



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Initiation of Planning Code, Zoning Map, and General Plan Amendments

HEARING DATE: OCTOBER 21, 2010

Date: October 14, 2010
Case No.: **2008.0021EMTZW**
Project Address: **Parkmerced**
Zoning: RM-1 (Residential Mixed, Low Density), RM-4 (Residential Mixed, High Density), & RH-1(D) (Residential House, One-Family, Detached) Districts
Proposed Zoning: Parkmerced Special Use District
Height/Bulk: 40-X & 130-D
Assessor's Blocks: 7303, 7303A, 7308 through 7311, 7309A, 7315 through 7323, 7325, 7326, 7330, 7331 (Lot 4), 7332 (Lot 4), 7333 (Lots 1 and 3), 7333A, 7333B, 7333C, 7333D, 7333E, 7334 through 7345, 7345A, 7345B, 7345C, 7356 through 7359, and 7360 through 7370
Project Sponsor: Seth Mallen, Stellar Management
3711 19th Avenue
San Francisco, California 94132
(415) 584-4561
smallen@stellarmanagement.com
Staff Contact: Joshua Switzky – (415) 575-6815
Joshua.Switzky@sfgov.org
Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org
Recommendation: **Initiate Amendments to the Planning Code, Zoning Map, and General Plan**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The action before the Commission is initiation of amendments to the Planning Code, Zoning Map, and General Plan, described below. Initiation does not involve a decision on the substance of the amendments; it merely begins the required 20 day notice period, after which the Commission may hold a hearing and take action on the proposed Code amendments.

PROJECT DESCRIPTION

The proposed Ordinances would:

(1) **Amend the Planning Code** to:

- Create Planning Code Section 249.64, the "Parkmerced Special Use District" (PMSUD), which would:
 - establish sub-district zoning categories that include Residential, Mixed-Use, School, Community, and Open Space districts; height and bulk restrictions, parking

- regulations, car-share, bicycle-parking requirements; and establish a design review process for the phased development plan;
 - allow for the demolition and replacement of 1,538 rent-controlled dwelling units;
 - establish that the controls in the SUD are regulated by the *Parkmerced Design Standards and Guidelines* document as adopted and periodically amended by the Planning Commission, except for those controls specifically enumerated in the SUD; and
 - establish a process for project design review, approval and the consideration of modifications to the controls of the SUD and the *Design Standards*.
- Amend Planning Code Section 270 (Bulk Limits) to create a new Bulk District (“PM”) for the proposed “Parkmerced Special Use District.”

(2) **Amend the Zoning Maps** as follows:

- Amend Zoning Map SU13 to designate the project site as the proposed new “Parkmerced Special Use District;”
- Amend Zoning Map HT13 to reclassify the height limits within the project site according to the proposed project; and
- Amend Zoning Map ZN13 to delete references to existing zoning within the project site and to refer to the proposed new “Parkmerced Special Use District” zoning districts [Parkmerced Residential (PM-R), Parkmerced Mixed Use – Social Heart (PM-MU1), Parkmerced Mixed Use – Neighborhood Commons (PM-MU2), Parkmerced School (PM-S), Parkmerced Community/Fitness (PM-CF), and Parkmerced Open Space (PM-OS)].

(3) **Amend the General Plan** Urban Design Element Height Map (Map 4) to reflect the proposed heights restrictions as described in the proposed project.

The Parkmerced Development Project also necessitates approval by the Board of Supervisors of a Development Agreement, which would be accompanied by and implemented through five Plans: *the Parkmerced Vision Plan, the Parkmerced Design Standards and Guidelines, the Parkmerced Sustainability Plan, the Parkmerced Infrastructure Report, and the Parkmerced Transportation Plan.*

The principal land use goals of the Parkmerced Development Project are to: (i) reduce automobile use by concentrating housing close to employment, increasing the supply of housing and providing better integrated residential and neighborhood-serving retail and office uses; (ii) maximize opportunities to use pedestrian and bicycle pathways; (iii) establish pedestrian-oriented nodes for the location of neighborhood services and amenities, open space and community services; and (iv) incorporate environmental factors such as sun, shade and wind into the design and housing materials throughout the Parkmerced site.

The proposed Project is a long-term (approximately 20-30 years) mixed-use development program to comprehensively re-plan and re-design the approximately 116-acre site (152-acres including streets). The Project proposes to increase the residential density, provide new commercial and retail services, provide new transit facilities, and improve existing utilities within the development site. Of the existing 3,221 residential units that exist on the site, approximately 1,683 units located within the 11 existing towers would remain and approximately 1,538 existing apartments would be demolished and replaced in a phased work program. As required by the proposed Development Agreement, these

replacement units would be subject to the San Francisco Rent Stabilization and Arbitration Ordinance and existing tenants in the to-be-replaced buildings would have rights to relocate into the new units at their existing rents. An additional 5,679 net new units would also be added to the Site for a project total of 8,900 units. New buildings on the site would range in height from 35 feet to 145 feet, and would not be taller than the existing towers, which will remain. Neighborhood-serving retail and office space would also be constructed as part of the proposed Project and concentrated on Crespi Drive, near the northeast part of the site and the light-rail line. The proposed new neighborhood core would be located within walking distance of all the residences within Parkmerced. Small neighborhood-serving retail establishments would be constructed outside of the neighborhood core, in close proximity to residential units throughout the site. A new elementary school (to replace an existing one on-site) and daycare facility, fitness center, and new open space uses including athletic fields, walking and biking paths, a new organic farm, and community gardens would also be provided on the Project Site. Infrastructure improvements would include the installation of renewable energy sources, such as wind turbines and photovoltaic cells. The *Sustainability Plan* details goals and implementation actions for the Project.

The proposed Project would provide 68 acres of open space in a network of publically accessible neighborhood parks, athletic fields, public plazas, greenways and an organic farm. In addition to these 68 acres of open space, the Project would provide significant additional open space in the form of private or semi-private open space areas such as outdoor courtyards, roof decks, and balconies. These private and semi-private open spaces would be required with the development of each residential building within Parkmerced. The parks and open space would be more accessible and usable than the current open spaces. Parks and open space within, and in the vicinity of, the proposed Project would continue to receive a substantial amount of sunlight during the day when use is at its highest rate. Existing coastal views from parks located to the east and north of the Project Site would be maintained with implementation of the proposed Project.

The Parkmerced Development Project will result in 5,679 new homes (852 of which are on-site affordable units), 230,000 sf of neighborhood retail space, 80,000 sf of office space, 25,000 sf of school space, 64,000 sf dedicated to a community center, and 68 acres of open space and new parks.

The transportation system modifications proposed as part of the Parkmerced Development Project, as described in the *Transportation Plan*, would include rerouting the existing MUNI Metro M Ocean View line from 19th Avenue through the development, new and re-designed public streets, and modifications to intersections and streets around the perimeter of the site. These improvements would require approval of the San Francisco Municipal Transit Authority, the California Public Utilities Commission, and Caltrans. The Transportation Plan also includes a comprehensive Transportation Demand Management (TDM) program that obligates the Developer to undertake certain programs and services, including free shuttles to Daly City BART, transit pass subsidies for all residents, a Transportation Coordinator, amongst other items. Off-street parking for the residential units will primarily, but not exclusively be in underground garages, and will be concentrated on the west side of the site (while units are concentrated toward the eastern half) to discourage casual usage. Per the proposed SUD, parking will be capped at one space per dwelling unit and generally at one space per 750 square feet of non-residential uses (with some variation for specific uses).

PARKMERCED GUIDING DOCUMENTS

There are four guiding documents (the *Design Standards and Guidelines*, the *Sustainability Plan*, the *Transportation Plan*, and the *Infrastructure Report*) that combine to create a comprehensive blueprint for guiding all future improvements at Parkmerced.

The **Vision Plan** lays out a conceptual framework for transforming the existing Parkmerced housing development into a “21st century model of a healthy neighborhood”. (See Attached)

The **Design Standards and Guidelines** prescribe urban design controls for land use, open spaces, streets, blocks and individual buildings. It also outlines a process for project implementation. (See Attached)

The **Sustainability Plan** contains specific strategies and metrics which together address the management and conservation of energy, water and other natural resources, and also establishes goals for green building standards. (See Attached)

The **Transportation Plan** provides a framework and management plan for addressing transit and vehicular travel to and from the neighborhood. (See Attached)

The **Infrastructure Report** establishes an outline for anticipated site-wide improvements to all street and public rights-of-way, underground utilities, and grading. (See Attached)

SITE DESCRIPTION AND PRESENT USE

Parkmerced is bounded by Lake Merced Boulevard to the west, Brotherhood Way to the south, Junipero Serra Boulevard, Felix Avenue, Cambon Drive, and 19th Avenue to the east, and Holloway Avenue, Varela Avenue, Serrano Drive, Font Boulevard, Pinto Avenue, and Vidal Drive to the north; it is within the RM-1 (Residential Mixed, Low-Density), RM-4 (Residential Mixed, High-Density), and RH-1(D) (Residential House, One-Family, Detached) Districts and 40-X and 130-D Height and Bulk Districts.

The Site measures 152-acres in total (including streets), and is defined by an axial street grid with a large open space in the center and a series of “pie-shaped” residential blocks. The residential units on each of these blocks surround a central courtyard open to the sky. The development is also articulated by landscaped boulevards and secondary streets that weave around buildings, open spaces, and larger open spaces in the vicinity of the tower buildings. The Site contains 3,221 existing rental apartments in 170 two-story residential buildings (townhouses) and 11 residential tower buildings that are 13 stories tall, as well as associated parking, buildings services, a leasing/operations office and a private pre-school/day care facility. There are also about 75 acres of existing open space throughout the Project Site in a network of lawns, courtyard areas, private open space, and playgrounds.

Parking for the residential apartments in the towers is currently provided in three above-grade centralized parking garages, which accommodate a total of 1,540 parking stalls. Parking for the townhouses is provided in attached carports, which provide a total of 1,507 parking spaces. An additional 151 parking spaces used for maintenance and office parking are provided in a surface parking lot. In addition to the 3,198 total private off-street parking spaces, there are 1,591 existing public on-street parking spaces.

As noted in the submitted Historic Resource Evaluation (HRE), the Parkmerced rental complex was constructed between 1941 and 1951 as the first all-rental community in San Francisco, as a response to the continued demand for housing the United States during and after World War II. ¹ The buildings and site plan at Parkmerced were designed by Leonard Schultze & Associates for the Metropolitan Life Insurance Company (MetLife), while the landscaping of the open space and interior garden courtyards were designed by Thomas Church and other landscape architects from his office.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The 152-acre Site is located in the Lakeshore Neighborhood, in the southwest corner of San Francisco. The surrounding neighborhood includes Stonestown Galleria and San Francisco State University to the north; the Lakeside and Ingleside Terrace neighborhoods to the east; the Brotherhood Way religious and scholastic institutions, San Francisco Golf Club, and a residential neighborhood to the south; and Lake Merced and the Fleming and Harding Park Golf Courses to the west.

ENVIRONMENTAL REVIEW

The Resolution to initiate amendments to the Planning Code, Zoning Maps, and General Plan would result in no physical impact on the environment. The Resolution is exempt from environmental review under Section 15378(b)(5) of the CEQA Guidelines.

On or after November 18, 2010, the Planning Commission will hear the Final Environmental Impact Report for the Parkmerced Development Project. All necessary CEQA findings and documents will be available in the Department's case reports for that hearing.

HEARING NOTIFICATION REQUIREMENTS (FOR ENTITLEMENT HEARING)

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 29, 2010	October 27, 2010	22 days
Posted Notice	N/A	N/A	N/A	N/A
Mailed Notice	10 days	November 8, 2010	November 5, 2010	13 days

PUBLIC COMMENT

- While there was extensive public comment at the Draft Environmental Impact Report hearing on June 17, 2010, Planning staff has not received written comments on the entitlement applications.

ISSUES AND OTHER CONSIDERATIONS

- **RENTAL HOUSING:** To avoid displacement of the existing 1,538 residents, each resident of a unit proposed for demolition would be given the opportunity to relocate to a new unit prior to

¹ "Historic Resource Evaluation & Cultural Landscape Assessment: Parkmerced" (April 29, 2009), prepared for Turnstone Consulting by Page & Turnbull, Inc. Available by request at the San Francisco Planning Department (1650 Mission Street, Suite 400, San Francisco, CA 94103) in the Case Docket for Case No. 2008.0021E. The document is referred to as the "Parkmerced HRE."

demolition. For such relocated residents, the new unit would be rented at the same rent as the resident's existing unit and would be subject to the same rent increase restrictions as contained in the San Francisco Rent Stabilization and Arbitration Ordinance for the life of the building.

- **DEVELOPMENT AGREEMENT ("DA"):** The Parkmerced Development Project is being reviewed for approval through a Development Agreement by and between the City and County of San Francisco and Parkmerced Investors LLC. The Development Agreement is a contract between the City and the Developer, that provides greater security and flexibility to both the City and Developer, and results in greater public benefits in exchange for certainty. Development Agreements are typically used for large-scale projects with substantial infrastructure investment and multi-phase build outs. A key component of the proposed Development Agreement is the Phasing Plan, a document which lists all of the obligations of the Developer and describes how these obligations are tied to or triggered by increments of the Project's development. This list of obligations includes both Community Improvements, some of which are capital (e.g. open spaces, Muni improvements, street improvements, renewable energy project) and some of which are programmatic (e.g. shuttles, transit pass subsidies) and Mitigations identified in the EIR (e.g. street improvements). It is important to note that the actual phasing of the project is not yet determined, in the sense that there are not pre-determined geographic sub-areas of the project that will be built in any certain order or magnitude, though many of the Community Improvements and Mitigations are triggered by the amount of overall cumulative development completed at any given time. A more detailed explanation and discussion of the Development Agreement, including the Phasing Plan, will be provided when the Development Agreement is submitted to the Planning Commission for review.
- **PROCESS:** The following provides an outline of the process and timeline for the Planning Commission's review of the Parkmerced Development Project.
 - **October 14, 2010:** Planning Commission will receive a packet for the Initiation hearing, including this Executive Summary; the draft Ordinances of the proposed Planning Code, Zoning Map, and General Plan amendments; a draft Resolution to Initiate amendments to the Planning Code, Zoning Maps, and General Plan; and the five Parkmerced Plans (Vision, Design Guidelines and Standards, Sustainability, Transportation, and Infrastructure Report).
 - **October 21, 2010:** Planning Commission will hold a hearing to Initiate amendments to the Planning Code, Zoning Maps, and General Plan. The Commission will receive a copy of the draft Development Agreement with a cover memo in their packets.
 - **October 28, 2010:** The Planning Commission will receive Comments & Responses to the DEIR in their packets.
 - **November 4, 2010:** The Planning Commission will hold an informational hearing regarding the DA for the Parkmerced Development Project. The Planning Commission will also receive a packet for the entitlement hearing, including but not limited to an

updated Executive Summary; Resolutions for Planning Code, Zoning Map, and General Plan amendments; CEQA findings; and the draft Ordinances.

- **November 18, 2010:** The Planning Commission will hold the EIR certification and entitlement hearings.

REQUIRED COMMISSION ACTION

The proposed draft Resolution is before the Commission so that it may recommend approval or disapproval of initiation of amendments to the Planning Code, Zoning Maps and General Plan.

BASIS FOR RECOMMENDATION

- The Department believes the Commission should initiate the amendments to the Planning Code, Zoning Maps and General Plan necessary to implement the Parkmerced Development Project so that it may recommend approval or disapproval of the Ordinances to the Board of Supervisors at a future hearing.

RECOMMENDATION:	Approval to Initiate the Planning Code, Zoning Map, and General Plan Amendments
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Attachments:

Draft Resolution

Draft Ordinances

Project Sponsor Submittal:

- Parkmerced Vision Plan
- Parkmerced Design Standards and Guidelines (including height map and detailed site plans)
- Parkmerced Sustainability Plan
- Parkmerced Transportation Plan
- Parkmerced Infrastructure Report (including demolition, deconstruction, and phasing plans)



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. _____

HEARING DATE: OCTOBER 21, 2010

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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415.558.6378

Fax:
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Date: October 14, 2010
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Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org
Recommendation: **Initiate Amendments to the Planning Code, Zoning Maps, and General Plan**

INITIATING AMENDMENTS TO THE PLANNING CODE, ZONING MAPS, AND GENERAL PLAN IN ORDER TO (1) CREATE PLANNING CODE SECTION 249.64, THE "PARKMERCED SPECIAL USE DISTRICT" (PMSUD), WHICH WOULD ESTABLISH SPECIFIC USE CATEGORIES THAT INCLUDE RESIDENTIAL, MIXED-USE, SCHOOL, COMMUNITY, AND OPEN SPACE DISTRICTS; HEIGHT AND BULK RESTRICTIONS, PARKING, CAR-SHARE, BICYCLE-PARKING REQUIREMENTS; ESTABLISH A DESIGN REVIEW PROCESS FOR THE PHASED DEVELOPMENT PLAN; AND ALLOW FOR THE DEMOLITION AND REPLACEMENT OF 1,538 RENT-CONTROLLED DWELLING UNITS; (2) AMEND CODE SECTION 270 (BULK LIMITS) TO CREATE A NEW BULK DISTRICT FOR THE PROPOSED "PARKMERCED SPECIAL USE DISTRICT"; (3) AMEND ZONING MAP SHEET ZN13 TO DELETE REFERENCES TO THE EXISTING ZONING WITHIN THE PROJECT SITE AND TO REFER TO THE PROPOSED NEW "PARKMERCED SPECIAL USE DISTRICT" ZONING DISTRICTS; (4) AMEND ZONING MAP SU13 TO DESIGNATE THE PROJECT SITE AS THE PROPOSED NEW "PARKMERCED SPECIAL USE DISTRICT"; (5) AMEND ZONING MAP HT13 TO RECLASSIFY THE HEIGHT LIMITS WITHIN THE PROJECT SITE ACCORDING TO THE PROPOSED PROJECT; AND (6) AMEND

HEIGHT MAP (MAP 4) OF THE URBAN DESIGN ELEMENT OF THE GENERAL PLAN TO REFLECT THE PROPOSED HEIGHTS RESTRICTIONS AS DESCRIBED IN THE PROPOSED DEVELOPMENT PROGRAM.

PREAMBLE

WHEREAS, the property encompassing the Parkmerced Development Project includes approximately 116 acres of privately-owned land at the southwestern corner of San Francisco, generally bounded by Lake Merced Boulevard to the west, Brotherhood Way to the south, Junipero Serra Boulevard, Felix Avenue, Cambon Drive, and 19th Avenue to the east, and Holloway Avenue, Varela Avenue, Serrano Drive, Font Boulevard, Pinto Avenue, and Vidal Drive to the north; and

WHEREAS, the Project Sponsor (Parkmerced Investors LLC) seeks to transform the existing 60-to-70-year old residential development into a pedestrian focused, socially vibrant San Francisco Neighborhood; and

WHEREAS, the Project Sponsor is seeking to increase the density at the site by approximately 5,679 dwelling-units; and

WHEREAS, the Parkmerced Development Project seeks to create new neighborhood-serving amenities, reduce the use of automobiles within the Site by concentrating housing close to employment, providing better integrated residential and neighborhood-serving retail and office uses; maximize opportunities to use pedestrian and bicycle pathways; establish pedestrian-oriented nodes for the location of neighborhood services and amenities, open space and community services; improve access to public transportation; and incorporate environmental factors such as sun, shade and wind into the design and housing materials throughout the Site; and

WHEREAS, the current zoning does not accommodate the complexity and site-specific goals of the Parkmerced Development Project, a large master-planned neighborhood under single ownership, specifically the changes to permitted heights, bulk, density, and neighborhood-serving uses; and

WHEREAS, the proposed Ordinances are intended to resolve the aforementioned issues by creating the "Parkmerced Special Use District (PMSUD)" and by modifying Zoning and General Plan maps to accommodate the proposed SUD; and

WHEREAS, the Parkmerced Development Project will be considered for approval by the Board of Supervisors through a Development Agreement by and between the City and County of San Francisco and Parkmerced Investors LLC; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinances on October 21, 2010; and

Whereas, this Resolution to initiate amendments to the Planning Code, Zoning Maps, and General Plan has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378(b)(5); 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 Planning Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinances:

MOVED, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution to Initiate amendments to the Planning Code, Zoning Maps, and General Plan;

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code, Zoning Map, and General Plan amendments contained in the draft Ordinances, approved as to form by the City Attorney in **Exhibit A**, to be considered at a publicly noticed hearing on or after November 18, 2010.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on October 21, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

1 [General Plan Amendment -- Parkmerced.]

2

3 **Ordinance amending the San Francisco General Plan by amending the Urban Design**
4 **Element Height Map with respect to the Parkmerced site; adopting findings, including**
5 **environmental findings and findings of consistency with the General Plan and Planning**
6 **Code Section 101.1.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are *strike-through italics Times New Roman*.
9 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough-normal~~.

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

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

13 (a) In accordance with the actions contemplated herein, this board adopted
14 Resolution No. _____ making findings pursuant to the California Environmental
15 Quality Act (California Public Resources Code Section 21000 et seq.). Said Resolution is on
16 file with the Board of Supervisors in File No. _____ and is incorporated herein by
17 reference.

18 (b) Pursuant to San Francisco Charter Section 4.105 and Planning Code Section
19 340, any amendments to the General Plan shall first be considered by the Planning
20 Commission and thereafter recommended for approval or rejection by the Board of
21 Supervisors. On _____, by Resolution No. _____, the Commission
22 conducted a duly noticed public hearing on the proposed General Plan Amendments pursuant
23 to Planning Code Section 340, adopted the General Plan Amendments, and recommended
24 them for approval to the Board of Supervisors. A copy of Planning Commission Resolution
25

1 No. _____ is on file with the Clerk of the Board of Supervisors in File No.

2 _____.

3 (c) The Board of Supervisors finds that this ordinance is in conformity with the
4 priority policies of Planning Code Section 101.1 and consistent with the General Plan as it is
5 proposed for amendments herein, and hereby adopts the findings set forth in Planning
6 Commission Resolution No. _____ and incorporates such findings herein by
7 reference.

8 Section 2. The Board of Supervisors hereby approves the following amendments to the
9 Urban Design Element of the General Plan:

10 Height Map 4 is amended to:

- 11 (i) Delete the shaded area within the Parkmerced site;
- 12 (ii) Add a boundary line around the Parkmerced site encompassing Assessor's
13 Blocks 7303 (Lot 1), 7303A (Lot 1), 7308 and 7309 (both Lots 1), 7309A (Lot 1), 7310 and
14 7311 (both Lots 1), 7315 through 7319 (all Lots 1), 7320 (Lot 3), 7321 through 7323 (all Lots
15 1), 7325 and 7326 (both Lots 1), 7330 (Lot 1), 7331 (Lot 4), 7332 (Lot 4), 7333 (Lots 1 and 3),
16 7333A (Lot 1), 7333B (Lot 1), 7333C (Lot 1), 7333D (Lot 1), 7333E (Lot 1), 7334 through 7345
17 (all Lots 1), 7345A (Lot 1), 7345B (Lot 1), 7345C (Lot 1), 7356 through 7370 (all Lots 1); and
18 (iii) Add a reference that states "See Parkmerced Special Use District, Section
19 249.64 of the Planning Code, and Sectional Map HT13 of the Zoning Maps."

20

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23

24 By: _____

25 MARLENA G. BYRNE
Deputy City Attorney

[Zoning Map Amendments -- Parkmerced.]

Ordinance amending the San Francisco Planning Code by amending Sectional Maps ZN13, HT13, and SU13 of the Zoning Map of the City and County of San Francisco to reflect the Parkmerced Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are *strike-through italics Times New Roman*. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough-normal~~.

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) In accordance with the actions contemplated herein, this Board adopted Resolution No. _____ concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____ and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. _____ is on file with the Clerk of the Board of Supervisors in File No. _____.

(c) These Planning Code amendments are consistent with the General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set forth in Planning

1 Commission Resolution No. ____ and the Board hereby incorporates such reasons herein by
2 reference.

3
4 Section 2. The San Francisco Planning Code is hereby amended by amending
5 Sectional Map ZN13 of the Zoning Map of the City and County of San Francisco, as follows:
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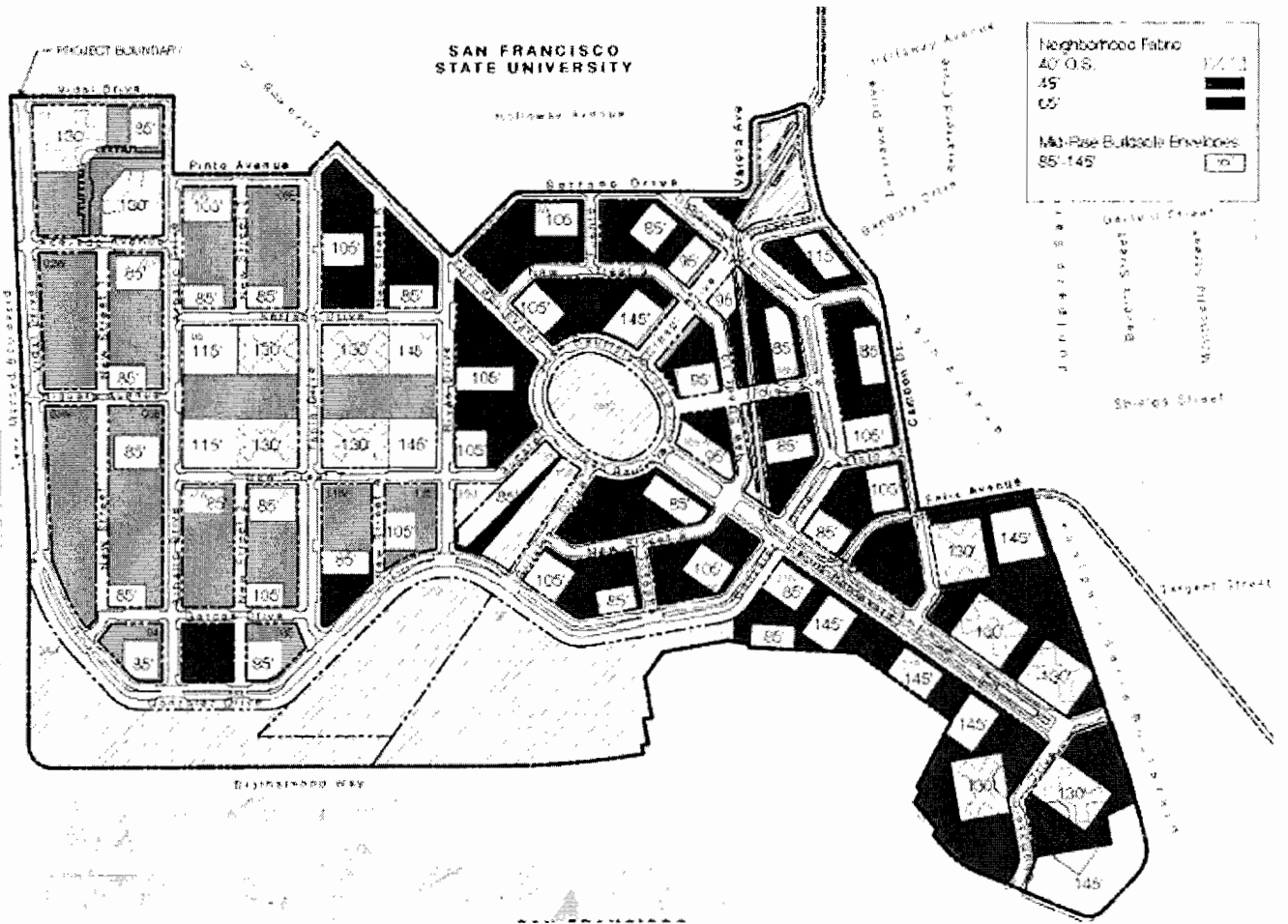
<u>Description of Property</u>	<u>Use Districts to be Superseded</u>	<u>Use Districts Hereby Approved</u>
Assessor's Blocks 7303 (Lot 1), 7303A (Lot 1), 7308 and 7309 (both Lots 1), 7309A (Lot 1), 7310 and 7311 (both Lots 1), 7315 through 7319 (all Lots 1), 7320 (Lot 3), 7321 through 7323 (all Lots 1), 7325 and 7326 (both Lots 1), 7330 (Lot 1), 7331 (Lot 4), 7332 (Lot 4), 7333 (Lots 1 and 3), 7333A (Lot 1), 7333B (Lot 1), 7333C (Lot 1), 7333D (Lot 1), 7333E (Lot 1), 7334 through 7345 (all Lots 1), 7345A (Lot 1), 7345B (Lot 1), 7345C (Lot 1), 7356 through 7370 (all Lots 1), and their successor Blocks and Lots.	RH-1(D), RM-1, and RM-4	See Figure 1, Use Districts, below, for the configuration of the following new use districts: PM-R; PM-MU1; PM-MU2; PM-S; PM-CF; and PM-OS

1 Section 3. The San Francisco Planning Code is hereby amended by amending
 2 Sectional Map HT13 of the Zoning Map of the City and County of San Francisco, as follows:
 3

<u>Description of Property</u>	<u>Height and Bulk Districts to be Superseded</u>	<u>Height and Bulk Districts Hereby Approved</u>
4 Assessor's Blocks 7303 (Lot 1), 7303A (Lot 1), 7308 5 and 7309 (both Lots 1), 7309A (Lot 1), 7310 and 6 7311 (both Lots 1), 7315 through 7319 (all Lots 1), 7 7320 (Lot 3), 7321 through 7323 (all Lots 1), 7325 8 and 7326 (both Lots 1), 7330 (Lot 1), 7331 (Lot 4), 9 7332 (Lot 4), 7333 (Lots 1 and 3), 7333A (Lot 1), 10 7333B (Lot 1), 7333C (Lot 1), 7333D (Lot 1), 7333E 11 (Lot 1), 7334 through 7345 (all Lots 1), 7345A (Lot 12 1), 7345B (Lot 1), 7345C (Lot 1), 7356 through 7370 13 (all Lots 1), and their successor Blocks and Lots. 14 15 16 17 18 19	40-X and 130-D	See Figure 2, Height and Bulk Districts, below, for the configuration of the following new height and bulk districts: 40-OS- PM; 45-PM; 65- PM; 85-PM; 95- PM; 105-PM; 115- PM; 130-PM; and 145-PM

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Figure 2. Height and Bulk Districts.



1 Section 4. The San Francisco Planning Code is hereby amended by amending
2 Sectional Map SU13 of the Zoning Map of the City and County of San Francisco, as follows:
3

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
4 Assessor's Blocks 7303 (Lot 1), 7303A (Lot 1), 7308 5 and 7309 (both Lots 1), 7309A (Lot 1), 7310 and 6 7311 (both Lots 1), 7315 through 7319 (all Lots 1), 7 7320 (Lot 3), 7321 through 7323 (all Lots 1), 7325 8 and 7326 (both Lots 1), 7330 (Lot 1), 7331 (Lot 4), 9 7332 (Lot 4), 7333 (Lots 1 and 3), 7333A (Lot 1), 10 7333B (Lot 1), 7333C (Lot 1), 7333D (Lot 1), 7333E 11 (Lot 1), 7334 through 7345 (all Lots 1), 7345A (Lot 12 1), 7345B (Lot 1), 7345C (Lot 1), 7356 through 7370 13 (all Lots 1), and their successor Blocks and Lots. 14	Parkmerced Special Use District

15
16 Section 5. The current configuration of blocks and lots will be replanned and
17 redesigned in the future to give effect to the Development Agreement for the Parkmerced
18 development project as envisioned in Exhibits A and B to this ordinance. This Board intends
19 that the land use controls set forth in these Exhibits will apply to any successor blocks and lots
20 for the above-described property.
21

22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:


25 MARLENA G. BYRNE
Deputy City Attorney

[Planning Code – Parkmerced Special Use District.]

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish the Parkmerced Special Use District for the property consisting of Assessor's Blocks 7303, 7303A, 7308 through 7311, 7309A, 7315 through 7323, 7325 and 7326, 7330, 7331 (Lot 4), 7332 (Lot 4), 7333 (Lots 1 and 3), 7333A, 7333B, 7333C, 7333D, 7333E, 7334 through 7345, 7345A, 7345B, 7345C, 7356 through 7359, and 7360 through 7370; amending Planning Code Section 270 to refer to the Parkmerced Special Use District; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

NOTE: Additions are single-underline italics Times New Roman; deletions are ~~strike-through italics Times New Roman~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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) In accordance with the actions contemplated herein, this Board adopted Resolution No. _____ concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons

1 set forth in Planning Commission Motion No. _____ and the Board incorporates
2 such reasons herein by reference. A copy of Planning Commission Motion No.
3 _____ is on file with the Clerk of the Board of Supervisors in File No.
4 _____

5 (c) These Planning Code amendments are consistent with the General Plan and
6 with the priority policies of Planning Code Section 101.1 for the reasons set forth in Planning
7 Commission Motion No. _____ and the Board hereby incorporates such reasons
8 herein by reference.

9 Section 2. The San Francisco Planning Code is hereby amended by amending Section
10 102.5, to read as follows:

11 SEC. 102.5. DISTRICT.

12 A portion of the territory of the City, as shown on the Zoning Map, within which certain
13 regulations and requirements or various combinations thereof apply under the provisions of
14 this Code. The term "district" shall include any use, special use, height and bulk, or special
15 sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-
16 1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C
17 District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that
18 subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean
19 any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-
20 G, or PDR-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or
21 RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The
22 term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District"
23 shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and
24 Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation
25 District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean

1 any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and
 2 Neighborhood Commercial Transit District identified by street or area name in Section 702.1.
 3 The term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-
 4 2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name.
 5 The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed
 6 Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term
 7 "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown
 8 R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall
 9 refer to all RED, RSD, SLR, SLI, or SSO Districts named in Section 802.1. The term "Eastern
 10 Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU
 11 named in Section 802.1. The term "DTR District" or "Downtown Residential District" shall refer
 12 to any Downtown Residential District identified by street or area name in Section 825, 827,
 13 828, and 829. The term "PM District" or "Parkmerced District" shall refer to any PM-R, PM-MU1,
 14 PM-MU2, PM-S, PM-CF, or PM-OS District named in Section 249.64.

15
 16 Section 3. The San Francisco Planning Code is hereby amended by amending Section
 17 201, to add the following Classes of Use Districts at the end of the included Table as follows:

<u>Park Merced Districts</u>	
<u>(Also see Section 249.64)</u>	
<u>PM-R</u>	<u>Parkmerced Residential District</u>
<u>PM-MU1</u>	<u>Parkmerced Mixed Use - Social Heart District</u>
<u>PM-MU2</u>	<u>Parkmerced Mixed Use – Neighborhood Commons</u>
<u>PM-S</u>	<u>Parkmerced School District</u>
<u>PM-CF</u>	<u>Parkmerced Community/Fitness District</u>

1 PM-OS

Parkmerced Open Space District

2
3 Section 4. The San Francisco Planning Code is hereby amended by adding Section
4 249.64, to read as follows:

5 SEC. 249.64 Parkmerced Special Use District

6 (a) Purpose. In order to give effect to the Development Agreement for the Parkmerced
7 development project as approved by the Board of Supervisors on _____, there shall be a
8 Parkmerced Special Use District consisting of Assessor's Blocks 7303 (Lot 1), 7303A (Lot 1), 7308 and
9 7309 (both Lots 1), 7309A (Lot 1), 7310 and 7311 (both Lots 1), 7315 through 7319 (all Lots 1), 7320
10 (Lot 3), 7321 through 7323 (all Lots 1), 7325 and 7326 (both Lots 1), 7330 (Lot 1), 7331 (Lot 4), 7332
11 (Lot 4), 7333 (Lots 1 and 3), 7333A (Lot 1), 7333B (Lot 1), 7333C (Lot 1), 7333D (Lot 1), 7333E (Lot
12 1), 7334 through 7345 (all Lots 1), 7345A (Lot 1), 7345B (Lot 1), 7345C (Lot 1), 7356 through 7370
13 (all Lots 1), as designated on Sectional Map SU13 of the Zoning Maps of the City and County of San
14 Francisco.

15 (b) Development Controls. Development in the Parkmerced Special Use District shall be
16 regulated by the controls contained in the Parkmerced Design Standards and Guidelines, as adopted by
17 the Planning Commission and periodically amended, except for those controls specifically enumerated
18 in this Section. Where not explicitly superseded by definitions established in the Parkmerced Design
19 Standards and Guidelines, the definitions in this Code shall apply. All procedures and requirements in
20 Article 3 shall apply to development in this Special Use District to the extent that they are not in
21 conflict with this Special Use District or the Development Agreement, approved by the Board of
22 Supervisors on _____. The Planning Commission may amend the Parkmerced Design
23 Standards and Guidelines upon initiation by the Planning Department or upon application by an owner
24 of property within Parkmerced (or his or her authorized agent) to the extent that such amendments are
25 consistent with this Special Use District, the General Plan, and the approved Development Agreement.

1 (1) Zoning Designation. The applicable zoning designation shall be as set forth in Zoning
2 Map ZN13, consisting of the following zoning districts: Parkmerced Residential (PM-R), Parkmerced
3 Mixed Use – Social Heart (PM-MU1), Parkmerced Mixed Use – Neighborhood Commons (PM-MU2),
4 Parkmerced School (PM-S), Parkmerced Community/Fitness (PM-CF), and Parkmerced Open Space
5 (PM-OS).

6 (2) Uses.

7 (A) Principally Permitted Uses. The following uses are principally permitted:

8 (i) Parkmerced Residential (PM-R). Residential dwelling units; live/work units, provided
9 any such live/work unit is intended for small home business; community gathering spaces such as
10 community rooms and kitchens, business centers, recreation facilities, and art facilities; and child care
11 facilities not larger than 5,000 occupied square feet;

12 (ii) Parkmerced Mixed Use – Social Heart (PM-MU1). All uses permitted in PM-R; locally
13 servicing retail and services not larger than 15,000 occupied square feet per business establishment; one
14 full service grocery store not larger than 50,000 occupied square feet; and professional, medical and
15 business offices, provided such professional, medical or business office use shall not exceed 10,000
16 occupied square feet per business if located on the ground floor of any building;

17 (iii) Parkmerced Mixed Use – Neighborhood Commons (PM-MU2). All uses permitted in
18 PM-R; locally servicing retail and services not larger than 5,000 occupied square feet per business
19 establishment; and professional, medical and business offices not larger than 5,000 occupied square
20 feet per business, provided that such use does not occupy more than 2,000 occupied square feet per
21 business establishment on the ground floor;

22 (iv) Parkmerced School (PM-S). Child care facilities, pre-schools and one elementary
23 school; all uses permitted in PM-R provided at least 25,000 square feet of school use has been
24 constructed or approved within the district. Child care facilities, pre-schools and elementary school
25 uses shall provide direct access to adjacent, dedicated public open spaces;

1 (v) Parkmerced Community/Fitness (PM-CF). Recreation facilities, spas, physical fitness
2 facilities and other health and wellness related uses; community gathering spaces such as community
3 rooms and kitchens, business centers, recreation facilities and art facilities; and retail intended to
4 support health/fitness activities, provided such use does not exceed 1,000 occupied square feet per
5 business establishment; and

6 (vi) Parkmerced Open Space (PM-OS). Publicly-accessible open space and other open
7 space amenities as specifically established in the Parkmerced Design Standards and Guidelines,
8 including: neighborhood commons; parks and passive open space; plazas; recreational space
9 including playgrounds and sports fields; organic farms; one restaurant not exceeding 3,500 occupied
10 square feet on Block 23 (as designated in the Parkmerced Design Standards and Guidelines); farmer's
11 markets; and farm support uses and food sales accessory to on-site agriculture. Up to three retail
12 kiosks are permitted on each of Juan Bautista Circle and the land designated as an organic farm on
13 Block 23 (each as designated and described in Parkmerced Design Standards and Guidelines),
14 provided each such kiosk does not exceed 200 square feet. Up to four retail kiosks not exceeding 500
15 square feet each and an aggregate total of 1,000 square feet, along with a retail bicycle shop not
16 exceeding 3,200 square feet are permitted on Block 17 (as designated in the Parkmerced Design
17 Standards and Guidelines and also referred to as the "Transit Plaza").

18 (B) Conditionally Permitted Uses. The following uses may be approved as a Conditional
19 Use by the Planning Commission:

20 (i) any use that is not principally permitted in a given district and is not prohibited by Section
21 (b)(2)(C) below;

22 (ii) any use in excess of the maximum occupied square footage permitted as a principally
23 permitted use by Section (b)(2)(A); and

24 (iii) in the PM-S district, any use permitted in PM-R if less than 25,000 square feet of school use
25 has been constructed or entitled.

1 In approving any such Conditional Use, the Planning Commission shall not use the criteria set
 2 forth in Section 303, but rather shall approve the Conditional Use if it finds that: (i) the proposed use
 3 makes a positive contribution to the neighborhood; and (ii) the proposed use is of a size and intensity
 4 that is compatible with the district in which it is located.

5 (C) Prohibited Uses. The following uses shall be prohibited within this Special Use District:
 6 drive-through facilities; adult entertainment; and general advertising. Notwithstanding Sections
 7 (b)(1)(A) and (b)(1)(B) above, any non-residential use posing a nuisance to surrounding residential
 8 uses shall be prohibited

9 (3) Density of Dwelling Units. The dwelling unit density within the Special Use District
 10 shall be governed by the controls set forth in the Parkmerced Design Standards and Guidelines and not
 11 as provided in Article 2.

12 (4) Building Standards.

13 (A) Building Height. The applicable height limits for this Special Use District shall be as
 14 set forth on Section Map HT13 of the Zoning Map of the City and County of San Francisco. Height
 15 shall be measured and regulated as provided in the Parkmerced Design Standards and Guidelines and
 16 not as provided in Article 2.5.

17 (B) Building Bulk. The applicable bulk limitations for this Special Use District shall be as
 18 set forth in the following Figure 1, Bulk Table:

19
 20 Figure 1. Bulk Table.

<u>Building</u>	<u>Max</u>	<u>Max Plan</u>	<u>Max</u>	<u>Max</u>	<u>Max</u>	<u>Change in</u>
<u>Height</u>	<u>Floor</u>	<u>Length</u>	<u>Diagonal</u>	<u>Apparent</u>	<u>Apparent</u>	<u>Apparent Face</u>
	<u>Plate</u>			<u>Face 1</u>	<u>Face 2</u>	
<u>Up to</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>30'</u>	<u>NA</u>	<u>Minimum 1' deep</u>
<u>35'</u>						<u>x 1' wide notch;</u>

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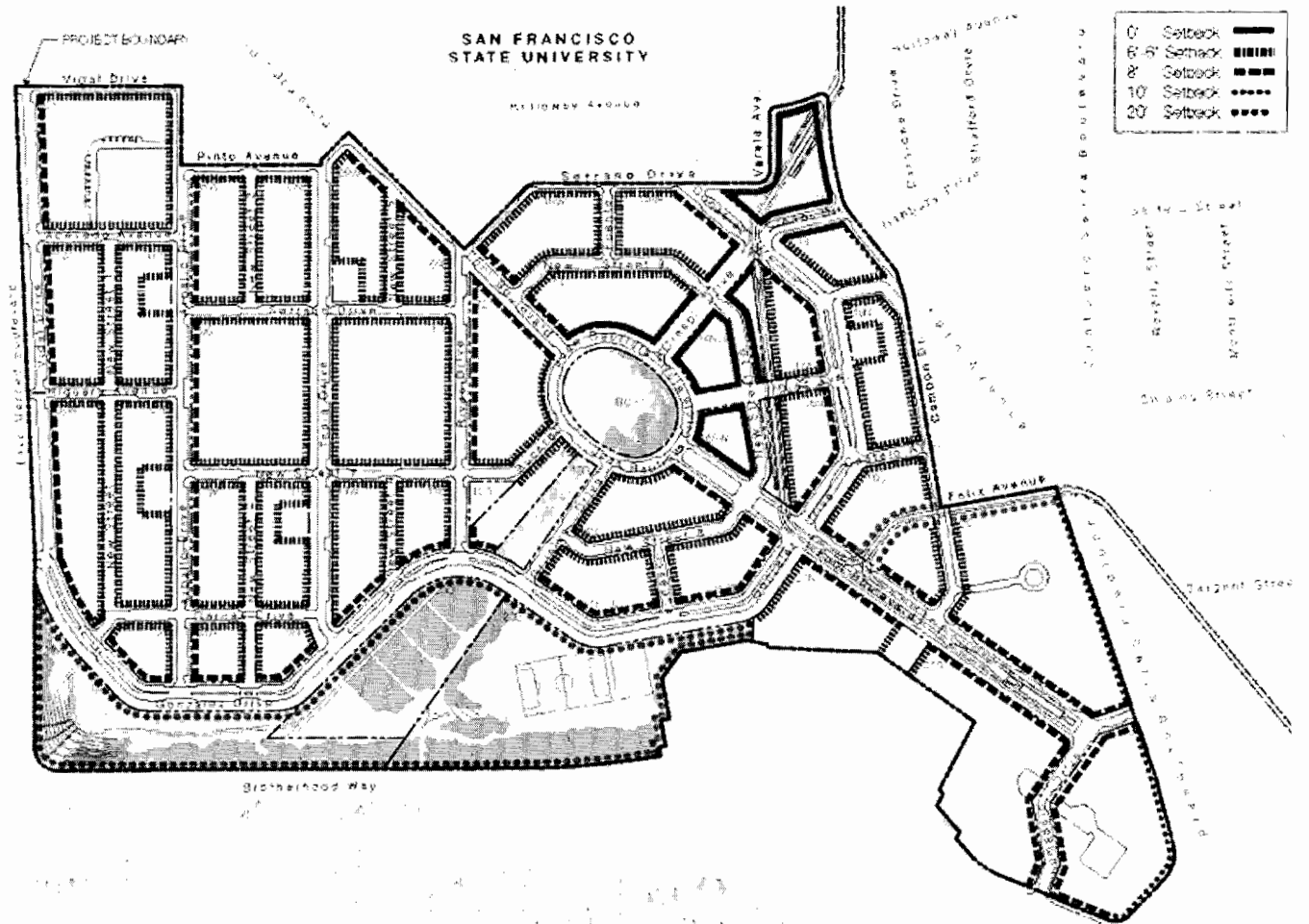
						<i>or minimum 2' offset of building massing; or major change in fenestration pattern and/or material.</i>
<u>36'-45'</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>120'</u>	<u>80'</u>	<i>Minimum 2' deep x 3' wide notch; or minimum 2' offset of building massing; or major change in fenestration pattern and/or material.</i>
<u>46'-85'</u>	<u>20,000 sf</u>	<u>200'</u>	<u>NA</u>	<u>80'</u>	<u>40'</u>	<i>Minimum 5' deep x 5' wide notch; or minimum 5' offset of building massing.</i>
<u>86'-145'</u>	<u>12,000 sf</u>	<u>140'</u>	<u>170'</u>	<u>110'</u>	<u>40'</u>	<i>Minimum 10' deep x 10' wide notch; or minimum 10'</i>

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						<i><u>offset of building massing and a major change in fenestration pattern and/or material.</u></i>
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(C) Building Setbacks. The applicable building setback requirements for this Special Use District shall be as set forth in the following Figure 2, Building Setbacks:

1 Figure 2. Building Setbacks.



1 (5) Off-Street Automobile Parking. There is no minimum off-street parking requirement for
2 any use in this Special Use District. Upon completion of the Parkmerced Project, the number of off-
3 street parking spaces within this Special Use District shall not exceed: one parking space per
4 residential dwelling unit; one parking space per 500 square feet of occupied grocery store use; one
5 parking space per 1,000 square feet of occupied school, fitness or community center use; and one
6 parking space per 750 square feet of occupied space for all other non-residential uses. Because the
7 Project will be built in phases, any off-street parking constructed that would cause the cumulative off-
8 street parking in the Special Use District to exceed these ratios may not be used for parking and shall
9 be physically cordoned off to preclude parking use of such spaces (including prohibition of the
10 commercial or public rental of such spaces on a daily, weekly, monthly or annual basis) until such time
11 as sufficient additional development is completed to bring the overall parking ratios in conformance
12 with the applicable ratio. At Project completion, the ratio for off-street parking constructed shall not
13 exceed the above ratios or the following total amounts, whichever is less: 8,900 residential spaces; and
14 550 non-residential spaces.

15 (6) Usable Open Space Requirements for Dwelling Units. Usable open space meeting the
16 standards of Section 135 of this Code shall be provided for each dwelling unit in the following ratios:
17 36 square feet if private or 48 square feet if common. In no event shall any space in a public right-of-
18 way, publicly-accessible "paseo" (as defined in the Parkmerced Design Standards and Guidelines), or
19 public open space required by the Development Agreement, including Juan Bautista Circle, the Transit
20 Plaza, the Organic Farm, the Sports Fields, Belvedere Gardens, the Neighborhood Commons or the
21 Community Gardens (each as more specifically defined in the Parkmerced Design Standards and
22 Guidelines), be counted in satisfaction of the requirements of this subsection.

23 (7) Streetscape and Public Realm Requirements. Each individual building project shall be
24 part of an approved Development Phase Application, which shall include the design and construction
25 of the appropriate adjacent and related street and public realm infrastructure consistent with the

1 Parkmerced Design Standards and Guidelines, Transportation Plan, Sustainability Plan, and other
2 supporting documents to the Development Agreement. Implementation of such improvements shall be
3 subject to approval and review by the Planning Department and other relevant City agencies as
4 provided by the Development Agreement.

5 (c) Modifications to Building Standards. Modification of the Building Standards set forth in
6 subsection (3) above and as outlined in the Parkmerced Design Standards and Guidelines may be
7 approved on a project-by-project basis and according to the procedures of subsection (d).

8 (1) No Other Modifications or Variances Permitted. No modifications or variances are
9 permitted for the following standards in this Special Use District: building maximum floor plates,
10 maximum off-street auto parking ratios, and height limits. Except as explicitly provided in subsections
11 (2) and (3) below, no other Standard set forth in this Special Use District or in the Parkmerced Design
12 Standards and Guidelines may be modified or varied.

13 (2) Major Modifications. Each modification listed below in Figure 3, Major Modifications,
14 shall be deemed to be a Major Modification. Any Major Modification shall be approved by the
15 Planning Commission at a public hearing according to the procedures set forth in subsection (d).
16 Except as explicitly prohibited above and notwithstanding the limitations of this subsection (c)(2), the
17 Planning Director may, in his or her sole discretion, refer a proposed modification, even if otherwise
18 classified as a Minor Modification, to the Planning Commission as a Major Modification if: (i) the
19 proposed modification deviates from any numerical standard in this Special Use District or the
20 Parkmerced Design Standards and Guidelines by more than 10 percent; or (ii) the Planning Director
21 determines that the proposed modification does not meet the intent of the design standards as set forth
22 in the Parkmerced Design Standards and Guidelines.

23
24 Figure 3: Major Modifications

25 Development Blocks and Easements. A deviation of more than 10 percent from

1 the dimensional standards set forth in Section 02.01.03 (Pedestrian Paseos),
2 Section 02.01.05 (Pedestrian Walks) and Figure 02.01B (Pedestrian Paseos and
3 Walks) of the Parkmerced Design Standards and Guidelines.

4 Lot Coverage and Usable Open Space. A deviation of more than 10 percent from
5 the numerical standards set forth in this Special Use District and in Section
6 03.02.04 (Usable Open Space), Section 03.02.05 (Semi-Private Open Space), and
7 Section 03.02.06 (Private Open Space) of the Parkmerced Design Standards and
8 Guidelines.

9 Bulk and Massing. A deviation of more than 10 percent from the numerical
10 standards set forth in Section (b)(4) of this Special Use District and Section 03.04
11 (Building Controls – Bulk + Massing) of the Parkmerced Design Standards and
12 Guidelines.

13 Bicycle Parking and Car Sharing. Modification of any standard set forth in
14 Section 04.01.01 (Bicycle Parking + Car Sharing) of the Parkmerced Design
15 Standards and Guidelines.

16 Loading and Servicing. Modification of any standard set forth in Section
17 04.03.05 (Limited Impact) of the Parkmerced Design Standards and Guidelines.

18
19 (3) Minor Modifications. Each modification listed in Figure 4, Minor Modifications, shall
20 be deemed to be a Minor Modification. A Minor Modification may be approved administratively by the
21 Planning Director according to the procedures described in subsection (d).

22
23 Figure 4. Minor Modifications

24 Development Blocks and Easements. A deviation of 10 percent or less from the
25 dimensional standards set forth in Section 02.01.03 (Pedestrian Paseos), Section

1 02.01.05 (Pedestrian Walks) and Figure 02.01B (Pedestrian Paseos and Walks)
2 of the Parkmerced Design Standards and Guidelines.

3 View Corridors. Modification of the planting specifications set forth in Section
4 02.02.01 (Neighborhood Controls – View Corridors) of the Parkmerced Design
5 Standards and Guidelines.

6 Lot Coverage and Usable Open Space. A deviation of 10 percent or less from the
7 numerical standards set forth in Sections 03.02.04 (Usable Open Space),
8 03.02.05 (Semi-Private Open Space), and 03.02.06 (Private Open Space) of the
9 Parkmerced Design Standards and Guidelines.

10 Bulk and Massing. A deviation of 10 percent or less from the numerical
11 standards set forth in Section (b)(4) of this Special Use District and Section 03.04
12 (Building Controls – Bulk + Massing) of the Parkmerced Design Standards and
13 Guidelines.

14 Setbacks. A modification of the standards set forth in Section 03.05 (Building
15 Controls – Setback) of the Parkmerced Design Standards and Guidelines.

16 Streetwall. A modification of the standards set forth in Section 03.06 (Building
17 Controls – Streetwall) of the Parkmerced Design Standards and Guidelines.

18 Residential Base. A modification of the standards set forth in Section 03.07
19 (Building Controls – Residential Base) of the Parkmerced Design Standards and
20 Guidelines.

21 Commercial Base. A modification of the standards set forth in Section 03.08
22 (Building Controls – Commercial Base) of the Parkmerced Design Standards and
23 Guidelines.

24 Façade. A modification of the standards set forth in Section 03.09 (Building
25 Controls – Façade) of the Parkmerced Design Standards and Guidelines.

1 Building Top. A modification of the standards set forth in Section 03.10
2 (Building Controls – Building Top) of the Parkmerced Design Standards and
3 Guidelines.

4 Lighting. A modification of the standards set forth in Section 03.13 (Building
5 Controls – Lighting) of the Parkmerced Design Standards and Guidelines.

6 Car Parking and Storage. Modification of the standards set forth in Section 4.02
7 (Car Parking + Storage) of the Parkmerced Design Standards and Guidelines;
8 notwithstanding the foregoing, modification of Sections 04.02.01 (Off-Street
9 Parking), 04.02.02 (Parking Location) and 04.02.05 (Unbundled Parking) shall
10 not be allowed.

11 Loading and Servicing. Modification of the standards set forth in Section 04.03
12 (Loading + Servicing), except Section 04.03.05 (Limited Impact) (modification of
13 which shall be deemed a Major Modification), of the Parkmerced Design
14 Standards and Guidelines.

15
16 (d) Project Review and Approval.

17 (1) Purpose. The design review process for Parkmerced is intended to ensure that new
18 buildings within Parkmerced are designed to complement the aesthetic of the development, exhibit high
19 quality architectural design and promote the purpose of this Special Use District.

20 (2) Applications. Applications for design review described in this Section are required for
21 the construction, expansion or major alteration of all structures within this Special Use District. The
22 applications for design review may be filed by the owner or authorized agent of the owner of the
23 property for which the design review is sought. Department staff shall review the application for
24 completeness and advise the applicant in writing of any deficiencies within 30 days after receipt of the
25 application. If Department staff does not so advise the applicant, the application will be deemed

1 complete. The application shall include site plans, sections, elevations, renderings, landscape plans,
2 and exterior material samples to illustrate the overall concept design of the proposed buildings. The
3 application must also discuss how the design will meet the green building standards contained in the
4 Parkmerced Sustainability Plan. If any requests for a Major Modification or Minor Modification are
5 sought in accordance with the allowances of this Section, the application shall contain a narrative for
6 each modification sought that describes how the proposed project meets the full intent of the
7 Parkmerced Design Standards and Guidelines and provides architectural treatment and public benefit
8 that are superior to strict compliance with the standards.

9 (3) Staff Design Review. Each application shall be subject to an administrative design
10 review process by the Department. Prior to consideration for project approval, Department staff shall
11 review the project to determine that it complies with this Special Use District and the Parkmerced
12 Design Standards and Guidelines and will issue a staff report to the Planning Director or Planning
13 Commission, as appropriate, including a recommendation regarding any modifications sought. Such
14 staff report shall be kept on file for public review.

15 (4) Approvals and Public Hearings.

16 (A) Except for projects seeking a Major Modification, the Planning Director may approve
17 or disapprove the project design and any Minor Modifications based on its compliance with this
18 Special Use District and the Standards set forth in the Parkmerced Design Standards and Guidelines
19 and the findings and recommendations of the staff report. If the project is consistent with the
20 quantitative Standards set forth in this Special Use District and the Parkmerced Design Standards and
21 Guidelines, the Planning Director's discretion to approve or disapprove the project shall be limited to
22 the project's consistency with the qualitative elements of the Parkmerced Design Standards and
23 Guidelines. Prior to making a decision, the Planning Director, in his or her sole discretion, may seek
24 comment and guidance from the public and Planning Commission on the design of the project,
25 including the granting of any Minor Modifications, in accordance with the procedures of subsection (B)

1 below. If a Minor Modification is not sought, any Planning Commission review of the project shall be
2 limited to the project's consistency with the qualitative elements of the Parkmerced Design Standards
3 and Guidelines.

4 (B) Public Hearing for Large Projects. Each project subject to the below criteria shall be
5 presented to the Planning Commission for its review and comment prior to decision by the Planning
6 Director under subsection (A) above. The Planning Director shall consider all comments from the
7 public and the Planning Commission in making his or her decision to approve or disapprove the
8 project design, including the granting of any Minor Modifications. A public hearing shall be required
9 if:

10 (i) The project includes the construction of a new building greater than 65 feet in height or
11 includes a vertical addition to an existing building resulting in a total building height greater than 65
12 feet; or

13 (ii) The project involves a net addition or new construction of more than 25,000 gross
14 square feet; or

15 (iii) The project has 150 linear feet or more of contiguous street frontage on any public
16 right-of-way.

17 (C) Projects Seeking Major Modifications. The Planning Commission shall hold a public
18 hearing for all projects seeking one or more Major Modifications and for any project seeking one or
19 more Minor Modifications that the Planning Director, in his or her sole discretion, refers to the
20 Commission as a Major Modification. The Planning Commission shall consider all comments from the
21 public and the recommendations of the staff report and the Planning Director in making a decision to
22 approve or disapprove the project design, including the granting of any Major or Minor Modifications.

23 (D) Notice of Hearings. Notice of hearings required by subsections (B) and (C) above shall
24 be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property
25 owners within 300 feet of the property that is the subject of the application, using for this purpose the

1 names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
2 person who has requested such notice. Such notice shall also be published at least once in a
3 newspaper of general circulation at least 20 days prior to the date of the hearing. The notice shall
4 state that the staff report, including written recommendation of the Planning Director regarding any
5 modifications, is available for public review at the office of the Department.

6 (5) Design Review Approval of Community Improvements. To ensure that any Community
7 Improvements (as defined in the Development Agreement) meet the Parkmerced Design Standards and
8 Guidelines, an application for design review shall be submitted and design review approval granted
9 before any separate permits consistent with Section 2.4 of the Development Agreement are obtained for
10 the construction of any Community Improvement within or adjacent to the Special Use District. The
11 applications for design review shall be filed by the owner or authorized agent of the owner of any
12 proposed project that triggers the construction of a Community Improvement pursuant to the
13 Development Agreement Phasing Plan or any project mitigation measure. The Community
14 Improvement design review application shall include site plans, sections, elevations, renderings, and
15 landscape plans, the purpose of which is to illustrate the overall concept design of the proposed
16 Community Improvement.

17 The Planning Department shall review the proposed Community Improvement for conformance
18 with the Parkmerced Design Standards and Guidelines, issue a preliminary approval of the design
19 review application if it so conforms, or propose modifications to the Design Review Application that
20 create conformance with the Parkmerced Design Standards and Guidelines. Once the Planning
21 Department has issued a preliminary approval, it shall then circulate the design review application to
22 the San Francisco Municipal Transportation Agency, Department of Public Works, and the San
23 Francisco Public Utilities Commission, to the extent that construction of the Community Improvement
24 falls within the jurisdiction of such agency or department. Each aforementioned agency or department
25 shall review the proposed Community Improvement for conformance with the Parkmerced Design

1 Standards and Guidelines and the agency or department's generally-applied technical design
2 guidelines in effect at that time (to the extent that they affect the overall concept design of the
3 Community Improvement) and shall approve the design review application if it so conforms or propose
4 modifications to the design review application to ensure its conformance. Any proposed modifications
5 shall be consistent with the requirements of the Development Agreement, for so long as it is in effect.

6 If none of the reviewing agencies propose any modifications, the Planning Department shall
7 issue a final approval of the Community Improvement design review application to the project sponsor.
8 If any of the reviewing agencies propose modifications to a Community Improvement design review
9 application that has received preliminary approval, their proposals shall be consolidated and
10 forwarded to the project sponsor. The Planning Department shall not issue a final approval of a
11 Community Improvement design review application until it has received a revised design review
12 application that conforms with any reviewing agency or department comments, consistent with the
13 requirements and limitations of the Development Agreement, for so long as it is in effect.

14 Nothing in this subsection 5 shall be construed as a limitation on the discretion retained by any
15 City agency or department under the terms of the Development Agreement, including but not limited to
16 as set forth in Section 2.4 of the Development Agreement.

17 (6) Building Permit Approval. Each building permit application submitted to the
18 Department of Building Inspection shall be forwarded to the Planning Department. Planning
19 Department staff shall review the building permit application for consistency with the authorizations
20 granted pursuant to this Section. No building permit may be issued for work within this Special Use
21 District unless Planning Department staff determines such permit is consistent with the standards set
22 forth in the Parkmerced Design Standards and Guidelines and the metrics set forth in the Parkmerced
23 Sustainability Plan, in each case, only to the extent such standards or metrics regulate building design.

24 (7) Discretionary Review. No requests for discretionary review shall be accepted by the
25 Planning Department or heard by the Planning Commission for projects subject to this Section.

1 (8) Demolition of Dwelling Units. No mandatory discretionary review or Conditional Use
2 authorization pursuant to Section 317 shall be required for the demolition of any residential dwelling
3 unit within the Parkmerced Special Use District.

4 (9) Appeal and Decision on Appeal. The decision of the Planning Director to grant or deny
5 any project, including any Minor Modification, and of the Planning Commission to grant or deny of
6 any Major Modification, may be appealed to the Board of Appeals by any person aggrieved within 15
7 days after the date of the decision by filing a written notice of appeal with that body. Such notice must
8 set forth the alleged error in the interpretation of the provisions of this Code or the Parkmerced Design
9 Standards and Guidelines or the alleged abuse of discretion on the part of the Planning Director or
10 Planning Commission, which error or abuse is the basis for the appeal. Upon the hearing of an
11 appeal, the Board of Appeals may, subject to the same limitations placed on the Planning Commission
12 or Planning Director by Charter, this Code, and the Development Agreement, approve, disapprove or
13 modify the appealed decision by a vote of four of its members. Notwithstanding anything to the
14 contrary in the Business and Tax Regulations Code, if the determination of the Board differs from that
15 of the Planning Director or Planning Commission, the Board of Appeals shall, in a written decision,
16 make findings specifying the error of interpretation or abuse of discretion on the part of the Planning
17 Director or Planning Commission, and the specific facts relied upon, that are the basis for the Board's
18 determination.

19
20 Section 5. The San Francisco Planning Code is hereby amended by amending Section
21 270, to read as follows:

22 SEC. 270. BULK LIMITS; MEASUREMENT.

23 (a) The limits upon the bulk of buildings and structures shall be as stated in this
24 Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and
25 "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the

1 maximum plan dimensions shall be as specified in the following table, at all horizontal cross-
 2 sections above the height indicated.

3
 4 Table 270
 5 Bulk Limits

District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	V	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		

1	R-2	This table not applicable. But see Section 270(f).		
2	V		110	140
3	V	* At setback height established pursuant to Section 253.2.		
4	OS	See Section 290		
5	S	This table not applicable. But see Section 270(d).		
6	T	At setback height established pursuant to	110	125
7		Section 132.2, but no higher than 80 feet.		
8	X	This table not applicable. But see Section 260(a)(3).		
9	TB	This table not applicable. But see Section 263.18.		
10	CP	This table not applicable. But see Section 263.24.		
11	HP	This table not applicable. But see Section 263.25.		
12	<u>PM</u>	<u>This table not applicable. But see Section 249.46 Parkmerced Special Use</u>		
13		<u>District.</u>		

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

(c) Maximum plan lengths and diagonal dimensions do not apply to cornices or other decorative projections.

(d) The bulk limits contained in this subsection shall apply in S Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

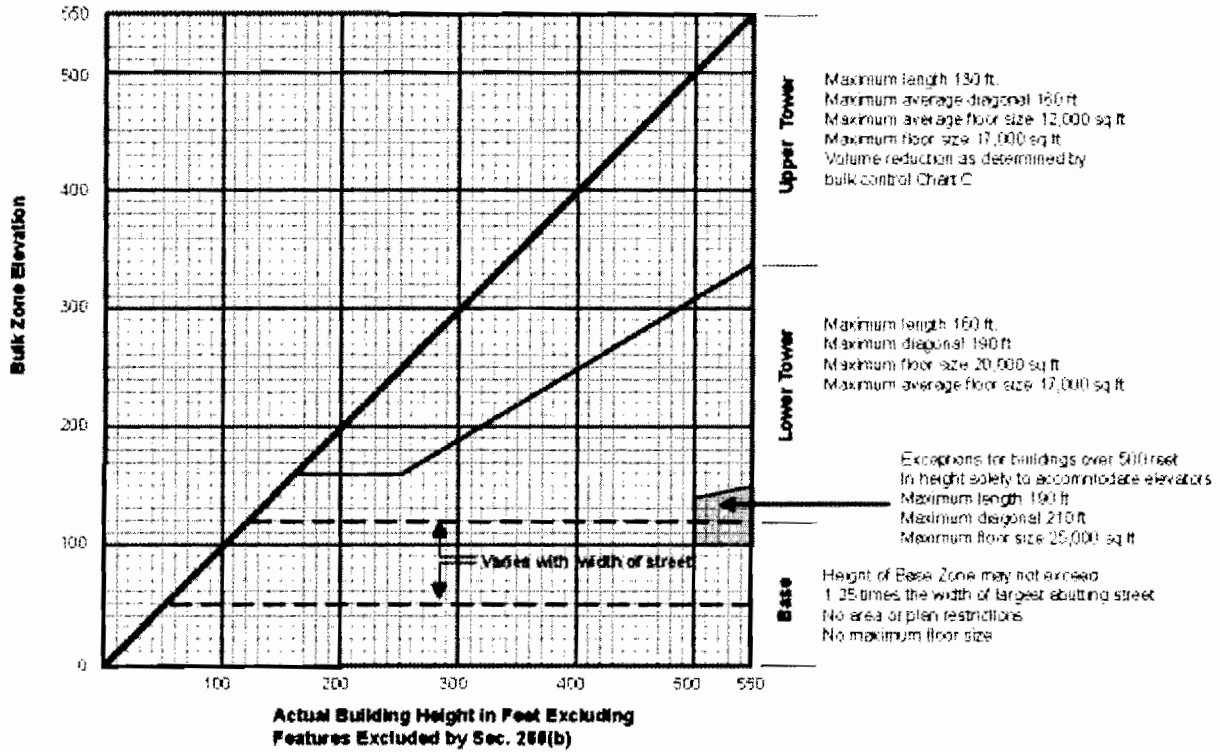
(1) Base. The base is the lowest portion of the building extending vertically to a streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more. There are no length or diagonal dimension limitations applicable to the base. The

1 building base shall be delineated from the lower and upper tower and related to abutting
2 buildings by a setback, cornice line or equivalent projection or other appropriate means.

3 (2) Lower Tower.

4 (A) Dimensions. Bulk controls for the lower tower apply to that portion of the
5 building height above the base as shown on Chart B. For buildings of less than 160 feet in
6 height, the lower tower controls are the only bulk controls above the base of the building. The
7 bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of
8 20,000 square feet, and a maximum diagonal dimension of 190 feet.

**CHART B
BULK LIMITS**



1 (B) Additional Bulk for Elevators. Solely in order to accommodate additional
2 elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the
3 lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190
4 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000
5 square feet without a corresponding reduction in upper floor size.

6 (3) Upper Tower.

7 (A) Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet.
8 They apply to the upper tower portion of a building up to the height shown on Chart B, which
9 height excludes the vertical attachment and other features exempted by Section 260 and
10 excludes the extended upper tower height exceptions provided for in Section 263.7 of this
11 Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum
12 average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square
13 feet; and a maximum average diagonal measure of 160 feet. In determining the average floor
14 size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may
15 not be counted and sculptured architectural forms that contain large volumes of space but no
16 usable floors shall be included in average floor size calculation by computing the cross section
17 at 12.5-foot intervals.

18 (B) Volume Reduction. When the average floor size of the lower tower exceeds
19 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the
20 volume that would occur if the average floor size of the lower tower were extended to the
21 proposed building height. The percentage varies with the bulk of the lower tower and with
22 whether or not a height extension is employed pursuant to Section 263.7 and is shown on
23 Chart C. In achieving the required volume reduction, a setback or change in profile at a
24 specific elevation is not required.
25

1 (C) Extensions. Extension of the upper tower above the otherwise allowable height
2 limits may be permitted as provided in Section 263.9.

3 (D) Termination of the Tower. The top of the tower shall be massed in a manner that
4 will create a visually distinctive roof or other termination of the building facade. Modifications
5 to a proposed project may be required, in the manner provided in Section 309, to achieve this
6 purpose.

7 (e) Rincon Hill and South Beach. In Bulk District R (Rincon Hill and South Beach
8 DTR Districts), bulk limitations are as follows:

9 (1) There are no bulk limits below the podium height as described in Section
10 263.19, except for the lot coverage limitations and setback requirements described in
11 Sections 825 and 827.

12 (2) Tower Bulk and Spacing. All portions of structures above the podium height as
13 described in Section 263.19 shall meet the following bulk limitations, as illustrated in Chart C.

14 (A) Buildings between the podium height limit and 240 feet in height may not exceed
15 a plan length of 90 feet and a diagonal dimension of 120 square feet.

16 (B) Buildings between 241 and 300 feet in height may not exceed a plan length of
17 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor
18 area of 8,500 gross square feet.

19 (C) Buildings between 301 and 350 feet in height may not exceed a plan length of
20 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average
21 floor area of 9,000 gross square feet.

22 (D) Buildings between 351 and 550 feet in height may not exceed a plan length of
23 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average
24 floor area of 10,000 gross square feet.
25

1 (E) To allow variety in the articulation of towers, the floor plates of individual floors
2 may exceed the maximums described above by as much as 5 percent, provided the maximum
3 average floor plate is met.

4 (F) To encourage tower sculpting, the gross floor area of the top one-third of the
5 tower shall be reduced by 10 percent from the maximum floor plates described in (A)—(D)
6 above, unless the overall tower floor plate is reduced by an equal or greater volume.

7 (G) In order to provide adequate sunlight and air to streets and open spaces, a
8 minimum distance of 115 feet must be preserved between all structures above 110 feet in
9 height at all levels above 110 feet in height. Spacing shall be measured horizontally from the
10 outside surface of the exterior wall of the subject building to the nearest point on the closest
11 structure above 110 feet in height. Any project that is permitted pursuant to the exception
12 described in Section 270(e)(3) shall not be considered for the purposes of measuring tower
13 spacing pursuant to this Section.

14 (H) The procedures for granting special exceptions to bulk limits described in
15 Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and
16 270(e)(4).

17 (I) Additional setback, lot coverage, and design requirements for the DTR Districts
18 are described in Sections 825 and 827.

19 (3) Exceptions to tower spacing and upper tower sculpting requirements in Rincon
20 Hill DTR. An exception to the 115 feet tower spacing requirement and the upper tower
21 sculpting requirement described in (F) and (G) above may be granted to a project only on
22 Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006, pursuant to
23 the procedures described in 309.1 of this Code provided that projects meet the following
24 criteria:
25

1 (i) Applications for environmental review and conditional use related to a building
2 above 85 feet in height on the subject lot have been filed with the Department prior to March
3 1, 2003 and February 1, 2005, respectively;

4 (ii) Given the 115 tower spacing requirement described in (F) above, the existence
5 of an adjacent building greater than 85 feet in height precludes the development of a tower on
6 the subject lot;

7 (iii) The subject lot has a total area of no less than 35,000 square feet;

8 (iv) The proposed project is primarily residential and has an area of no more than
9 528,000 gross square feet;

10 (v) The proposed project conforms to all other controls described or referenced in
11 Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

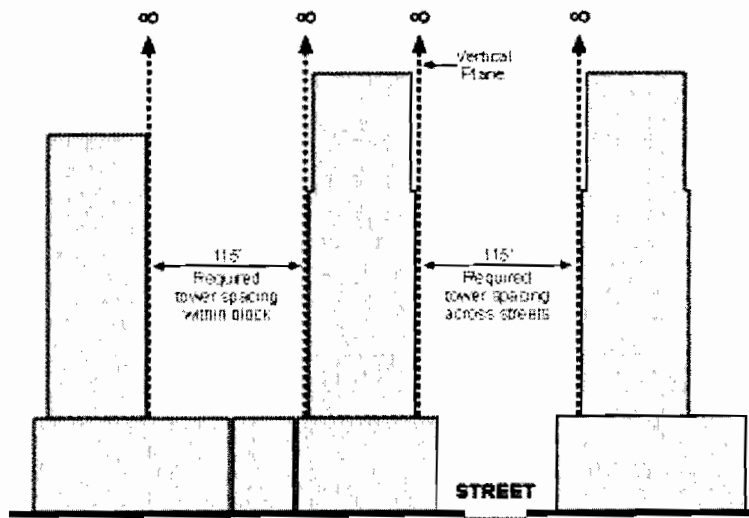
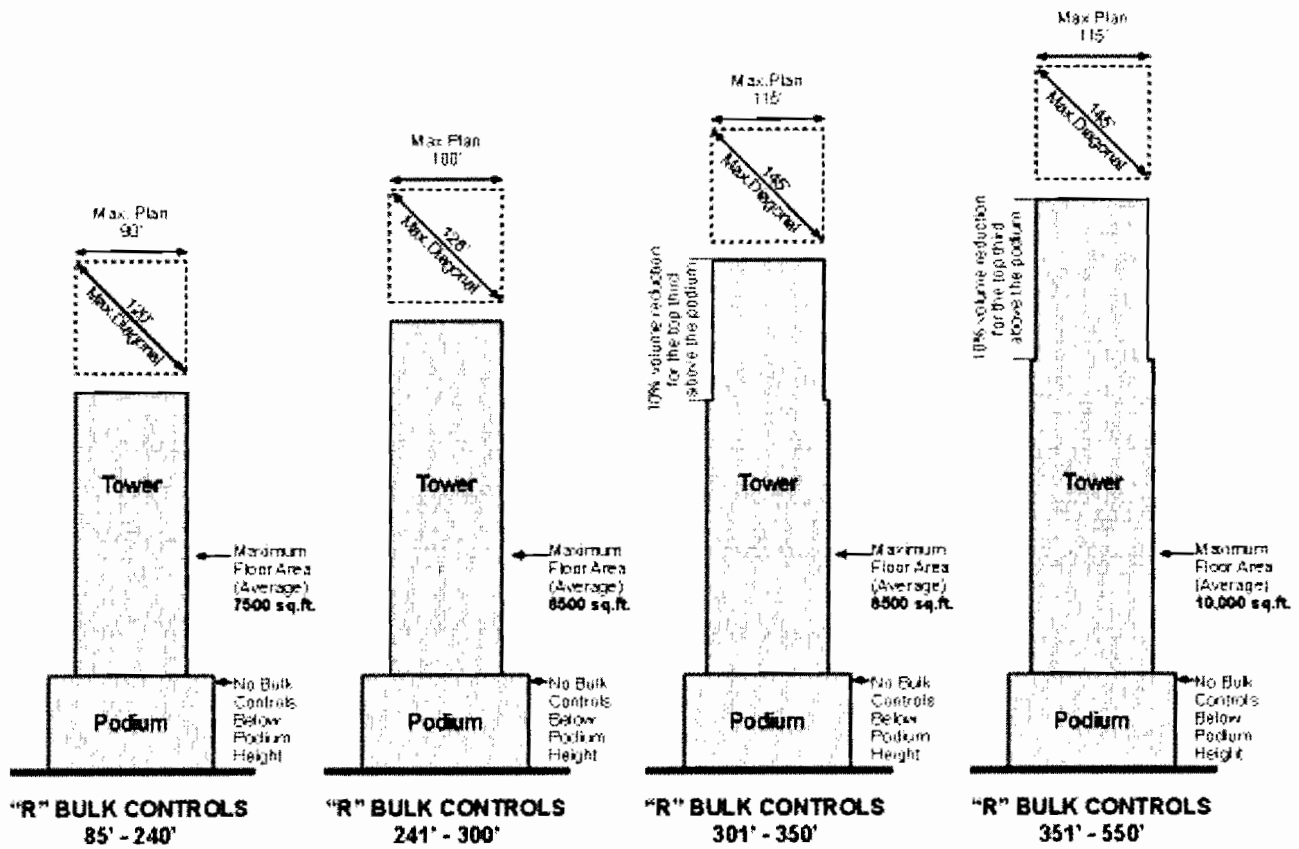
12 (vi) For the purposes of subsection (iv) above, the term "gross square feet" shall be
13 the sum of the gross areas of all floors of a building or buildings above street grade measured
14 from the exterior faces of exterior walls or from the center lines of walls separating two
15 buildings, excluding area below street grade. Where columns are outside and separated from
16 an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged
17 that the curtain wall is clearly separated from the structural members, the exterior face of the
18 curtain wall shall be the line of measurement, and the area of the columns themselves at each
19 floor shall also be counted.

20 (4) Allowance for limited reduction in spacing from existing towers in Rincon Hill
21 DTR. To allow limited variation in tower placement from towers for which a certificate of
22 occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described
23 in (G) above may be granted pursuant to the procedures described in 309.1 of this Code if all
24 the following criteria are met:
25

1 (i) For every percent reduction from the maximum average floor area as described
2 in (2) above, an equal percent reduction in tower separation may be granted subject to the
3 following limits:

4 (ii) Up to a height of one-and-one-half times the maximum permitted podium height,
5 tower spacing described in (G) above may be reduced by not more than 15 percent; (iii) up to
6 a height of 180 feet, tower spacing described in (G) above may be reduced by not more than
7 10 percent; and (iv) all floors above 180 feet achieve the full 115-foot minimum tower spacing
8 requirement described in (G) above. A project may average the tower separation of all floors
9 below 180 feet so long as the requirements of (iii) and (iv) are satisfied.

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**REQUIRED TOWER SPACING
IN "R" BULK DISTRICTS**

1 (f) Van Ness and Market Downtown Residential Special Use District. In Bulk
2 District R-2 (Van Ness and Market Downtown Special Use District), bulk limitations are as
3 follows:

4 (1) Tower Bulk and Spacing. In height districts 120/200-R-2, 120/300-R-2, 120/320-
5 R-2, and 120/400-R-2, there are no bulk limitations below 120 feet in height, and structures
6 above 120 feet in height shall meet the bulk limitations described in subsection (e)(2)(A)-(F).
7 In height district 85/250-R-2 there are no bulk limitations below 85 feet in height, and
8 structures above 85 feet in height shall meet the bulk limitations described in subsections
9 (e)(2)(A)—(F).

10 (2) In order to provide adequate sunlight and air to streets and open spaces, a
11 minimum distance of 115 feet must be preserved between all structures above 120 feet in
12 height at all levels above 120 feet in height. Spacing shall be measured horizontally from the
13 outside surface of the exterior wall of the subject building to the nearest point on the closest
14 structure above 120 feet in height.

15 (3) No exceptions shall be permitted. The procedures for granting special
16 exceptions to bulk limits described in Section 272 shall not apply.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By:


22 MARLENA G. BYRNE
23 Deputy City Attorney
24
25