

BOARD of SUPERVISORS



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MEMORANDUM

Date: April 15, 2026
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 260362
Planning Code - Balboa Reservoir Special Use District

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

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 *strikethrough italics Times New Roman font*.
 15 **Board amendment additions** are in double-underlined Arial font.
 16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 17 **Asterisks (* * * *)** indicate the omission of unchanged Code
 18 subsections or parts of tables.

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

20

21 Section 1. General Findings.

22 (a) In Ordinance No. 142-20, the Board of Supervisors approved a development
 23 agreement for the Balboa Reservoir Project for a mixed income housing development of up to
 24 approximately 1,100 housing units, including approximately 550 units affordable to low- and
 25 moderate-income households, and approximately four acres of publicly accessible open
 spaces, among other uses. In conjunction with this approval, the Board, in Ordinance 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 Sections
18 15000 et seq.), and Administrative Code Chapter 31. Also, on May 28, 2020, by Motion No.
19 M-20731, the Planning Commission adopted environmental findings, including a rejection of
20 alternatives and a statement of overriding considerations (“CEQA Findings”) and a Mitigation
21 Monitoring and Reporting Program (“MMRP”). In Ordinance No. 142-20, the Board of
22 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 * * * *

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

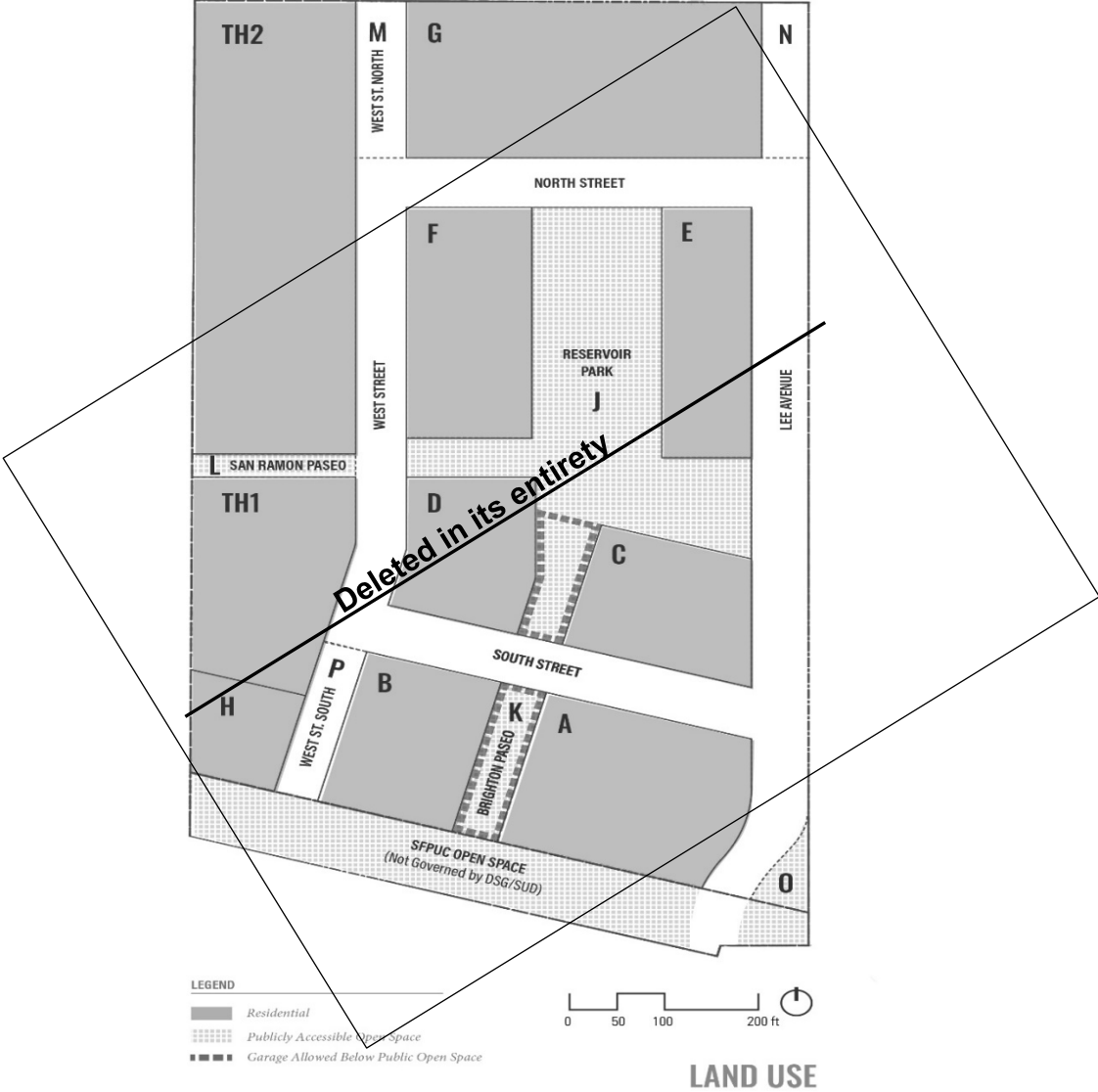


Figure 249.90-1 Balboa Reservoir Land Use Map

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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)	AP (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.*

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Figure 249.90-2 Height Limit Map

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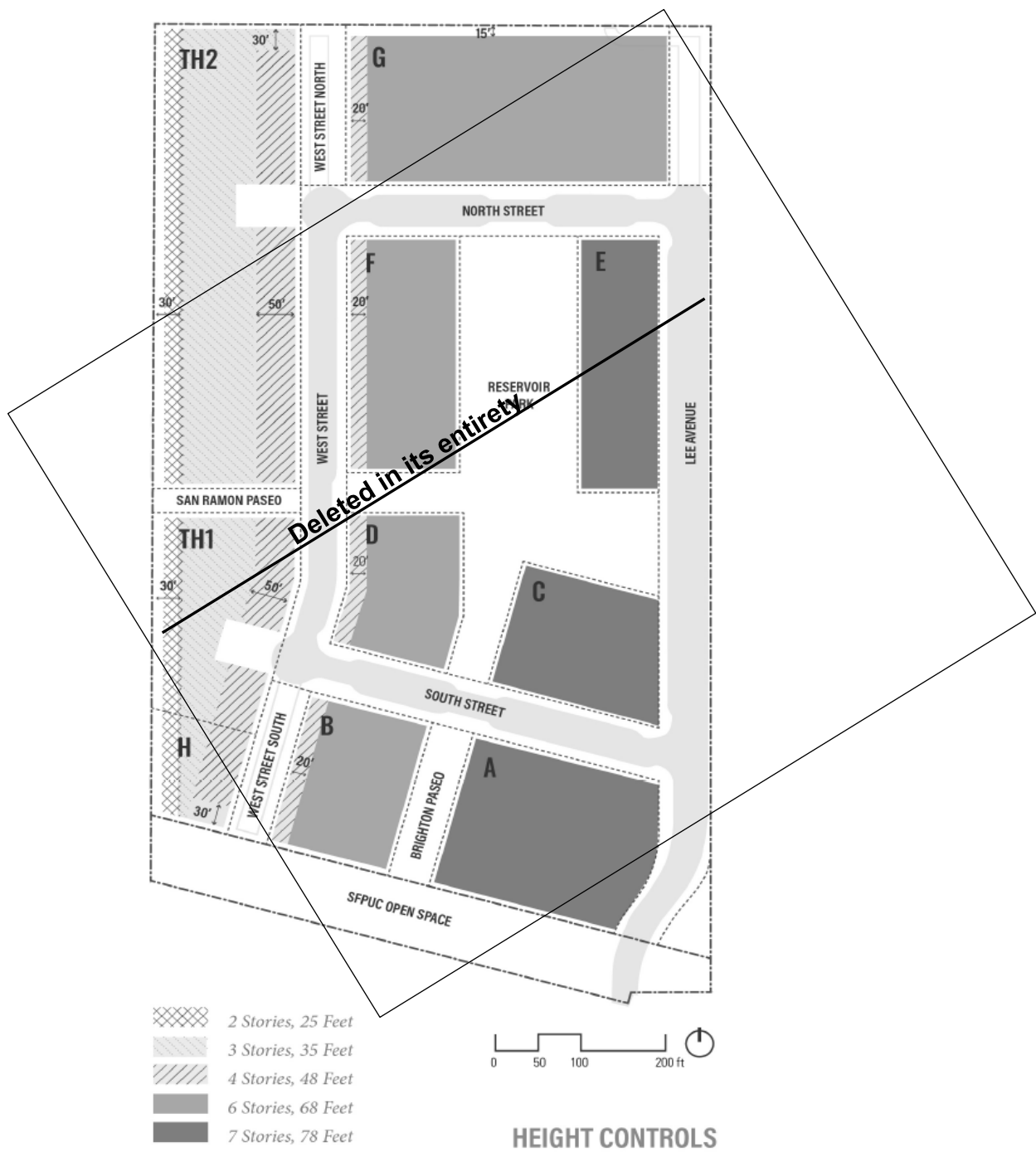


Figure 249.90-2 Height Limit Map

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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. _____, and are incorporated
12 herein by 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 and 249.90-
22 2 follows the deleted Figures respectively, but without the font normally used to show
23 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

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LEGISLATIVE DIGEST

[Planning Code - Balboa Reservoir Special Use District]

Ordinance amending the Planning Code to make adjustments to the Balboa Reservoir Special Use District that allow for a connecting element between two buildings adjacent to South Street and across from the Brighton Paseo; establishing certain design parameters, authorizing residential and certain other uses, and adopting a maximum height at this location; affirming the Planning Commission's determination 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 adopting Planning Code, Section 302 findings of public necessity, convenience and general welfare related to the proposed amendments.

Existing Law

The City approvals associated with the Balboa Reservoir development agreement project include a special use district in Planning Code Section 249.90 that establishes a unique set of zoning requirements applicable within the boundaries of the project, including permissible uses and building heights. The Balboa Reservoir project is located near Ocean Avenue and adjacent to City College of San Francisco. Planning Code amendments require specified findings as set forth in the San Francisco Charter and Planning Code, including General Plan and Planning Code Section 101.1 consistency findings.

Amendments to Current Law

This ordinance would amend the Balboa Reservoir special use district to allow for a connecting element between two buildings adjacent to South Street and across from the Brighton Paseo. The legislation also would establish certain design parameters, authorize residential and certain other uses, and adopt a maximum height at this location. The ordinance would make environmental findings, findings of consistency with the General Plan and eight priority policies of Planning Code Section 101.1, and findings of public necessity under Planning Code Section 302.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: