

TEXT OF PROPOSED ORDINANCE PROPOSITION B

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

Section 1.

It shall be the Policy of the People that a new ballpark be constructed, developed and operated at China Basin consistent with the following principles:

That the ballpark be developed privately;

That the financing of the ballpark's construction not leave the City and County with any general obligation bond debt;

That the construction and development of the ballpark result in the environmental cleanup of the area generally bounded by King Street, Second Street (inclusive of the right of way), China Basin Channel, and Third Street; and

That the San Francisco Giants, an affiliate thereof, or the developer of the ballpark enter into a ground lease with the Port of San Francisco for the China Basin site that provides that the Port of San Francisco will retain sole title and ownership of the land at all times.

Section 2.

It shall be the policy of the People that development of the ballpark meets and satisfies the public trust guidelines and restrictions applicable to the property of the Port of San Francisco.

Section 3.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 249.[14] to read as follows:

"Section 249.[14] NORTHEAST CHINA BASIN SPECIAL USE DISTRICT.

A Special Use District entitled the 'Northeast China Basin Special Use District,' the boundaries of which are shown on the Zoning Map, is hereby established for the purposes set forth below. The following provisions shall apply within the Northeast China Basin Special Use District:

(a) Purposes

(1) Purpose. In order to accommodate the development of an open-air ballpark for major league baseball with a maximum of 45,000 seats with related commercial uses, including, but not limited to, general office, shops and other retail, restaurants, live music performances and other forms of live entertainment, in a setting of waterfront public spaces in an area that

(A) will enhance public enjoyment of the San Francisco Bay by bringing many people of all ages to a place of public assembly and recreation adjacent to the shoreline; (B) will be close to downtown and within walking distance of many thousands of workers, shoppers, visitors and residents; (C) will be conveniently served by public transit, including an extension of Muni Metro service from Market Street to the ballpark and beyond, with convenient transfer from and to BART, Muni bus and trolley lines, Caltrain service from the Peninsula to a station near the site, and potential ferry service from various north and east bay points to the ballpark site; (D) will be conveniently served by the broad South of Market street grid, a new 150-foot wide King Street boulevard in front of the ballpark and easy access to the 101 and I-280 freeways; (E) will have access to approximately 5,000 off-site parking spaces near the ballpark during the first five years,

with possible renewal options; (F) will have convenient access to a sizable pool of existing and proposed on and off-street parking which can be made available in the evening and on weekends; and, further, in order to assure that the ballpark is attractively designed and will be a visual asset to the City, there shall be a Northeast China Basin Use District.

(b) Controls

(1) General. The provisions of the M-2 use district established by Section 201 of this Code shall prevail except as provided in paragraphs (2) through (4) below.

(2) Conditional Uses. An open air ballpark with a maximum seating capacity of 45,000, assembly and entertainment uses under Section 221 of this Code, with associated parking, and various uses accessory to or related to ballpark and assembly and entertainment uses, including sports clubs, restaurants, and retail shops, shall all be permitted as conditional uses.

(3) Parking. In recognition of the public transit anticipated to be available to serve a ballpark in the proposed location, in recognition of the large supply of parking in the vicinity, much of which can be made available for ballpark use in the evening and on weekends, and in recognition of the availability of approximately 5,000 off-site parking spaces near the ballpark during the first five years of the ballpark's operation, there shall be no minimum requirement for off-street parking spaces for the uses permitted in the Northeast China Basin Special Use District. This provision supersedes the parking requirements set forth in Section 151 of this Code applicable to the permitted uses set forth herein.

(4) Architectural Design. In recognition of the prominence of the location and vital importance of the uses described in subsection (b)(2) above, such uses shall be subject to conditional use review and approval by the City Planning Commission. A conditional use may be authorized by the City Planning Commission if the facts presented are such to establish that the architectural design of the structure is appropriate for its intended use, location and civic purpose. This criterion shall be in lieu of the criteria set forth in Section 303(c)(1-4) of this Code."

Section 4.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending the Zoning Map to enact the following change in the height and bulk classification:

Description of Property

The property in the area generally bounded by King Street, Second Street (inclusive of the right of way), China Basin Channel, and Third Street, as shown on the map attached hereto.

| Height and Bulk District to be Superseded | Height and Bulk District Hereby Approved |
|---|--|
| 40-X | 150-X |

Section 5.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding subsection (K) to Section 260(b) to

enact the following exemption from height limits otherwise established by the City Planning Code:

"(K) In the Northeast China Basin Special Use District, light standards for the purpose of lighting the ballpark."

Section 6.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending the Zoning Maps to adopt the following special use district classification:

Description of Property

The property in the area generally bounded by King Street, Second Street (inclusive of the right of way), China Basin Channel, and Third Street, as shown on the map attached hereto.

| Use District to be Superseded | Use District Hereby Approved |
|-------------------------------------|---|
| M-2 | The Northeast China Basin Special Use District |

Section 7.

(a) Section 2(d) of Initiative Ordinance T-Waterfront Land Use is hereby amended by adding the following sentence as the last sentence thereof:

"This provision shall not be applicable to any new development within the Northeast China Basin Special Use District."

(b) Section 4 of Initiative Ordinance T-Waterfront Land Use is hereby amended by adding the following subparagraph thereto:

"h. within the Northeast China Basin Special Use District, any use that is permitted as a conditional use under Section 249.[14] of the Planning Code."

Section 8.

It shall be the policy of the People that promptly following the effective date of this ordinance, the City and County of San Francisco, through the Board of Supervisors, the Planning Commission and other appropriate officials, boards or commissions, shall proceed to:

(a) amend its Master Plan and other relevant plans and codes in a manner consistent with this ordinance; and

(b) request and apply for conforming amendments to all applicable state and regional plans and regulations.

Section 9.

Any provision of this ordinance may be amended by the Board of Supervisors and shall not require the vote of the electors of the City and County of San Francisco.

Section 10.

If any provision of this ordinance, or any application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any provision or application of this ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. □

LEGAL TEXT OF PROPOSITION B (Continued)

