

BOARD of SUPERVISORS



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August 1, 2017

**File No. 170864**

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On July 25, 2017, Mayor Lee introduced the following proposed legislation:

**File No. 170864**

**Ordinance amending the Planning Code and the Zoning Map to add the Pier 70 Special Use District; making findings under the California Environmental Quality Act, and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

1 [Planning Code, Zoning Map - Pier 70 Special Use District]

2  
3 **Ordinance amending the Planning Code and the Zoning Map to add the Pier 70 Special**  
4 **Use District; making findings under the California Environmental Quality Act, and**  
5 **making findings of consistency with the General Plan, the eight priority policies of**  
6 **Planning Code, Section 101.1, and Planning Code, Section 302.**

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

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

15 Section 1. Planning and Environmental Findings.

16 (a) California Environmental Quality Act.

17 (1) At its hearing on \_\_\_\_\_, and prior to recommending the proposed  
18 Planning Code amendments for approval, by Motion No. \_\_\_\_\_, the Planning  
19 Commission certified a Final Environmental Impact Report (FEIR) for the Pier 70 Mixed-Use  
20 District Project (Project) pursuant to the California Environmental Quality Act (CEQA)  
21 (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal.  
22 Code Reg. Section 15000 et seq.), and Chapter 31 of the Administrative Code. A copy of said  
23 Motion is in Board of Supervisors File No. \_\_\_\_\_, and is incorporated herein by  
24 reference. In accordance with the actions contemplated herein, this Board has reviewed the  
25 FEIR, concurs with its conclusions, affirms the Planning Commission's certification of the

1 FEIR, and finds that the actions contemplated herein are within the scope of the Project  
2 described and analyzed in the FEIR.

3 (2) In recommending the proposed Planning Code Amendments for approval by  
4 this Board at its hearing on \_\_\_\_\_, by Motion No. \_\_\_\_\_, the Planning  
5 Commission also adopted findings under CEQA, including a statement of overriding  
6 consideration, and a Mitigation Monitoring and Reporting Program (MMRP). A copy of said  
7 Motion and MMRP are in Board of Supervisors File No. \_\_\_\_\_, and is incorporated  
8 herein by reference. The Board hereby adopts and incorporates by reference as though fully  
9 set forth herein the Planning Commission's CEQA approval findings, including the statement  
10 of overriding considerations. The Board also adopts and incorporates by reference as though  
11 fully set forth herein the Project's MMRP.

12 (b) At the same hearing on \_\_\_\_\_, the Planning Commission, in Resolution  
13 No. \_\_\_\_\_, adopted findings that the actions contemplated in this ordinance are  
14 consistent, on balance, with the City's General Plan and eight priority policies of Planning  
15 Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution  
16 is in Board of Supervisors File No. \_\_\_\_\_, and is incorporated herein by reference.

17 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
18 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
19 in Planning Commission Resolution No. \_\_\_\_\_, and the Board incorporates such  
20 reasons herein by reference.

21  
22 Section 2. The Planning Code is hereby amended by adding Section 249.79, to read  
23 as follows:

24 **SEC. 249.79. PIER 70 SPECIAL USE DISTRICT.**  
25

1           *(a) Purpose and Boundaries. To facilitate the City’s long-term goal of redevelopment and*  
2 *revitalization of a portion of Pier 70, a Special Use District entitled the “Pier 70 Special Use District”*  
3 *(SUD) is hereby established. The boundaries of the SUD are shown on Sectional Map SU08 of the*  
4 *Zoning Map. The purpose of this SUD is to give effect to the Development Agreement (DA) and*  
5 *Disposition and Development Agreement (DDA) for the Pier 70 Mixed-Use Project (Project), as*  
6 *approved by the Board of Supervisors by Ordinance No. \_\_\_\_\_ . The Project will provide*  
7 *several benefits to the City, such as a significant amount of affordable housing, increased public access*  
8 *and open space, facilities for small-scale manufacturing, extensive infrastructure improvements, and*  
9 *replacement space for Noonan Building tenants, while creating jobs, housing, and a vibrant community*  
10 *as contemplated under California Assembly Bill 418 (AB 418) (Stats. 2011, ch. 477), which made Pier*  
11 *70-specific amendments to the Burton Act (Stats. 1969, ch. 1333).*

12           *(b) Role of Port Commission. The majority of the property within the SUD is under the*  
13 *jurisdiction of the Port Commission, and Port lands are subject to land use controls additional to this*  
14 *Municipal Code. As authorized under AB 418, the Port may hold, use, conduct, operate, maintain,*  
15 *manage, administer, regulate, improve, sell, lease, encumber, and control nontrust lands and*  
16 *improvements within the SUD for any purpose on conditions specified in AB 418. In the event of a*  
17 *conflict between this Code and the Burton Act, AB 418, or the McAteer-Petris Act (Cal. Gov’t Code §§*  
18 *66600 et seq.), state law shall prevail.*

19           *(c) Relationship to Design for Development. The Pier 70 Design for Development (Design for*  
20 *Development), adopted by the Planning Commission and Port Commission and as may be periodically*  
21 *amended, sets forth Standards and Guidelines applicable within the SUD and is incorporated here by*  
22 *reference. Any term used in this Section 249.79 and not otherwise defined in this Code shall have the*  
23 *meaning ascribed to it in the Design for Development. The Port shall have exclusive jurisdiction and*  
24 *approval rights over amendments to the Design for Development that affect only open space and right-*  
25 *of-way development within the SUD, which include Design for Development, Chapter 3 (Open Space*

1 Network); Chapter 4 (Streets and Streetscapes); Section 7.2 (Street Lighting); Section 7.3 (Open Space  
2 Lighting); Section 7.6 (Wayfinding Signage); and Section 7.8 (Public Art). Other than as specified  
3 above, the Port Commission and the Planning Commission may amend the Design for Development  
4 upon initiation by either body or upon application by an owner or ground lessee of property within the  
5 SUD, to the extent that such amendment is consistent with this Section, the General Plan, and the DA.  
6 Both the Port Commission and Planning Commission shall approve any such amendment to the Design  
7 for Development that does not exclusively affect the open space and right-of-way Chapters and  
8 Sections of the Design for Development identified in this subsection (c) as being within the exclusive  
9 jurisdiction of the Port Commission.

10 (d) **Relationship to Other Planning Code Provisions.** Applicable provisions of the Planning  
11 Code shall control except as otherwise provided in this Section 249.79, the Design for Development,  
12 and the DA (so long as the DA is in effect). In the event of a conflict between other provisions of the  
13 Planning Code and the Design for Development or this Section 249.79 (and further subject to  
14 subsection (e) below), this Section 249.79 and the Design for Development shall control.

15 (e) **Development Controls.** Development and uses of property within the SUD shall be  
16 regulated by the controls contained in this Section 249.79 and in the Design for Development,  
17 provided, however, that if there is any inconsistency between this Section and the Design for  
18 Development, this Section shall control.

19 (f) **Definitions.** If not explicitly superseded by definitions established in this Section 249.79 or  
20 the Design for Development, the definitions in this Code shall apply. Later amendments to the  
21 definitions in this Code shall apply where not in conflict with this Section 249.79, the Design for  
22 Development, or the DA. In addition to the specific definitions set forth elsewhere in this Section  
23 249.79, the following definitions shall govern interpretation of this Section:

24 "Applicant" means the ground lessee, owner, or authorized agent of the owner or ground lessee  
25 of a development parcel.

1 “Building Standards” means the standards applicable to Buildings and any associated  
2 privately-owned open spaces within the SUD, consisting of the standards specified in subsection (h)  
3 and the standards identified as such in the Design for Development.

4 “Executive Director” means the Executive Director of the Port of San Francisco.

5 “Historic Building” means one of the existing structures commonly known as Historic Building  
6 2, Historic Building 12, or Historic Building 21, which are part of the Union Iron Works Historic  
7 District (listed on the National Register of Historic Places).

8 “Horizontal Development” means construction of Public Facilities.

9 “Major Modification” means a deviation of 10 percent or more from any dimensional or  
10 numerical standard in this SUD or in the Design for Development, except as explicitly prohibited per  
11 subsection (i).

12 “Minor Modification” means a deviation of less than 10 percent from any dimensional or  
13 numerical standard in this SUD or in the Design for Development, except as explicitly prohibited per  
14 subsection (i), or from any non-numerical standard in the Design for Development.

15 “Proposition F” means the Union Iron Works Historic District Housing, Waterfront Parks,  
16 Jobs and Preservation Initiative adopted by the voters on November 4, 2015.

17 “Public Facilities” include completed utility infrastructure; recreational, open space, and  
18 public access areas; public rights-of-way; and other improvements in the public realm that will be  
19 under City and Port jurisdiction when accepted.

20 “Vertical DDA” means a Vertical Disposition and Development Agreement between the Port  
21 and an Applicant that sets forth contractual terms and conditions governing the Applicant’s  
22 development of Vertical Improvements.

23 “Vertical Improvements” means new construction of a Building and any later expansion or  
24 major alteration of or addition to a previously approved Building within the SUD.

25 (g) Uses.

1 (1) Permitted Uses. The following uses set forth in Table 249.79(g)(1) below shall be  
 2 permitted as indicated within the SUD, where P means Permitted Use and NP means Non-permitted  
 3 Use.

4

5 **Table 249.79(g)(1)**

6 **Land Uses**

7 <u>Pier 70</u> <u>SUD</u> <u>Parcels</u> <u>(as</u> <u>shown</u> <u>in</u> <u>Figures</u> <u>1 and 2)</u>	<u>Residen-</u> <u>tial Uses</u>	<u>Institution-</u> <u>al Uses</u>	<u>Retail</u> <u>Uses</u>	<u>Office</u> <u>Uses</u>	<u>Entertain-</u> <u>ment,</u> <u>Arts, and</u> <u>Recreat-</u> <u>ion Uses</u>	<u>Industrial</u> <u>Uses</u>	<u>PDR</u> <u>Uses</u>	<u>Parking</u> <u>Lot</u>	<u>Parking</u> <u>Garage</u>
11 <u>2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)</u> <u>(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
13 <u>12</u>	<u>NP</u>	<u>P</u>	<u>P(2)</u>	<u>P(3)(4)</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
14 <u>21</u>	<u>NP</u>	<u>P</u>	<u>P(2)</u>	<u>NP</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
15 <u>A</u>	<u>NP</u>	<u>P</u>	<u>P(2)</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
16 <u>B</u>	<u>NP</u>	<u>P</u>	<u>P(2)</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
17 <u>C1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)</u> <u>(12)</u>	<u>NP(13)</u>	<u>P</u>
19 <u>C2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(9)(10)</u>	<u>P(11)</u> <u>(12)</u>	<u>NP(13)</u>	<u>P</u>
21 <u>D</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)</u> <u>(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
23 <u>E1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)</u> <u>(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
25 <u>E2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>

							(12)		
<u>E3</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		
<u>E4</u>	<u>NP</u>	<u>P</u>	<u>P(2)</u>	<u>P(3)(4)</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
<u>F/G</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		
<u>H1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		
<u>H2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		
<u>PKN</u>	<u>P(1)</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		
<u>PKS</u>	<u>P(1)</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		
<u>HDY3</u>	<u>P(1)</u>	<u>P</u>	<u>P</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		
<u>HDY1/2</u>	<u>P(1)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
							(12)		

Notes:

(1) Ground Floor Residential on Illinois Street is NP.

(2) Tourist Hotel is NP.

(3) Service, Medical is NP.

(4) Office Use is NP on Ground Floor.

(5) Office Use is P on Ground Floor only.

(6) Movie Theater is P if no more than three screens.



1           (7) Movie Theater is NP.

2           (8) Livery Stables are NP.

3           (9) Automobile Assembly, Food Fiber and Beverage Processing I, Light Manufacturing, Metal  
4 Working are P. Other Industrial Uses are NP.

5           (10) Food Fiber and Beverage Processing I, Light Manufacturing are P on Ground Floor only  
6 if Building contains Residential.

7           (11) PDR Automotive Services Station, Storage, Stable, and Utility Yard are NP. PDR  
8 Automotive Service Station are P if Predominant Use is District Garage.

9           (12) PDR Uses not already restricted as NP herein are P on the Ground Floor only if Building  
10 contains Residential

11           (13) Parking Lots are NP (except as provided for in Section 249.79(g)(3) as an interim use).

12           (14) Accessory Parking is P.

13           (2) Temporary Uses. The Executive Director may approve without a public hearing  
14 any of the following uses ("Temporary Uses") for a period not to exceed 90 days, or for such longer  
15 period of time as may be approved by the Executive Director under any Port lease or license: booths  
16 for charitable, patriotic, or welfare purposes; markets; exhibitions, festivals, circuses, musical and  
17 theatrical performances and other forms of live entertainment including setup/load-in and  
18 demobilization/load-out; athletic events; open-air sales of agriculturally-produced seasonal  
19 decorations such as Christmas trees and Halloween pumpkins; meeting rooms and event staging;  
20 mobile food and temporary retail establishments; and automobile and truck parking and loading  
21 associated with any authorized temporary use. The Executive Director may authorize recurring  
22 Temporary Uses (such as a weekly farmers market) under a single authorization.

23           (3) Interim Uses. The Executive Director may approve any use listed in this section  
24 ("Interim Use") without a public hearing for a period not to exceed five years if the Executive Director  
25 finds that such Interim Use will not impede orderly development consistent with this Section 249.79, the

1 Design for Development, and the DA. Interim Uses are limited to uses in the existing Historic  
2 Buildings, unimproved areas, and open spaces. Any Interim Use listed in this section that is integral to  
3 development under the DA, DDA, or Vertical DDA, and is permitted by the Port under any Port lease  
4 or license shall not require separate authorization as an Interim or Temporary use (for example, uses  
5 incidental to environmental clean-up, demolition and construction, storage, and automobile and truck  
6 parking and loading related to construction activities). Any authorization granted pursuant to this  
7 Subsection 249.79(g)(3) shall not exempt the applicant from obtaining any other permit required by  
8 law. Additional time for such uses may be authorized upon a new application. Interim Uses the  
9 Executive Director may authorize include, but are not limited to:

10 (A) Retail activities, which may include the on-site assembly, production or sale  
11 of food, beverages, and goods, the operation of restaurants or other retail food service in temporary  
12 structures, outdoor seating, food trucks, and food carts;

13 (B) Temporary art installations, exhibits, and sales;

14 (C) Recreational facilities and uses (such as play and climbing structures and  
15 outdoor fitness classes);

16 (D) Motor vehicle and bicycle parking;

17 (E) On-site assembly and production of goods in enclosed or unenclosed  
18 temporary structures;

19 (F) Educational activities, including but not limited to after-school day camp and  
20 activities;

21 (G) Site management service, administrative functions and customer amenities  
22 and associated loading;

23 (H) Rental or sales offices incidental to new development; and

24 (I) Entertainment uses, both unenclosed and enclosed, which may include  
25 temporary structures to accommodate stages, seating and support facilities for patrons and operations.

1                   (4) Nonconforming Uses. The Executive Director may allow the reasonable  
2 continuance, modification, or expansion of existing uses and structures that do not comply with this  
3 Section 249.79 or the Design for Development upon a determination that the use would not impede the  
4 orderly development of the SUD consistent with this Section, the DA, the DDA, and any Vertical DDA.

5                   (5) Ground Floor Frontages.

6                   (A) Priority Retail Frontages. As listed below, a minimum of 50 percent of the  
7 shaded Priority Retail Frontage zone shown in Figure 1 shall be occupied by the following uses (each,  
8 a “Priority Retail” use) as defined in Section 2.2 of the Design for Development (Ground Floor Uses):

9                           (i) Retail (including personal services and excluding medical services,  
10 financial services, banks, real estate services, or retail automotive uses);

11                                   (ii) Bar and restaurant;

12                                   (iii) Arts activities;

13                                   (iv) PDR; and

14                                   (v) Entertainment.

15                   (B) As an exception to the above, Parcel E4, due to its waterfront location, shall  
16 require a minimum of 33 percent Priority Retail of the extent of the east and south frontages. The  
17 Priority Retail uses on Parcel E4 may consolidate required linear feet on a single designated frontage.

18                   (C) The minimum depth of regulated uses for all Priority Retail frontages is 25  
19 feet from the subject façade. A maximum of 40 feet of lobby frontage per building may count towards  
20 linear Priority Retail frontage requirement.

21                   (D) Retail and Service Frontages. To embed a broader set of active uses  
22 elsewhere on the site, including community facilities and personal services, Retail and Service  
23 Frontages shall occur along the northern and southern waterfront edge, as well as along the 200-foot  
24 portion of C1 facing Orton Plaza and on key gateways into the site from Illinois Street and corners  
25 adjacent to the Maryland Street corridor between 21st and 22nd Streets, as shown in Figure 1.

1 Specified frontage zones shall be limited to the Priority Retail uses listed in 249.79(g)(5)(A) plus the  
2 following additional uses (each, a “Priority Service Use”) for a minimum of 50 percent of the shaded  
3 Retail and Services frontage zone identified in Figure 1:

4 (i) Medical services;

5 (ii) Financial services and banks;

6 (iii) Fitness centers and gyms;

7 (iv) Institutions;

8 (v) Community facilities; and

9 (vi) Events and activity space.

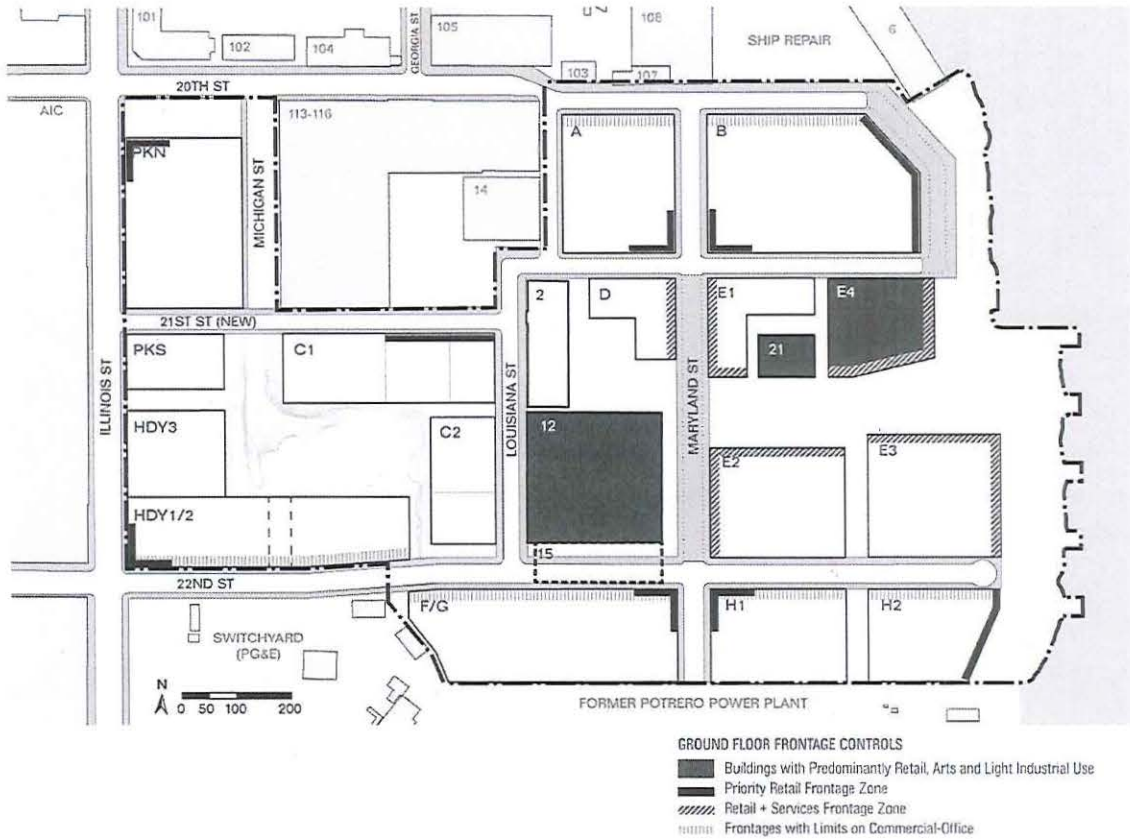
10 (vii) For C1 only, small offices up to 5,000 square feet.

11 (E) The minimum Retail and Service depth shall be 25 feet. If C1 is built as a  
12 garage, the minimum depth shall be 20 feet to preserve parking layout feasibility.

13 (F) Office Frontages. Ground floor office uses on 20th and 22nd Streets, as  
14 shown on Figure 1, shall not exceed 75 percent of the frontage for Parcels A, B, F, G, HDY, H1, and  
15 H2. Remaining portions of those frontages shall provide usable spaces for a viable non-office use,  
16 including all Priority Retail uses listed in 249.79(g)(5)(A) and Priority Service Uses listed in  
17 249.79(g)(5)(D).

18 **Figure 1: Ground Floor Frontage Controls.**

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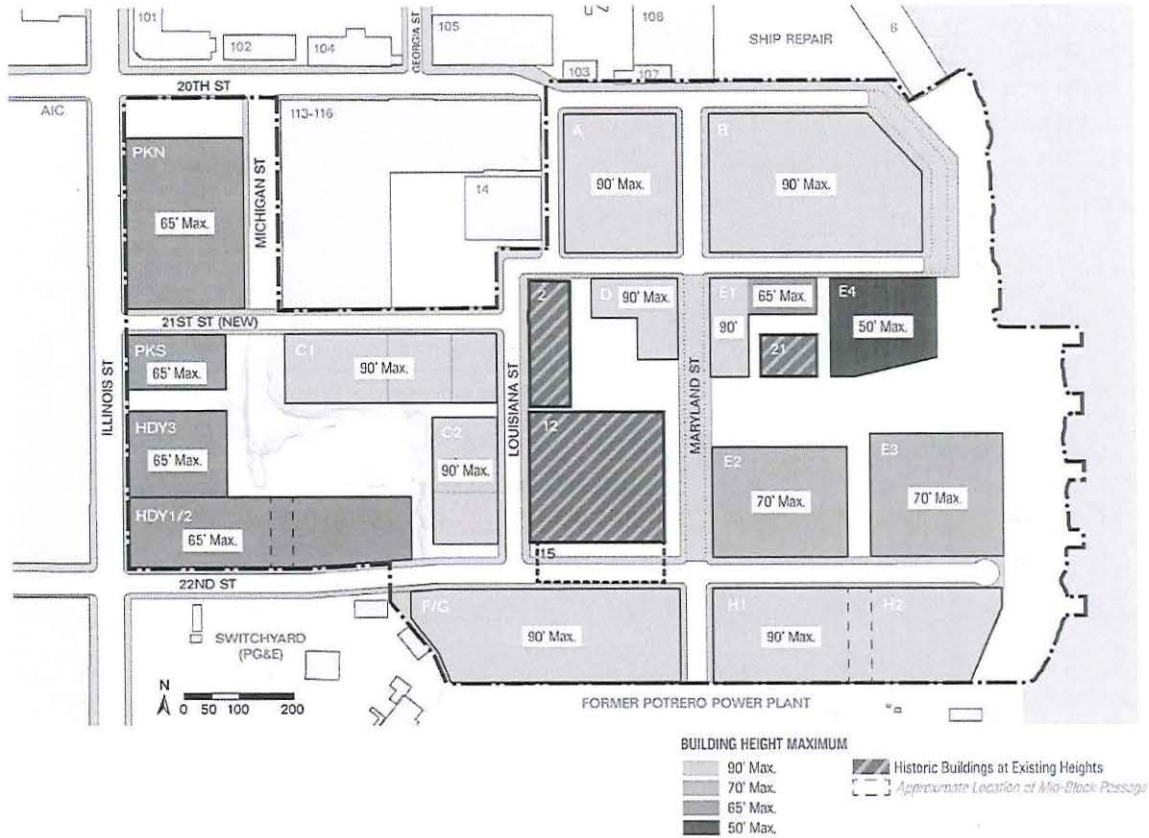


**(h) Building Standards.**

**(1) Building Height and Bulk.** *The height and bulk limits shall be as set forth on Sectional Map HT08 of the Zoning Map and as further limited and detailed in Figure 2 of this Section (Building Height Maximum) and the Design for Development.*

**Figure 2: Building Heights Maximum.**

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(2) Measurement of Height. Measurement of Height shall be governed by the controls set forth in Section 6.4 of the Design for Development (Maximum Building Height) and not as provided in Section 260.

(3) Lot Coverage and Rear Yards. Lots shall not be required to comply with any rear yard and lot coverage requirements set by this Code.

(4) Off-Street Parking. Off-street automobile parking shall not be required for any use. Total parking spaces for the SUD shall not exceed the maximum number of spaces listed in the table below. Planning will determine compliance with the off-street parking standards in accordance with

1 Subsection 249.79(l)(5) below. These requirements may be modified pursuant to implementation of the  
2 Project's Transportation Demand Management (TDM) requirement, as set forth in the DDA.

3

4 **Table 249.79(h)(4)**

5 **Maximum Permitted Off-Street Parking**

6 <u>Residential Use</u>	<u>0.6 spaces per residential unit</u>
7 <u>Office Use</u>	<u>1 space per 1500 square feet of Gross Floor</u> 8 <u>Area</u>
9 <u>All Other Uses</u>	<u>None permitted</u>

10 (5) **Bicycle Parking.** The amount and design of bicycle parking required shall be  
11 governed by the controls set forth in the Planning Code, whereas the location of required bicycle  
12 parking shall be governed by the controls set in the Design for Development.

13 (6) **Dwelling Unit Density.** There shall be no density limit for any residential use.

14 (7) **Dwelling Unit Exposure.** The provisions of Section 140 shall not apply. Dwelling  
15 units in new construction shall face onto one of the following open areas that is open to the sky:

16 (A) A public street, public alley, or mid-block passage (public or private) at  
17 least 20 feet in width;

18 (B) An exterior courtyard or terrace at least 25 feet in width that is open to a  
19 public street, public alley, mid-block passage (public or private);

20 (C) A public open space that is at least 25 feet in width, including Irish Hill, a  
21 landscape feature;

22 (D) An interior courtyard at least 25 feet in width and a maximum height of 55  
23 feet;

24 (E) An interior courtyard at least 40 feet in width without regard to height; or  
25

1                   (F) Undeveloped airspace over rooftops of either adjacent buildings within the  
2 SUD or a building on the same parcel where such building has been built to the maximum height limit  
3 allowed pursuant to this Section 249.79.

4                   (8) Open Space for Dwelling Units. In addition to any publicly-accessible open spaces  
5 described in the Design for Development, a minimum of 40 square feet of open space per dwelling unit  
6 shall be provided on each residential building parcel. Such open space may be either private or  
7 common space, and may be provided in the form of courtyards, terraces, rooftops, balconies, or other  
8 facilities. The standards for open spaces shall be governed by the controls set forth in the Design for  
9 Development and not as provided in Section 135.

10                  (9) Permitted Obstructions. Permitted obstructions over the street, alley, yard, setback,  
11 or open space (also referred to as Projections) shall be governed by the controls set forth in the Design  
12 for Development and not as provided in Section 136.

13                  (10) Streetscape Improvements. The streetscape and street tree planting requirements  
14 shall be governed by the controls set forth in the Design for Development and not as provided in  
15 Section 138.1(c).

16                  (11) Off-Street Loading. The loading requirements of Article 1.5 of the Code shall not  
17 apply. Off-Street loading shall be governed by the controls set forth in Section 5.5 and 5.6 of the Design  
18 for Development, describing number of loading spaces, loading space locations and dimensions,  
19 loading spaces for historic buildings, location of refuse and recycling, and loading access locations.

20                  (12) Signage. The requirements of Article 6 of this Code, as well as the signage  
21 guidelines of the Port, shall not apply. Building signage within the Special Use District shall be  
22 regulated by Sections 7.5 (General Signage), 7.6 (Wayfinding Signage) and 7.7 (Building Signage) of  
23 the Design for Development, regulating signage design and location for buildings and the public realm.  
24 Signage regulations in the Design for Development supplement the following signage plans to be  
25 approved by the Executive Director and the Planning Department pursuant to the DDA as follows: the



1 Pier 70 Public ROWs Signage Plan, the Pier 70 Park Parcels Signage Plan(s) and the Pier 70  
2 Interpretive Signage Plan(s) to be approved by the Executive Director, and the Pier 70 Building  
3 Signage Plan approved by both the Executive Director and Planning Director.

4 (13) **Inclusionary Housing Requirements.** The requirements of Section 415 shall apply  
5 subject to the following provisions:

6 (A) For any Rental Housing Project, each housing development project shall  
7 pay a fee based on the number of units equivalent to the 23% of the number of units in the principal  
8 rental housing project. If the project sponsor is eligible and elects to provide on-site affordable rental  
9 units, the number of affordable units constructed on-site shall be 20% of all units constructed on the  
10 project site. The Rental Units shall have an affordable rent set at an average of 80% of Area Median  
11 Income or less.

12 (B) For any housing development project consisting of Owned Units, each  
13 project shall pay a fee based on the number of units equivalent to the 28% of the number of units in the  
14 principal housing project.

15 (14) **Impact Fees.** Vertical Improvements within the SUD that are subject to the DA  
16 shall be required to pay impact fees in accordance with the DA. In recognition of the high level of in-  
17 kind improvements provided under the Design for Development and related project documents, all  
18 other Vertical Improvements within the SUD, whether subject to the DA or not, shall not be required to  
19 pay the Eastern Neighborhoods Impact Fees and Public Benefits Fund requirements set forth in Section  
20 423.

21 (15) **Transportation Fee.** Vertical Improvements that are subject to the DA shall be  
22 required to pay transportation fees in accordance with the DA, which fees shall be used by SFMTA in  
23 accordance with the Transportation Plan attached to the DA. All other Vertical Improvements within  
24 the SUD shall pay to SFMTA a “Transportation Fee” that SFMTA shall use to pay for uses permitted  
25 by the TSF Fund under Section 411A.7, including SFMTA and other agencies’ costs to design, permit,

1 construct, and install a series of transportation improvements in the area surrounding the Pier 70 SUD.  
2 The Transportation Fee will be calculated for each Vertical Improvement at 100% of the applicable  
3 TSF rate without a discount under Section 411A.3(d) as if it were a Project submitted under Section  
4 411A.3(d)(3).

5 (i) **Modifications to Building Standards.** Modification of the Building Standards may be  
6 approved on a project-by-project basis according to the procedures of set forth below.

7 (1) **No Modifications or Variances Permitted.** No modifications or variances are  
8 permitted for (A) Maximum Height established under Section (h)(1); (B) maximum building stories  
9 established in Standard 6.4.2 of the Design for Development (Maximum Stories); (C) maximum off-  
10 street parking ratios (except as provided in subsection (l)(5) below); (D) minimum required bicycle  
11 parking quantities established in Article 1.5 of Standard 5.1.1 of the Design for Development (Bicycle  
12 Parking Capacity)the Planning Code; or (E) Standard 6.18.1 (Key Facades 200-350 Feet in Length)  
13 and Standard 6.18.2 (Key Facades 350 Feet or More in Length) of the Design for Development  
14 regulating architectural treatment of primary and secondary facades. Except as explicitly provided in  
15 subsections (i)(2) and (3) below, no other standard set forth in this Section 249.79 or in the Design for  
16 Development shall be modified or varied.

17 (2) **Minor Modifications.** The Planning Director may approve a Minor Modification  
18 administratively by the procedures described in Subsection 249.79(l)(6)(A).

19 (3) **Major Modifications.** The Planning Commission shall hear any application for a  
20 Major Modification according to the procedures described in subsection 249.79(l)(6)(B).

21 (j) **Review and Approval of Development Phases and Horizontal Development.** The Port  
22 Commission shall grant a Phase Approval in accordance with the DDA for the Phase that includes the  
23 applicable Vertical Improvements before Planning may approve an application for design review under  
24 this Section 249.79.

1            (k) **Review and Approval of Open Space.** The Port Commission shall have exclusive  
2 jurisdiction over the review of proposed publicly-owned open space within the SUD for consistency  
3 with the Design for Development, including program, design, and the inclusion of any ancillary  
4 structures. Any privately-owned publicly-accessible open space on any of the development parcels shall  
5 be reviewed and approved by Planning as part of the associated Vertical Improvement.

6            (l) **Design Review and Approval of Vertical Improvements.**

7            (1) **Applications.** Applications for design review are required for all Vertical  
8 Improvements prior to issuance of building permits. An application for design review shall be filed at  
9 the Port by the owner or authorized agent of the owner of the property for which the design review is  
10 sought. Each application shall include the documents and materials necessary to determine consistency  
11 with this Section and the Design for Development, including site plans, sections, elevations, renderings,  
12 landscape plans, and exterior material samples to illustrate the overall concept design of the proposed  
13 buildings. If an Applicant requests a Major or Minor Modification, the application shall contain  
14 descriptive material such as narrative and supporting imagery, if appropriate, that describes how the  
15 proposed Vertical Improvement meets the intent of the SUD and Design for Development and provides  
16 architectural treatment and public benefit that are equivalent or superior to strict compliance with the  
17 standards.

18            (2) **Completeness.** Port and Planning staff shall review the application for  
19 completeness and advise the Applicant in writing of any deficiencies within 30 days after receipt of the  
20 application or, if applicable, within 15 days after receipt of any supplemental information requested  
21 pursuant to this Section. Review by Port staff shall also include a review for compliance with the  
22 requirements of the applicable Vertical DDA. If staff does not so advise the applicant, the application  
23 shall be deemed complete.

24            (3) **Staff Design Review of Buildings.** Each application for Vertical Improvements  
25 shall be subject to the administrative design review process set forth in this subsection (l). Upon a

1 determination of completeness (or deemed completeness), staff shall conduct design review and  
2 prepare a staff report determining compliance of the Vertical Improvement with this Section 249.79  
3 and the Design for Development, including a recommendation regarding any modifications sought.  
4 Such staff report shall be delivered to the Applicant and any third parties requesting notice in writing,  
5 shall be kept on file, and posted on the Department's website for public review, within 60 days of the  
6 determination of completeness (or deemed completeness).

7 If staff determines that the Vertical Improvement is not compliant with the Design for  
8 Development and this Section 249.79, it will notify the Applicant within the applicable 60-day period,  
9 in which case, the Applicant may resubmit the Application and the requirements under Section(l)(1)  
10 through Section (l)(3) apply anew, except the time for staff review shall be 30 days.

11 (4) **Port Review of Historic Buildings.** Port staff shall review schematic designs for  
12 each Historic Building in accordance with the procedures set forth in the ground lease between Port  
13 and the Applicant for the applicable Historic Building. Port staff review shall include a determination  
14 of consistency with the Design for Development and applicable mitigation measures, including  
15 compliance with Secretary of the Interior's Standards for the Treatment of Historic Properties.

16 (5) **Off-Street Parking.** It is the intent of this SUD that at full build-out of all parcels in  
17 the SUD, the total number of off-street parking spaces within the SUD shall not exceed the applicable  
18 maximum parking ratios specified in Table 249.79(h)(4) above. The maximum parking ratios shall not  
19 apply to individual Vertical Improvements or parcels, but shall be considered cumulatively for the SUD  
20 as a whole. To ensure compliance with the maximum parking ratios on a periodic basis during the  
21 phased build-out of the SUD, the Planning Department shall not approve new off-street parking  
22 proposed within a Vertical Improvement if it determines that the amount of off-street parking proposed  
23 would cause the aggregate parking ratio in the SUD to be exceeded when taking into account the  
24 amount of parking in the proposed Vertical Improvement plus the amount of parking for all Buildings  
25 approved under this Section 249.79 as of the date of determination (without regard to whether or not

1 the Building has been constructed) at the following Development Increments: every 750 net new  
2 housing units and every 400,000 gross square feet of non-residential uses in new or rehabilitated  
3 buildings (each residential and non-residential threshold, a "Development Increment").

4 Notwithstanding the foregoing, a deviation of up to 10% above the maximum ratios shall be permitted  
5 for all increments prior to final build out and not be considered a Major Modification, Minor  
6 Modification, or otherwise inconsistent with this Section 249.79 or the Design for Development. For  
7 any increment beyond the first, the Planning Director may disallow part or all of the 10% deviation  
8 from the maximum ratios in consideration of expected build out of the SUD.

9 **(6) Approvals and Public Hearings for New Development.**

10 **(A) New Construction.** Within 10 days after the delivery and posting of the staff  
11 report in accordance with subsection (1)(3), the Planning Director shall approve or disapprove the  
12 Vertical Improvement design and any Minor Modifications based on its compliance with this Section  
13 249.79 and the Design for Development and the findings and recommendations of the staff report. If the  
14 Vertical Improvement is consistent with the numeric standards set forth in this Section 249.79 and the  
15 Design for Development, the Planning Director's discretion to approve or disapprove the Vertical  
16 Improvement shall be limited to the Vertical Improvement's consistency with the non-numeric elements  
17 of the Design for Development and the General Plan. Notwithstanding any other provisions of this  
18 Section 249.79, the Planning Director may refer an Application that proposes modification to the non-  
19 numeric elements of the Design for Development, even if not otherwise classified as a Major  
20 Modification, to the Planning Commission as a Major Modification if the Planning Director determines  
21 that the proposed modification does not meet the intent of the Standards set forth in the Design for  
22 Development.

23 **(B) Vertical Improvements Seeking Major Modifications.** Upon delivery and  
24 posting of the staff report under subsection (1)(3), the Planning Commission shall calendar the item for  
25 a public hearing at the next regular meeting of the Planning Commission (or special meeting, at the

1 Planning Commission's discretion), subject to any required noticing, for any application for Vertical  
2 Improvements seeking one or more Major Modifications and for any Vertical Improvement seeking  
3 Minor Modifications that the Planning Director, in his or her sole discretion, refers as a Major  
4 Modification. The Planning Commission shall consider all comments from the public and the  
5 recommendations of the staff report and the Planning Director in making a decision to approve or  
6 disapprove the Vertical Improvement design, including the granting of any Major or Minor  
7 Modifications.

8 (C) Notice of Hearings. Notice of hearings required by subsection (B) above  
9 shall be provided as follows:

10 (i) by mail not less than 10 days prior to the date of the hearing to the  
11 Vertical Improvement applicant, to property owners within 300 feet of the exterior boundaries of the  
12 property that is the subject of the application, using for this purpose the names and addresses as shown  
13 on the citywide assessment roll in the Office of the Tax Collector, and to any person who has requested  
14 such notice; and

15 (ii) by posting on the subject property at least 10 days prior to the date  
16 of the hearing.

17 (m) Building Permit Approval. For projects subject to the jurisdiction of the Port, the Chief  
18 Harbor Engineer shall review each building permit application for consistency with the authorizations  
19 granted pursuant to this Section 249.79. For projects outside the jurisdiction of the Port, DBI shall  
20 review each permit application for consistency with the authorizations granted pursuant to this Section  
21 249.79. The Chief Harbor Engineer and DBI shall not issue any building permit for work within the  
22 SUD that has not obtained design review approval in accordance with subsections (l)(6)(A) and (B)  
23 above to the extent applicable, or is inconsistent with standards in this Section 249.79 or the Design for  
24 Development.

1           (n) Change of Use. Before issuing any building permit or other permit or license, or for a  
 2 permit of Occupancy that would authorize a new use, a change of use or maintenance of an existing use  
 3 of any land or structure contrary to the provisions of this Section 249.79 or the Design for  
 4 Development, the Chief Harbor Engineer or DBI, as applicable, shall refer the matter to the Planning  
 5 Department for a consistency determination to be provided to the Chief Harbor Engineer or DBI, as  
 6 applicable, within 15 days of referral.

7           (o) Discretionary Review. No requests for discretionary review shall be accepted by the  
 8 Planning Department or heard by the Planning Commission for any Building in the SUD.

9  
 10           Section 3. The Planning Code is hereby amended by revising Zoning Map ZN08,  
 11 Height Map HT08, and Sectional Map SU08, as follows:

12           (a) To change the Zoning Map (ZN08) from M-2 to Pier 70 Mixed-Use District:

Assessor's Block	Lot	Current Zoning to be Superseded	Proposed Zoning to be Approved
4052	001 (partial)	M-2	Pier 70 Mixed Use District
4111	004 (partial)	M-2	
4110	001	M-2	
4110	008A	M-2	
4120	002	P	

19  
 20           (b) To change the Zoning Map (HT08) from 40-X to 90-X:

Assessor's Block	Lot	Current Height/Bulk to be Superseded	Proposed Height/Bulk to be Approved
4052	001 (partial)	40-X	90-X
4111	004 (partial)	40-X	
4120	002	40-X	

1 (c) Sectional Map SU08 is hereby amended to create the new Pier 70 Special Use  
2 District, bounded by the following streets:

3 (1) To the north, all lots fronting the southern side of and abutting the terminus  
4 of 20th Street from Illinois Street to the shoreline, including lot 4110001, a portion of lot  
5 4111004 - the southernmost portion south of a line roughly 95 feet from the southern parcel  
6 border, and a portion of lot 4052001 – the southernmost portion south of a line roughly 1,100  
7 feet from the southern parcel border, and excluding the northwestern corner roughly bounded  
8 by a line running parallel to and roughly 265 feet south of 20th Street, and a line parallel to  
9 and roughly 800 feet east of Illinois Street;


10 (2) To the east, all lots fronting the shoreline between 20th and 22nd Streets;

11 (3) To the south, all lots fronting the northern side of 22nd Street, and abutting  
12 the terminus of 22nd Street from Illinois St to the shoreline;

13 (4) To the west, all lots fronting the eastern side of Illinois St, from 20th Street to  
14 22nd Street.

15  
16 Section 4. Effective Date. This ordinance shall become effective 30 days after  
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
19 of Supervisors overrides the Mayor's veto of the ordinance.

20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

23 By:   
24 ANDREA RUIZ-ESQUIDE  
25 Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Planning Code, Zoning Map - Pier 70 Special Use District]

**Ordinance amending the Planning Code and the Zoning Map to add the Pier 70 Special Use District; making findings under the California Environmental Quality Act, and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.**

### Existing Law

The Pier 70 Mixed Use Project (Project) is proposed to be developed on several Port parcels that are currently designated as Heavy Industrial (M-2), and one parcel, currently owned by Pacific Gas & Electric Company, that is designated as Public (P).

### Amendments to Current Law

This Ordinance adds Section 249.79 to the Planning Code. This section establishes the Pier 70 Special Use District (SUD), to regulate development of the Project. The purpose of the SUD is to facilitate the City's long-term goal of redevelopment and revitalization of a portion of Pier 70. The Project will provide several benefits to the City, such as a significant amount of affordable housing, increased public access and open space, facilities for small-scale manufacturing, extensive infrastructure improvements, and replacement space for Noonan Building tenants, while creating jobs, housing, and a vibrant community.

The SUD establishes development standards for the Project, in conjunction with the Design for Development document. The Design for Development document is adopted by the Planning and Port Commissions, and describes standards and guidelines applicable to the SUD in more detail.

The Ordinance lists permitted, non-permitted, temporary, and interim uses on the Project site. It sets forth controls for development at the site, including ground floor and retail controls, building standards, maximum heights, off street parking, dwelling unit exposure, bicycle parking, open space, streetscape improvements, inclusionary housing, and others. It also includes mechanisms for modifying those standards in the future, on a case-by-case basis, and for reviewing and approving future development phases and horizontal development.

The Ordinance also amends the Zoning Map, to do the following: a) change the use of the site from M-2 (Heavy Industrial) and P (Public) to the Pier 70 SUD zoning; b) change the height in part of the site from 40-X to 90-X, and c) create the SUD in the sectional map.

### Background Information

The Pier 70 Mixed Use Project is generally bounded by Illinois Street on the west, 22nd Street on the south, and San Francisco Bay on the north and east. The Project involves construction of infrastructure, public open space and other public facilities, new building construction, and rehabilitation of three significant historic resources, resulting in a mix of market-rate and affordable residential uses, commercial use, retail/arts/light-industrial uses, and shoreline improvements. The Planning Commission certified and approved a final environmental impact report on the Project under the California Environmental Quality Act (CEQA), adopted findings under the CEQA, including a Mitigation Monitoring and Reporting Plan (MMRP), and recommended the approval this Pier 70 Special Use District to the Board of Supervisors.

This Ordinance facilitates the orderly development of this site by establishing the SUD to accommodate and regulate Project development. By separate legislation, the Board is considering a number of actions in furtherance of the Project, including the approval of amendments to the City's General Plan and approval of a Development Agreement.

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