




## MEMORANDUM

January 20, 2023

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Kimberly Brandon, Vice President  
Hon. John Burton  
Hon. Gail Gilman  
Hon. Steven Lee

**FROM:** Elaine Forbes,   
Executive Director

**SUBJECT:** Proposed Final Revisions to the Draft Waterfront Plan and Interagency Coordination with the San Francisco Planning Department and San Francisco Bay Planning and Development Commission on planning amendments to align policies for the San Francisco waterfront.

**DIRECTOR'S RECOMMENDATION:** Information Only – No Action Required

### EXECUTIVE SUMMARY

In September 2022, Port staff provided a Port Commission presentation on proposed revisions to the Draft Waterfront Plan for public review. As described in that report, the revisions were to update information, including references to the Waterfront Resilience Program and the Port's Racial Equity Action Plan, respond to public comments that had been received, and also include technical edits to make the Plan easier to read and understand. The public was invited to review the changes and submit additional public comments until October 2022.<sup>1</sup>

This report describes public comments received during that period, and additional proposed Plan revisions to respond to those comments. These, in combination with the revisions presented in September, are proposed to be incorporated to produce the Final

<sup>1</sup> The [September 9, 2022 Port Commission staff report on the Draft Waterfront Plan revisions](#) is available on the Port's website and incorporated by reference.

Waterfront Plan to be considered for Port Commission approval in February. Final Plan approval cannot occur until the Waterfront Plan Final Environmental Impact Report is certified by the San Francisco Planning Commission, which is anticipated on February 2, 2023.

This report also provides a briefing on interagency work Port staff is engaging in with the San Francisco Planning Department (Planning Department) and San Francisco Bay Conservation and Development Commission (BCDC) on amendments to planning documents of these agencies. Port staff is working with the Planning Department to amend the San Francisco General Plan and Planning Code, and with BCDC to amend the San Francisco Waterfront Special Area Plan. Our objective is to maintain consistency and alignment in public values and policies in agency plans, and interagency coordination to facilitate the review and approval process for future waterfront improvement projects and proposals.

In addition to the General Plan and Planning Code amendments, Port and Planning Department staff also are working on a zoning correction for a portion of Assessor's Block 3941 located in the southern area of Mission Bay, which contains Mission Rock Resort, The Ramp, San Francisco Boatworks, and the Kneass Building. This area had been zoned M-1 (Light Industry) but was inadvertently changed to P (Public) which is inconsistent with existing uses. Port staff has requested reinstatement of M-1 zoning for this area, which would allow the existing businesses to be conforming uses.

## **STRATEGIC PLAN GOALS**

The Waterfront Plan, developed pursuant to Proposition H, describes goals and policies developed by the public and approved by the Port Commission to guide the long-term use and improvement of the Port's 7½ mile public waterfront, from Fisherman's Wharf to India Basin. The Waterfront Plan provides direction and support for these Port Strategic Plan goals:

**Productivity:** Attract and retain tenants to build an economically successful and vibrant waterfront.

**Equity:** Empower Black, Indigenous, and other People of Color (BIPOC) in Port operations and opportunities through equitable policies and practices.

**Resilience:** Reduce seismic and climate change risks to protect the waterfront.

**Sustainability:** Advance environmental stewardship to limit climate change and protect the Bay.

**Evolution:** Evolve the waterfront to respond to changing public and Port needs.

**Engage:** Engage constituents and public on Port functions and activities.

## DRAFT WATERFRONT PLAN COMMENTS AND REVISIONS

As discussed in the [September 9, 2022 Port Commission staff report](#), the Draft Waterfront Plan was produced by the Waterfront Plan Working Group and endorsed by the Port Commission, providing comprehensive goals and policies for stewardship of the Port of San Francisco waterfront. The September Port Commission staff report presented proposed revisions to the Draft Waterfront Plan, and the public was invited to review and submit additional comments by the end of October 2022.

Port staff received comments from the below stakeholders. Follow up work sessions and responses were provided to answer questions and produce additional Plan edits and revisions presented below. These revisions will be combined with the revisions in the September 2022 Port Commission report to be incorporated into a proposed Final Waterfront Plan. New wording is shown with underlining, and deleted text shown with ~~strike-through~~ formatting.

### ***South End and Dolphin Club Comments***

Members of these long-time historic swim and rowing clubs in Aquatic Park devoted time in three meetings with Port staff to address questions and concerns. Their concerns were primarily that they did not feel the draft plan adequately recognized the existence of swimming and rowing in the bay, or the importance of considering or protecting those uses in the future and sought revisions to more directly incorporate those objectives into the Plan.

Port staff produced Plan policies and content to show that swimming and rowing are included as water recreation uses which, along with other water-dependent and maritime uses, are considered Acceptable Uses under Proposition H and permitted in the Waterfront Plan along the Port's entire 7½ mile waterfront. Port staff proposes revisions shown below to further recognize and add clarity in Plan goal, policy and explanations regarding swimming and rowing water recreation uses. A new policy also is proposed to be added in the Transportation chapter to focus on maritime and water recreation safety in Bay waters.

- **Maritime Goal revision:** *Preserve and enhance the Port of San Francisco's diverse maritime and water-dependent uses ~~portfolio~~ by providing for the current and future needs of cargo and shipping cruise ships, ferries ~~y~~, water taxis, excursion boats, fishing, ship repair, berthing, harbor services, recreational boating, swimming, kayaking and other human-powered water recreation - dependent activities.*
- **Revise supporting description of Maritime goal statement:** *The Port of San Francisco has a rich maritime heritage, reflected in the wide array of historic piers and the vessels that ply the 7½ mile waterfront from Fisherman's Wharf to Bayview-Hunters Point.*

*It is here that the State of California established a major center for maritime commerce starting in the 1860s, giving rise to San Francisco as a port city. The shipping industry ~~Breakbulk cargo~~ flourished along ~~†~~The Embarcadero through World War II and until the 1970s, when cargo shipping relocated to modern container ~~argo~~ terminals in the Southern Waterfront. The historic*

*finger piers in the Northern Waterfront adapted well to other maritime and industrial operations, and other water-dependent uses including sailing and water recreation.*

*Today, the Port of San Francisco manages one of the most diverse maritime portfolios in the nation, along with water recreation activities in San Francisco Bay.*

- Revise Plan glossary definitions:

*Maritime* – A general term used to describe industrial and commercial ~~or~~ recreation business activities related to waterborne commerce, navigation and recreation, including but not limited to: cargo shipping, ship repair, ferries and excursion boats, cruises, ~~recreational boating~~, historic ships, fishing industry, berthing.

*Recreational Boating and Water Use* (no proposed change, this term shown to show internal consistency) – Primary, support and ancillary facilities for recreational boating and other water sport enthusiasts (e.g. swimmers, kayakers and windsurfers) including but not limited to: sailing center for yachting events, swimming, rowing, and boating clubs, marinas, visiting boat docks and moorings, boat rental facilities, boat launches, fueling stations, repair and dry storage facilities, administrative functions, visitor, boat trailer and employee parking, public restrooms, and other public facilities.

*Water-dependent Activities* – ~~Activities, b~~ Businesses, or industries and recreational uses which depend on a waterfront location to function, such as cargo-related activities, berthing of historic, ceremonial or other ships, ferry and excursion boat operations, fishing industry uses, maritime support uses, water recreation and recreational boating and water use, ship repair, and water taxi docking.

*Water Recreation and Recreational Boating* – Includes facilities for swimmers, rowers, kayakers, windsurfers, stand-up paddling, and other water sport enthusiasts, as well as boating facilities such as marinas, visiting boat docks, swimming, rowing and boat clubs, boat rental facilities, boat trailers, launching facilities, repair services, dry storage, visitor parking, restrooms, and other public facilities.

- Revise Plan discussion about Water Recreation and Recreational Boating (Maritime and Water Dependent Use chapter):

*The Port waterfront is home to a growing number of facilities, operations, and programs that support recreational boating, swimming, kayaks and human-powered water recreation ~~in and recreational boating uses and~~ enjoyment of San Francisco Bay, with access to the shore from water and land. Water recreation activities and facilities provide opportunities for public access to San Francisco's shoreline from both water and land. However, facility siting must consider user safety given the high volume of commercial and ocean-going vessels working along San Francisco's active shoreline. San Francisco Bay attracts water recreation enthusiasts from the Bay Area and around the world for open water swimming, sailing, rowing and kayaking year-round, supported by a robust community of swim and boating clubs and programs.*

*The Port has developed float and landing facilities, rental and service businesses, and community partnerships to educate and promote safe water recreation among people of all abilities and economic backgrounds. This is an important consideration in siting new facilities, given the large number of commercial and ocean-going vessels working along San Francisco's waterfront. Open water swim events are managed in close coordination with the U.S. Coast Guard, a practice that is being promoted with other water recreation groups as well. Water safety regulations,*

partnerships and education programs are all needed to protect public and navigational safety, recreational enjoyment, and safe maritime operations in the bay and along the shoreline.

Port facilities and programs are developed in coordination with regional efforts led by the Association of Bay Area Governments (ABAG) to promote the San Francisco Bay Area Water Trail and San Francisco Bay Trail.

- Revise Plan discussion about Water Transportation (Transportation chapter):

Water transportation is a growing market. ~~The Port staff offer~~ ~~applies its~~ ~~their~~ knowledge and experience to support new and enhanced ferry and other water transportation services facilities and enhancements.

~~Currently, ~~The Port is working~~ with the Water Emergency Transportation Authority (WETA), which operates the San Francisco Bay Ferry and is expanding the Bay Area's water transportation network. The Port works with WETA to inform decisions about where new facilities and service should be added or improved, and compatibly integrated with other maritime and water-dependent activities. This includes a substantial water recreation community of open water swimmers, sailors and human-powered vessels. WETA maintains a Strategic Plan with ridership projections and site data to inform decisions about where new facilities and services should be added or improved. As part of the Port's efforts to manage its maritime assets, the Port and WETA identify where water transportation needs are greatest, how to serve them most cost-effectively in San Francisco, and where new facilities are needed. The Port and WETA have partnered to expand the Downtown Ferry Terminal adjacent to the Ferry Building, ~~to be completed in 2020.~~ A new Mission Bay Ferry Landing project also is underway, ~~targeted for completion in 2021~~ to serve the burgeoning growth at Mission Bay and Pier 70.~~

- New Smart Ferry and Water Transportation Service Policy added (Transportation Policy 12; this will trigger renumbering of subsequent policies): 12. Ensure water transit agencies promote and incorporate water safety protocols in their operations to protect navigational and public safety, including for water recreation users of the Bay. Expand awareness among maritime, water recreation stakeholders and Port businesses regarding existing and new ferry routes and water recreation corridors, and water safety protocols to avoid conflicts and support safe crossings and shared use of the Bay.
- Revise Fisherman's Wharf Subarea bullet description: Aquatic Park at terminus is ~~home to hist~~ ~~Historic~~ swim and rowing clubs host open water swimming and water recreation uses in Aquatic Park, adjacent to the Wharf. It also offers a popular publicly accessible beach and pier where people can touch the water.
- Map revisions and photos: Revisions to Map A (Maritime and Water-dependent Uses), Map B (Land Uses), Map C (Parks and Public Access) and Map E (Historic Districts) to add water-dependent, swimming, rowing terms, and location of Aquatic Park
- Add photo images of open water swimming water recreation in Maritime and Transportation policy sections of Chapter 2.

## San Francisco Municipal Transportation Agency (SFMTA) Comments

Port staff met with staff of the SFMTA to address comments and produce mutually accepted Plan revisions. These refinements include information updates and standardized terms and descriptions to ensure that the context and intent of Waterfront Plan transportation policies align with City transportation policies. None of these revisions change the purpose or intent of the 2019 Draft Waterfront Plan as endorsed by the Port Commission. In addition to SFMTA revisions, Transportation Policy 21 has been revised as shown below, in response to comments from Alice Rogers, who served as the Waterfront Plan Working Group's Land Use Subcommittee chair.

- Revisions to Transportation Background Discussion:

***A Delicate Balancing Act*** - *While there are numerous transportation assets along the waterfront, ~~the Port does not directly manage streets, traffic signals, or public major transit systems, service levels, or operations. To balance and serve competing transportation demands~~ For that reason, the Port works in ~~close~~ coordination with the City, other transit and transportation agencies, Port businesses, neighborhoods, and public stakeholders. ~~to balance and serve multiple transportation demands along the waterfront.~~*

***North of China Basin Channel:*** *This area offers many public transit options ~~provided by the SFMTA and regional transportation agencies to promote alternatives to private cars. However,~~ however but transit service levels along the Embarcadero and in Fisherman's Wharf historically often have at times not matched the ~~falls short~~ high levels of demand.*

***Key waterfront ~~s~~Streets ~~S~~South of China Basin (sidebar):*** *The area south of China Basin is served by the following key waterfront streets, which are also part of the regional San Francisco Bay Trail ~~are:~~*

- *Third Street, which is the primary roadway and light rail corridor extending through southeast San Francisco and into the center of the Bayview neighborhood. SFMTA light rail transit service on segments of the Third Street corridor will increase with completion of significantly when the Central Subway project is completed.*

***Public Transit (4<sup>th</sup> and 5<sup>th</sup> paragraphs)*** - *The Port works in close coordination with the SFMTA and other transit providers on transportation plans and projects on Port property. Implementation of transportation service improvements often requires independent actions by transportation boards and commissions beyond the purview of the Port Commission. ~~resulting in the need for close collaboration in the planning, funding, and implementing of transportation improvements. This dynamic often requires the coordination of decisions and approvals by a variety of public transportation boards and commissions but decisions about service and these improvements are ultimately made by the SFMTA Board and other respective agency boards. The Port has no direct control over public transportation projects or investments determined by public transportation boards and commissions.~~*

*The Port ~~works in many ways to support~~ the City's Transit-First and sustainability climate action policies, through investments in public realm and open space projects that have substantially increased walking and bicycling, and through efforts with tenants and development partners to promote low carbon transportation alternatives that reduce automobile congestion and greenhouse gases.*

**Walking and Bicycling** - Walking and bicycling to, through, and along the waterfront are increasingly popular activities for entertainment, leisure, recreation and commuting, consistent with nation-wide trends. These are low carbon sustainable transportation choices that reduce traffic volumes congestion and greenhouse gas emissions, promote healthy lifestyles, and are fun ways to visit and explore make the waterfront a more interesting place to be in the public realm.

**The Embarcadero, A Walking and Cycling Destination** - The Embarcadero Promenade is one of the most popular walking and cycling routes in the Bay Area and is the alignment of the San Francisco Bay Trail, a nine-county, 500 mile regional trail system that encircles the San Francisco Bay.

~~The bicycle lanes on the Embarcadero roadway are not comfortable for many recreational cyclists, who thus choose to ride on the Promenade. When it was constructed, the Embarcadero Promenade provided ample space for to accommodate a mix of walking pedestrians and bicyclists. The number of pedestrians and bicyclists has grown since then, however, and today conditions can often be crowded, uncomfortable and unsafe. Because the original bicycle lanes on The Embarcadero are narrow and exposed to heavy vehicle traffic, they are not comfortable for many recreational cyclists, who thus choose to ride on the Embarcadero Promenade. Today, however, the combined volume of pedestrians and bicyclists often creates crowded and uncomfortable conditions, along with public safety problems.~~

~~Additional challenges have emerged with the advent of eElectric bicycles, scooters and other transportation devices have brought additional challenges. Although these devices support valuable "last mile" connections between public transit stops and work or other destinations, these motorized devices are not allowed on the Embarcadero Promenade, which is a designated park facility, and must operate in facilities created bike lanes in the roadway. The Port is working with the SFMTA to carry out City regulations for rules developed to regulate electric transportation these devices.~~

The Embarcadero is listed as one of the City's "High Injury" Network streets for pedestrians and bicyclists and is a high priority for public safety improvements under pursuant to the City's Vision Zero policy. The Port is supporting the SFMTA's Embarcadero Enhancement Project, to construct which will provide a protected bikeways cycle facility to improve public safety for all modes and create an better improved pedestrian experience along the Embarcadero Promenade from King Street to Fisherman's wharf. The SFMTA is working closely with Port tenants and public stakeholders to develop a design that meets the project's objectives while preserving adequate access to Port businesses and loading-curb zones areas to support goods movement and loading services..

**Goods Movement and Commercial/Industrial Access** - The Port has one of the largest remaining inventories of industrial property portfolios in San Francisco, to support a multitude of maritime and PDR uses. Those operations require For efficient transport of goods and services, maritime and industrial businesses need truck access by truck along the entire waterfront, as well as access connections to freeways access routes, and freight rail access.

**Parking and Transportation Demand Management** - Port lands support on- and off-street parking to serve a variety of waterfront and public trust needs, while promoting Transportation Demand Management strategies that promote walking, bicycling, and public transit use.

- Revisions to Transportation Policies:

2. ~~Promote public transit, walking, bicycling, and new devices that make forms of “last mile” devices connections as the primary modes for moving people along the waterfront and within San Francisco and the region.~~

3. Support funding for local and regional transit providers to improve and expand fast, frequent, and reliable service between the waterfront and the rest of the city and Bay Area. Focus improvements in the following areas:

a. Peak and off-peak (midday, night, and weekend) service along the Embarcadero to and from Fisherman’s Wharf;

b. Service south of China Basin, from Mission Bay to the Southern Waterfront/India Basin;

c. Accessibility improvements to the E/F light rail line stops that lack accessibility;

d. New water transportation facilities and expanded service to Bay Area locations; and

e. Extension of the Central Subway from Chinatown to Fisherman’s Wharf.

4. ~~Partner with the city’s wayfinding program to coordinate development of and maintain a Port-wide, multi-modal wayfinding system to support pedestrian and bicycle travel directions to nearby transit connections, neighborhoods, points of interest, and access to Port facilities, consistent with City wayfinding guidelines.~~

6. Design Port streets and transit facilities on Port property to support transit operations, reliability, resiliency, and flexibility. Encourage and, where feasible, provide areas for transit providers to locate transit stops and facilities stations, with pedestrian and disabled access, within ¼ mile of major Port destinations.

21. ~~Complete work with the SFMTA, San Francisco Public Works, the San Francisco Planning Department, and community stakeholders on ways to strengthen and to maintain and enhance pedestrian and bicycle connections between The Embarcadero and the Blue Greenway, over China Basin Channel.~~

289. Evaluate commercial deliveries and freight loading needs for future Port land uses, and provide sufficient off-street loading areas where feasible while avoiding negative effects on the flow of traffic. ~~Recognize the importance of the loading/delivery zones to flow of traffic when making decisions that affect major truck routes and delivery recipients.~~

312. Provide on and off-street disabled accessible curb space parking near major destinations along the waterfront. Consider special zones for passenger loading, particularly in high volume areas like Fisherman’s Wharf, to support people with limited mobility.

389. As feasible, manage parking spaces for shared use and electric vehicle transportation modes that promote the Port’s broader sustainability and affordability goals without compromising spaces required for disabled parking travelers with disabilities.

404. Consider proprietary or specific zones for specialized vehicle tour bus parking and loading, including commercial tFour vehicles, particularly in high-volume areas like Fisherman’s Wharf.



~~432. Apply Transportation Demand Management strategies in Tailor new mixed-use development and major leasing projects to promote shifts to sustainable transportation modes (e.g., walking, biking, and public transit modes) that are universally accessible, and minimize low-occupancy single-occupant (or single-passenger Transportation Network Companies) vehicle trips.~~

~~434. Work with the SFMTA to develop a program of transportation improvements and implementation timeframes for Port tenant operations and projects, consistent with the City's Climate Action Plan, to work toward a goal of 80 percent of all trips being by non-driving low-carbon modes by 2030, consistent with City climate action policy.~~

- Revision to Sustainability Chapter, Background Information on Reducing Greenhouse Gas Emissions (1<sup>st</sup> & 4<sup>th</sup> paragraphs):

*The Port shares the City's Climate Action Plan goal of net-zero greenhouse gas emissions for Port-controlled operations by 2045 and for new Port buildings by 2030.*

*Transportation is a major source of energy consumption and carbon emissions. The Port transforms its fleet with each vehicle purchase, relying whenever possible on hybrid or electric vehicles. The Port uses renewable diesel in its trucks and heavy-duty vehicles, resulting in a significantly reduced carbon footprint. The Port also supports the City's Transit-First Policy by encouraging the use of low carbon alternate modes of transportation for working and commuting and partners with tenants to promote clean transportation, including hydrogen fuel cell technology for ferry service.*

*Reducing Transportation-Related Greenhouse Gas Emissions (sidebar) - Transportation-related activity accounts for a significant portion of San Francisco's overall greenhouse gas emissions and has been the focus of many ordinances and public agency strategies. The key components of transportation-related emissions are mode shift (i.e., the ability to shift travelers from one mode of transportation to another), fuel type (i.e., the type of fuel used in vehicles), and fuel economy (i.e., the extent to which vehicles use fuel efficiently). These three factors are influenced by a host of variables, including technological improvements (e.g., electric engine technologies, low carbon emission fuels), land use decisions (e.g., promoting shifts to public transit, bicycles, walking by locating housing and jobs near transit hubs), and demographics. Thus, reducing emissions from transportation sources requires a diverse range of policies and strategies. See Chapter 2F for the Port's transportation policies.*

## **BCDC Comments**

Port staff received comments from BCDC and suggested revisions to Appendix B of the Waterfront Plan, regarding Maritime and Public Access Compatibility Guidelines. The revisions below accept these text changes which increase clarity or provide additional detail to improve the guidelines:

*Table 1, addition to Bullet 3:*

- *Floats, ramps, and other security features that enable separation between the public (on the apron) and the vessel for vessel security and to accommodate ADA-compliant gangways. Where possible, minimize the security footprint on the public access areas. For example, locate gates and fences at the outboard side of the gangways.*

*Table 2, delete 6<sup>th</sup> bullet:*

- *Discourage public access where public safety railing is not present or incompatible with maritime operations.*

*Table 3: delete the following statement and rely on the preceding paragraph guidance discussion regarding public access in locations where active or heavy industrial maritime uses require exclusive use:*

- Do not allow public access at berths that are at the ends of finger piers or in remote locations, where no off-site public access is required.*

## **AMENDMENTS TO SAN FRANCISCO GENERAL PLAN AND PLANNING CODE**

The public process to update the Waterfront Plan included presentations by other city and state agencies to the Waterfront Plan Working Group to educate the public about city and regional planning policies that apply to the Port waterfront. This understanding was important so that the Working Group could produce recommendations and new policies to update the Waterfront Plan that would recognize and align with other agency policies or identify new needs that should be addressed by other agencies.

### ***General Plan Amendments***

The Port and Planning Department staff have been working together to produce proposed amendments to the [San Francisco General Plan](#) and the San Francisco Planning Code. The General Plan describes the City's land use and resource planning policies as approved by the San Francisco Planning Commission and Board of Supervisors. The General Plan includes "Elements" describing policies in topical areas, including Transportation, Housing, Commerce & Industry, Recreation and Open Space, as well as area plans that set policies for defined geographic locations. Two area plans, the Northeastern Waterfront and Central Waterfront Plans, include Port piers and adjacent properties located from Fisherman's Wharf to Islais Creek. The Recreation and Open Space Element includes Port park and open space properties.

Port and Planning staff have developed proposed amendments to the Northeastern Waterfront Area Plan, Central Waterfront Area Plan and the Recreation and Open Space Element. The amendments provide information updates to assure consistency across the policy documents and do not change land use policy. Planning Department staff will initiate the public review process for the amendments at a Planning Commission meeting in February 2023. Port staff will assist in community engagement for the public review process, including scheduling presentations to the Port's Northern and Southern Advisory Committees.

### ***Planning Code Amendments***

In addition to the General Plan amendments, Port and Planning Department staff have proposed amendments to the San Francisco Planning Code, Section 240, which set requirements for a Waterfront Design Review Process. Currently, the Planning Code establishes three Waterfront Special Use Districts in the northern waterfront between Fisherman's Wharf and China Basin, of which two are subject to the Waterfront Design Review process; the two that are subject to design review encompass Port piers

(Waterfront Special Use District 1), and Port seawall lots (Waterfront Special Use District 3). New, long-term non-maritime development projects proposed within these two Special Use Districts are required to undergo a design review process by a Waterfront Design Advisory Committee, to ensure that new long-term developments are consistent with urban design, historic preservation and open space policies in the Waterfront Plan (which are consistent with City urban design policies). This Committee provides design comments and recommendations to the Planning Department and the Port.

Port staff seeks to extend the Waterfront Design Review Process to Port long-term non-maritime development project proposals in the southern waterfront, between China Basin and Candlestick Point. A new Waterfront Special Use District 4 is proposed to include Port-owned piers and seawall lots in the southern waterfront, excluding properties that are in the Mission Rock and Pier 70 Special Use Districts, which are subject to design guidelines and review requirements adopted for the Mission Rock and Pier 70 projects. The addition of Waterfront Special Use District 4 would establish a uniform, consistent design review process for long-term development projects on all Port-owned properties along the 7½ mile waterfront. It is proposed that the same Waterfront Design Review Committee that currently reviews development projects in the northern waterfront, Mission Rock and Pier 70 also conduct the design review process for southern waterfront development proposals. Planning Department staff intends to initiate these Planning Code amendments with the Planning Commission on the same date as the General Plan amendments.

### ***Assessor's Block 3941 Zoning Change***



As part of the map work to draft the Waterfront Special Use District 4, staff discovered that a portion of Assessor's Block 3941, shown in Figure 1, was zoned P (Public). This site historically was zoned M-1 (Light Industry), with a 40-foot building height limit. After consultation with Planning Department staff and zoning officials, there is no record on file regarding a rezoning application or analysis to change the zoning from M-1 to P. It appears that the zoning change was an administrative error.

Port staff has requested for the zoning to be returned to M-1 for the shaded area in the image, which is located between and excludes Agua Vista Park to the north, and Crane Cove Park to the south. The

affected property is the location of Mission Rock Restaurant, The Ramp Restaurant and

San Francisco Boatworks, and the Kneass Building, a historic resource adjacent to Crane Cove Park. These businesses and structure uses are non-conforming under P zoning, but would be permitted uses (restaurants, light industrial storage, repairs, office, community center and other acceptable uses designated in the Waterfront Plan) in an M-1 zone. Certain aspects of boat repair may require additional review by the Planning Department but would be allowed in any case as legal pre-existing non-conforming uses. The affected Port tenants have been informed about this proposed zoning correction.

The Planning Department staff intends to initiate this zoning reclassification along with the General Plan and Planning Code amendments in February 2023. Following community outreach and review, including the Port's Northern and Southern Advisory Committees, the Planning Department staff will seek approval by the Planning Commission and Board of Supervisors, expected in Spring 2023.

## **AMENDMENTS TO BCDC SAN FRANCISCO WATERFRONT SPECIAL AREA PLAN**

In addition to the above City planning amendments, Port staff is working with BCDC staff under a Memorandum of Understanding on updates and amendments to align the Port's Waterfront Plan with BCDC's San Francisco Waterfront Special Area Plan (Special Area Plan or SAP).

Proposed amendments to the Special Area Plan build on the foundation of success that BCDC and the Port have achieved from SAP amendments that were approved in 2000, after the Waterfront Land Use Plan was first approved by the Port in 1997. The 2000 SAP amendments changed policies for Port piers and shoreline properties between Pier 35 and China Basin Channel, in the Northeastern Waterfront. Those amendments enabled a variety of public access, parks, maritime and historic rehabilitation developments to be implemented which together have made the San Francisco waterfront a desirable destination for locals as well as visitors from the Bay Area and beyond.

Key aspects of the 2000 SAP amendments are discussed below, which provide a frame of reference for the SAP amendments Port staff are preparing as part of the current interagency work with BCDC. Port staff seek to extend the same or similar policy changes for Port properties north of Pier 35 and south of China Basin as currently applied in the Northeastern Waterfront:

- 1) Change in Use Policy and the "50% Rule" – Prior to the 2000 amendments, the Special Area Plan designated specific allowed uses on individual piers and shoreline properties. In addition, the SAP required compliance with BCDC's "50% Rule" for redevelopment of the Port's pile-supported piers, wharves and bulkhead facilities. The 50% Rule required that pier development projects that include seismic retrofit or significant substructure repair limit the development footprint to 50% of the pier platform and dedicate the other half of the pier platform to public access or bay fill removal, or a combination of the two. The portion of the pier

that could be developed was limited to water-dependent uses, or water-oriented commercial recreation uses such as visitor retail and attractions, and hotels. The combination of the pier-by-pier use designations and the 50% Rule proved to be too inflexible or financially challenging, inhibiting projects that could finance pier repairs and improvements for public enjoyment. Until the SAP was amended in 2000, Pier 39 was the only major pier development project since the Burton Act was approved in 1968 that was implemented under those use policies.

The 2000 SAP amendments removed the 50% Rule and pier-by-pier use assignments for properties in the Northeastern Waterfront, located between Pier 35 and China Basin Channel. They were replaced by a new use policy that allows uses that are consistent with the Public Trust Doctrine and the Port's Legislative Trust Grant (i.e. the Burton Act).<sup>22</sup> This policy change avoided the constraints of pier-by-pier use assignments and allowed a broader range of possible pier uses that could be crafted in development projects that could comply with the Public Trust Doctrine and Burton Act, the public trust legislative responsibilities of BCDC and the Port, respectively.

This change in use policy, together with another SAP policy which required the creation of the Embarcadero Historic District, yielded successful projects in the Northeastern Waterfront. The public trust use policy enabled BCDC, the Port, State Lands Commission, and Port development partners to work together to achieve a strong balance of public trust benefits. This enabled approval of Oracle Park Ballpark for the San Francisco Giants and reopening of valued historic piers to public access and use in the Ferry Building, Piers 1-5, the Exploratorium at Pier 15 and the Pier 27 Cruise Terminal projects, along with new waterfront parks and public access areas, and "Open Water Basins" for public views of the Bay.

Given this success, Port staff seeks SAP amendments that would remove the pier-by-pier use designations and 50% Rule from Port properties in the Fisherman's Wharf and Southern Waterfront areas (located north of Pier 35, and south of China Basin Channel as shown in the SAP map below) and apply the same Public Trust Doctrine/Burton Act use policy in these areas as now allowed in the Northeastern Waterfront.

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<sup>22</sup> The State of California has responsibility for maintaining sovereign tidelands, submerged lands and beds of navigable waters within its border, to be held subject in the public trust to promote navigation, fisheries, waterborne commerce, enhancing natural resources, and attracting people to use and enjoy these tideland areas on behalf of the people of California. In certain cases, the State has granted its public trust lands to another public entity which, as grantee, becomes the trustee. The Burton Act was approved by the State Legislature in 1968 that authorized the transfer of state lands to San Francisco. The Burton Act requires the Port Commission to carry out public trust responsibilities with the authority to use, operate and maintain properties, along with fiduciary responsibility for overseeing the "Harbor Fund", comprised of revenues generated by the Port that are dedicated to Port operations and improvements, and other public trust needs. Although the Port is structured like other City departments, it is unique in that it must further statewide rather than purely local interests.



- 2) Delete “Geographic Vicinities” to Support Comprehensive Resilience Planning and Equity – As the City and region now grapple with complex technical, social, environmental and economic demands to develop resilience and adaptation plans and strategies, the imperative for establishing a comprehensive plan platform has never been greater.

The Special Area Plan currently includes policies that divide the San Francisco waterfront into three zones, defined as “Geographic Vicinities”: Fisherman’s Wharf, Northeastern Waterfront, and Southern Waterfront (as shown in the SAP map above). The intent of Geographic Vicinities was to assure that public access and other benefits created by waterfront projects approved by BCDC are located at or near the project site location. The Geographic Vicinities were established in the 1970’s, well before the resilience and adaptation planning that public agencies now engage, which require comprehensive approaches. Further, the concept of Geographic Vicinities is at odds with race equity and environmental justice values and actions that the Port, City and BCDC now advance, because the effect of these policies is to concentrate public benefits in the places that receive development investment when there are other Port locations that may have greater need for public benefits.

Accordingly, Port staff proposes to delete these Geographic Vicinity designations from the SAP. This does not alter BCDC’s regulatory authority or good planning ideas that produce public benefits at or near a project site, but it does allow options to discuss other locations along the Port waterfront where public benefits could provide equal or greater value, including improvements in or near historically disadvantaged communities. The removal of Geographic Vicinities also facilitates planning for an adaptive and resilient waterfront, the charge of the Port’s Waterfront Resilience Program and BCDC’s Bay Adapt Platform. The

knowledge and technical studies now in hand demonstrate that effective resilience planning requires expansive geographic assessments and room to develop acceptable adaptation responses that yield public benefits that work for both agencies.

Port staff provides this information about the SAP and key amendment objectives to set the context for the work with BCDC staff to produce SAP amendment documents that will be released for public review and comment. The process to produce draft SAP amendments, public review and public hearings, and the BCDC plan approval process is expected to be completed in 2023. Port staff is working with BCDC staff to develop planning process details and will return at a future Port Commission meeting to provide more information and details about the schedule for public engagement and review of draft SAP amendment documents.

## **ENVIRONMENTAL REVIEW**

Before the Port Commission can consider approval of the updated Final Waterfront Plan, the Port must work with the Planning Department to complete the Waterfront Plan Final EIR. It is anticipated that the Planning Commission will certify the Final EIR on February 2, 2023. The proposed revisions to the Waterfront Plan described in this staff report were reviewed by the Planning staff which determined that they do not generate the need for any further EIR analysis.

## **CONCLUSION**

Port staff express appreciation for the collaborations and contributions of public and agency partners to produce revisions for the Draft Waterfront Plan. Following Planning Commission certification of the Waterfront Plan Final EIR on February 2, 2023, Port staff plan to return to the Port Commission on February 14, 2023 to seek approval of CEQA Findings and adopt the Final Waterfront Plan. Port staff will continue to keep the Port Commission and public updated on documents for public review and comments, and public hearings related to the public processes for amendments to the San Francisco General Plan and Planning Code, BCDC Special Area Plan, and Block 3941 rezoning.

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