

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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TO: Commissioners and Alternates

FROM: Steve Goldbeck, Acting Executive Director (415/352-3611 steveg@bcdc.ca.gov)
Lindy Lowe, Senior Planner (415/352-3642 lindyl@bcdc.ca.gov)

SUBJECT: Staff Recommendation for Proposed Bay Plan Amendment Nos. 3-11 and 4-11 Concerning Amendments to the San Francisco Special Area Plan Open Water Basin, Open Water Areas, Public Plazas, and Public Access Policies; the Implementation Requirements Related to Development of Pier 27 and Removal of the Pier 23 Shed (For Commission Consideration on March 1, 2012)

Preliminary Staff Recommendations

The staff recommends that the Commission adopt the attached Resolution No. 2012-01 that would:

- 1. Bay Plan Amendment 3-11.** Amend the *San Francisco Waterfront Special Area Plan* to: (1) require a public process to develop an open water basin and a public plaza in the Fisherman's Wharf geographic area; (2) add findings that explain the policy and implementation requirement changes; (3) modify the Open Water Basin Policies to: (a) delete the open water basin between Piers 19 and 27; and (b) require a planning process to identify a new open water basin within the Northeastern Waterfront (Pier 35 to China Basin); (4) provisionally modify the Implementation Requirement to remove a portion of the Pier 23 shed; (5) modify Public Plaza policies for Northeast Wharf Plaza; (6) modify the Plan Implementation Requirements to maintain the balance of public benefits and development and (7) require a public process to identify strategies for addressing historic resources along the San Francisco Waterfront that have been closed to occupancy and use for public safety reasons.
- 2. Bay Plan Amendment 4-11.** Amend the *San Francisco Waterfront Special Area Plan* by: (1) adding findings that explain the policy changes; (2) modifying the Open Water Basin Permitted Uses to allow the temporary use for the 34th America's Cup events; (3) modify the Open Water Areas Policies to expedite required pier removals in open water areas and (4) requiring public benefits to balance the impacts of the temporary use of the basins.



3. The staff recommends that the Commission find that the proposed Bay Plan Amendment Nos. 3-11 and 4-11 will not have any significant adverse environmental effects, as outlined in the environmental assessment included with Staff's preliminary recommendation.

The Port of San Francisco will make conforming amendments to its Waterfront Land Use Plan so that the Port and BCDC have consistent policies for the area of the waterfront from Pier 35 to China Basin.

Proposed San Francisco Waterfront Special Area Plan Amendments

Bay Plan Amendment Application 3-11. 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. In addition, amendments are needed to identify alternative public benefits that are currently required at Pier 27 that are precluded by the location of a cruise ship terminal there, and need to be replaced at other locations along the San Francisco waterfront.

Bay Plan Amendment Application 4-11. The Port of San Francisco and the America's Cup Event Authority, LLC have applied to the Commission to amend *San Francisco Waterfront Special Area Plan* (SAP), an element of the *San Francisco Bay Plan* (Bay Plan) to allow for the 34th America's Cup (AC34) Events. The amendment would allow: (1) temporary use the Brannan Street Wharf Open Water Basin to moor team racing yachts and several large, private yachts; (2) temporary berthing of large, private yachts in a portion of the Rincon Point Open Water Basin from the northern boundary of Rincon Park to Pier 14; (3) temporarily berth large, private yachts in the Broadway Open Water Basin; and (4) temporary berthing of a variety of vessels in the Northeast Wharf Open Water Basin. The proposed uses are inconsistent with the open water basin policies in the SAP.

Long-Term Use of Open Water Basins and Piers. Three of the four SAP-designated open water basins and several piers are also contemplated by the City and County of San Francisco and the America's Cup Event Authority for long-term uses. The long-term development rights between the City and County of San Francisco and the Event Authority associated with the America's Cup project are not the subjects of this amendment. The staff believes that some of the projects in the agreement are inconsistent with the SAP. If the Port, City or Event Authority pursues projects that are inconsistent with the SAP, subsequent environmental review and amendment of the SAP will be required. The Cruise Terminal at Pier 27 is the subject of Bay Plan Amendment 3-11, and constitutes a long-term use of the Northeast Wharf Open Water Basin. Furthermore, the Event Authority has the rights to negotiate long-term development rights at Piers 29, 26, 28 and 30-32. Long-term open water basin uses include:

- (1) a recreational marina in the Rincon Point Open Water Basin; the rights to negotiate the development rights would have been triggered by the dredging necessary for the temporary use that is the subject of this amendment. However, the Host and Venue Agreement was amended to remove this right and relocate it to Pier 54;
- (2) a recreational marina in the Brannan Street Wharf Open Water Basin; the America's Cup Event Authority's holds the rights to negotiate the development rights for development in this basin that are triggered by the dredging necessary for the temporary use that is the subject of this amendment; and
- (3) a cruise ship terminal in the Northeast Wharf Open Water Basin, proposed in Bay Plan Amendment No. 3-11.

While the amendment request from the Port and the Event Authority only identifies the temporary use of two open water basins, it is important to evaluate amendment 4-11, which includes dredging at Brannan Street Wharf Open Water Basin, in the context of the right to negotiate long-term development rights that are triggered by dredging for the temporary use of this basin.

Applicant's Purpose for Requesting Plan Amendment 3-11. Over ten years ago, the Port of San Francisco identified Piers 30-32 as the ideal location of the future international cruise ship terminal for the City and County of San Francisco. This location was included in the 2000 amendments to the SAP. A proposal for a commercial recreation project on Pier 27 was also included in the 2000 amendments. Upon further analysis, Piers 30-32 were found to require extensive rehabilitation for any project to occur there and the cruise ship terminal project was no longer financially feasible for that location. The analysis determined that Pier 27 was in good condition. Additionally, due to the size, apron length and width, adjacent channel and presence of infrastructure that would make it easier to provide shore side power, Pier 27 was determined to be the best location for the City and County's primary international cruise ship terminal.

The pier condition analysis also concluded that Pier 23 was also in good condition. The 2000 amendment of the SAP required that a portion of the Pier 23 shed be removed and possibly a portion of the pier deck. The purpose of the removal was to enhance the Northeast Wharf Open Water Basin designated between Pier 19 and Pier 27 and to provide expansive views to the Bay from the Northeast Wharf Plaza and the Embarcadero. The determination that Pier 23 was in good condition and public concern about the removal of a contributing resource to the historic district motivated the Port to request the deletion of the requirement to remove a portion of the Pier 23 shed.

Inconsistencies of 3-11 with Current SAP Objectives. The siting of the primary cruise ship terminal at Pier 27 and the retention of the Pier 23 shed are inconsistent with the SAP in a number of ways. The berthing of cruise ships in the Northeast Wharf Open Water Basin is inconsistent with the permitted uses in the SAP for Pier 27, requires security closures of pier-side open spaces, eliminating public access before, during and after ship calls, significantly reduces the opportunity for views and eliminates the possibility of on-water recreation access at this site. A cruise terminal will disrupt the relationship between the Northeast Wharf Plaza, the Pier 27 apron access and the open water basin. These impacts result in the need to relocate the public benefits, public access and open water basin to another location between Pier 35 and China Basin.

Applicant's Purpose for Requesting Bay Plan Amendment 4-11. The America's Cup project is inconsistent with one aspect of the SAP: the use of the open water basins to berth vessels associated with the races in 2012 and 2013. The America's Cup Event Authority and the Port of San Francisco requested an amendment to the SAP to allow the temporary berthing and mooring of assorted vessels in all four of the open water basins designated by the SAP.

The larger issues associated with the America's Cup, such as impacts to public access, public spaces, areas outside of the Port of San Francisco such as Crissy Field and Marina Green and impacts associated with the racecourse and transportation and other were not analyzed by this amendment as these larger issues are either not within the area covered by the SAP or are consistent with the current SAP policies and the analysis is occurring elsewhere, including the BCDC permit process.

Public Benefits Changes for Bay Plan Amendment 4-11. BCDC staff met frequently with the Port, the Event Authority and the City, as well as stakeholders associated with water-oriented recreation and public access to develop the public benefits package for the America's Cup amendment. As with the public benefits package for the cruise ship terminal, the stakeholder interviews conducted in the winter of 2010 were also consulted to determine possible priorities for improving the waterfront. The original proposal presented at the public hearing on February 2nd included the accelerated removal of the shed at Pier 2 in time for the America's Cup events. The

Pier 2 shed is occupied by the restaurant Sinbad's, which has a month-to-month lease with the Port of San Francisco. The Port declined to find another location on Port lands for relocating the restaurant and both BCDC and Port staff began to negotiate a new time-frame for the Pier 2 shed removal. The operators of Sinbad's suggested a removal date January 2015 instead of March 2013 and BCDC and Port staff tentatively agreed to that proposal. At the February 2nd Commission hearing, several Commissioners directed staff to continue negotiations with the leaseholders and operators of Sinbad's to permit the restaurant to stay until after the America's Cup events. This change is reflected in the following benefits that were proposed by the Port and accepted by BCDC to mitigate for the loss of the open water basins during the events:

- Removal of Pier 64 by March 2013;
- Removal of Pier ½ by March 2013 to improve Bay ecology, improve public access and Bay views prior to the 2013 America's Cup Events;
- Removal of the restaurant at Pier 2 and the provision of temporary public access on Pier 2 by March 2015 to provide improved public access and Bay views after the 2013 America's Cup Events; and
- Improvement of the Pier 52 water-recreation access site by March 2013 to be available during the 2013 America's Cup Events and made available permanently after the events are over.

Background. The Bay Plan and SAP were amended in 2000 to alter BCDC's policies regarding fill removal and permitted use on piers, and this effort provided the opportunity to 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 repaired 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 could be required to reduce its size and thereby eliminate the feasibility of the project. The new use requirements broadened the range of possible uses, and increased 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.

A key 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 accessible 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 overall objectives for the public benefits in the 2000 SAP amendment as identified in the findings for the SAP were:

- removal of deteriorating piers that pose a threat to navigation, and to public safety and health;

- restoration of significant areas of open water to enhance the ecological health of the Bay and to facilitate needed public recreation and access opportunities;
- 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;
- preservation of important and unique historic resources along the waterfront; and
- 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.”

Developing Staff’s Preliminary Recommendation on Bay Plan Amendment Nos. 3-11 and 4-11. Stakeholders expressed concerns that amending the SAP for the cruise terminal project would compromise the public benefits and that the amendment should be approached comprehensively, moving beyond the project site for public benefits and policy changes. They preferred that the public benefits occur in the Northeastern Waterfront, sooner than what is currently required in the SAP and as close to the project site as possible. Stakeholders also preferred that fill be removed in a location where people would be able to enjoy it, rather than in a remote location with little public access. The balance between historic resource preservation and fill removal was also discussed with the stakeholders. The Port’s request to retain the Pier 23 shed and the Port’s need to relocate the Northeast Wharf Open Water Basin may result in the need to remove sheds and piers that are currently designated as contributing resources to the historic district. Some of the stakeholders expressed concerns about removing contributing resources and others supported finding a balance between preserving historic resources, and fill removal for open water. Both agreed that a public process to develop a better approach to deteriorating historic resources should be developed by the Port and BCDC. The stakeholders involved in the discussions included David Lewis of Save the Bay, Jennifer Clary of San Francisco Tomorrow and Aaron Peskin of the Telegraph Hill Dwellers. Additionally, as stated previously, the results of the 35 stakeholder interviews conducted in late 2010 and early 2011 were also used to develop the approach and components for the public benefits package for the cruise ship terminal.

Discussions with stakeholders regarding the 4-11 amendment proposal, as well as in a number of meetings with the Port, City and Event Authority, staff endeavored to reduce or avoid the impacts of the current proposal and find the appropriate mitigation measures for the impacts that cannot be reduced or avoided. Through these negotiations, the long-term marina use at Rincon Point Open Water Basin was removed from the Host and Venue Agreement and the right to negotiate this recreational marina use was moved to the area around Pier 54. This use at this site is consistent with the current policies in the SAP. Additionally, the public benefits proposal developed for the America’s Cup events was guided by the public comments provided at the public hearing as well as discussions with stakeholders. These new public benefits include: fill removal; the development of at least one and possibly two access sites for water-oriented recreation for use both during the America’s Cup events and permanently after the close of the events; the early removal of the restaurant at Pier 2 by March 2015 after the 2013 America’s Cup events to provide new Bay views to the Bay and public access; and the early removal of Pier ½

prior to the 2013 America's Cup events to bring Bay views closer to Embarcadero and the Promenade, improve Bay ecology and improve the public access experience. Additionally, the permits for the America's Cup will require a number of public access benefits, both long and short term.

New findings and policies in the SAP address some of the concerns raised by the public during public hearings for both the cruise ship terminal and the America's Cup events. A finding regarding the purpose of the open water basins and the importance of retaining their integrity is proposed, as well as findings regarding the need to provide public benefits for short-term uses of the waterfront that are in scale with the duration and magnitude of the events. These findings will help the Commission, the Port and the public in interpreting the water basin policies in the SAP.

New policies proposed for the SAP were designed to provide a public benefits package that would balance out the proposals to amend the plan for the cruise ship terminal and the America's Cup projects. The policies attempt to provide a comprehensive amendment to the SAP and span the San Francisco Waterfront from Pier 64 to Fisherman's Wharf. However, the policies also attempt to ensure that the new public benefits occur as close to the projects sites as possible and also are required to be implemented sooner, or no later than, those that were required in the 2000 amendment.

The policies proposed also include the requirement to conduct three future public processes to: (1) determine the location for a new open water basin to replace the one eliminated by the proposed cruise ship terminal, (2) develop a process for managing historic resources along the waterfront; and (3) planning, designing and developing an implementation plan for a new public plaza and new open water basin in Fisherman's Wharf. These policies were designed to recognize the balance between amending the SAP in time to allow the America's Cup events to move forward without losing sight of the need to take a more comprehensive look at the SAP, particularly once the America's Cup events are completed to address several unresolved issues. These public processes must meet specific parameters and deadlines for completion to provide a level of certainty for the public and to avoid upsetting the balance of public benefits, which underpins the SAP. This balance must be maintained, or the Commission may set aside the SAP, and the regulatory changes embodied in it.

On January 4, 2012, a staff report, preliminary recommendation and environmental assessment outlining the proposed amendments to the San Francisco Waterfront Special Area Plan findings, policies and maps was sent to the Commission and public for review. A public hearing to consider the proposed language changes occurred on February 2, 2012.

This final staff recommendation includes changes to the preliminary staff recommendation in response to the written and oral comments of Commissioners and the public. The changes to the Open Water Areas policies and Implementation Requirements extend the removal date for Pier 2 to 2015 from 2013 to allow the restaurant Sinbad's to operate until after the America's Cup events. Changes to the Plan Maps are also illustrated on the maps attached to the Resolution 2012-01. Responses to Commission and public comments, both written and oral, are found in the section "Response to Comments" that starts on page 30.

Final Staff Recommendation

The staff recommends that the Commission amend the Bay Plan as follows:

Proposed 3-11 Amendments:

- a. Require a public process to be initiated in July 2012 and completed in July 2015 to develop an open water basin and public plaza in the Fisherman's Wharf geographic area that would replace the public benefit of a significant public plaza and adjacent open water basin that is being deleted by the cruise ship terminal project;
- b. Add findings that explain the policy and implementation requirement changes;

- c. Modify the Open Water Basin Policies to: (a) delete the open water basin between Piers 19 and 27; and (b) require a planning process to identify a new open water basin within the Northeastern Waterfront (Pier 35 to China Basin) to replace the deleted open water basin; (c) provisionally delete the requirement to remove a portion of the Pier 23 shed, conditioned on the approval by BCDC of a new, substitute open water basin within the Northeastern Waterfront;
- d. Modify Public Plaza policies for Northeast Wharf Plaza to: (a) revise the view requirements around Piers 23 and Piers 29 and at Northeast Wharf Plaza; (b) modify the Pier 27 shed removal requirements; (c) delete the allowance for commercial active recreation use of Northeast Wharf Plaza and the requirement for waterside and small craft access in the plaza; and,
- e. Modify the Plan Implementation Requirements to: (a) reflect completed requirements; (b) identify new public benefits and phasing; (c) accelerate the completion of the Northeast Wharf Waterfront Plaza; (d) identify the phasing and parameters for creating a replacement open water basin within Northeast Wharf (Pier 35 to China Basin); and (e) require a public process to identify strategies for addressing historic resources along the San Francisco Waterfront that have been closed to occupancy and use for public safety reasons.
- f. Make necessary changes to Figure 2, Figure 3, Plan Map 1, Plan Map 2 and Plan Map 5.

Proposed 4-11 Amendments:

- a. Add findings related to proposed policy changes;
- b. Modify Open Water Basin Permitted Uses to allow the temporary use for the 34th America's Cup events;
- c. Modify Open Water Basin Policy 3 to allow the temporary use for the 34th America's Cup Events that will result in temporary fill to berth vessels;
- b. Modify the Open Water Areas Policies to expedite the removal of Pier ½ and Pier 2; and
- c. Modify the Implementation Requirements to include the following public benefits to balance the impacts of the temporary use of the basins. These public benefits include: (1) the removal of Pier 64 by March 2013, (2) the improvement of the water-oriented recreation facility at Pier 52, (3) remove Pier ½ by March 2013 to improve Bay views and Bay ecology by removing non-historic fill, and (4) remove shed at Pier 2, currently occupied by a the restaurant Sinbad's that is on a month to month lease with the Port of San Francisco, by March 2015 to improve Bay views and public access by removing non-historic fill.

**Proposed Changes to the San Francisco Waterfront Special Area Plan for Bay Plan Amendment
Nos. 3-11 and 4-11**

The SAP sections for the cruise ship terminal amendment would be modified by the proposed amendment. Proposed additions in language are shown as underlined, while proposed language deletions are shown as ~~struck through~~. Staff analysis explaining proposed changes is also provided.

<p style="text-align: center;">PROPOSED POLICY: FISHERMAN'S WHARF (HYDE STREET PIER THROUGH PIER 39 AND EAST WHARF PARK</p>	<p style="text-align: center;">STAFF ANALYSIS</p>
<p>Add underlined and delete struck-through language as follows:</p> <p>Develop a major public plaza extending to the Bay <u>and an open water basin</u> within the Fisherman's Wharf area. <u>The Fisherman's Wharf Open Water Basin should include a small-craft launch to allow for water recreation and transient boating opportunities.</u> <u>In order to identify the appropriate location and design of the plaza and open water basin, a working group involving Port tenants in the area, the Port, the San Francisco Planning Department, BCDC, local and regional interest groups and other interested parties should be formed to develop plaza and open water basin concepts. This planning process should be initiated by July 1, 2012 and should develop a plan that includes the Fisherman's Wharf Open Water Basin and Plaza design and financing by July 1, 2015. Following the implementation of the public plaza extending to the open water basin, in combination with the Port's removal of Pier 43 ½ and adjacent public access improvements at Jefferson Street, the Port may initiate an SAP amendment to request that the Commission substitute the Fills for Public Trust Uses policy for the Replacement Fill Policy (50% rule) in the Fisherman's Wharf geographic area. This would involve establishing a Fisherman's Wharf plaza planning process involving the tenants, Port of San Francisco Planning Department, BCDC, Save the Bay and other interested parties to address the many issues associated with a plaza at Fisherman's Wharf and to establish a plan and implementation program for effectuating the plaza as part of an overall review of the Special Area Plan policies in the Fisherman's Wharf area.</u></p>	<p>In order to ensure that the public benefits associated with the cruise terminal amendment are significant and comprehensive enough to balance the loss of the open water basin between Piers 23 and 27, the development of a planning process that would result in the provision of an open water basin and public plaza in the Fisherman's Wharf area was proposed by BCDC staff and agreed to by the Port staff. The proposal for a public process is a refinement and clarification of a current policy in the SAP and also recognizes the opportunity that the Port's removal of Pier 43 ½ provides for both an open water basin and plaza, but also for the elimination of the Replacement Fill Policy (50% rule) in Fisherman's Wharf, which would remove uncertainty and barriers to seismic and other improvements in Fisherman's Wharf and for other circulation improvements that are currently being evaluated by the City and County of San Francisco.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN) Base of Telegraph Hill Description	
Proposed Text Changes	Staff Analysis
<p>Add underlined language as follows:</p> <p>...the northernmost area contains a mix of uses that reflect the area’s maritime history and its active transition to an urban and commercial district. Cargo shipping, warehousing and other maritime operations, including the international cruise ship terminal, the bar pilots and tugboat operations, still occupy some of the finger piers in this area. However, trends indicate that cargo shipping will continue to consolidate in the central and southern waterfront. <u>Pier 31 has been closed to occupancy and use due to its advanced deterioration.</u> Piers 9 to 33 are used for office uses, warehousing, including the foreign trade zone warehouse, incubator businesses, fish processing, parking, tour bus staging, excursion boat operations, surplus military ship berthing and various other uses. In general, these uses reflect the industrial, maritime character of the waterfront.</p>	<p>The addition of this language to the description of the Base of Telegraph Hill area acknowledges the Port’s analysis of pier condition, specifically that Pier 31 has been closed to occupancy and use for public safety reasons.</p>
<p>Add underlined and delete struck-through language as follows:</p> <p>The Herb Caen Way promenade connects this area to the adjacent Fisherman’s Wharf and Ferry Building areas and provides continuous physical public access through the area. Opportunities to expand public access include creating a significant plaza and improving access on each pier and the shoreline with development projects. Visual access to the Bay is limited, available only through the periodic breaks in the relatively continuous facade of historic bulkhead buildings in this area. Opportunities to open views in this area are limited by historic preservation goals, <u>except for non-historic portions of Piers 27 and 29 and deteriorating sheds and piers where rehabilitation is not feasible or pursued, one key location between Piers 23 and 29, where removal of significant portions of the Pier 23 and Pier 27 (non-historic) sheds or piers</u> could greatly enhance visual and physical access in this area.</p>	<p>The proposed change in language to this section of the Base of Telegraph Hill description is to acknowledge the change in opportunity for opening up views that results from the Port’s analysis of pier condition, the relocation of the cruise ship terminal from Piers 30-32 to Pier 27, the intention to retain the Pier 23 shed and the intention to remove the entire Pier 27 shed and replace with a new building and to remove the non-historic portion of Pier 29.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN) South Beach Waterfront Description	
Proposed Text Changes	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <p>...extends from the northern edge of Pier 24-1/2 at the terminus of Harrison Street south to <u>the Giant's baseball park</u> Pacific Bell Park, adjacent to the Third Street Bridge at Pier 46B on China Basin. Piers in this area encompass a mix of uses, including maritime, industrial, office, dry boat storage, film production, moving and storage, open parking, occasional events, and other uses. <u>The majority of Pier 24 and all of Pier 34 have been</u> are condemned, and their removal <u>removed, pursuant to the plan implementation requirements adopted in 2000</u> offers the opportunity to improve <u>improving</u> visual and physical access to the Bay. The three remaining historic bulkhead buildings along the shoreline reflect the Mission Revival (Piers 26-28) and Mediterranean styles (Pier 38), distinct from the monumental classical style of their northern neighbors. Seawall lots in the area are improved with residential uses, open parking lots, a park and <u>the Giant's baseball park</u> Pacific Bell Park.</p>	<p>The proposed change in language to the South Beach Waterfront description is to bring the SAP up to date regarding pier removal and the changes in the name of the Giant's baseball park.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN) Findings	
Findings	Staff Analysis
<p>Add underlined language as follows:</p> <p>20. <u>Since the 2000 amendment to the SAP, the Port has conducted a more thorough analysis of the condition of its piers and sheds. This analysis determined that Piers 30-32, previously planned as the future international cruise ship terminal for the City and County of San Francisco, will require significant rehabilitation prior to development. The assessment also determined that Piers 23 and 27 were in good condition, requiring little rehabilitation prior to development. A number of piers were also identified as being in failing or poor condition and in need of significant repair, including Piers 26, 28 and 31.</u></p>	<p>The new finding recognizes new information available to the Port, BCDC and other interested parties regarding the condition of the sheds and piers within the Port's jurisdiction. The findings of the Port's analysis have implications for this amendment, in that the findings regarding Piers 30-32, Piers 27-29 and Pier 23 are directly related to the requests to relocate the cruise ship terminal and to retain the Pier 23 shed. The finding also recognizes that several piers and pier sheds are in need of significant repair and intervention to avoid becoming a public health and safety hazard and to avoid ecological impacts to the Bay.</p>
<p>Add underlined language as follows:</p> <p>21. <u>A number of public benefits identified in the 2000 amendments were predicated on the development of Piers 27-31 in a way that would result in the preservation of an open water basin adjacent to the Northeast Wharf Plaza, public access along the adjoining pier aprons, the removal of a portion of Pier 23 to open up views to the Bay from the plaza and the Embarcadero, and boating access from the plaza to the open water basin. The relocation of the new international cruise ship terminal from Piers 30-32 to Pier 27 and the finding that Pier 23 is in good condition and could be developed, compromises many of the public benefits envisioned in the 2000 amendments. These changes require that new public benefits be identified for this area of the waterfront that are equal to or better than the public benefits required by the 2000 amendment.</u></p>	<p>This finding describes the impacts that relocating the cruise ship terminal to Pier 27 and the provisional retention of the Pier 23 shed have on the public benefits in the current plan and states that new public benefits would need to be found that are equal or better to those being eliminated or impacted by relocating the cruise ship terminal to this location in order for the Commission to continue to find that the regulatory changes adopted in the 2000 amendment are necessary to the public health, safety and welfare of the entire Bay Area, and warrant setting aside the otherwise applicable use policies of the McAteer-Petris Act.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN) Findings	
Findings	Staff Analysis
<p>Add underlined language as follows:</p> <p>22. <u>The 2000 amendment required the Port to nominate the Northern Waterfront Historic District for listing on the National Register of Public Places. The District was listed on the National Register in 2005. The piers, sheds and other features identified as contributing resources to the Historic District are important to retain to the extent feasible. However, a Port-BCDC-sponsored public process is needed to develop a plan for those facilities that have been closed to occupancy and use for public safety reasons and that continue to deteriorate, to ensure that the deterioration does not result in public and environmental hazards, and that the integrity of the District is maintained rather than becoming an area characterized by extensive areas of deteriorating piers that are unusable.</u></p>	<p>The finding describes the process that was required and completed to list the Northern Waterfront Historic District from China Basin to Pier 35 on the National Register of Public Places. The finding goes on to recognize that the listing by itself does not ensure the protection of these resources and public process to develop a plan for facilities that have been closed to occupancy and use for public safety reasons is necessary to ensure both the integrity of the Northern Waterfront Historic District and the public health and environmental safety of the Port's lands.</p>
<p>Add underlined language as follows:</p> <p>23. <u>Pier 27 is the most suitable location for a new, international cruise ship terminal on the San Francisco waterfront due to its size, its apron length and width, structural integrity, and the availability of the infrastructure to easily supply the cruise ships with shoreside power. Other cruise ship berthing sites on the Northeastern Waterfront are also necessary to accommodate the annual ship calls. Sites that are viable as secondary sites for ship calls include Pier 35 and Piers 30-32.</u></p>	<p>The finding acknowledges the unique aspects of Pier 27 that make it especially suitable for a cruise ship terminal.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN) Findings	
Findings	Staff Analysis
<p>Add underlined language as follows:</p> <p>24. <u>The use of the San Francisco Waterfront for special events may provide a unique opportunity to achieve several key objectives of the SAP, including bringing more people to the waterfront and increasing the public's enjoyment of the Bay. If special events use of the San Francisco Waterfront, including the designated open water basins, is consistent with the integrated public benefits identified in Finding 15, the use is temporary and provides public benefits to balance the temporary impacts which are commensurate with the size and duration of the event, then such a use could be found consistent with the SAP.</u></p>	<p>The finding describes the potential benefits of allowing special events along the San Francisco Waterfront and the types of public benefits that can offset the impacts of such special events that privatize public access areas and disrupt normal, ongoing public use and enjoyment of the waterfront. The finding clarifies that future use of the waterfront from Pier 35 to China Basin for special events could be consistent with the SAP if public benefits are provided that are within the scale of the proposed event.</p>
<p>Add underlined language as follows:</p> <p>25. <u>The 2000 amendment required four open water basins for the purpose of preserving or opening up views of the Bay, connecting public access and public plazas with the Bay, providing areas for temporary and transient berthing and mooring along the San Francisco Waterfront and creating opportunities to develop recreational access to the water. To maintain the balance of public benefits with public and private development, it is necessary that the area from China Basin to Pier 35 still contain four open water basins, without other permanent uses, such as marinas or cruise ship berthing being sited in these open water basins. Proposals for non-conforming uses that prevent achieving the open water basin purposes in any of the designated open water basins can only be approved if a new, alternative open water basin within the area between China Basin and Pier 35 is identified and established through a future amendment of the SAP. The 2012 amendment establishes a policy requiring a public planning process and the timely identification of a substitute open water basin for the Northeast Wharf Open Water Basin.</u></p>	<p>The purpose of the proposed finding is to clarify that the provision of four open water basins that do not contain non-conforming uses and that proposal place fill in the Bay for such uses requires the identification of a new open water basin, an amendment to the SAP and approval by the Commission of the new location for the open water basin. The provision of four open water basins from Pier 35 to China Basin is a significant component of the public benefits associated with the current SAP and must be retained.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN) Findings	
Findings	Staff Analysis
<p>Add underlined language as follows:</p> <p>26. <u>The removal of Pier 31 could create a suitable replacement for the Northeast Wharf Open Water Basin between Piers 29 and Pier 33. In combination with the removal of the shed at the tip of Piers 27-29 to create a pier-end public space, providing public access on the north side of Pier 29, opening Pier 29 1/2 public access and providing the Bayside History walk in Pier 29, the open water basin created here could provide similar benefits as those eliminated by developing the primary cruise terminal at Pier 27, eliminating the Northeast Wharf Open Water Basin and retaining the Pier 23 shed.</u></p>	<p>This finding identifies an opportunity for the replacement open water basin for the Northeast Wharf in the area between Piers 29 and 33. This location is not required, but in order to retain the Pier 23 shed, the Port would have to implement this area as an open water basin or find another between China Basin and Pier 35.</p>

Policies. The proposed policy changes enable the reuse of certain piers along the Northeastern Waterfront and facilitate the implementation of a public benefits package. The public benefits include a program of pier removal to create open water, creation of two major public plazas, and the provision of on-pier public access, including a Bayside History Walk.

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Open Water Basins Permitted Uses	Staff Analysis
<p>Add underlined language as follows:</p> <p><u>Temporary use for the 34th America’s Cup event that increases the public enjoyment and interest in the Bay and is developed consistent with Finding 15 of the SAP, including the provision of public benefits that balance the extent and duration of the temporary use. (Policy expires June 30, 2014)</u></p>	<p>The policy provides the use of the open water basins from July 2012 to January 2014 for the 34th America’s Cup events, if the project provides public benefits sufficient to offset impacts on public access and is consistent with the finding associated with the public benefits package required in the current SAP.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Open Water Basins Policies	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <p>2. Preserve or create four Open Water Basins, including the removal of certain piers, to enable permanent enjoyment of the Bay at the following locations:</p> <p>a. <u>In order to ensure the integrity of the public benefits provided for in this plan and to replace the Northeast Wharf Open Water Basin, the Port must identify and BCDC must approve in a subsequent amendment to this plan, a new location for the fourth open water basin within the Northeastern Waterfront (Pier 35 to China Basin) by December 31, 2015. The new open water basin should improve views to the Bay from the Embarcadero, provide an opportunity for increased water-recreation access to the Bay and be as close to Piers 27-29 as possible. If siting an open water basin between Piers 29 and 33 is found to be infeasible by a public process beginning no later than July 2012 and being completed no later than July 2015, the requirement to remove the Pier 23 shed, including at least 315 feet of the easternmost portion of the shed will remain until the location, planning and funding of a replacement open water basin is identified by the Port and approved by BCDC. No development may be authorized in the easternmost 315 feet of Pier 23 until BCDC has approved the replacement water basin in an amendment to the SAP. The "Northeast Wharf Open Water Basin" between Piers 19 and 27, including removal of a portion of the Pier 23 shed to improve Bay views. The removal of the Pier 23 shed should include at least 315 feet of the easternmost portion of the shed. Any additional removal should reflect the historic preservation goals of this plan, and the Port's and the City's plan policies. The Pier 23 deck supporting that part of the Pier 23 shed that would be removed, may be removed or may be retained and used for public access purposes, including transient and temporary non-commercial recreational boat berthing.</u></p>	<p>This policy identifies the process and parameters for the relocation of the fourth open water basin that results with the use of Pier 27 as a cruise ship terminal and the retention of the Pier 23 shed.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Open Water Basins Policies	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <p>3. Within Open Water Basins, limit new fill to:</p> <ul style="list-style-type: none"> a. mooring buoys and pile-supported or floating platforms for non-commercial, transient boats to provide shoreline access; b. <u>Temporary use for the 34th America’s Cup Events requiring temporary fill to berth vessels. Fill will be placed in May 2013 and removed no later than January 2014, except within the Brannan Street Open Water Basin, where fill will be placed in May 2012 and removed no later than January 2014. In the Rincon Point Open Water Basin, the temporary fill should be limited to the area from Pier 14 to the northern boundary of Rincon Park to ensure that public views from Rincon Park and the Promenade will be unobstructed by berthed vessels.</u> b-c. Berthing facilities, such as mooring dolphins and buoys, pile-supported or floating platforms, etc., for berthing of commercial vessels (vessels up to approximately 300 feet in length) and temporary ceremonial and visiting ships at the boundary of the Open Water Basins, as provided below. i. in the Northeast Wharf Open Water Basin, at Pier 27, facilities may be permitted for temporary berthing of ceremonial and visiting ships that do not extend landward of the Pier 27 shed (as partially removed to create the Northeast Wharf Plaza). At Pier 23, facilities may be permitted for lay berthing of boats on the south apron, provided berthing does not extend Bayward of the Pier 23 shed (as partially removed, see Open Water Basin policy 2 above); No change to ii through iv. Reletter c through i to d through j. 	<p>The policy provides for the duration and parameters of the temporary use of the open water basins for the America’s Cup events and identifies the associated public benefits required to balance and reduce the impacts of the temporary use of the open water basins. The policy also restricts the area that may be used within the Rincon Point Open Water Basin temporarily for the America’s Cup events.</p> <p>The policy providing the parameters for the Northeast Wharf Open Water Basin is being deleted in recognition that the public benefits associated with this open water basin must be relocated.</p> <p>Deletes the Northeast Wharf Open Water Basin because locating a cruise terminal at Pier 27 prevents realization of public access benefits associated with open water basins.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Open Water Area Policies	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <ol style="list-style-type: none"> 1. Open Water Areas are those areas of the Bay not designated as Open Water Basins. Create new Open Water Areas as follows: <ol style="list-style-type: none"> a. remove Pier 24; b. <u>By March 2013, remove a portion of Pier 1/2 as part of the 34th America's Cup Event project, Ferry Terminal Phase 2 development project,</u> retaining only that portion required for retaining a vessel berthing facility and public access; 	<p>This policy accelerates the requirement to remove Pier ½ so that is provided as part of the America's Cup project and is provided in time to be a public access, view and fill removal benefit for the public during the event.</p>
<p>Add underlined and delete struck-through language as follows:</p> <ol style="list-style-type: none"> c. <u>By March 2015, remove the existing shed at Pier 2 after the 34th America's Cup Event project to improve Bay views and public access. Remove the northern portion of Pier 2 as part of the Downtown Ferry Terminal Phase 2 development project; either as part of: (1) the Agriculture Building improvement project or the Ferry Terminal Phase 2 development project, whichever comes first; or (2) any reconfiguration of the existing restaurant on Pier 2;</u> 	<p>This policy requires removal of the Pier 2 shed after the America's Cup project to improve Bay views and public access.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Public Plazas Policies	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <ol style="list-style-type: none"> 1. Create a "Northeast Wharf Plaza," as a new, major, destination plaza between Piers 23 and 29 along The Embarcadero, opening up views from <u>the Embarcadero to the Bay, Lombard Street and The Embarcadero to the Bay, Yerba Buena and Treasure Islands, and the Bay Bridge</u>. The approximately 2-acre plaza should be designed to function as a major attraction for visitors and residents. In addition, provide open space around the Beltline Railroad Office Annex building, if it remains in its present location, and maintain unobstructed views from the Annex across the plaza to the Bay. The Plaza should be oriented to the Open Water Basin between Piers 27 and 19. 	<p>The policy deletes reference to views that will not be available with the retention of the Pier 23 shed and the open water basin that will be relocated to another location within the Pier 35 to China Basin area.</p>
<p>Add underlined and delete struck-through language as follows:</p> <ol style="list-style-type: none"> 2. <u>If the Pier 27 shed is not removed to construct a new cruise ship terminal, then</u> To create this plaza, remove approximately 56,000 square feet of the Pier 27 shed (384 feet in length as measured from its southwest corner near Pier 23 and 224 feet in length as measured from the northwest corner near Lombard Street), and remove the Pier 27 Annex Building (the two-story, modern office building). See Figure 3 illustrating the plaza boundaries and footprint. 	<p>As part of both the America's Cup and cruise ship terminal projects, the Pier 27 shed is proposed to be removed and a new building constructed in its place. If the shed is removed, the detail regarding the development of the plaza and the amount of shed to be removed will be unnecessary.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Public Plazas Policies	Staff Analysis
<p>Delete struck-through language as follows:</p> <p>3. Commercial Active Recreation Use of Northeast Wharf Plaza: In the event that the Pier 27/29 complex is developed as a private commercial facility for active recreation, (e.g., gymnastics, swimming, racquetball, etc.), and only in that event, an approximately 15,000 square foot portion of the Northeast Wharf Plaza may be used by the developer for commercial, outdoor recreation activities, provided that the following conditions are met:</p> <ul style="list-style-type: none"> a. the 15,000 square foot area is confined to the area located and illustrated on Figure 3; b. the commercial use serves an important active recreation need of the residents of the City and of the Bay region; c. the commercial use complements or enhances the public use and enjoyment of the Plaza; d. the project sponsor recognizes and agrees that this designated area is part of the Plaza and that the commercial use should complement or enhance its function as a public park; e. the project sponsor submits an Outdoor Area Use Plan as part of its initial permit application to BCDC, and a proposed Outdoor Area Use Program on an annual basis thereafter, to be reviewed jointly by the BCDC and Port Design Review Boards; f. structures or fixtures may be erected as part of the commercial activities, only if they are integrated into the overall design and contribute to the public enjoyment of the area, when made available for general public use. Such structures or fixtures should not impair or obstruct views to the Bay from The Embarcadero or from other vantage points within the Plaza and should be approved by the BCDC and Port Design Review Boards. Any temporary structures or fixtures used as part of the commercial activity must be removed as soon as the activity ceases; 	<p>During the 2000 amendment to the SAP, there was a proposal to develop a commercial recreation use at Piers 27-29. That proposal is no longer relevant and the policy pertaining to the proposal should be deleted.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Public Plazas Policies	Staff Analysis
<p>g. no barriers are erected to prevent cost free public access to the area when commercial activities are not occurring;</p> <p>h. the area does not serve as a storage area for temporary structures, fixtures or apparatus serving the commercial use;</p> <p>i. significant periods of time during the year are set aside when no commercial activity occurs within the designated area, during which time the area functions solely as part of the larger Plaza.</p>	
<p>Add underlined and delete struck-through language as follows:</p> <p>4.3. The Plaza design should be consistent with the following criteria:</p> <p>policies a and b-no change.</p> <p>e. the Plaza should provide for water side uses, such as temporary, small craft tie ups and hand held boat launching. Create connections with the water's edge such as ramps, stairs or docks that allow users to easily access the Bay;</p>	<p>The current SAP emphasizes the importance of the relationship between the Northeast Wharf Plaza and the adjacent open water basin. With the siting of the cruise ship terminal at Pier 27 and the associated relocation of the open water basin, the references to the relationship between the Northeast Wharf Plaza and the adjacent open water basin are no longer relevant.</p>
Plan Implementation Requirements	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <p>4. The Port will:</p> <p>Implementation Requirements a and b, no change</p> <p>c. remove Pier 34 within one year of BCDC's adoption of amendments to the SAP (completed);</p> <p>d. remove Pier 24 within three years of BCDC's adoption of amendments to the SAP (partially completed);</p> <p>Implementation Requirements e, no change</p>	<p>Updates the status of the implementation requirements c and d.</p> <p>Clarifies the linkages between public benefits and pier redevelopment projects.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Plan Implementation Requirements	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <p>f. upon Port issuance of a certificate of occupancy for the major reuse of Piers 27-31, or a comparable major development on adjacent piers, in addition to that provided for in Implementation Requirement 4-e above, carry out the following public benefits:</p> <p>i) complete Phase 1 of the Northeast Wharf Plaza by removing that portion of the Pier 27 shed required to create the Plaza and make it, the pier perimeter area, and the area adjacent to The Embarcadero, as shown in Figure 2 "Northeast Wharf Plaza," accessible and useable by the public prior to the Port issuing a certificate of occupancy for <u>a large development on Piers 27-31, or a comparable major development on adjacent piers. If the cruise ship terminal or other maritime use is developed at Pier 27, provide pier perimeter public access on the north apron of Pier 29, a Bayside History Walk through Pier 29 or Pier 29 ½ connecting the Embarcadero Promenade to the north apron of Pier 29, and Phase 1 of the pier end open space at Pier 27-29 at the time of certificate of occupancy for the cruise ship terminal. Within five years of certificate of occupancy for the cruise ship terminal at Pier 27 if funding is available, or 11 years if not, provide public access on the north apron of Pier 19, the south apron of Pier 23, the Pier 19 ½ apron, the Pier 29 ½ apron and provide public access through the Pier 19 ½ and the Pier 29 ½ connector buildings.</u></p>	<p>The new language in this implementation requirement describes the relocation of public benefits and public access associated with the siting of the cruise ship terminal at Pier 27 and timing of these public benefits and public access.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Plan Implementation Requirements	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <p>ii) complete the Northeast Waterfront Plaza (Phases 1, 2 and 3) upon issuance of a <u>certificate of occupancy at Pier 27</u> within 15 years if necessary grants or other funding are available, or within 20-11 years if necessary grants or other funding are not available;</p>	<p>The proposed change to this implementation requirement accelerates the completion of the Northeast Wharf Plaza by either 15 years or 9 years, making it available to the public almost a decade sooner in either case.</p>
<p>Add underlined language as follows:</p> <p>iii) <u>in order to replace the open water basin eliminated by the cruise ship terminal project, identify a shed and/or pier to remove that will contribute to the development of a new open water basin within the area from Pier 35 to China Basin and as close to Pier 27 as feasible. A public planning process and financing plan for this new open water basin and planning for Phase 2 of the pier end open space at the end of Piers 27-29 should begin in July 2012 and be completed by July 2015. Phase 2 of the pier end open space at the end of Piers 27-29 should be implemented within 11 years of issuance of occupancy for the cruise ship terminal or at the time of a long-term lease at Pier 29. The pier or shed removal within the replacement open water basin should be completed within 15 years of issuance of occupancy for the cruise ship terminal at Pier 27, or remove the portion of the Pier 23 shed consistent with the Open Water Basin policies of this SAP within 15 years of a major development at Pier 27 or a comparable major development on an adjacent pier;</u></p>	<p>The changes to this implementation provide the parameters and the timing of the planning process for relocating the open water basin eliminated by siting a cruise ship terminal at Pier 27 and retaining the Pier 23 shed. The requirement to remove the Pier 23 shed remains if the replacement open water basin is not completed within 15 years of issuance of occupancy for the cruise ship terminal at Pier 27.</p>

Proposed Changes to NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)	
Plan Implementation Requirements	Staff Analysis
Implementation Requirements g. and h., no change	
<p>Add underlined language as follows:</p> <p>i. The Port will initiate preparation of nomination materials for a Northern Waterfront Historic District from China Basin through Pier 35 to be listed on the National Register of Historic Places. The nomination will be submitted no later than June 30, 2002, and the Port will strive to submit the nomination by June 30, 2001 (completed);</p>	Updates the status of the implementation requirement.
<p>Add underlined language as follows:</p> <p>j. <u>by July 2015, the Port will initiate a planning process to identify strategies for ensuring that the contributing resources to the Northern Waterfront Historic District are either rehabilitated or removed within a certain number of years of being closed to occupancy and use in order to protect both the historic resources along the waterfront and public health and safety and Bay ecology.</u></p>	This new implementation requirement provides for a public planning process to develop an approach to ensuring piers and sheds that are closed due to deterioration are managed in a way that protects the integrity of the historic district and public health and safety and Bay ecology.
<p>Add underlined language as follows:</p> <p>k. <u>As part of the 34th America's Cup project:</u></p> <p>(i) <u>By March 2013, remove a portion of Pier ½ retaining only that portion required for a vessel berthing facility and public access;</u></p> <p>(ii) <u>By March 2015, remove the existing shed at Pier 2 after the 34th America's Cup Event project to improve Bay views and public access. Remove the northern portion of Pier 2 as part of the Downtown Ferry Terminal Phase 2 development project.</u></p>	Adds Pier ½ and Pier 2 shed and deck removal to implementation requirements.
Re-letter policies j-l as l through n.	

Proposed Changes to SOUTHERN WATERFRONT	
Southern Waterfront Pier 52 Policies	Staff Analysis
<p>Add underlined language as follows:</p> <p>1. <u>As part of the 34th America's Cup events public benefits, improve the small craft launch at Pier 52 to make it accessible to all small craft users by March 2013 and permanently thereafter.</u></p>	Identifies a location for the one of the small craft launches that will be provided as part of the America's Cup project.
Central Basin Policies	Staff Analysis
<p>Add underlined and delete struck-through language as follows:</p> <p>2. <u>When no longer needed for maritime activity, Pier 64 should be developed for a park and marina use in accordance with, but no limited to, the provisions of the Recreation and Open Space Plan of the City of San Francisco.</u> As part of the 34th America's Cup events public benefits, remove Pier 64 by March 2013.</p>	The policy identifies the fill removal required as part of the America's Cup project public benefits package.

Staff Analysis

In determining whether or not to recommend that the Commission initiate an amendment to the SAP for these projects, staff analyzed the amendment requests to determine if amending the plan was necessary to achieve the objectives of the projects and if the projects were broadly consistent with the goals and objectives of the SAP, the McAteer-Petris Act and the Bay Plan.

The Port's request to amend the plan to relocate the cruise ship terminal from Piers 30-32 to Pier 27 is a reasonable request, based on the relative viability of each site and the need for a primary cruise ship terminal in San Francisco to serve the demand for this water-oriented use. A comprehensive analysis of its condition demonstrated that Piers 30-32 would require significant rehabilitation for any new development. The Pier 27 site was found to be in good condition and in need of minor rehabilitation. The Pier 27 site also provides a long and wide apron adjacent to large water basin that would be advantageous for the berthing of cruise ships. The site is large and would allow for the necessary ground transportation and provisioning areas and the city's infrastructure would make it relatively easy and cost-effective to establish shore side power at the site. Based on all of these factors and the general support in the SAP, the McAteer-Petris Act and the Bay Plan for maritime uses within Port lands and along the shoreline, the request to amend the SAP to relocate the cruise ship terminal to Pier 27 was determined to be broadly consistent with the goals and objectives of BCDC's regulatory framework.

The Port and the Event Authority application to amend the SAP to allow for the temporary use of the open water basins to berth and moor vessels associated with the 34th America's Cup Events was initially problematic based on certain components in the request. The original amendment request included the use of all four open water basins, leaving only a portion of the Broadway Open Water Basin from Pier 7 to Pier 3 without vessels. BCDC staff felt that even temporary use of all four open water basins would have significant impacts on views and public access for four months

or longer that would be inconsistent with the broad goals and objectives of the SAP, the McAteer-Petris Act and the Bay Plan. Through negotiations with the Port, the City and the Event Authority, the amendment request was revised to reduce the use of the Rincon Point Open Water Basin to leave the views in front of the park open and to berth boats only adjacent to Pier 14, north of Rincon Point Park. The revised amendment request also included public benefits for fill removal, shed removal and improved water-recreation access to balance the temporary impacts of the events. BCDC staff acknowledged that the America's Cup events would provide the public and the region with an international event that could draw more people to the Bay shoreline and provide for more opportunities to enjoy and learn about the Bay. With the revisions to the amendment request, the request for the staff concluded that temporary use of the open water basins for the America's Cup events would be broadly consistent with the goals and objectives of BCDC's regulatory framework.

SAP Amendment Framework. The SAP provides a framework for evaluating amendments affecting the Northeastern Waterfront. The amendment process is described in the Northeastern Waterfront Plan Implementation Requirements; requirement 4-1 states, in part that "[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 benefits would be necessary to the health, safety and welfare of the public in the entire Bay Area." The amendment process does not state that the public benefits must be restricted to the Northeastern Waterfront, nor does it establish fill or shed removal ratios for the any fill removal offsets that occur outside of the Northeastern Waterfront. The amendment process also does not proscribe ways to provide alternative public access or public benefits in the event that a maritime or other use eliminates or impairs existing public access, benefits or views. The framework provides the Commission with broad discretion to determine how to achieve the balance of public benefits and development entitlements, but strictly requires that the balance be maintained.

The second fundamental issue raised by the proposed amendments, and by several members of the public who have provided comments about both projects, is whether the amendments can be accomplished by focusing on reducing impacts and improving benefits at the project sites or if the proposals require a more comprehensive analysis and update of the SAP. In analyzing this issue, it is important to compare the proposed benefits to the public benefits currently required by the SAP and also to describe the Port's success in delivering public benefits as required by the plan. The public benefit requirements associated with the sites that are the subject of the amendments for the cruise ship terminal and the America's Cup events are critical components of the public benefits package in the SAP and it is possible that amending these requirements could frustrate the provision of other benefits and make it difficult to maintain the balance of public benefits and the development of these projects as described in the amendment requests.

In assessing the integrity of public benefits package required by the current SAP, it is important to determine the status of the Port's provision of public benefits to date. The background section of this staff report lists the status of the other public benefits required in the SAP. With the exception of the removal of approximately 14,000 square feet of Pier 24, the Port has completed the public benefits within the required timeframes and as described in the SAP. This includes removing Pier 34, removing the majority of Pier 24 and listing of the Embarcadero Historic District on the National Register. The Port is also pursuing funds and planning for a number of the other public benefits required by the SAP, such as Brannan Street Wharf, and Pier 36 removal, which were both approved by the Commission in November and the Port is seeking funds for and has developed a conceptual design for the Northeast Wharf Plaza, working with BCDC staff and stakeholders.

It is also important to evaluate the recent amendment to the SAP in conjunction with the proposed amendments to ensure that there are no unintended cumulative impacts that may create an imbalance of entitlements and public benefits. Also, it may be appropriate to integrate additional guidance regarding future plan amendments, especially since the staff proposal contemplates near-term future amendments regarding public benefits.

The SAP has been amended once since the 2000 amendment established the public benefits package and implementation requirements. This amendment, approved by the Commission on December 3, 2009, was for the Exploratorium project. The amendment permitted the Port to reduce a fill removal requirement between Piers 15 and 17 and provide off-site fill removal at another location along the waterfront outside the Northeastern waterfront. The amendment resulted in reduced fill removal between Piers 15 and 17.

The Commission determined that the residual fill removal requirement at Piers 15-17 still provided many of the benefits that the larger amount of fill removal would have achieved, e.g., providing Bay access closer to the Embarcadero Promenade, providing public access around the open water area and improving views to the Bay from public access vantage points. The revised public benefits also required that fill be removed at an off-site location within the Port's jurisdiction sufficient to offset the retained fill. The Commission concluded that the amendment did not require a comprehensive approach to the SAP and determined that the overall benefits of the on and off-site fill removal requirements maintained the overall balance of benefits and entitlements.

The 2009 amendment provides some guidance for future amendments because the off-site fill requirement established ratios for fill removal, depending on whether the fill removal would occur within the same geographic area of the waterfront. The 2009 amendment provided that if the removed fill was within the same geographic area, close to the project site and/or removed sooner than what was originally required in the 2000 amendment, then less fill removal would be required. Conversely, more fill removal was required if the removed fill was outside the geographic area, far from the project site and was not completed within the timeframe established in 2000.

Based on this analysis, the staff recommends that the Commission adopt a phased approach to amending the SAP that accommodates the accelerated schedules of cruise ship terminal and the America's Cup events in phase 1, but requires a comprehensive approach to amending the SAP in the second phase, which includes providing benefits throughout the lands within the Port's jurisdiction and comprehensively reviewing the amendments to ensure that the cumulative impacts do not result in an unintended erosion of public benefits and that the public benefits to be added to the SAP as a result of this and a subsequent amendment will work together to provide a package of public benefits than may result from only a project by project amendment.

34th America's Cup Project Proposal. Bay Plan Amendment No. 4-11 to the SAP for the America's Cup project would enable the Commission to allow the event sponsors to temporarily use portions of all four open water basins to moor and berth vessels associated with the America's Cup events. The Commission could authorize use of portions of Rincon Point Open Water Basin, portions of the Broadway Open Water Basin and all of the Northeast Wharf Open Water Basin for the 2013 events provided the fill would be in place from approximately May 2013 to January 2014. All of the Brannan Street Wharf Open Water Basin could be used for the 2012 and 2013 events and the fill could only be in place from approximately May 2012 to January 2014.

The primary impacts associated with the temporary use of these open water basins include impacts to views of the Bay, increased intensity of use along the San Francisco Waterfront, impediments and restrictions on water-recreational access at these sites, impacts to Bay species that may use these open water basins, both from the active use, and the placement of fill and dredging in the Bay. The proposed public benefits were designed to balance these impacts by: (1) removing fill at Pier 64, and accelerating fill removal at Pier ½ to provide for Bay views and improved Bay ecology; (2) accelerating removal of a building currently used as a restaurant at Pier 2 to provide more public Bay views and public access along the Bay after the America's Cup; and (3) providing improved and increased access for water-recreation at Pier 52.

By providing public benefits along the waterfront that include new and accelerated fill removal, accelerated public view improvements and increased water-recreation access that will also be available in time for the events, the staff believes the public benefits proposal provides a balance to the temporary impacts that will be associated with the event. Additionally, the proposed restriction on where and for how long the berthing may occur in the open water basins also ensures that public benefit of these open water basins will not be lost on a long-term basis.

The long-term development rights between the City and County of San Francisco and the Event Authority associated with the America's Cup project are not the subjects of this amendment. The staff believes that some of the projects in the agreement are inconsistent with the SAP. If the Port, City or Event Authority pursues projects that are inconsistent with the SAP, subsequent environmental review and amendment of the SAP will be required. The original host and venue agreement included the rights to negotiate long-term marinas in both the Rincon Point Open Water Basin and the Brannan Street Wharf Open Water Basin. Since the Commission initiated this plan amendment, the host and venue agreement was amended to remove the rights to negotiate a marina at Rincon Point. The rights to negotiate a marina at Brannan Street Wharf remain in the host and venue agreement and would require an amendment to the SAP before the Commission could authorize such a project. Additionally, the proposed finding associated with this amendment attempts to provide more clarity and certainty regarding the appropriate uses of the four open water basins designated by the SAP.

By changing the amendment request to reduce the original impacts at the Rincon Point Open Water Basin associated with the amendment, by reducing the potential long-term inconsistencies related to marina rights and by requiring that the temporary use of the open water basins be off-set with benefits that will permanently reduce fill, improve views and provide more access to water-recreation opportunities, staff believes that the balance of public benefits is maintained by Bay Plan Amendment No. 4-11. Additionally, the America's Cup events will provide an opportunity for the Bay Area public, visitors and people around the world to have a new experience of the Bay and provide them with an opportunity to discover or re-discover the San Francisco Waterfront and the Bay. Increasing opportunities to enjoy the Bay and bringing more people to the San Francisco Waterfront and Bay shoreline are both important objectives of the SAP, the McAteer-Petris Act and the Bay Plan.

Cruise Ship Terminal Project. The purpose of Bay Plan Amendment No. 3-11 to the SAP for the cruise ship terminal project is to allow for: (1) the relocation of the City and County of San Francisco's proposed primary cruise ship terminal from Piers 30-32 to Pier 27; (2) the retention of the Pier 23 shed; (3) the deletion and relocation of the Northeast Wharf Open Water Basin; and (4) the relocation of public access and public plaza benefits from Pier 27 and the Northeast Wharf Plaza. Public access that was planned along the southern apron of Pier 27 and at the end of Pier 27 and 29 would be closed approximately half of the year, due to cruise ship terminal activity. Bay Plan Amendment No. 3-11 would allow the Commission to authorize a cruise terminal project that reduced public access on Pier 27, restricted use of public plaza open spaces, limited views to the Bay from the plaza and the Embarcadero Promenade and eliminated the opportunity for water-recreation access from the Northeast Wharf Plaza. The amendment would also result in a new, much needed cruise terminal to serve as the city's primary cruise facility, re-establishment of shore side power at this cruise ship terminal and a new public plaza, public access and view improvements at Pier 27.

The Pier 27 site is one of the best sites along the San Francisco Waterfront for the city's primary cruise ship terminal. However, the SAP identifies Pier 27 as the location of a number of the public benefits required by the 2000 amendment. At that time, the Port had planned to locate the primary cruise ship terminal at Piers 30-32 in a large mixed-use project, and a mixed commercial/recreation project at Piers 27 and 29. The public benefits required at Piers 27 and 29 were compatible with the proposed mixed commercial/recreation project. The relocation of the primary cruise ship terminal to Piers 27 and 29 results in a number of conflicts between the industrial, maritime use of a cruise terminal, which requires restrictions on public access and public use for safety and security reasons and the public benefits that were required at the site by the 2000 amendment.

Alternative Public Benefits. If the cruise ship terminal is to be relocated to Pier 27, the public benefits will also need to be relocated. Due to the conflicts between the cruise terminal and public access and the public plaza, a new open water basin, new public access areas, new opportunities to water-recreation access, new Bay views from the Embarcadero Promenade and other public spaces and new plaza and open spaces will need to be incorporated into the SAP public benefit requirements. The proposed amendment includes a number of new public benefits that will provide these qualities. The amendment will require that certain public access areas be provided

sooner than originally required in the SAP at Piers 29, 29 ½, 19, 19 ½ and 23. New public plazas will be provided on Piers 31 and 33. A public process to plan, design and implement public open spaces at the end of Piers 27-29, Piers 31-33 and Fisherman's Wharf will be conducted by the Port, BCDC, leaseholders and other interested parties. New views will be developed that will create new views at Pier 19 ½, 29 ½ and other locations along the waterfront. A new open water basin will be created in Fisherman's Wharf between Pier 45 and Pier 41 and a public process to plan, design and implement a new open water basin in the Northeast Wharf area from Pier 35 to China Basin, possibly from Pier 29 to Pier 33, will be conducted by the Port, BCDC, leaseholders and other interested parties. The two new open water basins will provide increased opportunities for water-recreation access, transient berthing and improved public access and views to bring the public closer to the Bay.

Additionally, the new and existing public benefits are also timed to occur sooner than currently required in the SAP. During the amendment process for the Exploratorium and the interviews with San Francisco Waterfront stakeholders, one of the issues frequently mentioned was the need to provide more of the public benefits sooner than what was originally required by the SAP and that providing benefits such as public access, fill removal, public plazas and views sooner was a tangible benefit. Some of the benefits that will be provided sooner as a result of this amendment include Phase 2 of the Northeast Wharf Plaza, the Bayside History Walk at Pier 29, public access at Pier 29, 29 ½, 19, 19 ½ and 23.

The amendment also requires the development of several public processes to plan, design and implement a public open space at the end of Piers 27 and 29, an open water basin and public plaza in Fisherman's Wharf near Pier 43 and an open water basin within the Northeastern Wharf area from Pier 35 to China Basin and a management approach for deteriorating historic piers. The requirement for planning processes recognizes the need for a comprehensive approach that includes public participation and input.

Based on the need to amend the SAP to accommodate the America's Cup events in 2012 and 2013, there is insufficient time to conduct the comprehensive planning processes necessary to identify the specific public benefits associated that would offset benefits being lost. However, the proposed time requirements and triggers associated with these public processes ensure that public benefits will be provided in timely fashion and at desirable sites. As described earlier in this section, the Port has been an active partner in the process of providing the public benefits required by the SAP. With the exception of the delay in removing a portion of Pier 24, the Port has completed all of the public benefits required on time. The staff believes that the requirement for comprehensive planning with required outcomes at specific sites is not substantially different than a requirement to remove fill or nominate a portion of the waterfront as a historic district. Based on past performance, these requirements will be conducted on time as well.

The package of public benefits associated with the cruise ship terminal amendment is designed to balance the public benefits with the development rights within the Northeast Wharf area of the waterfront. By requiring new benefits that will improve and increase views, public access, water-recreation access, public open spaces, and provide for several public processes for significant new areas of improvement along the waterfront, as well as providing that the benefits occur earlier than currently required, the staff believes that the balance of public benefits is maintained by the amendment. While the SAP does allow for amendments, it provides little guidance on how to carry out such amendments except for the requirement that the public benefits are developed at an equal or greater rate to the development along the waterfront. Based on the proposed amendment, staff recommends that the Commission find 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. and that the cruise ship terminal, which is an important maritime use to accommodate within Port lands, can be relocated at Pier 27 and the public benefits that will be relocated to other areas of the waterfront are significant enough to balance the impacts associated with the siting the cruise terminal at Pier 27.

Consistency with the McAteer-Petris Act

As described above, the Commission relied upon its authority pursuant to section 66632(f) of the McAteer-Petris Act to protect the “health, safety and welfare of the entire Bay Area” to approve the 2000 amendment to the SAP, which was otherwise inconsistent with certain provisions of McAteer-Petris Act. Subsequently in 2001, in Chapter 489, the state legislature declared that the amendments to the *San Francisco Bay Plan* and the SAP by the Commission in 2000 were authorized under Section 66632(f) of the McAteer-Petris Act as necessary to protect the health, safety and welfare of the entire Bay Area. The findings that the Commission relied upon to make this determination included SAP Northeastern Waterfront Finding 14, which found that in order to achieve the objectives of the McAteer-Petris Act, such as Bay protection and public access, an amendment to the SAP would be required that would relax restrictions on uses while providing a variety of public benefits. These benefits would have to be sufficient to warrant BCDC to exercise its authority to set aside these use limitations on new Bay fill across a portion of the Northeastern Waterfront in the interests of the health, safety or welfare of the public in the Bay Area. SAP Northeastern Waterfront Finding 15 identified these public benefits to include the removal of deteriorating piers, the restoration of significant areas of open water, a public access network, Bay views, public plazas, historic preservation and the development of new uses to enable public enjoyment of the waterfront, including life safety and seismic improvements and repairs of existing piers. SAP Northeastern Waterfront Finding 16 stated, “[t]he public benefits described above could not be attained through application of BCDC’s existing regulatory regime. Restrictions limiting the repair, reconstruction or redevelopment of piers would prevent these benefits from being achieved since there is limited demand for exclusively water-oriented uses.” Finally, SAP Northeastern Waterfront Finding 20 states that the Commission finds that the amendments to the SAP are necessary to the health, safety and welfare of the public in the entire Bay Area.

Based on the findings above, in order to be consistent with the McAteer-Petris Act in this case, the proposed amendment needs to maintain the public benefits included in the SAP, by either implementing them as required, or by proposing new public benefits that are equal to or better than those required in the SAP prior to amendment. The proposed amendment to relocate the cruise ship terminal to Pier 27 from Piers 30-32 and to retain the entire Pier 23 shed maintains a balance of public benefits envisioned by the SAP by relocating public access and public benefits to other locations with the Port’s lands, by providing a number of public benefits earlier than originally envisioned in the SAP and by not allowing the elimination of the requirement to remove the Pier 23 shed until a public planning process has identified a new location for shed removal associated with a new open water basin. By providing public access and public benefits both on the site of the new cruise ship terminal at Pier 27 that are consistent with the cruise ship terminal use and committing to the provision of public access and public benefits at other locations within the Port’s lands, the amendment will result in maintaining the balance of public benefits on which the current SAP is based and the proposed amendment is consistent with the findings of the SAP and with the objectives of the McAteer-Petris Act.

The America’s Cup amendment also needs to maintain the public benefits included in the SAP, by either implementing them as required, or by proposing new public benefits that are equal to or better than those required in the SAP prior to amendment. The proposed amendment to temporarily use the open water basins for berthing and mooring of vessels associated with the 34th America’s Cup events maintains a balance of the public benefits envisioned by the SAP by providing long-term improvements along the waterfront, including fill and shed removal and increased opportunities for water-recreation. Additionally, the proposal was modified to reduce inconsistency with the SAP by removing the portion of the amendment requesting to berth large yachts in front of Rincon Park. By modifying the amendment request and providing public benefits to respond to the duration and magnitude of the temporary use open water basins, resulting in maintaining the balance of public benefits on which the 2000 amendment to the SAP was based, the proposed amendment is consistent with the findings of the SAP and with the objectives of the McAteer-Petris Act.

For all these reasons, the staff recommends that the Commission determine that proposed Bay Plan Amendment Nos. 3-11 and 4-11 is consistent with the findings and declarations of policy contained in the McAteer-Petris Act.

Environmental Assessment

There were no public or Commissioner comments received on the environmental assessment during the 30-day review period or during the public hearing. The staff recommends that the Commission find that Bay Plan Amendment Nos. 3-11 and 4-11 will not have significant adverse effects on the environment as recommended by the staff in its preliminary recommendation and environmental assessment.

Summary of Comments Received

Comments Received 3-11. No written comments were received following the distribution of the descriptive notice on May 6, 2011. The Commission received no comments on staff's preliminary recommendation on the proposed amendment during the 30-day public review period.

The Commission held a public hearing on February 2, 2012 and five people spoke at the hearing on the proposed amendment.

Public Comment	Staff Response
David Lewis, Executive Director of Save the Bay spoke about his concerns regarding the Port's record on the provision of public benefits along the San Francisco Waterfront and that the Commission should not trade away guaranteed public benefits for planning processes that may or may not result in benefits later. He stated that the public benefits should be required conditions in the permit for the project, that the timeframe for the planning process be shortened and that this is a great opportunity to create a space in Fisherman's Wharf that all of us in the Bay Area can be proud of. He also stated that the City of San Francisco should take the lead on the planning process in Fisherman's Wharf.	The public benefits package associated with the cruise ship terminal project includes both the acceleration of public benefits, including the acceleration of the Northeast Wharf Plaza, acceleration of public access at Piers 19 and 23, public access and shed removal or redesign at Pier 19 ½, and the acceleration of public access at Pier 29 ½. In addition, two public processes are required to begin in July 2012—one at Fisherman's Wharf for a public plaza and an open water basin, one around Piers 29-33 for an open water basin. Successful completion of the Fisherman's Wharf process would result in the removal of the fill replacement policy there and the new open water basin between Pier 35 and China Basin would eliminate the requirement to remove a portion of Pier 23 and allow the Port to develop within that shed. Staff believes that both of these processes include incentives to the Port and stakeholders designed to increase success and participation.
Christine Maley-Grubl, representing the Fisherman's Wharf Community Benefit District, stated strong support for the planning process in Fisherman's Wharf that would result in designating Pier 43 an open water basin.	Comment noted.

Public Comment	Staff Response
<p>Brad Benson, representing the Port of San Francisco described the Port's commitment to the provision of both the current and proposed public benefits along the San Francisco Waterfront and stated that the \$25 million that the Port is spending to develop the Brannan Street Wharf Plaza is an example of that commitment.</p>	<p>Comment noted.</p>
<p>Ellen Johnck, resident of San Francisco, spoke in support of the staff recommendation and the amendment.</p>	<p>Comment noted.</p>
<p>Aaron Peskin, former member of the San Francisco Board of Supervisors, said that the Port does not have the funding to provide the public benefits associated with this amendment. He also stated that BCDC regulatory staff incorrectly issued an abbreviated region-wide permit for the demolition of the Pier 27 shed in advance of this amendment and that was a piece-meal approach to the project under CEQA.</p>	<p>The Port of San Francisco is currently analyzing a variety of funding sources and the public benefits will be provided in a timeframe that will allow the Port time to find funding for these improvements. The abbreviated regionwide was issued in accordance with CEQA and BCDC's laws and policies and this amendment was not necessary to allow for the removal of a non-historic shed at Pier 27.</p>
<p>Commissioner Barry Nelson asked how much of the area of Northeast Wharf Plaza at Pier 27 will be closed when a cruise ship is in berth and how often. He also stated that he wanted to ensure that BCDC was not being asked to trade committed benefits for uncertain planning processes.</p>	<p>Approximately 50 feet of width, or the width Pier 27 apron, will be closed on the Northeast Wharf Plaza for approximately half of the year. The closures will happen a day in advance of cruise ship berthing at Pier 27, the day of and the day after, or approximately 2 to 3 days with each cruise ship call at Pier 27. The area will be closed with a fence that will be as transparent as possible when it is closed, allowing those on other parts of the plaza to see the ships and the Bay. The plaza will still be an attractive public benefit and in addition to the planning processes, the amendment also requires improvements at Piers 19, 19 ½, 23, 29 and 29 ½.</p>
<p>Commissioner Anne Halsted stated that while the plaza may be impacted a bit, there is great benefit to having a cruise ship terminal at the site and that there is a lot of public interest in viewing cruise ship activity and that it will likely serve to enliven the plaza.</p>	<p>Northeast Wharf Plaza will be impacted by the presence of cruise ships, but will still be a very important public plaza along the waterfront and many will view the cruise ship activity as a draw to the plaza. The plaza is still key among the public benefits in the SAP and its early delivery is one of the benefits associated with this project.</p>

Comments Received 4-11. No written comments were received following the distribution of the descriptive notice on November 3, 2011. The Commission received one written comment on staff's preliminary recommendation on the proposed amendment during the 30-day public review period (see summary of letter and response on page 37). The comment was from the operators of Sinbad's Restaurant, requesting that the Commission delay the removal of the Pier 2 shed where the lease space from the Port until January 2015.

The Commission held a public hearing on February 2, 2012 and 15 people spoke at the hearing on the proposed amendment.

Public Comment	Staff Response
<p>Tom Stinson, operator of Sinbad's Restaurant, stated that he strongly opposed the idea of accelerating the removal of the shed where his restaurant is located and that it would not result in views of the race course and it would result in a loss of jobs for his employees. He made a counter-proposal that would result in the removal of the Pier 2 shed in January 2015.</p>	<p>In early January 2012, BCDC and Port staff began negotiations with the operators of Sinbad's Restaurant to allow the shed to stay in place until January 2015. The staff recommendation has changed the required date for the removal of the Pier 2 shed from March 2013 to March 2015.</p>
<p>Bill Robberson, President of the San Francisco Board Sailing Association, expressed concerns regarding the impact that the race course would have on access for board sailors and requested that ways to reduce this impact be looked at. He suggested providing access and facilities at Treasure Island and an earlier end to the races during race days.</p>	<p>The America's Cup project is inconsistent with only one aspect of the SAP, the use of the open water basins for berthing vessels for the event. The larger issues associated with the America's Cup, such as impacts to public access, public spaces, areas outside of the Port of San Francisco such as Crissy Field and Marina Green and impacts associated with the racecourse and transportation impacts and other types of impacts were not analyzed by this amendment as these larger issues are either not within the jurisdiction of the SAP or are consistent with the current SAP policies and the analysis is occurring elsewhere. The analysis of the larger project is occurring as part of the BCDC permit process that will occur in three hearings—two in March for the Pier 30-32 strengthening and the Cruise Ship Terminal project and a comprehensive one in May or June for the larger America's Cup project. Additionally, BCDC will be reviewing the plans for the racecourse and the National Park Service lands through its federal consistency review authority. It is for these reasons that the scope of this amendment and the associated public benefits are narrow and focus only on the issues raised by berthing vessels in the open water basins. These issues include temporary impacts to Bay views, impacts associated with temporary fill, and impacts to water-oriented recreation associated with use of the open water basins.</p>

Public Comment	Staff Response
Christine Maley-Grubl, the Executive Director of the Fisherman's Wharf Community Benefit District, spoke in support of a public process to designate the area around Pier 43 as an open water basin.	Comment noted.
Paul McDonald, resident of San Francisco, spoke in support of the America's Cup and the amendment proposal.	Comment noted.
Julie Smith spoke in support of the America's Cup and the proposed amendment.	Comment noted.
Patrick Whitmarsh, member of the San Francisco Board Sailing Association, expressed concerns regarding crowding at Crissy Field and the impacts the racecourse will have on access. He also suggested improvements to Treasure Island boardsailing access and facilities as a way to address these impacts.	See comment responding to Bill Robberson's concerns above.
Paul Nixon, representing Bay Access, wants to ensure that the America's Cup project and events results in long-term benefits and improved access.	Staff believes that both the SAP amendment and the upcoming permit processes will result in long-term benefits and improved access for water-recreationists. Also, see comment responding to Bill Robberson's concerns above.
Tom Gandesbery, a sailor on San Francisco Bay, expressed concerns regarding crowds and access at Crissy Field and requested alternative racecourse areas be evaluated.	See comment responding to Bill Robberson's concerns above.
Ellen Johnck, resident of San Francisco, expressed support for the staff recommendation and the America's Cup.	Comment noted.
Jane Connors, Senior Property Manager for the Ferry Building, expressed opposition to the accelerated removal of Pier ½ as part of the America's Cup project to improve Bay views and Bay ecology. She stated that the Port had failed to find replacement parking for the pier that was red-tagged and closed to public use in 2008, and that prior to 2008 served as parking for the Ferry Building.	Pier ½ was identified as a fill removal site to satisfy the fill removal requirements of several agencies, including BCDC. In order to provide public benefits that will respond to the impacts associated with the America's Cup use of the open water basins, including impacts to Bay views, public access and Bay ecology, fill removal is a necessary part of the public benefits package and this parking lot has been red-tagged and closed to public uses for safety reasons since 2008, there are no plans or funds to rehabilitate it, it contains no historic resources and it is required to be removed as part of the public benefits package required in the 2000 amendment to the SAP. If this parking lot were to be repaired and restored, then the Port would have to identify a new site for fill removal that was of similar size and in a similar location.

Public Comment	Staff Response
<p>Ruben Hechanova, President of the Dolphin Club, asked the Commission to pay attention to the needs of those Bay users who were here before the America's Cup proposal and will remain after it leaves.</p>	<p>Staff believes that both the SAP amendment and the upcoming permit processes will result in long-term benefits and improved access for water-recreationists. See comment responding to Bill Robberson's concerns.</p>
<p>Dave Osgood, representing the Rincon Center Tenants Association, stated that the amendment would allow views to be blocked all around Pier 14 and that he opposed this proposal as well as the retention of the Pier 23 shed.</p>	<p>Mr. Osgood is correct that the reduction of the private yacht berthing area in the Rincon Point Open Water Basin did not eliminate all impacts in this area and that there will be temporary impacts to Pier 14, which will have yacht berthing on both sides of it. It is for this reason that BCDC is requiring fill and shed removal to be part of the public benefits associated with the project, to balance the temporary view and fill impacts associated with the project. The amendment for the cruise ship terminal project only allows the retention of the Pier 23 shed if the Port identifies a new open water basin between Pier 35 and China Basin, again ensuring the balance of public benefits.</p>
<p>Keir Beadling, expressed strong support for the America's Cup.</p>	<p>Comment noted.</p>
<p>Brad Benson, representing the Port of San Francisco, spoke in support of the amendment and the process to develop the recommendation. He also stated that the Port and the City were absorbing the comments made by the water-oriented recreationists and identified the Coast Guard process as the appropriate process to evaluate these issues.</p>	<p>Comment noted. Also see response to Bill Robberson's concerns.</p>
<p>Aaron Peskin, former member of the San Francisco Board of Supervisors, stated general support for the staff recommendation. He stated that he remains concerned about the rights to negotiate a marina at Brannan Street Wharf and that by approving the short-term use at Brannan Street Wharf the Commission was inviting the long-term use of a marina in that location.</p>	<p>The amendment includes a new finding to further clarify that a marina in an open water basin is an inconsistent use and would require a subsequent amendment to the SAP and the provision of a replacement open water basin. Any long-term marina proposal at Brannan Street Open Water Basin would require approval of an amendment to the SAP, BCDC permits and additional CEQA analysis.</p>

Public Comment	Staff Response
<p>Commissioner John Vasquez asked where the idea for the removal of Sinbad's restaurant came from and he suggested that he would like to change the SAP to allow the Pier 2 shed to remain.</p>	<p>Several stakeholders identified either the accelerated removal of Sinbad's restaurant or the World Trade Club building as part of the public benefits package for the America's Cup project. In early January, BCDC and Port staff began negotiations with the operators of Sinbad's Restaurant to allow the shed to stay in place until January 2015. The staff recommendation has changed from requiring removal of the Pier 2 shed in March 2013 to March 2015. The SAP currently requires that the shed and pier at Pier 2 be removed in conjunction with Phase 2 of the Ferry Terminal Project, as part of the public benefits required by the 2000 amendment to the SAP. These public benefits include improvement to Bay ecology, Bay views and public access. If the pier and shed were to remain, then the SAP would need to be amended and new fill removal would need to be found that was of similar size and in a similar location to maintain the balance of public benefits.</p>
<p>Commissioner Jim McGrath asked how the removal of the Pier 2 shed, where Sinbad's restaurant has a month to month lease, is related to the America's Cup project. He also asked about the issue of fill removal in the SAP and whether the requirement to remove the fill at Pier 2 was being conducted for benefits already obtained by another party.</p>	<p>The America's Cup project proposes to use all four open water basins for the temporary berthing and mooring of vessels associated with the events. The impact of this use includes impacts to Bay views, public access and Bay ecology. The removal of the shed at Pier 2 would improve public access and Bay views. Additionally, the current SAP requires that the shed and pier at Pier 2 be removed as part of the public benefits required by the 2000 amendment to the SAP. The 2000 amendment to the SAP eliminated the replacement fill removal requirement (or 50% rule) and provided the Port with an expanded number of uses that could be permitted on the piers in exchange for a set of public benefits. Projects like the Exploratorium are now allowed and possible due to 2000 amendment to the SAP. These public benefits include improvement to Bay ecology, Bay views and public access. If the pier and shed were to remain, then the SAP would need to be amended and new fill removal would need to be found that was of similar size and in a similar location.</p>

Public Comment	Staff Response
Commissioner Geoffrey Gibbs also expressed interest in changing the SAP to allow the Pier 2 shed to remain. He asked if it was just the SAP that required the Pier 2 shed to be removed or if it is also necessary as part of the expansion for the Ferry Terminal project.	See responses to concerns raised by Commissioners Vasquez and McGrath. Additionally, the ferry terminal expansion project is designed with the shed and pier removed at Pier 2.
Commissioner Jane Hicks asked why Sinbad's Restaurant was not considered a historic resource.	Sinbad's is not a historic resource as it consists of a series of buildings and structures that have been placed episodically over the past 40 years.
Chair Sean Randolph directed staff to continue to work with the operators of Sinbad's restaurant on a compromise to the original staff recommendation that the shed that the restaurant currently occupies be removed by March 2013.	In early January, BCDC and Port staff began negotiations with the operators of Sinbad's Restaurant to allow the shed to stay in place until January 2015. The staff recommendation has from requiring removal of the Pier 2 shed in March 2013 to March 2015.
Commissioner David Chui asked if the compromise that would result in delaying the removal of the shed at Pier 2 at least two years would result in the need to find additional public benefits for the amendment.	The public benefits associated with the removal of the Pier 2 shed will still be achieved if the shed is removed after the event. The only difference is a delay in Bay views and no opportunity to provide additional public access at the site during the America's Cup events. BCDC staff has not requested additional public benefits from the Port.
Commissioner Wagenknecht asked that the staff retain both options, removal by March 2013 and removal at a later date, in case the alternative public benefits that would result in improved Bay views and public access areas cannot be found.	Staff is currently recommending that the Commission approve the removal of the Pier 2 be in March 2015, rather in March 2013. The Commission ultimately has the authority to direct staff within the parameters of this amendment.
Vice Chair Anne Halsted wanted to ensure that the America's Cup Event Authority was committed to paying for the removal of the Pier 2 shed regardless of when it is being removed.	The America's Cup Event Authority is committed to paying for the removal of Pier 2 shed, even if that removal occurs after the America's Cup events area over.
Commissioner Jim McGrath reiterated concerns regarding water-oriented recreation access, the impacts of the racecourse on access at Crissy Field and also stated a concern regarding the closure of areas that are currently public spaces at Marina Green and Crissy Field and making them private or requiring people to pay to enter.	Staff believes that both the SAP amendment and the upcoming permit processes will result in long-term benefits and improved access for water-recreationists. See comment responding to Bill Robberson's concerns.

Public Comment	Staff Response
Commissioner Tom Bates reiterated the concerns that public spaces were going to be providing benefits to private parties and he also asked about the number of teams that will be participating, as he had heard that the number of teams was only three.	Staff believes that both the SAP amendment and the upcoming permit processes will result in long-term benefits and improved access for water-recreationists. See comment responding to Bill Robberson's concerns.
Chair Sean Randolph asked how many race days there were going to be in 2012 and then in 2013.	There will be 12 race days in 2012 and up to 45 in 2013.
Commissioner Barry Nelson stated that it was important that the Commission understand which potential impacts are associated with which decisions.	See comment responding to Bill Robberson's concerns.
Commissioner Gilmore asked if the racecourse would be set by the coast guard by the time the Commission would vote on the permits for the America's Cup.	The racecourse should be established by the Coast Guard by the time the comprehensive major permit for the America's Cup project is heard in May or June. The Commission will hold hearings and possible votes on two components of the America's Cup project prior to the Coast Guard's decision on the racecourse, for the strengthening of Piers 30-32 and for the cruise ship terminal project.
Vice-Chair Anne Halsted asked about the rights to negotiate a marina at Brannan Street Wharf and what rights were actually provided the event authority at this location.	See response to Aaron Peskin's concerns.

The Commission received two written comments on staff's preliminary recommendation on the proposed amendment during the 30-day public review period. Both letters were from the operators of Sinbad's Restaurant, requesting that the Commission delay the removal of the Pier 2 shed where the lease space from the Port until January 2015 and thanking the Commission for their comments at the February 2, 2012 public hearing.

1. Thomas Stinson, Sinbad's Restaurant (letter dated January 22, 2012)

Comment: The operation of Sinbad's could enhance the America's Cup event by providing improved service during the event.

Response: Comment noted.

Comment: Removing Sinbad's by March 2013 would result in the loss of jobs and result in negative impacts to the economy.

Response: The proposal to accelerate the removal of the Pier 2 shed was not designed to remove Sinbad's Restaurant from the San Francisco Waterfront. As a tenant of the Port, Sinbad's Restaurant could be relocated to other Port lands. When BCDC staff learned the Sinbad's Restaurant was not going to be relocated, BCDC and Port staff began to meet with Sinbad's operators to develop a compromise that would extend the amount of time the restaurant could remain at Pier 2.

Comment: Sinbad's operators were not consulted or invited to participate in public hearings on this matter.

Response: The first public hearing on this proposal was held on February 2, 2012. There were no earlier public hearings on this proposal.

Comment: It is unnecessary to accelerate the removal of Sinbad's because there are ample viewing opportunities around the Pier 2 site.

Response: The preliminary staff recommendation included the accelerated removal of the Pier 2 shed as part of the public benefits package for the America's Cup amendment to the *San Francisco Waterfront Special Area Plan (SAP)*. The America's Cup Event Authority and the Port of San Francisco requested the amendment to allow the use all four open water basins designated by the SAP for the berthing of vessels associated with the 34th America's Cup Events. The use of all four open water basins would have impacts on Bay views, Bay ecology, opportunities for water-oriented recreation and public access. The accelerated removal of the Pier 2 shed would mitigate for the impacts to Bay views and public access along a part of the waterfront that is visited by many people, the area surrounding the Ferry Building. Waterfront stakeholders have identified the area surrounding the Ferry Building as an area where public access and Bay views should be improved.

Comment: Sinbad's operators request that BCDC embrace a compromise on the proposal to accelerate the removal of the Pier 2 shed.

Response: After the issuance of the staff report on January 4, 2012, both Port and BCDC staff began to meet with both you and your brother Duane Stinson to determine opportunities for a compromise that would allow the Pier 2 shed and restaurant to remain beyond March 2013, but still result in a date certain for removal that would ensure the benefits associated with improved Bay views and public access would occur along a busy part of the San Francisco Waterfront. Based on those negotiations and the direction of the Commission at the public hearing on February 2, 2012, all parties have agreed to a compromise that results in an amendment to the SAP that requires that the Pier 2 shed be removed by March 2015.

2. Thomas Stinson, Sinbad's Restaurant (letter dated February 7, 2012)

Comment: Sinbad's operators appreciated the Commission's fair, impartial hearing of the issues related to the accelerated removal of the Pier 2 shed on February 2, 2012.

Response: Comment noted.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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Resolution No. 2012-01

Adoption of Bay Plan Amendments No. 3-11 and 4-11

Concerning San Francisco Special Area Plan Findings, Fisherman's Wharf Policies, Open Water Basin Policies, Public Plaza Policies, Implementation Requirements and Open Water Area Policies.

Whereas, Government Code Section 66652 states that "the Commission at any time may amend, repeal and adopt a new form of, all or part of the San Francisco Bay Plan" and that "such changes shall be consistent with findings and declarations of policy" contained in the McAteer-Petris Act; and

Whereas, the *San Francisco Waterfront Special Area Plan* (SAP) was amended by the Commission in 2000 relying on its authority pursuant to Government Code Section 66632(f) of the McAteer-Petris Act to protect the "health, safety and welfare of the entire Bay Area"; and

Whereas, the Legislature in 2001 found and declared in Chapter 489 that the Commission properly exercised its authority to protect the health safety and welfare of the entire Bay Area when it adopted the 2000 amendments to the SAP; and

Whereas, the SAP allows for future amendments stating "future 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"; and

Whereas, the Commission received and filed an application from the Port of San Francisco to amend the SAP to allow the relocation of the primary cruise ship terminal to Pier 27 and retain the entire Pier 23 shed; and

Whereas, the Commission received and filed an application from the Port of San Francisco and the America's Cup Event Authority to amend the SAP to allow the temporary use of all four open water basins to berth vessels associated with the America's Cup events; and

Whereas, the San Francisco Bay Conservation and Development Commission: (1) on May 5, 2011, approved a Descriptive Notice of the proposed SAP amendment 3-11 and set a public hearing date for October 6, 2011; (2) on May 6, 2011, distributed the Descriptive Notice and notice of the public hearing to all agencies, organizations, and individuals interested in the proposed amendment; (3) on September 23, 2011, distributed to all agencies, organizations, and individuals interested in the proposed amendment a notice to change the date for the public hearing to January 5, 2012, (4) on December 22, 2011, distributed to all agencies, organizations, and individuals interested in the proposed amendment a notice to change the date for the public hearing to February 2, 2012 (5) on January 4, 2012, distributed to all agencies, organizations, and individuals interested in the proposed amendment the staff report, preliminary recommendation and environmental assessment; (6) on February 2, 2012, held a public hearing to receive public comments on the proposed amendment and preliminary recommendation and environmental assessment and closed the hearing at the conclusion of the



Making San Francisco Bay Better

public's comments; (7) on March 1, 2012 voted on the staff's final recommendation that included one change from the preliminary recommendation, the provision allowing the Port to provide public access at Piers 19, 19 ½, 23 and 29-½ in 11 years if funding is not available to complete the public access in five years, all in accord with the requirements and procedures set out in Government Code Section 66632(f), 66652 and the California Code of Regulations, Sections 11000, 11001, 11002, and 11003; and

Whereas, the San Francisco Bay Conservation and Development Commission: (1) on November 3, 2011, approved a Descriptive Notice of the proposed SAP amendment 4-11 and set a public hearing date for January 5, 2012; (2) on November 4, 2011, distributed the Descriptive Notice and notice of the public hearing to all agencies, organizations, and individuals interested in the proposed amendment; (3) on December 22, 2011, distributed to all agencies, organizations, and individuals interested in the proposed amendment a notice to change the date for the public hearing to February 2, 2012 (4) on January 4, 2012, distributed to all agencies, organizations, and individuals interested in the proposed amendment the staff report, preliminary recommendation and environmental assessment; (5) on February 2, 2012, held a public hearing to receive public comments on the proposed amendment and preliminary recommendation and environmental assessment and closed the hearing at the conclusion of the public's comments; (6) on March 1, 2012 voted on the staff's final recommendation that included two changes from the preliminary recommendation, the delay in removing the Pier 2 shed from March 2013 to March 2015 and elimination of redundant text in Open Water Basin Policy 3-b, all in accord with the requirements and procedures set out in Government Code Section 66632(f), 66652 and the California Code of Regulations, Sections 11000, 11001, 11002, and 11003; and

Whereas, the Commission has considered all written comments received and oral comments presented at the February 2, 2012 public hearing and the staff has responded to those comments; and

Whereas, the amendment adopted by this resolution conforms to all relevant policies of California Government Code Section 66600 through Section 66661; and

Whereas, the amendment adopted by this resolution is consistent with all relevant findings and declarations of policy contained in Sections 66602 and 66632(f) of the McAteer-Petris Act in that: (a) the revisions to the SAP will ensure that projects provide maximum feasible public access because the changes to the comprehensive public access and open space plan for the Northeastern Waterfront, and the location of new public parks and plazas and maintains the potential for expanded Bay views through the removal of selected piers are offset by replacement public access and alternative public benefits; and (b) the revised public benefits and revised development entitlement are in balance and the integrated public benefits are 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; and

Whereas, the amendment adopted by this resolution is consistent with the findings and declarations of policy contained in the SAP because the revised public benefits and revised development entitlement are in balance and the public benefits are 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; and

Whereas, as noted above, the Commission adopted the 2000 SAP amendment pursuant to its authority as defined in section 66632(f) of the McAteer-Petris Act to protect the "health, safety and welfare of the entire Bay Area...;" and

Whereas, the findings that the Commission relied upon to make this determination included SAP Northeastern Waterfront Finding 14, which found that in order to achieve the objectives of the McAteer-Petris Act, such as Bay protection and public access, an amendment to the SAP would be required to relax restrictions on uses while providing a variety of public benefits. These benefits would be sufficient to warrant BCDC to exercise its authority to set aside these use limitations on new Bay fill across a portion of the northeastern waterfront in the interests of the health, safety and welfare of the public in the Bay Area; and

Whereas, SAP Northeastern Waterfront Finding 15 identified these public benefits to include the removal of deteriorating piers, the restoration of significant areas of open water, a public access network, Bay views, public plazas, historic preservation and the development of new uses to enable public enjoyment of the waterfront, including life safety and seismic improvements and repairs of existing piers; and

Whereas, SAP Northeastern Waterfront Finding 16 stated that “[t]he public benefits described above could not be attained through application of BCDC’s existing regulatory regime. Restrictions limiting the repair, reconstruction or redevelopment of piers would prevent these benefits from being achieved since there is limited demand for exclusively water-oriented uses;” and

Whereas, finally, SAP Northeastern Waterfront Finding 20 states that the Commission finds that the amendments to the SAP are necessary to the health, safety and welfare of the Bay Area. The SAP also identifies the standard for adopting future amendments to the plan, stating, that “future 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”; and

Whereas, the requirements included in the 2012 amendment language, that allow the relocation of the cruise ship terminal to Pier 27, the possible retention of the Pier 23 shed and the use of all four open water basins for the temporary berthing of vessels associated with the 34th America’s Cup events, include requirements: (1) to replace the open water basin being impacted by the cruise ship terminal prior to eliminating the requirement to remove a portion of the Pier 23 shed, (2) a public process to develop a public plaza and new open water basin in Fisherman’s Wharf around Pier 43 to replace the public benefit associated with having a public plaza adjacent to an open water basin at Pier 27, (3) a public process to develop an approach to deteriorating historic resources on Port lands, (4) replacement public access along the north apron of Pier 29, the Pier 27-29 tip and public access, including a Bayside History walk through Pier 29 or Pier 29-½, (5) the improvement of Bay views and public access by providing public access on the north apron of Pier 19, through Pier 19 ½ and on the south apron of Pier 23, (6) fill removal at Pier 64, (7) accelerated fill removal at Pier ½, (8) accelerated shed removal at Pier 2, (9) the improvement of the water-recreation access site at Pier 52 and (10) the acceleration of all phases of Northeast Wharf Plaza. These requirements for alternative public benefits would allow the Commission to make the above finding that the revised public benefits and the revised development entitlement would be in balance. The amendment will result in new public access areas, public plaza and open water basin areas, the provision of open water by removing fill, new Bay views by removing fill and sheds and the creation of several public processes to address significant issues along the San Francisco Waterfront, including the provision of a public plaza and open water basin at Fisherman’s Wharf and the development of an approach to ensuring the integrity of the Northeast Wharf Historic District; and

Whereas, the package of benefits included in this amendment supports the Commission making the finding that the revised public benefits and revised development entitlement would be in balance and the public benefits required by this amendment would be sufficient to provide 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; and

Whereas, the San Francisco Bay Conservation and Development Commission has evaluated the environmental impact of amending the *San Francisco Waterfront Special Area Plan* by allowing the relocation of the cruise ship terminal at Pier 27, the possible elimination of the requirement to remove a portion of the Pier 23 shed and the ability to use all four open water basins for the berthing of vessels associated with the 34th America's Cup events and requiring a package of public benefits that includes replacement open water basins, new public access, fill removal, the acceleration of the Northeast Wharf Plaza and shed removal, under the Commission's functional equivalency regulations as authorized by Public Resources Code Section 21080.5, and finds that there will be no significant adverse impacts on the environment brought about by the amendment; and

Whereas, the amendments to the *San Francisco Waterfront Special Area Plan* enacted by this resolution are intended to be a routine program change of the Commission's coastal management program for the San Francisco Bay segment of the California coastal zone as approved by the U.S. Department of Commerce under the federal Coastal Zone Management Act of 1972, as amended.

Now, Therefore, Be it Resolved That, the San Francisco Bay Conservation and Development Commission hereby adopts Bay Plan Amendment Nos. 3-11 and 4-11 which amends the SAP as follows:

I. Amends the *San Francisco Waterfront Special Area Plan* Fisherman's Wharf Policy as follows with the underlined language added to SAP and the struck through language deleted:

1. Develop a major public plaza extending to the Bay and an open water basin within the Fisherman's Wharf area. The Fisherman's Wharf Open Water Basin should include a small craft launch to allow for water recreation and transient boating opportunities. In order to identify the appropriate location and design of the plaza and open water basin, a working group involving Port tenants in the area, the Port, the San Francisco Planning Department, BCDC, local and regional interest groups and other interested parties should be formed to develop plaza and open water basin concepts. This planning process should be initiated by July 1, 2012 and should develop a plan that includes the Fisherman's Wharf Open Water Basin and Plaza design and financing by July 1, 2015. Following the implementation of the public plaza extending to the open water basin, in combination with the Port's removal of Pier 43 ½ and adjacent public access improvements at Jefferson Street, the Port may initiate an SAP amendment to request that the Commission substitute the Fills for Public Trust Uses policy for the Replacement Fill Policy (50% rule) in the Fisherman's Wharf geographic area. This would involve establishing a Fisherman's Wharf plaza planning process involving the tenants, Port of San Francisco Planning Department, BCDC, Save the Bay and other interested parties to address the many issues associated with a plaza at Fisherman's Wharf and to establish a plan and implementation program for effectuating the plaza as part of an overall review of the Special Area Plan policies in the Fisherman's Wharf area.

II. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront Base of Telegraph Hill description as follows with the underlined language added to the SAP and the struck through language deleted:

The northernmost area contains a mix of uses that reflect the area's maritime history and its active transition to an urban and commercial district. Cargo shipping, warehousing and other maritime operations, including the international cruise ship terminal, the bar pilots and tugboat operations, still occupy some of the finger piers in this area. However, trends indicate that cargo shipping will continue to consolidate in the central and southern waterfront. Pier 31 has been closed to occupancy and use due to its advanced deterioration. Piers 9 to 33 are used for office uses, warehousing, including the foreign trade zone warehouse, incubator businesses, fish processing, parking, tour bus staging, excursion boat operations, surplus military ship berthing and various other uses. In general, these uses reflect the industrial, maritime character of the waterfront.

The Herb Caen Way promenade connects this area to the adjacent Fisherman's Wharf and Ferry Building areas and provides continuous physical public access through the area. Opportunities to expand public access include creating a significant plaza and improving access on each pier and the shoreline with development projects. Visual access to the Bay is limited, available only through the periodic breaks in the relatively continuous facade of historic bulkhead buildings in this area. Opportunities to open views in this area are limited by historic preservation goals, except for non-historic portions of Piers 27 and 29 and deteriorating sheds and piers where rehabilitation is not feasible or pursued, ~~one key location between Piers 23 and 29, where removal of significant portions of the Pier 23 and Pier 27 (non-historic) sheds or piers~~ could greatly enhance visual and physical access in this area.

III. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront South Beach Waterfront description as follows with the underlined language added to the SAP and the struck through language deleted:

Extends from the northern edge of Pier 24-1/2 at the terminus of Harrison Street south to the Giant's baseball park-Pacific Bell Park, adjacent to the Third Street Bridge at Pier 46B on China Basin. Piers in this area encompass a mix of uses, including maritime, industrial, office, dry boat storage, film production, moving and storage, open parking, occasional events, and other uses. The majority of Pier 24 and all of Pier 34 have been are condemned, and their removal-removed, pursuant to the plan implementation requirements adopted in 2000 offers the opportunity to improve improving visual and physical access to the Bay. The three remaining historic bulkhead buildings along the shoreline reflect the Mission Revival (Piers 26-28) and Mediterranean styles (Pier 38), distinct from the monumental classical style of their northern neighbors. Seawall lots in the area are improved with residential uses, open parking lots, a park and the Giant's baseball park-Pacific Bell Park.

IV. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront Findings as follows with the underlined language added to the SAP:

20. Since the 2000 amendment to the SAP, the Port has conducted a more thorough analysis of the condition of its piers and sheds. This analysis determined that Piers 30-32, previously planned as the future international cruise ship terminal for the

- City and County of San Francisco, will require significant rehabilitation prior to development. The assessment also determined that Piers 23 and 27 were in good condition, requiring little rehabilitation prior to development. A number of piers were also identified as being in failing or poor condition and in need of significant repair, including Piers 26, 28 and 31.
21. A number of public benefits identified in the 2000 amendment were predicated on the development of Piers 27-31 in a way that would result in the preservation of an open water basin adjacent to the Northeast Wharf Plaza, public access along the adjoining pier aprons, the removal of a portion of Pier 23 to open up views to the Bay from the plaza and the Embarcadero and boating access from the plaza to the open water basin. The relocation of the new international cruise ship terminal from Piers 30-32 to Pier 27 and the finding that Pier 23 is in good condition and could be developed, compromises many of the public benefits envisioned in 2000, requiring that new public benefits be identified for this area of the waterfront that are equal to or better than the public benefits required by the 2000 amendment.
 22. The 2000 amendment required the Port to nominate the Northern Waterfront Historic District for listing on the National Register of Public Places. The District was listed on the National Register in 2005. The piers, sheds and other features identified as contributing resources to the Historic District are important to retain to the extent feasible. However, a Port-BCDC- sponsored public process is needed to develop a plan for those facilities that have been closed to occupancy and use for public safety reasons and that continue to deteriorate, to ensure that the deterioration does not result in public and environmental hazards, and that the integrity of the District is maintained rather than becoming an area characterized by extensive areas of deteriorating piers that are unusable.
 23. Pier 27 is the most suitable location for a new, international cruise ship terminal on the San Francisco waterfront due to its size, its apron length and width, structural integrity, and the availability of the infrastructure to easily supply the cruise ships with shoreside power. Other cruise ship berthing sites on the Northeastern Waterfront are also necessary to accommodate the annual ship calls. Sites that are viable as secondary sites for ship calls include Pier 35 and Piers 30-32.
 24. The use of the San Francisco Waterfront for special events may provide a unique opportunity to achieve several key objectives of the SAP, including bringing more people to the waterfront and increasing the public's enjoyment of the Bay. If special events use of the San Francisco Waterfront, including the designated open water basins, is consistent with the integrated public benefits identified in Finding 15, the use is temporary and provides public benefits to balance the temporary impacts which are commensurate with the size and duration of the event, then such a use could be found consistent with the SAP.
 25. The 2000 amendment required four open water basins for the purpose of preserving or opening up views of the Bay, connecting public access and public plazas with the Bay, providing areas for temporary and transient berthing and mooring along the San Francisco Waterfront and creating opportunities to develop recreational access to the water. To maintain the balance of public benefits with public and private development, it is necessary that the area from China Basin to Pier 35 still contain four open water basins, without other permanent uses, such as marinas or cruise ship berthing, being sited in these open water basins. Proposals for non-conforming uses that prevent achieving the open water basin purposes in any of the designated

open water basins can only be approved if a new, alternative open water basin within the area between China Basin and Pier 35 is identified and established through a future amendment of the SAP. The 2012 amendment establishes a policy requiring a public planning process and the timely identification of a substitute open water basin for the Northeast Wharf Open Water Basin.

26. The removal of Pier 31 could create a suitable replacement for the Northeast Wharf Open Water basin between Pier 29 and Pier 33. In combination with the removal of the shed at the tip of Pier 27-29 to create a pier-end public space, providing public access on the north side of Pier 29, opening Pier 29 1/2 public access and providing the Bayside History walk in Pier 29, the open water basin created here could provide similar benefits as those eliminated by developing the primary cruise terminal at Pier 27, eliminating the Northeast Wharf Open Water Basin and retaining the Pier 23 shed.

V. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront Open Water Basin Permitted Uses as follows with the underlined language added to the SAP:

Temporary use for the 34th America's Cup event that increases the public enjoyment and interest in the Bay and is developed consistent with Finding 15 of the SAP, including the provision of public benefits that balance the extent and duration of the temporary use. (Policy expires June 30, 2014).

VI. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront Open Water Basin Policies as follows with the underlined language added to the SAP and struck through language deleted:

2. Preserve or create four Open Water Basins, including the removal of certain piers, to enable permanent enjoyment of the Bay at the following locations:
 - a. In order to ensure the integrity of the public benefits provided for in this plan and to replace the Northeast Wharf Open Water Basin, the Port must identify and BCDC must approve in a subsequent amendment to this plan, a new location for the fourth open water basin within the Northeastern Waterfront (Pier 35 to China Basin) by December 31, 2015. The new open water basin should improve views to the Bay from the Embarcadero, provide an opportunity for increased water-recreation access to the Bay and be as close to Piers 27-29 as possible. If siting an open water basin between Piers 29 and 33 is found to be infeasible by a public process beginning no later than July 2012 and being completed no later than July 2015, the requirement to remove the Pier 23 shed, including at least 315 feet of the easternmost portion of the shed will remain until the location, planning and funding of a replacement open water basin is identified by the Port and approved by BCDC. No development may be authorized in the easternmost 315 feet of Pier 23 until BCDC has approved the replacement water basin in an amendment to the SAP. The "Northeast Wharf Open Water Basin" between Piers 19 and 27, including removal of a portion of the Pier 23 shed to improve Bay views. The removal of the Pier 23 shed should include at least 315 feet of the easternmost portion of the shed. Any additional removal should reflect the historic preservation goals of this plan, and the Port's and the City's plan policies. The Pier 23 deck supporting that part of the Pier 23 shed that would be removed, may be removed or may be retained and used for public access purposes, including transient and temporary non-commercial recreational boat berthing.

3. Within Open Water Basins, limit new fill to:
 - a. mooring buoys and pile-supported or floating platforms for non-commercial, transient boats to provide shoreline access;
 - b. Temporary use for the 34th America's Cup Events requiring temporary fill to berth vessels. Fill will be placed in May 2013 and removed no later than January 2014, except within the Brannan Street Open Water Basin, where fill will be placed in May 2012 and removed no later than January 2014. In the Rincon Point Open Water Basin, the temporary fill should be limited to the area from Pier 14 to the northern boundary of Rincon Park to ensure that public views from Rincon Park and the Promenade will be unobstructed by berthed vessels. The public benefits required to balance the temporary impact to Bay views, Bay ecology and public access by using all four open water basins are: (1) the improvement of the Pier 52 public launch by March 2013 so that it can be used during the event and will be available for use after the event; (2) removal of Pier ½ by March 2013; (3) removal of the shed on Pier 2 by March 2015; and, (4) removal of Pier 64 by March 2013.
 - bc. berthing facilities, such as mooring dolphins and buoys, pile-supported or floating platforms, etc., for berthing of commercial vessels (vessels up to approximately 300 feet in length) and temporary ceremonial and visiting ships at the boundary of the Open Water Basins, as provided below:
 - (i) ~~in the Northeast Wharf Open Water Basin, at Pier 27, facilities may be permitted for temporary berthing of ceremonial and visiting ships that do not extend landward of the Pier 27 shed (as partially removed to create the Northeast Wharf Plaza). At Pier 23, facilities may be permitted for lay berthing of boats on the south apron, provided berthing does not extend Bayward of the Pier 23 shed (as partially removed, see Open Water Basin policy 2 above).~~

Policies 3-b-ii-iv renumbered to 3-b-i-iii, and Open Water Basin policies 3-c through i are relettered to 3-d through j.

VII. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront Open Water Area Policies as follows with the underlined language added to the SAP and struck through language deleted:

1. Open Water Areas are those areas of the Bay not designated as Open Water Basins. Create new Open Water Areas as follows:
 - a. remove Pier 24;
 - b. By March 2013, remove a portion of Pier 1/2 as part of the 34th America's Cup Event project, Ferry Terminal Phase 2 development project, retaining only that portion required for retaining a vessel berthing facility and public access;
 - e. By March 2015, remove the existing shed at Pier 2 after the 34th America's Cup Event project to improve Bay views and public access. #Remove the northern portion of Pier 2 as part of the Downtown Ferry Terminal Phase 2 development project; either as part of: (1) the Agriculture Building improvement project or the Ferry Terminal Phase 2 development project, whichever comes first; or (2) any reconfiguration of the existing restaurant on Pier 2;

VIII. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront Public Plaza Policies as follows with the underlined language added to the SAP and struck through language deleted:

1. Create a "Northeast Wharf Plaza," as a new, major, destination plaza between Piers 23 and 29 along The Embarcadero, opening up views from the Embarcadero to the Bay, Lombard Street and The Embarcadero to the Bay, Yerba Buena and Treasure Islands, and the Bay Bridge. The approximately 2-acre plaza should be designed to function as a major attraction for visitors and residents. In addition, provide open space around the Beltline Railroad Office Annex building, if it remains in its present location, and maintain unobstructed views from the Annex across the plaza to the Bay. ~~The Plaza should be oriented to the Open Water Basin between Piers 27 and 19.~~
2. ~~If the Pier 27 shed is not removed to construct a new cruise ship terminal, then T~~o create this plaza, remove approximately 56,000 square feet of the Pier 27 shed (384 feet in length as measured from its southwest corner near Pier 23 and 224 feet in length as measured from the northwest corner near Lombard Street), and remove the Pier 27 Annex Building (the two-story, modern office building). See Figure 3 illustrating the plaza boundaries and footprint.
3. ~~Commercial Active Recreation Use of Northeast Wharf Plaza: In the event that the Pier 27/29 complex is developed as a private commercial facility for active recreation, (e.g., gymnastics, swimming, racquetball, etc.), and only in that event, an approximately 15,000 square foot portion of the Northeast Wharf Plaza may be used by the developer for commercial, outdoor recreation activities, provided that the following conditions are met:~~
 - a. ~~the 15,000 square foot area is confined to the area located and illustrated on Figure 3;~~
 - b. ~~the commercial use serves an important active recreation need of the residents of the City and of the Bay region;~~
 - c. ~~the commercial use complements or enhances the public use and enjoyment of the Plaza;~~
 - d. ~~the project sponsor recognizes and agrees that this designated area is part of the Plaza, and that the commercial use should complement or enhance its function as a public park;~~
 - e. ~~the project sponsor submits an Outdoor Area Use Plan as part of its initial permit application to BCDC, and a proposed Outdoor Area Use Program on an annual basis thereafter, to be reviewed jointly by the BCDC and Port Design Review Boards;~~
 - f. ~~structures or fixtures may be erected as part of the commercial activities, only if they are integrated into the overall design and contribute to the public enjoyment of the area, when made available for general public use. Such structures or fixtures should not impair or obstruct views to the Bay from The Embarcadero or from other vantage points within the Plaza and should be approved by the BCDC and Port Design Review Boards. Any temporary structures or fixtures used as part of the commercial activity must be removed as soon as the activity ceases;~~
 - g. ~~no barriers are erected to prevent cost free public access to the area when commercial activities are not occurring;~~

- ~~h. the area does not serve as a storage area for temporary structures, fixtures or apparatus serving the commercial use;~~
 - ~~i. significant periods of time during the year are set aside when no commercial activity occurs within the designated area, during which time the area functions solely as part of the larger Plaza.~~
43. The Plaza design should be consistent with the following criteria:
- ~~e. the Plaza should provide for water side uses, such as temporary, small craft tie ups and hand held boat launching. Create connections with the water's edge such as ramps, stairs or docks that allow users to easily access the Bay;~~

IX. Amends the *San Francisco Waterfront Special Area Plan* Northeastern Waterfront Plan Implementation Requirements as follows with the underlined language added to the SAP and struck through language deleted:

4. The Port will:
- c. remove Pier 34 within one year of BCDC's adoption of amendments to the SAP (completed);
 - d. remove Pier 24 within three years of BCDC's adoption of amendments to the SAP (partially completed);
 - f. upon Port issuance of a certificate of occupancy for the major reuse of Piers 27-~~34~~, or a comparable major development on adjacent piers, in addition to that provided for in Implementation Requirement 4-e above, carry out the following public benefits:
 - (i) complete Phase 1 of the Northeast Wharf Plaza by removing that portion of the Pier 27 shed required to create the Plaza and make it, the pier perimeter area, and the area adjacent to The Embarcadero, as shown in Figure 2 "Northeast Wharf Plaza," accessible and useable by the public prior to the Port issuing a certificate of occupancy for a large development on Piers 27-~~34~~, or a comparable major development on adjacent piers. If the cruise ship terminal or other maritime use is developed at Pier 27, provide pier perimeter public access on the north apron of Pier 29, a Bayside History Walk through Pier 29 or Pier 29 ½ connecting the Embarcadero Promenade to the north apron of Pier 29 and Phase 1 of the pier end open space at Pier 27-29 at the time of certificate of occupancy for the cruise ship terminal. Within five years of certificate of occupancy for the cruise ship terminal at Pier 27 if funding is available, or 11 years if not, provide public access on the north apron of Pier 19, the south apron of Pier 23, the Pier 19 ½ apron, the Pier 29 ½ apron and provide public access through the Pier 19 ½ and the Pier 29 ½ connector buildings.
 - (ii) complete the Northeast Waterfront Plaza (Phases 1, 2 and 3) upon issuance of a certificate of occupancy at Pier 27 ~~within 15 years~~ if necessary grants or other funding are available, or ~~within 20-11 years~~ if necessary grants or other funding are not available;
 - (iii) in order to replace the open water basin eliminated by the cruise ship terminal project, identify a shed and/or pier to remove that will contribute to the development of a new open water basin within the area from Pier 35

to China Basin and as close to Pier 27 as feasible. A public planning process and financing plan for this new open water basin and planning for Phase 2 of the pier end open space at the end of Piers 27-29 should begin in July 2012 and be completed by July 2015. Phase 2 of the pier end open space at the end of Piers 27-29 should be implemented within 11 years of issuance of occupancy for the cruise ship terminal or at the time of a long-term lease at Pier 29. The pier or shed removal within the replacement open water basin should be completed within 15 years of issuance of occupancy for the cruise ship terminal at Pier 27, or remove the portion of the Pier 23 shed consistent with the Open Water Basin policies of this SAP within 15 years of a major development at Pier 27 or a comparable major development on an adjacent pier;

- i. The Port will initiate preparation of nomination materials for a Northern Waterfront Historic District from China Basin through Pier 35 to be listed on the National Register of Historic Places. The nomination will be submitted no later than June 30, 2002, and the Port will strive to submit the nomination by June 30, 2001 (completed);
- j. by July 2015, the Port should initiate a planning process to identify strategies for ensuring that the contributing resources to the Northern Waterfront Historic District are either rehabilitated or removed within a certain number of years of being closed to occupancy and use in order to protect both the historic resources along the waterfront and public health and safety and Bay ecology.
- k. As part of the 34th America's Cup project:
 - (i) By March 2013, remove a portion of Pier 1/2 retaining only that portion required for a vessel berthing facility and public access;
 - (ii) By March 2015, remove the existing shed at Pier 2 after the 34th America's Cup Event project to improve Bay Views and public access. Remove the northern portion of Pier 2 as part of the Downtown Ferry Terminal Phase 2 development project.

X. Amends the *San Francisco Waterfront Special Area Plan* Southern Waterfront Policies as follows with the underlined language added to the SAP and struck through language deleted:

1. As part of the 34th America's Cup events public benefits, improve the small craft launch at Pier 52 to make it accessible to all small craft users by March 2013 and permanently thereafter.
2. ~~When no longer needed for maritime activity, Pier 64 should be developed for a park and marina use in accordance with, but no limited to, the provisions of the Recreation and Open Space Plan of the City of San Francisco. As part of the 34th America's Cup events public benefits, remove Pier 64 by March 2013.~~

XI. Amends the *San Francisco Waterfront Special Area Plan* **Figure 2 Open Water Basins, Open Water Areas and Public Plazas** to add text and graphics depicting the Open Water Basin Study Areas at Fisherman's Wharf and between Piers 29 and 33, removes reference and graphics depicting the Northeast Waterfront Open Water Basin and renames the figure to **Figure 2 Open Water Basins, Open Water Basin Study Areas and Public Plazas.** (See Figure 1)

XII. Amends the *San Francisco Waterfront Special Area Plan* **Figure 3 Northeast Wharf Plaza** to remove reference to commercial recreation in the plaza and to add text to Pier 23 that will state: Identify a new open water basin in the area from China Basin to Pier 35 or remove a portion of Pier 23 shed and possibly portion of pier deck. Delete text that states: ~~Portion of shed to be removed.~~ (See Figure 2)

XIII. Amends the *San Francisco Waterfront Special Area Plan* **Special Area Plan Map 1** to add text that will state: Fisherman's Wharf Open Water Basin Study Area and graphics identifying the Fisherman's Wharf Open Water Basin Study Area near Pier 43. (See Figure 3)

XIV. Amends the *San Francisco Waterfront Special Area Plan* **Special Area Plan Map 2** to add text and graphics identifying the Northeast Wharf Open Water Basin Study Area near between Piers 29 and 33, text referring to Pier 31 that will state: Public process to restore or remove and text referring to Pier 23 that will state: Identify a new open water basin in the area from China Basin to Pier 35 or remove portion of Pier 23 shed and possible portion of Pier 23 deck. (See Figure 4)

XV. Amends the *San Francisco Waterfront Special Area Plan* **Special Area Plan Map 5** to add text and graphics identifying the Pier 64 pier removal. The text will state: Remove Pier 64. (See Figure 5)

Be it Further Resolved That, the San Francisco Bay Conservation and Development Commission authorizes the Executive Director to make minor, non-substantive editorial changes to this resolution under the California Administrative Procedures Act.

We certify that this resolution was adopted by a vote of ___ "yes" votes, ___ "no" votes and ___ abstentions at the Commission meeting held on March 1, 2012 at San Francisco, California.

Executed on this _____ day of _____, 2012 at _____, California

ZACHARY WASSERMAN
Chairman

STEVE GOLDBECK
Executive Director

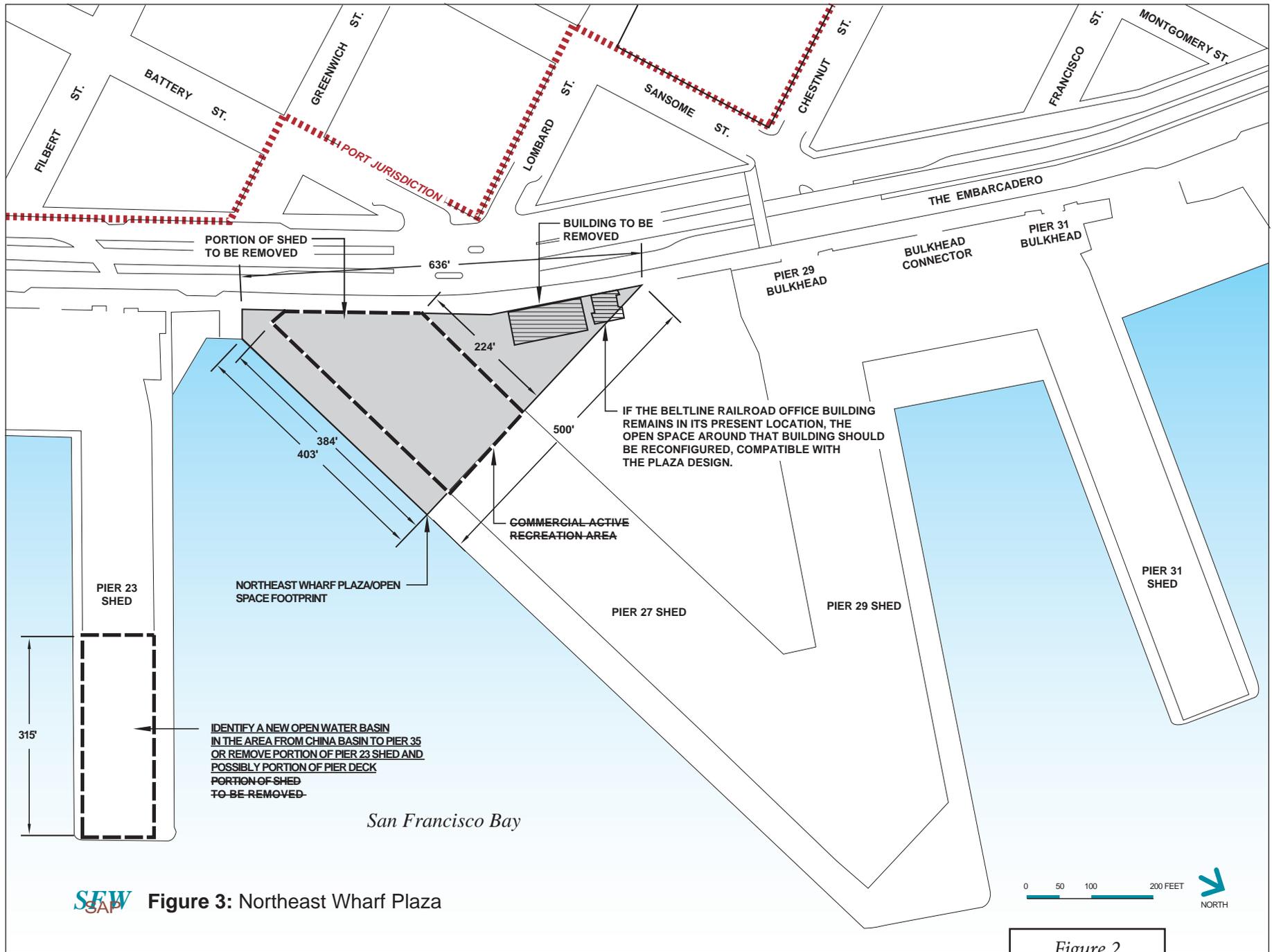
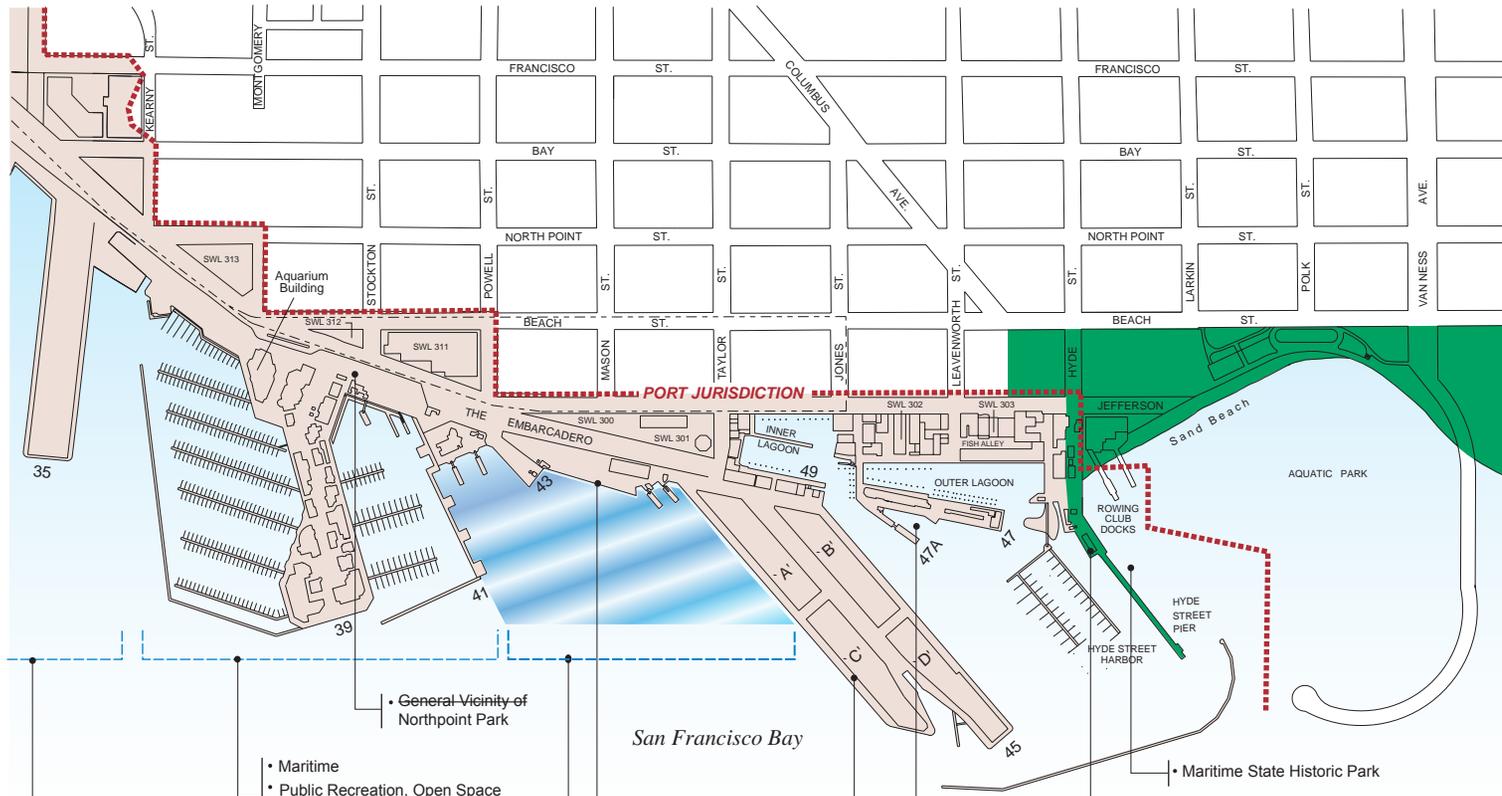


Figure 3: Northeast Wharf Plaza

Figure 2



- General Vicinity of Northpoint Park
 - Maritime
 - Public Recreation, Open Space
 - Public Access, Commercial Recreation, Marina
- WITHIN EXISTING PIER FOOTPRINTS:
Uses Consistent with the Public Trust Doctrine and the Port's Legislative Trust Grant
- OUTSIDE OF PIER FOOTPRINTS:
Water Transportation (eg. ferries, water taxis, excursion boats, etc.)
- Water-related Recreation
 - Bay-oriented Commercial Recreation & Bay-oriented Public Assembly
 - Public Access or Shoreline Appearance
 - Historic Ships

San Francisco Bay

- Maritime
 - Tour Boats
 - Ferries
 - Replacement of Existing Bay-Oriented Commercial Recreation
- Fisherman's Wharf Open Water Basin Study Area

- Maritime State Historic Park
 - Maritime
 - Fish Processing
 - Limited Commercial Recreation
 - Public Access
- Maritime
 - Breakwater
 - Berthing and Docking Facilities for Commercial Fishing Boats
 - Public Access
 - Replacement of Existing Bay-Oriented Commercial Recreation
- Maritime
 - Maximum Feasible Public Access
 - Including Maximum Perimeter Access

LEGEND

- Park Priority Area
- Open Water Basin Study Area

Figure 3

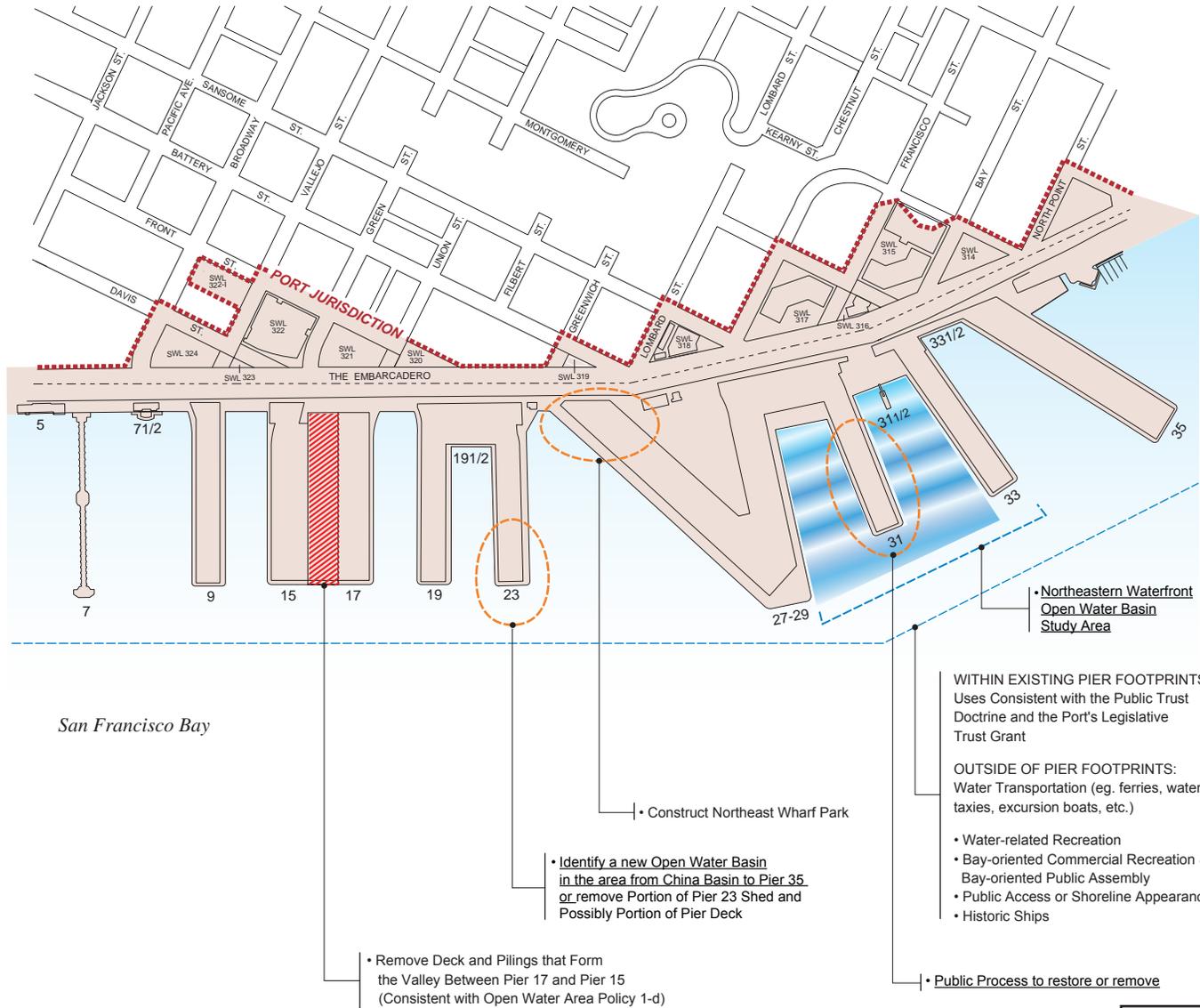
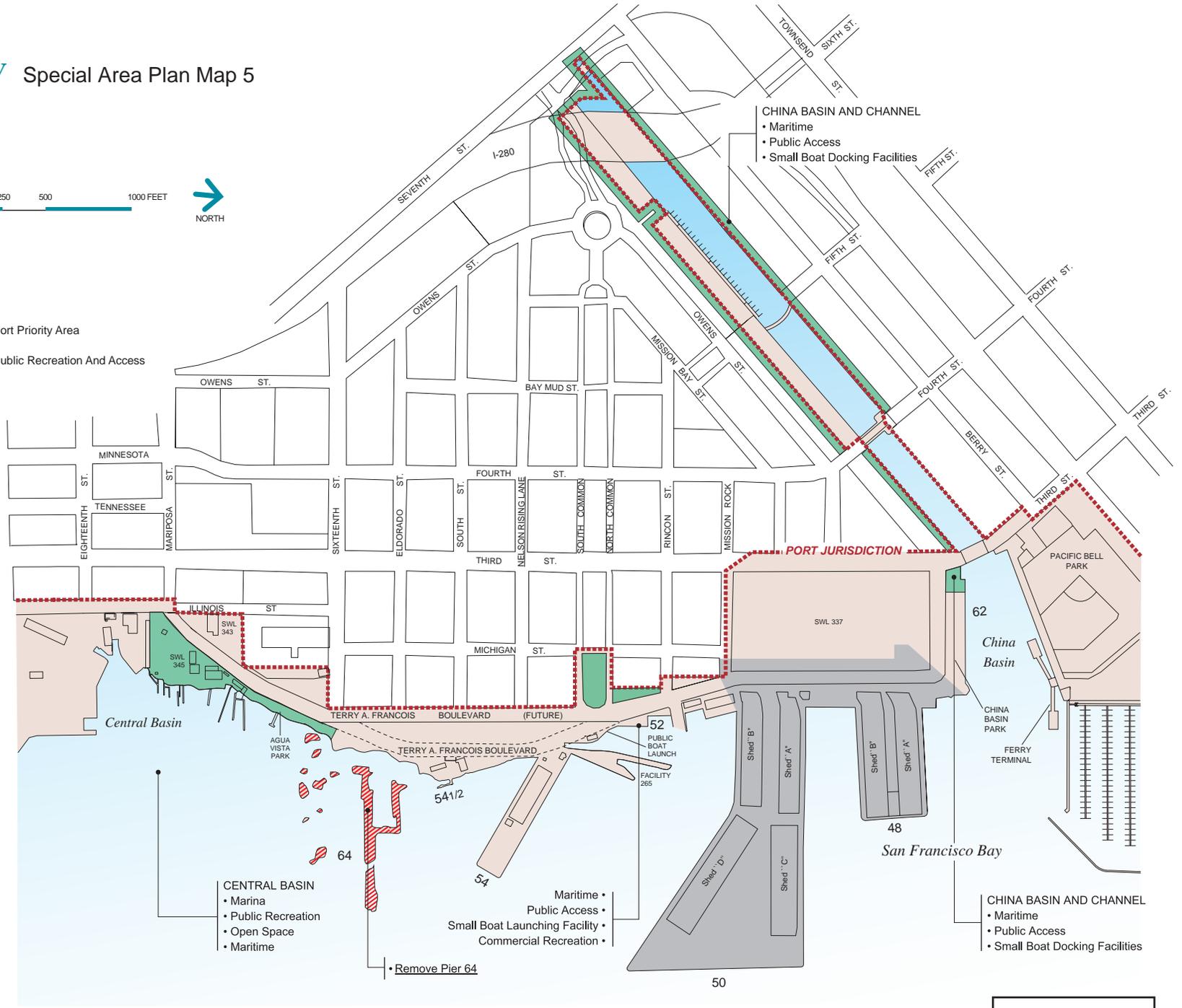


Figure 4

SEW **SAP** Special Area Plan Map 5



- LEGEND**
- Port Priority Area
 - Public Recreation And Access



- CENTRAL BASIN**
- Marina
 - Public Recreation
 - Open Space
 - Maritime

- Maritime •
Public Access •
Small Boat Launching Facility •
Commercial Recreation •

• Remove Pier 64

- CHINA BASIN AND CHANNEL**
- Maritime
 - Public Access
 - Small Boat Docking Facilities

- CHINA BASIN AND CHANNEL**
- Maritime
 - Public Access
 - Small Boat Docking Facilities

Figure 5