

File No. 170864 Committee Item No. 2  
 Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 23, 2017

Board of Supervisors Meeting \_\_\_\_\_ Date \_\_\_\_\_  
 Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

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|-------------------------------------|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Proj Overview 072517          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral CEQA 080117          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral PC 080117            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral FYI 080117           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PLN Transmittal 082817        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hearing Notice 100617         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Economic Impact Report 101817 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Committee Report Memo 101917  |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                         |
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Completed by: Erica Major Date October 19, 2017  
 Completed by: Erica Major Date \_\_\_\_\_

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 August 24, 2017, and prior to recommending the proposed  
18 Planning Code amendments for approval, by Motion No. 19976, the Planning Commission  
19 certified a Final Environmental Impact Report (FEIR) for the Pier 70 Mixed-Use District Project  
20 (Project) pursuant to the California Environmental Quality Act (CEQA) (California Public  
21 Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section  
22 15000 et seq.), and Chapter 31 of the Administrative Code. A copy of said Motion is in Board  
23 of Supervisors File No. 170930, and is incorporated herein by reference. In accordance with  
24 the actions contemplated herein, this Board has reviewed the FEIR, concurs with its  
25 conclusions, affirms the Planning Commission's certification of the FEIR, and finds that the

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

3 (2) In recommending the proposed Planning Code Amendments for approval by  
4 this Board at its hearing on August 24, 2017, by Motion No. 19977, the Planning Commission  
5 also adopted findings under CEQA, including a statement of overriding consideration, and a  
6 Mitigation Monitoring and Reporting Program (MMRP). A copy of said Motion and MMRP are  
7 in Board of Supervisors File No. 170930, and is incorporated herein by reference. The Board  
8 hereby adopts and incorporates by reference as though fully set forth herein the Planning  
9 Commission's CEQA approval findings, including the statement of overriding considerations.  
10 The Board also adopts and incorporates by reference as though fully set forth herein the  
11 Project's MMRP.

12 (b) At the same hearing on August 24, 2017, the Planning Commission, in Resolution  
13 No. 19978, adopted findings that the actions contemplated in this ordinance are consistent, on  
14 balance, with the City's General Plan and eight priority policies of Planning Code Section  
15 101.1. The Board adopts these findings as its own. A copy of said Resolution is in Board of  
16 Supervisors File No. 170930, 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. 19978, and the Board incorporates such reasons  
20 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

<u>Pier 70 SUD Parcels (as shown in Figures 1 and 2)</u>	<u>Residen- tial Uses</u>	<u>Institution- al Uses</u>	<u>Retail Uses</u>	<u>Office Uses</u>	<u>Entertain- ment, Arts, and Recreat- ion Uses</u>	<u>Industrial Uses</u>	<u>PDR Uses</u>	<u>Parking Lot</u>	<u>Parking Garage</u>
<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) (12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
<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>
<u>2I</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>
<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>
<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>
<u>CI</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) (12)</u>	<u>NP(13)</u>	<u>P</u>
<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) (12)</u>	<u>NP(13)</u>	<u>P</u>
<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) (12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
<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) (12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
<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 1, Light Manufacturing, Metal  
4 Working are P. Other Industrial Uses are NP.

5 (10) Food Fiber and Beverage Processing 1, 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.

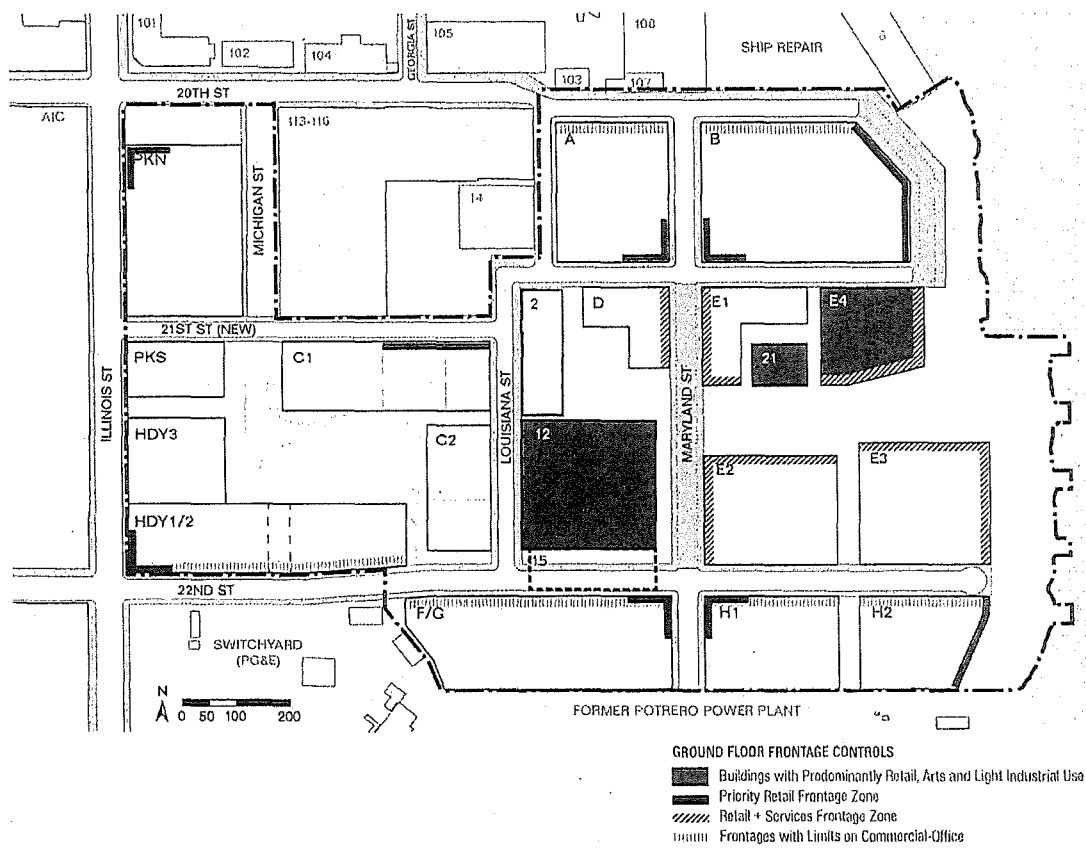
10 (vii) For C1 only, small offices up to 5,000 square feet.

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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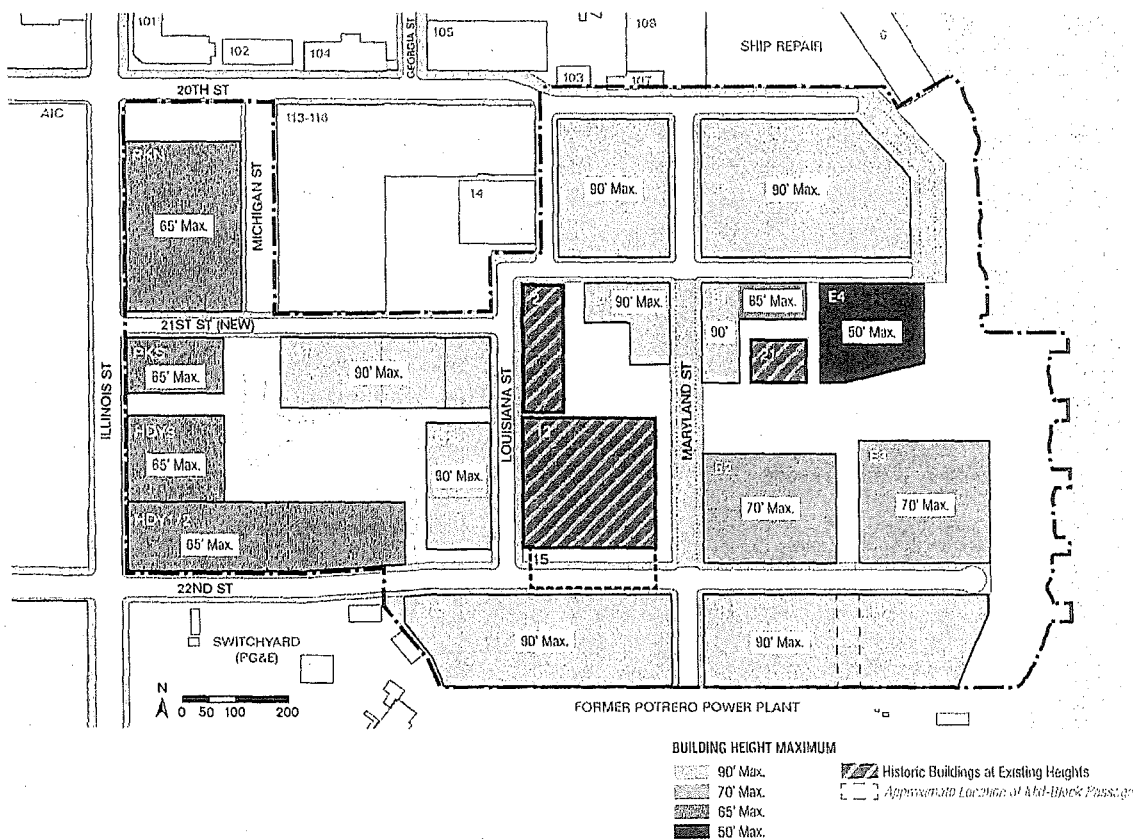


**(h) Building Standards.**

**(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(1)(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 (i) **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  
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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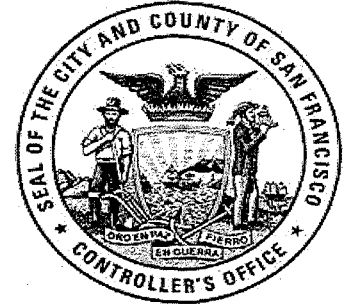
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# Pier 70 Development Agreement and Proposed SUD: Economic Impact Report

Office of Economic Analysis

Items # 170863-64

October 19, 2017

## Introduction

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- On July 25, 2017 Mayor Lee introduced legislation (#170863) to approve a development agreement between the City and FC Pier 70, LLC, an affiliate of Forest City Development California, Inc. The agreement would redevelop 35 acres of property located in Pier 70 on the central waterfront.
- Accompanying legislation (#170864) would amend the planning code to create the Pier 70 Special Use District (SUD). The SUD legislation would change allowable heights and land uses for parcels in this area.
- In addition, an Infrastructure Financial District (IFD) is planned to use incremental property tax revenue to fund needed infrastructure for the area. As this district will not be officially formed through the bundle of Pier 70-related legislation, we are not considering the economic impact of this spending in this report.

## Project Description

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- The project consists of approximately 35 acres of land, comprising 19 parcels as outlined on pages 6 and 7.
- The project will be a mixed-use development of about 35 acres, containing two development areas:
  - (1) The “28 acres site” comprising of 15 parcels located between 20<sup>th</sup>, Michigan, and 22<sup>nd</sup> streets, and San Francisco Bay
  - (2) The “Illinois Parcels” comprising of 7 acres of land on four parcels, labelled as PKN, PKS, HDY2 and HDY3 on pages 6 and 7.
- The SUD zoning legislation, and the Design-for-Development agreement, define the maximum heights and density controls for the 19 parcels.
- Within those constraints, the developer, Forest City, has some discretion about how much housing and office space to build.
- Under a “maximum commercial” scenario the project can include 2,262,350 gsf of office space and space for 1,645 housing units.
- Under a “maximum residential” scenario the project can include 1,102,250 gsf of office space and space for 3,025 housing units.
- Both scenarios also include similar amounts of retail, restaurants, arts and light industrial space.

## Project Description: Continued

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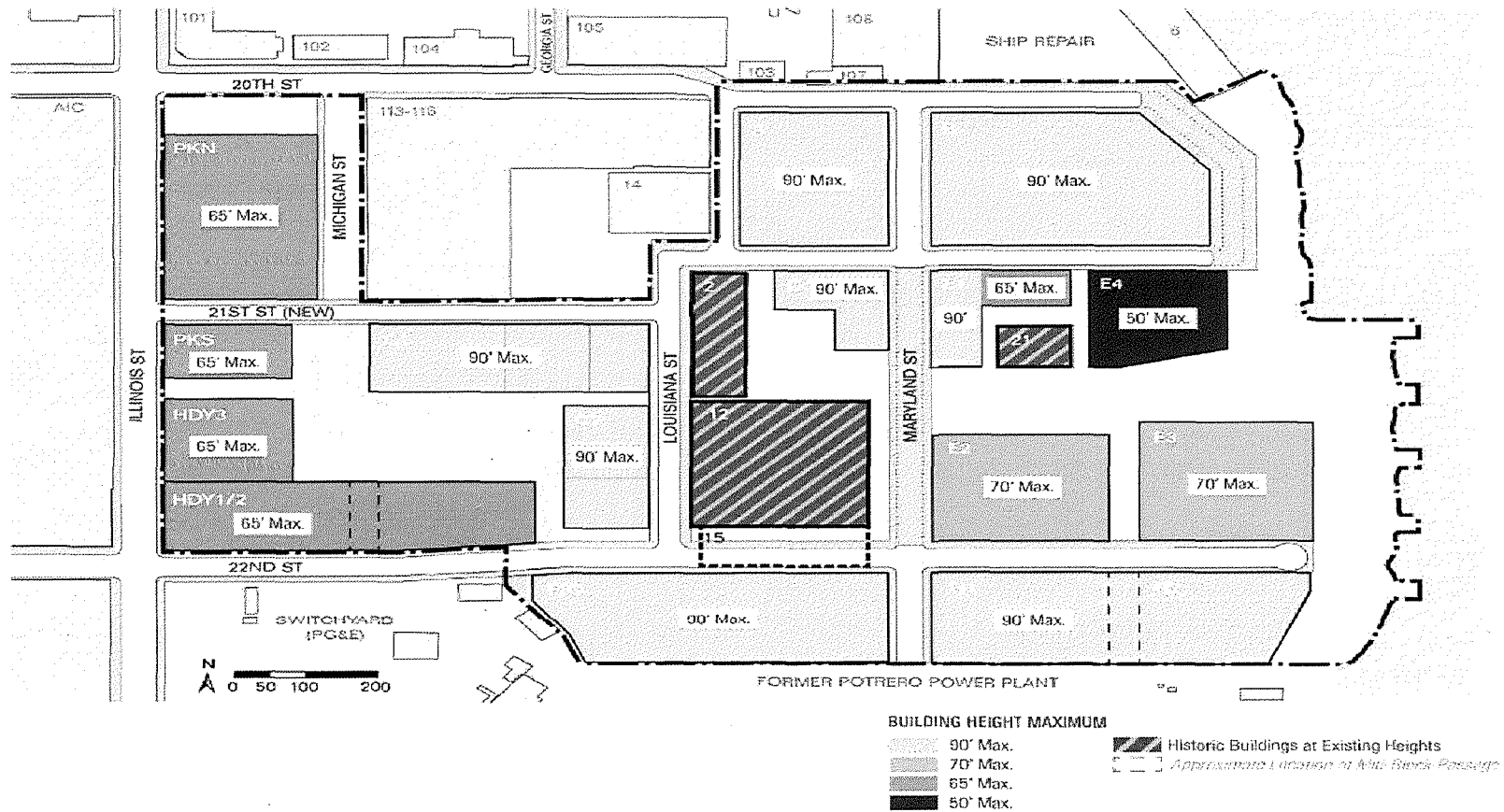
- Under the Development Agreement, the developer will commit a set of public benefits including the revitalization of the Union Iron Works Historic District, and building waterfront parks, a playground, and recreational facilities and new open space for a variety of recreational activities.
- The project would restore and retain three historic building structures (labelled as parcel 2, 12 and 21 on slides 6 and 7) that are considered significant contributor to the Union Iron Works Historic District.
- Another element of the proposed project is the creation of new affordable housing. The developer will dedicate land for 327 units of affordable housing, whose construction will be funded by fees paid on market-rate housing and office development in the project area, and potentially the IFD as well. In addition, 20% of all new rental housing in the area will be required to be affordable.
- The project will also provide a new space in the project area for the artist community currently located in the Noonan Building.

## Existing Uses, Retention & Rehabilitation of the Project Site

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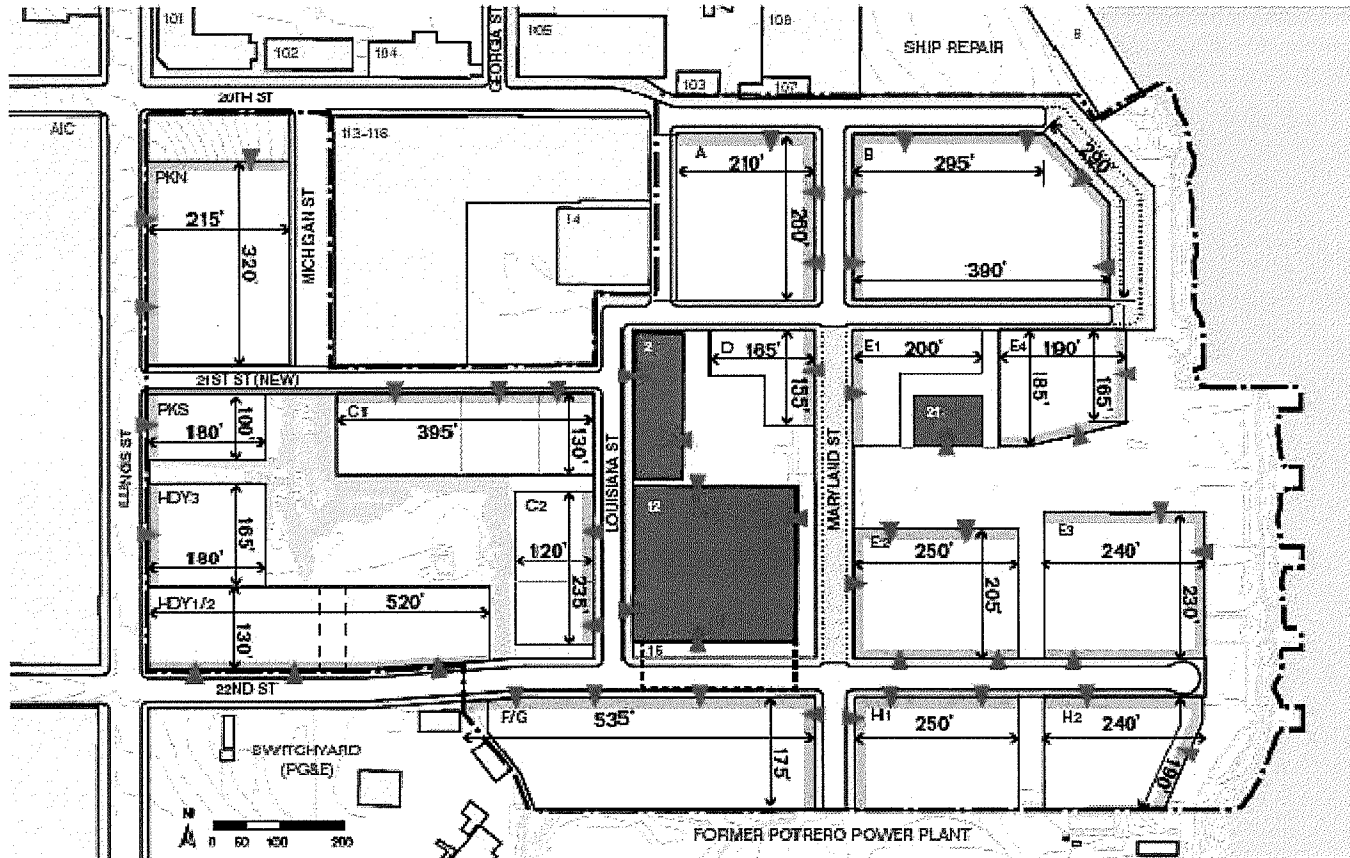
- The project site currently contains 11 buildings of approximately 351,800 gsf area.
- These 11 buildings and facilities currently serve various uses on the site ranging from special event venues, art studios, warehouses, self-storage facilities, auto storage, parking lot, soil recycling yard, as well as office spaces.
- Of the 11 buildings on the site, the Port has proposed to demolish one building (30,940 gsf) separately from and prior to the approval of the proposed project. The demolition of that building will undergo environmental review, as required by CEQA.
- Under the Development Agreement, the developer has agreed to retain and rehabilitate about 65% (or 227,800 gsf) of the existing building spaces in the project area. This retained and rehabilitated space will be located in the three historical buildings (labelled as parcel 2, 12 and 21 on the next two slides) that are deemed significant contributors to the Union Iron Works Historic District.

# General Map of the Proposed SUD Project Area: Height Limits of the Parcels Under the Proposed Development Agreement





# Map of Area Parcels' Width & Heights



**FIGURE 6.8.5:** Illustrative Plan of Building Entries from Public Right of Way

Note: All dimensions are rounded up to the nearest 5'.

■ Frontage with Required Building Entries  
 ▲ Illustrative of Minimum Building Entries

Source: Design for Development

## Difference in Potential Development Capacity: Current Zoning versus Development Agreement under the Proposed Zoning

Land Uses	Existing Zoning Potential	Max Housing Scenario	Max Housing Difference from Existing	Max Office Scenario	Max Office Difference from Existing
Residential Units	1,067	3,025	1,958	1,645	578
Commercial Office (gsf)	871,156	1,102,250	231,094	2,262,350	1,391,194
Retail (gsf)	140,999	269,495	128,496	275,075	134,076
Restaurants (gsf)	35,249	67,375	32,126	68,765	33,516
Arts, Light Industrial (gsf)	74,108	143,110	69,002	143,110	69,002
<b>TOTAL</b>	<b>2,049,516</b>	<b>4,212,230</b>	<b>2,162,714</b>	<b>4,179,300</b>	<b>2,129,784</b>

## Economic Impact Factors

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The proposed Pier 70 SUD development is expected to affect the local economy in three major ways:

1. The re-zoning from 40' height to 90' height will expand the potential development capacity on the site, leading to an increase in housing, retail and office space in the city. This will put downward pressure on prices and rents for residential and commercial real estate.
2. The construction activity due rezoning and the development agreement will generate additional economic activity over and above what would have been possible under the existing zoning.
3. The direct value of the subsidy associated with the on-site affordable housing will both alleviate the housing burden of resident households, and also release additional consumer spending into the local economy.

Because the actual amount of housing and non-residential space that will be constructed is unknown, we modeled both the Maximum Housing and Maximum Office scenarios, both relative to what could be constructed under existing zoning.

## Impact of New Housing and Non-Residential Space

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- Increase in the housing supply will put downward pressure on residential rents and home prices in San Francisco.
- The proposed re-zoning and development agreement could expand the city's housing development capacity anywhere from 587 units under the “maximum office” scenario, to 1,958 units under the “maximum housing” scenario. This represents the increased amount of housing that could be built, under each scenario, compared to what is allowed under current zoning.
- The OEA estimates that under the two scenarios (as outlined on slide 8) the expanded development capacity created by the re-zoning would result in housing prices in the range of 0.23% to 0.79% lower than they would have been otherwise.
- Given the amount of non-residential space that may be developed, including office, retail, restaurants, and arts/light industrial space, we similarly project a citywide decline in non-residential rents of between -0.8% to -3.0%, depending on the scenario.

## Impact of the Affordable Housing Subsidy

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- Increasing the number of subsidized housing units will particularly benefit low-income households, who experience higher housing burdens than higher-income households in the city.
- Based on requirements in the development agreement, we project the affordable housing supply would increase by in anywhere from 299 to 437, compared to what would be required through the City's inclusionary housing as applied to the existing development capacity and zoning on the site.
- We project that, at full build-out, these additional affordable units would reduce housing payment the range of \$1.2 million to \$4.1 million per year for their low-income residents. In addition to reducing low-income housing burdens, this subsidy frees funds for additional spending that stimulates the local economy.

## Construction Spending: Residential and Commercial

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- According to San Francisco housing construction costs published by RSMeans, average residential construction cost (excluding land) is currently about \$259 per square foot; whereas average non-residential construction costs (excluding land) is about \$255 per square foot.
- The expected increase in construction spending—resulting from increased development potential as a result of rezoning and the development agreement—in the city is projected to increase anywhere from \$532 million (max office scenario) to \$545 million (max housing scenario).

## Assumptions and REMI Model Inputs

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- The OEA uses the REMI model to simulate the impact of the proposed re-zoning and development agreement on the city’s economy. The project was assumed to be completed over a 20-year horizon beginning in 2018.
- Based on the discussion the previous pages, the model inputs are summarized below.

	Max Housing	Max Office
Housing price reduction (at full build-out)	-0.8%	-0.2%
Non-residential rent reduction (at full build-out)	-0.8%	-3.0%
Affordable housing subsidy value (at full build-out)	\$1.2 million	\$4.0 million
Construction Spending (over 20 years)	\$545 million	\$532 million

## Economic Impact Assessment and Conclusions

---

- The proposed Pier 70 SUD rezoning and the associated development agreement will expand the city's economy, by accommodating the city's growing demand for housing and office space.
- As shown on the table on the next page, the maximum office scenario would lead to a larger economy, with greater employment and GDP. In fact, population is expected to also grow more under this scenario, even though it produces less housing. Housing prices are expected to rise, although other prices would fall, and incomes would rise.
- In the maximum housing scenario, on the other hand, less job and income growth would occur, but housing prices fall.
- Both scenarios would lead to higher per capita incomes, which would be even higher when reduced prices are taken into account.
- In general, the maximum office scenario would have greater aggregate benefits for more people. On a per capita basis, however, inflation-adjusted personal income would grow by more in the maximum housing scenario, leading to greater per capita benefits for a smaller number of people.



## Comparison of the Maximum Office and Maximum Housing Scenarios

	Max Housing (at full build-out)	Max Office (at full build-out)
Employment growth	1,740	2,785
Population growth	3,430	-4,125
GDP growth (\$2016)	\$380 million	\$730 million
Housing price change	-0.3%	0.4%
Overall price change	-0.06%	-0.03%
Inflation-adjusted per capita income (\$2016)	\$83	\$52

## Staff Contacts

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(415) 554-5268

## **Pier 70 Mixed Use Project Overview**

---

**July 25, 2017**

Between 2007 and 2010 the Port led an extensive community process to develop the Pier 70 Preferred Master Plan, with the goal of redeveloping the site to bring back its historic activity levels through infill and economic development, and increasing access to the water and creating new open spaces, while maintaining the area's historic character and supporting its ship repair activities. The Pier 70 Preferred Master Plan was endorsed by the Port Commission in 2010. The Port then issued a Request for Developer Qualifications for the Waterfront Site infill development opportunity, representing a 28 acre portion of Pier 70. In 2011, after a competitive solicitation process, Forest City was named as master developer. In 2013, the Port Commission and the Board of Supervisors each unanimously endorsed a term sheet, outlining the proposed land plan and transaction terms for future development of Pier 70. In 2014, 73% of voters supported Proposition F, the 2014 ballot measure supporting Forest City's proposed vision for reuse of the area and enabling the Board of Supervisors to increase height limits at the project. Throughout this process, Forest City and the Port have undertaken extensive engagement and outreach efforts, hosting workshops, open houses, markets, tours, presentations and family events – more than 135 events at last count engaging over 75,000 people. These activating events have allowed visitors to experience Pier 70, and share their input as to its future, today rather than wait for Project improvements.

After a decade of outreach and concept development, the Pier 70 project has developed into a clear vision to reintegrate and restore the 28-Acre Site into the fabric of San Francisco, creating an active, sustainable neighborhood that recognizes its industrial past. As contemplated in the proposed Pier 70 SUD Design for Development, the future of the 28-Acre Site is envisioned as an extension of the nearby Dogpatch neighborhood that joins community and industry, engaging residents, workers, artists, and manufacturers into a lively mix of uses and activities. The Project will reflect this diversity and creativity, inviting all to the parks, which are lined with local establishments, restaurants, arts uses, and event spaces, each with individual identities. And as a fundamental premise, the Project will create public access to the San Francisco Bay where it has never previously existed, opening up the shoreline for all to enjoy.

New buildings within the site will complement the industrial setting and fabric in size, scale, and material, with historic buildings repurposed into residential use, spaces for local manufacturing and community amenities. The Project will include a diversity of open spaces at multiple scales, shaped by nearby buildings, framing the waterfront, and creating a platform for a range of experiences.

### **Project Statistics (Mid Point Program – Pier 70 SUD):**

- 1,400,000 square feet of new office space
- 2150 new housing units (Approximately 1200 rentals and 950 condos)
- 400,000 square feet of active ground floor uses (traditional retail, arts uses, and PDR)
- Over nine acres of new public open space
- Preservation and rehabilitation of three historic buildings on site (2, 12, and 21)

### **Public Benefits:**

The Supervisor's Office, OEWD, Port, and Forest City have negotiated a public benefit package that reflects the goals of the Southern Bayfront, and represents over \$750M dollars of public benefits. Key benefits include:

- **Affordable Housing:** Overall the project will result in 30% onsite affordability, with the following components:
  - Approximately 150 or more units of onsite rental inclusionary housing, representing 20% of the units in all onsite rental buildings. These units will be affordable to households from 55% TO 110% of area median income, with the maximum number possible at the time of their lottery rented to applicants under the Neighborhood Resident Housing Preference program.
  - Approximately 320 or more fully-funded units of permanently affordable family and formerly homeless housing, in three buildings developed by local nonprofits located close to transit and a children's playground.
  - Estimated \$15- \$20M in revenue dedicated to HOPE SF projects, including Potrero Rebuild.
- **Transportation Funding and On-Site Services:** Transportation demand management on-site, facilities to support a new bus line through the project, an open-to-the-public shuttle service, and almost \$50 million in funding that will be used to support neighborhood-supporting transportation infrastructure. Commitment to reducing total auto trips by 20% from amount analyzed in Project environmental review document.
- **Workforce Development Program:** 30% local hiring commitment, local business enterprise ("LBE") utilization, participation in OEWD's "First Source" hiring programs, and funding to support expansion of CityBuild and TechSF with outreach to District 10 residents.
- **Rehabilitation of Historic Structures at Pier 70:** The Project will rehabilitate three key historic structures (Buildings 2, 12, 21) and include interpretive elements to enhance public understanding of the Union Iron Works Historic District in open space, streetscape and building design.
- **Parks:** The project will provide over 9 acres of new open space for a variety of activities, including an Irish Hill playground, a market square, a central commons, public art, a minimum 20k square feet active rooftop recreation, and waterfront parks along 1,380 feet of shoreline. Project will pay for maintenance of its own parks.
- **Retail and Industrial Uses:** The project will provide a 60,000 square foot local market hall supporting local manufacturing, is committing to a minimum of 50,000 square feet of on-site PDR space, and is developing a small business attraction program with OEWD staff.
- **A Centerpiece For the Arts:** The project will include an up to 90,000 square foot building that will house local performing and other arts nonprofits, as well as providing replacement, permanently affordable studio space for the Noonan building tenants. The development will provide up to \$20 million through fee revenue and a special tax for development of the building.
- **Community Facilities:** The Project will contribute up to \$2.5M towards creating new space to serve the education and recreational needs of the growing community from Central Waterfront, from Mission Bay to India Basin and Potrero Hill, as well as include on-site childcare facilities.
- **Site Sea Level Rise Protection:** The Project's waterfront edge will be designed to protect buildings against the high-end of projected 2100 sea-level-rise estimates established by the state, and the grade of the entire site will be raised to elevate buildings and ensure that utilities function properly.
- **City Seawall Improvement Funding Stream:** The Project will include a perpetual funding stream of between \$1 and \$2 billion to finance future sea level rise improvements anywhere along the San Francisco waterfront.

The Project's commitment to these benefits will be memorialized in the Development Agreement, which must be recommended for approval by the Planning Commission, and the Disposition and Development Agreement, which will be approved by the Port Commission, before seeking final approval from the Board of Supervisors.

**Zoning and Design Controls:**

The DA and DDA are part of a larger regulatory approvals package that also includes a Planning Code text amendment creating a Special Use District ("SUD") for the Project Site, conforming Zoning Map amendments for height and to establish the Special Use District and a Design for Development (D4D) which will detail development standards and guidelines for buildings, open space and streetscape improvements. Under the Design for Development, the following components of the Project will be subject to review and approval as follows:

- **New Development:** New buildings will be reviewed by Planning Department staff, in consultation with Port staff, for consistency with the standards and guidelines in the Design for Development, with a recommendation to the Planning Director who will approve or deny applications for proposed new buildings;
- **Historic Rehabilitation:** Historic rehabilitation of Buildings 2, 12 and 21 will be reviewed by Port staff, in consultation with Planning Department staff, for consistency with Secretary of the Interior's Standards for Treatment of Historic Properties ("Secretary's Standards") and the standards and guidelines in the Design for Development as part of the Port's building permit process, with a recommendation to the Port Executive Director, who will approve or deny plans for proposed historic rehabilitation projects; and
- **Parks and Open Space:** Design of parks and open space will undergo public design review by a design advisory committee appointed by the Port Executive Director, with a recommendation to the Port Commission, which will approve or deny park schematic designs.

**Project Approvals:**

The approvals relating to the proposed Project include:

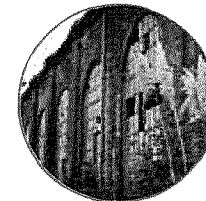
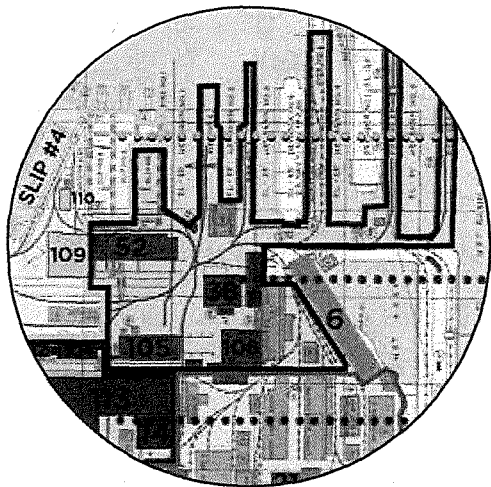
1. Entitlements, including certification and approval of a Final Environmental Impact Report ("EIR"), adoption of a Special Use District and its accompanying Design for Development, amendments to the City's General Plan, Planning Code and Zoning Map, and a Development Agreement.
2. Implementing Documents, including a Disposition and Development Agreement (DDA) governing the transaction between the Port and Forest City, setting forth Forest City's obligations for horizontal development, including infrastructure, affordable housing and jobs, and establishing the timing for vertical development; and a Financing Plan setting forth the financial deal, including public financing and disposition of land proceeds.
3. Public Financing approvals, including establishment of an infrastructure financing district (IFD) project area to support construction of infrastructure and rehabilitation of historic structures, an Infrastructure and Revitalization Financing District (IRFD) to support onsite affordable housing, and a series of community facilities districts (CFD) which will fund construction of infrastructure, maintenance of streets and open space, construction of the arts building, and combat sea level rise along the seawall.
4. a Trust Exchange that requires approval and implementation of a Compromise Title Settlement and Land Exchange Agreement and an amendment to the Burton Act Transfer Agreement with the California State Lands Commission ("State Lands") consistent with the requirements of AB 418.



+ PIER 70

LAND USE COMMITTEE  
HEARING

October 16, 2017



Port Preferred Master Plan Planning and Outreach

Forest City Selected as Development Partner

Ongoing Public Events Begin

Prop F Passes

CEQA Review Begins

DEIR

Project Approval



3 YEARS Port Master Plan

5 YEARS of Extensive Planning

2 YEARS of Technical Studies and Refinement

Prepare for Construction

## GATHERINGS

community meetings

workshops

artist narratives

photo journal

open houses

events

## STAKEHOLDERS

residents

artists/artisans

community stakeholders

business owners

CWAG

city agencies

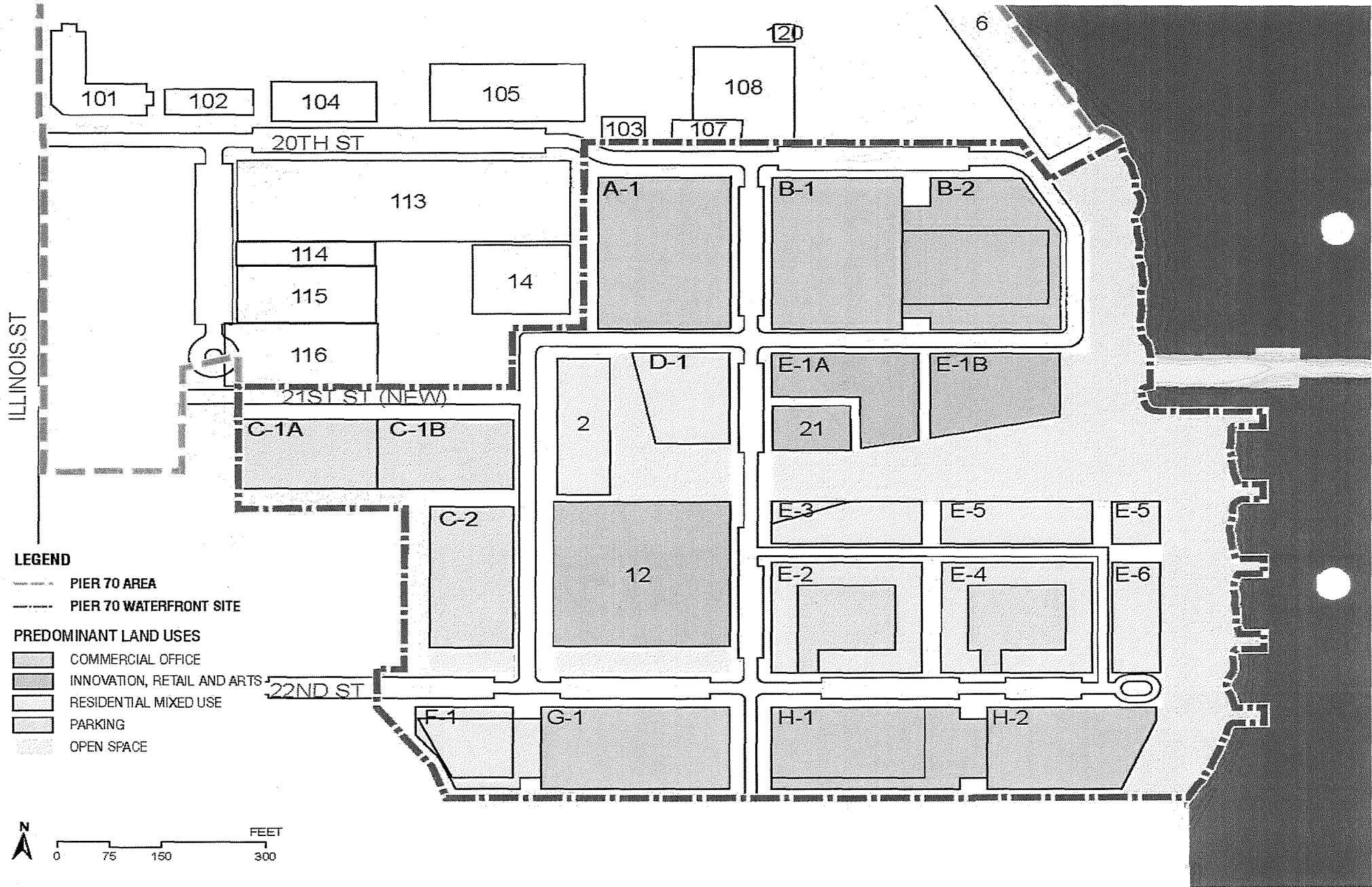
visitors

130+ events  
75,000+ people





# 2013 TERM SHEET PLAN (ENDORSED BY BOARD OF SUPERVISORS)



SIERRA CLUB &  
THE NEIGHBORS SAY

**YES on F**

HOUSING, PARKS &  
JOBS FOR PIER 70



PROP F (2014)

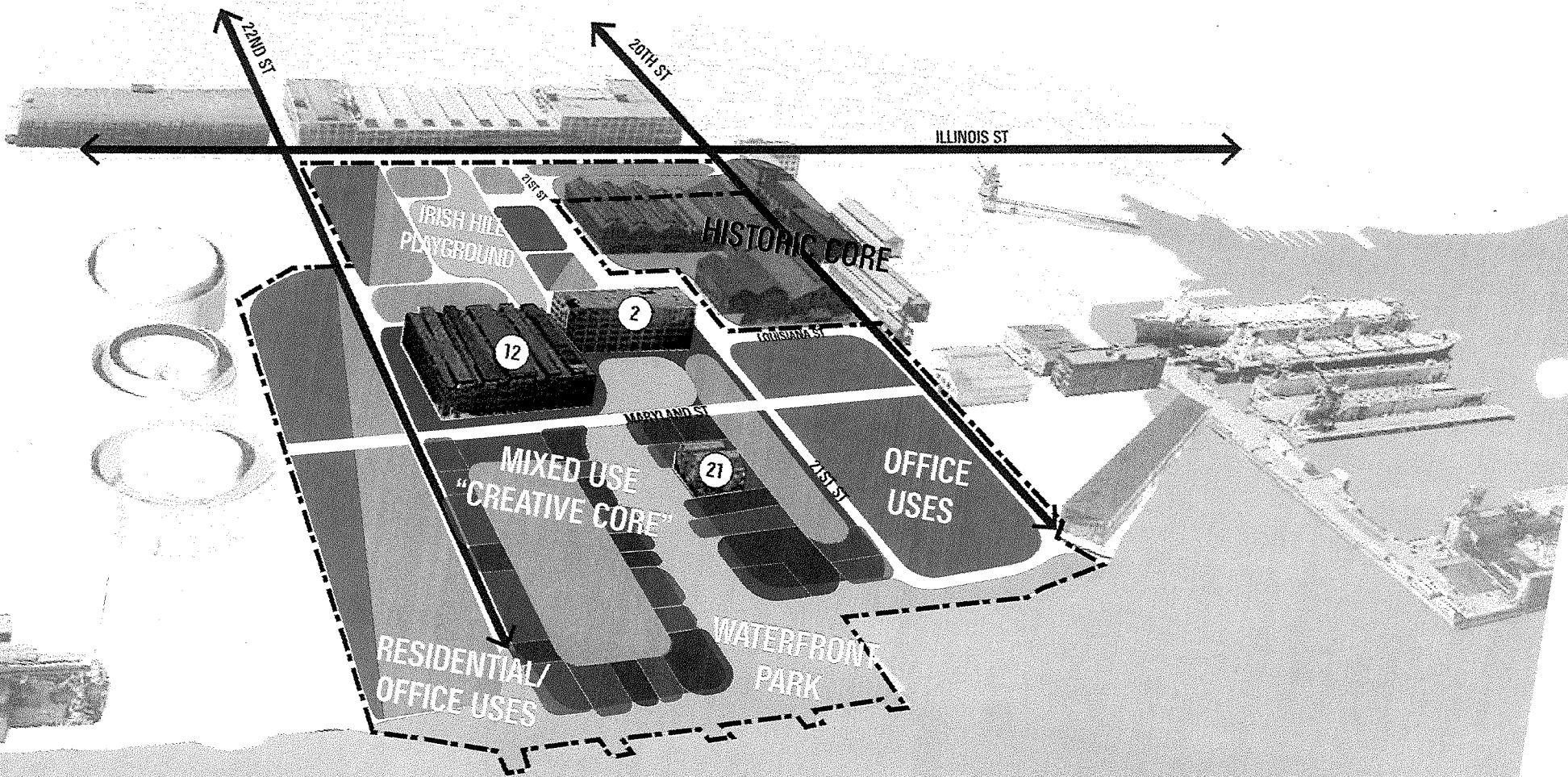
Passes with  
**73% support**

- 90' MAXIMUM HEIGHT
- NINE ACRES OPEN SPACE
- 30% AFFORDABLE HOUSING
- LOCAL HIRE COMMITMENT
- REHABILITATE HISTORIC BUILDINGS
- NOONAN ARTISTS COMMUNITY PRESERVED
- 1-2 MILLION SF COMMERCIAL SPACE
- 1,000-2,000 RESIDENTIAL UNITS

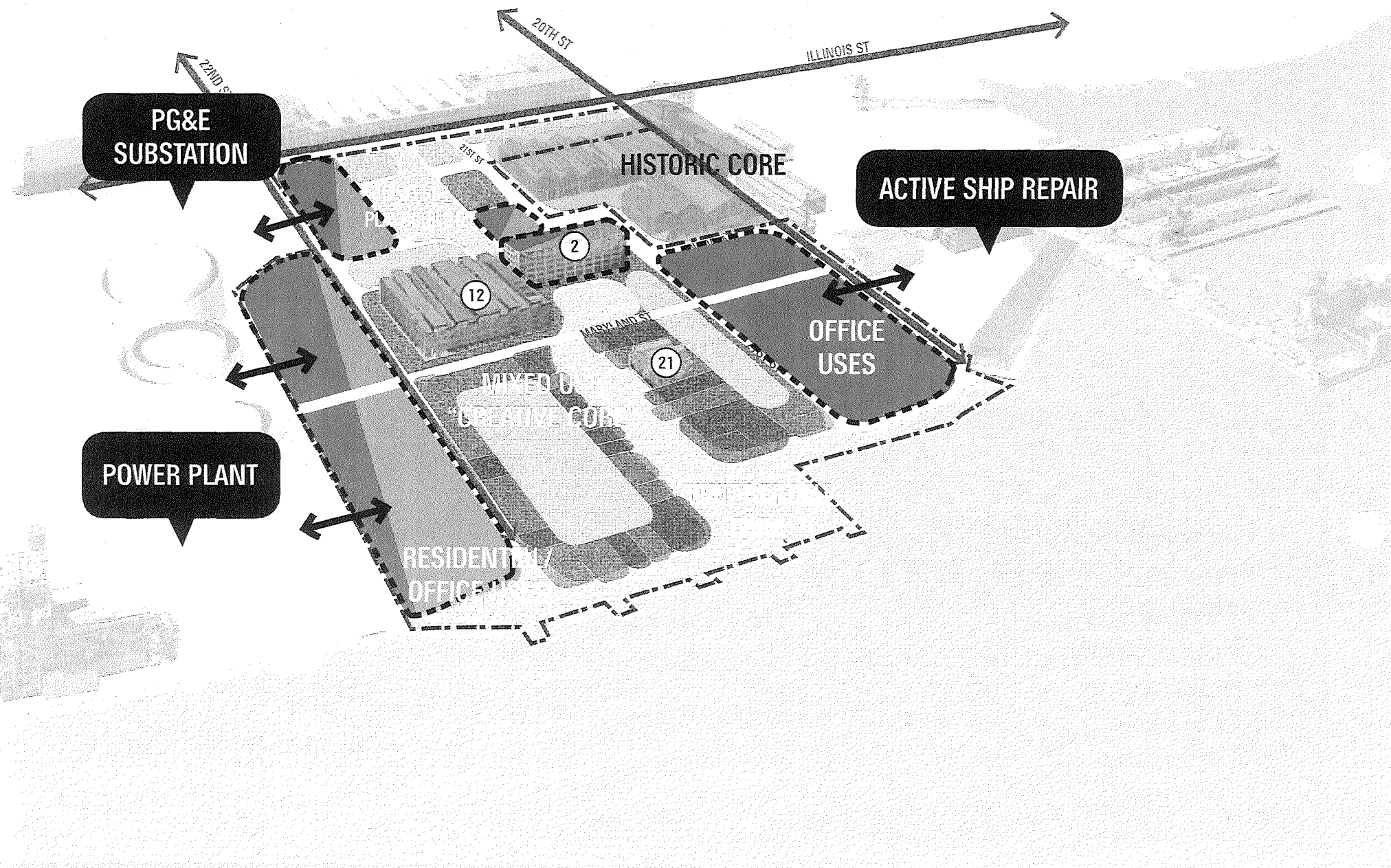
# *Making a Great Place*



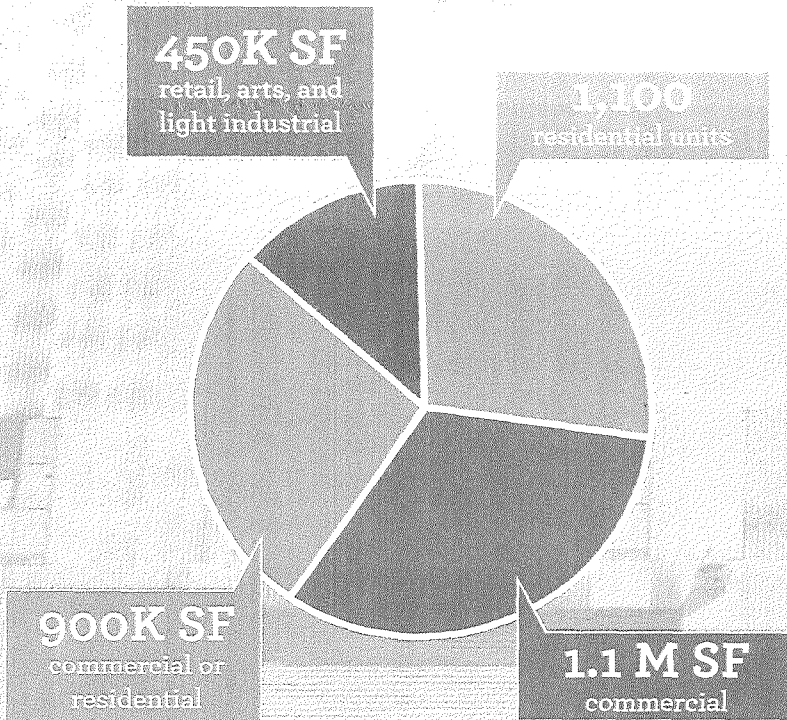
# CONCEPT FRAMEWORK



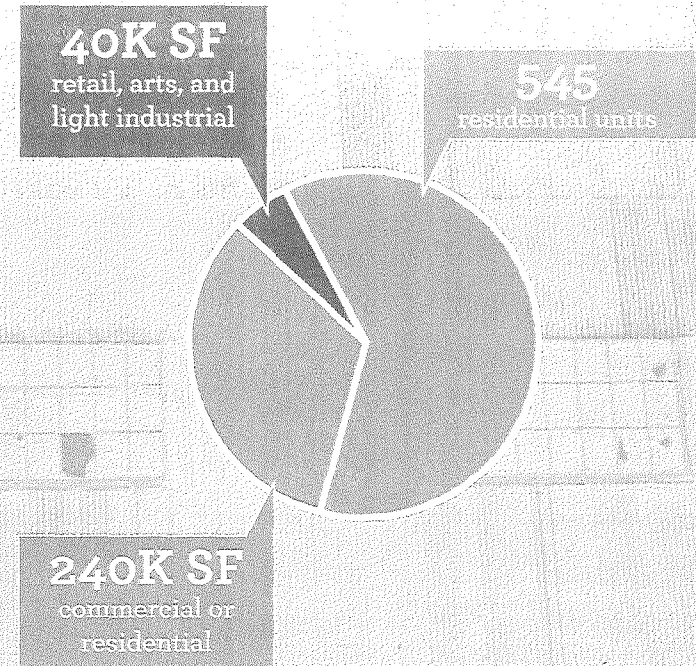
# CONCEPT FRAMEWORK



## Waterfront Site



## Illinois Parcels



---

### Total SUD Program:

**~2,300**  
minimum  
residential units

**~1.1M SF**  
minimum  
commercial

**~650K SF**  
commercial or  
residential



# RETAIL, ARTS, AND LIGHT INDUSTRIAL

**BUILDING 12  
MAKERS MARKET HALL**

12

2

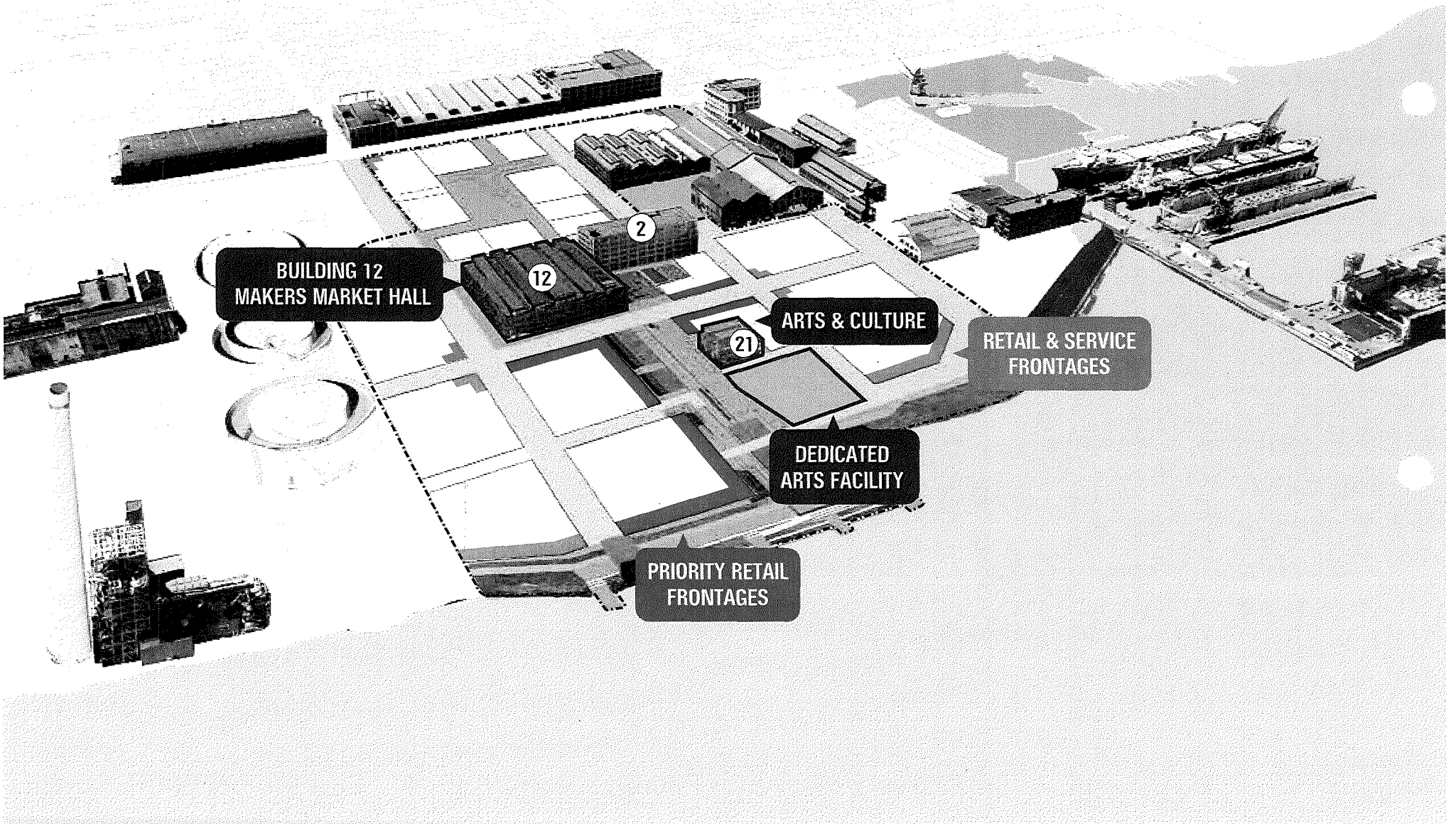
**ARTS & CULTURE**

21

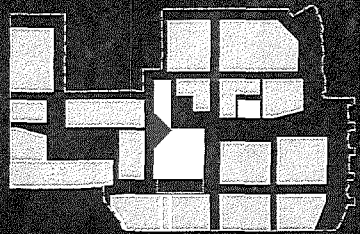
**RETAIL & SERVICE  
FRONTAGES**

**DEDICATED  
ARTS FACILITY**

**PRIORITY RETAIL  
FRONTAGES**





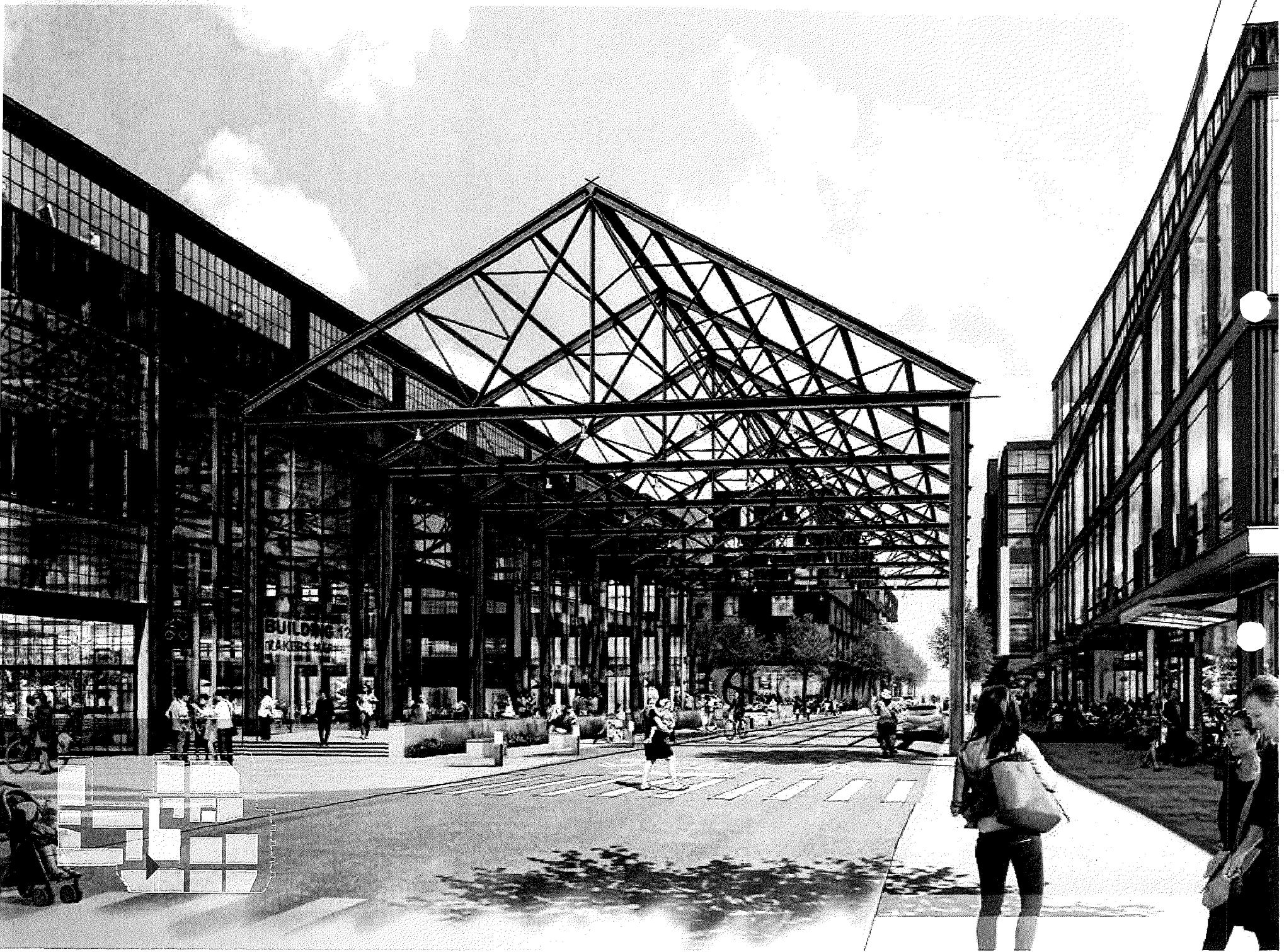


# The Pier 70 D4D

regulates use, open space, streetscape  
& parking, and architectural  
design.

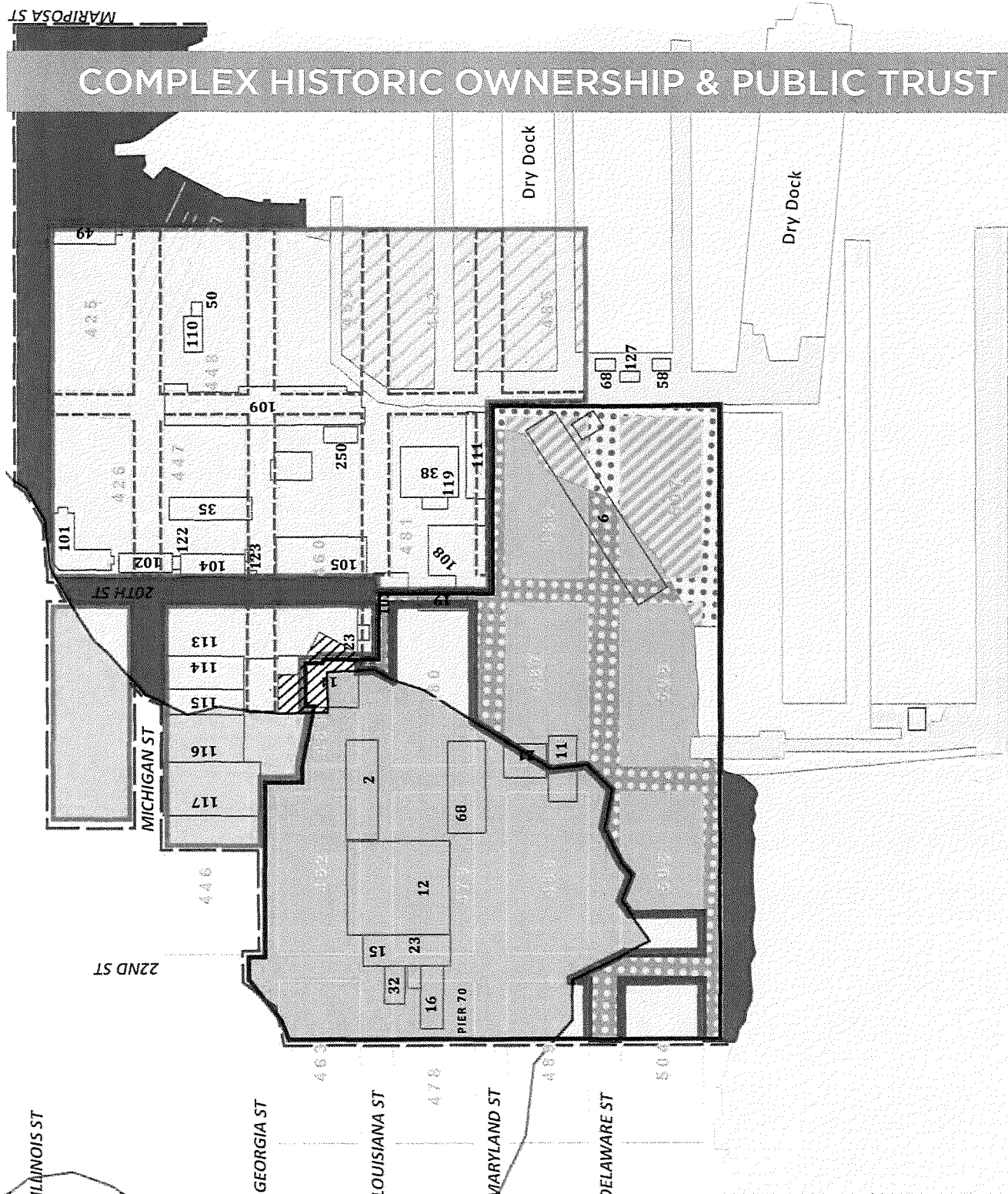
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# COMPLEX HISTORIC OWNERSHIP & PUBLIC TRUST LANDS

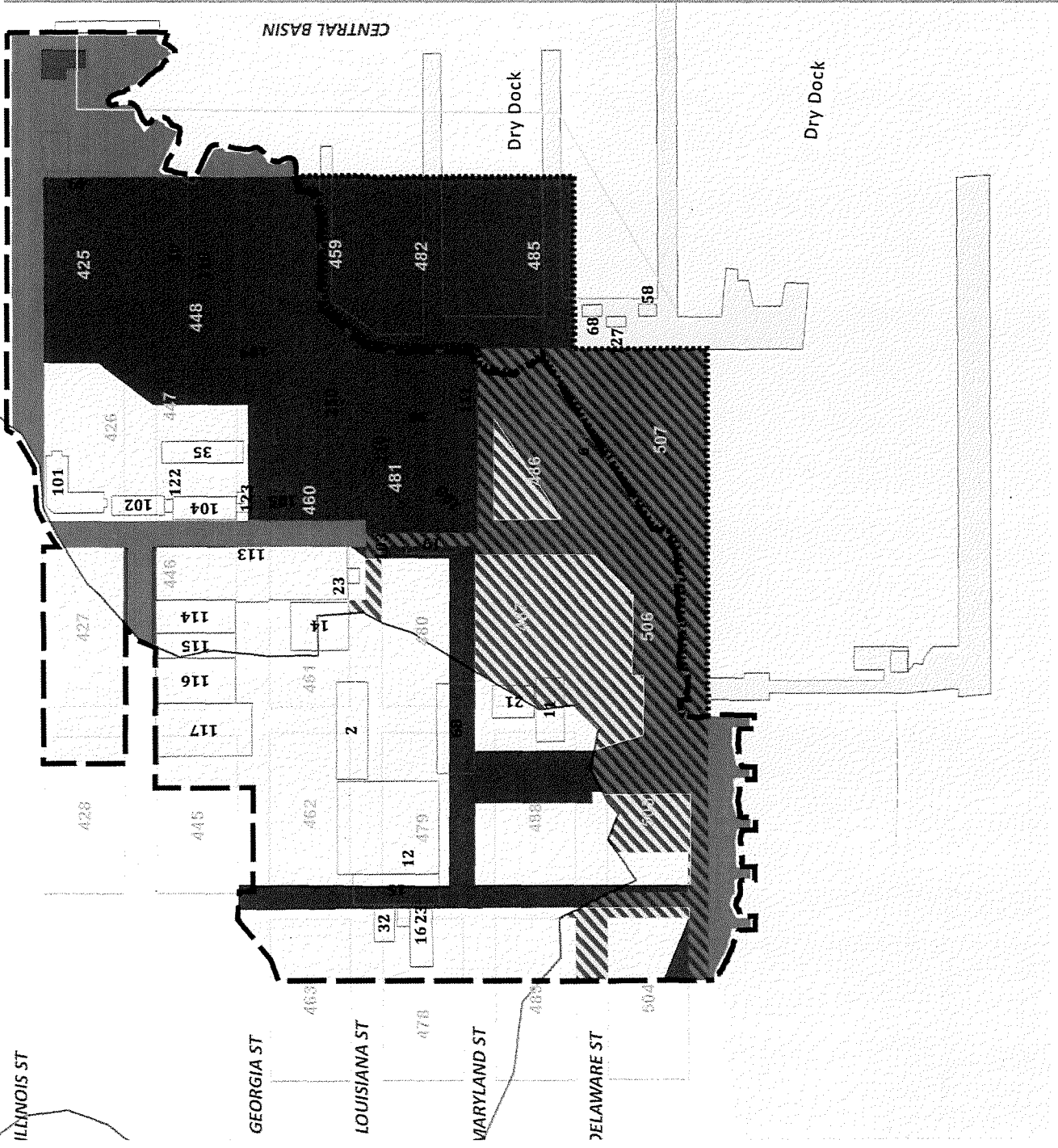













- HISTORIC UPLANDS (19.4 ACRES)
- BOARD OF TIDELANDS COMMISSIONERS LANDS (20.9 ACRES)
- BOARD OF TIDELANDS COMMISSIONERS LANDS SUBMERGED (6.2 ACRES)
- ALVORD GRANT
- ALVORD GRANT CURRENTLY SUBMERGED
- CALIFORNIA V. USA
- CALIFORNIA V. USA SUBMERGED
- POTENTIALLY RESERVED
- OWEN'S WAYS PARCEL (0.5 ACRES)
- FORMER RISDON PROPERTY
- BLOCK NUMBERS
- PILE SUPPORTED PIER
- PRESENTLY SUBMERGED
- TITLE IN STREETS QUIETED IN BETHLEHEM STEEL, 1954 (8.0 ACRES)
- PUEBLO LINE OF 1883
- PIER 70 STUDY AREA
- POTENTIAL TRUST LANDS (23 ACRES)  
LANDS (18.9 ACRES)  
SUBMERGED LANDS (4.1 ACRES)
- NON TRUST LANDS: BURTON ACT (17.6 ACRES)
- NON TRUST LANDS: AFTER ACQUIRED (31.4 ACRES)  
LANDS (25.3 ACRES)  
SUBMERGED LANDS (6.1 ACRES)

TOTAL FILLED LAND & UPLAND: 61.8 ACRES  
 TOTAL SUBMERGED LAND: 10.2 ACRES  
 NON-UPLAND FORMER RISDON PROPERTIES WITHIN THE OWENS' WAYS: 0.25 ACRES

NOTE:  
 THIS DIAGRAM IS FOR ILLUSTRATION PURPOSES ONLY. THE SCALE AND AREA CALCULATIONS ARE APPROXIMATE AND THE AREAS ARE INTERPRETED FROM HISTORICAL DATA.

# SB 418 - AUTHORIZING PUBLIC TRUST EXCHANGE



-  EXISTING TRUST, NO CHANGE (6.75 ACRES)
-  EXISTING NON TRUST, NO CHANGE (25.5 ACRES)
-  ADDED TO TRUST (17.6 ACRES)
-  REMOVED FROM TRUST (.16 ACRES)
-  UNCERTAIN, CONFIRMED IN TRUST (16.4 ACRES)
-  UNCERTAIN, CONFIRMED FREE OF TRUST (5.27 ACRE)
-  BLOCK NUMBERS
-  HISTORIC BUILDINGS
-  PUEBLO LINE OF 1883
-  PIER 70 AREA (PER AB 418)
-  ADJACENT SUBMERGED LANDS

NOTE:  
THIS DIAGRAM IS FOR ILLUSTRATION PURPOSES ONLY. THE SCALE AND AREA CALCULATIONS ARE APPROXIMATE AND THE AREAS ARE INTERPRETED FROM HISTORICAL DATA.

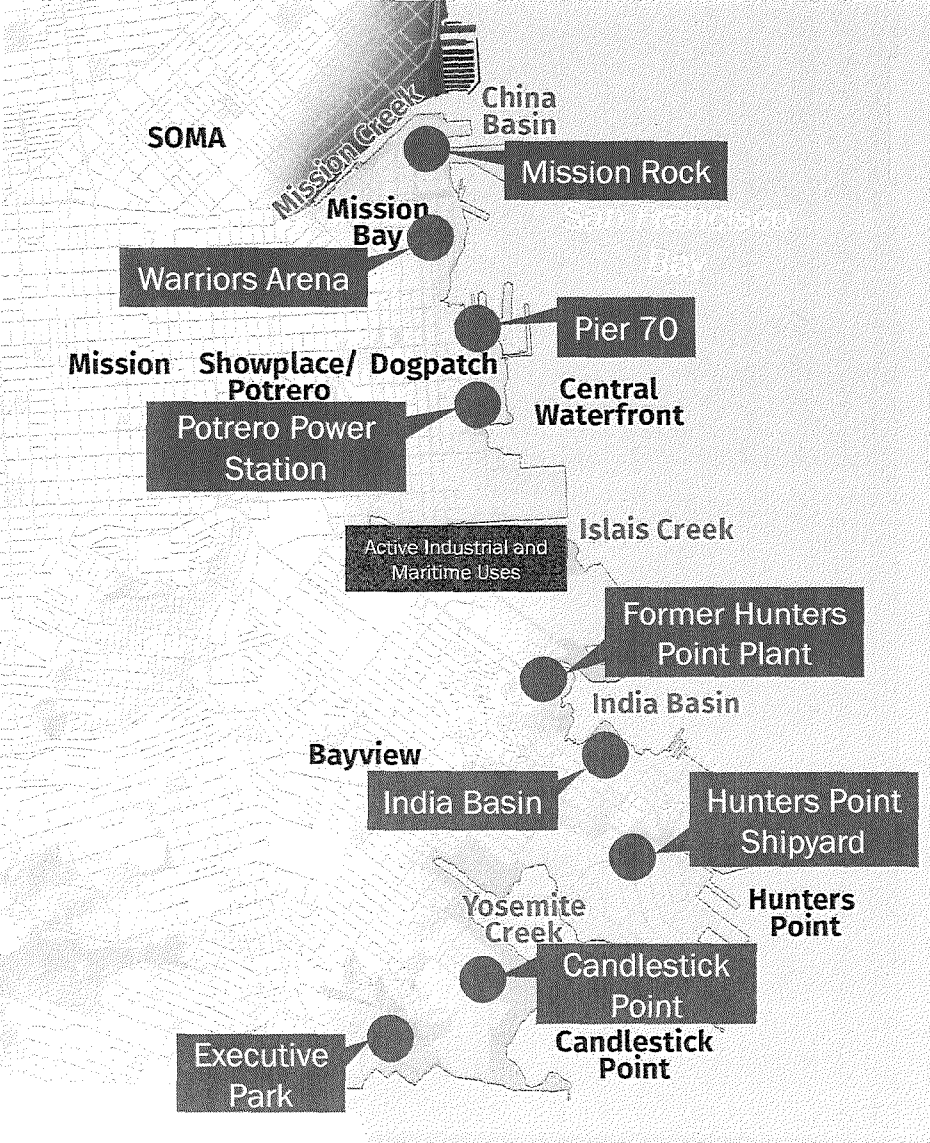
# PIER 70 PROJECT POST EXCHANGE TRUST CONFIGURATION



- TRUST (40.7 ACRES)
- NON TRUST (31.26 ACRES)
- BLOCK NUMBERS
- HISTORIC BUILDINGS
- PUEBLO LINE OF 1883
- PIER 70 AREA (PER AB 418)
- ADJACENT SUMBERGED LANDS

NOTE:  
THIS DIAGRAM IS FOR ILLUSTRATION PURPOSES ONLY. THE SCALE AND AREA CALCULATIONS ARE APPROXIMATE AND THE AREAS ARE INTERPRETED FROM HISTORICAL DATA.

# Southern Bayfront



**20,000** New Households

Over 40,000 new residents



**6,700** Affordable Units

33% of new households to be affordable



**38,000** New Jobs

Office, PDR and retail



**520+** New and Renovated Acres of Open Space

Half the size of Golden Gate Park. Nearly all of new public open space in the City

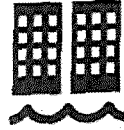




**RESTORATION  
OF HISTORIC  
BUILDINGS**



**INFRASTRUCTURE  
IMPROVEMENTS**



**WATERFRONT SITE  
RESILIENCY  
AND ADAPTIVE  
MANAGEMENT**

**9 AC**

**WATERFRONT PARK  
NETWORK**

**30%**

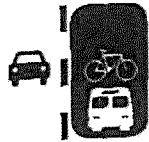
**AFFORDABLE  
HOUSING UNITS**

**17%**

**LOCAL BUSINESS  
ENTERPRISE GOAL**



**PRIORITIZE  
BICYCLISTS AND  
PEDESTRIANS**



**SITOWIDE  
TRANSPORTATION  
DEMAND MANAGEMENT  
PROGRAM**



**ARTS, CULTURE,  
MANUFACTURING, AND  
LOCAL RETAIL**



**NOONAN COMMUNITY  
PRESERVED IN NEW  
ONSITE SPACE**

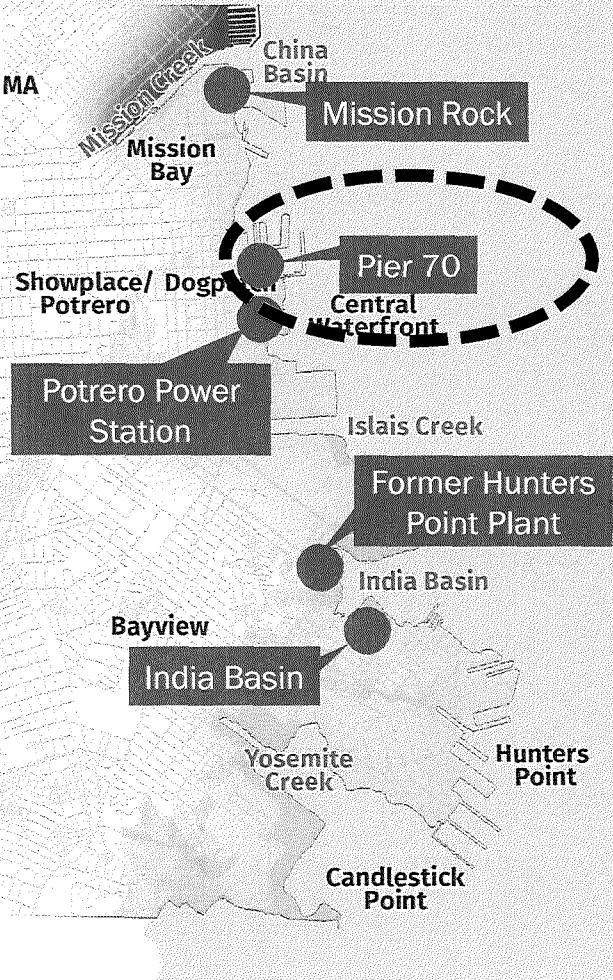


**JOB CREATION  
AND WORKFORCE  
PROGRAMS**



**LOCAL SMALL  
BUSINESS MARKETING  
PROGRAM FOR RETAIL**

# PIER 70



**Housing Affordability**

30% of all new units will be affordable (majority low income); Units & marketing focused towards D10

**Transportation**

\$45M (\$90M total) to pay for specified transit, bike and ped connections.

**Sustainability**

Grey-blackwater system  
LED/efficient st lights  
Thermal water system

**Sea Level Rise**

Accommodates 66" rise plus 100 yr flood  
CFD provides over \$2B for shoreline protection

**Historic Resources**

Union Iron Works District  
Historic Building Rehab  
Irish Hill commemoration

**Community Facilities**

Arts & Culture Building  
On-Site Child Care  
\$2.5M towards ngd ctr

**Open Space**

9 acres total  
- 1 acre playground  
- Irish Hill experience  
- Bay Trail connections

**Workforce Development**

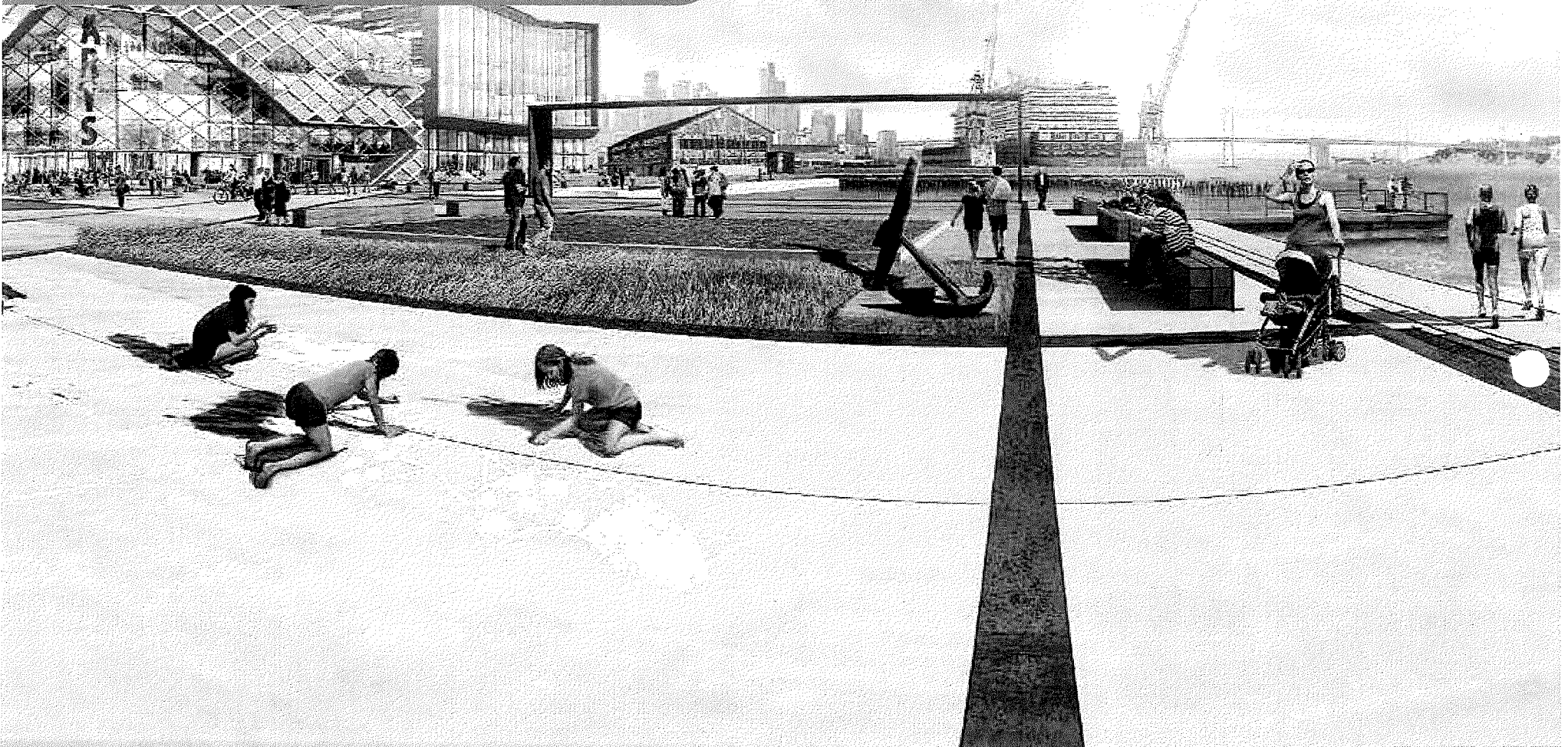
30% Local Hire req'd  
Local Business (LBE)  
First Source- Retail, Off Small Business Plan



**On August 24, 2017, the Planning Commission approved the following actions for the Pier 70 Mixed-Use Project:**

- **CERTIFICATION OF FINAL EIR**
- **ADOPTION OF CEQA FINDINGS & MMRP**
- **GENERAL PLAN AMENDMENT**
- **ZONING MAP AMENDMENT**
  - UPDATE OF ZONING DISTRICT TO PIER 70 MIXED-USE DISTRICT**
  - UPDATE OF HEIGHT & BULK DISTRICTS TO 90-X**
- **PLANNING CODE TEXT AMENDMENT**
  - ESTABLISH PIER 70 SPECIAL USE DISTRICT (SUD)**
- **APPROVAL OF DESIGN FOR DEVELOPMENT**
- **RECOMMENDATION FOR APPROVAL OF DEVELOPMENT AGREEMENT**

*Thank you*



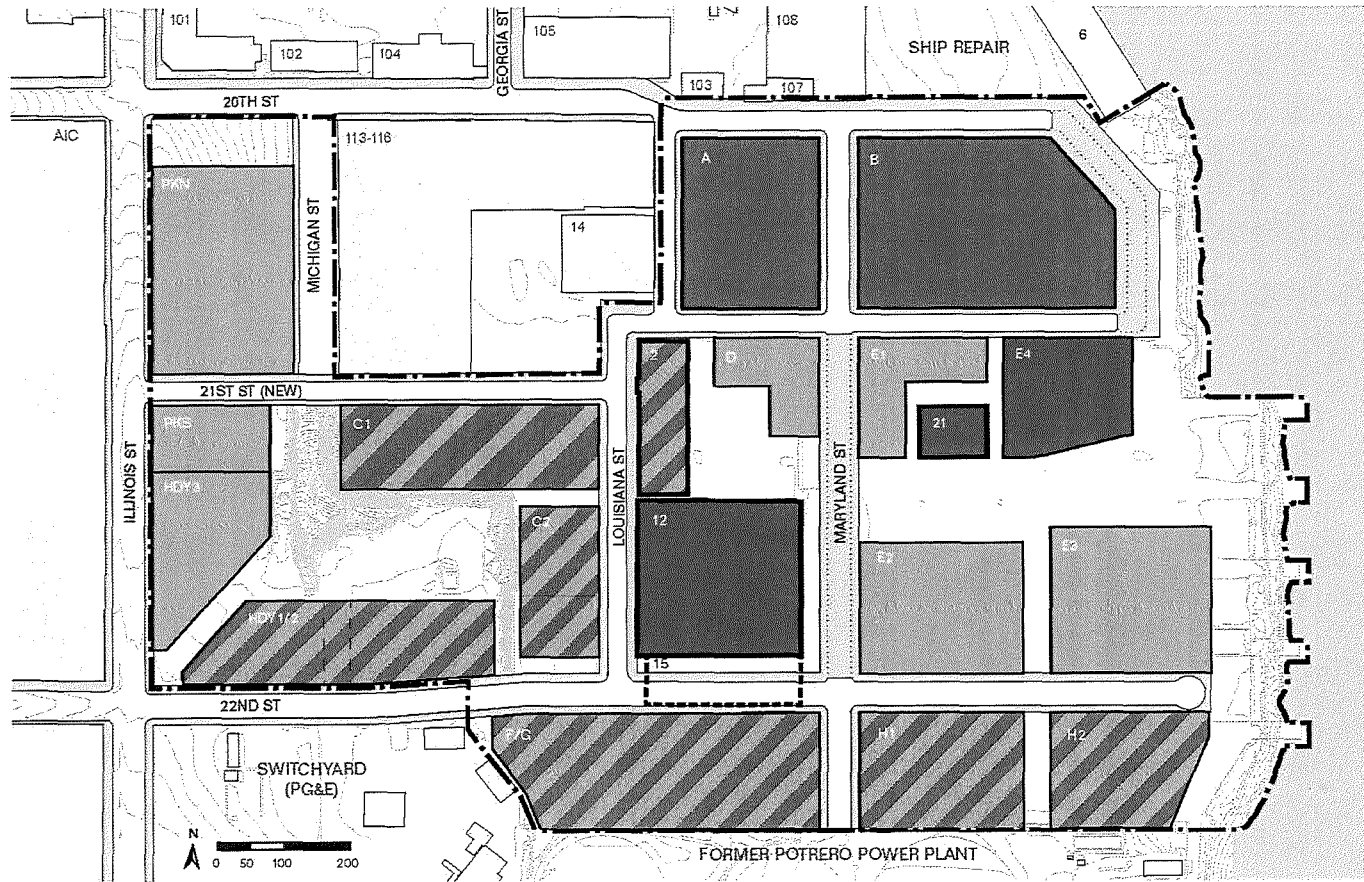
17864

LOGGED WITH PORT COMMISSION  
SECRETARY 9/26/17

114 REFERRED TO IN COMMITTEE

10/16/2017

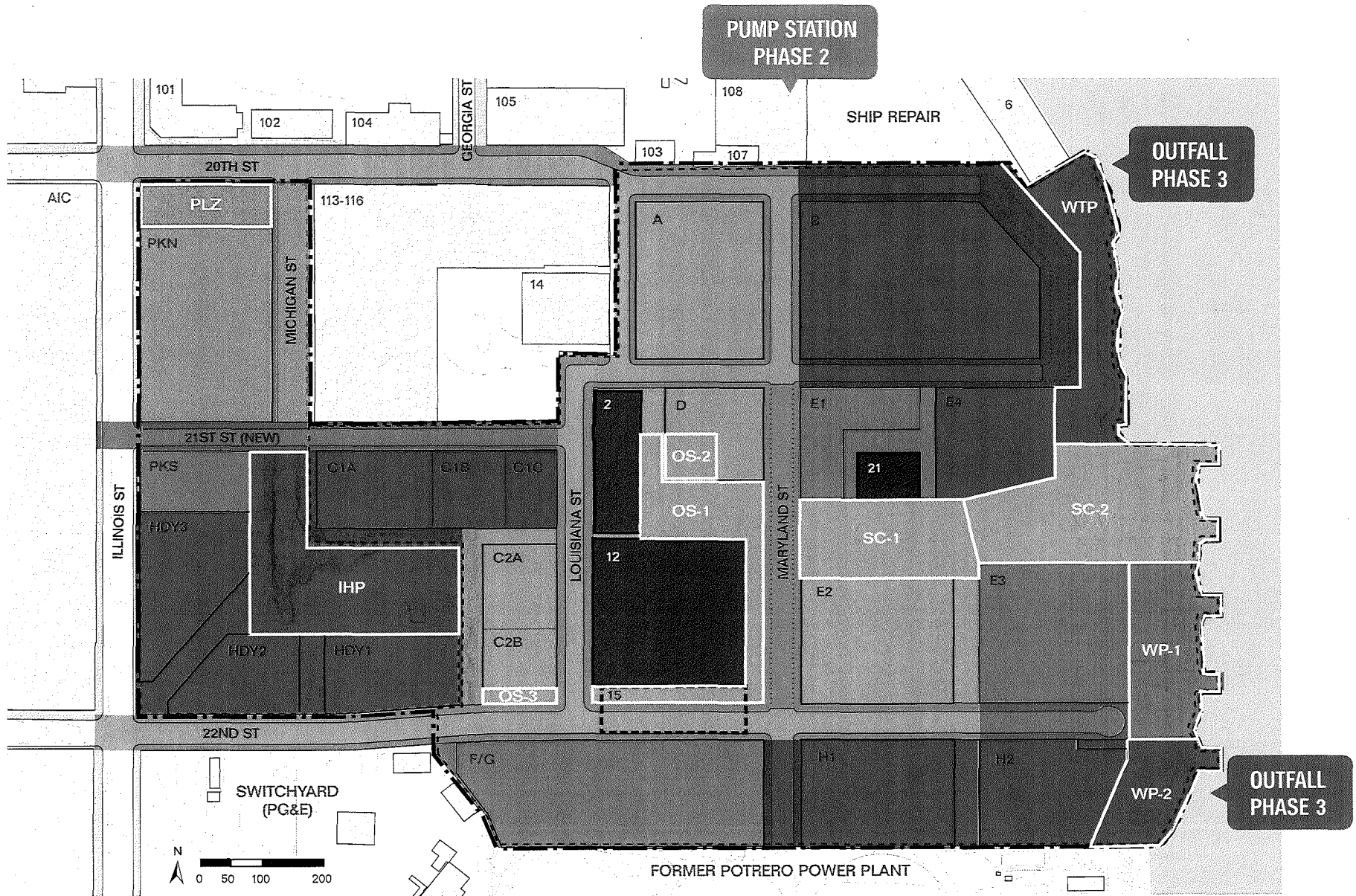
**DDA Exhibit A4**  
(for informational purposes only)



**PIER 70 SUD**  
LAND USE PLAN

SITELAB urban studio 08/30/2017

- Pier 70 Project Site
- Commercial-Office
- Residential
- Retail, Arts, and Light Industrial
- Parking Garage



**PIER 70 SUD**  
PHASING PLAN

SITELAB urban studio 08/30/2017

**SITE BOUNDARIES**

- Pier 70 SUD
- - - 28-Acre Site
- - - Illinois Parcels

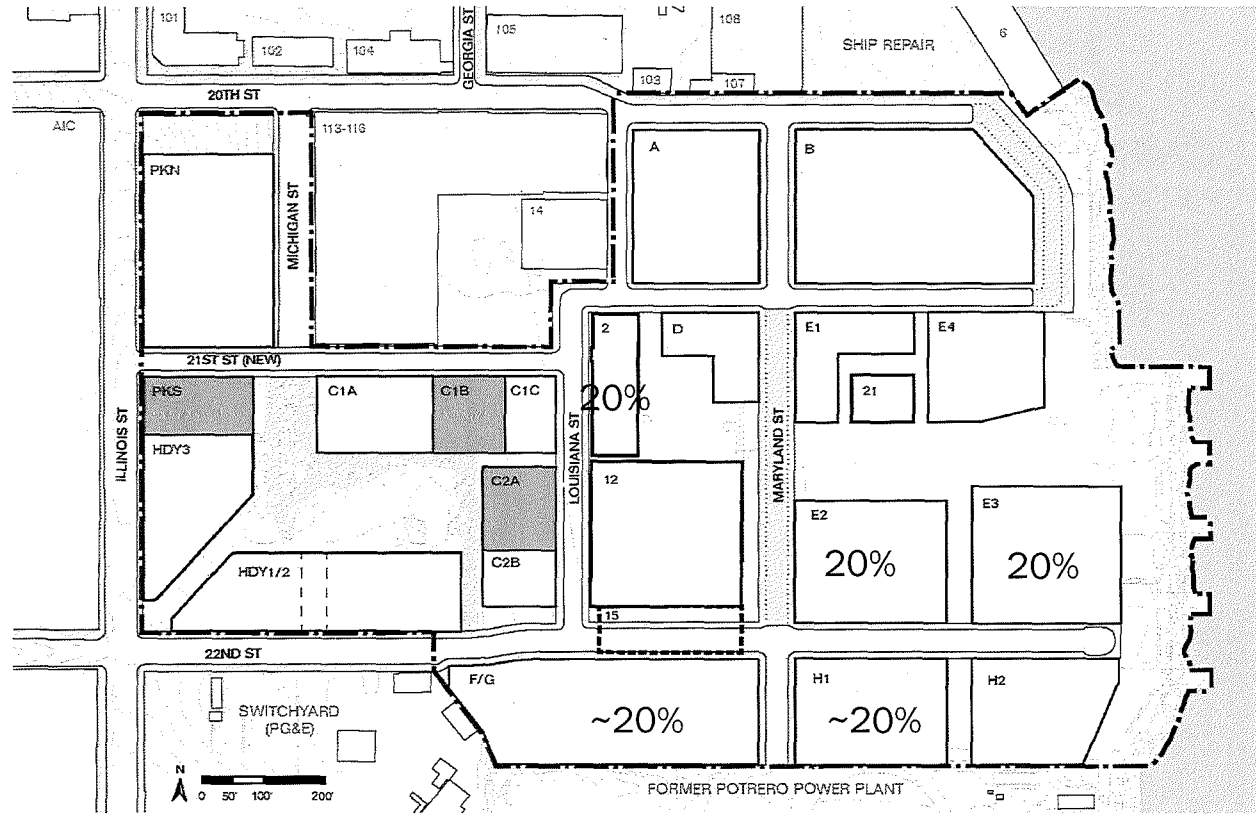
**PHASES**

- Phase 0.5
- Phase 1
- Phase 2
- Phase 3
- SC-2 Indicates open space zones

## Pier 70 Affordable Housing Program

**30% of all on-site units will be affordable.**

- 20% inclusionary units in all residential rental buildings.
- 3 dedicated 100% affordable housing parcels > 327 units total.
- Project generated gap funding
  - Jobs Housing Linkage Fees paid by office development
  - In lieu affordable housing fee paid by condominium projects
  - Tax increment from the PG&E Hoedown Yard, after relocation and City sale.
- Units focused towards District 10 residents: affordable housing marketing program, neighborhood preference program.



**EXHIBIT A: HOUSING MAP**

09/12/2017

— Pier 70 SUD  
— Affordable Housing Parcel



# Pier 70 Affordable Housing Program

## 1700 units total in mid-point program

- 178 affordable units in mixed income rental buildings
- 327 affordable units in 3 affordable buildings

Estimated \$300,000 gap for each unit x 327

Total Gap Funding required= \$98,100,000

Jobs Housing Linkage Fees\* = \$35,430,140

Affordable Housing Fees \*\* = \$48,065,654

Total Fee Revenue = \$83,495,794

IRFD from Hoe Down Yard = \$15,682,353

\* 1.2MSF office, 300KSF retail

\*\* 585 units condominium units

Source of Funds	Amount
Jobs Housing Linkage Fees	\$35,430,140
Affordable Housing Fees	\$48,065,654
IRFD Property Tax Increment	\$15,682,353
	\$99,178,140

- RECEIVED + REFERRED TO IN COMMITTEE
- 10/16/2007
- NO CHANGES ACCEPTED

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 ~~italics Times New Roman font~~.  
 10 **Board amendment additions** are in double-underlined Arial font.  
 11 **Board amendment deletions** are in ~~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.**

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~~ in the Ordinance contained in Board File No. 170863.  
7 The Project will provide several benefits to the City, such as a significant amount of affordable  
8 housing, increased public access and open space, facilities for small-scale manufacturing, extensive  
9 infrastructure improvements, and replacement space for Noonan Building tenants, while creating jobs,  
10 housing, and a vibrant community as contemplated under California Assembly Bill 418 (AB 418) (Stats.  
11 2011, ch. 477), which made Pier 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>	8 <u>Residen-</u> <u>tial Uses</u>	9 <u>Institu-</u> <u>tional</u> <u>Uses</u>	10 <u>Retail</u> <u>Uses</u>	11 <u>Office</u> <u>Uses</u>	12 <u>Entertain-</u> <u>ment,</u> <u>Arts, and</u> <u>Recreation</u> <u>Uses</u>	13 <u>Industrial</u> <u>Uses</u>	14 <u>PDR</u> <u>Uses</u>	15 <u>Parking</u> <u>Lot</u>	16 <u>Parking</u> <u>Garage</u>
17 <u>2</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
18 <u>12</u>	<u>NP</u>	<u>P(15)</u>	<u>P(2)</u> <u>(16)</u>	<u>P(3)(4)</u> <u>(17)</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
19 <u>21</u>	<u>NP</u>	<u>P(15)</u>	<u>P(2)</u> <u>(16)</u>	<u>NP(17)</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
20 <u>A</u>	<u>NP</u>	<u>P(15)</u>	<u>P(2)</u> <u>(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
21 <u>B</u>	<u>NP</u>	<u>P(15)</u>	<u>P(2)</u> <u>(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)</u>	<u>P(11)</u>	<u>NP(13)</u>	<u>NP(14)</u>
22 <u>C1</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>P</u>
23 <u>C2</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u> <u>(17)</u>	<u>P(7)(8)</u>	<u>P(9)(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>P</u>
24 <u>D</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u> <u>(17)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
25 <u>E1</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>

				<u>(17)</u>						
1				<u>(17)</u>						
2	<u>E2</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
3				<u>(17)</u>						
4	<u>E3</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
5				<u>(17)</u>						
6	<u>E4</u>	<u>NP</u>	<u>P(15)</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>
7				<u>(16)</u>	<u>(17)</u>					
8	<u>F/G</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
9	<u>H1</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
10	<u>H2</u>	<u>P</u>	<u>P(15)</u>	<u>P(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
11	<u>PKN</u>	<u>P(1)</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
12				<u>(17)</u>						
13	<u>PKS</u>	<u>P(1)</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
14				<u>(17)</u>						
15	<u>HDY3</u>	<u>P(1)</u>	<u>P(15)</u>	<u>P(16)</u>	<u>NP(5)</u>	<u>P(7)(8)</u>	<u>P(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>
16				<u>(17)</u>						
17	<u>HDY1/2</u>	<u>P(1)</u>	<u>P(15)</u>	<u>P(16)</u>	<u>P(17)</u>	<u>P(6)(8)</u>	<u>P(9)(10)</u>	<u>P(11)(12)</u>	<u>NP(13)</u>	<u>NP(14)</u>

Notes:

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

(2) Tourist Hotel is NP.

(3) Service, ~~Medical~~Heath 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.

(7) Movie Theater is NP.



1 (8) Livery Stables are NP.

2 (9) Automobile Assembly, Food Fiber and Beverage Processing 1, Light Manufacturing, Metal  
3 Working are P. Other Industrial Uses are NP.

4 (10) Food Fiber and Beverage Processing 1, Light Manufacturing are P on Ground Floor only  
5 if Building contains Residential.

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

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

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

11 (14) Accessory Parking is P.

12 (15) Hospital is NP.

13 (16) Automotive Retail is NP.

14 (17) The gross floor area of Office uses within the SUD shall not exceed 1.75 million  
15 square feet. No amount of Office use may be approved that would cause the total gross floor  
16 area of Office use within the SUD to exceed 1.75 million square feet, taking into account the  
17 total amount of gross floor area of Office use within Vertical Improvements and Historic  
18 Buildings that have received design approval under subsections (l)(6) or (l)(4), as applicable,  
19 whether completed or not.

20 (2) Temporary Uses. The Executive Director may approve without a public hearing  
21 any of the following uses ("Temporary Uses") for a period not to exceed 90 days, or for such longer  
22 period of time as may be approved by the Executive Director under any Port lease or license: booths  
23 for charitable, patriotic, or welfare purposes; markets; exhibitions, festivals, circuses, musical and  
24 theatrical performances and other forms of live entertainment including setup/load-in and  
25 demobilization/load-out; athletic events; open-air sales of agriculturally-produced seasonal

1 decorations such as Christmas trees and Halloween pumpkins; meeting rooms and event staging;  
2 mobile food and temporary retail establishments; and automobile and truck parking and loading  
3 associated with any authorized temporary use. The Executive Director may authorize recurring  
4 Temporary Uses (such as a weekly farmers market) under a single authorization.

5 (3) **Interim Uses.** The Executive Director may approve any use listed in this subsection  
6 ("Interim Use") without a public hearing for a period not to exceed five years if the Executive Director  
7 finds that such Interim Use will not impede orderly development consistent with this Section 249.79, the  
8 Design for Development, and the DA. Interim Uses are limited to uses in the existing Historic  
9 Buildings, unimproved areas, and open spaces. Any Interim Use listed in this subsection that is  
10 integral to development under the DA, DDA, or Vertical DDA, and is permitted by the Port under any  
11 Port lease or license shall not require separate authorization as an Interim or Temporary use (for  
12 example, uses incidental to environmental clean-up, demolition and construction, storage, and  
13 automobile and truck parking and loading related to construction activities). Any authorization granted  
14 pursuant to this Ssubsection 249.79(g)(3) shall not exempt the applicant from obtaining any other  
15 permit required by law. Additional time for such uses may be authorized upon a new application.  
16 Interim Uses the Executive Director may authorize include, but are not limited to:

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

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

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

23 (D) Motor vehicle and bicycle parking;

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

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

3 (G) Site management service, administrative functions and customer amenities  
4 and associated loading;

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

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

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

12 (5) Ground Floor Frontages.

13 (A) Priority Retail Frontages. As listed below, a minimum of 50% percent of  
14 the shaded Priority Retail Frontage zone shown in Figure 1 shall be occupied by the following uses  
15 (each, a "Priority Retail" use) as defined in Section 2.2 of the Design for Development (Ground Floor  
16 Uses):

17 (i) Retail Sales and Service Use (including ~~p~~Personal ~~s~~Services and  
18 excluding ~~medical~~Health ~~s~~Services, ~~f~~Financial ~~s~~Services, banks, real-estate services, or ~~Retail~~  
19 Professional Services, and ~~r~~Retail ~~a~~Automotive ~~u~~Uses);

20 (ii) Bar and restaurant;

21 (iii) Arts activities;

22 (iv) PDR Use (including Industrial Use); and

23 (viii) Entertainment, Arts, and Recreation Use.

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

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

7 (D) **Retail and Service Frontages.** To embed a broader set of active uses  
8 elsewhere on the site, including community facilities and personal services, Retail and Service  
9 Frontages shall occur along the northern and southern waterfront edge, as well as along the 200-foot  
10 portion of C1 facing Orton Plaza and on key gateways into the site from Illinois Street and corners  
11 adjacent to the Maryland Street corridor between 21st and 22nd Streets, as shown in Figure 1.  
12 Specified frontage zones shall be limited to the Priority Retail uses listed in subsection  
13 249.79(g)(5)(A) plus the following additional uses (each, a “Priority Service Use”) for a minimum of  
14 50% percent of the shaded Retail and Services frontage zone identified in Figure 1:

15 (i) ~~MedicalHealth sServices;~~

16 (ii) ~~Financial sServices and banks;~~

17 (iii) ~~Fitness centers and gyms~~Retail Professional Services;

18 (iv) ~~Institutional Use;~~

19 (v) ~~Community facilities;~~ and

20 (vi) ~~Events and activity space~~Non-Retail Sales and Service Use.

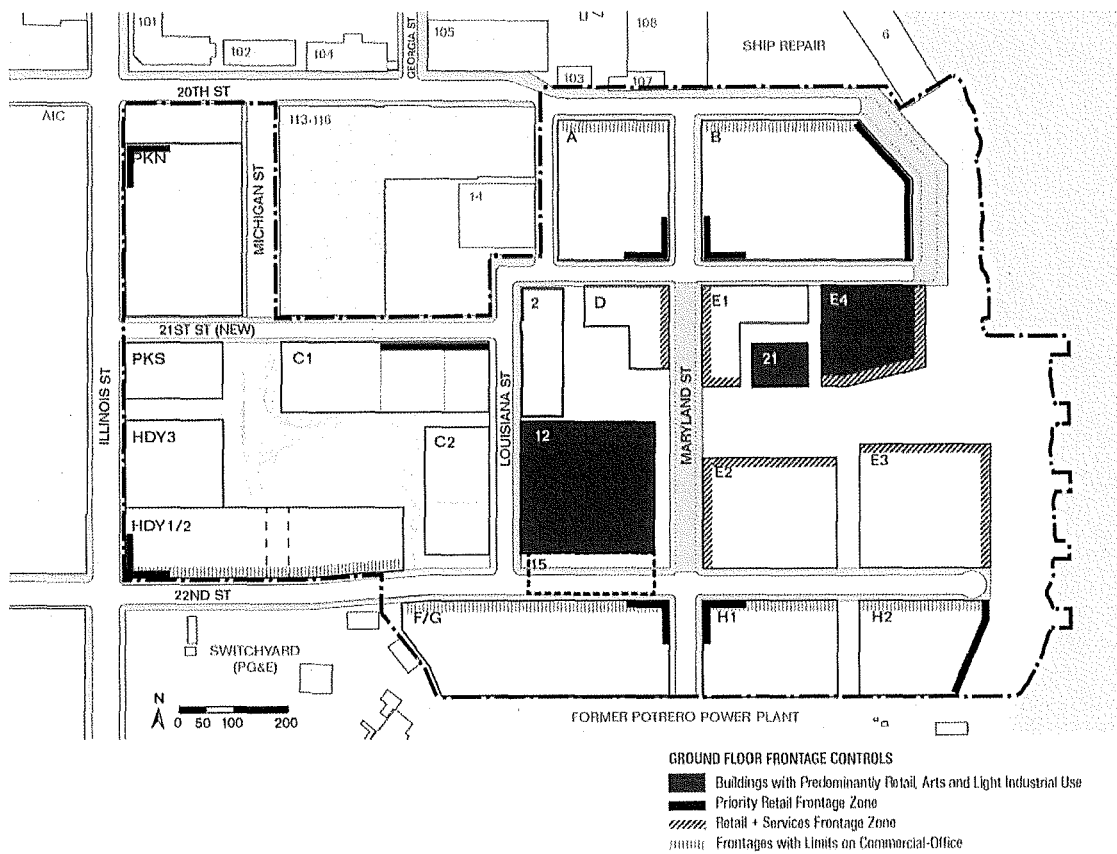
21 (vii) ~~For C1 only, small oOffices up to 5,000 square feet.~~

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

24 (F) **Office Frontages.** Ground floor office uses on 20th and 22nd Streets, as  
25 shown on Figure 1, shall not exceed 75% percent of the frontage for Parcels A, B, F, G, HDY, H1, and

1 H2. Remaining portions of those frontages shall provide usable spaces for a viable non-office use,  
 2 including all Priority Retail uses listed in 249.79(g)(5)(A) and Priority Service Uses listed in  
 3 249.79(g)(5)(D).

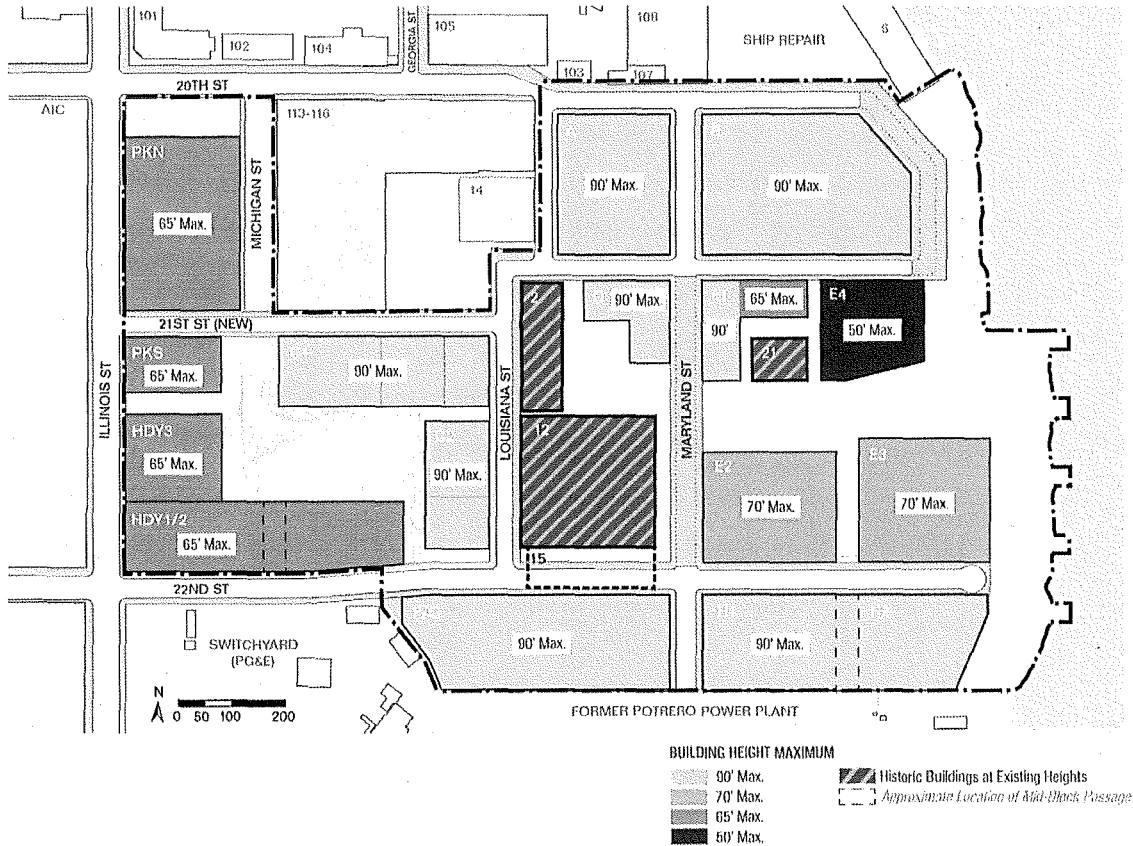
4 **Figure 1: Ground Floor Frontage Controls.**



19 **(h) Building Standards.**

20 **(1) Building Height and Bulk.** The height and bulk limits shall be as set forth on  
 21 Sectional Map HT08 of the Zoning Map and as further limited and detailed in Figure 2 of this Section  
 22 249.79 (Building Height Maximum) and the Design for Development.

**Figure 2: Building Heights Maximum.**



(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

1 249.79(h)(4) below. Planning will determine compliance with the off-street parking standards in  
 2 accordance with Subsection 249.79(l)(5) below. These requirements may be modified pursuant to  
 3 implementation of the Project's Transportation Demand Management (TDM) requirement, as set forth  
 4 in the DDA.

5

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

7 **Maximum Permitted Off-Street Parking**

8 <u>Residential Use</u>	<u>0.6 spaces per residential unit</u>
9 <u>Office Use</u>	<u>1 space per 1500 square feet of Gross Floor</u> 10 <u>Area</u>
11 <u>All Other Uses</u>	<u>None permitted</u>

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

16 (14) **Impact Fees.** Vertical Improvements within the SUD that are subject to the DA  
17 shall be required to pay impact fees in accordance with the DA. In recognition of the high level of in-  
18 kind improvements provided under the Design for Development and related project documents, all  
19 other Vertical Improvements within the SUD, whether subject to the DA or not, shall not be required to  
20 pay the Eastern Neighborhoods Impact Fees and Public Benefits Fund requirements set forth in Section  
21 423.

22 (15) **Transportation Fee.** Vertical Improvements that are subject to the DA shall be  
23 required to pay transportation fees in accordance with the DA, which fees shall be used by SFMTA in  
24 accordance with the Transportation Plan attached to the DA. All other Vertical Improvements within  
25 the SUD shall pay to SFMTA a "Transportation Fee" that SFMTA shall use to pay for uses permitted

1 by the TSF Fund under Section 411A.7, including SFMTA and other agencies' costs to design, permit,  
2 construct, and install a series of transportation improvements in the area surrounding the Pier 70 SUD.  
3 The Transportation Fee will be calculated for each Vertical Improvement at 100% of the applicable  
4 TSF rate without a discount under Section 411A.3(d) as if it were a Project submitted under Section  
5 411A.3(d)(3).

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

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

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

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

22 (j) **Review and Approval of Development Phases and Horizontal Development.** The Port  
23 Commission shall grant a Phase Approval in accordance with the DDA for the Phase that includes the  
24 applicable Vertical Improvements before Planning may approve an application for design review under  
25 this Section 249.79. Pursuant to subsection (l)(5) below and as further established in the DDA,

1 the Planning Director shall review the off-street parking program proposed in the subject  
2 phase for consistency with the off-street parking requirements set forth in this Section 249.79  
3 prior to Port Commission approval of the Phase Application.

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

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

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

21 *(2) Completeness. Port and Planning staff shall review the application for*  
22 *completeness and advise the Applicant in writing of any deficiencies within 30 days after receipt of the*  
23 *application or, if applicable, within 15 days after receipt of any supplemental information requested*  
24 *pursuant to this Section. Review by Port staff shall also include a review for compliance with the*  
25 *requirements of the applicable Vertical DDA (or, if the Vertical DDA has not been executed at the*

1 time of application submittal, for compliance with the requirements of the form of Vertical DDA  
2 approved by the Board of Supervisors and the information provided in Developer's applicable  
3 Appraisal Notice submitted under the DDA). If staff does not so advise the applicant, the  
4 application shall be deemed complete.

5 (3) **Staff Design Review of Buildings.** Each application for Vertical Improvements  
6 shall be subject to the administrative design review process set forth in this subsection (l). Upon a  
7 determination of completeness (or deemed completeness), staff shall conduct design review and  
8 prepare a staff report determining compliance of the Vertical Improvement with this Section 249.79  
9 and the Design for Development, including a recommendation regarding any modifications sought.  
10 Such staff report shall be delivered to the Applicant and any third parties requesting notice in writing.  
11 shall be kept on file, and posted on the Department's website for public review, within 60 days of the  
12 determination of completeness (or deemed completeness).

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

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

23 (5) **Off-Street Parking.** It is the intent of this SUD that at full build-out of all parcels in  
24 the SUD, the total number of off-street parking spaces within the SUD shall not exceed the applicable  
25 maximum parking ratios specified in Table 249.79(h)(4) above. The maximum parking ratios shall not

1 apply to individual Vertical Improvements or parcels, but shall be considered cumulatively for the SUD  
2 as a whole. To ensure compliance with the maximum parking ratios on a periodic basis during  
3 the phased build-out of the SUD, the Planning Department shall not approve new off-street  
4 parking proposed within a Vertical Improvement if it determines that the amount of off-street  
5 parking proposed would cause the aggregate parking ratio in the SUD to be exceeded when  
6 taking into account the amount of parking in the proposed Vertical Improvement plus the  
7 amount of parking for all Buildings approved under this Section 249.79 as of the date of  
8 determination (without regard to whether or not the Building has been constructed) at the  
9 following Development Increments: every 750 net new housing units and every 400,000 gross  
10 square feet of non-residential uses in new or rehabilitated buildings (each residential and non-  
11 residential threshold, a "Development Increment"). Notwithstanding the foregoing, a deviation  
12 of up to 10% above the maximum ratios shall be permitted for all increments prior to final build  
13 out and not be considered a Major Modification, Minor Modification, or otherwise inconsistent  
14 with this Section 249.79 or the Design for Development. For any increment beyond the first,  
15 the Planning Director may disallow part or all of the 10% deviation from the maximum ratios in  
16 consideration of expected build-out of the SUD. As part of the Phase Submittal process  
17 required under the DDA and discussed in subsection (j) above, the Port shall refer to the  
18 Planning Director for approval the parking data information submitted by the developer setting  
19 forth the total number of residential units and total gross floor area of office space for the  
20 proposed phase and for all prior approved phases (without regard to whether or not the  
21 Buildings have been constructed) along with an updated estimate of maximum future buildout  
22 of residential units and office spaces within the SUD. For Phases 1 and 2, the Phase  
23 Submittal may exceed the maximum parking ratios for proposed and previously approved  
24 parking spaces by up to 10%, provided the cumulative buildout for that phase does not  
25 exceed 90% of the expected full buildout within the SUD for either residential units or office

1 space. For Phases thereafter, the Planning Director may determine whether to allow a 10%  
2 deviation above the maximum parking ratios allowed for the SUD, taking into account the  
3 expected Project program at full build-out. To ensure compliance with the maximum parking  
4 ratios on a periodic basis during the phased build-out of the SUD, Planning shall not otherwise  
5 approve new off-street parking proposed within a Vertical Improvement if it determines that  
6 the amount of off-street parking proposed for the Vertical Improvement would cause the SUD  
7 to exceed the total number of parking spaces approved under the current Phase Submittal  
8 plus all prior approved Phase Submittals.

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 (l)(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 (l)(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)		
4110	001		
4110	008A		
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)		
4120	002		



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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170864

**From:** Steve Eisenberg <stevesnbrg@gmail.com>  
**Sent:** Sunday, October 15, 2017 9:01 PM  
**To:** Board of Supervisors, (BOS); Karunaratne, Kanishka (BOS); Fewer, Sandra (BOS); Boilard, Chelsea (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Summers, Ashley (BOS); Kim, Jane (BOS); Farrell, Mark (BOS); Chan, Yoyo (BOS); Yee, Norman (BOS); Cohen, Malia (BOS); Ronen, Hillary; Maybaum, Erica (BOS); Morales, Carolina (BOS); Lee, Ivy (BOS); Major, Erica (BOS); Carroll, John (BOS); Jalipa, Brent (BOS); Peskin, Aaron (BOS)  
**Cc:** maryfrancis@chevron.com; joenaylor@chevron.com; wesleylohec@chevron.com; tariff@chevron.com  
**Subject:** Fwd: Cities of San Francisco and Oakland responsible for future harm caused by sea level rise flooding  
**Attachments:** d2.PNG; d3.PNG; d4.PNG; d6.PNG

----- Forwarded message -----

**From:** **Steve Eisenberg** <stevesnbrg@gmail.com>  
**Date:** Sun, Oct 15, 2017 at 5:11 PM  
**Subject:** Cities of San Francisco and Oakland responsible for future harm caused by sea level rise flooding  
**To:** [dennis.herrera@sfgov.org](mailto:dennis.herrera@sfgov.org), [Jean.Alexander@sfgov.org](mailto:Jean.Alexander@sfgov.org), [cityattorney@sfgov.org](mailto:cityattorney@sfgov.org), [Lisa.Ang@sfgov.org](mailto:Lisa.Ang@sfgov.org), [paul.henderson@sfgov.org](mailto:paul.henderson@sfgov.org), [shahde.tavakoli@sfgov.org](mailto:shahde.tavakoli@sfgov.org), [Daniel.Adams@sfgov.org](mailto:Daniel.Adams@sfgov.org), [Lorene.Agujetas@sfgov.org](mailto:Lorene.Agujetas@sfgov.org), [Morris.Allen@sfgov.org](mailto:Morris.Allen@sfgov.org), [officeofthemayor@oaklandnet.com](mailto:officeofthemayor@oaklandnet.com), [cityadministrator@oaklandnet.com](mailto:cityadministrator@oaklandnet.com), [CBowen@oaklandcityattorney.org](mailto:CBowen@oaklandcityattorney.org), [JAllen@oaklandcityattorney.org](mailto:JAllen@oaklandcityattorney.org), [HLee@oaklandcityattorney.org](mailto:HLee@oaklandcityattorney.org), [BParker@oaklandcityattorney.org](mailto:BParker@oaklandcityattorney.org), [DMoreno@oaklandcityattorney.org](mailto:DMoreno@oaklandcityattorney.org), [OMcGee@oaklandcityattorney.org](mailto:OMcGee@oaklandcityattorney.org), [dkalb@oaklandnet.com](mailto:dkalb@oaklandnet.com), [wohlschlegelE@api.org](mailto:wohlschlegelE@api.org), [michael.fleming@shell.com](mailto:michael.fleming@shell.com), [ravs@chevron.com](mailto:ravs@chevron.com), [greg.smith@shell.com](mailto:greg.smith@shell.com), [gerald.s.frey@exxonmobil.com](mailto:gerald.s.frey@exxonmobil.com), [joe.e.trice@exxonmobil.com](mailto:joe.e.trice@exxonmobil.com), [mitch.jones@bp.com](mailto:mitch.jones@bp.com), [Donny.Ching@shell.com](mailto:Donny.Ching@shell.com), [Bruce.Culpepper@shell.com](mailto:Bruce.Culpepper@shell.com), [Darren.W.Woods@exxonmobil.com](mailto:Darren.W.Woods@exxonmobil.com)  
**Cc:** [melissaritchie@chevron.com](mailto:melissaritchie@chevron.com), [davebosi@chevron.com](mailto:davebosi@chevron.com), [joelyoungblood@chevron.com](mailto:joelyoungblood@chevron.com), [betsy.carr@bp.com](mailto:betsy.carr@bp.com), [mark.stultz@bp.com](mailto:mark.stultz@bp.com), [casey.p.mcfaden@conocophillips.com](mailto:casey.p.mcfaden@conocophillips.com), [robert.f.bonner@conocophillips.com](mailto:robert.f.bonner@conocophillips.com), [gshott@reliant.com](mailto:gshott@reliant.com), [JanRogers@chevron.com](mailto:JanRogers@chevron.com), [melissa.mitchell2@shell.com](mailto:melissa.mitchell2@shell.com), [ames.decker@bp.com](mailto:ames.decker@bp.com), [cwestmoreland@unocal.com](mailto:cwestmoreland@unocal.com), [meperry@unocal.com](mailto:meperry@unocal.com), [fangS@api.org](mailto:fangS@api.org), [TadeoM@api.org](mailto:TadeoM@api.org), [kalexander@sfchronicle.com](mailto:kalexander@sfchronicle.com)

To the Cities of San Francisco and Oakland:

Please be advised: On September 17, 2017 the City of San Francisco and the City of Oakland acknowledged the direct and imminent threat of flooding due to sea level rise. From that date going forward the Cities of San Francisco and Oakland shall be liable for any and all harm that comes to any and all commercial, residential and government projects that the cities of San Francisco and Oakland authorize to be built in areas known to be subject to sea rise flooding and that are negatively impacted by that sea rise flooding.

Even if the cities prevail in court asserting that the oil industry is the cause of sea level rise and subsequent flooding that does not release the cities' liability for knowingly allowing developments to be built in harm's way. In fact those making the decisions could be held accountable individually for any harm that comes to the residents and occupants at the "*Pier 70 in the Dogpatch neighborhood*" and the "*Potrero Power Plant*" development projects due to misfeasance in office.

This liability is increased with the fact that there are virtually hundreds of thousands of alternative locations around the San Francisco Bay at higher elevations that will not be subject to sea rise flooding in which developments could be built. No excuse not to build elsewhere.

To use an analogy: The cities are allowing homes and businesses to be built below a

dam in which they know is structurally compromised and likely to fail sometime in the future. The cities did not build the dam and therefore are not responsible for the damage caused by the failure of the dam to homes and businesses that have been built prior to any acknowledgment of the structural failure. Now that the cities know that the dam is going to fail the cities are under a legal obligation to ensure the safety of its residents and businesses by keeping them out of harm's way. To deliberately place residents and businesses in harm's way when there are alternatives makes the cities liable for the harm that comes to the residents and businesses that are harmed by the failure of the dam.

In essence it is a parallel legal argument to the very one the cities are using to hold the oil companies accountable.

<http://www.sfgate.com/bayarea/article/San-Francisco-Oakland-sue-major-oil-companies-12215044.php#photo-14152158>

<http://www.sfgate.com/politics/article/Vision-for-a-new-neighborhood-at-SF-s-Pier-70-11957299.php>

<http://www.sfgate.com/bayarea/article/Big-new-mixed-use-project-proposed-for-Potrero-12210122.php#photo-14142311>

# Vision for a new neighborhood at SF's Pier 70 gets a key approval

By J.K. Dineen Published 9:43 pm, Thursday, August 24, 2017

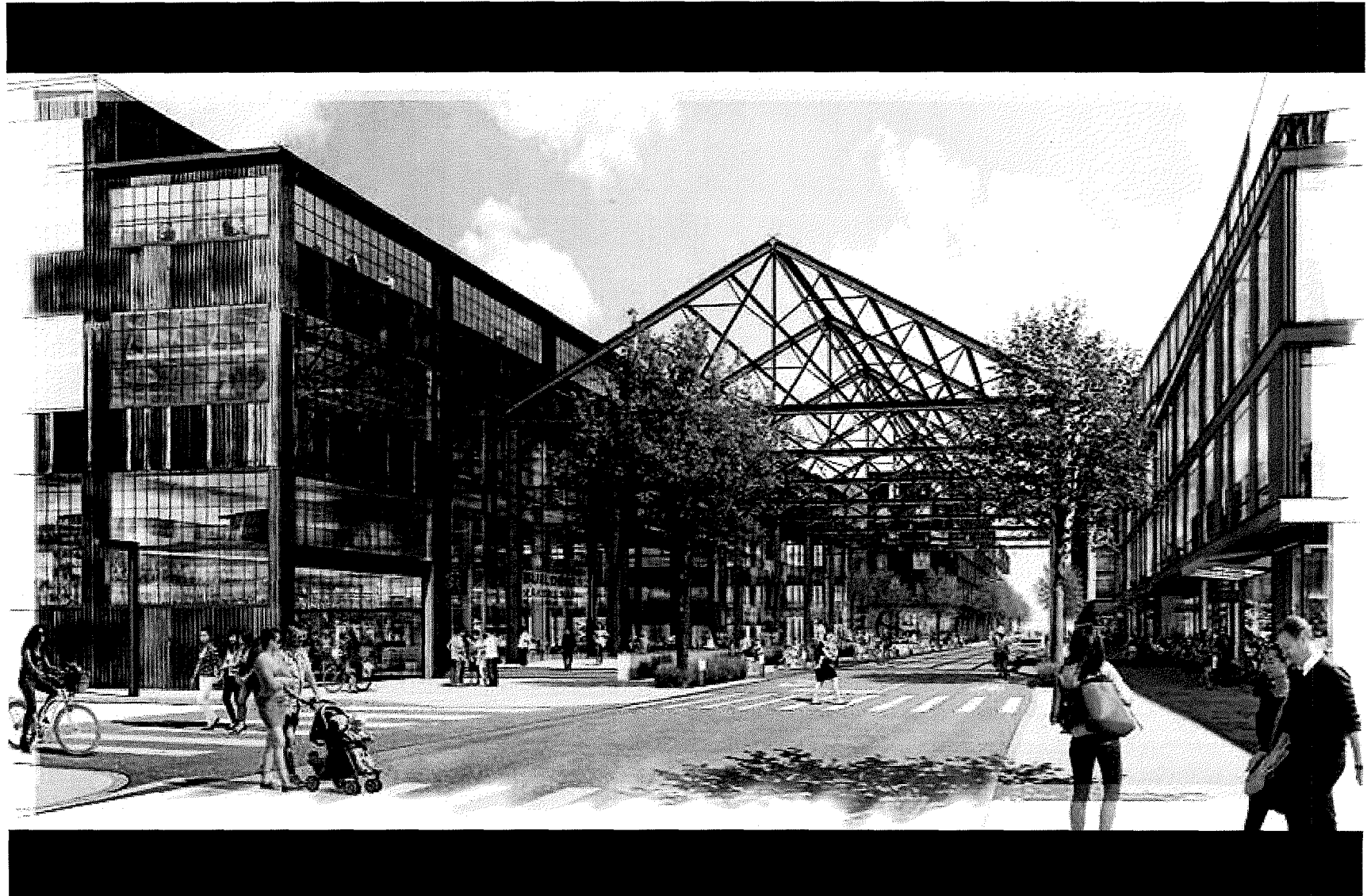
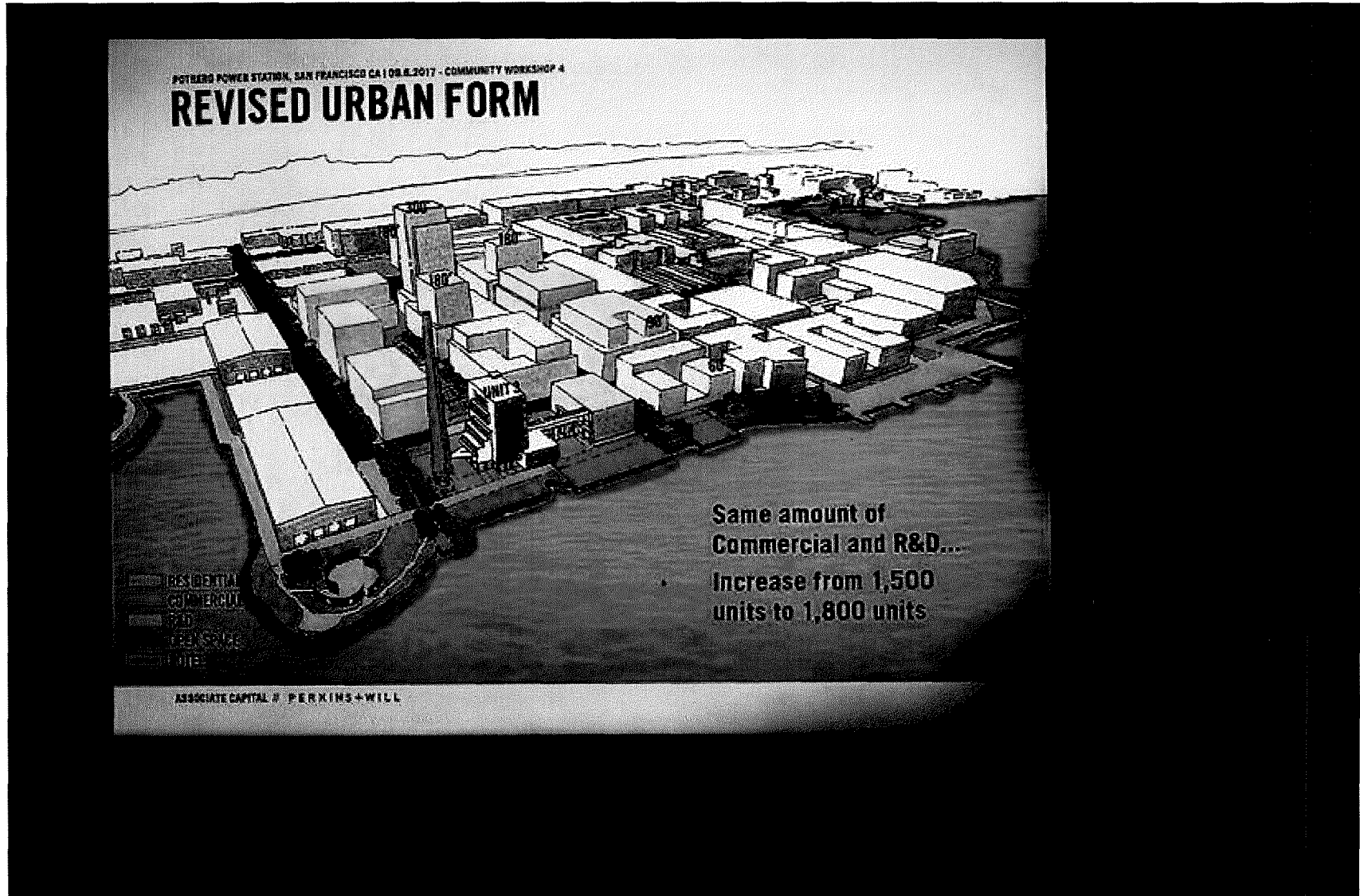


Photo: Forest City

# Big, new mixed-use project proposed for Potrero Power Plant property

By J.K. Dineen Updated 3:04 pm, Wednesday, September 20, 2017



# San Francisco, Oakland sue major oil companies over rising seas

By Kurtis Alexander Updated 9:15 pm, Wednesday, September 20, 2017



95



Photo: Kim Komenich, SFC



# 10 Images Show What Coastal Cities Will Look Like After Sea Levels Rise

A new study finds that even if we slow rising temperatures now, we could still be in for higher seas.

SHARE



*(Photo illustration: Nikolay Lamm; data: Courtesy Climate Central)*

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

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



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

August 1, 2017

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

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.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

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

c: John Rahaim, Director of Planning  
Aaron Starr, Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Acting Environmental Review Officer  
AnMarie Rodgers, Senior Policy Advisor  
Laura Lynch, Environmental Planning  
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Elaine Forbes, Executive Director, Port Department  
Amy Quesada, Commission Secretary, Port Commission  
Tom Hui, Director, Department of Building Inspection  
Ed Reiskin, Executive Director, Municipal Transportation Agency  
Jose Cisneros, Treasurer, Office of the Treasurer and Tax Collector  
John Rahaim, Director, Planning Department

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

DATE: August 1, 2017

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on July 25, 2017:

**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.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

c: Daley Dunham, Port Department  
William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency  
Amanda Kahn Fried, Office of the Treasurer and Tax Collector  
Scott Sanchez, Planning Department  
Lisa Gibson, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Laura Lynch, Planning Department

Member, Board of Supervisors  
District 2



MARK FARRELL

RECEIVED  
BOARD OF SUPERVISORS  
City and County of San Francisco  
SAN FRANCISCO

2017 OCT 19 AM 9:27

BY FB

COB  
LU Clerk  
Leg Clerk  
Leg Dep

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DATE: October 19, 2017

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Mark Farrell, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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*Mark S. Farrell*

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, October 24, 2017, as Committee Reports:

**170930 General Plan - Pier 70 Mixed-Use District Project**

Ordinance amending the General Plan to revise Maps 4 and 5 of the Urban Design Element to refer to the Pier 70 Mixed-Use Project Special Use District; adopting findings under the California Environmental Quality Act, and Planning Code, Section 340; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**170864 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.

**170987 Public Trust Exchange Agreement - California State Lands Commission - Pier 70 Project**

Resolution approving the Compromise Title Settlement and Land Exchange Agreement for Pier 70 between the City and the California State Lands Commission in furtherance of the Pier 70 Mixed Use Project located at Pier 70; and adopting findings under the California Environmental Quality Act.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, October 23, 2017, at 1:30 p.m.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

**NOTICE OF PUBLIC HEARING**  
**BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**  
**LAND USE AND TRANSPORTATION COMMITTEE**

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** October 16, 2017

**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** Pier 70 Mixed Use Project

**File No. 170930.** Ordinance amending the General Plan to revise Maps 4 and 5 of the Urban Design Element to refer to the Pier 70 Mixed-Use Project Special Use District; adopting findings under the California Environmental Quality Act, and Planning Code, Section 340; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**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.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, October 13, 2017.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo, Clerk of the Board

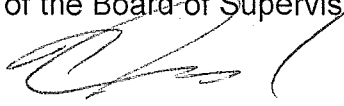
DATED/PUBLISHED/POSTED: October 6, 2017

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE

RECEIVED  
7/25/2017 @ 5:50pm

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: <sup>Fos</sup> Mayor Edwin M. Lee   
RE: Pier 70 Project  
DATE: July 25, 2017

Attached for introduction to the Board of Supervisors is legislation for the Pier 70 Project:

- Resolution of Intention to Issue Bonds in an Amount Not to Exceed \$273,900,000, \$196,100,000 and \$323,300,000 for Sub-Project Area G-2, Sub-Project Area G-3 and Sub-Project Area G-4, respectively, City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).
- Resolution of Intention to establish Sub-Project Area G-2, Sub-Project Area G-3 and Sub-Project Area G-4 of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).
- Resolution authorizing and directing the Executive Director of the Port of San Francisco, or designee of the Executive Director of the Port of San Francisco to prepare an infrastructure financing plan for City and County of San Francisco Infrastructure Financing District No. 2 (Hoedown Yard) and determining other matters in connection therewith.
- Resolution of Intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard) on land within the City and County of San Francisco commonly known as the Hoedown Yard to finance the construction of affordable housing within Pier 70 and Parcel K South; to call a public hearing on October 24, 2017 on the formation of the district and to provide public notice thereof; and determining other matters in connection therewith.
- Resolution of intention to issue bonds for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard) and determining other matters in connection therewith.
- Ordinance approving a Development Agreement between the City and County of San Francisco and FC Pier 70, LLC, for 28 acres of real property located in the Pier 70 area; waiving certain provisions of the Administrative Code, Planning Code, and Subdivision Code; and adopting findings under the California Environmental Quality Act, public trust findings, and findings of consistency with the City's General Plan and with the eight priority policies of Planning Code Section 101.1(b).

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

Please note that the legislation is co-sponsored by Supervisor Cohen.

I respectfully request that these items be calendared in Land Use Committee on October 16, 2017.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
7/25/2017 @ 5:50pm  
A

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Cohen

Subject:

Planning Code, Zoning - Pier 70 Special Use District

The text is listed:

Attached

Signature of Sponsoring Supervisor:

*Malia Cohen*

For Clerk's Use Only