

San Francisco Bay Conservation and Development Commission

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June 8, 2018

Application Summary “Mission Rock” Mixed-Use Development (For Commission consideration on June 21, 2018)

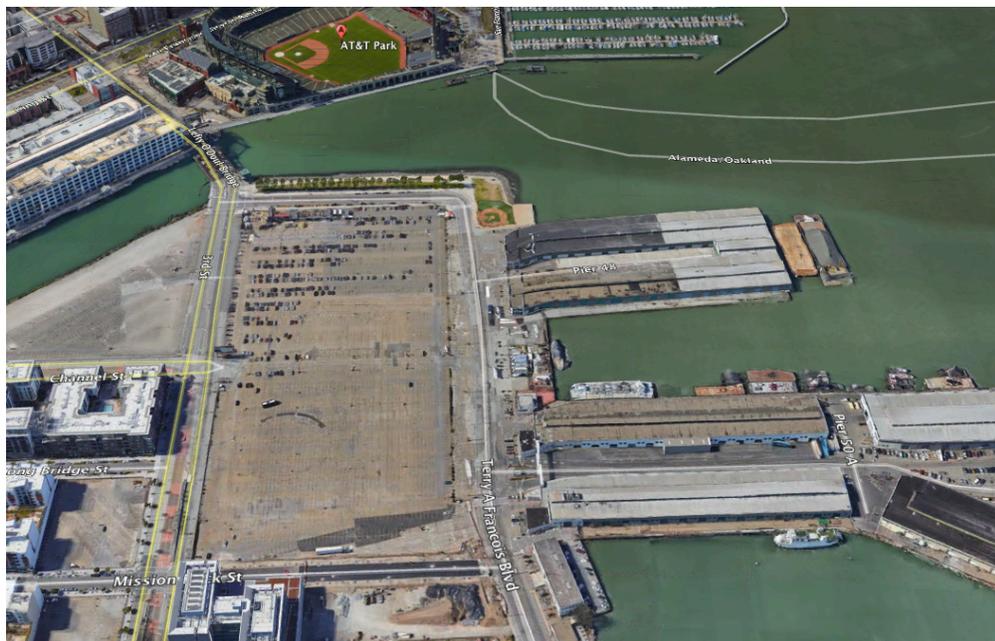
BCDC Permit Application Number: 2017.004.00
Application Filed Complete: June 5, 2018
Deadline for Commission Action: September 3, 2018
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Summary

Applicants: Seawall Lot 337 Associates, LLC and Port of San Francisco (“Port”)

Location: The approximately 21-acre project site is located on Seawall Lot 337, in the Mission Bay neighborhood of the City and County of San Francisco. The site is bounded by Mission Creek to the north, the Bay to the east, Mission Rock Street to the south, and Third Street to the west (Figure 1).

Figure 1. Aerial View of Project Site



**Proposed
Project:**

The proposed “Mission Rock” project involves development of a mixed-use district on a site that currently includes a parking lot and a shoreline park (China Basin Park). The project would be built in four phases over a period of approximately ten years (Exhibit E). The project would include 11 development blocks with buildings ranging from 90 to 240 feet in height, a street grid, a network of parks and public spaces, and associated utilities and infrastructure (Exhibit D). At build-out, more than 9,000 people would use the site daily, as the project would provide:

- Between 1,100 and 1,600 units of rental housing, for an estimated 3,570 residents.
- Between 972,000 and 1.4 million square feet of office and retail commercial space, employing approximately 3,520 to 5,070 office workers and 740 to 750 retail employees.
- Approximately 6.61 acres of new or improved public access areas.

The project would involve development both within and outside the Commission’s permitting jurisdiction. The residential units, the majority of the commercial and retail space, and approximately 2.97 acres of public access areas would be located outside of the Commission’s permitting jurisdiction. Within the Commission’s 100-foot shoreline band, the project would include Terry Francois Boulevard and an approximately 2.1-acre portion of the redeveloped China Basin Park. Terry Francois Boulevard would be reconstructed as a shared street accommodating a mix of commercial vehicular traffic and bicycle and pedestrian access. In the Commission’s Bay jurisdiction, the project would involve construction of a public boat launch. Finally, the project would involve reuse of a historic marginal wharf (“Pier 48 1/2” or “Channel Wharf”) as a public access plaza, and reuse of another wharf (the “knuckle wharf”) as an area for picnicking and Bay viewing, partly in the Bay and partly within the 100-foot shoreline band.

Issues**Raised:**

The staff believes that the primary issues raised by the application are: (1) whether the proposed fill for the project is consistent with the McAteer-Petris Act and Bay Plan policies on allowable fill of the Bay; (2) whether the proposed public access is the maximum feasible consistent with the project, consistent with the McAteer-Petris Act and Bay Plan policies on Public Access, including related to sea level rise; (3) whether the proposed project is consistent with Bay Plan policies on Recreation; (4) whether the project is consistent with Bay Plan policies on Appearance, Design and Scenic Views; and (5) whether the project is consistent with Bay Plan policies on Public Trust.

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Project Location

Site Description and Existing Use. The approximately 21-acre project site (Figure 2) is located in the Mission Bay neighborhood of the City and County of San Francisco. The site is bounded by Mission Creek to the north, the Bay to the east, Mission Rock Street to the south, and Third Street to the west. The project site is known as Seawall Lot 337. Seawall lots are former tidelands that were filled after being cut off from the Bay with the construction of the City and County of San Francisco’s Great Seawall in the early 1900s. Historically the site was used as a railroad yard and for other activities supporting the maritime uses at the adjacent Piers 48 and 50. Today the site includes AT&T Park’s “Lot A” parking lot, China Basin Park, the “knuckle wharf” located between China Basin Park and Pier 48, the Pier 48 ½ marginal wharf, and Terry Francois Boulevard.

Figure 2. Project Site



Lot A. Lot A is a parking lot that accommodates roughly 2,170 vehicles. The lot primarily serves visitors to AT&T Park on game and event days, as well as a smaller number of commuters who use the lot on a daily basis. A portion of the lot is used for occasional special events, such as the circus or equestrian shows. In recent years, the Giants have operated “The Yard at Mission Rock” within a small portion of the parking lot adjacent to Third Street, which includes shipping containers repurposed for cafes, public open space, event spaces.

China Basin Park. China Basin Park is a shoreline park located within the northern approximately 2.1 acres of the project site. The park includes a tree-lined lawn, a paved shoreline pathway, benches, picnic areas, a small baseball diamond, a statue of former Giants’ player Willie McCovey,

and plaques related to the history of the Giants. China Basin Park is a permanently guaranteed public access area pursuant to BCDC Permit No. 1997.010, which also authorized the construction of AT&T Park (Exhibit C).

Pier 48 Knuckle Wharf. An approximately 3,000-square-foot wharf structure is located at the eastern edge of China Basin Park, adjacent to the Pier 48 shed building. The wharf structure is a permanently guaranteed public access area pursuant to BCDC Permits No. M1997.004 and M1996.058, and is used primarily for Bay viewing (Exhibit C).

Pier 48 ½. Pier 48 ½ is a marginal wharf that bridges the area between the Pier 48 and Pier 50 shed buildings. It is primarily used for vehicle parking and equipment storage. A narrow public access corridor is located outside the project boundary on the southern portion of Pier 48 ½ adjacent to ATWater Tavern, a restaurant located adjacent to Pier 50 (Exhibit C).

Terry Francois Boulevard. Terry Francois Boulevard is a two-lane street with striped bicycle lanes. Terry Francois Boulevard runs north-south along the perimeter of the project site between Mission Rock Street to China Basin Park. At China Basin Park, it jogs to an east-west orientation, running between Lot A and China Basin Park, ultimately connecting to Third Street.

Immediate Vicinity of Project Site. Other development within the immediate vicinity of the project site that do and can be expected to continue to influence the use of its shoreline and public access facilities include: the Golden State Warriors' basketball arena (Chase Center, currently under construction); the Giants' ballpark (AT&T Park); and the Port-owned Piers 48 and 50.

Figure 3. Immediate Vicinity of Project Site



Chase Center. The new Warriors' basketball arena, the Chase Center, is currently under construction at Terry Francois Boulevard and South Street approximately 0.5 miles south of the project site. The Chase Center is anticipated to open in 2019. The Chase Center would be the venue for Warriors' home games, as well as concerts, family shows, sporting events, cultural events, conferences, and conventions. According to the project's EIR, the center would be used for up to approximately 225 events per year, with events ranging in capacity from approximately 3,000 patrons up to about 18,500 patrons.

AT&T Park. The Giants' ballpark opened in 2000. The Commission authorized construction of the portion of the ballpark within its permitting jurisdiction through BCDC Permit No. 1997.010. Besides the ballpark itself, the permit authorized several large pedestrian plazas and a shoreline promenade with belvederes along Mission Creek, as well as China Basin Park.

According to the applicants, Giants games at AT&T Park occur 83 times per season, from April through October each year, with up to 42,000 attendees at each game. Additional games may be played if the Giants reach the postseason. Other events occur regularly at AT&T Park, including large concerts approximately four times a year that draw up to 42,000 attendees each. Within China Basin Park and other public access areas adjacent to AT&T Park, the large influx of people for games and large events are observed predominantly within an hour or two around the start and end of an event.

Piers 48 and 50. The Port-owned Piers 48 and 50, as well as a marginal wharf structure known as Pier 48 ½, are located on the shoreline immediately east of Terry Francois Boulevard. A portion of Pier 48 ½ is within the bounds of the project area, while Piers 48 and 50 are not. Pier 48 is used primarily as a parking area during ballpark events or for special events hosted by the Giants, and the south apron supports maritime berthing for Westar Marine harbor service vessels. The southern portion of the shed is used for storage by the City and County of San Francisco's Department of Elections. Pier 50 is used for maritime and industrial activities, including Westar Marine harbor services and berthing, and the Port's maintenance operations center.

San Francisco Waterfront Planning Area. The project site is located within the planning area of the Commission's San Francisco Waterfront Special Area Plan (SAP), adopted in April 1975 and last amended in April 2012. The SAP states that "[f]ew cities have the opportunity to create the kind of varied and dynamic waterfront that can be achieved in San Francisco," and that "[t]he San Francisco waterfront is a vitally important regional resource that can support port and related maritime facilities, public access, open space, recreational sites, and water-oriented commercial recreation." The SAP divides the waterfront into three geographic vicinities: Fisherman's Wharf, the Northeastern Waterfront, and the Southern Waterfront. The subject site is located at the intersection of the Northeastern Waterfront and Southern Waterfront.

The Northeastern Waterfront, extending from Pier 35 to China Basin, is described by the SAP as "a regional recreation and scenic resource." It is characterized by the remaining historic pier bulkhead buildings and sheds, some of which remain in use for maritime industrial uses and others of which have been adaptively reused and rehabilitated. As envisioned by the SAP, and through parallel efforts by the Port and the City and County of San Francisco, planning for the Northeastern Waterfront in recent decades has been focused on reuniting the Bay shoreline to the rest of the City and realizing the waterfront's potential as a focal point for recreation, as well as civic and commercial activities. New public transportation, shoreline parks, and other amenities have been developed to make it more appealing as a public recreation destination.

The Southern Waterfront, extending from China Basin south to India Basin, is the area of the San Francisco waterfront with the greatest concentration of industrial maritime activity. This area of the waterfront has most of San Francisco's facilities for major cargo handling, ship repair, and other seaport uses. However, the Southern Waterfront is in the midst of a period of significant transformation. The redevelopment of the Mission Bay neighborhood as a mixed-use district for 11,000 residents and job center with approximately 30,000 employees began in the late 1990s and is now largely complete. (Portions of the Mission Bay redevelopment are authorized by BCDC Permit No. 2000.005.) The residential population of the Southern Waterfront is anticipated to grow by more than 30,000 over the next 20 years (source: San Francisco Parks Alliance). In addition to the subject project, other sizable residential and commercial mixed-use development projects are proposed on the Southern Waterfront at Pier 70, the historic Potrero Power Plant Station, India Basin, and the former Hunters Point shipyard.

There has historically been limited public access to the Bay along the Southern Waterfront, however numerous shoreline access projects have been completed in recent years. The Mission Bay redevelopment project resulted in 41 acres of public parks and open space. The 5.4-acre Bayfront Park, the last of the shoreline parks to be constructed as part of the Mission Bay redevelopment, is set to begin construction 0.3 miles south of the project site, adjacent to the Warriors' Arena and the Port's proposed Mission Bay Ferry Terminal. The Port's 9-acre Crane Cove Park, authorized by the Commission in 2017 under BCDC Permit No. 2016.006, is under construction 1 mile south of the subject site. Other new or enhanced shoreline access projects developed in recent years on the Southern Waterfront include: Warm Water Cove Park, Tulare Park, Heron's Head Park, a shoreline trail and access area at the former PG&E power plant site, and Candlestick Point State Recreation Area. The aforementioned proposed mixed-use developments, if developed as currently proposed, would each include several acres of new shoreline parks and open spaces.

The Port and the City and County of San Francisco, in partnership with the San Francisco Parks Alliance, have also developed the Blue Greenway, a 13-mile-long public open space network through the Southern Waterfront extending to the southern city limit, which would incorporate planned open spaces in the Mission Rock project. The Blue Greenway includes both the Bay Trail and San Francisco Bay Water Trail. An interactive map of the Blue Greenway and existing and proposed open spaces along the Southern Waterfront is available online at: <http://bluegreenway.org/#/home/map/>.

Project Background

SB 815 and AB 2797. The Port has worked with the State Lands Commission in recent years to develop a strategy to generate increased revenue that it can rely on to finance critical and costly projects, including repair of the City's Great Seawall, its historic finger piers, and decaying infrastructure. Part of this strategy involved identifying properties within the Port's jurisdiction that no longer are considered to be critical for maritime operations and could be leased for non-maritime uses that would generate increased economic returns for the Port.

The project site, Seawall Lot 337, is the largest of the properties identified by the Port for this purpose. However, as the subject site is filled tidelands, it was subject to restrictions on use under the Public Trust doctrine that would generally prevent development of the residential and office components of a project such as the one proposed. The project site also carried certain restrictions in use as established in BCDC planning documents, including the San Francisco Bay Plan (Bay Plan), the San Francisco Waterfront SAP, and the San Francisco Bay Area Seaport Plan (Seaport Plan). To

resolve potential land use conflicts arising from development of the proposed Mission Rock project, the Port successfully sought state legislation—Senate Bill (SB) 815, as amended by Assembly Bill (AB) 2797 on September 23, 2016. The Commission was briefed on AB 2797 prior to its enactment and voted unanimously to take a neutral position regarding the legislation.

The legislation allows the Port to lease any portion of Seawall Lot 337 free from Public Trust use restrictions for a term not to exceed 75 years if approved by the State Lands Commission (SLC). Pursuant to the legislation, revenues generated from non-trust leases in excess of baseline revenue must be deposited in a separate fund and used for the preservation of the Port's historic piers and other historic structures, the construction and maintenance of waterfront plazas and open space recognized in BCDC's San Francisco Waterfront SAP, or Port advances for construction of infrastructure serving the project.

In addition, AB 2797 modified land use designations within the Bay Plan, San Francisco Waterfront SAP, and Seaport Plan applicable to the project site. The three plans had designated approximately 6 acres in the eastern portion of Seawall Lot 337 as a Port Priority Use Area, where allowable uses were generally limited to maritime cargo shipping, public access, small boat dock facilities, and a limited amount of commercial recreation. AB 2797 removed the Port Priority Use Area designation from Seawall Lot 337, Pier 48, and the Pier 48 ½ marginal wharf. AB 2797 also extended the boundary of the Northeastern Waterfront as defined in the San Francisco Waterfront SAP to include Pier 48, which would allow the Commission to authorize rehabilitation of Pier 48 for a wide variety of uses consistent with the Public Trust, a project that the applicants plan to pursue in the future. The legislation does not otherwise alter the applicable policies or standards by which the Commission is to review a project proposed for the site. AB 2797 states:

“Nothing in this act is intended to limit the authority and discretion of BCDC to approve or deny permits for the mixed-use development on Pier 48 and the marginal wharf between Pier 48 and Pier 50 generally described in this act in a manner consistent with the McAteer-Petris Act or the policies of the bay plan and the special area plan, as those policies are modified by subdivisions (a) and (b), including the authority and discretion of BCDC to impose conditions on the permits for the project. This act shall not limit the authority and discretion of BCDC to enforce permits issued for the projects described in this act.”

Project Planning Process and Objectives. The Port has engaged in a decade-long planning process for both the project at issue in the subject permit application and an anticipated future project phase involving rehabilitation of Pier 48 (see below). Among the project objectives identified through the planning process (and as summarized in the project's EIR) are: creating a waterfront neighborhood that invites diverse public use and retains an authentic waterfront character; achieving a density and program to achieve a vibrant all-day, all-season destination; developing parks and open spaces that complement and add variety to the adjacent neighborhood, including a central open space that can accommodate assembly and special-event uses; providing an inviting waterfront and prominent segment of the Bay Trail/Blue Greenway, while preserving access for industrial users of Piers 48 and 50 along Terry Francois Boulevard; and generating substantial incremental revenue to the Port for waterfront needs (preserving historic piers and other historic structures, constructing and maintaining waterfront plazas, establishing open space).

According to the applicants, the planning process and public participation effort for the projects at Seawall Lot 337 and Pier 48 resulted in the overall design for public access that is presented as part of the subject application: “One of the first ideas to gain traction with the public was to vacate the northern stub of Terry Francois Boulevard to allow for the creation of a major waterfront open space along the China Basin Channel that would be improved and almost twice the size of the current China Basin Park. The community also expressed a strong desire to make the waterfront open space a destination, safe and actively programmed to draw the public. Given its importance, [the Port and Seawall Lot 337 Associates] have agreed to shoulder this significant financial burden fully in the project’s first phase alone even though it benefits all four phases of the project, including [the anticipated future development at] Pier 48.”

The City and County of San Francisco prepared and certified a final Environmental Impact Report (EIR)—certified by its Planning Commission on October 5, 2017 and affirmed by the Board of Supervisors on February 13, 2018—for all aspects of the multi-phased Mission Rock development, including both those activities described in the subject permit application and those envisioned to occur at Pier 48 at a future date. The applicants state that the broad scope of the EIR was designed to comport with the requirements of the California Environmental Quality Act (CEQA), as the scope of environmental documentation required under CEQA is not confined to the particular development activities that will be undertaken by a specific entity.

Planned Future Project Phase at Pier 48. While it is not proposed as part of the subject permit application, the applicants envision that the Pier 48 shed and bulkhead buildings, the pier’s aprons, and the Pier 48 ½ marginal wharf will be redeveloped at some future point as a phase of the Mission Rock project.

The applicants had previously anticipated that Pier 48 would be redeveloped in partnership with an anchor tenant that would operate a brewery facility. The plan to reuse Pier 48 for the brewery operation is uncertain at this time and may not come to fruition. The applicants are therefore considering alternative uses that may be appropriate in its place. While the future uses of Pier 48 are unknown at present, they could include water-oriented uses, non-water-oriented uses, or some mix of the two. Continued industrial use and maritime berthing along the aprons may or may not be included as part of a future development proposal.

The applicants state that the design of the project at issue in the subject permit application is influenced by the possible future redevelopment of Pier 48. Public access proposed in the subject application was designed to be compatible with and complement future reuse of Pier 48. While the tenant for a rehabilitated Pier 48 is unknown at this time, the applicants envision that the public access proposed as part of the subject permit application would function in harmony with reuse of the pier structure. The applicants envision some amount of additional public access to be provided at the pier and on its apron and marginal wharf to the extent that it could be provided in a manner compatible with industrial maritime uses should they continue. All other elements of the combined public access plan that were developed by the applicants through the combined planning process for the projects at Seawall Lot 337 and Pier 48 are proposed to be constructed as part of the project proposed in the subject permit application.*

* The Commission’s advisory Design Review Board reviewed and commented upon an earlier iteration of the combined public access plan at its December 5, 2016 meeting, as discussed more below (see “Design Review Board”).

Any future project proposed at Pier 48 would require authorization by the Commission and would be evaluated for consistency with the Commission's law and policies at that time. However, because the landside public access improvements were designed to satisfy both the project before the Commission and the envisioned future redevelopment of Pier 48, it is expected that additional public access improvements that might be associated with a future Pier 48 reuse project would be provided exclusively within the Pier 48 bulkhead and shed buildings, on its apron, and on a portion of the adjacent Pier 48 ½ marginal wharf. No additional off-site public access is expected. Rehabilitation of Pier 48 would provide opportunities to develop public access areas with significant public benefits, including access to the pier aprons (except where incompatible with maritime industrial uses), a Bayside History Walk, and an expanded and improved public plaza at the Pier 48 ½ marginal wharf (Channel Wharf). With such improvements provided as part of a future Pier 48 rehabilitation project, the project could be found to have provided the maximum feasible public access without any additional public access improvements elsewhere within the Mission Rock project area or as in-lieu access at another location.

Project Description

Project

Details:

The applicants, Seawall Lot 337 Associates, LLC and Port of San Francisco, describe the portion of the proposed project within the Commission's permitting jurisdiction as follows:

At China Basin Park (Exhibit G):

In the Bay:

1. **Public Dock.** Construct, use, and maintain in-kind an approximately 1,500-square-foot public access dock and boat launch for non-motorized watercraft.

In the Bay and within the 100-foot Shoreline Band:

1. **Picnic Area on Pier 48 "Knuckle Wharf".** Construct, use, and maintain in-kind an approximately 5,022-square-foot improved picnic area.

Within the 100-foot Shoreline Band:

1. **Site Preparation Activities.** Demolish and remove existing structures and facilities to facilitate redevelopment of China Basin Park;
2. **Geotechnical Improvements.** Conduct geotechnical improvements (such as deep dynamic compaction, deep soil mixing, construction of deep soil cement columns, and construction of structural support piles to strengthen soil and structures) within an approximately 88,832-square-foot area;
3. **Placement of Fill.** Place approximately 4,560 cubic yards of clean fill material over an approximately 88,832-square-foot area to elevate the grade of the site;
4. **Utilities.** Install, use, and maintain-in kind underground utilities, including systems for recycled and potable water, sewer, storm drain, and electrical service;

5. **Bay Trail and Secondary Multi-Use Trails and Pedestrian Circulation Areas.** Construct, use, and maintain in-kind a minimum 16-foot-wide paved segment of the San Francisco Bay Trail, a network of minimum 6-foot-wide secondary trails, pedestrian circulation areas, and an overlook, within an approximately 32,924-square-foot area;
6. **Gateway Plaza.** Construct, use, and maintain in-kind approximately 8,119-square-feet of a hardscape plaza, including seating, bicycle parking, public art, and wayfinding;
7. **Active Recreation Area.** Construct, use, and maintain in-kind approximately 4,982-square-feet of a lawn area, including pathways, seating, other site furnishings, and plantings;
8. **Great Lawn.** Construct, use, and maintain in-kind an approximately 17,388-square-foot lawn area, including trees and plantings;
9. **Stormwater Treatment Planters.** Construct, use, and maintain in-kind planted stormwater treatment planters within an approximately 18,261-square-foot area;
10. **Café.** Construct, use, and maintain in-kind an approximately 2,135-square-foot portion of a café structure; and
11. **Riprap Revetment.** Maintain in-kind approximately 13,402-square-feet of rock riprap shoreline protection.

At Terry Francois Boulevard (Exhibit H):

Within the 100-foot Shoreline Band:

1. **Interim Improvements.** Pave and restripe up to 66,100 square feet of roadway to provide interim vehicular, pedestrian, and bicycle access prior to construction of the redesigned shared street;
2. **Site Preparation Activities.** Demolish and remove the existing roadway and utilities to facilitate redevelopment of the street;
3. **Geotechnical Improvements.** Conduct geotechnical improvements (such as deep dynamic compaction, deep soil mixing, construction of deep soil cement columns, and construction of structural support piles to strengthen soil and structures) within an approximately 66,101-square-foot area;
4. **Utilities.** Install underground utilities including recycled and potable water, sewer, storm drain, and electrical service;
5. **Bay Trail.** Construct, use, and maintain in-kind an approximately 1,180-foot-long, minimum 16-foot-wide segment of the San Francisco Bay Trail within an approximately 22,505-square-foot area;
6. **Shared Public Way.** Construct, use, and maintain in-kind a paved area for shared vehicular, bicycle and pedestrian use within an approximately 25,770-square-foot area, including tactile warning paving and bollards to delineate vehicular and pedestrian-only areas;

7. **Pedestrian Walkways.** Construct, use, and maintain in-kind paved sidewalks within an approximately 11,871-square-foot area;
8. **Passenger Loading Zone.** Construct, use, and maintain in-kind a paved area for passenger loading and unloading within an approximately 1,510-square-foot area, including tactile warning paving and bollards to delineate vehicular and pedestrian-only areas;
9. **Pedestrian Plaza.** Construct, use, and maintain in-kind an approximately 2,119-square-foot pedestrian plaza, including seating, bicycle parking, and wayfinding;
10. **Elevated Pedestrian Walkways.** Construct, use, and maintain in-kind elevated pedestrian walkways along building frontages within an approximately 567-square-foot area;
11. **Commercial Loading Zones.** Construct, use, and maintain in-kind paved commercial loading zone areas within an approximately 1,503-square-foot area, including tactile warning paving and bollards to delineate vehicular and pedestrian-only areas; and
12. **Active Edge.** Construct, use, and maintain in-kind an approximately 256-square-foot area for commercial uses such as outdoor retail, cafes, restaurants, and entertainment, including seating, tables, and associated development.

At Channel Wharf (Pier 48 ½) (Exhibit H):

In the Bay and within the 100-foot Shoreline Band:

1. **Channel Wharf Plaza.** Construct, use, and maintain in-kind an approximately 6,700-square-foot public access plaza, including benches, seating areas, and trash receptacles.

In All Areas of the Commission's Shoreline Band Jurisdiction:

1. **Temporary and Interim Uses and Improvements.** During project construction only, construct, use and maintain temporary and interim uses and improvements, such as temporary roads and recreational trails and staging areas; and
2. **Special Events.** Conduct special events including set-up, dismantling, and associated cleaning and maintenance, subject to limitations (see "Special Events" below).

Bay Fill: The proposed project would result in the placement of approximately 1,500 square feet of new Bay fill to allow for the construction of a public access dock and boat launch.

Public Access: The proposed project would result in the construction of approximately 5.97 acres of new or improved public access areas. This includes an approximately 3.64-acre area within the Commission's permitting jurisdiction, and an approximately 2.97-acre area outside the Commission's permitting jurisdiction. Of the 6.61 acres of public access areas proposed, approximately 2.11 acres are already permanently guaranteed by existing BCDC permits as public access areas.

Public access areas are generally available to the public for unrestricted access for walking, bicycling, sitting, viewing, fishing, picnicking, swimming, boating, and related purposes, except where use is more specifically prescribed as described below, and subject to certain limitations during special events, also described below. The public access areas would be permanently guaranteed for public uses and maintained through funds generated by a Mello-Roos Communities Facilities District established for the project.

At China Basin Park (Exhibit G):

The approximately 4.4-acre park would include approximately 3.85 acres of public access and planted areas, and 0.57 acres of retail, restaurant space, shoreline protection, and other non-public access uses. The park would include the following required public access areas:

1. **Gateway Plaza.** At the west end of the park, an approximately 20,020-square-foot area including paths, open paved areas, seating, bicycle parking, public art, and wayfinding;
2. **Bay Trail and Secondary Multi-Use Trails and Pedestrian Circulation Areas.** A minimum 16-foot-wide clear paved segment of the San Francisco Bay Trail, a network of secondary minimum 6-foot-wide multi-use trails, a minimum 12-foot-clear Pedestrian Promenade, an overlook, and pedestrian circulation areas, covering an approximately 49,668-square-foot area;
3. **Picnic Area.** An approximately 5,022-square-foot area at the Pier 48 “knuckle wharf,” including picnic tables, site furnishings, benches, and trash and recycling receptacles;
4. **Active Recreation.** An approximately 30,836-square-foot active recreation area, including a lawn area, pathways, seating, recreational facilities (such as a baseball field, with appropriate safety enclosures and offsets from paths), seating and other site furnishings, and planted areas;
5. **Great Lawn.** An approximately 42,310-square-foot open passive lawn area, including trees and planted areas;
6. **Boat Launch.** An approximately 1,500-square-foot public access dock suitable for launching of small non-motorized watercraft;
7. **Public Restroom.** At least one public restroom facility, located within a café or another structure; and
8. **Stormwater Treatment Planters.** Approximately 18,261 square feet of stormwater treatment planters, including plantings selected and maintained to provide ecological benefit and to be resilient to flood events.

At Terry Francois Boulevard (Exhibit H):

1. **Bay Trail.** A minimum 16-foot-wide, approximately 1,180-foot-long paved multi-use trail, covering approximately 22,505 square feet, and adjacent seating, lighting, and public art;
2. **Pedestrian Walkways.** Approximately 16,564 square feet of paved walkways, including site furnishings and lighting fixtures;

3. **Pedestrian Plaza.** An approximately 2,119-square-foot paved plaza with seating, bicycle parking, and wayfinding.

The following facilities would function as public access areas available for pedestrians and bicycles when not in use by vehicular traffic, deliveries, loading/unloading, etc.

4. **Shared Public Way.** An approximately 26,285-square-foot paved area for shared vehicular, bicycle, and pedestrian use, including tactile warning paving and bollards separating vehicular areas from pedestrian areas; and
5. **Passenger Loading Zone.** An approximately 1,510-square-foot paved area with tactical warning paving and bollards separating vehicular areas from pedestrian areas.

At Channel Wharf (Pier 48 ½) (Exhibit H):

1. **Channel Wharf Plaza.** An approximately 6,700-square-foot plaza with benches, seating areas and trash receptacles.

At Mission Rock Square (Exhibit I):

The approximately 1.09-acre park would include approximately 1.02 acres of public access and planted areas, and 0.07 acres of retail or café space. The park would include the following required public access areas:

1. **Central Gathering Space.** An approximately 17,785-square-foot open passive use area with planting;
2. **Circulation, Public Plazas, Decks and Other Gathering Spaces.** An approximately 16,001-square-foot area, including minimum 6-foot-wide pedestrian throughways, hardscape public plaza areas, furnished decks, and boardwalk areas;
3. **Public Restroom.** At least one public restroom facility located within a café or another structure; and
4. **Stormwater Treatment Planter.** An approximately 6,000-square-foot planted stormwater treatment planter.

At Channel Lane (Exhibit I):

1. **Channel Lane Plaza and Waterfront Passage.** An approximately 4,910-square-foot public circulation plaza and associated planted areas.

Schedule and Cost:

Site preparation activities for construction of the proposed project would begin as early as 2019 and occur over four major phases (see Exhibit E). The Development Agreement between Seawall Lot 337 Associates and the Port establishes a schedule of performance with target dates and outside dates by which construction of each phase is to commence and complete.

- Phase 1 is targeted to commence construction by 2020 and complete construction by 2022, and would include development blocks A, B, G, and K, and China Basin Park. China Basin Park would open prior to occupancy of any of the buildings in development blocks A, B, G, and K.

- Phase 2 is targeted to commence construction by 2023 and complete construction by 2025, and would include development blocks C, D1, and D2 (including a centralized parking lot), the public boat launch, and improvements to a portion of the public access area at Channel Wharf (Pier 48 ½), and interim bicycle and pedestrian improvements to Terry Francois Boulevard. The public boat launch and improvements to Channel Wharf would be completed prior to occupancy of any of the buildings in development blocks C, D1, and D2.
- Phase 3 is targeted to commence construction by 2026 and complete construction by 2028, and would include development blocks F and E, Mission Rock Square, and Channel Lane. Mission Rock Square and Channel Lane would be completed prior to occupancy of any of the buildings in development blocks F and E.
- Phase 4 is targeted to commence construction by 2029 and complete construction by 2031, and would include development blocks H, I, and J and the reconstruction of Terry Francois Boulevard as a shared street. Terry Francois Boulevard would be reconstructed prior to occupancy of any of the buildings in development blocks H, I, and J.

The estimated total project cost is approximately \$1.9 billion.

Staff Analysis

Issues Raised: The staff believes that the primary issues raised by the application are (1) whether the proposed fill for the project is consistent with the McAteer-Petris Act and Bay Plan policies on allowable fill of the Bay; (2) whether the proposed public access is the maximum feasible consistent with the project, consistent with the McAteer-Petris Act and Bay Plan policies on Public Access, including related to sea level rise; (3) whether the proposed project is consistent with Bay Plan policies on Recreation; (4) whether the project is consistent with Bay Plan policies on Appearance, Design and Scenic Views; and (5) whether the project is consistent with Bay Plan policies on Public Trust.

- A. **Allowable Fill.** Section 66605 of the McAteer-Petris Act provides that further filling of the Bay may be authorized by the Commission only when public benefits from fill clearly exceed public detriment from the loss of water areas and is limited to water-oriented uses or minor fill for improving shoreline appearance or public access to the Bay. Additionally, fill of the Bay should be authorized only if: no alternative upland location is available for such purpose; the water area authorized to be filled is the minimum necessary to achieve the purpose of the fill; harmful effects to the Bay and its waters are minimized; the fill is constructed in accordance with sound safety standards; the fill establishes, to the maximum extent feasible, a permanent shoreline; and, the applicant has valid title to the property in question.

Bay Plan policies on Filing for Public Trust Uses on Publicly-Owned Property Granted in Trust to a Public Agency by the Legislature state, in part: "Filing should be approved... if the Commission finds that the filling and use proposed on the fill are consistent with the Public Trust Doctrine, the terms of the legislative trust grant, and with a Special Area Plan for the area that the Commission has found: a. Is necessary to the health, safety, and welfare of the public in the entire Bay Area; and b. Provides for major shoreline parks, regional access facilities, removal of existing pile-supported fill, open water basins, increased safety of fills, mechanisms for imple-

mentation, enhanced public views of the Bay, and other benefits to the Bay, all of which exceed the benefits that could be accomplished through BCDC's permit authority for individual projects through the application of other Bay Plan policies."

The applicants propose to install a floating boat launch for public use that would result in filling approximately 1,500 square feet of the Bay. The footprint of the launch is minimal and of a size appropriate for the anticipated level of use. No dredging would be required, and the design of the launch would not require installation of piles.

The Commission should determine whether the proposed fill for the project is consistent with the McAteer-Petris Act and Bay Plan policies on allowable fill of the Bay.

- B. Maximum Feasible Public Access.** Section 66602 of the McAteer-Petris Act states, in part, that "...existing public access to the shoreline and waters of the...[Bay] is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." Bay Plan Public Access Policy No. One states: "A proposed fill project should increase public access to the Bay to the maximum extent feasible, in accordance with the policies for Public Access to the Bay." Bay Plan Public Access Policy No. Two states, in part: "...maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline..."

1. **Public Access Impacts and Benefits.** In assessing whether a proposed project increases public access to the Bay and its shoreline, the Commission considers the existing conditions at the project site, the proposed public access improvements provided by a project, and the existing and future demand for public access facilities. The McAteer-Petris Act and Bay Plan policies must be read in light of court decisions that have established 1) that a public agency must show a nexus, or essential connection, between any requirements included as a condition of a permit and the public burden created by a private development project, and 2) that the condition must be roughly proportional to the burden.

In this case, the Commission must evaluate the demand for public access that the Mission Rock project would generate and its anticipated impact on the existing and proposed public access at and near the project site.

- a. **Anticipated Public Access Demand.** The employment, housing and population growth associated with the proposed project is expected to generate greater demand for public access on the Bay shoreline at and in the vicinity of the project site. At buildout, the Mission Rock project could accommodate more than 9,000 residents and employees at the project site, as follows:
 - Between 2,350 and 3,570 residents (assumes a citywide average of 2.35 persons per household and between 1,000 and 1,600 residential units).
 - Between 4,260 and 5,820 employees in commercial space (office, retail, hotel, etc.) or on-site housing.

These estimates do not reflect short-term visitors at the park or to the retail and commercial establishments. No estimate has been provided as to the number of shoppers and visitors to the site anticipated as a result of the proposed 1.4 million gross square feet of office and retail space.

Use of the public access areas would be expected to increase sharply during the hour or two before and after games and events at AT&T Park (capacity of approximately 40,000 patrons), and to a lesser extent at the Chase Center (capacity of approximately 18,500 patrons). Some portion of the proposed 3,100-space shared parking garage would be used by patrons of these facilities during games and events.

Finally, the applicants propose that special events be held within the proposed public access areas. The application requests that smaller events that could be attended by up to 2,500 people during the course of a day be allowed to occur within each of the various public access areas on any given day, though it is not anticipated that events of that size would occur every day. Larger events, which could be held up to 118 days per year, could be attended by up to 10,000 people during the course of a day. The applicants have proposed certain limitations on special events to ensure that members of the public not attending an event could use at least some portion of each of the various public access areas at any given time. These limitations are discussed in more detail below (see "Special Events").

- b. **Existing Public Access at the Subject Site.** Public access to and along the shoreline exists at the subject site, including a shoreline park (China Basin Park) and a segment of the Bay Trail that runs through China Basin Park and along Terry Francois Boulevard.

China Basin Park is an approximately 92,000-square-foot (2.1-acre) public park that contains a large lawn, trees, a paved shoreline pathway (the Bay Trail), benches, picnic areas, a small baseball diamond, a statue, and interpretive elements. The park was authorized and required as a condition of the Commission's approval of BCDC Permit No. 1997.010, which also authorized the construction of AT&T Park on the opposite side of Mission Creek. The Pier 48 "knuckle wharf," which is a part of China Basin Park and used primarily for Bay viewing, constitutes approximately 3,000 to 4,000 square feet of BCDC-required public access (authorized and required under BCDC Permit Nos. M1997.004 and M1996.058). China Basin Park is used primarily for Bay viewing, picnicking, passive recreation, walking, jogging, bicycling, and youth baseball games. Use of the park is highest before and after baseball games and events at AT&T Park.

The Bay Trail along Terry Francois Boulevard consists of striped bicycle lanes and no dedicated pedestrian facilities. The bicycle lanes are authorized and required pursuant to BCDC Permit No. M1996.058, which also authorized maintenance facilities at Pier 48. The Bay Trail is used primarily by pedestrians, dog walkers, bicycle commuters and bicyclists on leisurely rides.

The proposed project would replace the existing public access facilities provided at the project site. China Basin Park would be roughly doubled in size. However, within the public access areas at China Basin Park that are at present available for free and unrestricted use by the public, approximately 18,261 square feet (0.42 acres) along the shoreline would be converted to stormwater treatment planters. The stormwater treatment planters would be attractively landscaped, but would be inaccessible to the public. An additional approximately 2,135 square feet of existing public access area would be converted to use as a retail café structure. The Bay Trail's alignment would change

within China Basin Park, moving inland away from the shoreline in places, and the trail width would be increased from approximately 10 feet to a minimum of 16 feet. Along the redesigned Terry Francois Boulevard, the Bay Trail would be expanded and improved as a minimum 16-foot-wide separated trail.

- c. **Existing Public Access Near the Subject Site.** Other public access exists nearby the subject site outside the boundaries of the proposed project. These facilities would reasonably be expected to see an increased level of use as a result of the addition of the new residents, employees, and visitors generated by the proposed project. Along the shoreline, and within approximately 0.5 miles of the project site (about a 10-minute walk for most people), the following public access facilities exist or are planned (Exhibit E):
- South Beach Park, including a playground and pedestrian breakwater structure (BCDC Permit No. 1984.002).
 - The “Portwalk” shoreline promenade and plazas adjacent to AT&T Park (BCDC Permit No. 1997.010).
 - Mission Creek Park and shoreline promenade areas, including Fifth Street Square Neighborhood Park, Pumphouse Park, sports facilities, and the UCSF public boat launch (BCDC Permits No. 1976.011 and 2000.005).
 - An approximately 2,200-square-foot public access area for Bay viewing adjacent to ATWater Tavern on the Pier 48 ½ marginal wharf structure (BCDC Permit No. M2014.042).
 - Bayfront Park, under construction at time of publication of this application summary (BCDC Permit No. 2000.005).
- d. **Proposed Public Access Areas.** The proposed project would involve construction or improvements to approximately 6.61 acres of public spaces, including parks, planted open space areas, pedestrian paseos, and squares. This represents approximately 30 percent of the 21-acre project site. As proposed, the project would provide approximately 30 square feet of shoreline public access for each new resident and worker anticipated at the site as a result of the project.

Within the Commission’s jurisdiction, the applicants propose to construct public access improvements at China Basin Park, along Terry Francois Boulevard, and at the Pier 48 ½ marginal wharf (Channel Wharf). Outside the Commission’s jurisdiction, the applicants propose to construct public access improvements at China Basin Park, Mission Rock Square, and Channel Lane.

The following is a brief summary of the proposed public access areas that would be newly constructed or improved as part of the proposed project:

- *Expansion of and Improvements to China Basin Park.* China Basin Park would be roughly doubled in size, from 2.1 to 4.4 acres in size (approximately 3.85 acres of which would be for public access and planted areas, and 0.57 acres of which would be utilized for retail, cafes, shoreline protection, and other non-public access purposes). Program elements of the existing park would be retained, though they would be redesigned and/or relocated. These program elements include a shoreline

promenade, passive lawn, a junior baseball diamond (or other similar active recreation facilities), picnic facilities, seating, and a Bay overlook at the knuckle wharf. New program elements would include public plazas, a boat launch, planted areas, a public restroom, permanent or temporary public art installations, and public programming and special events.

- *Improvements to Terry Francois Boulevard.* At Terry Francois Boulevard, the Class II bicycle lanes that currently constitute the Bay Trail would be replaced by a separated 16-foot-wide multi-use trail lined with furnishings, lighting, and pavement markers. The remainder of the street would be redesigned as a shared street that could accommodate pedestrian and bicycle traffic when not in use by vehicles, including trucks accessing businesses at Piers 48 and 50. Traffic calming measures would be incorporated at the south end of Terry Francois Boulevard at the Mission Rock Street intersection. The north end of Terry Francois Boulevard would terminate in a pedestrian plaza at the foot of China Basin Park. At the plaza, emergency vehicle access and short-term passenger and cargo loading and unloading would be provided. Terry Francois would be redeveloped in Phase 4 of the project. In the interim, pavement markings and striping would be installed in Phase 2 to better delineate areas of public access (such as bike lanes).
 - *New Public Plaza at Pier 48 ½.* At Pier 48 ½, a new, approximately 6,700-square-foot public plaza (Channel Wharf) would be provided in Phase 2, including benches, seating areas and trash receptacles. The plaza would end several feet inland from the edge of the marginal wharf, as the edge of the wharf is in need of structural repair that would be expected to occur as part of a future project to rehabilitate Pier 48.
 - *New Mission Rock Square Park and Plaza.* The approximately 1.02-acre Mission Rock Square would be constructed at the center of the project site and feature a large lawn or other central gathering area and plaza. The park would include a large multi-use area at the center of the square to accommodate large events. A sculpture or small structure would be included in the square and serve as a meeting spot. An open view to the Bay through Mission Rock Square from Third Street would be preserved by the park's design. Mission Rock Square would also feature a storm-water treatment garden, spaces with seating and furnishings, and a small permanent retail and food structure that would contain public restrooms.
 - *New Channel Lane Pedestrian Plaza.* Channel Lane would be constructed as an approximately 4,910-square-foot pedestrian-only plaza area connecting Mission Rock Square to Terry Francois Boulevard, and Channel Wharf beyond it. It would form part of the axis that provides a direct east-west pedestrian connection between Third Street and the Bay.
2. **Comparable Projects Approved by the Commission.** The Commission considers its previous actions on comparable projects to help inform a decision about whether public access proposed as part of a project represents the maximum feasible scope and type consistent with the project. The Commission has approved three redevelopment projects at a scale similar to the proposed Mission Rock project (Table 1): the redevelopment of Treasure Island/Yerba Buena Island and the Mission Bay neighborhood in the City and County of San Francisco, and the Brooklyn Basin redevelopment project in the City of Oakland, Alameda County.

- The Treasure Island/Yerba Buena Island Redevelopment Project (BCDC Permit No. 2016.005) involved a high-density mixed-use community, housing approximately 18,640 residents and accommodating 2,920 workers. The permit required approximately 55 acres (2,399,902 square feet) of public access within the Commission's jurisdiction. For each resident and worker utilizing the site on a daily basis, the project provided approximately 108 square feet of shoreline public access area.
- The Mission Bay Redevelopment Project (BCDC Permit No. 2000.005) involved the redevelopment of the Mission Bay neighborhood in San Francisco—the larger district within which the subject Mission Rock project is being developed—into a high-density mixed-use community, housing approximately 11,000 residents and accommodating 30,000 workers. The permit required approximately 16.7 acres (729,232 square feet) of shoreline public access both inside and outside of the Commission's jurisdiction, in a series of parks along Mission Creek and the Bay shoreline. For each new resident and worker generated by the Mission Bay Redevelopment Project, the project provided approximately 18 square feet of shoreline public access area.
- The Brooklyn Basin Development Project (BCDC Permit No. 2006.007) involved the redevelopment of an industrial area at the Port of Oakland. The Brooklyn Basin project included housing and retail space for approximately 5,061 residents and workers. The permit required approximately 22 acres (965,000 square feet) of shoreline public access both inside and outside of the Commission's jurisdiction in a series of large-scale parks along the Oakland Estuary. For each resident and worker utilizing the site on a daily basis, the project provided approximately 192 square feet of shoreline public access area.

The proposed Mission Rock project is an urban infill project within a 21-acre area. The subject project is smaller than the comparison cases in terms of its overall project area, and it provides the least total area of public access. However, when expressed as a proportion of the overall project site, the Mission Rock project provides a roughly comparable amount of public access area to the Brooklyn Basin Development Project in Oakland. Of the 21-acre site, approximately 30 percent is provided as new or improved public access, compared to 36 percent of Brooklyn Basin's 62-acre project site. The Mission Rock project would provide a far greater percentage of its overall project area as guaranteed shoreline public access than the Treasure Island/Yerba Buena Island and Mission Bay Redevelopment Projects. Those projects involved redevelopment of several hundred acres, including large areas located some distance inland of the shoreline. Thus, a smaller share of the total project area would be expected to be provided as shoreline public access for those projects compared to the subject project.

Table 1. Public Access Provided in Comparable BCDC-Approved Projects

Project Name and BCDC Permit No.	Number of Residents and Workers	Total Project Area	Public Access Area Required/Proposed	Public Access as a Percentage of Total Project Area	Area of Public Access Provided Per Resident/Worker
Treasure Island/Yerba Buena Island Redevelopment, BCDC Permit No. 2013.005	21,560	461 acres	55.09 acres	11%	108 sf
Mission Bay Redevelopment, BCDC Permit No. 2000.005	41,000	305 acres	17.20 acres	6%	18 sf
Brooklyn Basin Development, BCDC Permit No. 2006.007	5,061	62 acres	22.15 acres	36%	192 sf
Proposed Mission Rock Project	9,390	21 acres	6.61 acres	30%	30 sf

The subject Mission Rock project is the among the densest urban infill projects ever considered by the Commission. It will provide housing and workplaces for potentially more than 9,000 people at full build-out. For each of the new residents and workers at the project site, an area of approximately 30 square feet would be provided as new or improved shoreline public access. This is far less area per person than the equivalent provided at Treasure Island/Yerba Buena Island and Brooklyn Basin, where 108 and 192 square feet of shoreline public access area respectively was provided per new resident or worker. However, these projects differ in that they are located within comparatively less dense urban environments. The Mission Bay Redevelopment Project, the larger district within which the Mission Rock project is located, is a better comparison. The Mission Bay project provided a roughly comparable proportion of shoreline public access area—18 square feet for each of its projected new residents and workers. In comparison, the Mission Rock project would provide approximately 30 square feet of new or improved shoreline public access for each new resident and worker anticipated at the site as a result of the project.

The Mission Rock project also differs from the comparison projects in that in addition to construction of new public access areas, it involves improvements to (and expansion of) an existing required shoreline park. The majority of the Mission Rock project is located outside of the Commission’s jurisdiction. Within the Commission’s jurisdiction, most of the Mission Rock project includes public access, a shared public way (Terry Francois Boulevard), and limited commercial space.

3. **Permanent Guarantee.** Bay Plan Public Access Policy No. Six states, in part: “Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed.” The application for the subject project proposes to permanently guarantee public access areas at China Basin Park, on Terry Francois Boulevard, at Channel Wharf (Pier 48 ½), at Mission Rock Square, and on Channel Lane.

The Commission typically requires that public access required as a condition of development be made available exclusively to the public for unrestricted access for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes. In some cases, the Commission has permitted certain restrictions on public use of public access areas, such as during special events. Special events, such as those proposed as part of the subject permit application (see “Special Events” section below), entail time-limited restrictions of the public’s use of a public access area, but may also help to draw visitors to the waterfront and provide for a variety of activities on the waterfront that help to serve the needs of a diverse population.

Some public access areas do not lend themselves to unrestricted public access. Planted areas, if attractively designed, provide a benefit to the public but do not provide for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes. At China Basin Park, the proposed project includes roughly 18,261 square feet of stormwater treatment plantings at the shoreline that would not be available for unrestricted public access. Mission Rock Square also includes roughly 6,000 square feet of stormwater treatment plantings that would not be available for unrestricted public access.

Portions of Terry Francois Boulevard are subject to limitations on public use, as well. The drive aisle and loading zones on the “shared” street would function essentially as an extension of the Bay Trail except during periods when being used for vehicular traffic, loading/unloading, and deliveries to Piers 48 and 50 and the mixed-use buildings lining the inland side of the street.

Therefore, of the public access areas included as part of the subject application, approximately 5.42 acres would be provided for unrestricted public access uses, except as limited for special events as detailed below. Another 1.23 acres would not be available for unrestricted public access, but would still serve some public benefit, either because the area provides for an attractive public space (e.g., planted stormwater gardens) or doubles as public access area when not in use for another purpose (e.g., the “shared” street).

4. **Special Events.** The applicants propose programming to draw people to the waterfront and public access areas, extend their stay once there, and to provide reasons for return visitors. The application states:

“Programming with a wide array of activities that appeal to different groups of people will help to bring people to the spaces who otherwise may not spend time there, and attract them at varying times of day. The more visitors a space draws and retains, the more it is seen as inviting by other potential users; not only will the spaces be more attractive, but they’ll also be safer. Programming and events will be especially important in China Basin Park, which is intended to be a regional serving facility. On ballpark event and game days, programming in China Basin Park should complement the uses

around the ballpark, and tailor programming to accommodate event attendees. On days when events are not being held at the ballpark, programming will bring people who seek unique experiences and an active outdoor environment to Seawall Lot's public realm. It is particularly important to generate rich programming and amenities to serve populations in the region that lack sufficient open space and services within open spaces."

The Commission's advisory Public Access Design Guidelines for the San Francisco Bay state: "While some shoreline areas are best suited for quiet and contemplative public spaces, others lend themselves to be used for large public gatherings, such as festivals, outdoor markets or exhibits... Within every project, public access should be designed to respect all visitors' experiences of the Bay. Highly active uses should always be balanced with opportunities for passive activities, such as strolling, viewing and relaxing." The Commission has authorized special events within public access areas at various locations around the Bay shoreline, including on the San Francisco Waterfront, that it found lent themselves to large public gatherings. The Commission has generally imposed special conditions upon its authorization for such events in order to somehow limit the scope, size, duration or type of events allowed, always with the objective of maintaining useable and functional public access area for a wide range of users regardless of whether or not they wish to participate in special events.

As part of the Mission Rock project, the applicants propose to program special events in any of the public access areas at the project site throughout the year. Examples of special events listed in the permit application include free outdoor movies, free or paid fitness classes (e.g., yoga, tai chi, boot camps), live music (e.g., free or paid concerts), children's programming (e.g., puppet shows, story hours, paid music classes), picnicking festivities, and pre-game sports events. Most of the special events proposed by the applicants include events open to the general public, though some would require advanced registration or tickets. Some events would be free, while others would require payment or encourage a donation from participants.

A smaller share of the special events envisioned by the applicants are not public events and entry would be allowed only upon invitation. These might include private use of public access areas by attendees of large conferences, charity events, and so forth. The applicants also envision that regular use of public access areas would occur for promotional activities for products or events. These might include kiosks, mobile marketing tours, or events sponsored by a company promoting a product.

The applicants propose that special events or assembly uses could occur on any given day within any of the public access areas provided by the project, with certain limitations on the number, type, and duration of events that may occur in each public access area (i.e., China Basin Park, Mission Rock Square, Terry Francois Boulevard, Channel Wharf, Channel Lane). The limitations are as follows:

- Events with a footprint larger than 10,000 square feet are generally limited in duration to 10 consecutive days, including setup and breakdown. The Port Director may grant exemptions for seasonal and periodic attractions or amusements that provide public or cultural benefits, such as ice skating rinks, holidays, fairs, rides, and art installations.

- Free public events that are “small”—meaning they occupy less than 10,000 square feet of a public access area—may occur on any given day. No more than two unrelated small events that collectively occupy more than 10,000 square feet of any given public access area may occur simultaneously.
 - Free public events that are “medium”—meaning they occupy more than 10,000 square feet but less than 30 percent of a public access area—may occur on up to 100 days during the year, provided they do not exceed four weekend days per month within China Basin Park or six weekend days per month at Mission Rock Square.
 - Ticketed public events (which may be free or require purchase of a ticket) may occur on 24 of the 100 “medium” event days within China Basin Park and Mission Rock Square.
 - Promotional activations may occur within any public access area on up to 50 days per year, but are limited to a total maximum of 5,000 square feet in no more than four locations.
 - Private events may occur a maximum of 18 days per year.
5. **Interim Public Access Impacts and Improvements.** The project is to be developed in multiple phases over a period of approximately ten years. During construction, existing public access facilities at the project site, including China Basin Park and the Pier 48 knuckle wharf, would be closed for some period of time to allow for construction activities. Construction within China Basin Park is anticipated to last approximately two years. The Bay Trail would also need to be closed and/or rerouted to permit for construction activities. These activities would result in temporal loss of shoreline public access. The proposed project does not identify when or for how long existing facilities would need to be closed to accommodate construction, however the applicants indicate that detours and associated signage would be provided during closures required by construction activities.

The redevelopment of Terry Francois Boulevard is proposed as part of the final project phase, Phase 4, targeted to complete construction by February 2025. Prior to construction of Phase 4, the applicants propose temporary improvements to Terry Francois Boulevard in the area between Mission Rock Street and China Basin Park to enhance the Bay Trail. These improvements would be minimal and consist of repaving, restriping, and pavement markings to designate bike and pedestrian circulation corridors.

6. **Sea Level Rise and Flooding.** Regarding the potential effects of sea level rise on public access, Bay Plan Public Access Policy No. Four states: “Public access should be sited, designed, managed, and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding.” Public Access Policy No. Six states: “...Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby.”

Within its 100-foot shoreline band jurisdiction, the Commission may deny an application for a permit only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project, to the Bay and shoreline. Therefore, the Commission has limited authority regarding sea level rise over most shoreline development.

For example, for this and other proposed projects, the Commission does not have the authority to review the developed areas, such as buildings and other private areas, for issues related to seismic safety or potential impacts from future sea level rise. Sea level rise resilience and adaptation requirements imposed by the Commission must pertain to the public access areas. To ensure maximum feasible public access is provided as part of the project, proposed public access must remain safe, available for use, resilient, and if warranted, be adapted as sea level rises over the life of the project.

The subject permit application includes a Sea Level Rise Risk Assessment and Adaptation Strategy prepared by Moffat and Nichol, dated November 21, 2017 (revised February 16, 2018). This memorandum includes a risk assessment and adaptation strategies based on sea level rise projections that are consistent with the recommendations found in the recently updated State of California Sea-Level Rise Guidance (State Guidance), which represents the current best available scientific data available found on sea level rise projections. The State Guidance recommends use of probabilistic projections to understand and address potential sea-level rise impacts, which associate a likelihood of occurrence with sea-level rise heights and rates tied to a range of emissions scenarios. The memorandum includes conservative sea-level rise projections that assume large scale ice melt on the basis that the proposed development represents a large new urban neighborhood and the risk of regular inundation would be high.

- a. **Vulnerability of Project Site.** The subject permit application includes a memorandum prepared by Moffat and Nichol, dated November 21, 2017 (revised February 16, 2018), which evaluates coastal flooding and sea level rise risk at the project site today, at 2030, at mid-century (2050), and at the end of the century (2100). According to the memorandum, at present day, “existing conditions, even extreme high tides, including the 100-yr return period combined tide and storm surge, do not pose a threat to the site because site grades are higher. However, the freeboard (distance above the 100-yr water level) is small, and storm waves combined with high tides could result in temporary wave overtopping along shoreline areas. With future sea level rise, the freeboard would be reduced even further, and the overtopping would become more frequent.”

The project site has grades that vary in elevation from +8.3 to +11.8 feet NAVD88, with most development proposed at an area that has an existing elevation of about +10.3 feet NAVD88. The Base Flood Elevation (BFE) at the project site is +9.7 feet NAVD88. BFE is the elevation to which flood waters are anticipated to rise during a 100-year flood event, which has a 1 percent chance of occurrence in any given year. The potential therefore exists for isolated flooding in limited low-lying areas, though this would only occur during an extreme flood event.

With regards to risk of flooding as a result of future sea level rise, the memorandum includes projections for future sea level rise, including estimates that assume large-scale ice melt. The inundation mapping of the project site provided as part of the memorandum shows that with 12 inches of sea level rise the site would experience no daily flooding, but during a 100-year storm event, large-scale flooding of the site would occur. With 36 inches of sea level rise, there would be some limited flooding of the site at low-lying areas on a daily basis, and the site would be fully inundated during a 100-year storm event (Exhibit J).

- b. **Overall Project Resiliency and Proposed Adaptation Response.** The memorandum outlines a sea level rise adaptation strategy for the project site centered around raising grades to accommodate projected end-of-century sea level rise estimates. All of the development blocks (which are outside the Commission’s jurisdiction) and interior public access areas (e.g., Mission Rock Square) would be raised to an elevation of +15.2 feet NAVD88, an elevation at which no adaptations would be required to avoid inundation from flooding at end of century, assuming sea level rise of 66 inches. Portions of China Basin Park would also be raised as high as +15.2 feet NAVD88 and would slope down to existing grade.

Other areas of the project site, including Terry Francois Boulevard, would remain at or near the current grade to maintain connections to existing City streets and Piers 48 and 50. Street grades at low-lying connection points would be raised in the future as necessary if the grades of adjacent streets are raised. The adaptation plan includes triggers for implementation of identified adaptation measures (Exhibits K and L).

- c. **China Basin Park Resiliency and Proposed Adaptation Response.** China Basin Park would be constructed at a grade that would protect the majority of the park from regular flooding during a storm event and assuming 66 inches of sea level rise. The grade of China Basin Park would be elevated to +15.3 NAVD88 at its highest point, along the pedestrian-only Park Promenade along the south edge of the park. The Bay Trail and most of the rest of China Basin Park would be raised to an elevation of at least +13.3 feet NAVD88, which would not be inundated even in a 100-year storm until around 2075 based on the projections utilized in the memorandum. The portions of the park Bayward of the Bay Trail (primarily stormwater treatment gardens) could be overtopped by waves or flooded under extreme storm conditions beginning at around 42 inches of sea level rise. The southeast portion of China Basin Park would be subject to inundation in the area where the grade lowers to meet Terry Francois Boulevard during an extreme storm event with 12 inches of sea level rise (around 2030 in the high sea level rise scenarios established in the memorandum). The applicants propose a two-phased adaptation strategy for China Basin Park, with the first phase to address the flooding of the low-lying areas near Terry Francois Boulevard and the second phase to address flooding that could occur after mid-century:

- “Adaptation Phase 1: When 8-inches of SLR has occurred, planning for Phase 1 of Adaptation would be initiated to address potential flooding from the northern portion of [Terry Francois Boulevard]. Simple adaptations such as raising the portion of [Terry Francois Boulevard] north of the entrance to Pier 48 or building an accessible berm at the end of [Terry Francois Boulevard] would be implemented to protect against an additional 30-inches of SLR. Based on the NRC worst-case projections, there would be about 9 years between when SLR increases from 8-inches to 12-inches, which would be sufficient to plan, permit, and build the minor adaptation in this reach. Over this 9-year period, if extreme high tides and storms were to occur simultaneously (tides much larger than King Tides couples with strong winds), the southeastern portion of the Park would experience very minor, storm-duration wave overtopping.”

- “Adaptation Phase 2: When 36-inches of SLR has occurred, planning for Phase 2 of Adaptation would be initiated to identify areas of concern where flooding is adversely affecting public uses and to develop potential adaptation measures. Simple adaptations such as raising the trail in place by 24-inches or building seat-wall barriers (walls that function as public seating areas) along the Bay side of the trail would be adequate to protect against end-of-century SLR estimates of 66-inches. Based on the NRC worst-case projections, there would be about 7 years between when SLR increases from 36” to 42”, which would be sufficient to plan, permit, and build the minor trail improvements that are foreseen as adaptations along the Park perimeter. Over this 7-yr period, if extreme high tides and storms were to occur simultaneously (tides much larger than King Tides coupled with strong winds), the Park would experience very minor, storm-duration wave overtopping.”

The applicants indicate that occasional inundation of flood waters would occur in the stormwater treatment planters that would be Bayward of where shoreline protection proposed for Adaptation Phase 2 would be installed. However, the applicant would plant saline-tolerant or climate-appropriate plant species within the stormwater treatment planters so that they would survive and continue to function in the case of inundation.

- d. **Terry Francois Boulevard Resiliency and Proposed Adaptation Response.** The applicants propose to maintain Terry Francois Boulevard at its existing elevation of approximately +11 feet NAVD88 due to the need to maintain connectivity to Piers 48 and 50. The Moffat and Nichol memorandum indicates that the elevation of the roadway is high enough that significant flooding would not occur until sea level rise of about 12 inches has occurred. Because the applicants anticipate that Pier 48 will be redeveloped at a future date, the adaptation strategy for Terry Francois Boulevard includes two variants: a two-phased adaptation response in the event that Pier 48 is not redeveloped or redeveloped at a later time than currently anticipated, and an alternative adaptation response in the event Pier 48 is rehabilitated in the near future:
- “Adaptation Phase 1 (without Pier 48 Rehabilitation): When 8-inches of SLR has occurred, interim adaptation measures along the eastern edge of [Terry Francois Boulevard] and in the vicinity of the Mission Rock St/[Terry Francois Boulevard] intersection will be implemented. Measure will entail construction of seat-wall barriers along Channel Wharf and the overlook structures at the north end of Pier 48 (or elevating the trail by 24-inches), installing flood-gates at the entrances to Pier 48 for continued access, and installing flood-gates across [Terry Francois Boulevard] near the Mission Rock St/[Terry Francois Boulevard] intersection. The intent will be to protect against a total of 36-inches of SLR. The 9-yr period that would be available between when SLR increases from 8-inches to 12-inches would be adequate for planning, designing, and implementing the adaptations. Over this 9-yr period, if extreme high tides and storms were to occur simultaneously (tides much larger than King Tides coupled with strong winds), [Terry Francois Boulevard] would experience minor, storm-duration wave overtopping.”

- “Adaptation Phase 2 (without Pier 48 Rehabilitation): If Pier 48 is not rehabilitated by the time a SLR of 36-inches has occurred, it may not be practical to have commercial or other uses in the Pier continue because it could be flooded frequently. Therefore, adaptation for this scenario assumes building an elevated trail along where the historic seawall exists, with a seat-wall barrier on top of the elevated trail to provide viewing corridors and to protect against 66-inches of SLR.”
 - Adaptation (with Pier 48 Rehabilitation): If Pier 48 were to be rehabilitated, the design for that project would have to have to comply with the Commission’s sea level rise law and policies at that time and any required adaptations would need to be designed to complement and tie in with other improvements on-site. Depending on design features of the Pier 48 project, required adaptations for the SWL 337 project could include raising the ends of the internal streets where they intersect with Terry Francois Boulevard.
- e. **Mechanism to Fund Future Adaptation Responses.** The City and County of San Francisco established a Mello-Roos Community Facilities District (CFD) for the Mission Rock development area on February 13, 2018. Long-term financing for sea level rise adaptation measures would be provided for at least in part by funds generated by the CFD, which will have a dedicated account upon which to draw for the cost of implementing such measures.
7. **Barrier-Free Access.** Bay Plan Public Access Policy No. Four states in part: “Public access improvements provided as a condition of any approval... should permit barrier free access for persons with disabilities to the maximum feasible extent...”
- The applicants state that pathway and park areas would comply with all legal requirements for accessible design, including ADA requirements. Primary circulation routes to and within China Basin Park would be universally accessible, and ADA-compliant means of access would be provided to all park users. For example, in China Basin Park, key connections such as the Bay Trail and Park Promenade would include sloped walks instead of ramps, and exterior grading would be coordinated with building finish floor elevations to enable smooth transitions at ground-level entrances. Paving on the Bay Trail would be of materials that are designed to be comfortable for walking running, bicycling, and stroller and wheelchair use. Terry Francois Boulevard, which would be reconstructed as a shared public way, would be a curbsless street. Special paving such as truncated domes and planted features would provide a continuous detectable warning or separation between pedestrian paths and the roadway. Accessibility ramps would link the sidewalks and shared public way to building frontages along Terry Francois Boulevard.
8. **Movement to and Along the Shoreline.** Bay Plan Public Access Policy No. Seven states, in part: “Public access improvements provided as a condition of any approval...should be designed and built to encourage...movement to and along the shoreline.” Bay Plan Public Access Policy No. Nine states, in part: “Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available...” Bay Plan Public Access Policy No. Ten states, in part: “Roads near the edge of the water should

be designed as scenic parkways for slow-moving, principally recreational traffic. The roadway and right-of-way design should maintain and enhance visual access for the traveler, discourage through traffic, and provide for safe, separated, and improved physical access to and along the shore...”

The proposed project would result in a new public street grid of 11 blocks, most of which would be less than 200 feet in length. Two new public rights-of-way (Exposition Street and Long Bridge Street) would be established connecting Third Street to Terry Francois Boulevard. Bridgeview Street would be extended from Mission Rock Street to China Basin Park, and another north-south shared public way would run between China Basin Park and the parking garage at the southwest corner of the project area. Channel Street is proposed as an east-west pedestrian connection. The project proponents indicate that an unimpeded view from Third Street to the Bay would be provided at Channel Street.

At the east end of the project site, Terry Francois Boulevard would be redesigned as a waterfront shared public way to allow a mix of commercial vehicular traffic, loading and unloading zones, and shared bicycle and pedestrian access. The street level would be maintained at existing grade and connect the Bay Trail with China Basin Park to the north. The Bay Trail would be separated from the shared multi-use public way by furnishings, lighting, contrasting paving, and other visual or tactile detection cues, yet remain flush to the roadway to create a continuous public realm. The north end of the Boulevard would terminate in a paseo and transition into China Basin Park. At the paseo area, emergency vehicle access and short-term passenger and cargo loading and unloading would be provided. Traffic calming measures would be incorporated at the south end of Terry Francois Boulevard at the Mission Rock Street intersection.

9. **Diverse Bay-Related Activities.** Bay Plan Public Access Policy No. Seven states, in part: “Public access improvements provided as a condition of any approval... should be designed and built to encourage diverse Bay-related activities....”

The proposed project would redevelop the existing public access facilities that exist at the project site. The Bay Trail would be widened to a minimum 16-foot-wide multi-use trail through China Basin Park and along Terry Francois Boulevard. At China Basin Park, existing facilities—including a shoreline promenade, passive lawn, seating areas, and junior baseball diamond—would be replaced by upgraded and in some cases enlarged facilities to accommodate additional users.

The proposed project provides new public access improvements that would encourage new Bay-related uses at the project site. These facilities include a public access dock and boat launch, which would allow for access to the Bay that does not currently exist at the project site.

10. **Ongoing Maintenance.** Bay Plan Public Access Policy No. Seven states, in part: “Public access improvements provided as a condition of any approval... should include an ongoing maintenance program...”

The Development Agreement between the project developer, Seawall Lots 337 Associates, LLC, and the Port, establishes that responsibility for maintenance of all proposed public infrastructure, including public access facilities, falls to the project developer until such time as the facilities have been constructed and the Port accepts ownership of those facilities. Upon the acceptance of public infrastructure by the Port, maintenance and future capital

improvements to the proposed public access areas would be paid for through funds generated by a Mello-Roos Community Facilities District established for the Mission Rock development area. The Port may establish a trustee to manage and disperse funds for maintenance activities.

The Commission should determine whether the proposed public access is the maximum feasible consistent with the project and is consistent with the Bay Plan policies on Public Access.

- C. **Recreation.** Bay Plan Recreation Policy No. One states, in part: “Diverse and accessible water-oriented recreational facilities, such as launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels...”

Bay Plan Recreation Policy No. Four speaks to facilities that should be provided in waterfront parks such as China Basin Park. The policy states: “Recreational facilities that do not need a waterfront location, e.g., golf courses and playing fields, should generally be placed inland, but may be permitted in shoreline parks if they are part of a park complex that is primarily devoted to water-oriented uses, or are designed to provide for passive use and enjoyment of the Bay when not being used for sports.... Public launching facilities for a variety of boats and other water-oriented recreational craft, such as kayaks, canoes and sailboards, should be provided in waterfront parks where feasible... [L]imited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay.... Trails that can be used as components of the San Francisco Bay Trail...should be developed in waterfront parks. San Francisco Bay Trail segments should be located near the shoreline unless that alignment would have significant adverse effects on Bay resources...”

The proposed project would provide the following new or improved facilities for water-oriented recreation: a public access dock and boat launch, Bay viewing areas, a picnic area, a minimum 16-foot-wide segment of the Bay Trail along the perimeter of the project site, a network of secondary multi-use and pedestrian trails, active recreation facilities (including a small baseball diamond or similar facilities), a lawn, public plazas, bicycle parking, and seating areas. Public restroom facilities would be provided within China Basin Park and Mission Rock Square.

Within China Basin Park, the applicants propose to include an active recreation area that might include a small baseball diamond. Baseball diamonds do not require a waterfront location, though inclusion of a baseball diamond within a waterfront park is consistent with the Bay Plan Recreation policies related to waterfront parks as it is part of a complex that is primarily devoted to water-oriented uses. The applicants indicate that the baseball diamond would be constructed with appropriate safety enclosures and offsets from paths.

The proposed project would also include an approximately 3,000-square-foot waterfront café and retail kiosks within China Basin Park that, while not recreation facilities per se, would be incidental to the park use and which would be sited so as to not interfere with the use of the park for recreational users. Special events that are proposed within China Basin Park may place

recreational areas off-limits to general use by the public, however the applicants propose to limit such events to 30 percent of the total area of the park so that some areas remain available for recreational users at all times.

The Commission should determine whether the proposed project would be consistent with Bay Plan policies on Recreation.

- D. **Appearance, Design, and Scenic Views.** Bay Plan Appearance, Design, and Scenic Views Policy No. Two states, in part: “All Bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore...”

Appearance, Design, and Scenic Views Policy No. Four states, in part: “Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline...”

Appearance, Design, and Scenic Views Policy No. Five states: “To enhance the maritime atmosphere of the Bay Area, ports should be designed, whenever feasible, to permit public access and viewing of port activities by means of (a)-view points (e.g., pier, platforms, or towers), restaurants, etc., that would not interfere with port operations, and (b)-openings between buildings and other sites that permit views from nearby roads.”

Appearance, Design, and Scenic Views Policy No. Eight states, in part: “Shoreline developments should be built in clusters, leaving areas open around them to permit more frequent views of the Bay...”

Appearance, Design, and Scenic Views Policy No. Fourteen states, in part: “Views of the Bay from vista points and from roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water...”

The proposed project has been designed to concentrate development on small dense blocks within a network of new internal streets and pedestrian ways that lead to the shoreline. Therefore, while the project would result in the construction of tall residential and commercial buildings, views of the Bay from Third Street—the nearest existing public street inland of Terry Francois Boulevard—would still be provided. The public access areas that are provided by the proposed project are either located directly along the shoreline, as with China Basin Park and Channel Wharf, or along view corridors to the shoreline, as with Mission Rock Square and Channel Lane.

The permit application states: “From the Project site, AT&T Park is a focal point facing north, as well as surrounding development west and south of the Project site. East of the Project site, views of the Bay, the Bay Bridge, and Yerba Buena Island can be seen, as well as views of the East Bay Hills and Oakland skyline in the background. The Project was designed in the context of BCDC’s policies, and preserves, and enhances specific viewpoints of the San Francisco Bay and shoreline. Sweeping views of the Bay would be provided within China Basin Park and consideration would be given to the selection of trees and placement of park structures. Channel Lane and Mission Rock Square would provide visual connectivity between Third Street and the Bay. Along Terry A. Francois Boulevard, views would alternate between pier buildings and long views to the Bay.”

The Commission should determine whether the proposed project would be consistent with Bay Plan policies on Appearance, Design, and Scenic Views.

- E. **Public Trust.** Bay Plan Public Trust Policy No. One states: “When the Commission takes any action affecting lands subject to the public trust, it should assure that the action is consistent with the public trust needs for the area and, in case of lands subject to legislative grants, should also assure that the terms of the grant are satisfied, and the project is in furtherance of statewide purposes.”

The project site includes lands located both within the Bay and on former tidelands that were filled in the early 1900s. In 1968, the State transferred control of the San Francisco waterfront, in trust, to the City and its Port Commission pursuant to the Burton Act. The Port therefore administers the tidelands granted to its control. As discussed above (see “SB 815 and AB 2797”), the Port has worked with the State Lands Commission in recent years to identify properties, such as the subject site, that could be leased for non-maritime uses that would generate increased economic returns for the Port. This coordination resulted in legislation allowing the Port to lease any portion of Seawall Lot 337 free from Public Trust use restrictions for a term not to exceed 75 years if approved by the State Lands Commission. On April 19, 2018, the State Lands Commission, considering the Mission Rock project, found reuse of the site as proposed to be in the best interests of the State and to benefit the public trust, as well as consistent with the Port’s fiduciary duty as a trustee.

Within the Commission’s jurisdiction, the project would consist of the redeveloped China Basin Park, including development of a new public dock suitable for non-motorized boats, the redevelopment of Terry Francois Boulevard into a shared street and separated Bay Trail, and the creation of a public plaza on the Pier 48 ½ marginal wharf.

The Commission should determine whether the proposed project would be consistent with the public trust needs for the area, the terms of the Burton Act, and in furtherance of statewide purposes.

- F. **Design Review Board.** The Design Review Board (Board) reviewed the proposed project on two occasions. In its initial review, at its December 5, 2016 meeting, the Board saw a design that included both a new mixed-use neighborhood at Seawall Lot 337 and the rehabilitation and reuse of Pier 48 for a commercial or industrial tenant (including concepts for public access areas on the pier aprons). The Board’s comments at this meeting were focused mostly on the need for additional information regarding aspects of the project’s design. Some Board members expressed that aspects of the design might need refinement. There were questions posed as to how the shared street at Terry Francois Boulevard would ensure safety for pedestrians and bicyclists when in use by heavy trucks. Board members also asked questions related to the siting of recreational facilities within China Basin Park, such as how compatible a baseball diamond would be with planned adjacent uses.

The Board reviewed a revised design for the project a second time at its November 6, 2017 meeting. The project design had been revised at this point and did not include the elements previously proposed at Pier 48. The Board considered whether the facilities proposed would be adequate to accommodate the anticipated number of users, occupants, and employees that would make use of the project site. Overall the Board felt the facilities were appropriate, but some members questioned if there would be adequate space for circulation during big events, and whether the spaces would be durable enough to withstand influx of visitors from large gatherings. In terms of amenities in the park, the Board expressed general support for the types of facilities included, though one Board member commented there may be the need for safety

features to be designed into the baseball diamond area to avoid conflicts among users. The Board also considered the complexities involved in future sea level rise adaptation of an urban infill site, but did not recommend changes to the design or adaptation measures proposed.

- G. **Environmental Review.** On February 5, 2017, the City and County of San Francisco, the lead agency, certified an Environmental Impact Report (EIR) for the proposed project in accordance with the California Environmental Quality Act (CEQA).
- H. **Relevant Portions of the McAteer-Petris Act**
 - 1. Section 66602
 - 2. Section 66632
- I. **Relevant Portions of the San Francisco Bay Plan**
 - 1. *San Francisco Bay Plan* Policies on Filing for Public Trust Uses on Publicly-Owned Property Granted in Trust to a Public Agency by the Legislature
 - 2. *San Francisco Bay Plan* Policies on Public Access
 - 3. *San Francisco Bay Plan* Policies on Recreation
 - 4. *San Francisco Bay Plan* Policies on Appearance, Design and Scenic Views
 - 5. *San Francisco Bay Plan* Policies on Public Trust

Exhibits

- A. Vicinity Map
- B. Public Realm and Open Space Context
- C. Existing Required Public Access
- D. Planning Principles
- E. Illustrative Conceptual Plan
- F. Project Phasing
- G. Public Access and Open Space
- H. Detailed Project Plans/China Basin Park
- I. Detailed Project Plans/Terry A. Francois Boulevard
- J. Detailed Project Plans/Mission Rock Square & Channel Lane
- K. Potential Inundation for Post-Project Conditions – Extent of Storm Related Flooding (Without Adaptations)
- L. Potential Inundation for Post-Project Conditions – Extent of Storm Related Flooding (With Adaptations)
- M. Project Site – Potential Adaptation Strategies (Illustrative)