

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Thirty Van Ness Avenue • Suite 2011 • San Francisco, California 94102 • (415) 557-3686 • FAX: (415) 557-3767

February 16, 1996

**TO:** All Commissioners and Alternates

**FROM:** William Travis, Executive Director

**SUBJECT:** Staff Report and Recommendation on Proposed Bay Plan Amendment No. 3-95 Which Would Change the San Francisco Waterfront Special Area Plan by Specifying That Commercial Recreation Uses May Be Permitted on New or Replacement Fill at Pier 52 in San Francisco (For Commission consideration and possible vote on March 21, 1996)

## Staff Recommendation

The staff recommends that the Commission amend the *San Francisco Waterfront Special Area Plan* regarding permitted uses on new or replacement fill at Pier 52 in San Francisco, as follows:

1. Add "commercial recreation" to the uses allowed at Pier 52 on new or replacement fill in the Geographic-Specific Policies and Recommendations section and add a plan note to Special Area Plan Maps 4 and 5 adding "commercial recreation" to the list of uses now authorized at Pier 52 on new or replacement fill, as shown on Exhibits 2, 3, and 4.
2. Make minor corrective changes to Special Area Plan Maps 4 and 5 by adding the pier numbers to Piers 52 and 54 and changing the name of the street in front of Pier 52 from "China Basin Street" to "Terry A. François Boulevard," as shown on Exhibits 3 and 4.

## Background and Reason for the Proposed Amendment

The Port of San Francisco ("Port") has requested that the Commission amend the *San Francisco Waterfront Special Area Plan* ("Special Area Plan") to allow commercial recreation uses to be constructed on new or replacement fill<sup>1</sup> at Pier 52 on the central San Francisco waterfront (see vicinity map, Exhibit 1). Pier 52 is the common name for a shoreline area of approximately 30,000 square feet between Piers 50 and 54 on Terry A. François Boulevard (see Exhibits 3 and 4). Between the 1930s and the 1970s Pier 52 was the site of the Dolphin Swim and Boat Club's training quarters. The Dolphin Club building was removed between 1977 and 1981. At present, the site includes an earthquake-damaged public boat launching ramp—presently the only public small boat launching facility on the San Francisco waterfront—a small boat float, limited public access improvements that were constructed pursuant to a Commission permit (BCDC Permit No. 19-84), and unimproved vacant land. Directly to the north of the site is the Mariposa Hunter's Point Yacht Club, which has a private small boat launching ramp, and Pier 50 which is used for ship mooring and repair and warehousing by Service Engineering Company. Directly to the south of the site are the Bay View Boat Club and Pier 54 which is leased to Crowley Marine Services, Inc. for tugboat and barge mooring, maintenance and repair.

The Special Area Plan prescribes the water-oriented uses that may be allowed on new or replacement fill in the Bay along the San Francisco waterfront and incorporates the *San Francisco Bay Plan* ("Bay Plan") shoreline priority use area designations (e.g., port uses). The area between

<sup>1</sup> Replacement fill is limited to new pile-supported piers that replace piers removed from the Bay because they are either technically obsolete, deteriorated, or have been involuntarily destroyed by a natural disaster, such as fire.

China Basin and India Basin, which encompasses Pier 52, is designated a port priority use area in the Special Area Plan, Bay Plan, and the *San Francisco Bay Area Seaport Plan* ("Seaport Plan"). Although port priority use areas are reserved specifically for port uses, the Bay Plan port policies permit other uses, especially public access and commercial recreation, may be permitted if the use would not significantly impair the efficient utilization of the port priority use area. The Special Area Plan, which applies the Bay Plan policies in greater detail to the San Francisco waterfront, permits only public access and marina uses as other permissible uses of Pier 52, however, although the plan permits commercial recreation in other, non-port priority use, waterfront areas on new or replacement fill. The Special Area Plan also requires that development in the area be consistent with the provisions of the Seaport Plan. Thus, under the Special Area Plan, public access and marina uses (e.g., boat launching facilities) could be constructed on new and replacement fill at Pier 52 as long as these uses did not significantly impair the efficient utilization of the port priority use area.

In 1994, the voters of San Francisco approved Proposition P, which allows a boat launching ramp, bait shop, and cafe to be constructed at Pier 52, creating an exemption from a voter-approved general moratorium on non-maritime waterfront development until the Port's Waterfront Land Use Plan is completed. The Port is developing plans for a project that will include all these uses, and which will require a Commission permit. The cafe, bait shop, and some public access improvements would be placed on an outdoor deck of approximately 5,000 square feet, a considerable portion of which would likely extend over the Bay supported on piles. Additional fill would be likely to be needed for a gangway, floating dock, and reconstruction of the public boat launching facility.

Assuming the proposed uses would not significantly impair the efficient utilization of the Pier 52 port priority use area, repair of the boat launching ramp and other repairs to the boat launching facility and the construction of a bait shop would be a marina use that would be consistent with the Special Area Plan. However, the cafe would be a commercial recreation use that is currently not permitted under the Special Area Plan policies. Thus, the Special Area Plan policies must be amended to permit development of the cafe and outdoor dining facilities on pile-supported piers as part of the proposed project. To accommodate the proposed cafe and outdoor dining area, which would serve users of the public boat launching facility, the public access area, existing maritime facilities in the vicinity, and the general public, the Port of San Francisco requests that commercial recreation be added to the list of uses that can be developed on new or replacement fill at Pier 52.

#### Staff Analysis

The staff believes that placement of a small-scale eating establishment such as a cafe, placed on a deck over the Bay supported by pilings, that would be incidental to the small boat launching facility, bait shop, and public access area, would be consistent with the range of water-oriented uses now allowed under the Special Area Plan on new or replacement fill in other, non-port priority uses along the San Francisco waterfront. Moreover, the staff believes that commercial recreation use at Pier 52 would not significantly impair the efficient utilization of the port priority use area at or near Pier 52.

At its January 30, 1996 meeting, the Commission's Seaport Planning Advisory Committee adopted its final recommendations for changes to the Seaport Plan. The Committee recommended that the Commission delete the port priority use area designation for the area between and including Pier 52 and 64. The staff fully concurs with the Committee's recommendation. If the Commission follows the recommendation of the Seaport Planning Advisory Committee and staff and deletes the port priority use area, then the consistency of recreation use of the site with port uses would be moot. Even if the Commission were to decline to delete the port priority use area as recommended by the Seaport Planning Advisory Committee, the staff believes that development of a commercial recreation use at Pier 52 would not adversely affect existing port uses at adjacent Piers 50 and 54.

For these reasons, the staff believes the Commission should grant the request by the Port of San Francisco to amend the Special Area Plan by adding commercial recreation to the uses permitted at Pier 52 on new or replacement fill. If the Commission chooses to amend the Special Area Plan as requested by the Port, any project proposed at Pier 52 would also require a Commission permit. The Commission would review the proposed project for its consistency with the McAteer-Petris Act and the Bay Plan upon submission of a permit application.

#### **Consistency with the McAteer-Petris Act**

The staff believes that the proposed amendment is consistent with the McAteer-Petris Act because commercial recreation is a form of water-related recreation for which the Commission may allow Bay fill. Sections 66602, 66603, and 66605.1 of the McAteer-Petris Act provide that increased water-oriented recreation, which includes commercial recreation, is essential to the public welfare of the Bay Area, that economic interests in the Bay are among those considered in developing the San Francisco Bay Plan, and that to make San Francisco Bay more accessible for the use and enjoyment of people, the Bay shoreline should be improved, developed, and preserved. The purpose of the proposed amendment is to render the Pier 52 area more attractive and usable for water-oriented recreational uses, to make the proposed boat launch—the only public boat launching facility on the San Francisco waterfront—available for the use and enjoyment of the public. A commercial recreation use in the form of a small convenience cafe incidental to the proposed marina and public access uses would greatly improve the recreational boating experience and would attract more people to use and enjoy the Bay in this area.

#### **Consistency with the Bay Plan**

The proposed amendment is consistent with the Bay Plan policies on ports (Ports policy 3, page 18), which provides that commercial recreation is a permissible use in sites where it does not significantly impair the utilization of the port area. It is also consistent with the Bay Plan policies on public access, in that the addition of commercial recreation facilities in the area, such as a cafe, would provide for the public's safety and convenience and encourage diverse Bay-related activities and movement to and along the shoreline (Public Access policy 4, page 27). Further, consistent with the Bay Plan policies on appearance, design, and scenic views, the proposed amendment would permit public access and viewing of nearby port activities (Appearance, Design and Scenic Views policy 5, page 29).

#### **Consistency with the Seaport Plan and Special Area Plan**

The Special Area Plan requires that development on the San Francisco waterfront be consistent with the provisions of the Seaport Plan. The Seaport Plan policy for San Francisco Piers 52-64 (Policy 4, page 31) provides that the port priority use designation for the area west of Terry A. François Boulevard should be deleted when the former Western Pacific rail yard near Warm Water Cove is transferred from the Santa Fe Pacific Realty Corporation (now Catellus Development Corporation) to the Port and BCDC has approved a strategy to ensure that port priority use areas are reserved for port purposes consistent with the Seaport Plan. These events have not yet occurred but the plan policy is a clear indication that the area inland of Pier 52 is not viewed by the Commission as necessary for future port use. Moreover, as previously discussed, the Seaport Planning Advisory Committee recommends that all of the Pier 52-64 area be deleted from port priority use.

The Geographic-Specific Policies and Recommendations for Piers 48 through 64 in the Special Area Plan include a recommendation that the public boat launch in the area (at Pier 52) be retained. The proposed amendment is consistent with this recommendation.

### Consistency with Local Government Requirements

The proposed addition of commercial recreation to the Pier 52 area is consistent with the *San Francisco Master Plan*, City and County of San Francisco M-2 zoning for the area, and the Port of San Francisco *Draft Waterfront Land Use Plan* (November 4, 1994).

### Environmental Assessment

The Environmental Assessment (EA) is prepared to comply with the Commission's Regulations, the California Environmental Quality Act (CEQA), and the CEQA Guidelines. Its purpose is to inform the public of the effects of the proposed amendment to the Special Area Plan, which would add commercial recreation on new or replacement fill to the permissible uses at Pier 52, and to aid the Commission in its decision-making process. Pursuant to Public Resources Code Sections 21065 and 14 Cal. Code Reg. Sections 15002 and 15378, an amendment to the Bay Plan is a "project" which is evaluated under the Commission's functional equivalency regulations authorized by Public Resources Code Section 21080.5.

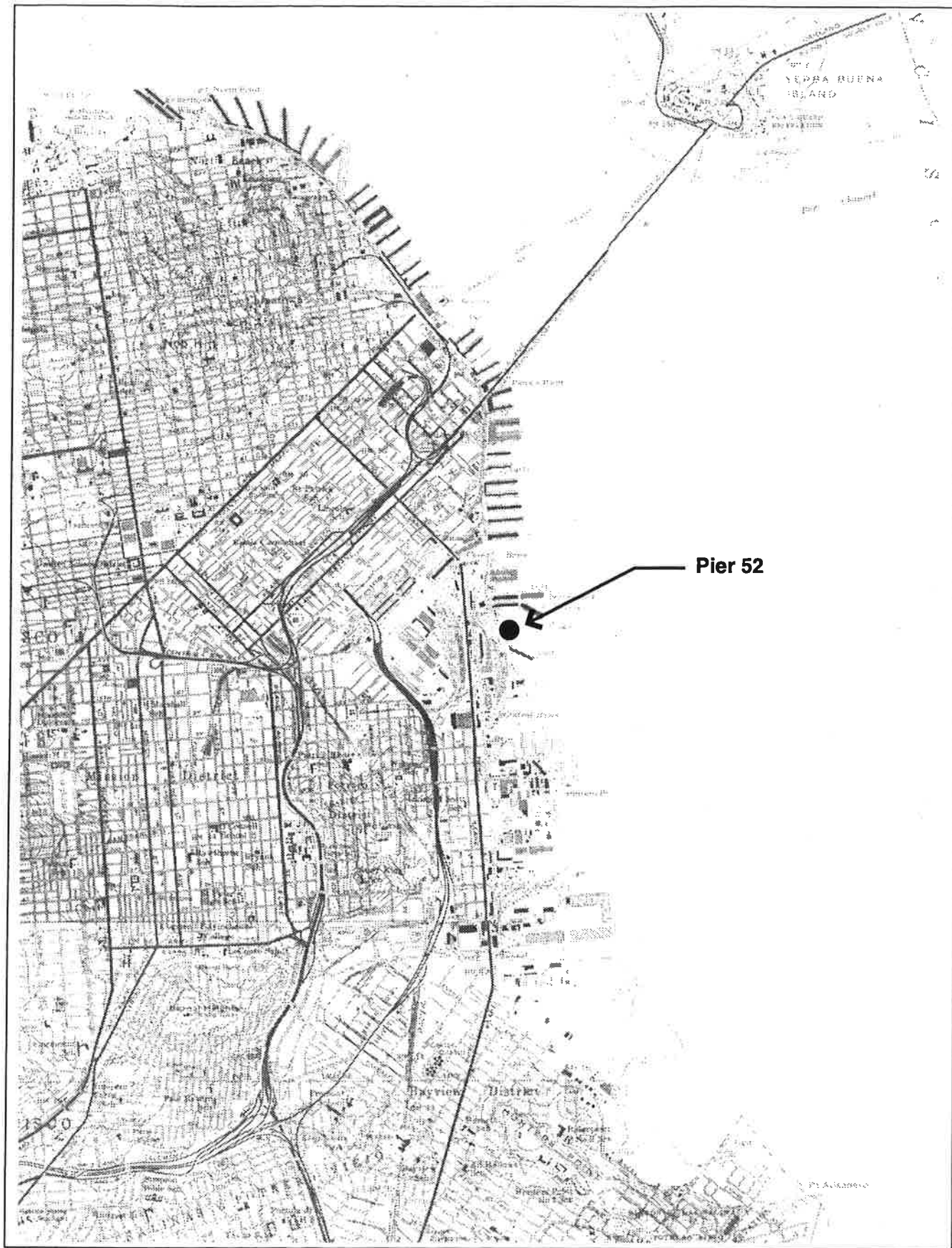
BCDC staff performed an independent environmental assessment of the proposed amendment, in consultation with the Port of San Francisco, the Planning Department of the City and County of San Francisco, a representative of the Pier 52 Advisory Committee, and reviewed the certified Negative Declaration for the Port's proposed improvements at Pier 52. Based on this information, the staff has concluded that the proposed amendment of the Special Area Plan will have no significant adverse impacts on the environment. Even though the plan change will have no significant adverse environmental impact, projects developed pursuant to the proposed new Special Area Plan policy could have adverse impacts on the Bay and environment depending on the nature of the specific proposed project. For example, the placement of new or replacement fill may cause the reduction of surface water area and volume, with resultant shadowing of the area below, reduced oxygen levels and decreased tidal flushing, any of which could have an impact on marine life and on the concentration of pollutants in Bay waters. Sediment deposit patterns and water circulation may be affected if the bottom surface of the Bay is altered by the placement of pier pilings. Construction activities in the Bay could disturb and re-suspend Bay sediments, with resulting short-term increases in turbidity, and could expose contaminated soils containing toxic substances. A development could generate increased traffic and related air quality, noise, safety and public services impacts. But until a specific development project is proposed, the specific environmental impacts of a project cannot be assessed. The Commission must review any project proposed at Pier 52 for specific impacts on the Bay and environment as part of the permit application review process.

### Alternatives

The alternative to the proposed amendment that was considered by staff is the "no project" alternative. Under that alternative, commercial recreation use would not be added to the Special Area Plan as a permissible use on new or replacement fill at Pier 52. Thus only the public access and marina uses could be constructed at the site, and the commercial recreation uses, such as the cafe and outdoor eating area, which would serve the boating and general public, could not be built. Consequently a future development, such as that proposed by the Port, which is designed to attract greater numbers of the public to Pier 52 to enjoy and use the waters of the Bay, could not be developed. The no project alternative would result in no less an impact on the environment than the proposed plan change.

### Comments Received

The Commission has not received any written or oral comments on the proposed Special Area Plan amendment since the descriptive notice of the proposed change was mailed to interested parties on November 21, 1995.



**Exhibit 1**  
**Site of Proposed Bay Plan Amendment #3-95**



## Changes to the Special Area Plan Geographic-Specific Policies and Recommendations

The following underlined language is added to and the ~~lined-out~~ language deleted from the Pier 48 Through India Basin section of the Special Area Plan Geographic-Specific Policies and Recommendations (pages 27 and 28):

### **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**

#### **Recommendations:**

1. Existing maritime uses should be continued as long as needed.
2. ~~The public launching ramp located in this area should be retained.~~

### **Pier 52**

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

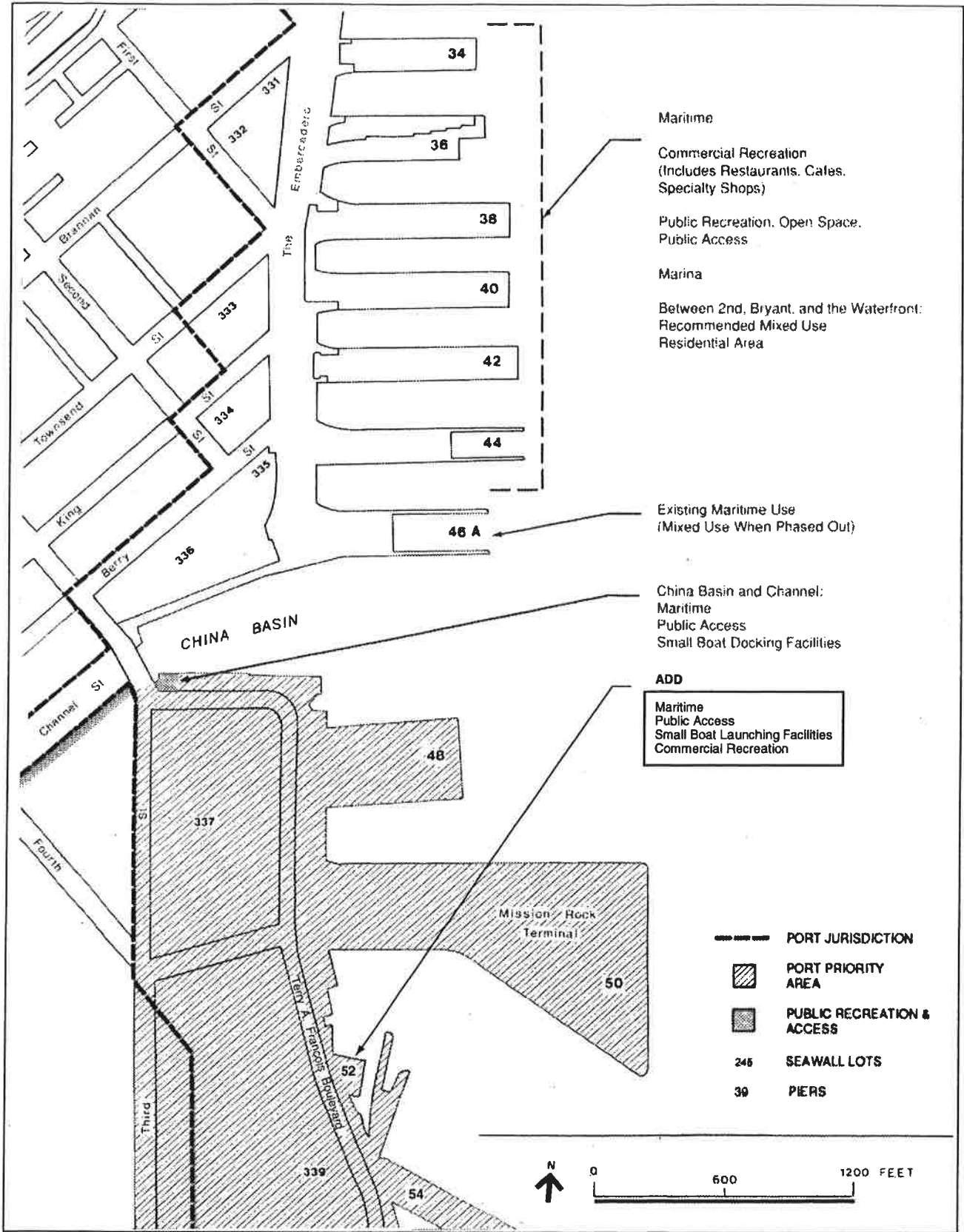
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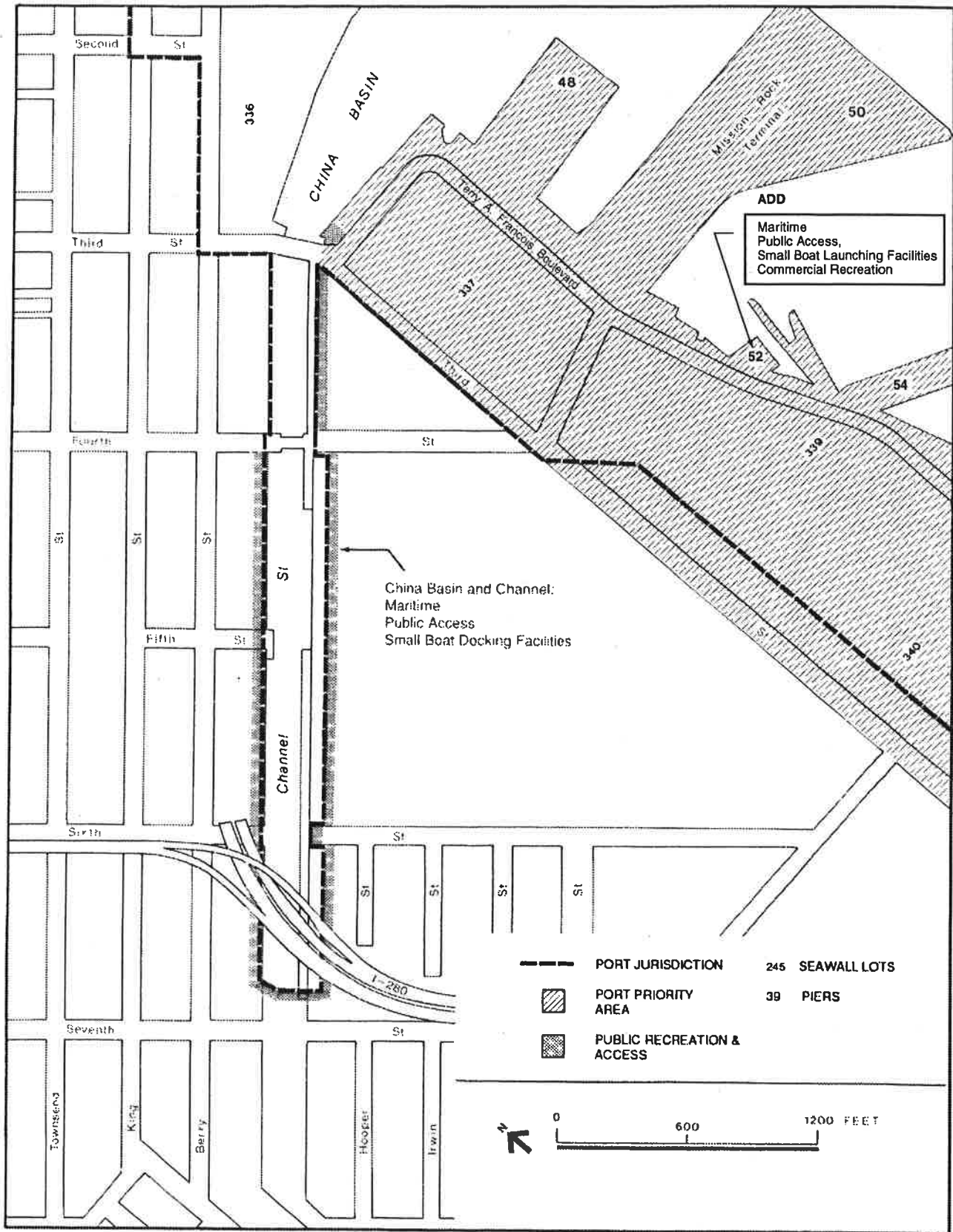


Note: Map for reference only. See relevant policies and recommendations.

**SPECIAL AREA PLAN MAP 4**

**Exhibit 3**  
**Special Area Plan Map 4**





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**SPECIAL AREA PLAN MAP 5**

**Exhibit 4**  
**Special Area Plan Map 5**



# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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## Resolution No. 96-02 Adoption Of Bay Plan Amendment No. 3-95 San Francisco Waterfront Special Area Plan Addition of Commercial Recreation to Permitted Uses on New or Replacement Fill in the Bay at Pier 52

**Whereas**, Government Code Section 66652 states that "the Commission at any time may amend, or repeal and adopt a new form of, all or part of the San Francisco Bay Plan" and that "such changes shall be consistent with findings and declarations of policy" contained in the McAteer-Petris Act; and

**Whereas**, the San Francisco Bay Conservation and Development Commission: (1) on December 7, 1995, approved a Descriptive Notice of the proposed San Francisco Waterfront Special Area Plan, Seaport Plan and Bay Plan amendment and set a public hearing date for March 7, 1996; (2) on December 8, 1995, distributed the Descriptive Notice and notice of the public hearing to all agencies, organizations, and individuals interested in the proposed amendment; (3) on February 16, 1996, distributed to all agencies, organizations, and individuals interested in the proposed amendment the staff report and recommendation which incorporates in one document the staff report and the preliminary and final staff recommendation, together with a revised Descriptive Notice and notice that the public hearing and possible vote had been rescheduled from March 7, 1996 to March 21, 1996; and (4) on March 21, 1996, held a public hearing to receive public comments on the Executive Director's recommendation on the proposed amendment and closed the hearing at the conclusion of the public's comments; and (5) on March 21, 1996, voted on the staff's final recommendation; all in accord with the requirements and procedures set out in Government Code Section 66652 and the California Code of Regulations, Sections 11000, 11001, 11002, and 11003; and

**Whereas**, the changes to the *San Francisco Waterfront Special Area Plan* policies and Plan Maps are consistent with the findings and declarations of policy contained in the McAteer-Petris Act as required by Government Code Section 66652 in that the proposed changes will permit commercial recreation use, a water-related recreation use, on new or replacement fill consistent with Government Code Section 66605; and

**Whereas**, the San Francisco Bay Conservation and Development Commission has evaluated the environmental impact of amending the *San Francisco Waterfront Special Area Plan* land use findings and policies under the Commission's functional equivalency regulations authorized by Public Resources Code Section 21080.5, and finds that there will be no significant adverse impacts on the environment brought about by the amendment; and

**Whereas**, the amendment to the *San Francisco Waterfront Special Area Plan* land use findings and policies enacted by this resolution is intended to be a revision in the Commission's coastal management program for the San Francisco Bay segment of the California coastal zone as approved by the U. S. Department of Commerce under the federal Coastal Zone Management Act of 1972, as amended;

**Now, Therefore, Be It Resolved That**, the San Francisco Bay Conservation and Development Commission hereby adopts Bay Plan Amendment No. 3-95 which amends the *San Francisco Waterfront Special Area Plan* Geographic-Specific Policies and Recommendations concerning the Pier 48 Through India Basin section on pages 27 and 28 as specifically shown on attached Exhibit A, Pier 52, and on Exhibit B, Special Area Plan Map 4, and Exhibit C Special Area Plan Map 5.

**Be It Further Resolved That**, in accord with the Federal Register, Chapter IX, Part 923.84, the Commission hereby notifies the federal Office of Ocean and Coastal Resource Management that Bay Plan Amendment No. 3-95 is a routine program implementation of the federally-approved coastal management program of the San Francisco Bay segment of the California coastal zone because the modification involves no substantial change in the Commission's enforceable policies related to: (1) the coastal zone boundaries; (2) uses subject to the Commission's coastal management program; (3) the criteria or procedures for designation or managing areas of particular concern or areas for preservation or restoration; or (4) the consideration of the national interest involved in the planning for and the siting of facilities which are necessary to meet requirements which are other than local in nature; and

**Be It Further Resolved That**, in accord with Commission Regulation Section 10814 and the Federal Register, Chapter IX, Part 923.84(4), the Executive Director is hereby directed to make every reasonable effort to assure that notice of this resolution is given to all interested persons at the appropriate time.

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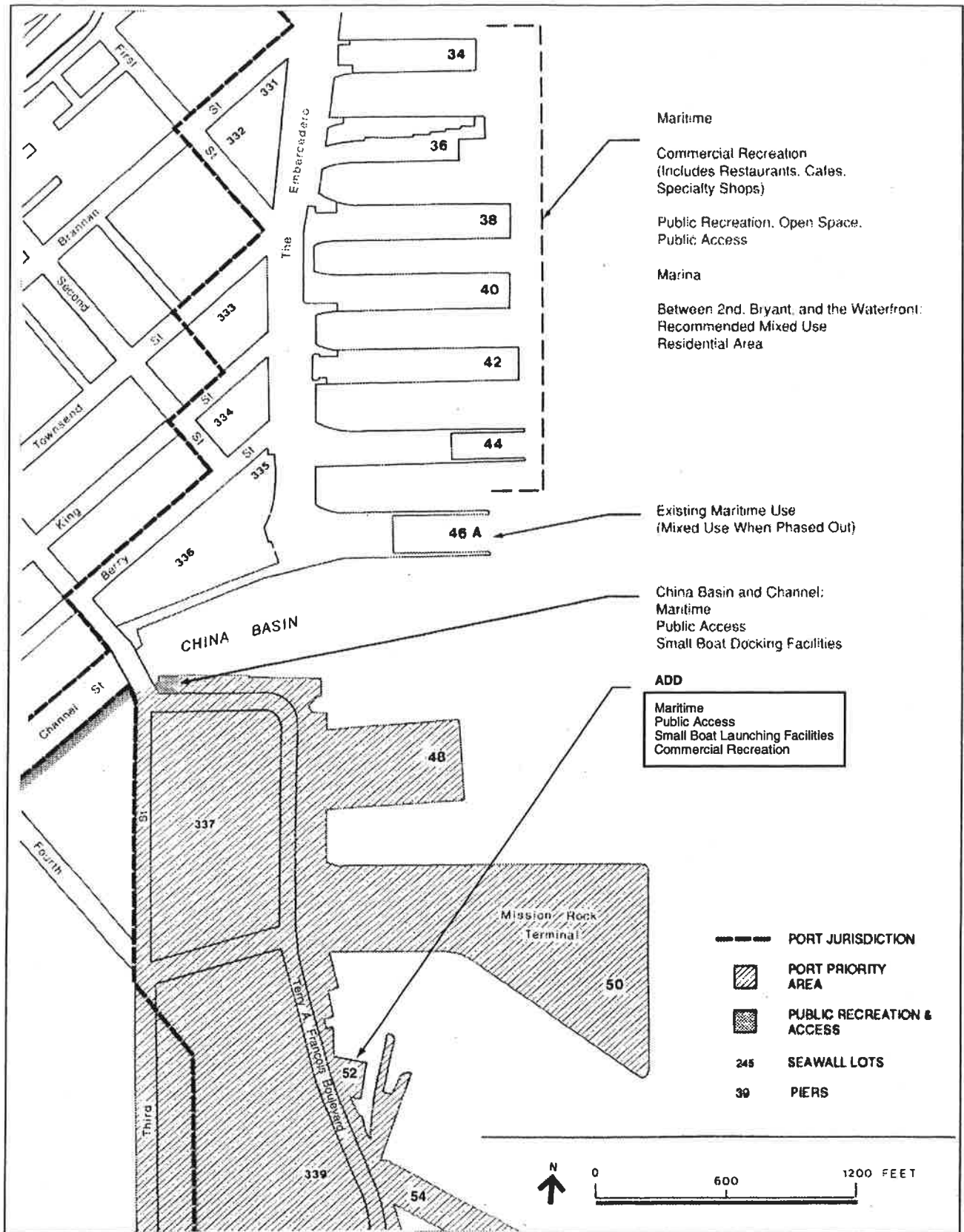
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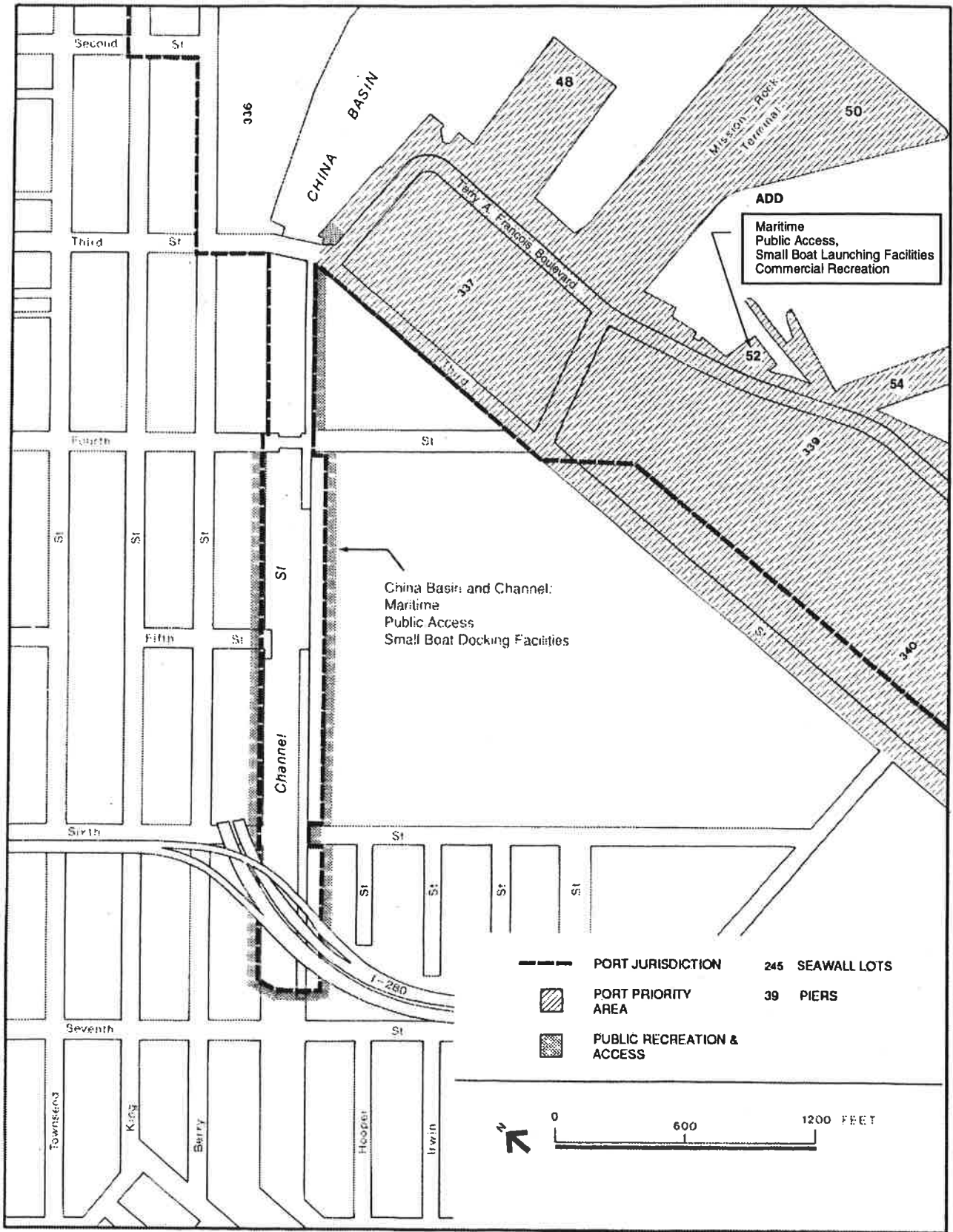


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**SPECIAL AREA PLAN MAP 4**

**Exhibit B**  
Special Area Plan Map 4





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**SPECIAL AREA PLAN MAP 5**

**Exhibit C  
Special Area Plan Map 5**

