

TEXT OF PROPOSED ORDINANCE

PROPOSITION F

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

Section 1. [Policy, Purpose]

It shall be the Policy of the People that a new professional football stadium, retail shopping and entertainment center, and related open space and parking be constructed, developed and operated at Candlestick Point consistent with the following principles:

The San Francisco Forty Niners are an invaluable source of civic pride and an integral part of San Francisco's image as a world-class city. The City and County of San Francisco must take immediate action to ensure that the Forty Niners have a suitable stadium in which to play their home games after the current lease at the existing stadium known as 3COM Park at Candlestick Point (formerly known as Candlestick Park) expires.

The City and County of San Francisco should have a state-of-the-art professional football stadium suitable for hosting the National Football League's Super Bowl on a regular basis.

Candlestick Point and the surrounding area is the most suitable location within San Francisco for the construction of a new professional football stadium for the San Francisco Forty Niners and retail shopping and entertainment center that will assist in revitalizing the economy of the Bayview-Hunters Point-South Bayshore area and provide jobs.

The stadium shall be designed and constructed by the San Francisco Forty Niners, or an affiliate thereof, or a developer selected by the San Francisco Forty Niners or an affiliate thereof, through a combination of public and private financing.

The stadium shall be constructed in conjunction with the retail shopping and entertainment center.

The City and County of San Francisco shall retain ownership of the land upon which the stadium and retail shopping and entertainment center shall be built.

The City and County of San Francisco shall enter into one or more ground leases with the San Francisco Forty Niners, or an affiliate thereof, or the developer of the stadium and/or retail shopping and entertainment center, selected by the San Francisco Forty Niners or its affiliate, for the stadium and retail shopping and entertainment center site.

Development of the stadium and retail and entertainment center shall incorporate open space and shall be consistent with the purposes of the Candlestick Point State Recreation Area and the recreational opportunities presently available in that area, including shoreline trails and shoreline access to San Francisco Bay.

The existing stadium shall be demolished once the new stadium is completed and ready for occupancy, provided that the Giants baseball team has relocated to a new facility.

The stadium and retail shopping and entertainment center will produce substantial economic and public benefits for San Francisco residents generally and for the residents and business owners of the Bayview-Hunters Point-South Bayshore community specifically.

The stadium and retail shopping and entertainment center, and all related parking, will satisfy any public trust requirements and restrictions applicable to any portion of the site consisting of former tidelands and submerged lands.

Section 2. [Implementation]

Promptly following the effective date of this ordinance, the City and County of San Francisco, through the Board of Supervisors, the Planning Commission, Redevelopment Agency and other appropriate officials, boards or commissions, shall proceed to cooperate with the San Francisco Forty Niners, or its affiliate, in taking all action necessary to achieve the purposes of this ordinance, including but not limited to assisting in the negotiations for property acquisition and applying for conforming amendments to all applicable state and regional plans and regulations.

Section 3. [Election Under Charter Section 4.113]

Pursuant to San Francisco Charter Section 4.113, the electors of the City and County of San Francisco hereby approve the lease for non-recreational purposes of, and the construction, development, operation, maintenance, repair and replacement of structures for non-recreational purposes on, any and all of the park land presently under the jurisdiction of the City's Recreation and Park Commission and located within the boundaries of the Candlestick Point Special Use District as defined in this ordinance, including the property currently used for the existing stadium and paved stadium parking.

Section 4. [General Plan; Amendment]

The General Plan of the City and County of San Francisco is hereby amended as follows:

(a) Figure 3 ("Generalized Land Use and Density") of the South Bayshore Area Plan Element shall be amended to redesignate the property generally bounded by Jamestown Avenue Extension, Giants Drive, Gilman Avenue, Arelious Walker Drive (Fitch Street), Carroll Avenue, Griffith Street, and San Francisco Bay, as the "Candlestick Point Special Use District."

(b) Figure 4 ("Candlestick Point Perimeter Proposed Revitalization Area") of the South

Bayshore Area Plan Element shall be amended to indicate that the property within the Candlestick Point Special Use District shall be devoted to "Stadium, Commercial, Parking and Open Space" uses.

(c) New Policy 7.4 shall be added to the South Bayshore Area Plan Element to read as follows:

POLICY 7.4

Encourage commercial development within the Candlestick Point Special Use District that will complement a new sports stadium and the other commercial areas within the South Bayshore Area and the City, and that will create job opportunities for South Bayshore residents.

The existing sports stadium within this district may be replaced with a new professional football stadium of a size and character suitable for hosting the National Football League's Super Bowl on a regular basis. The construction of a new football stadium should be accompanied by development of retail and entertainment uses complementary to the stadium that will assist in revitalizing the economy of the area and create employment opportunities for South Bayshore residents. The City should require developers of new uses within the district to make good faith efforts to provide both construction and permanent jobs to South Bayshore residents.

Commercial development within the district should consist primarily of destination-oriented uses that will supplement, and not substitute for, neighborhood-serving retail services within the South Bayshore area and particularly in the Third Street core commercial area. Structures to house retail and entertainment uses within the Candlestick Point Special Use District should be integrally linked to, and should be planned and developed as a comprehensive unit with, the stadium complex. The existing shoreline trail should be retained and enhanced. In addition, commercial development within the district should incorporate open space areas to the extent feasible. Transportation and transit improvements should be made in conjunction with development within the district. The City, with public input, should coordinate development within the Candlestick Point Special Use District with on-going revitalization efforts for the South Bayshore area.

(d) Map 1 of the Recreation and Open Space Element shall be amended so that all property within the Candlestick Point Special Use District that is shown as property owned by the "Recreation and Park Department" shall be shown instead as property owned by "Other City Departments".

(e) Maps 2, 4, 8 and 9 of the Recreation and

(Continued on next page)

LEGAL TEXT OF PROPOSITION F (Continued)

Open Space Element shall be amended by deleting all property within the Candlestick Point Special Use District from the "Existing Public Open Space" designation on Maps 2 and 4; the "Public Open Space" designation on Map 8; and the "Public Recreation and Open Space" designation on Map 9.

(f) Map 2 of the Commerce and Industry Element shall be amended to add a notation for all property within the Candlestick Point Special Use District that states, "Candlestick Point Special Use District; see applicable Planning Code provisions."

(g) Map 4 of the Urban Design Element shall be amended to add a notation for all property within the Candlestick Point Special Use District that states, "Candlestick Point Special Use District; see applicable Planning Code provisions."

(h) The Land Use Index shall be amended to conform to the amendments made above in subsections (a) through (g) in this Section 4.

Section 5. [Special Use District]

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 249.19 to read as follows:

"Section 249.19 Candlestick Point Special Use District.

A Special Use District entitled the "Candlestick Point Special Use District," the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which is generally bounded by Jamestown Avenue Extension, Giants Drive, Gilman Avenue, Aurelius Walker Drive (Fitch Street), Carroll Avenue, Griffith Street, and San Francisco Bay, is hereby established for the purposes set forth below. The following provisions shall apply within the Candlestick Point Special Use District:

(a) **Purposes.** The following controls, imposed in the Candlestick Point Special Use District, shall accommodate the development of a stadium suitable for professional football and the National Football League's Super Bowl ("Stadium") and a retail shopping and entertainment center ("Retail/Entertainment Center"), together with open space and related parking facilities (collectively, the "Combined Project"), as principal uses, and other uses as conditional uses.

(b) **Controls.** The specific controls set forth herein shall apply only to the principal uses and conditional uses described in this Section 249.19(b). Any other development not described herein shall be governed by the underlying zoning controls.

(1) **Principal Uses.** The following uses shall be permitted as principal uses in this Special Use District:

(i) **Stadium:** A stadium, primarily to be used for professional football, but which may also be used for other sporting events or outdoor entertainment events, and which may include other assembly and entertainment uses, and other uses related to the stadium, including retail sales and personal service uses, sports clubs, restaurants and office uses accessory to the stadium (which shall not be deemed an "office development" subject to the provisions of Planning Code Sections 309 through 325 et seq.).

(ii) **Retail/Entertainment Center:** A Retail/Entertainment Center which may include any type or size of retail establishment, restaurant, bar, entertainment use (including but not limited to movie theaters), amusement enterprise (including but not limited to arcades, nightclubs, bowling alleys, and skating rinks), and amusement park. Principal uses allowed under this subsection (ii) shall be limited to a total of 1,400,000 square feet of occupied floor area.

(iii) **Open Space:** Areas devoted to landscaping, shoreline access, shoreline trails, and active or passive recreational uses. The areas used for passive or active recreational uses may also be used as temporary parking areas to support stadium events, provided that such areas shall not be paved and shall include drainage and other improvements appropriate for both open space and temporary parking uses.

(iv) **Parking:** Off-street vehicle parking, provided by surface parking lots or underground or above ground parking garages to serve the Stadium and Retail/Entertainment Center.

(2) **Conditional Uses.** The Planning Commission may authorize the following uses within the Special Use District as a conditional use:

(i) Any principally permitted uses allowed under Section 249.19(b)(1)(ii) which exceed a total of 1,400,000 square feet of occupied floor area.

(ii) Any use not specified in subsection (b)(1) above and permitted in any C District, as that term is defined in Planning Code Section 102.5.

(3) **Prohibited Uses.** Adult entertainment establishments, as defined in Planning Code Section 790.36, massage establishments as defined in Planning Code Section 790.60 and any type of gaming, wagering or gambling establishment, shall not be permitted within the Special Use District.

(4) **Floor Area Ratio.** There shall be no floor area ratio limitation for the Combined Project or any approved conditional use.

(5) **Design Review By Planning Commission.** Any application for a new structure, or major alteration of an existing structure, to house a use permitted by this section as a principal use under Section 249.19(b)(1) shall

be subject to design review and approval by the Planning Commission. The Planning Commission shall approve such application if it finds that the proposed development meets the applicable height, bulk, floor area limitation and parking standards of this Section 249.19(b), and is consistent with the Priority Policies set forth in Planning Code Section 101.1, and that the architectural design of the structures, the landscaping, and the quantity and design of usable open space are appropriate for the intended use, location and purpose of the structure(s). The Planning Commission shall take final action on any completed application for a development permitted by this section within 60 days of its first public hearing on the application. The procedures and criteria in this subsection shall govern in lieu of the discretionary review process set forth in Section 26 of Part III of the San Francisco Municipal Code. The fee for review of any application under this subsection shall be based on the cost of the time and materials (calculated at a rate of \$77/hour as may be adjusted by the Consumer Price Index) up to a maximum fee of \$14,800.

(6) **Parking.** Parking shall be governed by Article 1.5 of the Planning Code unless otherwise specified in this subsection.

(i) Planning Code Section 159 and subsections (a), (b), (h) and (p) of Planning Code Section 155 shall not apply to parking provided within the Special Use District. Planning Code Sections 155(i) and (j) shall apply only to the amount of parking required under Section 151.

(ii) For the purposes of calculating minimum required parking under Planning Code Section 151, in no case shall the total number of required parking spaces for the Combined Project exceed the greater of either the parking spaces calculated for the Stadium or the parking spaces calculated for the Retail/Entertainment Center, standing alone.

(7) **Appeal.** The Planning Commission's determination on the design of the Combined Project pursuant to Section 249.19(b)(5) shall be a final determination on all design issues, except that the Arts Commission shall review the design, if required by Charter Section 5.103. Notwithstanding the provisions of Section 26 of Part III of the San Francisco Municipal Code, review by the Board of Appeals on the issuance of any demolition permit, building or site permit in this Special Use District shall be limited to compliance with the San Francisco Building Code, Health Code and Fire Code.

(c) **State Park Land.** To the extent any land owned or otherwise under the jurisdiction or control of the California Department of Parks and Recreation is included within the boundaries of the Special Use District, any development on such land shall be consistent with the purpose of the Candlestick Point State

(Continued on next page)

LEGAL TEXT OF PROPOSITION F (Continued)

Recreation Area and shall continue to make available to the people the recreational opportunities that are offered by the shoreline, waters and environment of San Francisco Bay. To this end, no development shall be permitted within 120 feet of the shoreline of the San Francisco Bay, as measured at mean low tide.

Section 6. [Height Limit; Exceptions]

(a) Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 263.14 to read as follows:

"Section 263.14. Height Restrictions for Candlestick Point Special Use District.

In the 60/150-200-X Height and Bulk District as designated on Sectional Map No. 10H of the Zoning Map, the height limit shall be 60 feet, except that heights up to 200 feet shall be permitted for any stadium use permitted within the Candlestick Point Special Use District. An exception to the 60 foot height limit may be granted by the Planning Commission as a conditional use within the Candlestick Point Special Use District, up to a maximum height of 150 feet. In the event any stadium constructed within the Special Use District is integrated into a retail shopping center or other structure, any transitional structures which connect or otherwise attach the stadium to the other structure shall be considered part of the stadium for purposes of determining the permissible height of the transitional structure. All structures within the Candlestick Point Special Use District shall be exempt from the provisions of Planning Code Section 295.

(b) Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding subsection (L) to Section 260(b)(1) to enact the following exemption from height limits otherwise established by the City Planning Code:

"(L) In the Candlestick Point Special Use District, light standards for the purpose of the lighting the stadium, scoreboards associated with the stadium, and flagpoles and other ornamentation associated with the stadium."

Section 7. [Signs]

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 608.51 to read as follows:

"Section 608.51. Signs for Uses Within the Candlestick Point Special Use District.

Any sign that directs attention to a business, commodity, service, industry or other activity that is or will be sold, offered or conducted within the Candlestick Point Special Use District and that either is greater than 200 square feet in area or extends above the roofline of the building upon which the sign is located ("SUD Sign") shall be permitted within the Candlestick Park Special Sign District if approved by the Planning Commission as a

conditional use. Planning Code Sections 608.4, 608.5 and 609.2, or any other regulation applicable to signs within the Candlestick Park Special Sign District, shall not apply to SUD Signs. SUD Signs shall conform to the restrictions set forth in Planning Code Section 607 for signs in C-3 Districts, except that there shall be no height limit for SUD Signs. The Planning Commission may authorize an SUD Sign as a conditional use if the design of the sign and any associated sign structure is appropriate for the intended use and location. This criterion shall be in lieu of the criteria set forth in Planning Code Section 303(c)(1) through (4). Any scoreboard or sign within a stadium located in the Candlestick Point Special Use District shall be exempt from regulation under Article 6 of the Planning Code. Principally permitted signs within the Special Use District shall be consistent with a sign program submitted and approved by the Planning Commission as part of the design review process for the Candlestick Point Special Use District.

Section 8. [Special Use District Boundaries; Zoning Maps]

(a) The boundaries of the Candlestick Point Special Use District created by this Ordinance are shown in Figure 1 attached hereto, which is provided for general orientation purposes only.

(b) Special Use Map. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco to include the Candlestick Point Special Use District, the boundaries of which are hereinafter described.

The Special Use District shall include property bounded as follows, with street boundaries following the centerline of the referenced streets: Beginning at the point which is the intersection of Giants Drive and Gilman Avenue (the point of beginning), along Gilman Avenue to Arelious Walker Drive (also known as Fitch Street), along Arelious Walker Drive to Carroll Avenue, along Carroll Avenue to Griffith Street (a mapped but unconstructed street), along Griffith Street to the San Francisco Bay shoreline, then continuing south along the San Francisco Bay shoreline to Alvord Street (a mapped but unconstructed street), then continuing south and west along a line extending from Alvord Street to the San Francisco Bay shoreline, continuing east along the San Francisco Bay shoreline to Coleman Street (a mapped but unconstructed street), then north and east along Coleman Street to Jamestown Avenue Extension, then along the Jamestown Avenue Extension to the farthest west point of Assessor's Block No. 5000, then along the north west border of Assessor's Block No. 5000 to Giants Drive, then along Giants Drive to the intersection of Giants Drive and

Gilman Avenue (the point of beginning).

Existing Use Districts	Use District Hereby Approved
P, M-1, M-2, RH-2	To Existing Use Districts Add the Candlestick Point Special Use District Overlay

(c) Height and Bulk, Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sectional Map No. 10 H of the Zoning Maps to enact the following changes in the height and bulk classifications for the property within the Candlestick Point Special Use District, as more particularly described in subsection (b) in this Section 8.

Height and Bulk Districts to be Superseded	Height and Bulk District Hereby Approved
OS; 40-X	60/150-200-X

Section 9. [Waterfront Plan]

Chapter 61 of the San Francisco Administrative Code ("Waterfront Land Use"), adopted by the People of the City and County of San Francisco pursuant to Proposition H, is hereby amended as follows:

(a) Section 61.2(d) shall be amended by adding the following subsection:

"(3) This provision shall not be applicable to any new development within the Candlestick Point Special Use District."

(b) Section 61.4 shall be amended by adding the following subsection:

"(i) Within the Candlestick Point Special Use District, any use that is permitted as a principal or conditional use under Planning Code Section 249.19."

Section 10. [Public Contracting Provisions]

Notwithstanding any provision of the San Francisco Municipal Code (the "Municipal Code") or any other ordinance or regulation of the City and County of San Francisco to the contrary, the Stadium, Retail/Entertainment Center and related physical improvements and infrastructure to be constructed in the Candlestick Point Special Use District shall not be deemed to be a "public work or improvement" as that term or any similar term is used in any provision of the Municipal Code or any other ordinance or regulation of the City and County of San Francisco, including but not limited to, Chapter 6 of the San Francisco Administrative Code. No provision of the Municipal Code, nor any other ordinance or regulation of the City and County of San Francisco shall be deemed to require the person or entities, including the City and County of San Francisco, constructing any portion or all of the Stadium, Retail/Entertainment Center and related improvements and infrastructure, to follow any particular procedure, comply with any bidding or advertising requirements, or otherwise engage in any particular practice with respect to the selection of contractors or sub-

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LEGAL TEXT OF PROPOSITION F (Continued)

contractors for the award of contracts or sub-contracts for the design, construction, purchase of materials, management or operation of any portion or all of the stadium, retail shopping and entertainment center and associated improvements; provided, however, the design and construction of the Stadium, Retail/Entertainment Center and related improvements and infrastructure shall be subject to the applicable provisions of Chapter 12B, 12C and 12D of the San Francisco Administrative Code and to the terms and conditions of any public financing and the ground lease or leases. It is the intent of the people of the City and County of San Francisco, in adopting this section of this Ordinance, that the design and construction of the Stadium, Retail/Entertainment Center and related improvements and infrastructure shall be done

in an expeditious manner, and shall not be undertaken as if such design and construction were the design and construction of conventional public work or improvement. This section shall be liberally construed to fulfill this intent.

Section 11. [Redevelopment Agency]

The Candlestick Point Special Use District is within the South Bayshore Redevelopment Survey Area. In the event that a Redevelopment Project Area is adopted which includes the Combined Project, the Combined Project shall be subject to the authority of the Redevelopment Agency of the City and County of San Francisco authority pursuant to state law.

Section 12. [Compliance With Laws]

Except as otherwise specified herein, the construction of the Combined Project shall be subject to all federal, state and local laws, ordi-

nances and regulations (as the same may be amended), including but not limited to the California Environmental Quality Act (Public Resources Code Section 21000, et seq.).

Section 13. [Amendment]

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, provided that such amendments are consistent with the purpose and intent of this ordinance.

Section 14. [Severability]

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.