SFW
SAP

San Francisco Bay
Conservation and Development Commission

San Francisco Waterfront

SPECIAL AREA PLAN

April 1975 as amended through November 2025

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SFW SAP

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Introduction

Few cities of the world equal San Francisco's spectacular waterfront setting. Changes wrought in recent years as a result of the cooperative efforts of the City and County of San Francisco (City), the Port of San Francisco (Port), and the San Francisco Bay Conservation and Development Commission (BCDC) have brought the waterfront to the point where its potential as a focus of civic and urban recreational activity is now being realized. This plan is the expression of those cooperative efforts.

Cities evolve; they are in constant change. Nowhere is that exhibited more than along the San Francisco waterfront where land use has changed significantly during the past 30 years. Few cities have the opportunity to create the kind of varied and dynamic waterfront that can be achieved in San Francisco, a waterfront that can attract people from all over the City—and the globe—to meet and mix and enjoy the unrivaled splendor of San Francisco Bay.

The *San Francisco Waterfront Special Area Plan* articulates a practicable attainable vision of the future San Francisco waterfront. The Special Area Plan applies the requirements of the McAteer-Petris Act and the provisions of the *San Francisco Bay Plan* to the San Francisco waterfront in greater detail and should be read in conjunction with both the McAteer-Petris Act and the Bay Plan. The Special Area Plan is based on certain assumptions that the Waterfront Advisory Committee made in the early 1970's, which were updated by the BCDC and Port Commissions in 2000 when the Plan was amended. The Commissions found that:

- The 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. These can be accommodated without undue conflict, if development is guided by overall planning responsive to public desires;

- Improvement and development of the waterfront should proceed on the basis of a detailed plan that incorporates a balanced program for attaining economic, environmental, and social goals;

- Maritime activities and San Francisco's historic piers are intrinsically interesting, and provide much of the character of the waterfront. Public access, view sites, and recreation areas are desirable additions to maritime districts, provided they do not interfere with maritime functions; and

- Greater amounts of public recreation, open space, open water and public access along the shoreline are essential to full realization of the potential for public enjoyment of the Bay. Public funding may be required to achieve the desired amounts of public areas, in addition to the public access required as part of the permit process.

The purpose of the Special Area Plan is to:

- Reunite the City with the waterfront by establishing policies to realize the waterfront's potential as a focal point for recreation, as well as civic and commercial activities for the enjoyment of San Franciscans and all Bay Area residents;

- Increase public use and enjoyment of San Francisco Bay and the waterfront through the completion of a system of integrated public parks, plazas, pier public access areas and promenades;

- Improve the climate resilience of the San Francisco waterfront by enabling projects that help prepare for sea level rise and increased frequency and intensity of coastal flooding;

- Enable the rehabilitation and reuse of certain existing piers in the Northern Waterfront for public trust uses, as cargo shipping maritime activities are consolidated in the Southern Waterfront;

- More precisely define for the public, governmental agencies and project sponsors the circumstances under which fill or change in use of water, land or structures along the San Francisco waterfront would be consistent with the McAteer-Petris Act and the Bay Plan;

- Align BCDC policies and the policies in the Port's Waterfront Plan, and the City's General Plan to provide an efficient project review and permit process that is integrated with project reviews conducted by the City and Port;

- Restore and preserve significant areas of open water along the shoreline by removing selected piers;

- Create and preserve a pattern of open water basins along the waterfront;

- Restrict the placement of new fill in open water areas to minor amounts needed to improve public access and shoreline appearance and accommodate permissible water-oriented uses;

- Support maritime cargo shipping, fisheries, ferries, excursion boats and other maritime navigation uses of the waterfront consistent with the *San Francisco Bay Area Seaport Plan*;

- Protect existing views and create new views and vistas of San Francisco Bay from the shoreline;
- Provide for and guide development of existing piers not otherwise designated for removal for uses consistent with the Public Trust Doctrine and the Port's legislative trust grant; and
- Protect and enhance waterfront historic structures.

In sum, the Special Area Plan, together with the McAteer–Petris Act and the Bay Plan, facilitates non–maritime, maritime, commercial and recreational shoreline development along the San Francisco waterfront. The goals above, as embodied in this plan, will benefit the citizenry of the entire Bay Area, while also promoting the viability and success of public trust uses along the waterfront. In this unique urban setting the San Francisco waterfront will be reborn with a vibrant mix of uses, which highlights its historic maritime character, oriented to the spectacular Bay.

Plan Area and Plan Elements

The area covered by the *San Francisco Waterfront Special Area Plan* is the land and water area located along the existing shoreline of the City and County of San Francisco from the Hyde Street Pier through the India Basin, including all areas within the jurisdiction of the Port of San Francisco. The Special Area Plan divides the waterfront area into three geographic areas–Fisherman's Wharf, Northeastern Waterfront and Southern Waterfront–to which particular permitted uses, policies, and maps are addressed.

The policies in the Special Area Plan apply only to areas within the jurisdiction of BCDC for permit purposes. These policies, in addition to the McAteer–Petris Act and other sections of the *San Francisco Bay Plan*, will be the basis for BCDC permit decisions and for federal consistency review under the federal Coastal Zone Management Act of 1972, as amended.

1. **General Policies.** The General policies apply to all areas covered by the plan, unless they conflict with the geographic-specific policies, in which case the geographic-specific policies should be followed.

2. **Geographic-Specific Policies.** In the Southern Waterfront, the geographic-specific policies specify permitted uses which may be allowed on fill and replacement fill in specified areas within BCDC's "Bay" jurisdiction, describe in greater detail the limits on Bay fill, and guide the provision of public access. In the Northeastern Waterfront and Fisherman's Wharf, the geographic specific policies apply the *San Francisco Bay Plan* policies regarding filling for public trust uses. Other Northeastern Waterfront geographic-specific policies guide the provision of public benefits and public access required for development within that portion of the San Francisco waterfront.

3. **Maps.** The Plan maps delineate port priority use areas, as well as areas for public recreation, open space, and public access. In addition, the maps also indicate permitted uses by geographic area. All maps should be read in conjunction with the relevant policies. The Plan figures illustrate certain Plan policies.

General Policies

The following general policies are applicable to the area covered by the Special Area Plan, except where the policies may conflict with the Geographic-Specific policies. In that case, the more specific Geographic-Specific policies of the Special Area Plan should be followed.

1. **Criteria for Granting Permits.** A proposed project should be approved by BCDC if it is consistent with: (1) the McAteer–Petris Act; (2) the provisions of the *San Francisco Bay Plan* then in effect; and (3) the provisions of the Special Area Plan then in effect.

2. **Geographic Vicinities.** The *San Francisco Bay Plan* specifies that pier areas removed within a given geographic vicinity may be replaced only within the same geographic vicinity. The Special Area Plan designates one geographic vicinity to which the removal and replacement of fill must be confined (the Southern Waterfront). It identifies two geographic vicinities (Northeastern Waterfront and Fisherman's Wharf) within which the replacement fill policy in the Bay Plan[1] does not apply. These geographic vicinities are defined as follows:

    a. Fisherman's Wharf: The land and water areas within the jurisdiction of the Port from Hyde Street Pier through East Wharf Park adjacent to Pier 35;

    b. Northeastern Waterfront: The land and water area within the jurisdiction of the Port from Pier 35 to China Basin; and

    c. Southern Waterfront: The land and water area within the jurisdiction of the Port from China Basin to the extension of Earl Street at India Basin.

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[1] In addition to the water-oriented uses provided for in the McAteer-Petris Act, the Replacement fill Policy (50% Rule) in the *San Francisco Bay Plan* provides, in part, that BCDC can permit fill on publicly-owned land for Bay-oriented commercial recreation and Bay-oriented public assembly, provided that the fill is a replacement pier that covers less of the Bay than was being uncovered, and the amount of Bay-oriented commercial recreation or Bay-oriented public assembly uses cover no more than 50% of the area of the Bay uncovered and the remainder (50%) of the replaced pier must be used either for public recreation, public access or open space, including open water.

3. **Parking on Replacement Fill (In the Southern Waterfront).**

   a. Parking on replacement fill for public and commercial recreation uses other than marinas should be allowed only if: (1) no alternative upland location is feasible; (2) the parking is located within a structure devoted to a use permitted under the Special Area Plan and is necessary to such use or to other permitted uses in the same project area; and (3) it is the minimum necessary.

   b. Determination of the amount of parking allowed should be based on the desirability of reducing automobile traffic along the waterfront and to the maximum extent feasible should consider the use of existing public transit and inland parking which could reasonably be provided in the future.

4. **Marina Parking.** Parking for marinas should be provided on upland locations except some fill for parking may be permitted at suitable marina sites with difficult land configurations provided that the Bay fill is the minimum necessary and any unavoidable loss of Bay habitat, surface area, or volume is offset to the maximum extent feasible, preferably at or near the site.

5. **Fill for Maritime Facilities.** Any filling or dredging for maritime purposes should be consistent with the McAteer–Petris Act, the Bay Plan, the *San Francisco Bay Area Seaport Plan* and this Special Area Plan.

6. **Required Public Access**

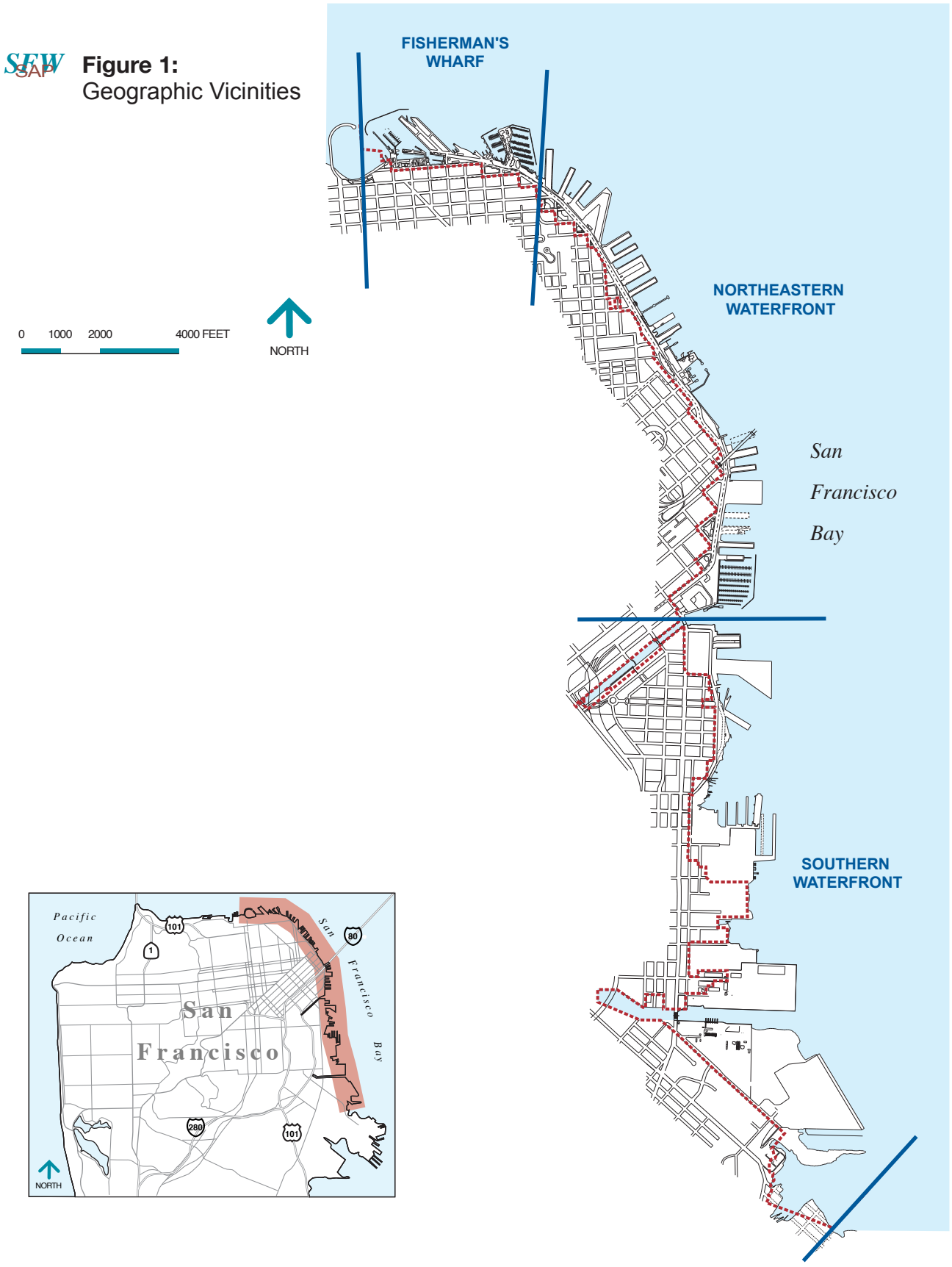
   a. In accordance with general Bay Plan policies, maximum feasible public access should be provided in conjunction with any development in the area covered by this Special Area Plan. Public access should be located at ground or platform level, but minor variations in elevation intended to enhance design of open space may be permitted. Public access should also be open to the sky, although some covering may be allowed if it serves the public areas and does not support structures. Particular attention should be given to the provision of perimeter public access along the platform edge. Other uses may extend to the platform edge subject to the following conditions:

      i. Such uses should enhance the total design of the project, should serve to make the public access more interesting, and should not divert the public way along more than twenty percent (20%) of the total platform edge;

      ii. Deviations of the public way from the platform edge should be limited to short distances.

   b. Development of public access should be required as a condition of permits for new maritime and non–maritime development consistent with the *San Francisco Bay Plan* policies on Public Access, including policies related to conflicts between public access and safety. The location of such access obtained as a condition of maritime development between Channel Street and India Basin should be guided by the designations for public recreation, open space, and public access, as found on Special Area Plan Maps 5 and 6.

Figure 1:
Geographic Vicinities



7. **View Corridors.** Important Bay views along The Embarcadero and level inland streets should be preserved and improved. Minor encroachment into the view corridors from level inland streets may be permitted under the following conditions:

   a. Where the encroaching element has a distinct maritime character, is separated from the shoreline by water, and adds variety to the views along the waterfront;

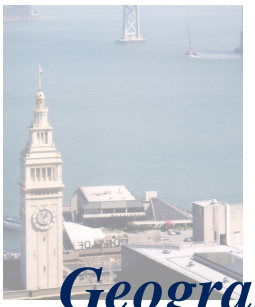
   b. Where minor structures (such as kiosks) are desirable to provide public amenities contributing to a continuity of interest and activity along the waterfront; and

   c. Where essential maritime facilities cannot reasonably be located and designed to avoid view blockage.

8. **Residential and Office Uses.** No residential uses should be permitted on new or replacement fill on the San Francisco waterfront. No office uses on new or replacement fill should be permitted in the Southern Waterfront.

9. **Sport Fishing.** Facilities for commercial sport fishing are permitted in all waterfront areas within the Special Area Plan, subject to all relevant policies of this Plan.

10. **Mooring of Historic Ships.** A minor amount of fill created by the mooring of an historic ship may be authorized pursuant to Commission Regulations. Historic ships may be permitted in Open Water Areas and Open Water Basins on the Northeastern Waterfront and Fisherman's Wharf.



Geographic-Specific Policies

FISHERMAN'S WHARF (HYDE STREET PIER THROUGH PIER 39 AND EAST WHARF PARK)

The Fisherman's Wharf area extends from the Hyde Street Pier to Pier 39. For over 100 years, Fisherman's Wharf has been a working commercial fishing center, the largest along the California coast. This area also contains a mix of other maritime and visitor attractions and water recreation uses, including excursion and ferry boats, the historic ship museum on Hyde Street Pier managed by the San Francisco National Maritime Historical Park, restaurants, hotels, specialty shops, and swimming and rowing clubs. Fisherman's Wharf is adjacent to Aquatic Park, Municipal Pier and Maritime Museum on federal lands managed by the National Park Service, which provide extensive public access, views and open water area for recreational use.

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The easterly portion of the Fisherman's Wharf area is focused around Pier 39, an extremely popular commercial attraction surrounded by active open space areas and a large recreational marina, an aquarium, and ferry and excursion boat facilities at Pier 41.

Public access and Bay viewing areas are provided throughout Fisherman's Wharf, notably along Jefferson and Taylor Streets, and the Pier 43 Bay Promenade along the northern edge of the area, which connect to public access and parks in Pier 39, and to National Park Service public access to the west.

Findings

1. When developing the 2000 and 2012 amendments to the Special Area Plan, BCDC and the Port had a shared interest in improving the Fisherman's Wharf area but were unable to determine an appropriate strategy for public benefits that would justify the removal of the 50% Rule Replacement Fill Policy for this area in a manner similar to the Northeastern Waterfront. Instead, the SFWSAP as approved by those amendments, called for the planning process to design and implement a major public plaza and open water basin for this area prior to requesting removal of the 50% Rule Replacement Fill Policy to Fisherman's Wharf.

2. BCDC and Port staff produced two planning studies focused on defining desirable public access and public benefit improvements to complement and enhance the mix of fishing and maritime industry, visitor and public uses in Fisherman's Wharf: Fisherman's Wharf Planning Committee Recommendations (2004) and the BCDC-Port San Francisco Waterfront Planning Study (2014). Both studies were developed through a community engagement process and identified the improvement of Jefferson Street and the northern edge of Fisherman's Wharf, between Pier 43 Arch and Pier 45 as priority public access objectives. Jefferson Street functions as the "Main Street" through Fisherman's Wharf that also connects to Aquatic Park to the northwest, and The Embarcadero to the southeast. The area between Pier 43 Arch and Pier 45 provides panoramic views of the Bay and Alcatraz Island.

3. The study conclusions generated public interest and support for improvement efforts. In 2011, the Port secured an amendment to BCDC Permit M1993.016 to demolish the Pier 43 parking lot, which was adjacent to Pier 43 Arch and the Franciscan Restaurant, removing 77,000 square feet of fill to create an open water basin. In 2012, San Francisco voters approved general obligation bond funding which enabled the Port to finance construction of the Pier 43 Bayside Promenade and plaza at Pier 45. This project created 37,000 square feet of new public access, viewing and recreational areas in the heart of the Wharf. As part of the permit amendment approval, BCDC determined that together, these projects met the SFWSAP policy requirements of developing a major public plaza and open water basin.

4. In 2023, the Port Commission approved updated policies to the *Waterfront Land Use Plan*, following a lengthy public process led by the Waterfront Plan Working Group. The public discussions and updated policies affirm strong public support for the public access improvements and variety of uses along the Northern Waterfront, including Fisherman's Wharf. The Port applied to BCDC to amend the Special Area Plan to remove the 50% Rule Replacement Fill Policy from Port-owned pier properties in Fisherman's Wharf, and apply the public trust-oriented land use policy for Fisherman's Wharf that has been in place for the Northeastern Waterfront since the 2000 SFWSAP amendments.

Policies

1. **Pier-specific planning guidance.** Redevelopment at the Fisherman's Wharf geographic area is governed by the policies that apply to the Northeastern Waterfront, specifically Northeastern Waterfront Piers Not Designated for Removal Policy 1, and as provided in Bay Plan policy in Part IV, "Filling for Public Trust Uses on Publicly-owned Property Granted to a Public Agency by the Legislature". Appropriate activities are uses that are consistent with the Public Trust Doctrine and the Port's Legislative Trust Grant (Burton Act). In addition to provisions of Northeastern Waterfront Piers Not Designated for Removal Policy 1, policies are included to provide additional guidance for planning major reuse or development of individual piers within the Fisherman's Wharf geographic area. The Port's 2023 *Waterfront Land Use Plan* contains a waterfront subarea specific to Fisherman's Wharf that describes goals and acceptable land uses for piers and seawall lots from Aquatic Park to Pier 39. The pier-

specific recommendations are provided to identify particular uses that should be considered in any major reuse or new development projects for these facilities. The uses recommended are not an exclusive list and non-water-oriented uses or non-public trust consistent uses may be allowed as provided by the policies that apply to the Northeastern Waterfront, specifically Northeastern Waterfront Piers Not Designated for Removal Policy 1.

The Pier-specific recommendations are as follows:

a. **Hyde Street Pier.** The SFWSAP identifies the following public trust uses at Hyde Street Pier to be included in planning and design of major reuse or development projects:

   - Fish Processing
   - Limited Commercial Recreation
   - Public Access
   - Maritime

b. **Fish Alley (Wharves 47, J–1 through J–10, Seawall Lots 302 and 303).** Projects designed and planned for Fish Alley that improve and expand facilities to serve the commercial fishing fleet and to maintain and enhance the area as a center for commercial fishing uses should be encouraged. Improved berthing, docking, and related activities for commercial fishing boats, including necessary sanitation facilities, are goals of the SFWSAP at Fish Alley. The SFWSAP identifies the following public trust uses to be included in planning and design of major reuse or development:

   - Commercial Recreation and Public Assembly
   - Breakwater
   - Berthing and Docking Facilities for Commercial Fishing Boats
   - Public Access
   - Maritime

c. **Pier 45.** The SFWSAP identifies the following public trust uses to be included in planning and design of major reuse or development projects:

   - Public Access
   - Vessel Berthing
   - Maritime

d. **Piers 43 and 43 ½.** The SFWSAP identifies the following public trust uses to be included in planning and design of major reuse or development projects:

- Tour Boats
- Ferries
- Commercial Recreation
- Maritime
- Public Access

e. **Piers 39 and 41.** The SFWSAP identifies the following public trust uses to be included in planning and design of major reuse or development projects:

- Maritime
- Public Access
- Commercial Recreation
- Marina

NORTHEASTERN WATERFRONT (PIER 35 TO CHINA BASIN)

The Northeastern Waterfront extends from Pier 35 to China Basin and is characterized by three geographic areas or districts, including the Base of Telegraph Hill that extends from Pier 35 to Pier 9; the Ferry Building from Pier 7 ½ to Pier 22 ½; and South Beach, extending from Pier 24 to China Basin. These areas are linked by the Embarcadero Roadway, a landscaped boulevard including bicycle lanes and Herb Caen Way, the F-Market historic streetcar line, and the MUNI Metro. These investments by the City helped set the stage for the revitalization of the Northeastern Waterfront. Each of these unique areas has a distinct character and relationship to the waterfront.

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

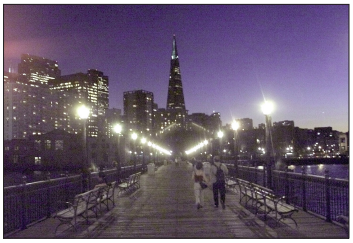
The Herb Caen Way promenade connects this area to the adjacent Fisherman's Wharf and Ferry Building areas and provides continuous physical public access through the area. Opportunities to expand public access include creating a significant plaza and

improving access on each pier and the shoreline with development projects. Visual access to the Bay is limited, available only through the periodic breaks in the relatively continuous facade of historic bulkhead buildings in this area. Opportunities to open views in this area are limited by historic preservation goals, except for non-historic portions of Piers 27 and 29 and deteriorating sheds and piers where rehabilitation is not feasible or pursued, where removal of sheds or piers could greatly enhance visual and physical access in this area.

Ferry Building. Most people entering San Francisco from the Bay Bridge and ferry boats first see the Ferry Building and its environs at the heart of the City where The Embarcadero meets Market Street. This segment of waterfront, situated at the base of the downtown skyline, defines and creates a memorable image of the City. The area was cut off from the City for over 30 years by the Embarcadero Freeway. The October 1989 Loma Prieta earthquake and the subsequent demolition of the freeway eliminated this physical and psychological barrier between the City and the waterfront. Following the removal of the freeway, the reconstruction of a new roadway, public transit and Herb Caen Way along The Embarcadero was the first major step in reuniting the City with its waterfront.

Significant existing and planned public open spaces adjacent to or near the Ferry Building, linked by Herb Caen Way, emphasize the Ferry Building's civic importance to the waterfront: Justin Herman Plaza, the Ferry Building Plaza, the Ferry Plaza, Rincon Park, and Pier 7. These open spaces provide numerous and varied opportunities for downtown workers, visitors and residents to enjoy a wide variety of recreational activities in a vibrant waterfront setting.

Historic resources also contribute to the image of this subarea with three buildings listed on the National Register of Historic Places, including Pier 1, the Ferry Building and the Agriculture Building. Other architectural resources include the bulkhead buildings at Piers 3 and 5, and the Fire Engine Station No. 9 at Pier 22 ½. The Ferry Boat Santa Rosa, a historic ship moored at Pier 3, and the Phoenix and Guardian fire boats at Pier 22 ½, add a maritime feature to this rich fabric.



Downtown Ferry Terminal facilities on the Bayside of the Ferry Building are the central destination for regional ferry service, with further expansion both underway and contemplated for the future. Ferry transit is increasingly popular, albeit less so than in the years before the use of ferries was eclipsed in favor of automobile commuting.

All of the land and pier surface area within the Ferry Building subarea was reclaimed from the Bay. The historical location of the shoreline reached as far inland as Montgomery Street. Over the past 25 years, the Port, aided with grant funding from many sources, has removed about fourteen and one half acres of pile-supported piers in the area, including Piers 5 and 7 and Piers 10, 14, 16, 18, 20 and 22 for a net increase in Bay surface area of approximately eleven acres.

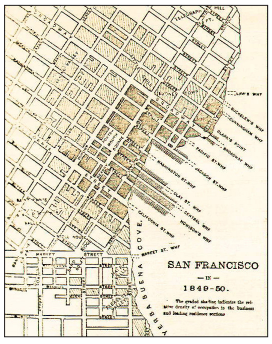
South Beach Waterfront extends from the northern edge of Pier 24 ½ at the terminus of Harrison Street south to the Giant's baseball park, adjacent to the Third Street Bridge at Pier 46B on China Basin. Piers in this area encompass a mix of uses, including maritime, industrial, office, dry boat storage, film production, moving and storage, open parking, occasional events, and other uses. The majority of Pier 24 and all of Pier 34 have been removed, pursuant to the Plan implementation requirements adopted in 2000 improving visual and physical access to the Bay. The three remaining historic bulkhead buildings along the shoreline reflect the Mission Revival (Piers 26-28) and Mediterranean styles (Pier 38), distinct from the monumental classical style of their northern neighbors. Seawall lots in the area are improved with residential uses, open parking lots, a park and the Giant's baseball park.

The San Francisco Redevelopment Agency, in partnership with the Port of San Francisco, has implemented a successful reuse and redevelopment strategy which has created a vibrant, rapidly growing residential neighborhood in South Beach. Many lots were cleared and new residential structures replaced dilapidated warehouses and factories. Many of the existing, intact industrial buildings have been or are being converted to residential lofts and live/work spaces. On the Bay side of the Embarcadero, Piers 42, 44, 46A and a portion of Pier 40 were removed to create the South Beach Harbor. Along the shoreline, South Beach Park provides a much needed respite from the inland and shoreline developed areas. Opportunities to expand public access include creating a significant public plaza and improving public access on each pier with development projects.

This Special Area Plan (SAP) recognizes the technological and economic trends that have led to consolidation of cargo shipping uses in the Southern Waterfront, and the Port's goal to develop other public trust uses in the Northeastern Waterfront. The SAP strives to provide the flexibility needed to attain that goal.

Findings

1. In San Francisco's early years, the shoreline was a ragged edge pushed ever outward toward deep water as the California State Board of Harbor Commissioners (Harbor Commission) first built piers and then filled around them in its drive to grow and to create a port. This outward push did not stop until the late 1800's, when the Harbor Commission completed the Great Seawall, an extraordinary engineering achievement that created a permanent shoreline several thousand feet beyond the original. Long finger piers were attached to this sweeping line in a radial pattern, giving the City's Northeastern Waterfront the basic shape that exists today.



2. For many years, break-bulk shipping flourished and the Northeastern Waterfront was a bustling center of industry, trade, and commerce, and countless vessels were serviced at Port facilities. However, with the advent of containerization, including larger ships with deeper drafts, San Francisco's attractiveness as a cargo port declined. The lack of backland area in the Northeastern Waterfront prevented reuse of this area for containerized shipping. Slowly, the focus of the City's shrinking cargo handling activity shifted to the waterfront south of China Basin, where it remains today, nearer to the rail lines so necessary to intermodal container shipping. Piers and associated facilities no longer needed for maritime use stood as empty, obsolete, and deteriorating monuments to a bygone era. When tenants could be found, they were leased by the Harbor Commission for various non-maritime interim uses ranging from parking to warehouses to offices.

3. In 1965, the State Legislature established the BCDC with Bay-wide jurisdiction under the McAteer-Petris Act (Govt. Code Sections 66600-66682).

4. 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 (see Stats, 1968, ch. 1333, p. 2544).

Creating the Special Area Plan:

5. BCDC, the City and the Port's attempts to facilitate revitalization of the Northeastern Waterfront commenced in the early 1970's, when BCDC amended the *San Francisco Bay Plan* to include the Replacement Fill Policy (50% Rule) that allows fill for Bay-oriented commercial recreation and Bay-oriented public assembly on public lands (1971). Before, Bay fill for these purposes could only be allowed by BCDC on private land.

6. In 1973, BCDC convened a widely representative committee to undertake a study of San Francisco's waterfront from Hyde Street Pier through India Basin to determine, particularly for those piers identified by the Port as surplus to maritime needs, each existing pier area's potential for serving commercial recreation and public assembly purposes, and public access. In 1975, BCDC adopted the *San Francisco Waterfront Special Area Plan*.

7. In 1980, BCDC adopted the *San Francisco Waterfront Total Design Plan* (TDP), prepared as a joint effort of the San Francisco Planning Department, the San Francisco Redevelopment Agency, the Port, and BCDC, as part of a study of the larger Northeastern Waterfront Survey Area between the Bay Bridge and Pier 7. The TDP provided more detailed planning to guide new development of the area, particularly uses of replaced piers and piers to be removed.

SAP Amendments for Northeastern Waterfront, 2000-2012:

8. Despite these accomplishments, however, by the early 1990's it was apparent that revitalization of the Northeastern Waterfront had stalled for many reasons: BCDC's law and plan policies constrained the range of permissible uses on piers, given their configuration, utility, number and close proximity to one another; some policies were too project-specific to allow needed flexibility; the high cost of rehabilitating or removing piers, given the availability of less expensive land-side development opportunities; misconceptions about the condition and reparability of the piers; voter initiatives; and the timing of down-cycles in the real estate market. Further, the Attorney General's office had issued a set of informal opinions advising that major repair or renovation of piers triggered the Bay fill criterion of the McAteer-Petris Act, including the requirement that the fill be for purposes that are water-oriented and for which there is no alternative upland location. Between 1975 and 2000, the only project implemented under the 50% rule at Fisherman's Wharf was Pier 39, completed in 1977.

9. The piers were originally constructed for a particular Public Trust use—cargo shipping—but public trust needs in the northern waterfront shifted to other types of maritime uses, recreation, and public access. While Pier 39 is a top San Francisco visitor attraction, there was not a sufficient demand for additional waterfront development of that type. Beyond Pier 39, most piers remained closed to public access and continued to be underutilized with limited revenue generation to fund repairs and capital improvements.

10. The passage of Proposition H by the citizens of San Francisco reflected a growing concern that maritime and public access uses of the waterfront might be overlooked in favor of private commercial development. The initiative banned the development of new hotels within BCDC's jurisdiction and established a moratorium on other new development on the Port's piers and its shoreline properties until the Port prepared a waterfront land use plan providing for preservation of maritime and other public trust uses. This led to a six-year planning process which culminated in 1997 with the Port's adoption of the *Waterfront Land Use Plan* (WLUP), including the policies and criteria in its accompanying Waterfront Design and Access element, which describe acceptable uses and design guidelines for Port property, much of which lies within the jurisdiction of BCDC. As part of this effort, the City's General Plan and Planning Code were reviewed and amended to establish consistency between City and Port policies pertaining to the waterfront.

11. Certain policies of the 1997 WLUP, most particularly those regarding reuse of piers, conflicted with policies of the McAteer-Petris Act, *San Francisco Bay Plan*, and the *San Francisco Waterfront Special Area Plan*. Under the McAteer-Petris Act, the *San Francisco Bay Plan* and advice from the Attorney General, piers requiring major repair or renovation may only be used for purposes which are water-oriented and for which there is no alternative upland location, unless the Commission can reasonably conclude that the use of such piers for other purposes is "necessary to the health, safety or welfare of the public in the entire bay area." (see Govt. Code, section 66632 (f)).

12. The Northeastern Waterfront is a regional recreation and scenic resource. It has been revitalized with new public transportation, shoreline parks and other amenities to make it more appealing as a public recreation destination. The existing Herb Caen Way, and the Bayside History Walk called for in this Plan, provide tremendous opportunities for public access to the waterfront.

13. Historic preservation goals and urban design principles in the San Francisco General Plan hold that the piers contribute significantly to the cultural and physical fabric of San Francisco and, therefore, should not be removed. People from all over the Bay Area associate the finger piers with their image of San Francisco.

14. The majority of Port pile-supported piers and wharves pre-date BCDC and modern building codes. To improve these facilities for the types of economic, recreational, and public-oriented assembly and cultural activities promoted in the *Waterfront Land Use Plan*, the piers require major seismic and pier substructure repairs. The 50% Rule did not allow the range of uses in the *Waterfront Land Use Plan* or made it financially infeasible to seismically improve piers if they were limited to only water-oriented uses.

15. In 1996, BCDC and the Port initiated a formal review of the issue of pier development and reuse along the Northeastern Waterfront with the intent of reconciling the inconsistencies between the policies of BCDC's plans and the Port's WLUP by making any changes in the Port's WLUP and BCDC's plans that might be necessary to achieve consistency between the provisions of these plans. Based on the conclusions of that study, amendments to the SFWSAP were adopted in 2000 which contemplated a comprehensive public access and open space plan for the Northeastern Waterfront, identifying desirable locations for new public parks and plazas, and expanded Bay views through the removal of selected piers in this area. BCDC and the Port concluded that the best way to honor the goals expressed by the citizens of San Francisco in Proposition H, and to further promote the regional Bay protection and public access objectives of the McAteer-Petris Act, would be to amend the SAP policies for the Northeastern Waterfront between Pier 35 and China Basin in order to achieve the following interrelated objectives. First, the Plan would allow the Port to develop piers not designated for removal for any use consistent with the Public Trust Doctrine and the Port's legislative trust grant, without regard to whether the use was water-oriented or could be achieved on an alternative upland location. Second, the Plan would provide an integrated package of public access benefits, sufficient to warrant exercise by BCDC of its authority vested in it pursuant to the McAteer-Petris Act, to set aside these otherwise applicable use limitations on new Bay fill across the portion of the Northeastern Waterfront between Pier 35 and China Basin in the interests of the health, safety, or welfare of the public in the entire Bay Area.

16. BCDC and the Port concluded that in order to achieve important public health, safety and welfare goals, it would be necessary to develop a package of public improvements and public benefits along the waterfront. The result of the joint, detailed planning process for the Northeastern Waterfront was a physical and policy plan for the area between Pier 35 and China Basin that responds to the commercial realities of the Port by allowing the Port to redevelop

those of its piers not designated for removal for uses consistent with the Public Trust Doctrine and the Port's legislative trust grant, in return for an integrated package of public benefits that could not be achieved through the BCDC's permit authority for individual projects. Accordingly, the package of public benefits described below for the Northeastern Waterfront were determined sufficient to warrant exercise by the Commission of the authority vested in it, pursuant to section 66632(f) of the McAteer-Petris Act, to set aside these otherwise applicable use limitations on new Bay fill as necessary to the health, safety or welfare of the public in the entire Bay Area. The integrated package of public benefits includes:

- The removal of deteriorating piers that pose a threat to navigation, and to public safety and health;
- The restoration of significant areas of open water to enhance the ecological health of the Bay and to facilitate needed public recreation and access opportunities;
- The completion of a waterfront-wide, integrated public access network, guided by a policy framework for expanding public access; design policies that promote low-scale development and preserve significant Bay views; an implementation program to fund and construct the plazas and pier removals; and enhancement of Bay views and opportunities to enjoy water areas adjacent to The Embarcadero;
- The preservation of important and unique historic resources along the waterfront; and
- Development of new uses to enable public enjoyment of the waterfront, including life safety and seismic improvements and repairs of existing piers.

17. The public benefits described above could not be attained in the Northeastern Waterfront through application of BCDC's existing regulatory regime. Restrictions limiting the repair, reconstruction or redevelopment of piers would prevent these benefits from being achieved since there is limited demand for exclusively water-oriented uses.

18. By expanding the category of permissible uses on piers to include all uses consistent with the Public Trust Doctrine and the Port's legislative trust grant (Burton Act), demand for redevelopment of piers would be expected to increase greatly, and would enable the attainment of the important public improvements described above.

19. Because the Public Trust Doctrine and the Port's legislative trust grant (Burton Act) recognize the need to protect valuable public aquatic resources, the expansion of allowable uses on redeveloped piers to allow public trust uses would not invite inappropriate use of Bay resources.

20. A program on the San Francisco waterfront that includes reuse or reconstruction of piers consistent with the Public Trust Doctrine and the Port's legislative trust grant (Burton Act) would enable the package of public improvements described above to be achieved.

21. Since the 2000 amendment to the SAP, the Port has conducted a more thorough analysis of the condition of its piers and sheds. This analysis determined that Piers 30-32, previously planned as the future international cruise ship terminal for the City and County of San Francisco, will require significant rehabilitation prior to development. The assessment also determined that Piers 23 and 27 were in good condition, requiring little rehabilitation prior to development. A number of piers were also identified as being in failing or poor condition and in need of significant repair, including Piers 26, 28 and 31.

22. A number of public benefits identified in the 2000 amendments were predicated on the development of Piers 27-31 in a way that would result in the preservation of an open water basin adjacent to the Northeast Wharf Plaza, public access along the adjoining pier aprons, the removal of a portion of Pier 23 to open up views to the Bay from the plaza and the Embarcadero, and boating access from the plaza to the open water basin. The relocation of the new international cruise ship terminal from Piers 30-32 to Pier 27 and the finding that Pier 23 is in good condition and could be developed, compromises many of the public benefits envisioned in the 2000 amendments. These changes require that new public benefits be identified for this area of the waterfront that are equal to or better than the public benefits required by the 2000 amendment.

23. The 2000 amendment required the Port to nominate the Northern Waterfront Historic District for listing on the National Register of Public Places. The Port completed this process which led to the creation and listing of the Embarcadero Historic District on the National Register in 2005. The historic piers, sheds, sea-wall wharves and other properties between Pier 45 in Fisherman's Wharf at the north end to Pier 48 located just south of China Basin Channel are identified as contributing resources to the Embarcadero Historic District, and are important to retain to the extent feasible.

24. Pier 27 is the most suitable location for a new, international cruise ship terminal on the San Francisco waterfront, due to its size, its apron length and width, structural integrity, and the availability of the infrastructure to easily supply the cruise ships with shoreside power. Other cruise ship berthing sites on the Northeastern Waterfront are also necessary to accommodate the annual ship calls. Sites that are viable as secondary sites for ship calls include Pier 35 and Piers 30-32.

25. The use of the San Francisco waterfront for special events may provide a unique opportunity to achieve several key objectives of the SAP, including bringing more people to the waterfront and increasing the public's enjoyment of the Bay. If special events use of the San Francisco waterfront, including the designated open water basins, is consistent with the integrated public benefits identified in Finding 15, the use is temporary and provides public benefits to balance the temporary impacts which are commensurate with the size and duration of the event, then such a use could be found consistent with the SAP.

26. The 2000 amendment required four open water basins for the purpose of preserving or opening up views of the Bay, connecting public access and public plazas with the Bay, providing areas for temporary and transient berthing and mooring along the San Francisco waterfront and creating opportunities to develop recreational access to the water. To maintain the balance of public benefits with public and private development, it is necessary that the area from China Basin to Pier 35 still contain four open water basins, without other permanent uses, such as marinas or cruise ship berthing being sited in these open water basins. Proposals for non-conforming uses that prevent achieving the open water basin purposes in any of the designated open water basins can only be approved if a new, alternative open water basin within the area between China Basin and Pier 35 is identified and established through a future amendment of the SAP. The 2012 amendment establishes a policy requiring a public planning process and the timely identification of a substitute open water basin for the Northeast Wharf Open Water Basin. In 2014, the Port and BCDC conducted a planning study that identified a potential replacement Open Water Basin next to the Ferry Plaza behind the Ferry Building.

27. The 2000 SFWSAP amendment required the creation of Open Water Areas, which are those areas of the Bay not designated as Open Water Basins, as part of the identified public benefits provided by the Port. Open Water Policy 1(d), in part, required the Port to remove the deck and pilings that form the “valley” between Pier 15 and Pier 17, and non-historic additions to the Pier 15 and Pier 17 sheds, or to remove an equal or greater amount of fill at a different location if a project proposed to retain a portion of that fill. The subsequent development of the Exploratorium, a world-class science museum (Permit No. 2006.009.04), resulted in a net reduction of 21,410 square feet of fill but did not remove another 108,310 square feet of fill that had been identified for removal by the 2000 SFWSAP amendment. Instead, the Port was required to remove fill at another location on the San Francisco waterfront. In 2023, in lieu of removing the remaining 108,310 square feet of fill, the Port applied to amend the Bay Plan and update the SFWSAP to implement a Sea Level Rise Public Education Initiative as an alternative public benefit.

28. In the time since the fill removal at Pier 15 and Pier 17 was required as part of the SFWSAP in 2000, and subsequently amended through the process to relocate the Exploratorium, there has been an increasing focus on issues related to climate change and the vulnerability of the San Francisco waterfront. The urgency and necessity of resilience and adaptation to climate change was not considered in the 2000 version of the SFWSAP amendment. The Port, in collaboration with the Exploratorium, will implement a Sea Level Rise Public Education Initiative as a regionwide public benefit, in the place of removing preexisting fill at a different location on the San Francisco waterfront as previously required by the SFWSAP and associated permit. As described above, the SFWSAP provides for an integrated package of public benefits that could not necessarily be required through the Commission’s permit authority for individual projects without the prior adoption of policies justifying the requirement for such an integrated public benefits package, and these public benefits are not intended to serve as compensatory mitiga-

tion for any associated impacts of individual projects to resources or public access for which the Bay Plan or SFWSAP already contain enforceable policies. The Commission may define the public benefits that are appropriate under the Special Area Plan. The Commission finds that need for public education on the impacts of climate change on the Bay is a critical public benefit, and that this public benefit is a more appropriate public benefit at Piers 15 and 17 than the fill removal previously required by the 2000 version of the SFWSAP and the subsequent Exploratorium permit, and therefore incorporates the Sea Level Rise Public Education Initiative in the integrated package of benefits described in the SFWSAP.

29. The removal of Pier 31 could create a suitable replacement for the Northeast Wharf Open Water Basin between Piers 29 and Pier 33. In combination with the removal of the shed at the tip of Piers 27-29 to create a pier-end public space, providing public access on the north side of Pier 29, opening Pier 29 ½ public access and providing the Bayside History walk in Pier 29, the open water basin created here could provide similar benefits as those eliminated by developing the primary cruise terminal at Pier 27, eliminating the Northeast Wharf Open Water Basin and retaining the Pier 23 shed. In 2014, the Port and BCDC conducted a planning study that identified a potential replacement Open Water Basin next to the Ferry Plaza behind the Ferry Building.

30. Under the 2000 and 2012 SFWSAP amendments, there have been numerous projects and improvements along the Northeastern Waterfront. Together with the transportation improvements provided along The Embarcadero, there is now a diverse variety of public benefits in the form of open water basins to view the Bay, new parks and plazas, seismic reinforcement of the Ferry Building and several historic finger piers and bulkhead structures in projects open to the public, and new maritime terminals and facilities. Guided by the policies of the SFWSAP and WLUP, each project has contributed to enhancing the overall public use and enjoyment of the Northeastern Waterfront.

31. These benefits are necessary to the health, safety and welfare of the public in the entire Bay Area because the San Francisco waterfront is a unique recreation, transportation and economic resource for the entire region. Over 250,000 Bay Area residents commute to San Francisco daily to work, and every year, 4.9 million Bay Area residents make multiple trips each year to enjoy the cultural, recreational athletic and entertainment venues offered exclusively in this centrally located city. Many of the regional visitors enter San Francisco by passing across or along the waterfront, using waterborne and other public transit concentrated in the area. The substantial improvements to public and commercial recreation, climate resilience and public education promoted through this Plan inure to the benefit of the public in the entire Bay Area. Therefore, the Commission finds that the amendments to the Special Area Plan are necessary to the health, safety and welfare of the public in the entire Bay Area.

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Policies

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

Piers Not Designated For Removal [2]

Permitted Uses:

- Uses Consistent with the Public Trust Doctrine and the Port's Legislative Trust Grant (Burton Act).

Policies

1. The Commission should issue permits under the Bay Plan policy in Part IV, "Filling for Public Trust Uses on Publicly-owned Property Granted to a Public Agency by the Legislature", consistent with the following criteria:

   a. Within the boundaries of the existing pier footprint, an existing pier may be repaired or wholly reconstructed for a use consistent with the Public Trust Doctrine and the Port's legislative trust grant without triggering the McAteer-Petris Act Section 66605(a) water-oriented use criterion, and Section 66605(b) no alternative upland location criterion. Existing piers are those piers extant on the Northeastern Waterfront and Fisherman's Wharf, and not identified for removal, as of July 20, 2000;

   b. The volume (mass) of structures to be built on the pier would be consistent with achieving and enhancing maximum feasible public access, consistent with the project;

   c. The fill would be limited to piers, rather than earth or other solid material or floating structures;

   d. The proposed project would be designed so as to take advantage of its nearness to the Bay, and would provide opportunities for enjoyment of the Bay in such ways as viewing, boating and fishing;

   e. The proposed project would not conflict with the adopted plans of any agency of local, regional, state or federal government having jurisdiction over the area proposed for the fill; or be in an area where government agencies have not planned or budgeted for projects that would provide adequate access to the Bay;

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[2] Piers are pile-supported structures that extend from the shoreline over the waters of San Francisco Bay. On San Francisco's Northeastern Waterfront, the piers include cantilevered pile-supported marginal wharf structures extending between the Seawall (shoreline) and the piers. Most piers are improved with sheds that cover the majority of the pier. Some piers are open platforms without sheds. The marginal wharf structures are often improved with bulkhead and pier connector buildings. The bulkhead buildings typically connect to the pier sheds.

f. The proposed project would establish a permanent shoreline through dedication of lands and other permanent restrictions on all publicly-owned property bayward of the piers; and

g. The proposed project would provide, to the maximum extent feasible, for enhancement of fish and wildlife and other natural resources in the area, and in no event would result in net adverse impact to these values.

Open Water Basins (see Figure 2)

Permitted Uses:

- Water-Related Recreation
- Water Transportation (e.g., ferries, water taxis, and excursion boats)
- Limited Public Access
- At Pier 32 only: Limited Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly

Policies

1. Open Water Basins should be focal points of public use and enjoyment of the Northeastern Waterfront. Open Water Basins should provide opportunities for physical access between the Bay and piers and should provide new and substantial Bay views from the boundary piers framing the Open Water Basins.

2. Preserve or create four Open Water Basins, including the removal of certain piers, to enable permanent enjoyment of the Bay at the following locations:

   a. In order to ensure the integrity of the public benefits provided for in this Plan and to replace the Northeast Wharf Open Water Basin, the Port must identify and BCDC must approve in a subsequent amendment to this Plan, a new location for the fourth open water basin within the Northeastern Waterfront (Pier 35 to China Basin) by December 31, 2015. The new open water basin should improve views to the Bay from the Embarcadero, provide an opportunity for increased water-recreation access to the Bay and be as close to Piers 27-29 as possible. If siting an open water basin between Piers 29 and 33 is found to be infeasible by a public process beginning no later than July 2012 and being completed no later than July 2015, the requirement to remove the Pier 23 shed, including at least 315 feet of the easternmost portion of the shed will remain until the location, planning and funding of a replacement open water basin is identified by the Port and approved by BCDC. No development may be authorized in the easternmost 315 feet of Pier 23 until BCDC has approved the replacement water basin in an amendment to the SAP;

b. The "Broadway Open Water Basin" between Piers 3 and 9;

c. The "Rincon Point Open Water Basin" from the southern end of the Agriculture Building and Downtown Ferry Terminal breakwater to Pier 22 ½; and

d. The "Brannan Street Wharf Open Water Basin" between Piers 32 and 38, including the removal of Piers 34 and 36.

3. Within Open Water Basins, limit new fill to:

a. Mooring buoys and pile-supported or floating platforms for non-commercial, transient boats to provide shoreline access;

b. Berthing facilities, such as mooring dolphins and buoys, pile-supported or floating platforms, etc., for berthing of commercial vessels (vessels up to approximately 300 feet in length) and temporary ceremonial and visiting ships at the boundary of the Open Water Basins, as provided below:

i. In the Broadway Open Water Basin, existing berthing facilities for the historic Ferry Boat Santa Rosa and Bar Pilots should continue to be allowed. One additional historic ship at Pier 9 should be allowed. Limited lay berthing of public transportation and excursion vessels, up to about 300 feet in length, and temporary berthing of ceremonial and visiting ships should be allowed as long as the berthing of moored vessels is balanced with the preservation of views and the need to provide pier frontage for transient berthing;

ii. In the Rincon Point Open Water Basin, lay berthing is only permitted for fireboats at Pier 22 ½. There should be no new berthing facilities except for limited numbers of mooring dolphins or buoys for non-commercial, transient boating, which may be permitted if it is determined that they would add interest to and improve Bay views in this Basin; and

iii. At Pier 32, berthing facilities may also be permitted for cruise ships.

c. At Pier 32, new pile-supported fill for public access, limited Bay-oriented commercial recreation and Bay-oriented public assembly, provided that the new pile-supported fill is offset by removal of an equivalent amount of pile-supported fill elsewhere on Pier 32, and the new pile-supported fill will not adversely affect the public qualities of the Open Water Basin;

d. At Pier 32, limited new pile-supported fill for public access, if public access on the existing pier and as provided under policy 3-c above is in excess of 35 percent of the existing pier area, provided that the new fill:

i. Is devoted solely to public access;

ii. Improves the public qualities of the Open Water Basin by providing more and better views of the Bay and provides extraordinary public access benefits, all of which could not otherwise be achieved without the additional pile-supported fill; and


Piers to be Removed
Open Water Basins
Open Water Basins Study Area
Port Jurisdiction
0 250 500 1000 FEET
NORTH
PORT JURISDICTION
Brannan Street
Wharf Plaza
CHINA BASIN
46B
THIRD ST.
FOURTH
CHANNEL
TOWNSEND
KING
SECOND
BRANNAN
DELANCEY
BRYANT
FREMONT
HARRISON
FOLSOM
BEALE
MAIN
SPEAR
HOWARD
MISSION
1ST
2ND
3RD
MARKET
STEUART
JUSTIN HERMAN PLAZA
THE EMBARCADERO
CALIFORNIA
SACRAMENTO
DAVIS
CLAY
WASHINGTON
JACKSON
DRUMM
FRONT
BATTERY
40
38
36
34
32
30
28
26
24
22 1/2
2
1 1/2
1
3
Ferry Buil
Pier 2 - Remo
Agriculture Buildi

San Franci

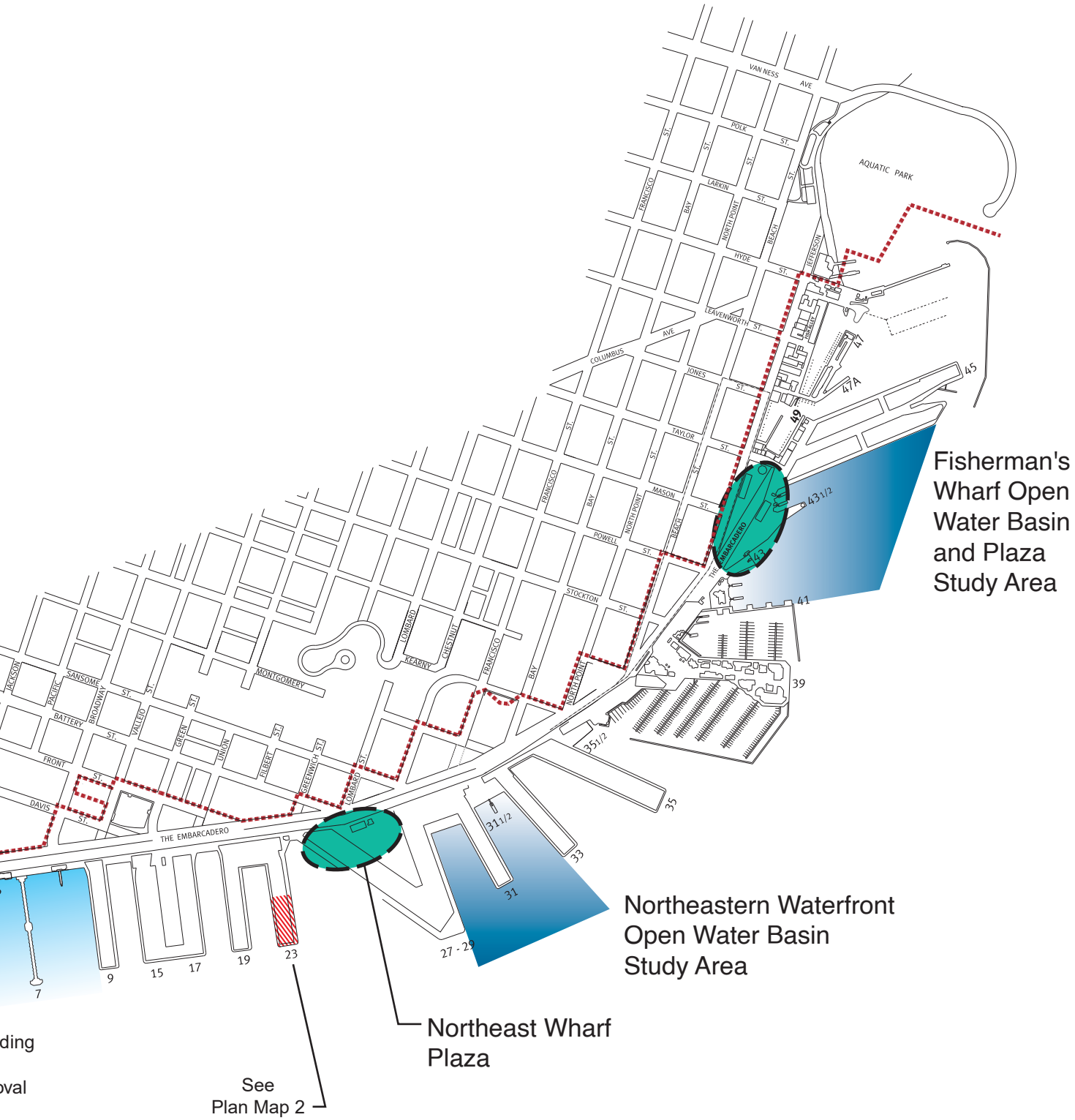


Figure 2:
Open-Water Basins, Open Water Basin Study Area and Public Plazas

iii. Is the minimum necessary to achieve the criteria established in 3-c-ii above.

e. At Pier 38, recreational marina facilities permitted as of July 20, 2000;

f. Historic ships permitted as of July 20, 2000; and one additional historic ship at Pier 9.

g. Occasional, temporary ceremonial berthing of large vessels in order to attract greater numbers of the public to the waterfront;

h. Minor fill for improving shoreline appearance or public access to the Bay, consistent with the Commission's regulations; and

i. Seismic and safety repairs to an existing pier that is not being wholly reconstructed.

Open Water Areas

Permitted Uses:

- Water-Related Recreation
- Water Transportation (e.g., ferries, water taxis, and excursion boats)
- Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly
- Public Access

Policies

1. Open Water Areas are those areas of the Bay not designated as Open Water Basins. Create new Open Water Areas as follows:

   a. Remove Pier 24;

   b. By March 2013 remove a portion of Pier ½ as part of the 34th America's Cup Event project, retaining only that portion required for retaining a vessel berthing facility and public access; and

   c. By March 2015, remove the existing shed at Pier 2 after the 34th America's Cup Event project to improve Bay views and public access. Remove the northern portion of Pier 2 as part of the Downtown Ferry Terminal Phase 2 development project.

2. Within Open Water Areas, new fill should be limited only to the following:

   a. Minor pile-supported or floating fill for water transportation uses, such as ship and boat berthing facilities, mooring dolphins, buoys, floats and similar support uses;

b. Minor, pile-supported fill for Bay-oriented commercial recreation and Bay-oriented public assembly uses. The amount of new pile-sup-ported fill for such uses will be offset by removal of an equivalent amount of pile-supported fill elsewhere on the Northeastern Waterfront not otherwise designated as a pier for removal;

c. Areas appropriate for additional ferry terminals;

d. Up to three (3) new historic ships in addition to any authorized as of July 20, 2000;

e. Minor fill for improving shoreline appearance or public access to the Bay, consistent with the Commission's regulations; and

f. Seismic and safety repairs to an existing pier that is not being wholly reconstructed.

Public Plazas

Permitted Uses (within plazas):

- Water-Related Recreation
- Recreation
- Public Events
- Temporary, Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly

Policies

Brannan Street Wharf

1. Create "Brannan Street Wharf," a major waterfront park in the area of Piers 34 and 36, to serve the South Beach neighborhood, San Francisco and the region. The park should be a minimum of 57,000 square feet in size extending at least 600 feet along The Embarcadero, Bayward of and not including Herb Caen Way. Brannan Street Park should reflect the character and needs of the South Beach neighborhood and visitors to the area, should establish a unique activity center, should provide a respite between the adjacent, more intensively developed areas, and should accommodate a variety of passive recreational activities and serve as both a local and regional destination.

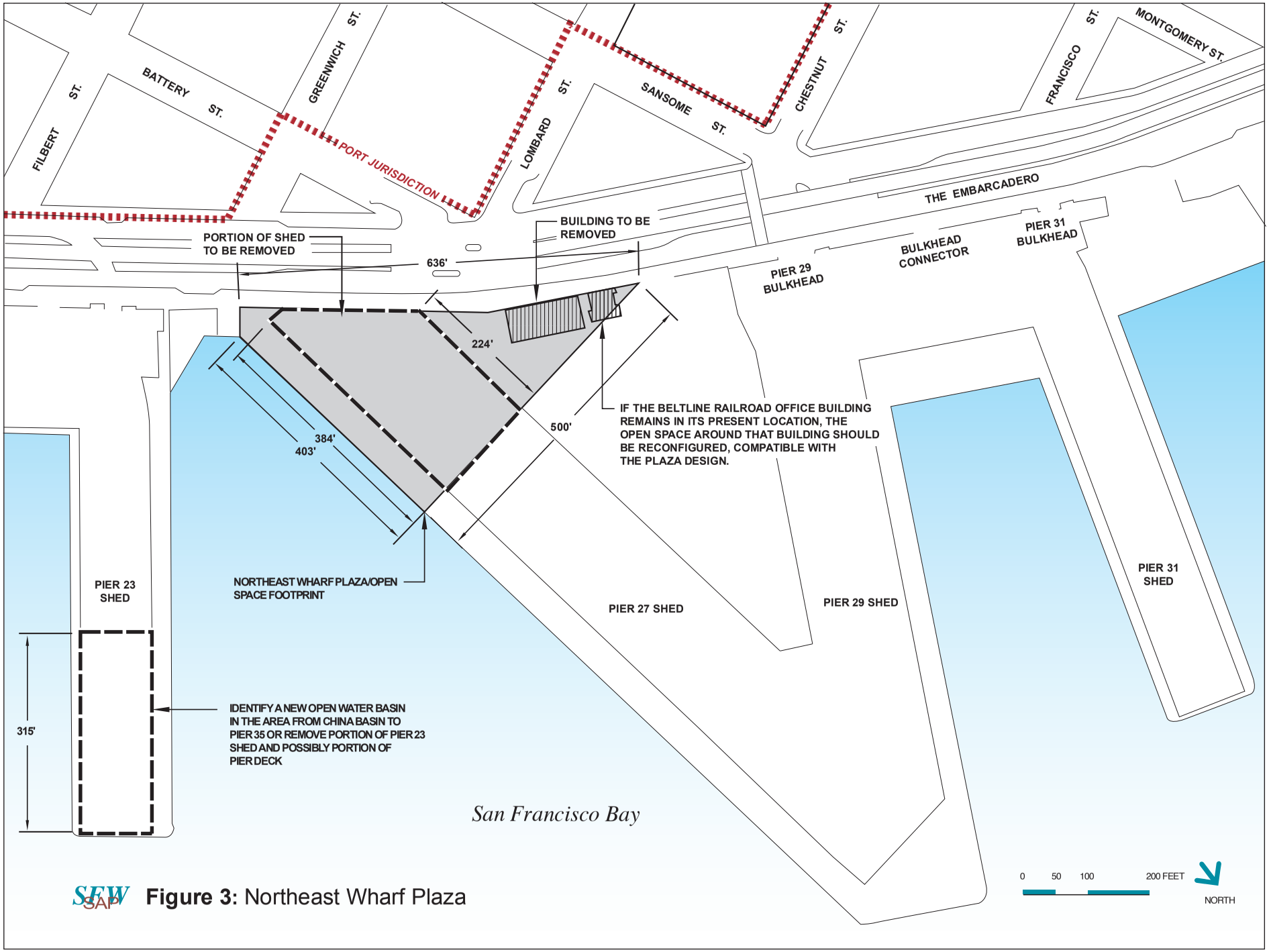


Figure 3: Northeast Wharf Plaza

2. Piers 34 and 36 should be removed to create new permanent open water beyond the Brannan Street Wharf. Portions of these piers can remain and be incorporated into the Brannan Street Wharf, provided that these remnants are structurally sound. Otherwise, the entirety of these piers and marginal wharf areas between them should be removed and partially replaced. Pier removal and park construction should result in a net fill reduction of approximately 140,000 square feet. The Park may be expanded up to 1,000 feet in length to include one or both of the marginal wharves to the north and south, one between Piers 34 and 32, and one between Piers 36 and 38. If the Park is not to be expanded to include either or both of the two marginal wharves, they should be removed to create open water.

3. Uses that should be considered in the program for the Park include informal small play fields (e.g., volleyball), tot lots or other facilities for children, viewing areas, picnic areas, and other uses consistent with a recreational park theme. On the water side, uses to be considered include transient boat tie-ups, kayak and other hand-held craft launch and landing areas and related, water-oriented recreation facilities in order to enliven the adjacent new Park.

4. The design of the Park should integrate well with Herb Caen Way.

5. A cohesive design treatment should be applied to the entire Open Water Basin edge, including the south apron of Pier 32, the park and the north apron of Pier 38.

6. Detailed Park design should be developed through a community planning process, including the South Beach community, citywide and regional representatives, and should successfully address the following:

    a. Reflect the Park's location over the Bay;

    b. Provide viewing areas, seating and picnic areas; and

    c. Provide for other uses consistent with a recreational park, such as fountains, interpretive signs, a small amphitheater, sheltered areas for activities such as chess and checkers, fish cleaning facilities, public art, water stairs (designed to limit algae growth) and other appropriate site furnishings.

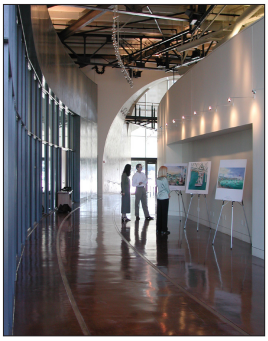
7. The park users should be served primarily by new commercial uses at Pier 30-32 and Pier 38 with accessory commercial uses in the Park limited, clearly incidental to and supportive of the park uses, such as food carts and small kiosks. These should be concentrated within the existing marginal wharf areas to either side of the new Park or located so that they do not interfere with the recreational use of the Park.

8. Permit only maintenance and emergency vehicle access within the Park.

Northeast Wharf Plaza

1. Create a "Northeast Wharf Plaza," as a new, major, destination plaza between Piers 23 and 29 along The Embarcadero, opening up views from The Embarcadero to the Bay. The approximately two-acre plaza should be designed to function as a major attraction for visitors and residents. In addition, provide open space around the Beltline Railroad Office Annex building if it remains in its present location, and maintain unobstructed views from the Annex across the plaza to the Bay.

2. If the Pier 27 shed is not removed to construct a new cruise ship terminal, then to create this plaza, remove approximately 56,000 square feet of the Pier 27 shed (384 feet in length as measured from its southwest corner near Pier 23 and 224 feet in length as measured from the northwest corner near Lombard Street), and remove the Pier 27 Annex Building (the two-story, modern office building). See Figure 3 illustrating the plaza boundaries and footprint.



3. The Plaza design should be consistent with the following criteria:

    a. Consider minor grade changes to create a transition from Herb Caen Way to the Plaza and within the Plaza as a means of adding interest and accommodating different activities;

    b. Be designed to create zones or activity areas and support both active and passive recreation uses. Activity areas should be integrated with adjacent commercial uses and designed to avoid concealed areas, and should also include adequate lighting to promote security and visibility;

    c. Include a variety of appropriate plaza features, such as landscaping, fountains, a small amphitheater, public art, small kiosks, sheltered areas for activities such as chess and checkers, food carts and temporary seating within the cafe zones that are clearly incidental to the plaza and that would enliven public recreation and enjoyment of the plaza;

    d. Be designed for permanence, the rigors of the marine environment, for high levels of public use and for reasonable maintenance. A clearly-defined program of regular maintenance should be developed and implemented when the plaza is constructed;

    e. Allow adjacent commercial uses (e.g., active uses such as shops, restaurant seating, and boat and skate rentals) to spill into and activate the plaza and adjoining public access areas, providing interest and enjoyment for users. Any structure(s) within the plaza supporting such commercial activity should be temporary and easily removed, and should not hinder public use of the plaza; and

    f. Allow periodic high-intensity uses and events in the plaza. Reasonable provision for vehicle access to the Pier 27-29 portion of the project site should be included in any BCDC permit issued for the redevelopment of Piers 27-31.

Public Access

The McAteer-Petris Act requires that projects in BCDC's jurisdiction should provide the maximum feasible public access, consistent with the project. The Commission strives to provide continuous pedestrian access to and along the shoreline of San Francisco Bay. Public access required by the Commission may accommodate uses, such as bicycling, fishing, picnicking, nature education, etc. Visual access to the Bay is a critical part of public access. Bay views from the San Francisco waterfront and views back to the City from the piers are especially unique, and highly valued by the public.

Policies

1. Public access should be provided free of charge to the public, and should provide direct connections to the Bay, both physical and visual.

2. Public access should generally be accessible at any time; however, reasonable restrictions on public access may be approved to promote public safety and security.

3. Public access should emphasize passive recreation and focus on its proximity to the Bay and on the views and unique experiences that nearness to the Bay affords.

4. PortWalk. Complete a continuous public access system called the PortWalk between Pier 35 and China Basin which includes Herb Caen Way, a Bayside History Walk, the existing public access network and new public plazas and other public access areas to be created in the Northeastern Waterfront, as described in this SAP.

5. Bayside History Walk. Create a "Bayside History Walk" to provide public access to the Bay's intimate and quiet spaces behind historic bulkhead and connector buildings, provide views of the inner structure of the pier sheds and bulkhead buildings, and provide interpretation of, and make accessible to the public, these unique physical assets of San Francisco's maritime history:

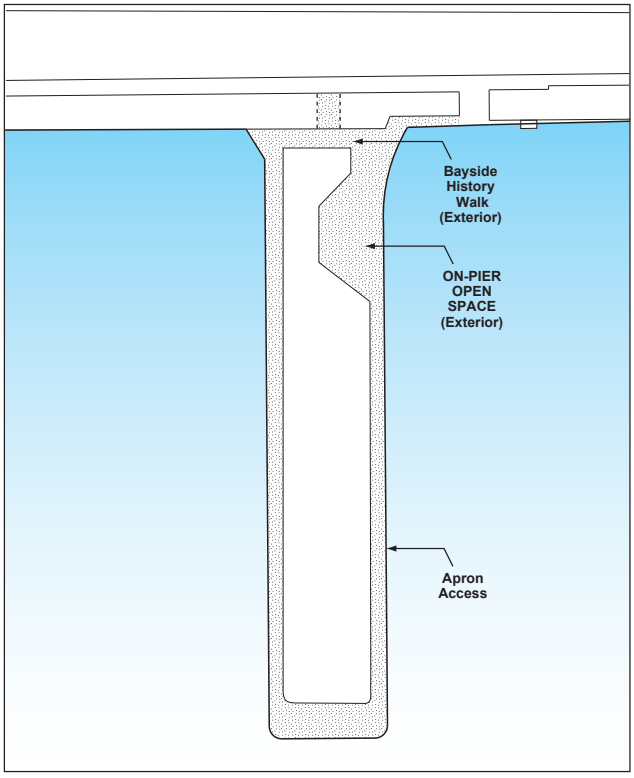
    a. The Bayside History Walk should be a minimum of ten feet in width along the water's edge and 12 feet or more in width in the interior of a pier shed or bulkhead building. Narrower entryways may be appropriate through existing bulkhead buildings, gates or other existing entry points. In some cases, interior segments of the Bayside History Walk may include or connect to interior public open spaces or lobbies, including atria; and

    b. Provide interpretive amenities with each improved segment of the History Walk, including historic photographs, explanatory text and maritime artifacts so that the History Walk functions as a self-guided tour of the waterfront. Portions of the Bayside History Walk may be covered by structures.

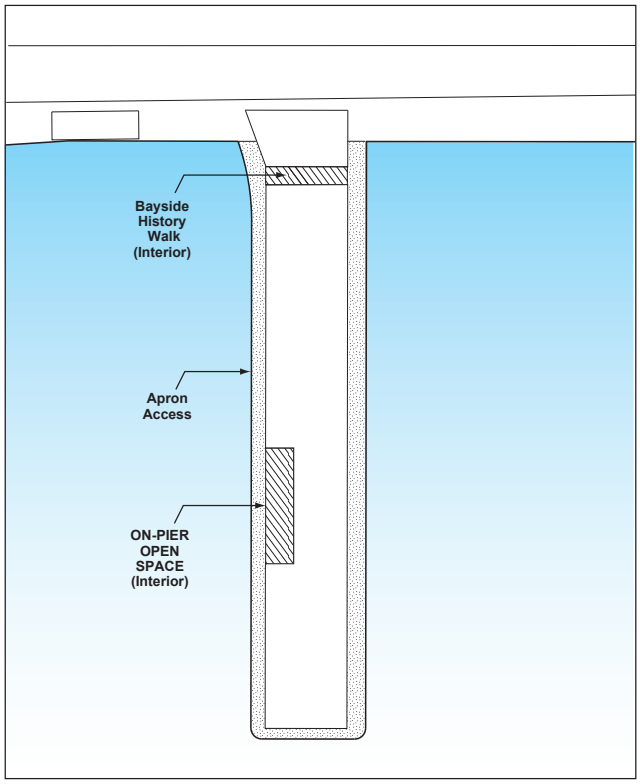
6. Public Access for Major Projects on Piers. For a major development project occupying all or most of a pier(s), a project that provides 35% of the project pier area for public access should be deemed to provide maximum feasible public access.

Figure 4: Conceptual Illustrations of Public Access on Finger Piers

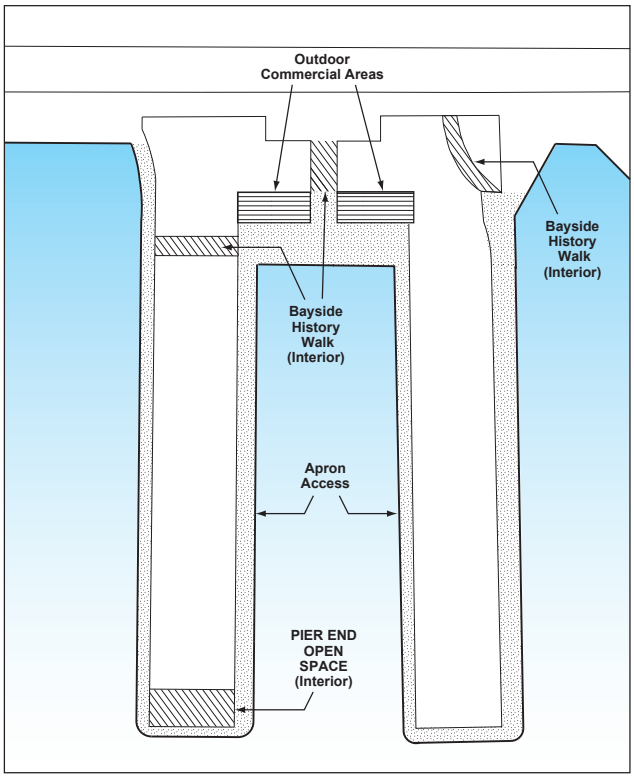
1. Vacant Pier, New Building



2. Rehabilitation, Existing Pier, Bulkhead and Shed



3. Rehabilitation, Existing Pier, Shed, Bulkhead and Connector Building



Public access consistent with redevelopment projects on pier(s) could be provided in a variety of configurations depending upon the use, intensity of development, historic preservation and other considerations. These illustrations provide three conceptual examples of public access opportunities on finger piers.

1. **Vacant Pier, New Building.** New building construction, public access includes continuous perimeter, small, pier-end open space, small, near-bulkhead open space and Bayside History Walk.

2. **Rehabilitation, Existing Pier, Bulkhead and Shed.** Rehabilitation of existing pier shed and bulkhead. Public access includes continuous perimeter, small, interior open space and Bayside History Walk.

3. **Rehabilitation, Existing Pier, Shed, Bulkhead and Connector Building.** Rehabilitation of existing pier structures, new outdoor commercial areas. Public access includes continuous perimeter, small, pier-end open space, large, near-connector building open space and Bayside History Walk.

The Commission may approve a project with less than 35%, if it finds that the proposed public access is the maximum feasible consistent with the project. The Commission can approve a project with a greater amount than 35% only if it is proposed by the project applicant and is consistent with the SAP policies. Public access should not include any area dedicated to the Northeast Wharf or Brannan Street Wharf Plazas required in this SAP. No off-site public access will be required of major projects in the Northeastern Waterfront.

a. Finger Piers (Piers 35, 33, 31, 27-29, 23, 19, 17, 15, 9, 3, 1, 26, 28, 38 and 40):

i. Projects on Finger Piers, where there is no change to the pier shed footprint, particularly when projects preserve historic structures, should provide to the maximum extent feasible, public access on the entire apron, the Bayside History Walk, and an additional public access feature consistent with the project and size of the pier, and with the Secretary of the Interior's Standards;

ii. Projects on Finger Piers where the pier shed is significantly modified or a new building is constructed should provide public access on the entire apron, the Bayside History Walk, and an additional significant public access feature that is consistent with the project and size of the pier;

iii. On-pier open spaces may be located at pier-end, mid-pier or adjacent to a bulkhead building, and could be provided as an exterior or interior atrium or gallery with significant views to the Bay (see Figure 4); and

iv. At Piers 27-29, public access should include the existing pier end open space. If Piers 27-29 are redeveloped in such a way as to substantially increase the intensity of development there (e.g., substantial new buildings or demolition of existing structures and construction of new, substantially larger structures), then Piers 27-29 should be treated as a Large Pier under the policies below.

b. Large Piers (Piers 30-32, and Piers 27-29 if redeveloped as a Large Pier):

i. Large Piers should have a higher proportion of their area devoted to public access and open space than Finger Piers;

ii. Public access provided should consist of:

- Perimeter access
- Significant park(s)/plaza(s) on the pier perimeter
- Additional areas, e.g., small parks or plazas integrated into the perimeter access
- Significant view corridors to the Bay from points on the pier which by their location have more of a relationship to the water than to the project
- The Bayside History Walk (on Pier 29); and

iii. Public open spaces within the interior of large piers that do not provide physical or visual proximity to the Bay should not be included in the determination of maximum feasible public access to be provided on the pier.

7. Public Access for Small Projects on Piers. Projects that redevelop a small portion of a pier and projects in bulkhead or connector buildings, or other marginal wharf structures, e.g., the Agriculture Building, should provide maximum feasible public access consistent with the project.

8. Public Access for Maritime Uses. In those instances where maritime use projects create public safety concerns, public access may be restricted or not required. When ship loading and service areas temporarily preclude complete perimeter access for the period of time of the use, due to legitimate safety concerns, such areas should be reopened to public access when the conflict is not present. When safety considerations preclude perimeter public access entirely, public access should be provided elsewhere to meet the public access area requirements, consistent with the project.

9. Public Access for Interim Uses. Public access for "interim uses" (e.g., changes of lease holders in pier sheds where the use remains generally the same and intensity of use is relatively the same) will be addressed through an expedited permitting process, such as a region-wide permit.

10. Public Access Siting and Design.

    a. On-pier public access areas should be located to take advantage of the Open Water Basins, views of the Bay and its shoreline, views back to the City, wind protection and solar access. They should incorporate unique and special amenities that draw the public to them, including cultural expression, (e.g., public art, event programming or unique views).

    b. Except as otherwise provided in this SAP, public access on new fill should not contribute towards meeting the required public access on finger piers, unless the fill:

        i. Is part of a project that would involve historic preservation consistent with the policies of this SAP; and

        ii. Would replace a former pier apron that was removed, or existing deteriorated apron areas where the apron is necessary to connect existing pier apron(s) to Herb Caen Way or other open space areas.

    c. In cases where the Port or an applicant proposes dedicated public access on a pier that exceeds the maximum public access requirement, consideration may be given to permitting private uses that extend to the platform edge, subject to the following conditions:

        i. Such use should enhance the total design of the project, be oriented toward and take advantage of the location at the water's edge, serve to make the public access more interesting, and should not divert

the public right-of-way along more than 20 percent of the total platform edge. These deviations from the water's edge should be limited to short distances; and

ii. Exceptions to the requirement for continuous perimeter access may also be permitted where safety considerations or maritime operational needs (e.g., ship loading and service areas) preclude complete perimeter access for the period of time of the use. When legitimate safety concerns temporarily preclude public access, such areas should be open to public access when the conflict is not present. When safety considerations preclude perimeter public access entirely, public access should be provided elsewhere on site to meet the public access area requirements.

d. On unique piers, which have upper level areas (e.g., a historic passenger gallery), and in projects where ground level public access areas may be frequently closed, some upper level public access may be permitted and counted towards the required amount of public access, if it is designed to maximize its utility as public access.

e. Where pier aprons are below the finished floor of the pier shed, the apron should be raised to finished floor level. Projects should include entries that orient to the public access areas sufficient to enliven them.

f. Temporary commercial seating and dining areas may be extended from interior commercial operations into a maximum of 20 percent of the public access area if:

i. Seating would not interfere with the primary public access use of the area;

ii. Additional temporary seating and dining areas would serve to enliven the pier and enhance the public's opportunities to enjoy the waterfront, and some limited amount of this seating is made available to the public at no cost;

iii. A minimum of 15 feet of passable public walkway would be maintained at all times on Finger Piers and 35 feet of passable walkway on Large Piers; and

iv. Improvements for such use are temporary and can be easily removed.

11. The longevity of public access improvements required in permits issued pursuant to this Plan should be commensurate with the longevity of the development improvements for which they are required.

12. Any interior public access areas approved as part of pier development projects should include:

a. New opportunities to view the Bay from open air or protected areas (e.g., atria);

b. Connections with outdoor dedicated public access areas;

c. Opportunities for customers and visitors to view and appreciate architectural features of pier shed, bulkhead and other structures; and

d. Consistent paving, landscaping and design treatments that provide pleasing transitions between indoor and outdoor areas.

13. Public access areas should be designed and improved, consistent with the project as follows:

a. Paving materials should be of a quality and compatible with the adjacent building materials and overall project character. Materials could include durable planking, stamped and/or tinted concrete, brick, cut stone or concrete pavers or other quality materials, and asphalt;

b. Hand rails should maximize visual access to the Bay, particularly for children and persons in wheelchairs, should have a top rail that is comfortable to lean on, and should be constructed of durable, low-maintenance materials, consistent with the PortWalk design standards. Where possible, use "bull rails" in lieu of handrails to provide safe, unimpeded views of the Bay from pier perimeters;

c. Site furnishings should include lighting, seating, trash and recycling containers, and public access and interpretive signage. Other site furnishings could include planters, sculpture and other public art, telescopes, drinking fountains, public restrooms, swimming ladders, fish cleaning facilities, rod holders and other furnishings, when appropriate and necessary to meet public needs;

d. For sites with facilities for small boat launching or transient boat tie-ups, sufficient land-side facilities to accommodate this use, including restrooms, signage, boarding floats, etc. may be required;

e. Above-grade utility boxes within public access areas should be discouraged and only permitted if they can be integrated into a public serving feature, such as a kiosk, or appropriately screened against a pier shed wall;

f. Vehicle circulation in public access areas should be limited to service and maintenance vehicles necessary to serve the facility and should be concentrated during late night and early morning hours;

g. Address microclimatic conditions by providing, to the maximum practicable extent, places that are sheltered from the wind and receive maximum sun exposure;

h. Maximize visibility from adjacent uses to increase public safety and comfort. Avoid concealed areas and include adequate lighting;

i. Provide signage, including public access area identification, directional signage for pedestrian movement, Bay Trail signs and interpretive signage that informs the public of the history, both human and natural, of the Bay and San Francisco waterfront;

j. Public access improvements provided for projects within the Northeastern Waterfront should be designed to be low maintenance and should be maintained by the responsible party; and

k. Queues for excursion boats and ferries should be managed so that continuous shoreline public access is maintained and no permanent or semi-permanent structures prevent access to the shoreline.

Historic Preservation

Policies

1. The Port should nominate a Northern Waterfront Historic District from China Basin through Pier 35 to be listed on the National Register of Historic Places.

2. To qualify as historic under this Plan, consistent with BCDC regulation Section 10704, any pier, pier shed, bulkhead or connector building should be listed on the National Register and/or listed as a California Historic Landmark. Projects within these listed facilities should restore the facility or portion thereof, consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Future alterations should be consistent with the Secretary of the Interior's Standards.

3. Historic structures should be showcased as an important amenity in the design of public access areas.

Waterfront Design

Policies

1. Waterfront Form and Structure.

   a. Development should take advantage of its location on the Bay and reflect and recognize the unique identity of the waterfront districts established by street pattern, building scale, materials, landscaping, land uses and public access areas.

   b. To the maximum practicable extent, maintain the finger pier configuration of the waterfront.

   c. Take advantage of the Bay as a design asset by encouraging transparent buildings and other design treatments.

   d. Building height and bulk should generally be low scale in order to preserve views to the Bay, minimize shading of on-pier public access areas and reflect the historic character of the waterfront.

   e. Avoid placing mechanical equipment, pipes, or ducts on roof surfaces and shiny or highly polished materials on roof surfaces and facades.

   f. Use of reflective glass should be prohibited.

   g. To visually emphasize the length of the pier, include a regularly spaced series

of architectural treatments (e.g., doors, windows, railing posts, light fixtures or other pier edge improvements).

h. Sufficient building service (e.g., trash, or storage) and loading space for delivery and service vehicles should be provided without detracting from the building design or the design of adjoining public access areas. Enclose all servicing facilities within structures and shield them from public view. Prohibit exterior storage of a temporary or permanent nature except for maritime uses.

i. Major new developments on waterside properties should highlight maritime features.

j. General advertising in any public spaces or attached to any buildings should be prohibited. Allow only attractively designed identification, directional, regulatory or informational signs, and signs for on-site businesses on adjacent buildings. Permit illuminated signs, but prohibit flashing or animated signs.

Bay Views

Policies

1. Diverse views of the Bay, the City and waterfront and maritime activities along the water's edge should be provided at frequent intervals along The Embarcadero and Herb Caen Way, the Bayside History Walk and from public plazas and public access on piers, consistent with other policies in this Plan.

2. Public overlooks and viewing areas with convenient pedestrian access should be provided on piers, including in areas of maritime and fish processing areas, where safety and use considerations permit. Selected buildings identified in the other policies in this Plan should be removed to open up views.

3. Preserve the existing Bay view corridor between the Pier 31 and Pier 33 Bulkhead Buildings.

4. Street rights-of-way that connect with the waterfront should be preserved and improved as view corridors to the Bay, maritime activities, or waterfront structures. New development on piers should preserve or improve views of the Bay, maritime activities and historic and new waterfront architecture, as indicated in Table 1, consistent with the Port and City plan policies.

5. Minor encroachments that would modify the proposed view identified in the table above may be permitted under the following conditions:

   a. Where the encroaching element has a distinct maritime character, is separated from the shoreline by water, and adds variety to the views along the waterfront, including historic ships and certain navigational vessels that contribute to the character of the view shed;

   b. Where minor structures (such as kiosks) are desirable to provide public amenities contributing to a continuity of interest and activity along the waterfront; and

c. Where essential maritime facilities cannot reasonably be located and designed to avoid view blockage.

6. Billboards should be prohibited along the waterfront.

7. Views of the water should be maximized by designing handrails, fences, marina gates, canopies and other shoreline accessory structures with maximum practicable transparency.

Table 1: Street View Corridors

STREET VIEW CORRIDORS	EXISTING VIEW	PROPOSED VIEW
Sansome	Bulkhead building	Bulkhead building
Green	Bulkhead building	Bulkhead building
Lombard	Pier shed	Bay view
Chestnut	Open, pier shed and office buildings	Bay view and/or waterfront architecture
Kearny	Bay	Bay
Bay	Bulkhead building	Bulkhead building
Front	Bulkhead building	Bulkhead building
Broadway	Bay and Bulkhead building	Bay and Bulkhead building
Washington	Bulkhead building	Bulkhead building
Market	Ferry Building	Ferry Building
Mission	Agriculture Building	Agriculture Building
Howard	Bay	Bay
Folsom	Bay	Bay
Harrison	Bay and Bay Bridge	Bay and Bay Bridge
Brannan	Bay Bridge and pier deck	Bay Bridge and waterfront architecture
Beale	Pier deck	Bay and Brannan Street Wharf Park
Bryant	Bulkhead building	Bulkhead building
Steuart	Bulkhead building	Bulkhead building
King	Park, pier deck and partial Bay view	Park and waterfront architecture
Townsend	Bulkhead building	Bulkhead building

Sea Level Rise Public Education Initiative

Policies

1. The Port shall implement a Sea Level Rise Public Education Initiative as a public benefit to the San Francisco Bay Area. The Education Initiative shall achieve the following program goals:

    a. Increase public understanding of sea level rise in the Bay Area from impacts to solutions;

    b. Elevate public awareness of regional cooperation initiatives and shared vulnerabilities; and

    c. Expand student engagement with sea level rise content through teacher professional development and field trip opportunities.

2. The Sea Level Rise Public Education Initiative shall include free, publicly accessible physical exhibits and programming located at the Exploratorium (Piers 15 and 17). Where appropriate and feasible, exhibits and programming should be located along portions of the San Francisco waterfront, and other areas of the San Francisco Bay. Exhibits and programming developed pursuant to the Sea Level Rise Public Education Initiative shall be for a variety of durations (short-term, medium-term, long-term). Topics included in any exhibits and programming may include, but are not limited to: sea level rise foundations, such as land ice melt, thermal expansion, tides, weather; climate resilience and adaptation pathways; groundwater rise and toxic sites; indigenous relationship to land and sea level; natural and nature-based solutions; historical ecology, land use, and bay fill; and interconnectivity of the region through infrastructure vulnerability.

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3. The Sea Level Rise Public Education Initiative shall incorporate program objectives, a timeline for development and installation of exhibits and programs, and measurable metrics for performance to evaluate the initiative's benefits to the region.

4. The Sea Level Rise Public Education Initiative shall incorporate equity, environmental justice, and community engagement through development of its exhibits, programming, topics, content, and program evaluation.

Transportation and Parking

Policies

1. Transportation access and the efficient movement of people and goods between Port piers and the local and regional transportation system should be improved. Preserve The Embarcadero as a continuous automobile, transit and bicycle access corridor with pedestrian promenade improvements along Herb Caen Way.

2. To minimize traffic impacts on the waterfront, expansion of the water transportation system should be accommodated by identifying areas where new terminals and landside facilities can be constructed.

3. Development in the Port's jurisdiction should maximize use of land and water public transportation systems to minimize the need for automobiles and parking facilities within BCDC's jurisdiction.

4. Parking on piers will be planned to minimize adverse impacts on public access through such measures as avoiding queuing that extends over Herb Caen Way or other public access areas; limiting vehicle access on pier aprons to maintenance, service and emergency vehicles; and using special paving, signing and other design treatments at crosswalks and other pedestrian-vehicle interfaces to identify the joint use and ensure a pedestrian-friendly environment.

Plan Implementation Requirements

1. Public Trust Consistency Determination. At an early stage of the Port's consideration of a proposed development, if requested by the Port, BCDC will hold a public hearing to indicate to the Port whether or not BCDC concurs with the Port that the use proposed in the development is consistent with the Public Trust Doctrine and the Port's legislative trust grant. In reaching its conclusion, BCDC will forward the Port's request to the State Lands Commission for its review and advice. The advice of the State Lands Commission, by letter from its Executive officer, will be used by BCDC in determining the consistency of the proposed use with the Public Trust Doctrine and the Port's legislative trust grant.

2. Early Project Review and Coordination. To achieve greater predictability in the approval of proposed major waterfront projects and to streamline the permit process, the Port, City and BCDC will establish a coordinated, inter-agency project review team to ensure that proposed waterfront projects are consistent with the provisions of this Special Area Plan and related requirements of the agencies. At an early stage in the project development and permit process, the team will:

    a. In conjunction with the State Lands Commission, review and advise the Port on development and design objectives in Requests for Proposals that it proposes to issue for waterfront projects;

    b. In conjunction with the State Lands Commission, at the pre-application stage, review proposed waterfront projects and advise prospective developers concerning the consistency of the project with the Special Area Plan and the provisions of the agencies' laws and policies;

c. Coordinate and review staff reports for the joint design review process;

d. Coordinate project environmental document preparation for the Port Commission and BCDC hearings on proposed projects;

e. Attend the hearings of the Port Commission and BCDC when waterfront projects are considered by the respective commissions;

f. Attend the joint meetings of the City and BCDC's design review boards;

g. Conduct workshops with community groups on waterfront planning and related matters;

h. Conduct additional waterfront planning when the project is part of each agency's work program; and

i. Regularly inform and coordinate on planning and project matters within the area of the Special Area Plan.

3. Joint Design Review Process. To achieve a high level of design quality in waterfront development, ensure consistency in agency comments and requirements for the design of proposed waterfront projects, and to simplify and streamline the project review process, the Port and BCDC will establish a joint design review process for projects proposed within the area of the Special Area Plan. This joint design review process will entail joint meetings of BCDC's Design Review Board and the Port and City's Waterfront Design Advisory Committee. These two design groups will consider the design issues that are pertinent to the authority of each of the agencies, and advise BCDC, the Port and the City on design matters pertinent to each of the agencies' authority.

4. The Port will:

a. Amend the *Waterfront Land Use Plan* consistent with this SAP;

b. Finance and/or obtain funding from other sources to fund pier removal and development of the parks and plazas identified in these Implementation Requirements through a dedicated fund. The Port will contribute to the fund a total of up to $30 million over a 20-year period. The Port will proceed to remove piers and develop the plazas, as identified in this SAP, through an aggressive financing and development strategy, including:

i. Pursuit of all available grants; and

ii. Use of developer fees or contributions where consistent with project financing and feasibility;

c. Remove Pier 34 within one year of BCDC's adoption of amendments to the SAP (completed);

d. Remove Pier 24 within three years of BCDC's adoption of amendments to the SAP (partially completed);

e. Upon Port issuance of a certificate of occupancy for the major reuse of Piers 30-32, or a comparable major development, in addition to that provided for in Implementation Requirement 4-f below, carry out the public benefits projects below:

   i. Construct Phase 1, the northern portion of the Brannan Street Wharf (in the area of Pier 34 and north) within 5 years;

   ii. Remove Pier 36 within 15 years; and

   iii. Complete the Brannan Street Wharf within 15 years if necessary grants or other funding are available, or within 20 years if necessary grants or other funding are not available;

f. Upon Port issuance of a certificate of occupancy for the major reuse of Pier 27, or a comparable major development, in addition to that provided for in Implementation Requirement 4-e above, carry out the following public benefits:

   i. Complete Phase 1 of the Northeast Wharf Plaza by removing that portion of the Pier 27 shed required to create the Plaza and make it, the pier perimeter area, and the area adjacent to The Embarcadero, as shown in Figure 2 "Northeast Wharf Plaza," accessible and useable by the public prior to the Port issuing a certificate of occupancy for a large development on Pier 27, or a comparable major development on adjacent piers. If the cruise ship terminal or other maritime use is developed at Pier 27, provide pier perimeter public access on the north apron of Pier 29, and Phase 1 of the pier end open space at Pier 27-29. Provide a Bayside History Walk through Pier 29 or Pier 29 ½ connecting the Embarcadero Promenade to the north apron of Pier 29, and public access on the north apron of Pier 19, the south apron of Pier 23, the Pier 19 ½ apron, the Pier 29 ½ apron and provide public access through the Pier 19 ½ and the Pier 29 ½ connector buildings at a date agreed mutually upon between the Port and BCDC;

   ii. Complete the Northeast Waterfront Plaza (Phases 1, 2 and 3) upon issuance of a certificate of occupancy at Pier 27 if necessary grants or other funding are available, or within 11 years if necessary grants or other funding are not available; and

   iii. In order to replace the open water basin eliminated by the cruise ship terminal project, identify a shed and/or pier to remove that will contribute to the development of a new open water basin within the area from Pier 35 to China Basin and as close to Pier 27 as feasible. A public planning process and financing plan for this new open water basin and planning for Phase 2 of the pier end open space at the end of Piers 27-29 should begin in July 2012 and be completed by July 2015. Phase 2 of the pier end open space at the end of Piers 27-29 should be implemented within 11 years of issuance of occupancy for the cruise ship terminal or at the time of a long-term lease at Pier 29. The pier or shed removal within the replacement open water basin, or removal of the portion of the Pier 23 shed consistent with the Open Water Basin policies of this SFWSAP should be completed at a date agreed mutually upon by the Port and BCDC.

Any BCDC permit issued for major reuse of Piers 27-31 should include reasonable provision for vehicle access to the project site;

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g. Take into account unforeseen circumstances and with the mutual consent of BCDC, the Port may modify the time performance obligations in these Plan Implementation Requirements. Further, if no major projects occur, but the Port obtains substantial benefits under the provisions of this SAP, then the Port and BCDC will revise the Implementation Requirements so that the plazas and pier removals will proceed at a pace consistent with such benefits;

h. Prepare, in consultation with BCDC and Save the Bay, milestones and associated target completion dates for the funding and removal of the piers identified to be removed in this SAP, and the funding, design and construction of the Northeast Waterfront Park/Plaza and the Brannan Street Wharf. Prepare and present an annual report to the Port Commission and BCDC on the status of pier removal and park/plaza construction, including funding status;

i. The Port will initiate preparation of nomination materials for a Northern Waterfront Historic District from China Basin through Pier 35 to be listed on the National Register of Historic Places. The nomination will be submitted no later than June 30, 2002, and the Port will strive to submit the nomination by June 30, 2001 (completed);

j. By July 2015, the Port will initiate a planning process to identify strategies for ensuring that the contributing resources to the Northern Waterfront Historic District are either rehabilitated or removed within a certain number of years of being closed to occupancy and use in order to protect both the historic resources along the waterfront and public health and safety and Bay ecology;

k. The Port and BCDC will appoint committee members to the advisory committees that advise the respective Commissions on the plaza planning and design parameters;

l. As part of the 34th America's Cup project:

   i. By March 2013, remove a portion of Pier ½ retaining only that portion required for a vessel berthing facility and public access; and

   ii. By March 2015, remove the existing shed at Pier 2 after the 34th America's Cup Event project to improve Bay views and public access. Remove the northern portion of Pier 2 as part of the Downtown Ferry Terminal Phase 2 development project;

m. If the Commission finds that the Port has failed to comply with any Plan Implementation Requirements for the Northeastern Waterfront area of this Plan, the Commission may, by a two-thirds majority vote, cease application of the policies of this entire SAP for projects between Pier 35 and China Basin, and review such project proposals pursuant to the findings and policies of the McAteer-Petris Act and the *San Francisco Bay Plan* in effect prior to July 20, 2000; and

n. Future amendments of the SAP, as adopted on July 20, 2000, affecting the Northeastern Waterfront Area (Pier 35 to China Basin), may only be approved if the Commission finds that the revised public benefits and revised development entitlement would be in balance and the public benefits would be sufficient to warrant the Commission finding that the revised balance of public and private benefits would be necessary to the health, safety and welfare of the public in the entire Bay Area.

SOUTHERN WATERFRONT (CHINA BASIN TO INDIA BASIN)

China Basin and China Basin Channel

Permitted Uses on New or Replacement Fill (Subject to Policies):

- Public Access
- Maritime
- Small Boat Docking Facilities

Policies

1. Continuous public access, consistent with maritime activities, should be provided around China Basin Channel in accordance with the Recreation and Open Space Plan of the City of San Francisco.

2. Limited Bay–oriented commercial recreation should be permitted along China Basin Channel provided it is incidental to and does not obstruct public access.

3. The area immediately east of the Third Street Bridge on the south side of China Basin should be reserved for public access with special consideration given to providing public view areas.

Pier 48 through India Basin

Most of the current maritime activity and proposed maritime expansion of the Port of San Francisco is concentrated on the City's southern waterfront between China Basin and India Basin. Major cargo–handling facilities are under construction in this area and the inland areas, as well, are dominated by maritime and industrial activities. The San Francisco waterfront between China Basin and India Basin is designated a port priority use area in the *San Francisco Bay Plan*, and the *San Francisco Bay Area Seaport Plan,* which designates active, near–term, and long–term marine terminal sites. There is little public access to the Bay along this extensive stretch of the waterfront though, the Port has recently dedicated a waterfront park at Central Basin. Significant recreation potential also exists at a number of other sites, including Warm Water Cove, Islais Creek, and India Basin. Development permitted in this area should be consistent with the provisions of the Seaport Plan.

Piers 48, 50, 54, 68 and 70

Permitted Uses on New or Replacement Fill (Subject to Policies):

- Maritime
- Public Access
- Marina

Pier 52

Permitted Uses on New or Replacement Fill (Subject to Policies):

- Maritime
- Public Access
- Marina
- Commercial Recreation

Policies

1. As part of the 34th America's Cup Events public benefits, improve the small craft launch at Pier 52 to make it accessible to all small craft users by March 2013 and permanently thereafter.

Central Basin

Permitted Uses on New or Replacement Fill (Subject to Policies):

- Public Recreation/Open Space/Public Access
- Marina
- Maritime

Policies

1. Central Basin should continue to be developed for public access and waterfront recreation in accordance with the Recreation and Open Space Plan of the City of San Francisco.

2. As part of the 34th America's Cup Events public benefits, remove Pier 64 by March 2013.

Piers 72, 80, 94, 96 and 98

Permitted Uses on New or Replacement Fill (Subject to Policies):

- Maritime
- Public Access

Policy

1. An expanded Pier 72 should project no further south than a direct expansion eastward of the existing shoreline in order not to infringe on Warm Water Cove.

Warm Water Cove

Permitted Uses on New or Replacement fill (Subject to Policies):

- Public Recreation/Open Space/Public Access

Policies

1. The recreational potential and water quality of Warm Water Cove should be improved and protected, and no fill should be permitted that would adversely affect existing or potential recreation or water quality.

2. Warm Water Cove should be developed for public access and waterfront recreation in accordance with the Recreation and Open Space Plan of the City of San Francisco.

3. Limited development, preferably Bay–oriented commercial recreation, should be permitted along Warm Water Cove, provided it is incidental to public access and water–related recreation and does not obstruct public access.

Islais Creek West of Third Street

Permitted Uses on New or Replacement Fill (Subject to Policies):

- Public Access
- Maritime

Policies

1. The south side of Islais Creek Channel west of the Third Street Bridge should be developed for public access and waterfront recreation as a public esplanade and viewing area. A railroad trestle, serving maritime uses at Piers 94 and 96 should be permitted at Pier 88 provided the trestle does not significantly interfere with public access, and the public access provided in conjunction with the trestle provides substantial public benefits.

2. Limited development, preferably Bay–oriented commercial recreation, should be permitted on the south side of Islais Creek Channel, provided it is incidental to public access and water–related recreation and does not obstruct public access.

India Basin

Permitted Uses on New or Replacement Fill (Subject to Policies):

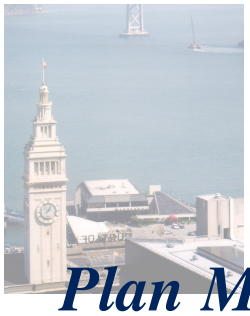
- Public Recreation/Open Space/Public Access
- Marina

Policies

1. The India Basin area should be developed as a major waterfront park in accordance with the Recreation and Open Space Plan of the City of San Francisco. Some fill may be needed.

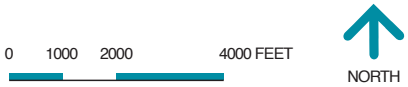
2. Limited development, preferably Bay–oriented commercial recreation, should be permitted on the shoreline, provided it is incidental to public access and water–related recreation and does not obstruct public access.

3. Continuous public access should be provided along the west side of future Pier 98, along India Basin, and a public access connection should be provided between the two.



Plan Maps

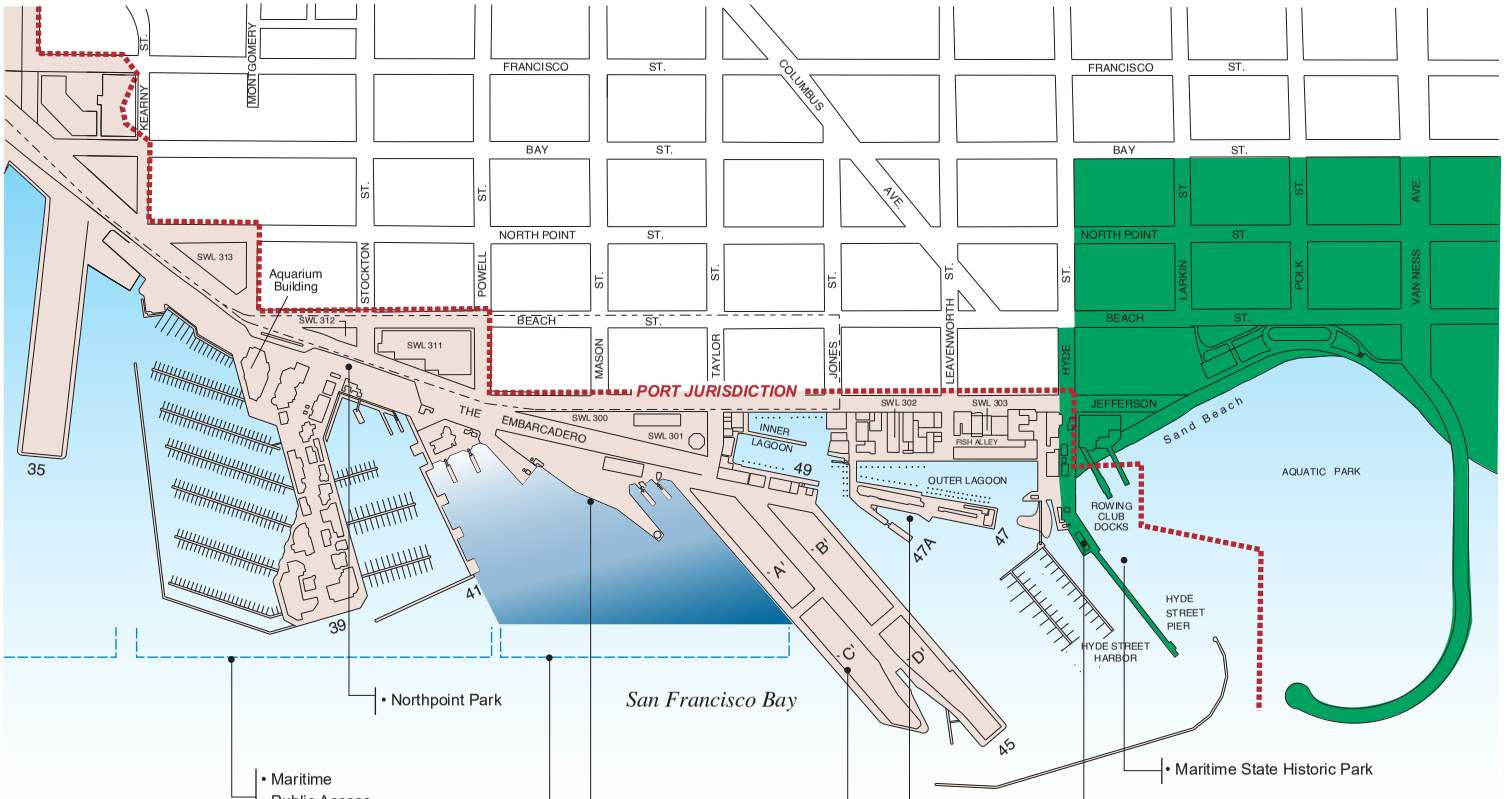
SFW SAP Key to Special Area Plan Maps



Special Area Plan Map 1

0 250 500 1000 FEET

NORTH

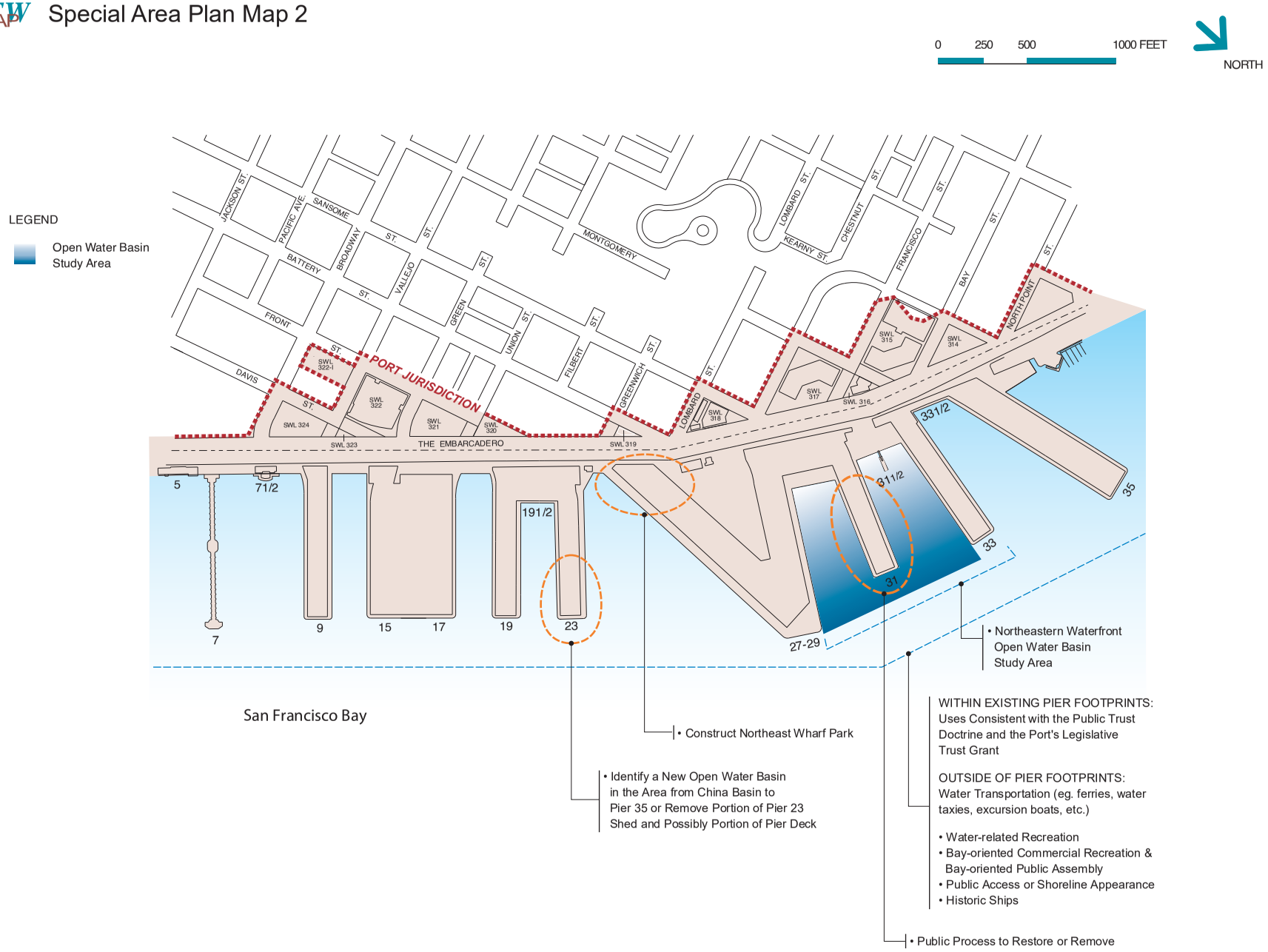


- Northpoint Park
- Maritime
- Public Access
- Commercial Recreation
- Marina
- Maritime
- Tour Boats
- Ferries
- Commercial Recreation
- Public Access
- Fisherman's Wharf
- ***Open Water Basin***
- Study Area
- Maritime
- Breakwater
- Berthing and Docking Facilities for Commercial Fishing Boats
- Public Access
- Commercial Recreation and Public Assembly
- Maritime
- Public Access
- Vessel Berthing
- Maritime
- Fish Processing
- Limited Commercial Recreation
- Public Access
- Maritime State Historic Park

LEGEND

- Park Priority Area
- Open Water Basin Study Area

SFW SAP Special Area Plan Map 2



Special Area Plan Map 3

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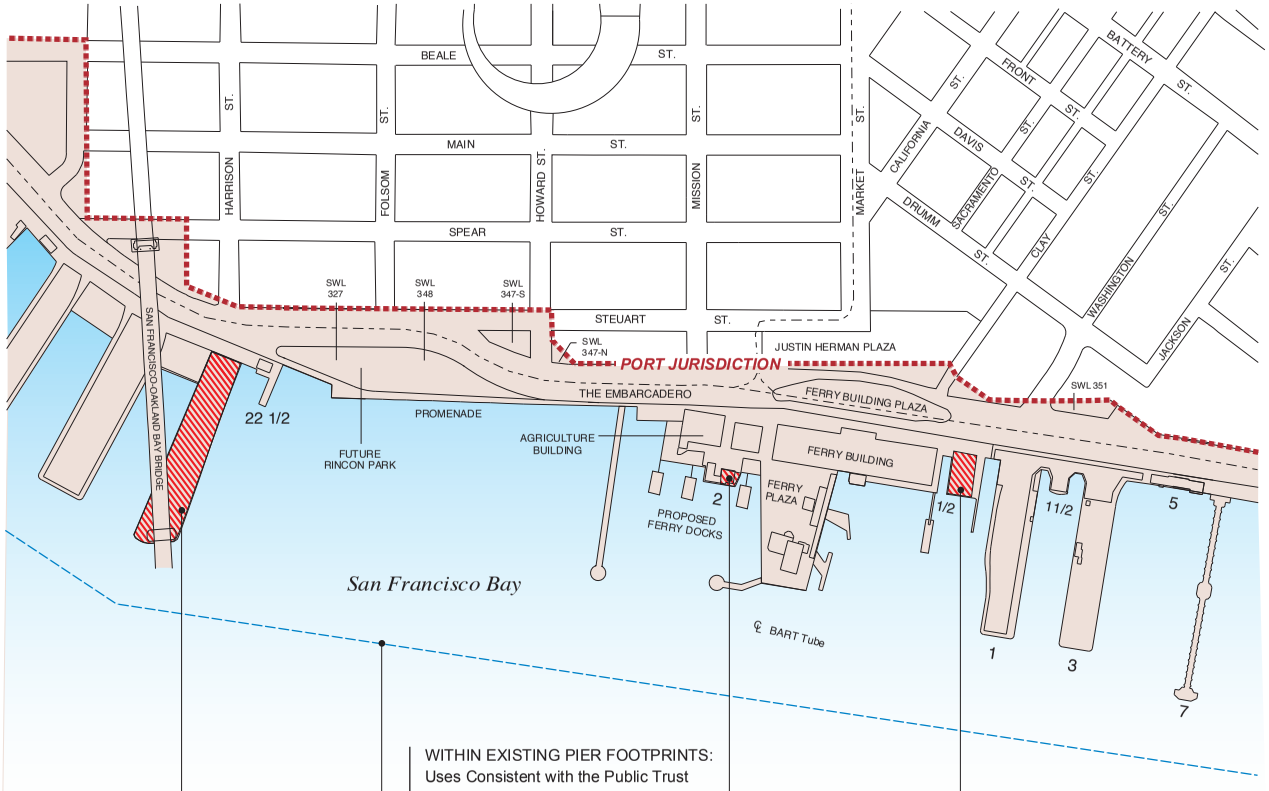
NORTH



• Remove Pier 24

WITHIN EXISTING PIER FOOTPRINTS:
Uses Consistent with the Public Trust Doctrine and the Port's Legislative Trust Grant

OUTSIDE OF PIER FOOTPRINTS:
Water Transportation (eg. ferries, water taxies, excursion boats, etc.)

- Water-related Recreation
- Bay-oriented Commercial Recreation & Bay-oriented Public Assembly
- Public Access or Shoreline Appearance
- Historic Ships

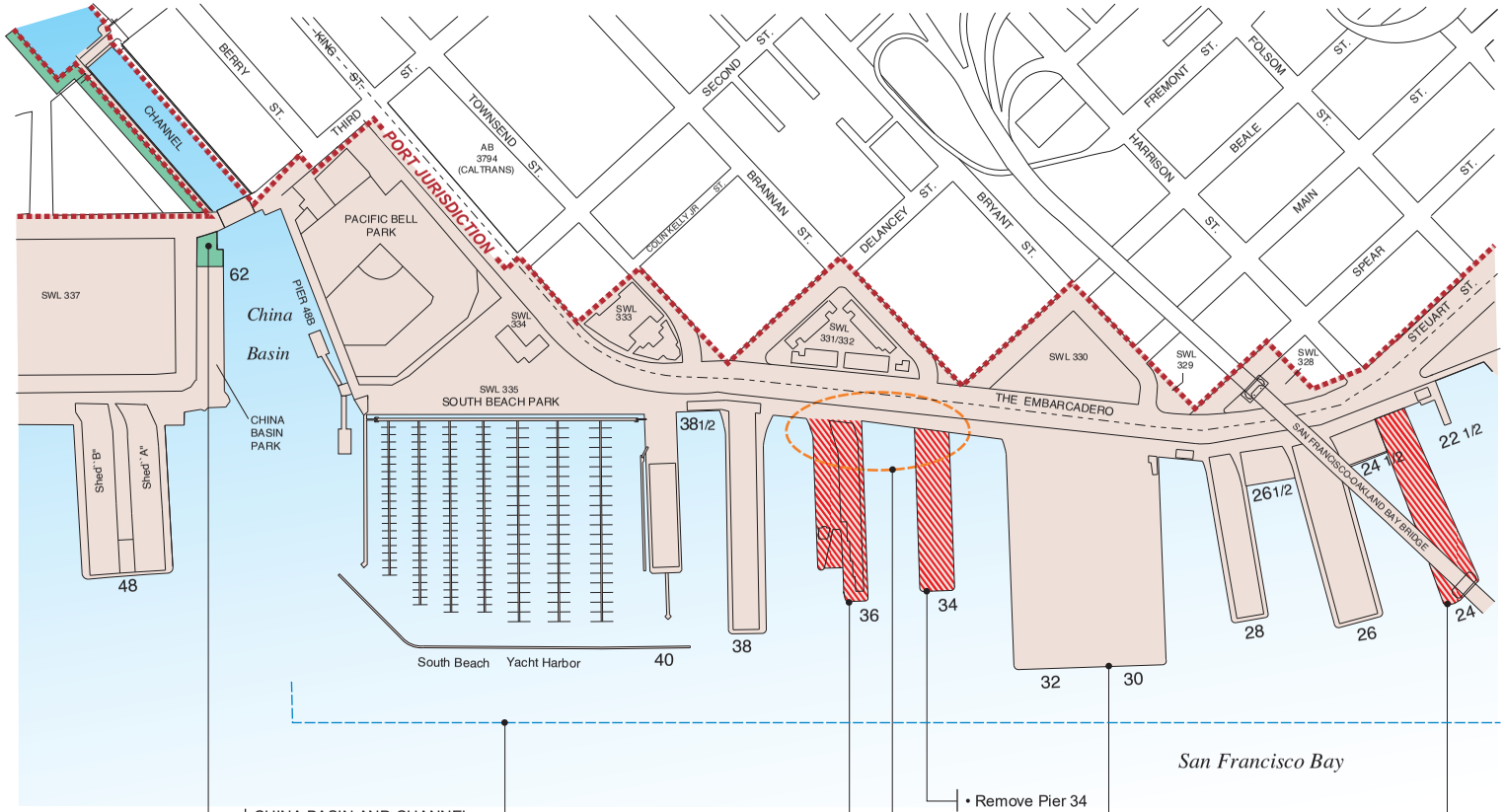
• Remove Portion of Pier 2

• Remove Portion of Pier 1/2

Special Area Plan Map 4

0 250 500 1000 FEET

NORTH



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

WITHIN EXISTING PIER FOOTPRINTS: Uses Consistent with the Public Trust Doctrine and the Port's Legislative Trust Grant

OUTSIDE OF PIER FOOTPRINTS: Water Transportation (eg. ferries, water taxies, excursion boats, etc.)

- Water-related Recreation
- Bay-oriented Commercial Recreation & Bay-oriented Public Assembly
- Public Access or Shoreline Appearance
- Historic Ships

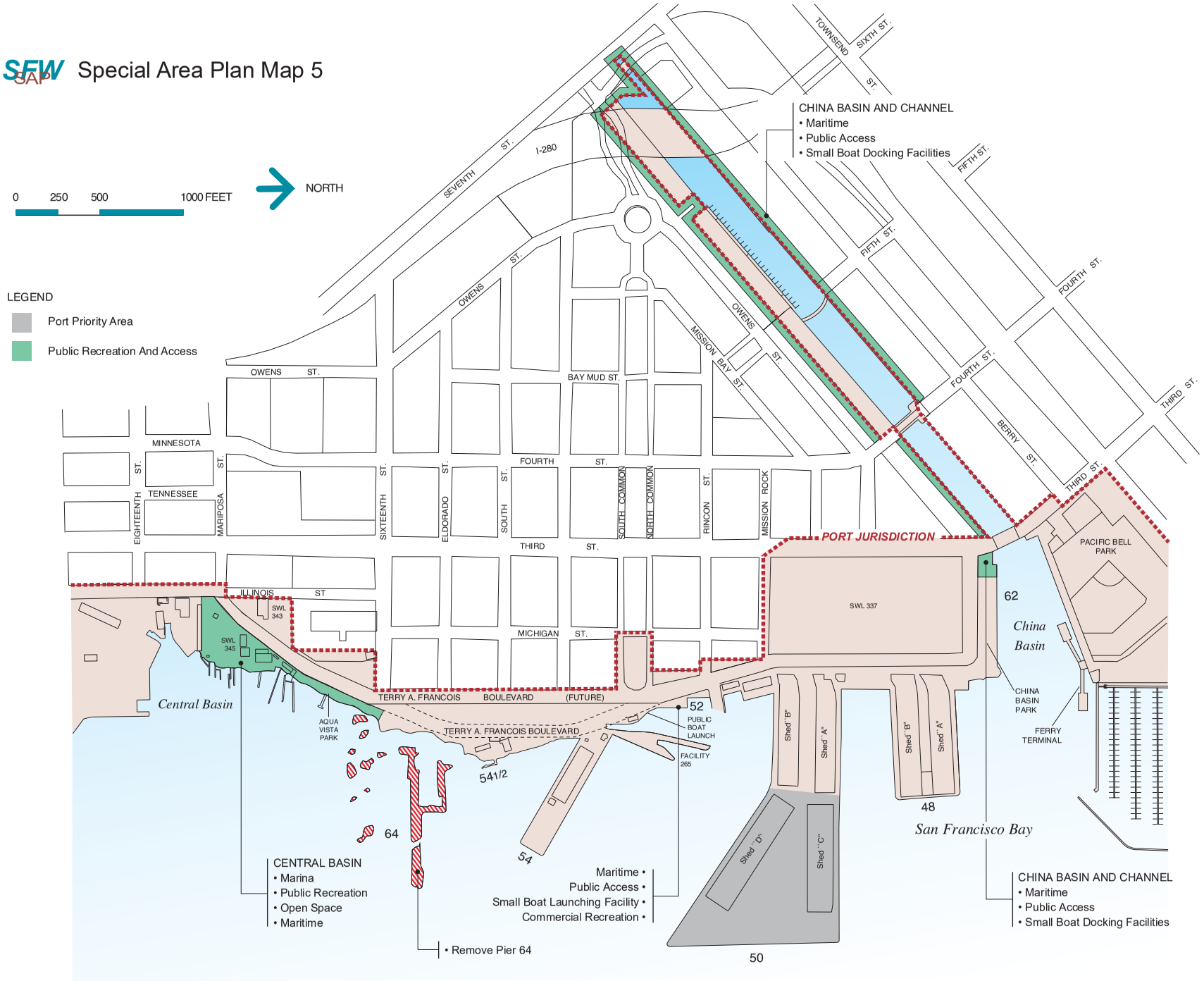
- Remove Pier 34
- Construct Brannan Street Wharf Park
- Remove Pier 36
- Some Fill for a Cruise Terminal May be Needed
- Remove Pier 24

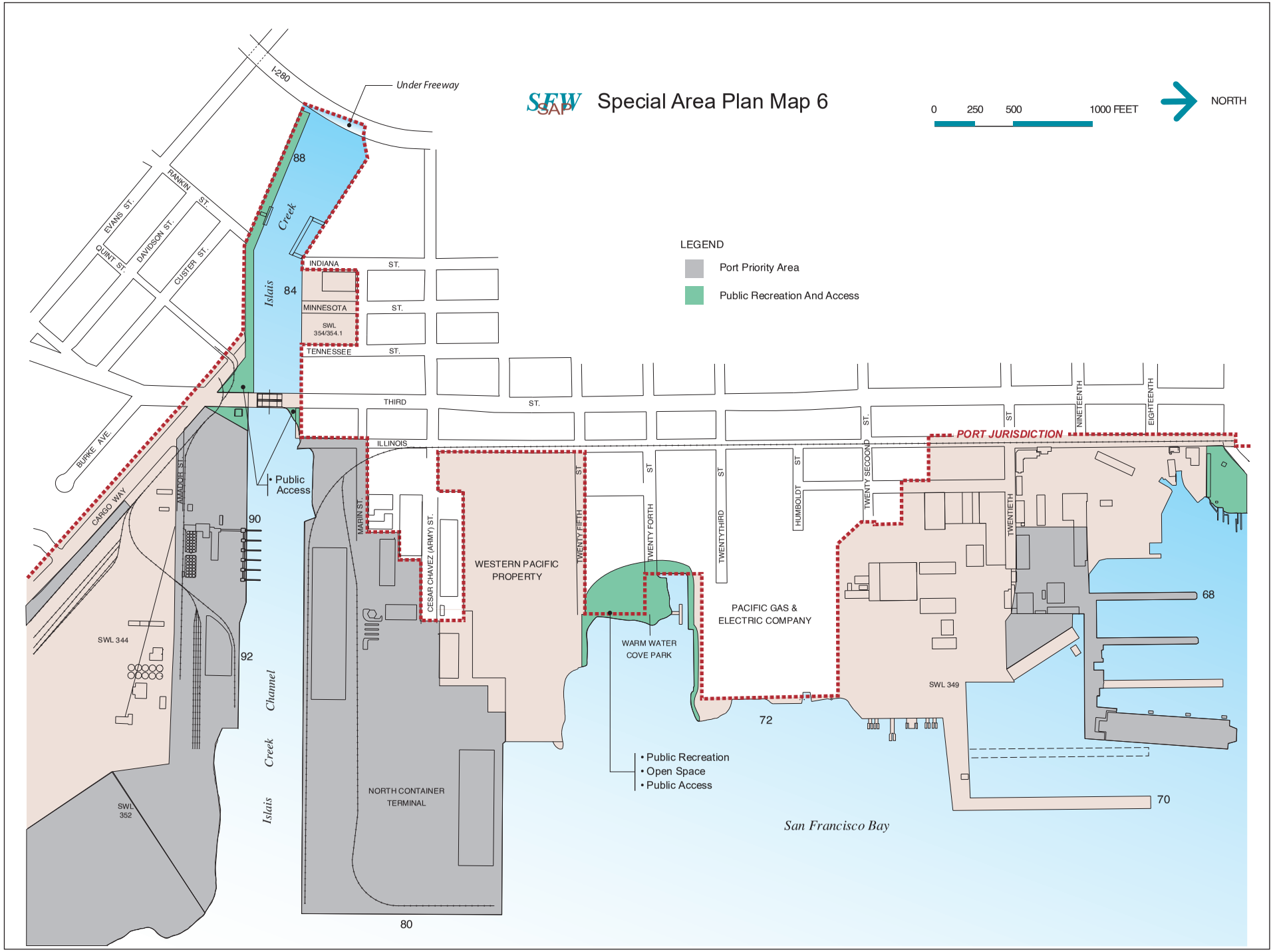
LEGEND

Port Priority Area

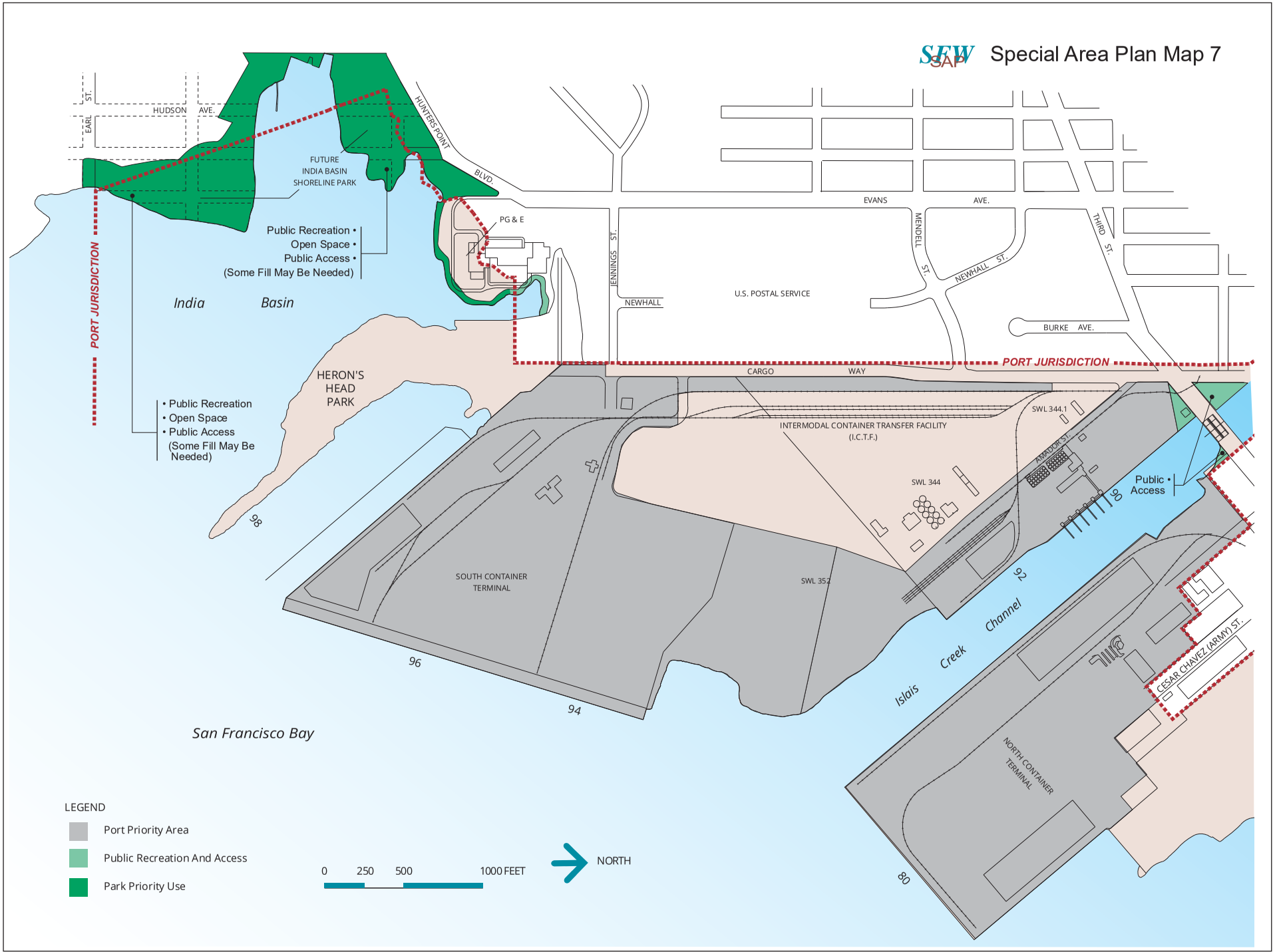
Public Recreation And Access

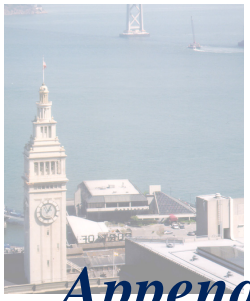
SFW SAP Special Area Plan Map 5




SEW SAP
Special Area Plan Map 6
0 250 500 1000 FEET
NORTH
LEGEND
Port Priority Area
Public Recreation And Access
I-280
Under Freeway
88
84
90
92
80
68
72
70
Islais Creek
Islais Creek Channel
EVANS ST.
RANKIN ST.
QUINT ST.
DAVIDSON ST.
CUSTER ST.
INDIANA ST.
MINNESOTA ST.
TENNESSEE ST.
THIRD ST.
ILLINOIS ST.
BURKE AVE.
CARGO WAY
AMADOR ST.
MARIN ST.
CESAR CHAVEZ (ARMY) ST.
TWENTY FIFTH ST.
TWENTY FORTH ST.
TWENTYTHIRD ST.
HUMBOLDT ST.
TWENTY SECOND ST.
TWENTIETH ST.
NINETEENTH ST.
EIGHTEENTH ST.
PORT JURISDICTION
• Public Access
SWL 354/354.1
SWL 344
SWL 352
SWL 349
WESTERN PACIFIC PROPERTY
PACIFIC GAS & ELECTRIC COMPANY
WARM WATER COVE PARK
NORTH CONTAINER TERMINAL
• Public Recreation
• Open Space
• Public Access
San Francisco Bay

Special Area Plan Map 7





Appendix 1

THE FOUNDATION OF THE PLAN [3]

The *San Francisco Waterfront Special Area Plan* was initially prepared over a two-year period in the early 1970s. In April 1973, at the request of its Chairman, William D. Evers, BCDC appointed a widely-representative committee to advise it on a plan for San Francisco's waterfront. The committee's charge was to develop a recommended plan on a "parcel-by-parcel" basis to provide a blueprint for the conservation and development of San Francisco's waterfront consistent with the McAteer-Petris Act and the *San Francisco Bay Plan*.

The Plan the committee came up with was based on a blending of interests. It was responsive to the financial needs of the Port, the environmental constraints of the Bay Plan and McAteer–Petris Act, and the strong public desire for an accessible, usable waterfront. After extensive public hearings and the environmental impact review process, the Commission adopted the *San Francisco Waterfront Special Area Plan* as a Bay Plan amendment on April 17, 1975.

In June 1980, the Commission adopted the *San Francisco Waterfront Total Design Plan*, a detailed application of the Special Area Plan to the area of the San Francisco Waterfront from Pier 7 through Pier 24. Development of the Total Design Plan was a joint effort of the San Francisco Department of City Planning, the Port of San Francisco and the Commission under the guidance of the Northeastern Waterfront Advisory Committee. The Total Design Plan was approved by the Port Commission in January 1980 and endorsed by the San Francisco Planning Commission in January 1980.

The Commission adopted the first Special Area Plan for the San Francisco waterfront in 1975, and a Total Design Plan for the area between Piers 7 and 24 in 1980, in recognition of the need for site-specific policies to balance development opportunities with

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[3] The minutes of the San Francisco Waterfront Advisory Committee, the Report on the Special Area Plan for the San Francisco Waterfront (December, 1974), and the proceedings of the Commission in adopting the *San Francisco Waterfront Special Area Plan* provide further background information on the bases for the policies of the 1975 Special Area Plan.

The minutes of the San Francisco Waterfront Committee, the Staff reports to the Committee and BCDC and the proceedings of the Commission in adopting the 2000 amendments to the Special Area Plan provide further background information on the bases for the policies in the July 2000 Special Area Plan.

expanded public access and Bay improvements. In 1991, the Port of San Francisco commenced a comprehensive public planning process to examine changing land uses along the waterfront and to develop the *Waterfront Land Use Plan*, which was adopted by the San Francisco Port Commission in 1997. The Waterfront Plan includes land use policies and a Waterfront Design & Access element containing public access, historic preservation policies and urban design guidelines for all Port properties, including those within BCDC's jurisdiction. BCDC and the San Francisco Planning Department participated in the development of the Waterfront Plan and its Design & Access element. Following Port adoption of the Waterfront Plan, the Port and BCDC continued their cooperative efforts, with participation by Save San Francisco Bay Association, to review and jointly develop amendments to the Special Area Plan and Total Design Plan to provide consistent policies for the planning and development of new land uses, urban design and public access improvements on the San Francisco waterfront, consistent with the McAteer-Petris Act.

In March 1996, the Port of San Francisco (Port) and the San Francisco Bay Conservation and Development Commission (BCDC) signed a Memorandum of Understanding (MOU) to jointly work on resolving inconsistencies between the Port's *Waterfront Land Use Plan* and BCDC's *San Francisco Bay Plan*, *San Francisco Waterfront Special Area Plan* and *San Francisco Waterfront Total Design Plan*. At the invitation of both BCDC and the Port, Save San Francisco Bay Association (Save the Bay) joined these discussions. As prescribed in the MOU, the staffs of the three organizations held a series of meetings to craft a consensus agreement for policy amendments to the Port's and BCDC's plans. In December 1996, the Executive Directors of the Port and BCDC and Save the Bay's representative signed a Concept Agreement which endorsed several elements of agreement reached by the staffs and narrowed the remaining issues to be resolved. Pursuant to the Concept Agreement, the staffs, with the participation of the San Francisco Planning Department, continued to meet to reach consensus on the few remaining differences. Members of a number of San Francisco organizations interested in the waterfront were also involved in these discussions.

On December 16, 1999, the staffs reported to a joint meeting of BCDC and the Port that they had reached agreement on the remaining issues for the Northeastern Waterfront, between Pier 35 and China Basin. The agreement was embodied in the document entitled the Draft Framework Agreement. At the joint public hearing on the Draft Framework Agreement, questions were raised by BCDC and Port Commissioners and the public concerning the proposed Northeast Waterfront Plaza at the foot of Pier 27, the proposed removal of Pier 23 to create Bay views; the removal of Pier 17 to create new open water and Bay views. Many of the commentators testified that they believed that the piers were historic, contributed to the urban form of San Francisco, and should therefore not be removed.

In response to these concerns, the Port and BCDC appointed a joint Committee of members of the two Commissions, chaired by BCDC Commissioner Susan Leal. The San Francisco Waterfront Committee (Committee) was charged with holding hearings to better understand the issues raised by the public, resolve the outstanding issues with the Draft Framework Agreement, and report its recommendations back to the Commissions.

Throughout this public process, it was apparent that there is a strong local and regional reverence for the San Francisco waterfront—its past and its future. The Committee recommended, and in the amendments to this Special Area Plan the Commission adopted, a balanced resolution that accommodates diverse views and focuses on the waterfront, between Pier 35 and China Basin as a whole, within the bounds of the McAteer-Petris Act. The resolution accomplished many important objectives: (1) reconnecting San Francisco to its waterfront; (2) increasing open water, public access and opportunities to enjoy the

Bay in a manner that completes the open space and public access network between Pier 35 and China Basin; (3) providing for new development that attracts people to the Bay and increases revenue to the Port and City and County of San Francisco; and (4) preserving historic resources and waterfront urban form. These objectives could not be achieved on an individual, project-by-project basis.

The amendments to the SAP resolve long-standing ambiguity over the use of piers that pre-dated BCDC's creation, and consider the waterfront as a whole. Projects approved consistent with the provisions of the Special Area Plan are considered necessary for the health, safety and welfare of the public in the entire Bay Area.

During the joint, detailed planning process, it became clear that the policies in the *San Francisco Waterfront Total Design Plan* (TDP) would require substantial modifications to make them consistent with the emerging consensus on new policies. Review of the policies in the TDP indicated that many of the initiatives therein had been achieved or would soon be achieved, that many of the unrealized policies or initiatives were too detailed to be relevant and, that policies for the Ferry Building area providing greater flexibility were needed. Moreover, integrating the remaining relevant initiatives in the TDP in the amended SAP would further the goal of streamlining regulation for this area. For these reasons, the TDP is rescinded by the Commission and the policies controlling development in the Commission's jurisdiction in this segment of the waterfront are included in the amended *San Francisco Waterfront Special Area Plan*.

WATERFRONT ADVISORY COMMITTEE

The Waterfront Advisory Committee, appointed in April 1973, submitted a recommended plan for the San Francisco waterfront to BCDC in December 1974. This recommended plan formed the basis for the *San Francisco Waterfront Special Area Plan*.

WILLIAM EVERS, Chairman, BCDC
LEX BYERS, Greater San Francisco Chamber of Commerce
DIANNE FEINSTEIN, San Francisco Board of Supervisors, BCDC
RICHARD GOLDMAN, BCDC Citizens' Advisory Committee
TOBY ROSENBLATT, Alternate
JUDY SHELDON, Alternate,
RICHARD GRYZIEC, San Francisco Tomorrow
ANN FOLGELBERG, Alternate
ROBERT KATZ, Telegraph Hill Dwellers' Association
KAY KERR, Save San Francisco Bay Association
ESTHER GULICK, Alternate
ROBERT FIREWOOD, San Francisco Planning and Urban Renewal Association
CYRIL MAGNIN, San Francisco Port Commission
JOHN WILLIAMS, San Francisco Port Commission
WALTER NEWMAN, San Francisco Planning Commission
ALLAN JACOBS, Alternate
GEORGE WILLIAMS, Alternate
BYRON NISHKIAN, Downtown Association of San Francisco
WILLIAM SARGEANT, Alternate
DON L. ROTAN, Marine Cooks and Stewards Union
ROBERT RUMSEY, San Francisco Redevelopment Agency
ART EVANS, San Francisco Redevelopment Agency
WILLIAM MASON, Alternate
DWIGHT STEELE, Sierra Club, Bay Chapter
BECKY EVANS, Alternate
ELAINE SUNDAHL, Potrero Hill Residents' and Homeowners Association
PAUL SHERRILL, Potrero Hill Residents' and Homeowners Association

SAN FRANCISCO WATERFRONT ADVISORY COMMITTEE

The San Francisco Waterfront Advisory Committee, a joint BCDC-Port of San Francisco committee, appointed in January, 2000, submitted a recommendation to resolve outstanding issues to complete the year 2000 amendments to the *San Francisco Waterfront Special Area Plan*. The Committee's recommendation was accepted at a joint meeting of the San Francisco Port Commission and BCDC in May 2000.

BCDC Commissioners

SUSAN LEAL, Co-Chair
ARTHUR BRUZZONE, Vice-Chair
SUSAN BIERMAN, Supervisor, City and County of San Francisco
ROSEMARY CORBIN, Mayor, City of Richmond
BETSEY CUTLER, California Senate Rules Committee
ROBERT TUFTS, BCDC Commission Chair (ex officio)
MICHAEL VALENTINE, State Lands Commission
RICHARD WALL, Governor's Representative

San Francisco Port Commissioners

DENISE McCARTHY, Co-Chair
KIMBERLY BRANDON
MICHAEL HARDEMAN

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