



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: FEBRUARY 6, 2020

*Case No.:* 2014-001272DVA-02  
*Project Name:* Pier 70 Mixed-Use Project  
*Zoning:* Pier 70 Mixed-Use Zoning District  
65-X and 90-X Height and Bulk Districts  
*Block/Lot:* 4114/006  
*Project Sponsor:* Brookfield Asset Management  
*Staff Contact:* Michael Christensen – (415) 575-8742  
[Michael.Christensen@sfgov.org](mailto:Michael.Christensen@sfgov.org)  
*Recommendation:* **Approval**

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### BACKGROUND

Pier 70 is a 28-acre development site located in the City's Central Waterfront at the foot of Potrero Hill and the Dogpatch neighborhood. The project was awarded to Brookfield (formerly Forest City) as the master developer in 2017. Construction of horizontal infrastructure is underway. At completion, the project will include 9 acres of public open space; 250,000+ SF of retail, arts and light industrial space; 800,000-1,750,000 SF of office space; and 1,677-3,335 units of housing

On August 24, 2017 through Motion No. 19980, the Planning Commission approved the Design for Development (herein "D4D") document to establish further controls, standards, and guidelines specific to the Pier 70 Mixed Use Development site, thus providing development requirements for both infrastructure and community facilities as well as private development of buildings. At the same hearing, the Commission approved General Plan amendments, Zoning Map amendments, Planning Code Text amendments, and a Development Agreement to entitle the Project.

Since the approval of the Project, the Project Sponsor has been in diligent pursuit of post-entitlement permits. The Project Sponsor has obtained approval of the Phase One horizontal infrastructure improvements and subsequently obtained administrative approval for three vertical improvement designs:

1. [Parcel E-2](#), containing 275 rental dwelling units
2. [Parcel K North](#), containing 245 for-sale dwelling units
3. [Parcel A](#), a 353,459 square foot Office building

Also included in Phase One of the development is Parcel D, which is a residential parcel with a maximum height limit of 90-feet. Although the site is authorized with a height limit of 90-feet, Standard 6.4.2 limits the vertical design to a maximum of 8-stories. The site was intended to accommodate the required usable open space for dwelling units, as required by Standard 6.12.1 of the Design for Development, by incorporating a roof deck into the design proposal, as permitted by the Design for Development. However, recent changes in interpretation to the State Fire Code mandate that the inclusion of a roof deck at this

height would require high-rise construction methods for the entirety of the building, substantially raising construction cost and rendering the vertical improvement infeasible.

## **CURRENT PROPOSAL**

The Project Sponsor has requested an amendment to the Design for Development document to allow the vertical improvement to be financially feasible and to correct the issue for other future parcels subject to the same design conditions. The requested amendment would amend Standard 6.4.2 of the Design for Development to allow residential buildings to contain up to 9- stories where currently limited to 8-stories. No changes are requested to overall building heights, the minimum 15-foot ground floor ceiling heights required by Standard 6.8.3 of the D4D, or the overall development capacity authorized for the Project.

## **ISSUES AND CONSIDERATIONS**

Department staff finds that increasing the residential story maximum to 9-stories is appropriate and consistent with the Project approvals and the intent of the D4D. Allowing for an additional story for residential buildings will allow the Project to maximize the residential development capacity of the site within the limits analyzed as part of the FEIR. The units generated will remain at/under the entitled maximum number of units. Moreover, the project's original design intent will remain intact due to established controls around ground floor and building height.

## **REQUIRED COMMISSION ACTION**

For the amendment to proceed, the Commission must approve the amendment to the Design for Development document through the attached Draft Motion document. Additionally, the Port Commission must also approve the proposed amendment.

## **BASIS FOR RECOMMENDATION**

- The amendment to the D4D would help implement the Pier 70 Mixed-Use Project by providing flexibility in the design and development of residential parcels at the site.
- The amendment to the D4D is consistent with all requirements of Section 249.79, the General Plan, and the Development Agreement.
- The amendment to the D4D does not alter the maximum development capacity of the site or alter the Project from what was previously analyzed in the FEIR and thus is consistent with the adopted FEIR.

<b>RECOMMENDATION:</b>	<b>Approval</b>
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### **Attachments:**

Draft Motion for Approval

Amended D4D page



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## Planning Commission Draft Motion

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### APPROVING AMENDMENTS TO THE PIER 70 SPECIAL USE DISTRICT DESIGN FOR DEVELOPMENT (D4D) DOCUMENT.

WHEREAS, on August 24, 2017, the Commission by Motion No. 19980 approved the Design for Development (herein “D4D”) document to establish further controls, standards, and guidelines specific to the Pier 70 Mixed Use Development site, providing development requirements for both infrastructure and community facilities as well as private development of buildings.

WHEREAS, on December 11, 2019, Brookfield Asset Management (herein “Project Sponsor”) requested an amendment to Standard 6.4.2 of the Design for Development document to allow residential buildings within the Project to contain nine stories where currently limited to eight stories, while maintaining the same permitted heights and overall massing required by other Standards of the Design for Development.

WHEREAS, Planning Code Section 249.79(c) authorizes the Planning Commission and the Port Commission to amend the Design for Development upon approval by both bodies, to the extent that such amendment is consistent with Section 249.79, the General Plan, and the Development Agreement.

WHEREAS, the proposed amendment to the Design for Development document would allow the Project Sponsor to maximize the capacity for development of residential units on the Project Site while maintaining the same permitted heights and overall massing required by other Standards of the Design for Development.

WHEREAS, the Planning Commission found the D4D to be consistent with the San Francisco General Plan and in General Conformity with Planning Code Section 101.1, as set forth in Planning Commission Resolution No. 19978.

WHEREAS, on August 24, 2017, the Planning Commission (“Commission”) reviewed and considered the Final EIR for the Pier 70 Mixed Project (FEIR) and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and, by Motion No. 19976, certified the FEIR as accurate, complete and in compliance with the

California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, the proposed amendment would not alter the maximum development capacity of the site or alter the Project from what was previously analyzed in the FEIR and thus is consistent with the adopted FEIR.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission approves the requested amendment to Standard 6.4.2 of the Pier 70 SUD D4D, contingent on the approval of the amendment by the Port Commission, for the following reasons:

1. The amendment to the D4D would help implement the Pier 70 Mixed-Use Project by providing flexibility in the design and development of residential parcels at the site.
2. The amendment to the D4D is consistent with all requirements of Section 249.79, the General Plan, and the Development Agreement.
3. The amendment to the D4D does not alter the maximum development capacity of the site or alter the Project from what was previously analyzed in the FEIR and thus is consistent with the adopted FEIR.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 6, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

ABSENT:

ADOPTED: February 6, 2020

## 6.4 MAXIMUM BUILDING HEIGHT

In addition to the varied heights of the existing historic buildings, the following controls for new construction create complementary juxtapositions of scale to relate to the historic character of the site.

### ▲ Standards

**S6.4.1 BUILDING HEIGHT MAXIMUM.** Building height per parcel shall not exceed the maximum height set forth in Planning Code as amended by the Pier 70 SUD, and shall be further limited by the heights shown in Figure 6.4.2. See S6.4.4 for a list of building features that may be exempted from measurement of building height.

**S6.4.2 MAXIMUM STORIES.** Residential buildings shall be no more than **eight nine** stories above grade and commercial buildings shall be no more than six stories above grade, measured from the base point described in S6.4.3.

Given maximum height permitted on parcels E2, E3, PKN, PKS, HDY 1/2, HDY3, and the north leg of E1 (Figure 6.4.2), residential buildings on these parcels, or portions of parcels, shall be no more than six residential stories or five commercial stories above grade.

E4 shall be no more than five stories above grade.

Measurement of stories shall exclude accessory parking floors and mezzanine levels.

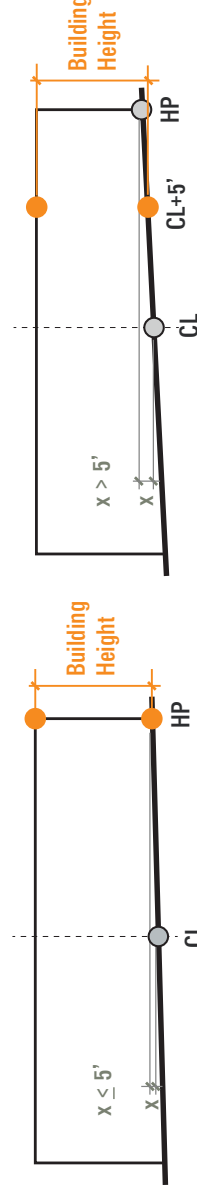
**S6.4.3 METHOD OF HEIGHT MEASUREMENT.** For the purposes of the height limits herein, measurement at grade shall be taken from:

- The highest point of grade at the finished street edge adjacent to the building or five feet above the grade at the centerline of subject building façade, whichever is less. The measurement at grade shall not exceed a five-foot deviation from the height of the subject façade centerline. Where deemed appropriate to reflect physical conditions of a particular parcel, the Planning Director may approve an alternate maximum deviation from the centerline by up to 10 percent. See Figure 6.4.1.
- Where the lot has frontage on two or more streets, the owner may choose the street from which the measurement of

height is to be taken, within the scope of the rules stated above. Mid-block passages shall not be considered as streets for this purpose.

At the building roofline, measurement of height shall be as described below:

- The highest point on the finished roof in the case of a flat roof.
- The average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form.
- The highest point of any feature not exempted from the height measurement by S6.4.4.



If the difference between High Point (HP) and Center Line (CL) is equal to or less than five feet

If the difference between High Point (HP) and Center Line (CL) is more than five feet

**FIGURE 6.4.1:** Height Measurement