



PLANNING COMMISSION RESOLUTION NO. 21304

HEARING DATE: APRIL 20, 2023

Project Name: General Plan Amendments associated with the Port of San Francisco Waterfront Plan Update
Case Number: 2019-023037GPA MAP PCA
Initiated by: Planning Commission
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INITIATING AMENDMENTS TO PLANNING CODE SECTION 240, THE WATERFRONT SPECIAL USE DISTRICT TO (1) MAKE MINOR CHANGES REGARDING THE COMPOSITION AND ADMINISTRATIVE PROCEDURES OF THE WATERFRONT DESIGN ADVISORY COMMITTEE (WDAC); (2) ADD A NEW SPECIAL USE DISTRICT (WATERFRONT SPECIAL USE DISTRICT NO. 4) FOR THE PROPERTIES UNDER PORT JURISDICTION SOUTH OF MISSION ROCK AND WOULD SUBJECT DEVELOPMENTS WITHIN THE NEW SUD TO THE PROCEDURES OF THE WDAC; AND (3) REMOVE CONDITIONAL USE REQUIREMENTS FOR USES NOT SCREENED FROM PUBLIC VIEW; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco provides to the Planning Commission the opportunity to periodically recommend Planning Code Amendments to the Board of Supervisors; and

WHEREAS, Pursuant to Planning Code Section 302 the Planning Commission (“Commission”) initiated a Planning Code amendment to change Planning Code Section 240, per Planning Commission Resolution No. 21272, on March 9, 2023.

WHEREAS, The Proposed Amendments would amend Planning Code Section 240, the “Waterfront Special Use District” (SUD) by (1) making minor changes to the composition and administrative procedures of the Waterfront Design Advisory Committee (WDAC); (2) adding a new Special Use District, Waterfront Special Use District No. 4 (“WSUD 4”), that would include properties owned and managed by the Port of San Francisco generally east and south of Mission Rock (excluding Pier 70) and would subject developments within the new WSUD 4 to the procedures of WDAC; (3) removing the conditional use requirement for uses not screened from public view; and

(4) other minor changes such as updating reference to the Waterfront Plan (as opposed to the Waterfront Land Use Plan); and

WHEREAS, Provisions in Planning Code Section 240 implement, in part, policies of the Port of San Francisco's Waterfront Plan. The Waterfront Plan (previously the Waterfront Land Use Plan) is the long-range plan that set forth policies for the use and improvement of properties owned and managed by the Port of San Francisco, developed pursuant to requirements in Proposition H approved by San Francisco voters in 1990, which was adopted by the Port Commission in 1997, with occasional subsequent amendments that were approved by the Port Commission; and

WHEREAS, the San Francisco Port Commission ("Port Commission") directed the creation of a Waterfront Plan Working Group to lead a public planning process and public discussions about existing waterfront activities, regulations, challenges, public desires and needs to incorporate diverse viewpoints and perspectives to develop policy recommendations to update the Waterfront Land Use Plan; and

WHEREAS, The Working Group recommendations updated or added new goals and policies in nine categories to expand the breadth of content and policy direction, such that the Port has renamed the document to, simply, the Waterfront Plan which addresses: Maritime & Water-dependent Uses; Diverse Non-Maritime Uses; Public Access & Open Space; Urban Design & Historic Preservation; A Financially Strong Port; Transportation and Mobility; Environmental Sustainability; A Resilient Port; Community Engagement and Partnering; and updated objectives for five waterfront subareas that flow from the new goals and policies: Fisherman's Wharf, Northeastern Waterfront, South Beach, Mission Bay and Southern Waterfront;

WHEREAS, In conjunction with the updates to the Waterfront Plan, Port staff recommends several amendments to Planning Code Section 240. A key provision of Section 240 is the establishment of the WDAC which provides advise to the Planning and Port Commission on the design of certain projects under owned and managed by the Port of San Francisco, within two of three of the Waterfront SUD sub-Special Use Districts (Waterfront SUD No. 1 and No. 3). There is not a special use district for Port properties in the Southern Waterfront, specifically east and south of Mission Rock. These amendments, among other provisions, create a new Special Use District No. 4 to extend the established design review process for properties under Port jurisdiction east and south of Mission Rock, thereby assuring equitable and transparent review of projects in the Southern Waterfront; and

WHEREAS, Planning staff reviewed other provisions of Planning Code Section 240 to see if other aspects of SUD required updating. Planning staff discovered that the provision that requires Conditional Use authorization for projects that were "*not screened from view from adjacent streets and other public areas*" was confusing and unnecessary and subject small projects to burdensome review and therefore is recommending removal of the requirement; and

WHEREAS, the Planning Department as the Lead Agency responsible for the implementation of CEQA, California Public Resources Code Section 21000 et seq., the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code, and undertook an environmental review process for the proposed Waterfront Plan Project and related General Plan, Planning Code, and Zoning Map amendments and provide appropriate public hearings before the Planning Commission; and

WHEREAS, on February 23, 2022, the Planning Department published the Waterfront Plan Draft Environmental Impact Report (“DEIR”) for the Waterfront Plan Project (Case No. 2019-023037ENV), which included the December 2019 Draft Waterfront Plan, and amendments to the San Francisco General Plan, San Francisco Planning Code and Zoning Map, and BCDC Special Area Plan, and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department’s list of persons requesting such notice. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Department beginning on February 23, 2022. The DEIR contains analysis at a “program level” pursuant to CEQA Guidelines section 15168 for the adoption and implementation of the Waterfront Plan; and

WHEREAS, on March 24, 2022, the Planning Commission held a duly advertised public hearing on the DEIR, at which an opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the DEIR ended on April 25, 2022. The Department prepared responses to comments on environmental issues received during the 60-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR; and

WHEREAS, between September and December 2022, Port staff produced further proposed revisions to the Waterfront Plan to incorporate information updates, technical edits, and policy refinements, which underwent public review and comment and were presented to the Port Commission at its September 13, 2022 and January 24, 2023 meetings, and which revisions were reviewed by the Planning Department staff and determined to not result in any required changes to the information or conclusions in the FEIR; and on January 19, 2023, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter “FEIR”) has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document, all as required by law; and

WHEREAS, on March 10, 2020, the Planning Department published an Errata to the FEIR, and on March 16, 2020, the Planning Commission reviewed and considered the FEIR (including the Errata) and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Planning Commission on March 19, 2023. On April 5, 2023, the Planning Department issued Addendum #1 to the FEIR and determined that the additional information in Addendum #1 does not change the analyses and conclusions presented in the FEIR; now, therefore, be it

WHEREAS, on April 5, 2023, the Planning Department published Addendum No. 1 to the FEIR (the “Addendum”), [link]. The Addendum provides additional language to clarify that CEQA review would be required for subsequent projects (not otherwise exempt from CEQA) for potentially significant environmental impacts to the extent not expressly reviewed in the subject FIER, among other clarifications; and

WHEREAS, on April 11, 2023, the San Francisco Port Commission (“Port Commission”) approved the Waterfront Plan by Resolution No. 23-15, which incorporated the adoption of CEQA Findings and a statement of overriding considerations [link]; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

A draft ordinance, attached hereto as Exhibit A, would amend Planning Code Section 240 pursuant to Planning Code Section 302.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby finds that the Planning Code Text Amendments promote the public welfare, convenience and necessity for the following reasons:

- Other proposed amendments to Waterfront SUD would assure alignment with the recently updated Waterfront Plan and make other changes to improve procedures described therein; and
- By creating a new Waterfront Special Use District No. 4 under Planning Code Section 240, development projects on Port properties in the Southern Waterfront would be subject to the Waterfront Design Advisory Committee review, which would help assure better quality and transparent review of such projects.
- Removing the Conditional Use requirement for projects “*not screened from view from adjacent streets and other public areas*” removes a confusing, unnecessary and burdensome requirement for smaller projects.
- The proposed amendments are in general conformity with the General Plan, as amended, and Planning Code Section 101.1 as described in Planning Commission Resolution No. 21303.

BE IT FURTHER RESOLVED, that the Commission has reviewed and considered the CEQA Findings and statement of overriding considerations for that Waterfront Plan update, which addressed the related General Plan and Planning Code amendments, which the Port Commission adopted on April 11, 2023 per Port Commission Resolution no. 23-15, and hereby adopts these CEQA Findings as its own.

BE IT FURTHER RESOLVED that the Commission has reviewed the Addendum and hereby agrees with its analysis and findings, including the determination that the additional information in Addendum #1 does not change the analyses and conclusions presented in the FEIR, and has considered the Addendum as part of the decisions described in this Resolution; and

BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 302 the Commission adopts a Resolution to recommend to the Board of Supervisors amendments to the General Plan;

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 20, 2023.

Laura Lynch

Laura Lynch
Acting Commission Secretary

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
NOES: None
ABSENT: Ruiz
ADOPTED: April 20, 2023

1 [Planning Code - Port of San Francisco Waterfront Plan Update]

2

3 **Ordinance amending the Planning Code to revise certain Waterfront Special Use**
4 **District controls and to add Waterfront Special Use District No. 4 covering areas east of**
5 **the Mission Bay and Southern Waterfront areas; and making environmental findings,**
6 **including adopting a statement of overriding considerations, and findings of**
7 **consistency with the General Plan and the eight priority policies of Planning Code,**
8 **Section 101.1, and findings of public necessity, convenience, and welfare under**
9 **Planning Code, Section 302.**

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

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

18 Section 1. Environmental and Planning Code Findings.

19 (a) On _____, after a duly noticed public hearing, the Planning Commission, by
20 Motion No. _____, certified the Final Environmental Impact Report (EIR) for the Port of
21 San Francisco’s Waterfront Plan (the Project), which updates and amends the Port’s 1997
22 Waterfront Land Use Plan and sets long term goals and policies to guide the use,
23 management, and improvement of properties owned and managed by the Port. The Planning
24 Commission motion finds that the Final EIR reflects the independent judgment and analysis of
25 the City and County of San Francisco, is adequate, accurate and objective, contains no
significant revisions to the Draft EIR, and the content of the report and the procedures through

1 which the Final EIR was prepared, publicized, and reviewed comply with the provisions of the
2 California Environmental Quality Act (California Public Resources Code Sections 21000 et
3 seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), and Chapter 31 of
4 the San Francisco Administrative Code. Copies of the Planning Commission Motion and Final
5 EIR are on file with the Clerk of the Board of Supervisors in File No. ___ and are incorporated
6 herein by reference. The Board affirms this determination.

7 (b) The Project evaluated in the Final EIR includes the proposed amendments to the
8 Planning Code set forth in this ordinance as well as amendments to the General Plan and the
9 Zoning Map. The proposed Planning Code amendments set forth in this ordinance are within
10 the scope of the Project evaluated in the Final EIR.

11 (c) On _____, the Port Commission, in Motion No. _____, adopted
12 findings under CEQA regarding the Project's environmental impacts, the disposition of
13 mitigation measures, and project alternatives, as well as a statement of overriding
14 considerations (CEQA Findings), and adopted a mitigation monitoring reporting program
15 (MMRP). A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No.
16 _____, and is incorporated herein by reference.

17 (d) On _____, the Planning Commission, in Motion No. _____, adopted
18 findings under CEQA regarding the Project's environmental impacts, the disposition of
19 mitigation measures, and project alternatives, as well as a statement of overriding
20 considerations (CEQA Findings) and adopted a mitigation monitoring reporting program
21 (MMRP). A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No.
22 _____, and is incorporated herein by reference.

23 (e) On _____, the Planning Commission, in Resolution No. _____,
24 recommended the proposed Planning Code amendments for approval and adopted findings
25 that the actions contemplated in this ordinance are consistent, on balance, with the City's

1 General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts
2 these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
3 Supervisors in File No. _____, and is incorporated herein by reference.

4 (f) On _____, the Planning Commission, in Resolution No. _____,
5 adopted findings under Planning Code section 302 that the actions contemplated in this
6 ordinance will serve the public necessity, convenience, and welfare. The Board adopts these
7 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
8 Supervisors in File No. _____, and is incorporated herein by reference.

9 (g) The Board of Supervisors has reviewed and considered the Final EIR and the
10 environmental documents on file referred to herein. The Board of Supervisors has reviewed
11 and considered the CEQA Findings, and hereby adopts them as its own and incorporates
12 them by reference as though such findings were fully set forth in this ordinance.

13 (h) The Board of Supervisors adopts the MMRP as a condition of this approval, and
14 endorses those mitigation measures that are under the jurisdiction of other City Departments,
15 and recommends for adoption those mitigation measures that are enforceable by agencies
16 other than City agencies, all as set forth in the CEQA Findings and MMRP.

17 (i) The Board of Supervisors finds that since certification of the Final EIR no
18 substantial changes have occurred in the proposed Project that would require revisions in the
19 Final EIR due to the involvement of new significant environmental effects or a substantial
20 increase in the severity of previously identified significant effects, no substantial changes have
21 occurred with respect to the circumstances under which the proposed Project is to be
22 undertaken that would require major revisions to the Final EIR due to the involvement of new
23 environmental effects or a substantial increase in the severity of effects identified in the Final
24 EIR, and no new information of substantial importance to the proposed Project has become
25 available which indicates that (1) the Project will have significant effects not discussed in the

1 Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation
2 measure or alternatives found not feasible that would reduce one or more significant effects
3 have become feasible, or (4) mitigation measures or alternatives that are considerably
4 different from those in the Final EIR would substantially reduce one or more significant effects
5 on the environment.

6
7 Section 2. Article 2 of the Planning Code is hereby amended by revising Sections 240,
8 240.1, 240.2, and 240.3, and adding Section 240.4, as follows:

9 **SEC. 240. WATERFRONT SPECIAL USE DISTRICT.**

10 (a) **Purpose.** In order to provide for certain areas with unique natural and man-
11 made physical characteristics, distinct historic and maritime character, special traffic, parking,
12 and use considerations, recognized development potential, and proximity to residential,
13 public, and commercial areas of regional, national, and international significance which should
14 be protected from adverse adjacent development, there shall be ~~three~~four Waterfront Special
15 Use Districts, Numbers 1, 2, ~~and 3,~~ and 4, as designated on Sectional Maps No. 1 SU, 8 SU,
16 and 9 SU* of the Zoning Map. The original copy of said Sectional Maps with these Special Use
17 Districts indicated thereon is on file with the Clerk of the Board of Supervisors under File No.
18 171-70-4, pursuant to Ordinance No. 131-70 and subsequent amendments ~~thereunder~~ File No.
19 _____. The provisions set forth in Sections 240.1 through ~~240.3~~240.4 shall apply, respectively,
20 within these Special Use Districts, and shall be applicable to all property, whether public or
21 private, including property under the jurisdiction of the San Francisco Port Commission.

22 (b) **State and Regional Land Use Controls.** Much of the property within Waterfront
23 Special Use District Numbers 1, ~~and 3,~~ and 4 is subject to land use controls in addition to those
24 set forth in this Code. Most of the land under the jurisdiction of the Port Commission is public
25 trust land and is subject to use limitations as provided in California Statutes of 1968, Chapter

1 1333, as amended (the "Burton Act") and the San Francisco Charter. In the event of a conflict
2 between the provisions of the Burton Act and this Code, the State legislation prevails. A
3 portion of the property under the Port Commission's jurisdiction is further subject to use
4 limitations as provided in the California Government Code, Sections 66600 et seq. (the
5 "McAteer-Petris Act"). The San Francisco Bay Conservation and Development Commission is
6 responsible for implementing the provisions of the McAteer-Petris Act. Other property within
7 ~~this~~these Waterfront Special Use Districts is subject to redevelopment plans adopted by the
8 Board of Supervisors.

9 (c) **Waterfront Design Review Process.**

10 (1) In order to best achieve the public objectives that have been established in law
11 and policy for the property under the jurisdiction of the Port Commission, a waterfront design
12 review process is hereby established to review the urban design of new development on
13 certain land under the Port Commission's jurisdiction within ~~the~~ Waterfront Special Use
14 Districts Numbers 1, 3, and 4, consistent with applicable provisions of the Port's Waterfront ~~Land~~
15 ~~Use Plan and its Waterfront Design and Access goals, objectives and criteria, urban design, historic~~
16 ~~preservation, and public access goals, policies, and objectives,~~ as provided below. The purpose of
17 the waterfront design review process is to identify and integrate the State, regional, and local
18 objectives pertaining to the urban design of major, non-maritime development projects and
19 proposed uses in order to optimize the public enjoyment and beneficial use of this public trust
20 resource.

21 (2) The waterfront design review process shall be conducted by the Waterfront
22 Design Advisory Committee ("Committee"), which shall consist of five members. ~~a Design Advisory~~
23 ~~Committee. The Mayor shall appoint a qualified professional urban planner or architect (general,~~
24 ~~historic or landscape) who resides or works in San Francisco as one member.~~ The Director of
25 Planning and the Director of the Port of San Francisco shall each appoint two members who

1 ~~are, consisting of (1) a senior member from their respective staffs and (2) a~~ qualified professional
2 urban planner_s or architect_s (general, historic, or landscape) who resides or works in San
3 Francisco, and are not employed within their agency. In addition to these members, the Director of
4 the Port shall also appoint one member who is a historic preservation professional who meets the
5 Secretary of the Interior's Professional Qualifications Standard. Port of San Francisco staff shall
6 maintain Committee records and administrative procedures reflecting the roster, qualifications, and
7 terms for each Committee member. ~~Of the original appointments, the Mayor's appointment shall serve~~
8 ~~for a four year term and the Planning Director and Port Director shall each appoint one member for a~~
9 ~~two year term and one member for a four year term. After expiration of the original terms, all~~
10 ~~appointments shall be for four year terms.~~ The Port Commission may ~~is granted the authority to~~
11 increase the number of Committee members by adding representatives appointed by the
12 Director of the Bay Conservation and Development Commission, if needed. The
13 ~~Committee~~ Design Advisory Committee shall select a chairperson from among its voting
14 members, and shall establish rules and regulations for its own organization and procedure.
15 The ~~Committee~~ Committee may establish subcommittees to which it may assign Committee
16 design review responsibilities. The Committee shall act by vote of a majority of those present
17 at a meeting with a quorum of Committee members.

18 (3) The ~~Design Advisory~~ Committee shall review proposed projects to be developed
19 on property of the Port of San Francisco, as set forth in Sections 240.1, 240.3, and ~~240.34~~
20 of this Code.

21 (4) The ~~Design Advisory~~ Committee shall be advisory to the Planning Department
22 and Port of San Francisco, and shall provide its design recommendations to the Bay
23 Conservation and Development Commission for proposed projects within its jurisdiction. The
24 Port shall convene and provide staff assistance to the Committee and consult with the
25

1 Committee on non-maritime development projects as set forth in this Code and at such other
2 times as the Port deems appropriate.

3 ~~(5) The Planning Commission and the Port Commission shall hold a joint hearing within~~
4 ~~two years from the date of adoption of this ordinance to evaluate the design review process and make~~
5 ~~recommendations to the Board of Supervisors for its improvement.~~

6 (65) The Committee shall hold a public hearing on a proposed project and make
7 design recommendations to ensure that the urban design of the proposed project is consistent
8 with applicable provisions of the Waterfront ~~Land Use Plan's Waterfront Design and Access goals,~~
9 ~~objectives and criteria~~ urban design, historic preservation, and public access goals, policies, and
10 objectives. In addition to any other notice required by law, the Committee shall provide public
11 notice for this hearing by electronic mail to the applicant or other person or agency initiating
12 the action and other parties who have requested ~~mailed notice of such hearing on the project in~~
13 ~~writing~~ notice of such hearing on the project and submitted their contact information to the Port of San
14 Francisco.

15 (76) The Committee, as an advisory board, must review and consider any final
16 environmental documents, or draft documents if final documents are not yet available,
17 prepared pursuant to the California Environmental Quality Act, before it makes its final
18 recommendations.

19 (87) The determination of the Committee on urban design issues related to the
20 proposed project shall be final as to those design issues, except as provided below. The
21 Committee shall transmit the design recommendations to the Planning Department and Port,
22 and to the Bay Conservation and Development Commission for proposed projects within
23 BCDC's jurisdiction, ~~within five days~~ two weeks following the Committee action for
24 consideration by those agencies prior to any action on the project.

1 (A) For a project that is permitted as a Principal Use, the Planning Commission
2 ~~may~~, by majority vote within 14 days of receipt of the design recommendations of the
3 Committee, make a determination to review the design recommendations. If the item cannot
4 be calendared for Planning Commission consideration within that period due to a canceled
5 meeting, the Commission may consider whether to review the design recommendations at its
6 next available meeting. If the Planning Commission requests review, it shall conduct a public
7 hearing on the matter within 14 days following its determination to review the design
8 recommendations, if legally adequate environmental documents have been completed, or at
9 its first public meeting after such documents have been completed, unless the Port Director
10 agrees to a different date. At the request of the Port Director, the meeting shall be conducted
11 as a joint public hearing of the Planning Commission and the Port Commission. The Planning
12 Commission, by majority vote, may adopt, amend, or reject the design recommendations of
13 the Committee, subject to the same standards and criteria that govern Committee decisions
14 as provided in subsection (c)(~~5~~) above.

15 If the Port Commission accepts the design recommendations of the Committee
16 or of the Planning Commission, the Port Commission shall incorporate the design
17 recommendations into the Port action on the project.

18 If the Port Commission objects to or seeks to modify the design
19 recommendations of the Committee, the Port Commission may request Planning Commission
20 review of the design recommendations of the Committee. The Planning Commission shall
21 schedule a public hearing and review the design recommendations of the Committee within
22 20 days following receipt of the request, if legally adequate environmental documents have
23 been completed, or at its first public meeting after such documents have been completed,
24 unless the Port Director agrees to a different date. At the request of the Port Director, the
25

1 meeting shall be conducted as a joint public hearing of the Planning Commission and the Port
2 Commission.

3 If the Port Commission objects to or seeks to substantially modify design
4 recommendations that have been approved by the Planning Commission as set forth above,
5 the Port Commission may appeal the design recommendations to the Board of Supervisors
6 pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section
7 4.105 for appeals of Conditional Uses. The Board of Supervisors may disapprove the decision
8 of the Commission by a vote of not less than two-thirds of the members of the Board.

9 (B) For a project that requires a conditional use authorization, the Director of
10 Planning shall incorporate the design recommendations of the Committee on urban design
11 issues related to the proposed project into the recommendation to the Planning Commission.
12 The Director of Planning may recommend specific modifications to the Committee's design
13 recommendations, in which case the Director's recommendation shall specify why the
14 Committee's design recommendations should not be considered final. The Director of
15 Planning shall schedule a public hearing before the Planning Commission within 30 days
16 following receipt of the Committee's design recommendations, if legally adequate
17 environmental documents have been completed, or at its first public meeting after such
18 documents have been completed, unless the Port Director agrees to a different date.

19 (d) A project within a Waterfront Special Use District shall be reviewed under the
20 ~~standards~~provisions set forth in Sections 240.1 through 240.4 for the Waterfront Special Use
21 District within which boundaries it is located, and shall not be considered, for review purposes
22 under this Code, as including or being part of a project within an adjoining Waterfront Special
23 Use District, notwithstanding the timing of development, the physical proximity or type of uses
24 associated with any other such projects, or the applicant or other person or agency initiating
25 the action.

1 **SEC. 240.1. WATERFRONT SPECIAL USE DISTRICT NO. 1.**

2 The following provisions shall apply within Waterfront Special Use District No. 1:

3 (a) **Accessory Uses Related to Maritime Uses.** A related minor use that is
4 identified as an acceptable, existing, or interim land use in the Waterfront ~~Land Use~~ Plan
5 adopted by the Port Commission and that is either necessary to the operation or enjoyment of
6 a Maritime Use, as defined in Section 102 of this Code, or is appropriate, incidental, and
7 subordinate to any such use, shall be permitted as an accessory use when located on the
8 same lot, provided that the minor use does not ~~itself occupy~~ ~~involve the use of~~ more than one-
9 third of the site area occupied by such minor use and the principal or conditional use to which
10 it is accessory, except in the case of accessory off-street parking and loading.

11 (b) **Principal Uses shall include:**

12 (1) Maritime Uses as defined in Section 102 of this Code.

13 (2) Any use that is listed in this Code as a permitted use in the district established
14 by Section 201 applicable to the particular property involved shall be permitted as a principal
15 use if the use is identified as an acceptable, existing, or interim land use in the Waterfront
16 ~~Land Use~~ Plan adopted by the Port Commission.

17 (c) **Conditional Uses** shall include any use that is listed in this Code as a
18 conditional use in the district established by Section 201 applicable to the particular property
19 involved, provided that the use is identified as an acceptable, existing, or interim land use in
20 the Waterfront ~~Land Use~~ Plan adopted by the Port Commission. The specific use or uses
21 requiring a conditional use within a project, and not the project in its entirety, shall be subject
22 to the provisions set forth in Section 303 and Article 3.5 of this Code and ~~§~~ subsection (d),
23 below.

24 (d) Any use, other than Maritime Uses defined in Section 102 of this Code, that is
25 listed in this Code as a permitted use or conditional use in the use district established by

1 Section 201 applicable to the particular property involved, that involves (1) new construction
2 or (2) projects with lease terms longer than 10 years that include substantial exterior alterations
3 visible from the street or other major public site, excluding minor changes including but not
4 limited to maintenance, alterations, and repairs involving replacing features with similar
5 features or adding similar features; restoration of preexisting conditions; and signs, awnings,
6 or canopies, shall be subject to review of the urban design of the proposed use under the
7 waterfront design review process, as provided under Section 240(c) of this Code.

8 (e) In considering any application in this special use district under Section 303 of
9 this Code, the Planning Commission shall consider the following criteria in lieu of the criteria
10 set forth in Section 303(c):

11 (1) That such use or feature as proposed is consistent with the Waterfront ~~Land~~
12 ~~Use-Plan (WLUP)~~ adopted by the Port Commission, including any amendments thereto which
13 the Planning Commission has found to be consistent with the General Plan;

14 (2) That the design of such use or feature as proposed is consistent with the ~~WLUP~~
15 ~~Waterfront Design and Access goals, policies, and criteria adopted by the Port Commission~~ Waterfront
16 Plan urban design, historic preservation, and public access goals, policies, and objectives, including
17 any amendments thereto which the Planning Commission has found to be consistent with the
18 General Plan;

19 (3) Provision to the extent feasible, along the sea wall and along the perimeters of
20 piers or platforms, of public access and of open spaces available for public use and suitable
21 for viewing purposes or water-oriented recreation;

22 (4) Limitation of water coverage in the Northern Waterfront area from the Hyde
23 Street Pier to Pier 46 so as not to exceed the degree of coverage by piers as existing ~~at the~~
24 ~~effective date of this Section~~ as of February 16, 1998;

1 (5) Construction of new piers or platforms so that the water's edge shall be
2 maintained at the sea wall where feasible;

3 (6) Provision or maintenance of view corridors along streets into the Bay, and of
4 panoramic views, in accordance with the view policies of the Northeastern Waterfront Plan, a
5 part of the General Plan; and

6 (7) Development over the water generally on piers or platforms rather than on fill.

7 (f) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in Section
8 124(e) of this Code. To calculate the Floor Area Ratio on piers under the jurisdiction of the
9 Port Commission, all building permit applications shall include a map of the lot or lease area
10 with precise boundaries showing its location on the pier under consideration. The proposed lot
11 shall be reviewed and approved as part of the building permit and be the basis for further
12 alterations or expansions of the structure.

13 **SEC. 240.2. WATERFRONT SPECIAL USE DISTRICT NO. 2.**

14 The following provisions shall apply within Waterfront Special Use District No. 2:

15 (a) Industrial, commercial, and other operations directly related to the conduct of
16 waterborne commerce or navigation shall be permitted as Principal Uses, except in residential
17 zoning districts.

18 (b) A Hotel or Motel, if otherwise listed in this Code as a permitted use, shall be
19 permitted only upon approval by the Planning Commission as a Conditional Use under
20 Section 303 of this Code.

21 (c) An Automotive Service Station, if otherwise listed in this Code as a permitted use,
22 shall be permitted only upon approval by the Planning Commission as a Conditional Use
23 under Section 303 of this Code.

24 (d) Any building or use which provides a greater number of off-street parking spaces
25 than required under Section 151 of this Code shall be permitted only upon approval by the

1 Planning Commission as a ~~e~~Conditional ~~u~~Use under Section 303 of this Code; provided,
2 however, that this subsection (d) shall not apply in any case where fewer than 10 such spaces
3 are provided. Any building or use which provides 10 or more off-street parking spaces shall be
4 permitted only upon approval by the Planning Commission as a Conditional Use under
5 Section 303 of this Code.

6 ~~Any Use, whether Principal or Accessory, not screened from view from adjacent streets and~~
7 ~~other public areas, with the exception of accessory off street parking areas for nine or fewer~~
8 ~~automobiles, shall be permitted only upon approval by the Planning Commission as a Conditional Use~~
9 ~~under Section 303 of this Code.~~

10 * * * *

11 **SEC. 240.3. WATERFRONT SPECIAL USE DISTRICT NO. 3.**

12 The following provisions shall apply within Waterfront Special Use District No. 3:

13 (a) Industrial, commercial, and other operations directly related to the conduct of
14 waterborne commerce or navigation shall be permitted as Principal Uses.

15 (b) A wholesale establishment conducted entirely within an enclosed building shall
16 be permitted as a Principal Use.

17 (c) Any development on property not under the jurisdiction of the Port Commission
18 which includes an area (excluding the area of public streets and alleys) of at least three acres
19 shall be permitted only upon approval by the Planning Commission according to the
20 procedures for conditional use approval in Section 303 of this Code. In considering any
21 application for such a development under Section 303, the Planning Commission shall
22 consider the following criteria in addition to those stated in Section 303(c):

23 (1) Conformance to the Northeastern Waterfront Plan, a part of the General Plan,
24 including streets and roadways as indicated therein;

25

1 (2) Assurance of a general profile for development having higher portions near
2 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

3 (3) Assurance of view corridors along public streets between Telegraph Hill or
4 other inland areas and the waterfront and Bay;

5 (4) Provision of open spaces available to the public; and

6 (5) Adherence to the character of surrounding areas of the City.

7 (d) Any new development (excluding alterations to existing development) on property
8 under the jurisdiction of the Port Commission that requires a Port lease of more than 10 years,
9 ~~(excluding alterations to existing development) and which~~ includes an area ~~(excluding the area of~~
10 ~~public streets and alleys)~~ of at least ½ acre (excluding the area of public streets and alleys) shall be
11 subject to review of the urban design of the proposed use by the waterfront design review
12 process, as provided under Section 240(c) of this Code.

13 (e) In considering any application for development on property under the jurisdiction
14 of the Port Commission on which a specific use or uses require a conditional use, the specific
15 use or uses requiring a conditional use within a project, and not the project in its entirety, shall
16 be subject to the provisions set forth in Section 303 and Article 3.5 of this Code. The Planning
17 Commission shall consider the following criteria in lieu of those stated in Section 303(c):

18 (1) That such use or feature as proposed is consistent with the Waterfront ~~Land~~
19 ~~Use Plan (WLUP)~~ and the design of the use is consistent with Waterfront Plan urban design, historic
20 preservation, and public access ~~its WLUP Waterfront Design and Access~~ goals, policies, and
21 objectives ~~criteria~~, adopted by the Port Commission, including any amendments thereto which
22 the Planning Commission has found to be consistent with the General Plan;

23 (2) Assurance of a general profile for development having higher portions near
24 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

25 ~~—(3) [Reserved.]~~

1 (34) Assurance of view corridors along public streets between Telegraph Hill or
2 other inland areas and the waterfront and Bay, in accordance with the view policies of the
3 Northeastern Waterfront Plan, a part of the General Plan;

4 (45) Provision of open spaces available to the public consistent with the
5 Waterfront Plan urban design and open space Design and Access goals, policies, and
6 objectives/criteria; and

7 (56) Adherence to the character of surrounding areas of the City.

8 (f) A Hotel or Motel, if otherwise listed in this Code as a Permitted Use, shall be
9 permitted only upon approval by the Planning Commission as a Conditional Use under
10 Section 303 of this Code.

11 (g) An Automotive Service Station, if otherwise listed in this Code as a Permitted
12 Use, shall be permitted only upon approval by the Planning Commission as a Conditional Use
13 under Section 303 of this Code.

14 (h) Any building or use which provides a greater number of off-street parking spaces
15 than required under Section 151 of this Code shall be permitted only upon approval by the
16 Planning Commission as a conditional use under Section 303 of this Code; provided,
17 however, that this subsection (h) shall not apply (1) in any case where fewer than 10 such
18 spaces are provided, or (2) for property under the jurisdiction of the Port of San Francisco, to
19 the extent such off-street parking spaces existed as of ~~the effective date of this~~
20 ~~Subsection~~ February 16, 1998. Any building or use which provides 10 or more off-street parking
21 spaces shall be permitted only upon approval by the Planning Commission as a Conditional
22 Use under Section 303 of this Code.

23 ~~(i) Any use, whether Principal or Accessory, not screened from view from adjacent streets~~
24 ~~and other public areas, with the exception of temporary uses pursuant to Section 205.1, accessory off-~~
25 ~~street parking areas for nine or fewer automobiles, or off street parking areas on property under the~~

1 ~~jurisdiction of the Port of San Francisco in existence as of the effective date of this subsection, shall be~~
2 ~~permitted only upon approval by the Planning Commission as a Conditional Use under Section 303 of~~
3 ~~this Code.~~

4 (j) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in
5 Section 124(e) of this Code.

6 **SEC. 240.4. WATERFRONT SPECIAL USE DISTRICT NO. 4.**

7 The following provisions shall apply within Waterfront Special Use District No. 4:

8 (a) Accessory Uses Related to Maritime Uses. A related minor use that is identified as an
9 acceptable, existing, or interim land use in the Waterfront Plan adopted by the Port Commission and
10 that is either necessary to the operation or enjoyment of a Maritime Use, as defined in Section 102 of
11 this Code, or is appropriate, incidental, and subordinate to any such use, shall be permitted as an
12 accessory use when located on the same lot, provided that the minor use does not itself occupy more
13 than one-third of the site area occupied by such minor use and the principal or conditional use to
14 which it is accessory, except in the case of accessory off-street parking and loading.

15 (b) Principal Uses. Principal uses shall include:

16 (1) Maritime Uses as defined in Section 102 of this Code.

17 (2) Any use that is listed in this Code as a permitted use in the district established by
18 Section 201 applicable to the particular property involved shall be permitted as a principal use if the
19 use is identified as an acceptable, existing, or interim land use in the Waterfront Plan adopted by the
20 Port Commission.

21 (c) Conditional Uses. Conditional uses shall include any use that is listed in this Code as a
22 conditional use in the district established by Section 201 applicable to the particular property involved,
23 provided that the use is identified as an acceptable, existing, or interim land use in the Waterfront Plan
24 adopted by the Port Commission. The specific use or uses requiring a conditional use within a project,
25

1 and not the project in its entirety, shall be subject to the provisions set forth in Section 303 and Article
2 3.5 of this Code and subsection (d) below.

3 (d) Any new development (excluding alterations to existing development) on property under
4 the jurisdiction of the Port Commission that requires a Port lease of more than 10 years, and includes
5 an area of at least 1/2 acre (excluding the area of public streets and alleys) shall be subject to review of
6 the urban design of the proposed use by the waterfront design review process, as provided under
7 Section 240(c) of this code.

8 (e) In considering any application in this special use district under Section 303 of this Code,
9 the Planning Commission shall consider the following criteria along with the criteria set forth in
10 Section 303(c). Only the specific use or uses requiring a conditional use within a project, and not the
11 project in its entirety, shall be subject to the following criteria:

12 (1) That such use or feature as proposed is consistent with the Waterfront Plan
13 adopted by the Port Commission, including any amendments thereto which the Planning Commission
14 has found to be consistent with the General Plan; and

15 (2) That the design of such use or feature as proposed is consistent with the
16 Waterfront Plan urban design, historic preservation, and public access goals, policies, and objectives
17 adopted by the Port Commission, including any amendments thereto which the Planning Commission
18 has found to be consistent with the General Plan.

19
20 Section 3. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.

7

8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Peter R. Miljanich
11 PETER R. MILJANICH
 Deputy City Attorney

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