



**Waterfront Plan Working Group**  
**Land Use Subcommittee Meeting**  
Meeting Notes: February 8, 2017

**Land Use Subcommittee Members Present:** Alice Rogers (chair), Kirk Bennett, Jane Connors, Jon Golinger, Ellen Johnck, Ken Kelton, Ron Miguel, Stewart Morten, Jasper Rubin, Corinne Woods

**Not Present:** Karen Pierce, DeeDee Workman

**Other Working Group and Advisory Team Members Present:** Beau Barnes, Larry Beard, Patricia Fonseca, Melissa Litwicki, Ellen Lou, Adam Mayer, Amy Patrick, Veronica Sanchez, Howard Wong

**Port Staff:** Diane Oshima, Kari Kilstrom, Aaron Golbus, David Beaupre, Brad Benson, Anne Cook, Norma Guzman, Byron Rhett, Ricky Tijani, Ming Yeung

**Agency Staff:**

Jennifer Lucchesi, State Lands Commission  
Reid Boggiano, State Lands Commission  
Jamie Garrett, State Lands Commission  
Ben Botkin, ABAG

**1. Introduction – Meeting Notes**

- Working Group chair, Alice Rogers, and other member introductions
- The Subcommittee accepted the [Draft Meeting Notes](#) (final version [here](#)) from the January 18, 2017 Land Use Subcommittee meeting with some change suggestions –
  - Page 3: regarding feasibility of hotel use in historic pier shed, notes should clarify that hotel use in pier is currently not permitted per Proposition H

**2. Revised Water Recreation, Maritime Berthing and Public Access Recommendations**

- The Subcommittee reviewed the [revised recommendations](#) (red-lined version [here](#)) and discussed whether the bullet under Maritime Berthing Item 3 should be revised to reflect that maritime maintenance and work areas may be compatible with public access in some instances. Discussion between Subcommittee and Advisory Team members included comments that Port should avoid adding operational or cost burdens to maritime tenants through public access requirements when these create safety or operational problems.
- Maritime and public access are both important trust uses. The Land Use Subcommittee may identify and recommend new public access opportunities, but also should be clear in

identifying limited situations where public access is not compatible with certain types of maritime activities.

- Maritime berthing and operations are authentic to the waterfront and Port history and are interesting to look at, even if physical public access may not be provided under certain conditions.
- The Subcommittee accepted the revised Policy Guidance and Recommendations for Water Recreation, Maritime Berthing and Public Access Water Access Guidance Policies ([February 3, 2017 redlined version](#)), without further revisions.

### 3. [Activation Uses in Port Outdoor Parks and Open Spaces](#)

- [Diane Oshima](#) provided an introduction, describing that the passive park design of Port open spaces reflects public trust principles to promote access and enjoyment by a full range of users, including residents of the Bay Area and California as well as San Francisco. Port parks are not equipped or programmed like City parks with designs for specific activation. The Port has been receiving inquiries about exercise, playgrounds and active uses in parks, and thus scheduled this topic to hear from the public about desires and ideas for waterfront open spaces. Expanded park and open space uses were also mentioned during Part One of the planning process. Port staff met with the Urban Design, Land Use /Neighborhood Planning, and Open Space/Recreation Advisory Teams prior to invite their comments and participation in this discussion. In recognition of the Port's public trust responsibilities, Port staff also reached out to BCDC and State Lands Commission staff on this subject and welcomed Jennifer Lucchesi, Reid Boggiano and Jamie Garrett from the State Lands Commission at the meeting.
- [Jennifer Lucchesi](#), the Executive Officer of the State Lands Commission, provided an overview about the public trust doctrine, an evolving body of law, where the application of trust principles focus on "what are the needs of the public?", now and in the future. San Francisco waterfront improvements realize public trust objectives and have successfully integrated the Port waterfront with the City. Development and open space projects are designed to attract and provide public enjoyment for locals, Bay Area and California residents and visitors from around the world. There is no static set of requirements for determining what is trust-consistent vs. what isn't. The context matters, where location, setting, proximity to the water and upland neighborhoods, and design all play a role ultimately in determining whether improvements are beneficial to the trust. She and her staff welcome the public discussions and engagement with the Working Group to hear about stakeholder values, needs and open space ideas; this input and exchange will inform the evolution of the public trust.
- [Kari Kilstrom](#) presented images and observations regarding four different Port parks and open spaces ranging in size and activity levels to stimulate public discussion: Pier 27 Cruise Terminal; Rincon Park; Brannan Street Wharf; and the planned Crane Cove Park. The Port's 7.5 miles have over 100 acres of public access area with substantial

improvements planned, including the Blue Greenway, which the Land Use Sub-committee has endorsed for inclusion in the Waterfront Plan update. Kari's presentation included comments from Advisory Team members, including the suggestion of a user-survey of existing park users to assess who, how, when and why parks are used.

Subcommittee and public discussion focused on active use ideas for Port parks that might attract more people of all ages with a broader range of outdoor interests, while also preserving the values of quiet, passive areas that are not heavily utilized. How should the Waterfront Plan update address the concept of open space utilization, including active uses?

### Questions and Answers

- Can we clarify State Lands' interpretation of the public trust doctrine for outdoor recreational uses? The public trust evolves and is not black and white. Many factors are considered, including location, setting, design, proximity to the water and adjacent land uses. The context of each project matters. State Lands and State Attorney General often rely on case law to review projects for trust consistency. In *Mallech vs. City of Long Beach*, the court determined that surplus revenues generated from use of filled public trust lands should not have been spent on construction of public library and non-trust municipal uses. That decision provided a frame for applying trust principles to active recreation uses in parks. Filled public trust property (such as San Francisco's) is unique and should not be used for municipal recreational and sports programs and facilities.
- However, the context and setting of park amenities affect whether park uses and amenities are appropriate. For example, playgrounds do provide a fun way for children to enjoy the waterfront that can be consistent with trust principles if it designed to enhance the waterfront and not appear to be dedicated to local users or private residential development. The Oakland "Oak to 9<sup>th</sup>" mixed use project on trust lands underwent design modification to reposition a playground away from the residential buildings so that it was clearly open and inviting for non-resident use.
- How do we differentiate between a children's playground, to help them experience the waterfront, and a basketball court that appeals to 15-16 year olds? It is important to explore the needs of a full range of age groups and generations, and to develop amenities that serve a broad population. State Lands encourages these public discussions to learn what are the needs and values of public, and how they can be accommodated now and in the future.
- Are there ideas from Southern California that could be applied in San Francisco? San Francisco has been a progressive and creative trustee, and provided successful examples of trust improvements and open spaces that further public enjoyment of the waterfront. The Ports of Los Angeles and San Diego also have had some struggles creating active public open spaces.

## Comments and Suggestions

- Port waterfront is a regional asset but can be “kind of boring” for regional visitors. The City is growing and also would benefit from broader variety of active uses to serve people of different ages.
- Seems there are opportunities to create great open spaces, inclusive of all age groups. Examples: 1) Skateboards are a creative uses of space and Pier 7 used to be a destination for skateboarders from all over the region; it was the only active outdoor use at the time until Port drove it off because of public safety; 2) volleyball courts on public beaches – they attract the public to use and enjoy the trust lands; 3) Balladium in Alameda attracts regional users.
- Because adjacent neighborhoods are former industrial areas, they tend to be deficient in parks. The City’s Eastern Neighborhoods are counting on the Port for parks and open space because there are no resources to acquire parkland away from waterfront. Local residents do not understand that the Port balances statewide public trust requirements and cannot focus mainly on local open space needs. In cases where trust lands are programmed or used to meet municipal park and recreational needs, this would not be consistent with the public trust doctrine. A use that serves local residents may also serve the regional public (e.g. a playground). In general, the entire Port waterfront does not feel especially ‘owned’ by the adjacent neighborhoods; a case could be made that all of the open space improvements serve regional visitors, too.
- Port open space planning efforts, such as for the Blue Greenway, were oriented to opening up the waterfront for the general public, but was not driven by City park needs.
- Some events on waterfront open spaces have successfully served locals, statewide residents and multiple generations: SF Symphony, America’s Cup, and Super Bowl events. The most successful was America’s Cup at Pier 27. Even when there were no races, people visited and gathered in the temporary open space. It was lively and benefited by adjacent food and retail concessions.
- Large special events can spin-off smaller, satellite events that could be staged in waterfront parks.
- Younger generations socialize differently, eg, Pokemon mobile phone game spurred many younger people to explore outdoors. Because we are in a tech hub, consider coordination with tech-companies for ideas about what’s next for youth use of outdoor space.
- Support active programs, such as kayaking organizations that draw many people of all ages to utilize the Bay and activate the shoreline open space areas.

- Brannan Street Wharf is increasingly inhospitable to a broad range of users due to off-leash dog use and a growing number of homeless users. Some light programming could make more people feel safe and comfortable, and broaden the user-profile.
- Consider how to better utilize open space areas on seawall lots, such as Francisco Bay office park, and proposed park in the hotel/Teatro Zinzanni project.
- It would be ideal if Pier 30-32 could be used for a region-serving open space for water recreation, swimming facilities, marina or visitor guest berths. It's a 10-acre non-historic pier in a unique and dramatic location near Bay Bridge, although acknowledged that the repair and improvement costs are very high.
- Policies should include strong encouragement for connecting kids to nature, in-line with nationwide efforts.
- Port should engage sensitive landscape design to address need for multigenerational uses and activities. Balance the needs of adults and children, youth and seniors; and all genders;.
- Incorporate features that are unique to the Bayfront location (eg a historic ship playstructure) and allow for creative, spontaneous interaction. In Vancouver/Toronto: Art sculptures are a form of activity, as climbing structure, and a focal "draw" to the space (also Rincon Park "Cupid's Span). Something could be added to, say, Cruise Terminal Park that is uniquely San Francisco.
- Keep swimming/water recreation in mind, even a large pool or aquatic center that would be healthy for all people of all ages and a senior center for senior users.
- Consider how major sports events (ballpark, Warriors) shape the ecology of adjacent neighborhoods on game-days and the use of the Port open space areas. Mission Bay Bayfront Park planning considered the impact of events at the Chase Center, and the design was modified to support views towards the water as well as towards the arena. There are features that anticipate visitors and our changing environment, such as plaza and wide sidewalks. Fans need to be managed; re-examine Good Neighbor policies.
- Design should not be all about use-program, or about how many things you can fit into a site. Rather, think about designing landscapes that tell a particular story. Focus the design on other things that make spaces special.
- Port network of open space areas is highly successful in many ways; draw lessons from the design details that are working (frequency of access areas; small-space improvements; views of ships at dock, waves hitting piers, etc.)
- The removal of the Embarcadero Freeway helped to restore the City's connection to the waterfront but The Embarcadero - one of City's largest open space areas - is primarily a highway. Redesign to de-emphasize the car and create defensible space for people, and increase connectivity across the road. Ideas: berming, landscape, depress the road-bed, so the public promenade is a separate, intimate space more dedicated to people and less to vehicles.

- It seems that the public trust would benefit from ‘programming’ to enliven and activate Port open space. Encourage pilot programs to experiment offering recreational equipment for pick-up games like volleyball or badminton. This would require opportunities for concession businesses, which should be considered to help activate Port parks.
- Partnerships are critical to help provide park stewardship because the Port does not sufficient resources. Concession businesses can rent equipment and/or provide “eyes” on the park, manage restrooms and help to keep the area secure.
- Park program needs are affected by where they are located along the waterfront. It would be useful to solicit comments from Port Citizen Advisory Committees for parks in their area of focus to include in this review.
- Yes, this is start of a conversation for direction and guidance about active uses in Port parks, to help guide updates to Waterfront Plan open space policy and build on ideas to guide future park improvements. Port CACs could discuss what might work, or not work, for their specific area of the waterfront. Each area has unique needs/potential; bring back suggestions to the Working Group.

#### **4. Meeting conclusion**

Note these meeting date changes:

- ✓ February 15 meeting cancelled.
- ✓ February 22<sup>nd</sup> will be set up as a full Working Group meeting and Subcommittee reports and recommendations to date
- ✓ March 1 Working Group as a public workshop oriented to Designing for Resilience.
- ✓ Subcommittee meetings will continue after March 1<sup>st</sup> meeting and towards end of April. Port staff is working on determining dates for each Subcommittee which will be set in the near future.

Special “thank you” to Jennifer Lucchesi and State Lands staff, for attending the meeting.