

AB 1273 Briefing



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Development Commission**

AB 1273

- Was carried by Assemblymember Ting.
- Commission opposed earlier version.
- Commission did not take a position on final bill.
- Became law January 1, 2014.

AB 1273

Section 6

- Authorizes SLC approval of development if certain conditions met:
 - Designed to attract people to enjoy waterfront and public trust uses.
 - Views:
 - Provide significant Bay views from various locations both inside and outside the venue
 - Minimize interference with Bay views.

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Section 6

- Public Access
 - Provide maximum feasible public access as determined by BCDC.
 - Include “significant public plazas” on a “substantially permanent basis” to encourage public use and provide Bay views.
 - Provide continuous public access around the perimeter.

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Section 6

- Maritime Program
 - Consistent with the SF Waterfront Special Area Plan (SAP).
 - Fire boat station on north side of pier.
 - Cruise ship or other deep draft berthing on east side.
 - Access for human-powered vessels or swimmers on south side.
 - Water transit facilities for water taxis and/or ferries.

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Section 6

- Retail & Office space
 - Non-maritime office limited to 70,000 sq. ft.
 - Retail Limited to trust retail.
 - Exception for “venue supporting retail” limited to 10,000 sq. ft. per store and a total of 20,000 sq. ft.
- Parking
 - Limited to public parking when not used for public events.
 - Discourage commuter and residential parking

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Section 6

- **Public Trust Events**
 - At least 15 per year, 3 of which include the venue and at low cost to public.
 - A public community room available free or at low cost.
- **Sea Level Rise**
 - A plan to address SLR through 2050.
 - Enforceable adaptive management strategies through duration of the term of the ground lease.

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Section 6

- Required Actions
 - CEQA Notice of determination and all local approvals.
 - Submission of major permit application to BCDC.
- Public Trust
 - The development is otherwise consistent with the public trust.
 - The development is in the best interests of the state.

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Section 6

- SLC and BCDC shall consult on project consistency and coordinate on scheduling public meetings.
- Port will report to SLC every 5 years on implementation of maritime program and public trust events and prepare implementation plan if needed.

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Sections 7 & 8

- Removes BCDC's determination of the consistency of the project with the public trust.
- Otherwise reaffirms BCDC's authority and discretion to approve, condition, deny and / or enforce a permit for the project.
- Ratified and confirmed the 2000 amendments to the Bay Plan and SAP.

AB 1273

Section 8

- Parking
 - CEQA will examine parking alternatives.
 - BCDC can limit parking to:
 - minimum necessary
 - be located under uses on Pier
 - minimize impact on public access and views
 - not materially impair public access along Herb Caen Way and on the Pier.

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Section 8

- The project will include offsite public benefits not ordinarily required in a major permit.
- These shall be developed through a public process by BCDC and the Port.
- BCDC will approve the benefits through the major permit or by amending the SAP.

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Section 8

- In considering the permit application BCDC may determine whether, with these additional public benefits, the project is consistent “on balance” with the SAP.

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Section 8

- These benefits may include but are not limited to:
 - Rehabilitation of a major portion or all of a port historic structure
 - Enhancement of Bay views through pier shed removal
 - Enhancement of bicycle or pedestrian public access in vicinity of pier.

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- The Port and BCDC currently are engaged in a public process regarding public benefits along waterfront under the SAP.
- This process will be recalibrated to constitute the public process to assess the potential additional public benefits pursuant to AB 1273.

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Conclusion

- Specifies required project features.
- Reserves trust determination to SLC.
- Requires additional offsite public benefits.
- Allows BCDC to use these in permit process to determine if project is SAP consistent.

