

San Francisco Bay Conservation and Development Commission

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TO: Commissioners and Alternates

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SUBJECT: **Staff Report and Recommendation for Proposed Bay Plan Amendment No. 3-17, an Update to the San Francisco Waterfront Special Area Plan**
(For Commission consideration on August 21, 2025)

Final Staff Recommendation

The staff recommends that the Commission adopt the attached Resolution No. 2025-01 (Appendix A) that would:

1. Amend the *San Francisco Bay Plan* (Bay Plan) by modifying the *San Francisco Waterfront Special Area Plan* (SFWSAP) by revising the geographic-specific policies of the Fisherman's Wharf vicinity to align with the Northeastern Waterfront vicinity, establishing a Sea Level Rise Public Education Initiative as a public benefit in place of a Bay fill removal public benefit, postponing the dates for outstanding SFWSAP public benefits requirements of public access improvements associated with Piers 19, 19.5, 23, 29.5, the Bayside History Walk at Pier 29, and removal of the end of Pier 23, and minor changes to terminology and findings (Appendix A, Exhibit 1).
2. Amend the *San Francisco Waterfront Special Area Plan* maps and notes in accordance with the amendments to the SFWSAP policies (Appendix A, Exhibit 2).
3. Make necessary findings regarding the Environmental Assessment; and
4. Make necessary findings that the Bay Plan amendment conforms to all applicable findings and declarations of policies of the McAteer-Petris Act.

An affirmative vote of two-thirds of the Commission membership (18 members) is required to amend the *San Francisco Waterfront Special Area Plan* as part of the *San Francisco Bay Plan* (Bay Plan).

Background and Recommended Amendments

I. Bay Plan Amendment No. 3-17

On November 7, 2024, the Commission voted to re-initiate Bay Plan amendment 3-17 to update the San Francisco Waterfront Special Area Plan (SFWSAP). BPA No. 3-17, the subject of this final recommendation, submitted on August 17, 2017, was initiated at the request of the Port of San Francisco to amend the *San Francisco Bay Plan* (Bay Plan) via modifications to the SFWSAP.



This Final Staff Planning Recommendation builds upon and incorporates by reference the May 2, 2025, Staff Report and Preliminary Recommendation, except where this Final Staff Planning Recommendation corrects, revises, or updates information contained in the Staff Report and Preliminary Recommendation following information received and considered prior to, at, and subsequent to the release of the Staff Report and Preliminary Recommendation and the associated July 17, 2025 public hearing for BPA No. 3-17.

A. San Francisco Waterfront Special Area Plan Background

The McAteer-Petris Act allows for the San Francisco Bay Plan (Bay Plan) to contain or incorporate by reference Special Area Plans with more specific findings and policies for portions of the Bay and its shoreline. In the past, the Commission has adopted Special Area Plans to apply policies in greater detail to specific shoreline and water areas in recognition of unique characteristics in a given area. Special Area Plans are developed in partnership with local governments, and when adopted by the Commission, are incorporated by reference into the Bay Plan. The San Francisco Waterfront Special Area Plan (SFWSAP), first established in 1975, is one such plan.

The Port of San Francisco (Port) has applied to the Commission to amend the SFWSAP to align the policies of the SFWSAP with a recent update to the Port's own local planning process, the San Francisco Waterfront Plan (Waterfront Plan), and to address other near-term priorities.

The Commission previously voted to initiate Bay Plan Amendment No. 3-17 (BPA 3-17 or SFWSAP Amendment) on September 19, 2019. Commission and Port staff worked on the proposed amendment for several years but experienced delays relating to the Pandemic and staff turnover. In 2023, Commission staff and Port staff engaged in discussions regarding the proposed development project at Piers 30-32 and Seawall Lot 330. These discussions evolved further to identify strategies to improve collaboration and mutual support between the agencies. As a result of these discussions, Commission staff and Port staff developed a Memorandum of Understanding (MOU) to provide a framework for coordination between Port staff and Commission staff on several Port priorities, including the SFWSAP Amendment. The Commission authorized the Executive Director to enter the MOU at its December 21, 2023, meeting. The Commission also entered a contract with the Port to reimburse the Commission for staff time and other costs associated with this BPA and other agreed-upon work.

Subsequently, the Commission voted on November 7, 2024, to re-initiate BPA 3-17 based on the revisions to the proposed SFWSAP Amendment.

BCDC staff released its Staff Report and Preliminary Staff Recommendation on May 2, 2025. The Commission held a public hearing on BPA 3-17 on July 17, 2025. BCDC staff have not made any changes to these proposed findings and policies following public consideration of the Staff Report and Preliminary Recommendation and the July 17, 2025 public hearing, and therefore recommends the Commission adopt the proposed amendment to the Findings and Policies of the SFWSAP (including the San Francisco Bay



Plan) consistent with the analysis provided by the Staff Report and Preliminary Staff Recommendation and consistent with the attached Resolution. The full text of the amendments to the San Francisco Waterfront Special Area Plan Findings and Policies is incorporated in Resolution 2025.01 (Appendix A).

B. Pier 15 and Pier 17 Public Benefit Swap

Consistent with staff's preliminary recommendation, BCDC staff recommends removing the findings and policies related to the fill removal at Pier 15 and 17 and incorporating new findings and policies to support and define the Sea Level Rise Public Education Initiative. SFWSAP *Plan Implementation Requirements Policy 4(f)* requires the Port to remove the deck and pilings that form the "valley" between Pier 15 and Pier 17, and certain non-historic additions to the Pier 15 and Pier 17 sheds. The policy further specifies that a project proposing to retain a portion of that fill must be offset by the removal of an equal or greater amount of fill elsewhere. When the Commission approved BCDC Permit No. 2006.009.00 authorizing the Exploratorium project, it also concurrently amended the SFWSAP (via Bay Plan Amendment No. 1-09) to revise these fill removal public benefits. Rather than require removal of all the fill at Piers 15 and 17, the revised SFWSAP Policy 4.f.4 and Special Condition II-D of Permit No. 2006.009.00 provided that the Port and Exploratorium could remove fill at a different location along the waterfront. The amount of fill required to be removed as a public benefit would depend on the location of the proposed removal.

Consistent with the 2023 MOU between the Port and BCDC and due to the constraints outlined in the Preliminary Staff Recommendation, the Port and Exploratorium now propose an alternative public benefit in place of this complex fill removal requirement: a Sea Level Rise Public Education Initiative (the Initiative). The amended SFWSAP findings and policies for the Sea Level Rise Public Education Initiative describe the need for the Initiative and provide standards for how the Port and Exploratorium must implement the initiative. The amended Sea Level Rise Public Education Initiative Policy is adapted from elements of the Exploratorium's proposal, codifying the initiative's goals, sea level rise subject matter, and commitment to making it free and publicly accessible. SLR Public Education Initiative Policy 1, as amended, states that the program shall achieve its primary goals of increasing public understanding of sea level rise (SLR) in the Bay Area, elevating public awareness of regional adaptation initiatives, and expanding student engagement with SLR content. As amended, Policy 2 states that the education initiative shall be free and publicly accessible. As amended, Policy 3 focuses on developing timelines and performance metrics, and Policy 4 states that the initiative shall incorporate equity, environmental justice, and community engagement throughout its development.

Staff recommend replacing the fill removal requirement (of SFWSAP Policy 4.f.4) with the amended policies requiring the development of the Sea Level Rise Public Education Initiative because the Initiative provides a greater public benefit than fill removal in this



location of the San Francisco waterfront. This public benefit aligns with and advances recent Commission policy and priorities, described above, that were not present during previous iterations of the SFWSAP. Additionally, the Exploratorium is a preeminent leader in the field of public education and exhibit creation. The proposed education initiative takes advantage of having a world-class science museum located on the San Francisco waterfront. The Port could not identify any other large fill areas around the San Francisco waterfront that were feasible to remove that could achieve open water benefits to the public. The public benefits associated with a public education initiative are an appropriate substitute for the fill removal requirement and recommend that the Commission incorporate the Sea Level Rise Public Education Initiative into the integrated package of benefits described in the SFWSAP.

C. Modification of Requirements at Fisherman's Wharf

BCDC staff recommend amending the SFWSAP Fisherman's Wharf findings and policies to remove the applicability of the 50% rule, and to apply the Northeastern Waterfront Public Trust Use Policy to Fisherman's Wharf. The existing Geographic-Specific Policies for the Fisherman's Wharf geographic area require the Commission and the Port to undertake a study and public process, after which the Port would develop a major public plaza and an open water basin within the Fisherman's Wharf area. After these public benefits are completed, the Policy allows the Port to initiate a request to remove the 50% rule at Fisherman's Wharf. Having completed these requirements, the Port is requesting the change to remove the 50% rule under the existing policy. The amended *Fisherman's Wharf Policy 1, Pier-specific Planning Guidance*, states that "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". *Northeastern Waterfront Piers Not Designated for Removal Policy 1* exempts existing piers repaired or wholly reconstructed from the water-oriented use and alternative upland location requirements of Section 66605 of the McAteer-Petris Act. Instead, it requires any use on the piers to be consistent with the Public Trust Doctrine and the Port's legislative trust grant, with a few additional requirements. The amendments to the geographic-specific Fisherman's Wharf policies in the SFWSAP also include new pier-specific use recommendations to help identify uses to be considered in any major reuse or new development projects in Fisherman's Wharf. While not mandatory uses, they should be considered for any future projects as the project is developed.

D. Additional Minor Modifications

BCDC staff recommend amendments to the SFWSAP to postpone the dates for some outstanding SFWSAP public benefits requirements and to revise outdated and obsolete information from terminology and findings (see Appendix A, Exhibit 1). The Port and BCDC agree that a comprehensive update to the SFWSAP in the future is necessary to refocus the SFWSAP to address the need for resiliency across the San Francisco waterfront. Until that comprehensive update can begin, the Port and BCDC agreed in the MOU to postpone



certain public benefits to allow for planning efforts that are either underway or about to begin to inform that comprehensive review. These efforts include BCDC's recent adoption of the Regional Shoreline Adaptation Plan (BPA 1-24), the U.S. Army Corps of Engineers SF Waterfront Flood Study and the planning work by the Port of San Francisco's Waterfront Resilience Program, and a recently launched effort by the California State Lands Commission to review sea level rise impacts to Public Trust resources.

BCDC staff recommend updating the *SFWSAP Maps* to reflect the changes to the Fisherman's Wharf findings and policies and the changes to the fill removal requirements at Piers 15 and 17. The proposed maps have been altered to remove the open water area at Pier 15 and 17 that would be required to be created from the removal of fill. The proposed maps have also been amended to update the pier-specific uses recommended for Fisherman's Wharf and to reflect the changes to the 50% rule. Revised Maps are provided in Appendix A, Exhibit 2.

Additional Staff Analysis Following the Public Hearing

The following sections summarize policy issues raised after the release of the Staff Report and Preliminary Recommendation on May 2, 2025, derived from comments from Commissioners during the July 17, 2025, public hearing on BPA 3-17. After the public hearing, the Applicant provided additional information to address issues raised in Commissioner comments. These issues are identified and analyzed below.

I. Bay Fill Remaining in the Northeastern Waterfront

The Commission inquired on the Port of San Francisco and Exploratorium efforts to meet the original fill removal public benefits in the SFWSAP. Specifically, the Commission asked for more information on remaining Bay fill removal opportunities within the Northeastern Waterfront, to ensure that efforts had been taken to attempt to meet the Bay fill removal requirements as they were required in the SFWSAP prior to this amendment. The original intent of the Bay fill removal requirement was to remove pile-supported pier structures to create an open water area at Piers 15 and 17. However it has been since determined that leaving the connection between the two piers was more worthwhile, as it serves as a pedestrian connection at the Exploratorium.

The process that the Port would now have to undertake to meet this fill removal requirement at an alternate location would not result in the creation of any single, significant open water area, as originally envisioned by the fill removal requirement. Rather, the Port would need to conduct fill removal at multiple smaller locations throughout their jurisdiction to meet the required amount of fill removal, due to limited fill removal opportunities of comparable size to the original amount of fill required to be removed at Piers 15 and 17. The primary motivation behind the requirement for fill removal was to provide an open water area to allow the public a better feeling of closeness to the Bay – contributing to a more public revitalized waterfront. Since realistically any fill removal now would be in multiple, smaller areas, and would not necessarily be located near areas with

public circulation, the open water area benefit would not be as significant as originally intended even if the Port did find ways to remove the total amount of fill required along different locations of the San Francisco Waterfront.

The Port of San Francisco and Exploratorium attempted to identify fill removal opportunities over several years, prior to the agreement between BCDC and the Port to pursue this revised amendment through the adoption of the MOU in December 2023. In 2021, Port staff and BCDC staff discussed potentially crediting approximately 38,460 square feet of fill of the previous removal of Pier 43.5 in Fisherman's Wharf toward the requirement. The Port also identified potentially removing portions of Pier 64 in the Southern Waterfront, in an area that would not have created an open water basin directly adjacent to a public promenade. Neither location was located in the Northeastern Waterfront vicinity as defined by the SFWSAP. The SFWSAP required a 2:1 ratio for fill removal outside of the Northeastern Waterfront vicinity. Because of this ratio set forth in the policies of the SFWSAP, even if both of these opportunities had been realized and considered to meet this requirement, the Port would still be 34,690 square foot short of meeting the approximately 108,310 square foot fill removal requirement. In addition, fill removed at Pier 64 would not necessarily have achieved the policy goals of open water to benefit public closeness to the Bay. The policies in the SFWSAP did allow for fill removal located within the Northeastern Waterfront to be accounted for in a 1:1 ratio. However, due to previous fill removal projects within the Northeastern Waterfront, there were already limited fill removal opportunities as the Port attempted to find fill removal projects located in the Northeastern Waterfront. Of the removal opportunities close to Piers 15 and 17, the majority of Pier 24 was removed as required by the 2000 SFWSAP amendment, with the goal of improving visual and physical access to the Bay. Piers 34 and 36 were removed to create new permanent open water areas beyond the Brannan Street Wharf, also required in the 2000 SFWSAP amendment. As part of the 34th America's Cup project and required in the SFWSAP, part of Pier ½ and the existing shed at Pier 2 were removed to improve Bay views and public access.

The Port could not identify any other large fill areas around the San Francisco waterfront that were feasible to remove that could achieve open water benefits to the public. As a result of these good faith efforts, BCDC staff and the Port staff agreed that the Port's struggles meeting the fill removal requirement supported an amendment to the SFWSAP.

II. Details of the Sea Level Rise Public Education Initiative

The Commission inquired about several aspects of the Exploratorium's proposed Sea Level Rise Public Education Initiative. The Commission wanted to ensure that the Initiative will be free to the public, involve new exhibits that do not already exist, and how it will be incorporated into the Exploratorium's fundraising. The Initiative does satisfy all three of those specific concerns raised by the Commission. The amended policies recommended for the SFWSAP require the Initiative to be free to the public and involve new exhibits not already developed. The Exploratorium has begun fundraising specifically for the Initiative, and it will be a new element to the Exploratorium's existing fundraising and programming efforts.



Environmental Assessment

BCDC received no comments regarding the draft environmental assessment published as part of the initial staff planning report dated May 2, 2025, or the adequacy of its environmental impacts analysis. Accordingly, no revisions to the initial environmental assessment, which is incorporated herein by reference, are proposed, and staff recommends that the Commission approve the final environmental assessment as part of its approval of BPA No. 1-17. (Reference 14 CCR §§ 11005(b)(2), 11524.)

Summary of Public Comments and Response to Public Comments

Section 11005(b)(1) of the Commission's regulations requires this staff recommendation to contain "a summary of comments and responses to all comments on the proposed amendment received either in writing prior to the close of the public comment period or at the public hearing which the staff planning report did not already summarize and respond to." On May 2, 2025, BCDC released its Staff Report and Preliminary Staff Recommendation, which opened the public comment period. On July 17, 2025, BCDC held a Public Hearing on BPA 3-17, and public comment was received. The Commission closed the Public Hearing on July 17, 2025. BCDC received one written public comment and nine oral public comments during the public comment period (May 2 – July 17, 2025), for a total of ten public comments. The written public comment was received on July 15, 2025, and is included in Appendix B. All nine oral public comments were received at the July 17, 2025, public hearing. The oral public comments were provided by local residents, stakeholders, business owners, education professionals, a representative of a local Native American Tribe, and others, and uniformly supported the proposed amendments.

Included below is Commission staff's response to the single written public comment received on July 15, 2025, and the nine public comments provided at the July 17, 2025, Public hearing. The written public comment is collected in Appendix B of this final recommendation.

Comment 1. Vanessa Carter, Environmental Literacy and Climate Resilience Program Administrator of San Francisco Unified School District. Written comment received July 15, 2025.

Response: Thank you, comment noted.

Comment 2. Mary Ellen Hannibal, Environmental journalist/teacher. Oral comment given on July 17, 2025.

Comment Summary: Has worked with the Exploratorium before and commends their professionalism and efficacy. Supports BPA 3-17 because educating the public about SLR and climate change is very important.

Response: Thank you, comment noted.

Comment 3. Gregg Castro, Culture Director of the Association of Ramaytush Ohlone. Oral comment given on July 17, 2025.

Comment Summary: Stated that the Ramaytush Ohlone were put here in the San Francisco Peninsula to be the caretakers at the beginning of time, and they still act on that belief, especially now in in this time of climate change, it is more critical than ever. These climate issues must be experienced and that's what the Exploratorium specializes in. People must grasp them and believe they have the chance to do something about it. The Exploratorium has been a great partner to the Ramaytush Ohlone. Urged the Commissioners to fully support the Education Initiative.

Response: Thank you, comment noted.

Comment 4. Alice Rogers, Local resident and member of Port's Land Use Subcommittee. Oral comment given on July 17, 2025.

Comment Summary: Has worked for over three years on this BPA through public meetings and outreach. Fully supported removing the 50% as it currently limits what could be really exciting possibilities throughout Fisherman's Wharf. Also supported the Education Initiative and commended the Exploratorium's ability to attract broad and diverse audiences.

Response: Thank you, comment noted.

Comment 5. Brad Benson, Port's Waterfront Resilience Program Director. Oral comment given on July 17, 2025.

Comment Summary: Emphasized that much of the coastal resilience work throughout the Bay will take place over decades, so it is key to include the next generation in this effort. Strongly supported the Education Initiative because you cannot find a better partner than the Exploratorium for this kind of important work.

Response: Thank you, comment noted.

Comment 6. Sina Von Reitzenstein, Vice President of Pier 39 Leasing. Oral comment given on July 17, 2025.

Comment Summary: Voiced strong support for removing the 50% Rule and replacing it with the Public Trust Use Policy. Stated that revitalization and investment along Fisherman's Wharf is essential, and this is a smart and necessary shift that would encourage investment, seismic resilience and a richer variety of public-oriented uses on the Waterfront.

Response: Thank you, comment noted.

Comment 7. Darlene Plumtree, CEO of San Francisco Maritime National Park Association. Oral comment given on July 17, 2025.

Comment Summary: Endorsed all parts of BPA 3-17. Stated they are looking forward to the Fisherman's Wharf Forward Project moving forward, hoping that that will bring some energy and activity to that part of the Waterfront.

Response: Thank you, comment noted.

Comment 8. Alexander Zwissler, Former BCDC Commissioner. Oral comment given on July 17, 2025.

Comment Summary: Expressed thanks to everyone involved in this process. It was his idea originally that there must be a better way to spend this funding on what may or may not be unnecessary Bay fill removal. BPA 3-17 has his unconditional support.

Response: Thank you, comment noted.

Comment 9. Sarah Atkinson, Hazard mitigation and climate adaptation at SPUR. Oral comment given on July 17, 2025.

Comment Summary: Urged the Commission to support the Initiative. Stated that though fill removal may technically satisfy public benefit requirement, it will not serve the public in a lasting or meaningful way. This initiative would tap into the Exploratorium's expertise and mission communicating science in a way that inspires curiosity and empowers informed action.

Response: Thank you, comment noted.

Comment 10. Taryn Hope, Board Chair of Fisherman's Wharf Community Benefit District. Oral comment given on July 17, 2025.

Comment Summary: Supported removing the 50% Rule. Stated that it is a logical change, crucial, and it will improve public access. Stated that everyone in the community is, in general, really in support of this.

Response: Thank you, comment noted.