and is
2 incorporated herein by reference, and as may be amended from time to time by the Planning
3 Commission upon application by the property owner.

4 (d) Development Controls. Applicable provisions of the Planning Code shall control except as
5 otherwise provided in this Section and the Design for Development. In the event of a conflict between
6 other provisions of the Planning Code, the Design for Development, or this District, the provisions of
7 this District shall control.

8 (1) Additional Permitted Uses.

9 (A) Active Ground Floor Uses. In addition to ground floor uses permitted
10 within the C-3-S district, any retail, office, education or cultural use is permitted at the ground floor
11 level facing of an existing historic building, or of a new building with frontage on a major street
12 (Fifth, Mission, or Howard Streets) if: (i) the use does not require non-transparent walls of an
13 existing historic building, or of a new building with frontage on facing the street; (ii) in new
14 buildings, no less than 60% percent of the linear street-facing frontages of each such use are
15 fenestrated with a minimum of 70% transparency; and (iii) for office uses, internal partitions are set
16 back from street frontages by at least 20 feet from street-facing windows. The area of glazing that
17 counts toward the transparency requirement must be unobstructed by solid window coverings, window
18 signs, or other features or characteristics that impede visibility from the public realm into the interior
19 of the ground floor of the building as further depicted in the Design for Development.

20 (B) At least 25% of the linear frontage of the ground floor of each building shall
21 contain “active commercial uses” as defined by Section 145.4(c), excluding frontage dedicated to
22 parking and loading access, building egress, and mechanical and core systems. The active commercial
23 uses required by this subsection shall be provided within the first 25 feet of building depth, at a
24 minimum. The foregoing shall not apply to building frontage on Natoma or Minna Streets or to
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1 building frontage on Lots 076 (the “Dempster Building”), 042 (the “Camelline Building”), 093 (the
2 “Chronicle Building”), and 097 (the “Examiner Building”) of Assessor’s Block 3725.

3 (C) Retail, office, education, and cultural uses below the ground floor are
4 permitted.

5 (2) Additional Conditional Uses. In addition to the conditional use requirements
6 of the C-3-S district, the following uses shall require conditional use authorization:

7 (A) Those uses identified in Planning Code Section 249.40A(c)(1)(A)(i)
8 through (iv) and 249.40A(c)(1)(A)(vi) through (x), but excepting Restaurant uses as defined in
9 Planning Code Section 790.91; and

10 (B) Formula Retail uses, consistent with the requirements of Planning
11 Code Section 303.1.

12 (3) Density of Dwelling Units and Dwelling Unit Mix. Dwelling unit density is not
13 limited by lot area. Each building containing residential units shall contain an average of four dwelling
14 units on each residential floor. Individual residential buildings shall meet the minimum dwelling
15 unit mix requirements set forth in Planning Code Section 207.6(c)(1).

16 (~~3~~4) Building Standards.

17 (A) Building Height. The applicable height limits shall be as set forth in Height
18 Map HT001 of the Zoning Maps of the City and County of San Francisco, and shall be measured and
19 regulated as provided in Article 2.5, with the following exceptions for parcels zoned 365-X or 450-S:

20 (i) Vertical extensions permitted by Section 260(b)(1)(G) shall not be
21 subject to percent coverage or dimensional limitations otherwise applicable;

22 (ii) No more than two buildings with heights greater than 220 feet shall
23 be permitted; and

24 (iii) Such buildings shall be designed to maintain a minimum 25 foot
25 difference in structure height, inclusive of architectural penthouses or screens.

1 (B) Building Bulk. The bulk limitations shall be as set forth in Article 2.5,
2 except as provided below and in the Design for Development.

3 (i) Maximum Building Base Heights. The base height limitations shall
4 be as set forth in the following Figure 1: Base Height Table:

5 Figure 1: Base Height Table.

<u>Parcel (As Identified in the</u> <u>Design for Development)</u>	<u>Maximum Base Height (ft)</u>	<u>Allowable Deviation</u>
<u>Existing Chronicle Building</u> <u>Parcel (Block 3725, Lot 093)</u>	<u>N/A*</u>	<u>N/A*</u>
<u>M2</u>	<u>103</u>	<u>10%</u>
<u>N1</u>	<u>103</u>	<u>10%</u>
<u>Existing Camelline and</u> <u>Examiner Buildings Parcels</u> <u>(Block 3725, Lots 042 and a</u> <u>portion of 097)</u>	<u>N/A*</u>	<u>N/A*</u>
<u>Existing Dempster Building</u> <u>Parcel (Block 3725, Lot 076)</u>	<u>N/A*</u>	<u>N/A*</u>
<u>H1</u>	<u>145</u>	<u>0%</u>

20 *The existing Chronicle, Camelline, and Dempster Buildings shall be retained, and thus the
21 height and bulk limitations for these parcels shall conform to those buildings' height and bulk.

22 (ii) 365-X Controls. For any parcel within a 365-X Height and Bulk
23 district, the bulk limitations shall be as set forth in Figure 2, 365-X Bulk Table:

24 Figure 2. 365-X Bulk Table

<u>Building Element</u>	<u>Maximum Length (ft)*</u>	<u>Maximum Diagonal (ft)*</u>	<u>Maximum Average Floor Area (gsf)*</u>	<u>Maximum Combined Floor Area (gsf)</u>	<u>Minimum Offset (ft)</u>	<u>Total Offset (ft)</u>
<u>Lower Tower (each)</u>	<u>135</u>	<u>190</u>	<u>17,000</u>	<u>22,000</u>	<u>25</u>	<u>60</u>
<u>Upper Tower (each)</u>	<u>120</u>	<u>160</u>	<u>12,000</u>	<u>22,000</u>	<u>25</u>	<u>60</u>

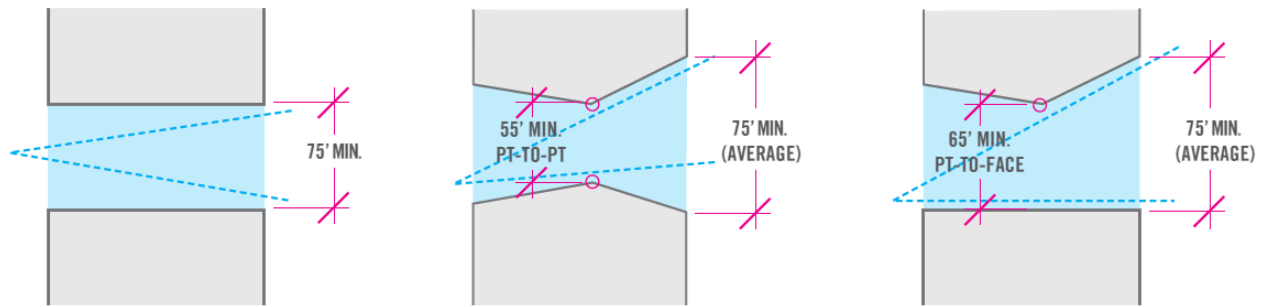
*Note: Maximum Length, Maximum Diagonal, and Maximum Average Floor Area are separately applicable to each apparent tower, and gsf is measured by gross floor area, where applicable. Refer to the Design for Development depiction of Base, Lower, and Upper Towers.

(C) Building Setbacks.

(i) Tower Separation. In lieu of the provisions of Section 132.1(d), tower separation requirements shall be applicable to buildings greater than 145 feet in height, as follows:

{a.a} Minimum Separation. Above 145 feet, the distance between subject buildings shall be no less than an average of 75 feet, measured in ten-foot intervals (in plan) along the two most proximate facades, with no less than 55 feet between the two buildings at a single point, defined as a corner or facet in plan of no more than three feet in length, of a building façade or with no less than 65 feet between a single point in plan and a building face, as illustrated in Figure 3, below.

Figure 3. Minimum Tower Separation Requirements (Plan View).



(b.b) Fifth Street Separation. For buildings with frontage on Fifth Street, those portions of said frontage above 145 feet shall be separated by a minimum of 100 feet.

(ii) Rear Yard Setback and Dwelling Unit Exposure. In light of the high-density nature of the District, and provisions herein and in the Design for Development that provide for access to light and air for residential units and to the usable open space within and adjacent to the District, rear yard setback provisions of Section 134 shall not apply. The dwelling unit exposure requirements of Section 140 shall not apply. All dwelling units shall face onto a public right of way at least 20 feet in width or onto an open area within the District (which may include rooftops of adjacent buildings within the District) that is unobstructed at the level of the unit in question for no less than 25 feet in every horizontal dimension. The open area may be situated within the same parcel containing the dwelling units subject to the requirement or may be located on an abutting parcel within the District, provided that, under either scenario, there are no obstructions (other than those authorized in this subsection (d)(34)(C)(ii)) between the dwelling units and the open area in question.

(D) District FAR. Notwithstanding the limitations on base and maximum permitted floor area ratios or allocations for existing structures on single lots set forth in Article 1.2, the permitted floor area ratio for the entire District shall not exceed 11 to 1.

(E) Building Projections and Canopies. Non-occupiable architectural design or wind baffling features are permissible as set forth in the Design for Development.

(45) Off-Street Automobile Parking and Freight Loading and Service Vehicle Facilities.

1 (A) Any accessory off-street parking shall be provided in one or more
2 completely below-grade garages located within the District and the total accessory parking spaces
3 therein available for use at any given time shall be limited to the maximum amount cumulatively
4 permitted under Sections 151.1 and subsections (45)(B) and (C), below, for uses with certificates of
5 occupancy at that time. The continued use of surface parking lots existing at the time this District is
6 adopted is permitted, and, as long as such existing lots are in use, the spaces in such lots shall not
7 count against the maximum amount cumulatively permitted or be considered non-accessory.

8 (B) Cumulative residential off-street parking is permitted up to one car
9 for every (i) four dwelling units constructed on Lots 089-091, and (ii) two dwelling units
10 constructed on Lot 097. Residential off-street parking is permitted up to one car for every two
11 dwelling units.

12 (C) Non-residential off-street parking is permitted not to exceed 3.5% of
13 gross floor area of the use to which the parking is accessory.

14 (D) Off-street loading and service vehicle spaces shall be provided as set forth in
15 the Design for Development.

16 (E) Width and Location of Vehicular Openings.

17 (i) Entrances, curb cuts, and facade openings for off-street parking and
18 loading areas may be no more than 27 feet wide if the driveway includes a five-foot wide bicycle lane
19 and no more than 22 feet wide if it does not, except that one entrance, curb cut, and facade opening of
20 up to 30 feet shall be permitted for an off-street combined automobile parking and freight loading
21 entrance/exit from Howard Street and one entrance, curb cut, and facade opening of up to 25 feet wide
22 shall be permitted for off-street freight loading egress onto Minna Street.

23 (ii) For the purposes of Section 155(s)(5), "single development" shall
24 mean an individual building.

1 (56) Bicycle Parking. The provisions of Sections 155.1 – 155.4 are applicable, except
2 as follows:

3 (A) Class 1 bicycle parking may be provided on any combination of the ground
4 floor, first below-grade automobile parking floor and in locations and subject to methods of parking
5 and access identified in the Design for Development.

6 (B) Class 1 bicycle parking for non-residential uses may be consolidated within
7 the District. Class 2 bicycle parking for all uses may be consolidated within the District but shall be
8 provided within 150 feet of each primary building entrance identified in the Design for Development.

9 (C) Shower facilities and lockers required of any building may be provided
10 anywhere within the District, so long as facilities are provided in the amount required by Section 155.4,
11 and are distributed among at least two buildings within the District. Such facilities shall be available
12 free of charge to commercial tenants and employees of all buildings within the District.

13 (67) Open Space.

14 (A) Open space provided in accordance with the Design for Development on any
15 lot within the District may be used to satisfy open space requirements of both residential and non-
16 residential uses within the District.

17 (B) On a District-wide basis, at least 15% ~~percent~~ of all required open space
18 shall be exclusively for residential use and be located within buildings containing residential uses or at
19 ground-level immediately adjacent to and directly accessible from buildings containing residential
20 uses. All buildings and lots within the District are considered to be part of a mixed
21 nonresidential/residential project for the purposes of Section 138(g) of the Code.

22 (C) Access to open space not exclusively for residential use may be restricted for
23 up to 12 days per year for up to six hours per event. Additionally, open space not exclusively for
24 residential use located above the ground floor may be similarly restricted for up to an additional 12
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1 days per year for up to six hours per event for events that start after 6:00 p.m. Public access to open
2 space that is above the ground floor may be limited to reasonable business hours.

3 (78) Streetscape Improvements. The streetscape and street tree planting requirements
4 of Section 138.1(c) shall not apply. Streetscape improvements and street tree plantings shall occur in
5 accordance with the Design for Development.

6 (89) Ground Level Pedestrian Wind Limitations. Compliance with Section 148 as to
7 wind hazards and comfort shall be determined on a District-wide basis using a District-wide study
8 prepared to assess the combined effects of development within the District and not on an individual
9 building basis. As to pedestrian comfort, the following shall apply in lieu of the criteria in Section 148:
10 Where a District-wide wind study establishes that development at one or more locations in the District
11 may cause ground-level wind speeds to exceed, more than 10% percent of the time year round,
12 between 7:00 a.m. and 6:00 p.m., the comfort levels of 11 m.p.h. equivalent wind speed in areas of
13 substantial pedestrian use or seven m.p.h. equivalent wind speed in public seating areas, wind baffling
14 measures identified in the Design for Development shall be incorporated into new development as
15 appropriate to address such exceedances.

16 (910) Artworks. For the purposes of Section 429 et seq. of this Code, "on-site" or "on
17 the site" shall mean the entire District.

18 (4011) Internal Wayfinding Signs. In addition to the signs permitted under Section 607,
19 internal wayfinding signs shall be permitted as set forth in this Subsection (4011). For the purposes
20 of this Subsection, "Internal Wayfinding Signs" shall mean signs located entirely on private property
21 that are intended exclusively to direct pedestrians on sidewalks and other open spaces within and
22 adjacent to the District to buildings or businesses located within the District. No portion of any Internal
23 Wayfinding Sign may exceed a height of 10 feet. Internal Wayfinding Signs may not exceed 12 square
24 feet in area and no more than twelve such signs may be permitted within the District.

1 (4412) Transferable Development Rights. No transferable development rights may be
2 certified or sold from any property within the District, and no transferable development rights may be
3 applied to any property within the District.

4 (e) Project Review and Approval. Development applications within the District shall be
5 reviewed and approved in accordance with the conditional use authorization process of Section 303.
6 The provisions of this Section, Section 303, and the Design for Development shall apply in lieu of
7 Section 309, including any references thereto or determinations thereunder. For purposes of this
8 subsection (e), development applications do not include alterations to the Dempster or Camelline
9 Buildings, or any internal modifications or alterations, provided however that any such alteration or
10 modification shall otherwise comply with applicable requirements of the Planning Code.

11 (1) Consistency Review. Once a conditional use authorization has been approved by
12 the Commission, all site and/or building permit applications for construction of new buildings or
13 alterations of or additions to existing structures ("Applications") submitted to the Department of
14 Building Inspection shall be forwarded to the Planning Department for consistency review.
15 Specifically, the Department shall review the Application for consistency with this Section, the Design
16 for Development, and the conditional use authorization applicable to the site subject to the Application.
17 The Application shall include any documents and materials necessary to determine such consistency,
18 including site plans, sections, elevations, renderings, landscape plans and exterior material samples to
19 illustrate the overall concept design of the proposed new buildings (or alterations or additions), and
20 any other materials the Department determines are necessary or appropriate given the permit sought.
21 The Application shall also note its consistency with, or effect on, any phasing or other requirements
22 relating to public realm improvements.

23 (2) Staff Report. Except for projects deemed by the Planning Director to be routine or
24 minor in nature, Planning Department staff shall issue a Staff Report to the Planning Director
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1 assessing the Application. The Staff Report shall be delivered to the applicant no less than 10 days
2 prior to Planning Director action on any Application and shall be kept on file for public review.

3 (3) Director Determination. The Planning Director shall approve or disapprove the
4 Application based on its compliance with this Section, the Design for Development, and any applicable
5 conditional use authorization. Prior to making a decision on the Application, the Planning Director, in
6 his or her sole discretion, may seek comment and guidance from the public and the Planning
7 Commission. The Planning Director may require public notice of any such hearing, or of the
8 determination, including, but not limited to mailed notification, site postings, newspaper publication, or
9 publication on the Planning Department website.

10 (4) Applications Not in Substantial Conformance Prohibited. In no event may the
11 Planning Director or Commission approve an Application that is not in substantial conformance with
12 this Section and the Design for Development, or that permits any of the following: (aA) a reduction of
13 total open space area below that required herein; (bB) a reduction in minimum Class I or Class II
14 bicycle parking space requirements; (cC) increases in maximum floor plate area; or (dD) a reduction
15 of minimum tower separation.

16 (5) Discretionary Review. No request for discretionary review shall be accepted or
17 heard for projects within the District.

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19 Section 3. The San Francisco Planning Code is hereby amended by amending
20 Sectional Map ZN001 of the Zoning Map of the City and County of San Francisco, as follows:

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<u>Description of Property</u>	<u>Use Districts to be Superseded</u>	<u>Use Districts Hereby Approved</u>
Assessor's Block 3725, Lots 005, 006, 008, 009, 012, and 098, and	RSD	C-3-S

1 their successor Blocks and Lots.

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3 Section 4. The San Francisco Planning Code is hereby amended by amending
4 Sectional Map SU001 of the Zoning Map of the City and County of San Francisco, as follows:

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<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
6 Assessor's Block 3725, Lots 005, 006, 008, 009, 7 012, 042- 047, 076, 077, 089-091, 093, 094, 097- 8 100, and their successor Blocks and Lots.	Fifth and Mission Special Use District

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<u>Description of Property</u>	<u>Special Use District Hereby Rescinded</u>
11 Assessor's Block 3725, Lots 005, 006 , 008, 009, 12 012, 098, and their successor Blocks and Lots.	SOMA Youth and Family Special Use 13 District

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15 Section 5. The San Francisco Planning Code is hereby amended by amending
16 Sectional Map HT001 of the Zoning Map of the City and County of San Francisco, as follows:

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<u>Description of Property</u>	<u>Height and Bulk Districts to be Superseded</u>	<u>Height and Bulk Districts Hereby Approved</u>
18 Assessor's Block 3725, Lots 005, 19 006, 008, 009, 012, 042- 047, 076, 20 077, 089-091, 093, <u>094</u> , 097, 098, 21 <u>099, 100</u> and their successor Blocks 22 and Lots.	40-X/85-B, 90-X, and 160-F	See Figure 5.2.1a (Maximum Occupiable Heights) and Table 23 5.1.2 (Maximum Building Heights) <u>1: 5M Site Height and Bulk Districts</u> , on file with the

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		Clerk of the Board of Supervisors in File No. _____ <u>150787</u> and incorporated herein by reference, for the configuration of the following new <u>heights designations</u> : 85-X, 90-X , 200-S, 365-X, and 450-S.
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Section 6. The current configuration of Assessor Blocks and Lots will be re-subdivided in the future to give effect to the Project. This Board intends that the land use controls set forth in this Ordinance will apply to any successor Assessor Blocks and Lots for the above-described property.

Section 7. Effective Date and Operative 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. This Ordinance shall become operative only on (and no rights or duties are affected until) the later of (a) 30 days from the date of its passage, or (b) the date that Ordinance _____, approving the

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1 Development Agreement for the Project, and Ordinance _____, approving
2 amendments to the General Plan for the Project, have both become effective. Copies of said
3 Ordinances are on file with the Clerk of the Board of Supervisors in File Nos. 150788 and
4 150932.

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

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9 By: _____
10 MARLENA BYRNE
Deputy City Attorney

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