

[Planning Code, Zoning Map - San Francisco Gateway Special Use District]

Ordinance amending the Planning Code and the Zoning Map to establish the San Francisco Gateway Special Use District generally bounded by Kirkwood Avenue to the northeast, Rankin Street to the southeast, McKinnon Avenue to the southwest, and Toland Street to the northwest; making findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under 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 ~~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. Environmental and Land Use Findings.

(a) At its hearing on _____, and prior to recommending the proposed Planning Code amendments for approval, by Motion No. _____, the Planning Commission certified a Final Environmental Impact Report (FEIR) for the San Francisco Gateway Project (Project) pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et seq.), and Chapter 31 of the Administrative Code. A copy of said Motion is in Board of Supervisors File No. _____, and is incorporated herein by reference. In accordance with the actions contemplated in this ordinance, this Board has reviewed the FEIR, concurs with its

1 conclusions, affirms the Planning Commission's certification of the FEIR, and finds that the
2 actions contemplated herein are within the scope of the Project described and analyzed in the
3 FEIR.

4 (b) In recommending the proposed Planning Code Amendments for approval by this
5 Board at its hearing on _____, by Motion No. _____, the Planning Commission also
6 adopted findings under CEQA and a Mitigation Monitoring and Reporting Program (MMRP).
7 A copy of said Motion and MMRP are in Board of Supervisors File No. _____, and are
8 incorporated in this ordinance by reference. The Board hereby adopts and incorporates by
9 reference as though fully set forth herein the Planning Commission's CEQA approval findings.
10 The Board also adopts and incorporates by reference as though fully set forth herein the
11 Project's MMRP.

12 (c) At the same hearing on _____, the Planning Commission, in Resolution No.
13 _____, adopted findings that the actions contemplated in this ordinance are consistent, on
14 balance, with the City's General Plan and eight priority policies of Planning Code Section
15 101.1. The Board adopts these findings as its own. A copy of said Resolution is in Board of
16 Supervisors File No. _____, and is incorporated herein by reference.

17 (d) Pursuant to Planning Code Section 302, this Board finds that the Planning Code
18 Amendments in this ordinance will serve the public necessity, convenience, and welfare for
19 the reasons set forth in Planning Commission Resolution No. _____ and the Board
20 incorporates such reasons herein by reference.

21
22 Section 2. Article 2 of the Planning Code is hereby amended by adding Section 249.7,
23 to read as follows:

24 **SEC. 249.7. SAN FRANCISCO GATEWAY SPECIAL USE DISTRICT.**

25 **(a) General. A Special Use District entitled the "San Francisco Gateway Special Use**

1 District” (SUD) is hereby established, generally bounded by Kirkwood Avenue to the northeast, Rankin
2 Street to the southeast, McKinnon Avenue to the southwest, and Toland Street to the northwest. The
3 precise boundaries of the SUD are shown on Sectional Map SU10 of the Zoning Map.

4 (b) **Purpose.** The purpose of the SUD is to accommodate a unique combination of PDR
5 (Production, Distribution, and Repair) uses, including both traditional and evolving PDR uses, and to
6 give effect to the Development Agreement for the San Francisco Gateway Project, as approved by the
7 Board of Supervisors in the ordinance in File No. 250427. The SUD will advance established City
8 policy to create, protect, and preserve PDR uses and a wide range of employment opportunities, in
9 light of economic pressures that have reduced PDR space and employment opportunities across San
10 Francisco. New, large-scale PDR development has been limited in San Francisco given the higher
11 rents obtainable for other land uses, and existing PDR space that has not been redeveloped for other
12 uses is frequently unsuitable for current PDR users. The SUD contains a large site with a single
13 owner, and as such is uniquely positioned within the PDR districts for a large-scale, modern PDR
14 development to meet the needs of City businesses and residents.

15 PDR businesses provide employment opportunities for a wide range of workers, including those
16 without college degrees or experience, at generally higher salaries than the retail sector. The
17 development facilitated by the SUD would provide these opportunities for a wide range of workers,
18 both by directly creating new jobs and providing spaces and services that support other City businesses
19 and industries.

20 With climate change, as well as industry and regulatory changes, PDR businesses need flexible
21 facilities that can accommodate a variety of vehicle types and sizes. The SUD’s site-specific
22 development controls are necessary to adapt and refine PDR district zoning controls generally
23 designed for smaller PDR buildings with a single user. The controls will facilitate the development of
24 high-efficiency, enclosed PDR buildings with multiple users, large PDR spaces that accommodate
25 modern loading facilities and vehicle circulation, and the transition to electrified vehicle fleets for such

1 users.

2 **(c) Definitions.**

3 “Major Modification” means a deviation of 15% or more from any dimensional or numerical
4 standard in this SUD or in the DSG.

5 “Minor Modification” means a deviation of less than 15% from any dimensional or numerical
6 standard in this SUD or in the San Francisco Gateway Design Standards and Guidelines (DSG), or any
7 deviation from any non-numerical standard in the DSG.

8 **(d) Relationship to the Development Agreement.** This Section 249.7 shall be read and
9 construed consistent with the Development Agreement, and all development within the SUD that is
10 subject to the Development Agreement shall satisfy the requirements of the Development Agreement for
11 so long as the Development Agreement remains in effect.

12 **(e) Relationship to Design Standards and Guidelines.** The San Francisco Gateway Design
13 Standards and Guidelines (DSG), adopted by the Planning Commission by Motion No. _____, and as
14 may be periodically amended, sets forth standards and guidelines applicable within the SUD and are
15 incorporated here by reference. A copy of the DSG is on file with the Board of Supervisors in File No.
16 _____ and is available on the Planning Department’s website. This SUD and the DSG shall be read
17 and construed together so as to avoid any conflict to the greatest extent possible. If there is an
18 unavoidable conflict between the SUD and the DSG, this SUD shall prevail. The Planning Commission
19 shall review and approve amendments to the DSG, provided, however, the Planning Director may
20 approve minor amendments to the DSG. For the purposes of this subsection (e), “minor amendments to
21 the DSG” shall be defined as amendments that are necessary to correct inadvertent omissions or
22 mistakes in the DSG and are consistent with the intent of the DSG, the SUD, the General Plan, and the
23 Development Agreement.

24 **(f) Development Controls.** Applicable provisions of the Planning Code shall control except as
25 otherwise provided in this Section 249.7. In the event of a conflict between other provisions of the

1 Planning Code and this Section 249.7, the provisions of this Section 249.7 shall control.

2 (1) Development applications for the construction of new buildings within the SUD
3 shall require a Conditional Use Authorization for a Planned Unit Development, except those buildings
4 constructed pursuant to Section 181(d).

5 (2) Uses. Except as described in this subsection (f)(2), uses shall be conditionally or
6 principally permitted pursuant to the controls for the PDR-2 zoning district in Section 210.3. The
7 following use controls apply in the SUD.

8 (A) Private Parking Garage is principally permitted, provided that such garage
9 use shall not allow for storage or parking of personal vehicles in the form of employee, commuter, or
10 short-term visitor parking. Within the SUD, such Private Parking Garage use may include storage and
11 parking of automobiles, trucks, buses, vans, bicycles, motorcycles, and similar vehicles for any
12 duration of time, and shall not be subject to provisions regulating automobile parking or loading as set
13 forth in Article 1.5. Washing, loading, preparation for vehicle movement in and out of the garage, and
14 light maintenance of such vehicles is permitted as accessory to the Private Parking Garage use without
15 limitation as to the area used for such activities.

16 (B) The addition or inclusion of electric vehicle charging and associated
17 infrastructure shall be permitted for any principally permitted or conditionally permitted uses
18 established within the SUD and shall not be considered a change of use, notwithstanding any
19 restriction on Fleet Charging as an accessory use contained in the Planning Code.

20 (C) Parcel Delivery Service is principally permitted, and is permitted as an
21 accessory use to any other principal use established within the SUD.

22 (3) No more than a total of 8,500 square feet of Occupied Floor Area for Retail Sales
23 and Service uses shall be permitted within the SUD. The use size limits on Retail Sales and Service uses
24 as described in Section 210.3A shall not apply within the SUD.

25 (4) **Maximum Off-Street Parking.** Off-street parking is not required but shall not

1 exceed a maximum of 1.5 spaces per 200 square feet of Gross Floor Area for all Retail Sales and
2 Services uses, and a maximum of 1 space per 1,500 square feet of Gross Floor Area for all other uses.
3 Where off-street parking is provided that exceeds the amounts identified above, such parking shall be
4 classified not as accessory parking but as a conditional use.

5 (5) **Building Height Exemptions.** In addition to the building height exemptions listed
6 in Section 260(b), the following features shall also be exempt from the height limits established by this
7 Code:

8 (A) **Solar Array and EV Charging System Components.** Any component of a
9 solar array system needed to collect or store solar energy, support and maintain solar panels, and
10 transfer their captured energy, and any component of a charging system for electric vehicle charging.
11 System components include solar panels and mounting hardware, any vertical and horizontal
12 structures utilized to support the solar panels, fire sprinkler system components, lighting, conduit,
13 cabling and battery storage, as well as infrastructure for electric vehicle charging. This exemption
14 shall be limited to the top 20 feet of such features, without regard to their horizontal area.

15 (B) **Vehicle Parking and Circulation.** Parking and circulation of passenger and
16 non-passenger vehicles, without additional structures or equipment other than trellises or similar
17 overhead screening for such vehicles with a maximum height of 20 feet. This exemption shall apply
18 without regard to horizontal area.

19 (C) **Vertical Screening for Vehicle Parking and Circulation.** Vertical
20 screening for vehicle parking and circulation, with a maximum height of eight feet. This exemption
21 shall apply without regard to horizontal area.

22 (D) **Awnings.** Horizontal awnings or other covering elements projecting from
23 rooftop penthouses for the purpose of adequately protecting elevator and stair openings from water
24 intrusion and damage, with a maximum height of 12 feet, and a maximum horizontal area of 100
25 square feet per protected opening.

1 **(6) Streetscape and Pedestrian Improvements.** *The Streetscape and Pedestrian*
2 *Improvements requirements set forth in Section 138.1 shall not apply within the SUD. The streetscape*
3 *and pedestrian improvements included in Exhibit P to the Development Agreement shall govern within*
4 *the SUD.*

5 **(7) Transportation Demand Management.** *The Transportation Demand Management*
6 *(TDM) Program requirements set forth in Section 169 shall not apply within the SUD. The TDM*
7 *provisions included in Exhibit J to the Development Agreement shall govern within the SUD.*

8 **(8) Demolition and Replacement of Industrial Buildings in PDR Districts.** *The*
9 *demolition and replacement requirements for industrial buildings containing Industrial Uses shall not*
10 *apply within the SUD for any building constructed pursuant to the Development Agreement while it is*
11 *in effect.*

12 **(g) Project Review and Approval.**

13 **(1) Design Review and Approval.** *An applicant may submit, but is not required to*
14 *submit, a design review application for review by the Planning Department for consistency with the*
15 *Planning Code, including this Section 249.7, the Conditional Use Authorization for a Planned Unit*
16 *Development, and the DSG, prior to preparing and submitting a site or building permit application. If*
17 *an applicant elects to submit a design review application, the applicant must receive approval from the*
18 *Planning Director, or the Planning Commission if required, before obtaining any permits for the*
19 *applicable building construction (other than for demolition or site preparation). If an applicant*
20 *proposes a Minor Modification or Major Modification, the applicant must obtain such Minor*
21 *Modification or Major Modification through a design review application approval. Standards and*
22 *limitations on design review application approval are set forth in the Development Agreement and in*
23 *subsection (g)(2). Nothing in this Section 249.7 limits the Charter authority of any City department or*
24 *commission or the rights of City agencies to review and approve proposed infrastructure as set forth in*
25 *the Development Agreement.*

1 **(2) Design Review Applications and Process.**

2 **(A) Applications.** *Each design review application shall include the documents*
3 *and other materials necessary to determine consistency with the Planning Code, including this Section*
4 *249.7, the Conditional Use Authorization for a Planned Unit Development, and the DSG, including site*
5 *plans, floor plans, sections, elevations, renderings, landscape plans, and exterior material samples to*
6 *illustrate the overall concept design of the proposed building(s). The design review application shall*
7 *not be required to identify infrastructure or streetscape improvements that may be required in*
8 *association with the proposed building(s), which are subject to the review and approval process*
9 *described in the Development Agreement. If an applicant requests a Minor Modification or Major*
10 *Modification, the application shall describe proposed changes in reasonable detail, including narrative*
11 *and supporting images, if appropriate, and a statement of the purpose or benefits of the proposed*
12 *modification(s).*

13 **(B) Completeness.** *Planning Department staff shall review the application for*
14 *completeness and advise the applicant in writing of any deficiencies within 30 days of the date of the*
15 *application or, if applicable, within 15 days of receipt of any supplemental information requested*
16 *pursuant to this section.*

17 **(C) Design Review Process.** *Following a determination of completeness of the*
18 *design review application in accordance with subsection (g)(2)(B), Planning Department staff shall*
19 *conduct design review. If an applicant submits a design review application that does not propose any*
20 *Minor Modifications or Major Modifications, the Planning Director, within 30 days of the*
21 *determination of completeness, shall prepare and issue a design review approval letter to the applicant*
22 *if the design is found to be in compliance with the Planning Code, including this Section 249.7, the*
23 *Conditional Use Authorization for a Planned Unit Development, and the DSG, or notify the applicant*
24 *of their determination of non-compliance. If an applicant submits a design review application that*
25 *proposes Minor Modifications or Major Modifications, Planning Department staff shall prepare a staff*

1 report assessing compliance with the Planning Code, including this Section 249.7, the Conditional Use
2 Authorization for a Planned Unit Development, and the DSG, including a recommendation regarding
3 any Minor Modifications or Major Modifications sought. The staff report shall be delivered to the
4 applicant and any third parties requesting notice in writing, shall be kept on file, and shall be posted on
5 the Department's website for public review, within 60 days of the determination of completeness. If
6 Planning Department staff determines that the design is not compliant with the Planning Code,
7 including this Section 249.7, the Conditional Use Authorization for a Planned Unit Development, or the
8 DSG, the Applicant may resubmit the application, in which case the requirements of this subsection
9 (g)(2) for determination of completeness, staff review and determination of compliance, and delivery,
10 filing, and posting of the staff report, shall apply anew.

11 **(D) Approvals and Public Hearings for Buildings.**

12 **(i) Buildings Seeking Minor Modifications.** Within 10 days after the
13 delivery and posting of the staff report on the design review application, the Planning Director shall
14 approve or disapprove the design based on its compliance with the Planning Code, including this
15 Section 249.7, the Conditional Use Authorization for a Planned Unit Development, and the DSG. If the
16 design review application is consistent with the quantitative standards set forth in this Section 249.7
17 and the DSG, the Planning Director's discretion to approve or disapprove the design review
18 application shall be limited to the application's consistency with the qualitative, non-numeric, and non-
19 dimensional elements of the DSG. Notwithstanding any other provisions of this Section 249.7, the
20 Planning Director may, in their discretion, refer any application that proposes a Minor Modification to
21 the Planning Commission if the Planning Director determines that the proposed Minor Modification
22 does not meet the intent of the DSG or this Section 249.7.

23 **(ii) Buildings Seeking Major Modifications, or Minor Modifications**
24 **Referred by Planning Director.** If a design review application seeks one or more Major Modifications,
25 or if a design review application that proposed a Minor Modification is referred to the Planning

1 Commission, the Planning Commission shall calendar the item for a public hearing within 30 days
2 after delivery and posting of the staff report on the design review application, or the Planning
3 Director's referral (as applicable), subject to any required noticing. The Planning Commission's
4 review shall be limited to the proposed Major Modification, or the Minor Modification referred by the
5 Planning Director. The Planning Commission shall consider all comments from the public and the
6 recommendations of the staff report and the Planning Director in making a decision to approve or
7 disapprove the design review application, including the granting of any Major Modifications or
8 referred Minor Modifications in accordance with the standard of review established under this
9 subsection (g)(2). If a Major Modification or intensification of a Planned Unit Development exception
10 requires Planning Commission approval of a new Conditional Use Authorization, the Planning
11 Commission shall consider such new Conditional Use Authorization in conjunction with the design
12 review application proposing a Major Modification, and the above timelines for staff review and
13 determination of compliance, and delivery, filing, and posting of the staff report, shall not apply.

14 (iii) **Notice of Hearings.** Notice of any Planning Commission hearings
15 required under this SUD shall be provided in accordance with Planning Code Section 333.

16 (3) **Use Consistency Review.** All site or building permit applications for construction of
17 new buildings or alterations of or additions to existing structures, or for permits of occupancy that
18 would authorize a new use or a change of use, including changes within subcategories of use
19 ("Applications"), submitted to the Department of Building Inspection shall be forwarded to the
20 Planning Department for use consistency review within 15 days of submittal. For purposes of this
21 subsection (g)(3), Applications do not include any submittals for interior improvements, modifications,
22 or alterations that do not involve a new use or change of use, or an expansion or intensification of an
23 existing use, provided however, that any such improvement, modification, or alteration shall otherwise
24 comply with the applicable requirements of the Planning Code. Once referred, the Department shall
25 review the Application for consistency with the Planning Code, including this Section 249.7, the

Development Agreement, the DSG, and any applicable Conditional Use Authorization. The Application shall include any documents, plans, and materials necessary to determine such consistency.

(4) Discretionary Review. No requests for discretionary review shall be accepted or heard for projects within the SUD.

Section 3. The Zoning Map of the Planning Code is hereby amended in accordance with Planning Code Section 106 by revising Height and Bulk District Map HT10 and Special Use District Map SU10, as follows:

(a) To change the Height and Bulk District Map HT10 from 65-J to 97-X, as follows:

Assessor's Block	Lot	Current Height and Bulk District to be Superseded	Proposed Height/Bulk to be Approved
5284A	008	65-J	97-X
5287	002	65-J	

(b) Special Use District Map SU10 is hereby amended to create the new San Francisco Gateway Special Use District, as follows:

Assessor's Block	Lot	Special Use District
5284A	008	San Francisco Gateway Special Use District
5287	002	

Section 4. Effective and Operative Dates.

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

5 (b) This ordinance shall become operative on its effective date or on the effective
6 date of the Development Agreement for the San Francisco Gateway Project, enacted by the
7 ordinance in Board of Supervisors File No. 250427, whichever date occurs later; provided,
8 that this ordinance shall not become operative if the ordinance regarding the Development
9 Agreement is not approved.

10
11 Section 5. Severability.

12 If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any
13 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
14 decision of a court of competent jurisdiction, such decision shall not affect the validity of the
15 remaining portions or applications of the ordinance. The Board of Supervisors hereby
16 declares that it would have passed this ordinance and each and every section, subsection,
17 sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to
18 whether any other portion of this ordinance or application thereof would be subsequently
19 declared invalid or unconstitutional.

20
21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/ Robb Kapla
24 ROBB KAPLA
Deputy City Attorney

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