

Public Notice

May 6, 2011

Proposed San Francisco Waterfront Special Area Plan Amendment

Hearing Concerning Possible Amendment to the *San Francisco Waterfront Special Area Plan* Concerning Changes to Open Water Basin and Public Plazas Policies, and the Implementation Requirements Related to the Development of Pier 27 and Removal of the Pier 23 Shed

Notice is hereby given that the San Francisco Bay Conservation and Development Commission will consider an amendment to the *San Francisco Waterfront Special Area Plan*. The proposed amendment would address the open water basin policies, the public plaza policies and the implementation requirements of the Special Area Plan that apply to Pier 27 and the Pier 23 shed. The proposed amendment would allow for the location of an international cruise terminal at Pier 27 and the retention of the shed at Pier 23 provided that the public benefits associated with the Special Area Plan amendment meet or exceed those currently required in the Special Area Plan related to fill removal, public access, views and open spaces.

A Public Hearing on the possible amendment is scheduled to be held on October 6, 2011 at the Ferry Building, in San Francisco, California, starting at 1:00 P.M. At least thirty days prior to the initial meeting, the staff will prepare and mail a staff report and preliminary recommendation on the proposed amendment. Interested persons may request the staff report and present written comments on or before October 6, 2011. Oral comments may be presented at the Commission meetings or thereafter as directed by the Commission.

This **Notice** is prepared in conformance with Section 66652 of the California Government Code, Section 11001 of Title 14, Division 5 of the California Code of Regulations, and Section 312 of the federal Coastal Zone Management Act of 1980. If, after the hearings, the Commission adopts an amendment to the *San Francisco Special Area Plan* described in this notice and subsequent staff report, such amendment will be processed as a routine program change of the Commission's federally-approved coastal management program for San Francisco Bay. Any federal agency interested should, therefore, comment to the Commission on or before October 6, 2011. Any written comment received subsequent to the close of the public hearing and public comment period will be distributed to the Commission; however, the staff will not provide a response to the comment in its staff recommendation, but will advise the Commission whether it believes the comment raises a new, substantial issue. If the Commission determines that the comment raises a new, substantial issue, the Commission may reopen the public hearing, and the staff would prepare and distribute a new planning report.

Whether the Special Area Plan should be amended as described above, and in what manner, will be the subject of the public hearings and Commission deliberations.

Further information concerning the proposed amendment can be obtained by contacting Ms. Lindy Lowe at the Commission's office, 50 California Street, Suite 2600, San Francisco, California 94111, telephone (415) 352-3642, e-mail lindyl@bcdc.ca.gov.



SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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April 22, 2011

TO: Commissioners and Alternates

FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
Lindy Lowe, Senior Planner (415/352-3642 lindyl@bcdc.ca.gov)

SUBJECT: Staff Recommendation on Proposed Descriptive Notice for Possible Bay Plan Amendment No. 3-11 to Modify the *San Francisco Waterfront Special Area Plan* regarding the Open Water Basin and Public Plaza Policies, and the Implementation Requirements Related to the Development of Pier 27 and Removal of the Pier 23 Shed
(For Commission consideration on May 5, 2011)

Staff Recommendation

The staff recommends that the Commission: (1) adopt the attached Descriptive Notice to initiate the process of considering a possible amendment of the *San Francisco Waterfront Special Area Plan*, an element of the *San Francisco Bay Plan*, concerning the open water basin and public plaza policies and the implementation requirements related to the development of Pier 27 and removal of the Pier 23 shed; and (2) schedule a public hearing for October 6, 2011 to consider the proposed amendment.

Staff Report

The Port of San Francisco has applied to the Commission to amend *San Francisco Waterfront Special Area Plan* ("SAP"), an element of the *San Francisco Bay Plan* (Bay Plan), in order to locate an international cruise terminal at Pier 27 and to retain the Pier 23 shed for future development opportunities. Locating an international cruise terminal at Pier 27 and retaining the Pier 23 shed will require amendments to the open water basin and public plaza policies in the SAP and the implementation requirements for Pier 27 and Pier 23.

The Bay Plan and SAP were amended over 10 years ago to alter BCDC's policies regarding fill removal and permitted use on piers and this effort provided the opportunity comprehensively plan the section of the waterfront from China Basin to Pier 35. The plan amendments were intended to strategically achieve the goals of the replacement fill policy, otherwise known as the 50 percent, rule rather than relying on a project-by-project approach. The amendments also set aside the McAteer-Petris Act requirement that uses on piers must be water-oriented.

Prior to the 2000 amendment, the Bay Plan and SAP required that each project along the San Francisco waterfront that involved substantially rehabilitating a pier had to remove or provide public access on approximately 50 percent of that pier or another pier within the same geographic vicinity. By requiring that each project comply with the policy, both project and fill removal implementation was difficult and led to unreliable results. Fill may have been removed, but not in the most ideal locations. A site that was adequate for a certain project would be required to reduce its size and thereby eliminate the feasibility of the project. The

change is use requirements broadened the range of possible uses, increasing flexibility for the Commission, the Port and project proponents increasing the likelihood that the waterfront would be developed with a vibrant mix of uses that served the community and the region.

The purpose of the 2000 amendment to the SAP was to find the best locations for projects and the best locations for fill removal and, in a comprehensive plan amendment for the northeast waterfront, identify those locations and remove the requirement for each project to comply separately, which would likely have resulted in a haphazard approach to fill removal and to project design. The intent was to ensure that the result was a waterfront with open water, public plazas, public access and viable project sites in a way that provided a rhythm of uses that complimented one another and provided public open spaces and views to provide relief from the more intensely developed areas.

The key overall public benefits adopted in the 2000 SAP are:

- the removal of deteriorating piers that pose a threat to navigation, and to public safety and health;
- the restoration of significant areas of open water to enhance the ecological health of the Bay and to facilitate needed public recreation and access opportunities;
- the completion of a waterfront-wide, integrated public access network, guided by a policy framework for expanding public access; design policies that promote low-scale development and preserve significant Bay views; an implementation program to fund and construct the plazas and pier removals; and enhancement of Bay views and opportunities to enjoy water areas adjacent to the Embarcadero;
- the preservation of important and unique historic resources along the waterfront; and
- the development of new uses to enable public enjoyment of the waterfront, including life safety and seismic improvements and repairs of existing piers.

In order to approve an amendment to the SAP, the Commission must make the following finding: “[f]uture amendments of the SAP, as adopted on July 20, 2000, affecting the Northeastern Waterfront Area (Pier 35 to China Basin), may only be approved if the Commission finds that the revised public benefits and revised development entitlement would be in balance and the public benefits would be sufficient to warrant the Commission finding that the revised balance of public and private benefits would be necessary to the health, safety and welfare of the public in the entire Bay Area.”

The proposal to locate an international cruise terminal at Pier 27 requires amendments to the SAP related to use at Pier 27, the removal of a portion of the Pier 23 shed, the open water basin adjacent to Pier 27, the public plaza at Pier 27—the Northeast Wharf Plaza, and public access along the apron of the pier. Several of the significant benefits required by the SAP are located at Pier 27 and will be impacted by locating a cruise terminal at Pier 27 and retaining the Pier 23 shed. The SAP requires two significant public plazas—Brannan Street Wharf next to Piers 30-32 and Northeast Wharf Plaza on Pier 27. A cruise terminal at Pier 27 and the retention of the shed at Pier 23 will have several impacts on the plaza, including: the need to close a portion of the plaza prior to and during the period that a cruise ship is at Pier 27, the views of the Bay that will be impeded by cruise ships and the retention of the Pier 23 shed, and the minimized connection between the plaza and the Bay, due to the need to frequently close the pier edge and the installation of facilities for a cruise terminal berth.

Another benefit associated with the Pier 27 area is the designation of an open water basin between Pier 27 and Pier 23. One of four open water basins designated in the SAP, the open water basin between Pier 27 and Pier 23 was designated to improve views of the Bay, increase the connection of the public access and the Bay and to develop recreational uses in the basin. The Port's proposal to locate the cruise terminal at Pier 27 and retain the eastern portion of Pier 23 impacts these requirements, reducing the public benefits within the northeast waterfront. The Port of San Francisco's amendment proposes to: (1) relocate the open water basin from the area between Pier 27 and Pier 23 to another unspecified location along the waterfront; (2) retain the size and much of the function of the Northeast Wharf Plaza on Pier 27; while relocating public access and public open space benefits to another location, or locations, along the waterfront; (3) remove fill or shed structure from another location along the waterfront; and (4) provide views to the Bay that will balance impacts to the views between Piers 27 and 23 that will result from locating a cruise terminal at Pier 27 and retaining the shed at Pier 23. The specifics of these alternative benefits will be developed by Port of San Francisco staff, working with stakeholders and BCDC staff and will be the focus of the public hearing on October 6, 2011.

Consistent with the Commission's Regulations, the amendment proponents have entered into an agreement with the Commission to pay up to \$100,000 for BCDC's cost of processing the amendment application.

Commission Procedure

Circulating a descriptive notice is the first step in the process of amending the Bay Plan. The McAteer-Petris Act (Government Code Section 66652) and Section 11000 of the Commission's regulations (California Administrative Code, Title 14, Division 5) require a notice of the proposed amendment. If the attached proposed descriptive notice is approved by the Commission on May 5, 2011, it will be mailed May 6, 2011, and a public hearing on proposed Bay Plan Amendment No. 3-11 regarding the SAP's open water basin and public plaza policies, and the implementation requirements related to the development of Pier 27 and removal of the Pier 23 shed in order to locate an international cruise terminal at Pier 27 and retain the Pier 23 shed for future development opportunities will be held October 6, 2011.

The staff will distribute a report on the proposed amendment with the staff's preliminary recommendation for the specific changes to the SAP, an element of the Bay Plan to all Commissioners, Alternates and interested parties at least 30 days prior to the public hearing as required by the Commission's regulations (California Administrative Code, Title 14, Division 5, Section 11001). Upon conclusion of the public hearing, and after submission of the Executive Director's final recommendation, the Commission can vote upon the proposed plan change.