

**Subject:** Fwd: Comments on Draft Amendments to the San Francisco Waterfront Land Use Plan  
**Date:** Monday, September 9, 2019 at 3:15:25 PM Pacific Daylight Time  
**From:** Jon Golinger  
**To:** Gomez, Grace@BCDC, Fiala, Shannon@BCDC  
**Attachments:** WLUPCommentLetter\_JonGolinger\_9.9.19.pdf, VoterWaterfrontPollResults.pdf, NEWaterfrontAcceptableLandUseTable\_1997WLUP.pdf, NEWaterfrontLandUseTable\_June2019Draft.pdf, Piers27-31Narrative\_1997WLUP.pdf

September 9, 2019

President Kimberly Brandon and Members  
San Francisco Port Commission  
Pier 1, The Embarcadero  
San Francisco, CA 94111

Re: *Comments on Draft Amendments to the San Francisco Waterfront Land Use Plan*

Dear President Brandon & Members of the San Francisco Port Commission:

I have been honored to serve over the last four years as an appointed Member of the San Francisco Waterfront Land Use Plan Working Group. I agreed to serve in that capacity and participate in dozens of public meetings and robust substantive discussions in order to carry out the direction of San Francisco voters who, in passing 1990's Proposition H in reaction to a series of ill-fated private waterfront development schemes, created an official city policy stating that primarily "the waterfront be reserved for maritime uses, public access, and projects which aid in the preservation and restoration of the environment."<sup>[1]</sup>

Prop. H required the Port to immediately pause all new development until after it had engaged in a public process to create a Waterfront Land Use Plan. The Port Commission adopted the Plan in June 1997.<sup>[2]</sup> Prop. H also required that the Port engage in a public process to review it "at a minimum of every five years, with a view toward making any necessary amendments consistent with this initiative."<sup>[3]</sup> While piecemeal amendments to the Waterfront Land Use Plan were made over the years, there has never been a public process to comprehensively review and update it until now, in the wake of several failed waterfront development schemes such as the Mills Mall at Piers 27-31 and 8 Washington. I am glad to be a part of this process and offer my comments on the Draft Amendments here.

In addition to prohibiting hotels from being built on piers, the heart of Proposition H is the requirement that the Port create and abide by a comprehensive Waterfront Land Use Plan rather than pursue waterfront development based primarily on the interests and needs of private developers or politicians.<sup>[4]</sup> The Waterfront Land Use Plan articulated in Prop. H is not designed to be a merely aspirational, non-binding vision document that collects dust on a shelf but a substantive and detailed pier-by-pier blueprint that gives specific guidance to the Port so that it can move forward with development proposals knowing which uses to seek for which piers. This

is Prop. H's direction to ensure a diverse, inclusive, and public-oriented waterfront rather than just a series of the same kind of uses.

I am glad to see the new emphasis in the Draft Amendments on bringing museums and educational uses, arts and culture, entertainment, and recreational activities to the waterfront through the designation of a brand new category of "Public-Oriented Uses" in the Land Use Tables for each pier. [5] This new emphasis reflects the consensus of the Waterfront Land Use Plan Working Group that there is a gaping hole on San Francisco's waterfront where these uses should be in order to give families, youth, and residents from every neighborhood across San Francisco – along with visitors to the city – a reason to spend time on San Francisco's waterfront. This also reflects the long-overdue need for the Port to not just rely on profits from private development for new revenue but to develop new sources of funding to bring public-oriented uses to the waterfront such as creative public financing or the philanthropy and fundraising that made the Exploratorium possible.

However, in three fundamental ways the staff's proposed Draft Amendments to the Waterfront Land Use Plan would gut the core intent of the original Waterfront Plan, thwart the will of the voters in passing Proposition H, and would likely lead to more – rather than less – divisive battles over private development plans for the public waterfront. While I want to acknowledge the hard work that Port staff put in on the Draft Amendments to the Waterfront Land Use Plan, I have three areas of serious concern. I urge you not to approve the Draft Amendments to the Waterfront Land Use Plan until each of these is resolved.

**Concern #1:** A comparison of the pier-by-pier Land Use Tables in the existing Waterfront Land Use Plan to the Land Use Tables in the staff's proposed Draft Amendments to the Waterfront Land Use Plan show that the Draft Amendments completely eliminate the current Plan's existing prohibition on non-maritime private office uses being allowed to occupy the most valuable public piers. [6] Of all of the designated "Acceptable" uses for the waterfront outlined in the Waterfront Land Use Plan, non-maritime, private offices are the most exclusionary. The public is not allowed to enter them either as users or visitors. Further, non-maritime private offices can be as easily built inland as on the waterfront. For these reasons, non-maritime private office uses are not considered "Public Trust-consistent uses" under the state's Public Trust Doctrine and are presumptively not permitted.

San Francisco voters also oppose putting private office uses on San Francisco's public waterfront. In a poll of San Francisco voters by David Binder Research conducted during a previous waterfront development fight, San Francisco voters ranked private office space dead last on the list of uses they want to see on our waterfront. In the poll, 50% of voters opposed private offices on the waterfront with just 45% of voters in support. [7] In contrast, recreational uses such as kayaking, sailing, soccer fields, and skate parks, along with restaurants, all received 80% or higher approval ratings from San Francisco voters.

A waterfront filled with non-maritime private office buildings is one that excludes the public from using the waterfront that belongs to them. It is also a waterfront that is largely "dead" after 5:00 pm and on weekends when private offices are closed rather than a waterfront alive and active with a diversity of uses day and night. One of the places this could impact the

most is the set of incredibly valuable and prominent Northeast Waterfront piers along the Embarcadero that the Port is prioritizing for private development beginning in 2020: Pier 19, Pier 23, and Piers 29-31. If the Draft Amendments are approved, these piers would likely be targeted for private office development that excludes the public.

**Concern #2:** The staff's proposed Draft Amendments to the Waterfront Land Use Plan delete the narrative descriptions of what should go on each pier.<sup>[8]</sup> By deleting these narrative descriptions entirely in favor of broad "vision" language, the Draft Amendments create a "wild wild west" where developers decide what they want to put on the piers. Instead, updated versions of the narrative descriptions for the desired uses for each pier or set of piers should remain in the Waterfront Land Use Plan. That would follow the direction of voters to use the Waterfront Land Use Plan to shape a diverse waterfront and ensure we get a variety of uses that prioritize maritime, public access, arts, culture, and recreation rather than mainly uses that serve developers' interests instead of the public's.

**Concern #3:** The staff's proposed Draft Amendments to the Waterfront Land Use Plan fail to include a provision to "front-load" public benefits in private development projects as was recommended during the Waterfront Land Use Plan Working Group process. This omission would open the door to more "bait and switch" developments of the kind that has occurred at Pier 70 where promised public benefits never come to fruition after high revenue generating uses in a development are built first. As was recommended during the Waterfront Land Use Plan Working Group process, all big private development projects should be required by the Waterfront Land Use Plan to "front load" the public benefits such as parks, recreation, and public access to ensure that they actually happen.

When San Francisco voters approved Proposition H in 1990, they chose to require the creation of a detailed waterfront development blueprint to ensure that San Francisco's waterfront remains, "an irreplaceable public resource of the highest value."<sup>[9]</sup> I am pleased to have had the chance over the last two decades as an engaged citizen to advocate for the preservation, beautification, and enhancement of San Francisco's unique waterfront. I have been honored to continue that work as a Member of the San Francisco Waterfront Land Use Plan Working Group. I hope that you will consider my comments and objections to some of the proposed major changes to the Waterfront Land Use Plan in that spirit. I look forward to continuing to work for a waterfront that is diverse, vibrant, and open to everyone.

Sincerely,

Jon Golinger

cc: All Members, San Francisco Port Commission  
Elaine Forbes, Executive Director, San Francisco Port Commission  
Aaron Peskin, Chair, SF Board of Supervisors Land Use & Transportation Committee  
All Members, San Francisco Board of Supervisors  
Rudy Nothenberg & Janice Li, Co-Chairs, Waterfront Land Use Plan Working Group

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- [1] Proposition H, Section 1(a); SF Administrative Code, Chapter 61.1(a)
- [2] Port Commission Resolution No. 97-50, June 1997
- [3] Proposition H, Section 2(e); SF Administrative Code, Chapter 61.2(e)
- [4] For some of the outlandish failed waterfront development schemes prior to Prop. H's passage, see *A Negotiated Landscape* by Jasper Rubin (Univ. of Pittsburgh Press, 2011).
- [5] Proposed draft amendments to the Waterfront Land Use Plan (June 2019), pp. 37-38, 134, 148, 158, 168, 182.
- [6] Compare the Land Use Tables in the current Waterfront Land Use Plan (June 1997), pp. 92, 108, 126, 140A, 162, to those in the Draft Amendments to the Waterfront Land Use Plan (June 2019), pp. 134, 148, 158, 168, 182. For example, compare the Land Use Tables for Piers 19, 23, and 31 attached to this letter. "General Office" is not designated in the current Waterfront Plan as an "Acceptable" use for those piers but it is in the Draft Amendments.
- [7] See a summary of the waterfront land use poll results attached to this letter.
- [8] See for example the attached narrative description calling for an "inviting mixed-use recreation project" on Piers 29-31 in the existing Waterfront Land Use Plan, p. 112. This narrative and others are deleted and not replaced in the proposed Draft Amendments.
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### **Chestnut/Lombard Street Piers Mixed-Use Opportunity Area**

The Chestnut/Lombard Street Piers Mixed-Use Opportunity Area includes Piers 31 and 27-29. Pier 27 was built relatively recently, in the 1970s, and along with the adjoining large valley area between the Pier 27 and 29 sheds, is in very sound condition. The 175-foot clear-span width within Pier 27 makes it a very valuable resource.

The neighboring mix of residential, office, athletic club and small-scale retail activities suggests a broad range of use opportunities. In addition, the Northeast Wharf plaza to be developed within a portion of the Pier 27 shed and adjoining valley, and the adjacent Northeast Wharf Open Water Basin, provide a tremendous public open space amenity and bay views which will further enhance the character of new development.

Development should provide an integrated mix of maritime, commercial, open space and public access uses, which help to unite the waterfront with the rest of the City. There is opportunity for a unique and inviting waterfront mixed-use recreation project, integrating a varied mix of maritime and commercial uses and open space, including the Northeast Wharf plaza, oriented around active recreational pursuits. This mixed-use recreation could provide a venue for all San Franciscans and Bay Area residents to actively participate, individually or as groups, in diverse amateur recreational sports, physical fitness and related activities while enjoying the scenic waterfront setting. The Northeast Wharf plaza and the other open spaces included in such a development project would create opportunities for engaging in and viewing active recreational activities while enjoying expansive Bay views. New opportunities for recreational boating and other water uses may be created, while continuing maritime berthing alongside the remaining portion of Pier 27.

### **Development Standards**

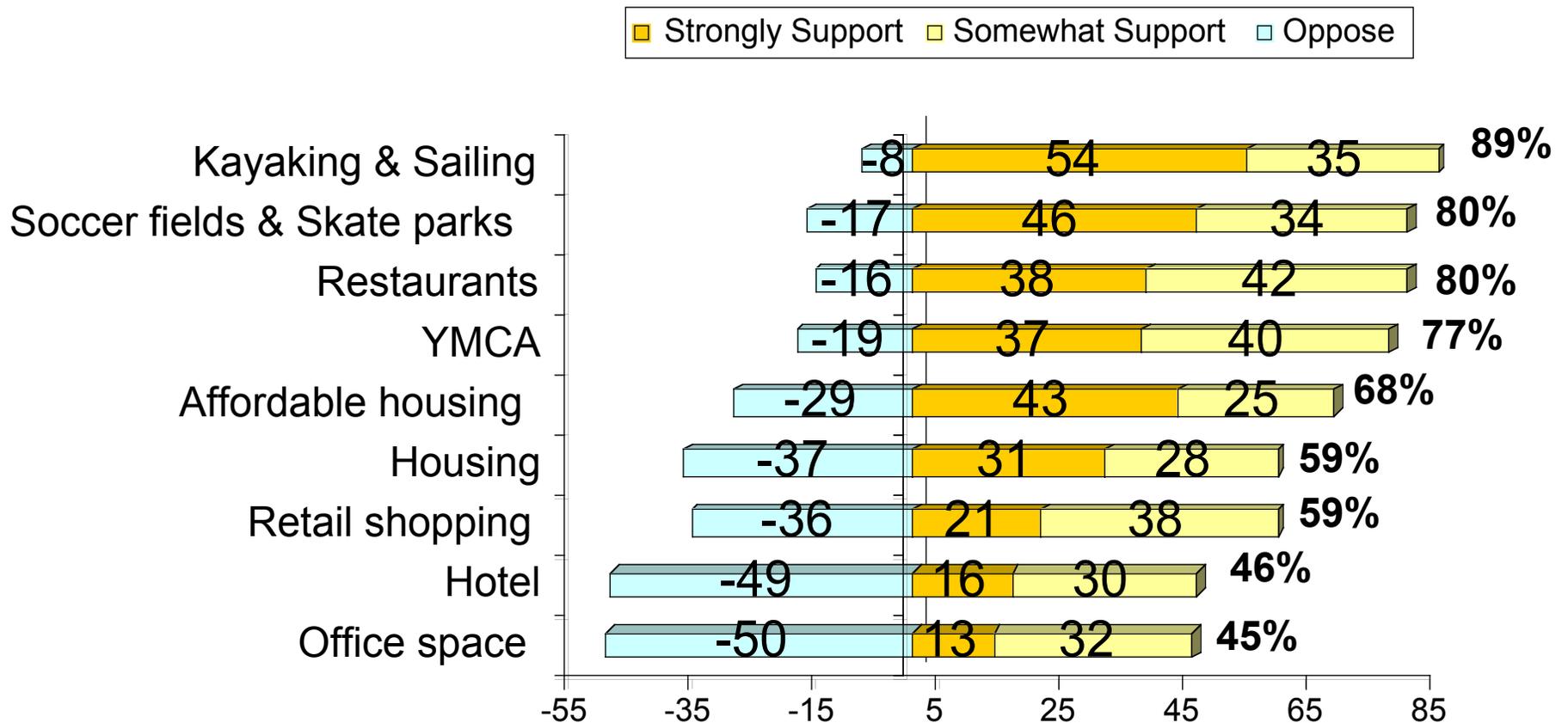
#### **Chestnut/Lombard Street Piers Mixed-Use Opportunity Area**

- Consistent with the Waterfront Design & Access Element, design new developments to respect and be authentic to the rich historic maritime industrial character of the Northeast Waterfront.
- Provide a mix of uses that reflect the cultural diversity of the City and the Bay Area, appeal to the local and regional population, and establish a daytime and nighttime presence, thereby providing entertainment and commercial recreation venues distinctly different from the more tourist-oriented activities found at Fisherman's Wharf.
- Include recreational boating, excursion boats, water-taxis, historic and ceremonial ship berthing and other maritime uses to the maximum feasible extent. Provide facilities for a wide variety of active recreational activities; skateboard/rollerblade facilities and swimming and related aquatic sports are encouraged.
- Arrange and design uses on the Site to maximize public appreciation and enjoyment of the waterfront setting by offering new viewing opportunities, and to maximize visual connections and physical contact with the water.





# Recreational activities, restaurants and affordable housing top the list of possible uses of the northeast waterfront



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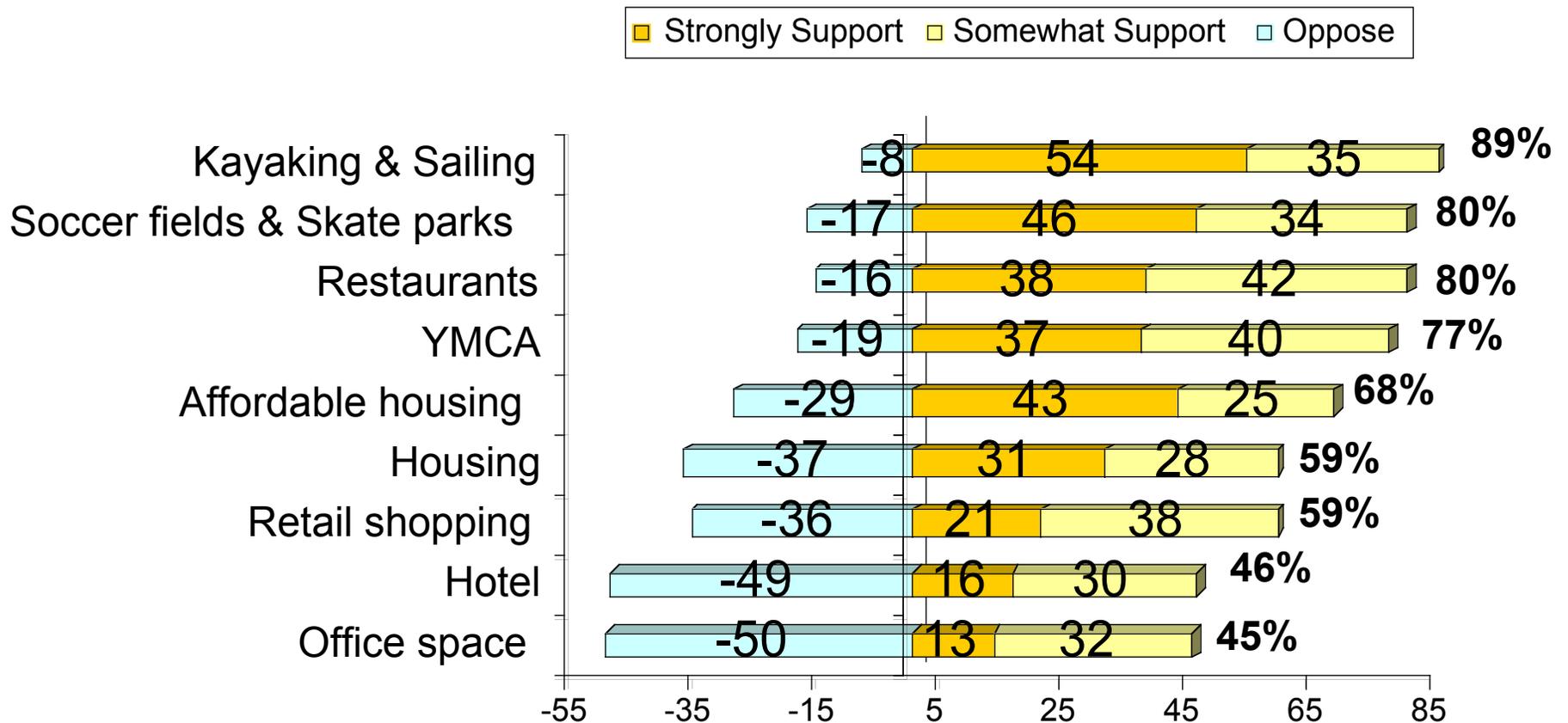
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