

March 23, 2012

TO: Commissioners and Alternates

FROM: Steve Goldbeck, Acting Executive Director (415/352-3611 steveg@bcdc.ca.gov)
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SUBJECT: Staff Report and Recommendation on a Contract with the Port of San Francisco for Planning Processes in Fisherman's Wharf and the Northeastern Waterfront required by the San Francisco Waterfront Special Area Plan

(For Commission consideration on April 5, 2012)

Recommendation

The staff recommends that the Commission authorize the Executive Director to execute a contract with the Port of San Francisco to provide \$100,000 to the Commission for its staff costs for participating in three planning processes that will develop possible amendments to the *San Francisco Waterfront Special Area Plan*, an element of the *San Francisco Bay Plan*. The planning processes will occur simultaneously in the Fisherman's Wharf and Northeastern Waterfront geographic areas, and will include the following tasks: (1) creating a working group to work on both planning processes, including identifying participants, developing a meeting schedule and key decision points; (2) developing a design, implementation and financing plan for an open water basin and public plaza in Fisherman's Wharf near Pier 43; (3) identifying a replacement open water basin between Pier 35 and China Basin, with a planning process focused between Piers 29 and 33; (4) developing a design, implementation and financing plan for the replacement open water basin between Pier 35 and China Basin; (5) analyzing the issues that arise in both studies including possible deletion of the replacement fill policy (or 50% rule) currently in effect in the Fisherman's Wharf geographic area, the approach to historic resources that are in poor structural condition, the interaction between maritime uses and public access and other issues that arise during the studies. The staff also recommends that the Commission authorize the Executive Director to amend the contract, or enter into any contracts necessary to expend the funds, as long as the amendment does not involve substantial changes in either the scope or amount of the contract.

Staff Report

On July 20, 2000, at a joint meeting with the San Francisco Port Commission, the Commission adopted amendments to the SAP, the *San Francisco Bay Plan* and rescinded the *San Francisco Waterfront Total Design Plan*. The amendment process began formally in 1996 with input from a number of stakeholders, including Save the Bay, San Francisco Tomorrow and members of the communities



surrounding the northeastern waterfront. The amendments to the SAP addressed the area between Pier 35 and China Basin and identified the location and conditions for the placement and removal of fill, made provisions for new public plazas and public access, designated areas as open water basins that emphasized views of the Bay and water recreation, prioritized and developed a strategy to achieve historic preservation, and provided policies regarding parking, transportation and waterfront design.

The Commission approved an amendment to the SAP on March 1, 2012 that required that three public processes be conducted or initiated between July 2012 and July 2015. These requirements for public process are:

- (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.
- (2) 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.
- (3) 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.

The planning processes required by the SAP amendment for the cruise ship terminal, that was approved by the Commission on March 1, 2012, include work that was not contemplated within the Commission's current work program and therefore, the Commission does not have funding resources identified for this work. Accordingly, the staff recommends that the Commission authorize the Executive Director to: (1) execute a contract with the Port of San Francisco under which the Port of San Francisco will provide \$100,000 for approximately one year of effort, to the Commission for the staff's assistance in developing and considering the planning processes described above, which may lead to an amendment to the *San Francisco Waterfront Special Area Plan*, an element of the *San Francisco Bay Plan*; and (2) amend the contract or enter into any contracts necessary to expend these funds, as long as

the amendment does not involve substantial changes in either the scope or amount of the contract. This contract addresses costs associated with work on Plan Implementation requirements 4-h and i (items 1 and 2 above). Plan Implementation requirement 4-j, a planning process regarding contributing resources to the Northern Waterfront Historic District will benefit from work undertaken in these first two planning efforts.