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June 21, 2019

TO: President Norman Yee and Members, San Francisco Board of Supervisors

FROM: Diane Oshima, Deputy Director 
Planning & Environment Division

RE: Waterfront Design Advisory Committee - Purpose and Background

This memorandum has been prepared to address questions that appellants have raised about the purpose and intent of the Waterfront Design Review Process and role of the Waterfront Design Review Committee, as provided in San Francisco Planning Code Section 240.

In 1997, the San Francisco Port Commission adopted the Waterfront Land Use Plan (Plan). The Plan was developed through a 6 year public process and included close collaboration with the San Francisco Planning Department and other agencies. The Plan included a companion document, the Waterfront Design & Access Element, which contains urban design, architectural, historic preservation and open space policies and criteria to guide the development of new waterfront parks, public access, facility improvements and mixed-use development projects. The Plan's overarching goal to "Reunite San Francisco with its Waterfront" highlighted the desire to ensure that long-term non-maritime developments were appropriately designed to enhance the waterfront, as well as complement the character of adjacent downtown and neighborhood areas.

To achieve these objectives, the Port and Planning Department staff proposed Planning Code amendments to create the Waterfront Design Review Process, administered by a Waterfront Design Advisory Committee (WDAC). Section 240 includes provisions for the membership of the WDAC, requirements for consistency with the Waterfront Design & Access Element, and procedural requirements for the conduct of the design review process. The Port and Planning Department established By-laws for the WDAC (see Attachment 1), which state:

The primary purpose of this Advisory Committee shall be to review major Port waterfront development projects, and provide design recommendations to the Port and Planning

Department, pursuant to Section 240 of the San Francisco Planning Code. The design recommendations must reflect the Advisory Committee's assessment of design treatments which ensure that projects comply with applicable goals, policies and design criteria in the Waterfront Design & Access element of the Waterfront Land Use Plan.

The WDAC membership includes Port and Planning Department staff members, along with design experts appointed by the Port, Planning Department and Mayor's office, to review and produce design recommendations to ensure that non-maritime or mixed-use Port development projects comply with the Waterfront Design & Access Element, so that permanent, long-term development projects provide positive additions to the waterfront and City. The goals, policies and design criteria in the Waterfront Design & Access Element provide guidance for long-term development projects, rather than short-term, interim Port leases and temporary uses. Accordingly, the Waterfront Design Review Process was created and has been administered for long-term, major development projects that include non-maritime uses. The Waterfront Design Review Process has been very effective in helping the Port and its development partners to deliver successful development projects that have revitalized the waterfront, including Ferry Building Historic Rehabilitation; Pier 1; Piers 1½, 3, 5; The Exploratorium at Pier 15; and Oracle Park (Giants Ballpark). Most recently, the WDAC reviewed and provided design recommendations for the 88 Broadway affordable housing project now under construction, and the TZK Zinzanni Hotel project that was approved by the Planning Commission and Port Commission. The WDAC also has reviewed and produced recommendations to support the development of new waterfront parks, including Brannan Street Wharf, and the Pier 27 Cruise Terminal Plaza.

The Port maintains a [Waterfront Design Advisory Committee webpage](#) which describes the WDAC's focus as: *Design review of major Port development projects.* This webpage includes agendas and minutes of prior WDAC meetings dating back to 2015, which reflect the longstanding practice of administering the WDAC design review process for long-term, major development projects that include non-maritime uses. All WDAC meetings are open to the public, publicly noticed, include public comment opportunities, and are documented in meeting minutes which are available to the public. Pier development projects typically also require design review by the Design Review Board (DRB) of the San Francisco Bay Conservation and Development Commission (BCDC) as part of the BCDC regulatory permit process. Where DRB review is required, Port and BCDC staff work in close coordination to schedule joint meetings of the WDAC and DRB which allows the members of the two committees and the public to be informed of the full range of design comments and recommendations, and to coordinate design review.

In addition to the goals, policies and criteria for long-term development projects, the Waterfront Land Use Plan also includes policies that provide for short-term uses, and interim leases and property agreements. The Port has many properties in need of rehabilitation and major capital investment, but the implementation of long-term development to support such improvements occurs incrementally. The Port relies heavily on generating revenue from short-term uses,

interim leases, special events and temporary uses which support the Port's operational expenses and to generate funding for waterfront capital improvements. The policies and design criteria in the Waterfront Design & Access Element are not oriented to guiding the design of short-term uses and interim lease improvements, and thus these kinds of uses and improvements have not been sent to the WDAC for review under the Waterfront Design Review Process in Section 240. For example, the design criteria from the Waterfront Design & Access Element for Seawall Lot 330 is attached. (Attachment 2.) As you can see, these design criteria are not calibrated or conceived for temporary, short-term improvements. Rather, the criterion address buildings massed in proportion to the adjacent South Beach and Rincon Hill residential areas and proposes differentiating architectural treatments, "bold forms" with deep recessed building openings, and transparent ground floors.

In those instances where design issues arise for short-term and interim use proposals, Port planning staff with architectural, urban design and historic preservation expertise work with the applicant and parties to address the design details and solutions. These kinds of short term and temporary projects have not been sent to the WDAC for review.

ATTACHMENT 1: WATERFRONT DESIGN ADVISORY COMMITTEE BY-LAWS

BY-LAWS OF THE WATERFRONT DESIGN REVIEW COMMITTEE

ARTICLE I NAME

This advisory body shall be known as the “Waterfront Design Advisory Committee”, hereafter referred to as the “Advisory Committee”.

ARTICLE II PURPOSE AND DUTIES

The primary purpose of the Advisory Committee shall be to review major Port waterfront development projects, and provide design recommendations to the Port and Planning Department, pursuant to Section 240 of the San Francisco Planning Code. The design recommendations must reflect the Advisory Committee’s assessment of design treatments which ensure that projects comply with applicable goals, policies and design criteria in the *Waterfront Design and Access* element of the *Waterfront Land Use Plan*.

The Advisory Committee meetings will be open to the general public and provide a forum for the exchange of ideas among professionals in architectural and urban design fields, City and Port staff and the general public regarding how Port waterfront projects should be designed to meet applicable architectural and urban design, historic preservation, public access, and view policies. The Advisory Committee will foster an environment where different viewpoints can be discussed and resolved in an informative and constructive manner. The Port will provide meeting space and support staff for the Advisory Committee.

ARTICLE III MEMBERSHIP

Section 3.1 Membership. The Advisory Committee shall hold regular meetings once each month, on the fourth Monday beginning at 6:30 p.m in the Bayside conference room at Pier 1. When the Advisory Committee meets jointly with the Bay Conservation and Development Commission Design Review Board, the meeting shall be held on the first Monday of each month at 6:30 p.m. It may be necessary from time to time for the Chair or a majority of the Advisory Committee to designate an alternative time or location for an Advisory Committee meeting, in which case the regular meeting shall be deemed to have been cancelled and the rules governing special meetings shall be observed. It is the Advisory Committee’s preference, however, that notice of the new time and place of the meeting be given at least one week in advance of the meeting time whenever the circumstances permit.

Section 3.2 Terms of Membership. Pursuant to Planning Code Section 240, of the original appointments, the Mayor’s appointee shall serve for a four-year term, and the Planning and Port Director shall each appoint one member for a two-year term and one member for a four-year term. After expiration of the original terms, all appointments shall be for four-year terms.

Section 3.3 Vacancies. Vacancies on the Advisory Committee shall be filled by similarly qualified individuals, appointed by the official that originally appointed the member whose position has become vacant.

ARTICLE IV MEETINGS

Section 4.1 Regular Meeting. The Advisory Committee shall hold regular meetings once each month, on the fourth Monday beginning at 6:30 p.m in the Bayside conference room at Pier 1. When the Advisory Committee meets jointly with the Bay Conservation and Development Commission Design Review Board, the meeting shall be held on the first Monday of each month at 6:30 p.m. It may be necessary from time to time for the Chair or a majority of the Advisory Committee to designate an alternative time or location for an Advisory Committee meeting, in which case the regular meeting shall be deemed to have been cancelled and the rules governing special meetings shall be observed. It is the Advisory Committee's preference, however, that notice of the new time and place of the meeting be given at least one week in advance of the meeting time whenever the circumstances permit.

Section 4.2 Special Meeting. A special meeting of the Advisory Committee may be called at any time by the Chair, or by a majority of the members of the Advisory Committee, by delivering written notice personally, by mail, telegram, telefacsimile (fax) or electronic-mail (e-mail) to each Advisory Committee member, provided that the member specifically authorizes delivery of written notice by fax or e-mail. Written notice shall also be delivered by mail, fax, or e-mail to local newspapers of general circulation, radio or television stations requesting notice in writing. The notice shall be sent in sufficient time to allow it to be received at least 24 hours before the time of the meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice may be dispensed with as to any member who at, or prior to the time the meeting convenes, files with the Chair a written waiver of the written notice provision. The written notice requirement is automatically waived as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is proposed to be taken at the special meeting.

Section 4.3 Public Participation. All meetings of the Advisory Committee shall be open to the public, and public participation shall be allowed. Members of the public shall have an opportunity to ask questions related to the scope of project design issues for which the Advisory Committee has been established to address. Each speaker shall observe a three-minute speaking limit, which limit can be waived at the discretion of the Chair of the Advisory Committee. Notice of the agenda of Advisory Committee meetings shall be mailed, faxed or e-mailed to any person requesting notice in writing.

Section 4.4 Quorum Rules. A simple majority shall constitute a quorum of the Advisory Committee. If there is a simple majority of the Committee members present when an Advisory Committee meeting is called to order, then the meeting is a valid meeting for all purposes; provided, however, that if during the course of the meeting, there is less than a quorum remaining, then although the meeting can continue, no official action can be taken on behalf of the Advisory Committee, except to adjourn the meeting.

Section 4.5 Voting Rule. The preference of the Committee is to strive to achieve consensus in all matters requiring an action by the Advisory Committee. A vote by a majority of the members of the Advisory Committee present at a valid meeting is required to pass a matter put to a vote. Voting shall be

by voice vote, or show of hands, unless the Chair determines, or the Advisory Committee votes, to proceed by roll call on a specific item. Committee members must be present in order to vote on an item on the meeting agenda; voting by proxy or attorney-in-fact is not permitted.

Section 4.6 Rules of Order. The Advisory Committee need not conduct its business under formal rules of parliamentary procedure, however, the Chair shall abide by a policy of fairness in the conduct of the meetings.

Section 4.7 Attendance. Attendance will be recorded at each Advisory Committee meeting. The Chair will recognize valid excuses, which shall be conveyed to Port staff in advance of the meeting whenever possible. If a member misses three consecutive meetings without a valid excuse, the Chair will advise the official who appointed that member.

Section 4.8 Minutes. Port staff will maintain minutes of the Advisory Committee meetings, showing the names of the members in attendance, a general description of the matters discussed, and a record of any matters put to a vote and whether the item passed or failed. The Advisory Committee will not electronically record its meetings, however a member of the public or a member of the Advisory Committee may record the meetings provided that the conduct of the meeting is not disrupted.

ARTICLE V **OFFICERS AND SUB-COMMITTEES**

Section 5.1 Chair and Vice-Chair. The Chair of the Advisory Committee shall be elected by a majority vote of the Committee members, who shall exercise all of the authority conveyed upon the Chair under these by-laws and such other authority conveyed upon the Chair by the Advisory Committee. The Vice-chair shall be elected by a majority vote of the Committee members, who shall act as Chair in the Chair's absence.

Section 5.2 Sub-Committees. The Advisory Committee may create any standing or ad hoc sub-committees that it deems necessary for the conduct of its business.

ARTICLE VI **APPLICABLE LAW**

Section 6.1 Applicable Law. The Advisory Committee, having been created by official City legislative action, is subject to the provisions of Government Code Sections 54950-54962 ("Ralph M. Brown Act"), and shall conduct its business consistent with applicable law.

ARTICLE VII **ADOPTION AND AMENDMENT OF BY-LAWS**

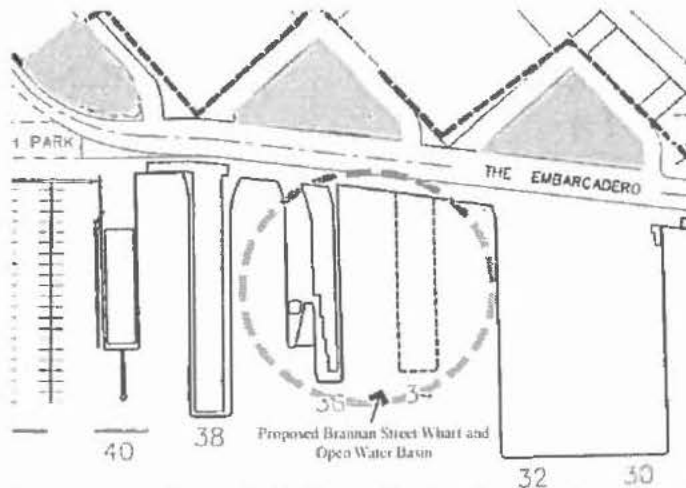
Section 7.1 Adoption of By-laws. Adoption of these by-laws requires an affirmative vote of a majority of those present at a meeting with a quorum of Advisory Committee members.

Section 7.2 Amendment of By-laws. The Advisory Committee may vote to amend these by-laws at any time by an affirmative vote of a majority of those present at a meeting with a quorum of Committee members.

ATTACHMENT 2: WATERFRONT DESIGN & ACCESS ELEMENT CRITERIA FOR SEAWALL LOT 330

Design Criteria

SEAWALL LOT 330



Development on Seawall Lot 330 should reflect the character of the neighborhood and provide a strong edge to The Embarcadero.

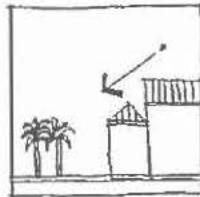
Site



MASSING -- City Scale: Limit apparent building mass to proportions common to the adjacent South Beach or Rincon Hill residential areas.



MASSING: Any required residential open space should be located within project interior.



HEIGHT: Step building height down to 55' along The Embarcadero edge.

Orientation

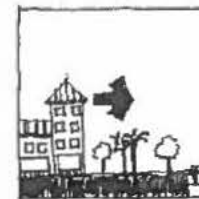


ENTRY: Orient primary uses and pedestrian entrances toward The Embarcadero with a clear expression of pedestrian entrances (e.g. recessed bays, awnings or other architectural treatment).

Architectural Details



ARTICULATION: Use a variety of architectural treatments (e.g. pattern and spacing of windows, doors, color or other materials and detailing) to provide visually interesting street facades and complement the established neighborhood character.



ARTICULATION -- Accent At Corners: Differentiate the corners of buildings that face the Brannan Street Wharf (e.g. change in height, setback, character, materials or color).



CHARACTER: Use bold forms, deep recessed building openings, and strong detailing on building facades facing The Embarcadero to reinforce the large scale of the street.



TRANSPARENCY: Avoid blank ground floor walls by providing views into the ground floor of buildings.

Service



SERVICE: Avoid service, parking, and auto-court entries from The Embarcadero.

