

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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August 20, 2009

TO: All Commissioners and Alternates
FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
Mamie Lai, Assistant Executive Director (415/352-3639 mlai@bcdc.ca.gov)
SUBJECT: Approved Minutes of July 16, 2009 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Randolph at the Metro Center Auditorium in Oakland, California at 1:00 p.m.

2. **Roll Call.** Present were Chair Sean Randolph, Commissioners Bates, Bourgart, Chiu, Gibbs, Gioia, Goldzband, Gordon, Lai-Bitker, Lundstrom, Maxwell (represented by Alternate Addiego), McGlashan, McGrath, Moy, Nelson, Reagan, Shirakawa (represented by Alternate Carruthers), Thayer (represented by Alternate Kato), Wagenknecht and Wieckowski.

Not Present were: Governor's Appointee (Halsted), Resources Agency (Baird), Sonoma County (Brown), Department of Finance (Finn), Governor's Appointee (Jordan Hallinan), U.S. Army Corps of Engineers (Hicks), and U.S. Environmental Protection Agency (Smith).

3. **Public Comment Period.** Chair Randolph asked for public comment.

Ms. Ellen Johnck, Executive Director, Bay Planning Coalition, commented on the proposed format and organization of the BCDC study, on its functions and funding. She stated that she was very pleased that Executive Director Travis offered to do the analysis, in preparation for the budget considerations beyond 2010, and Bay Planning is pleased to be invited to be a member of the steering committee for the study.

She wanted the Commission to know that they would like the analysis to be the most objective one possible and to avoid any potential conflict of interest. One of their goals is to look at BCDC's essential core functions and at areas of potential cost-savings.

Moving forward, Bay Planning was looking at the operations of the Little Hoover Commission, which recently completed an evaluation of the State Water Resources Control Board and its' nine boards. They thought that was a very objective approach. They realize that BCDC has some very good funders and proposed funders -- the Bay Area Economic Institute, as well as SPUR. These are excellent entities, but both of them have seats on BCDC, at least at the moment.

Bay Planning would like BCDC to explore the feasibility of looking at the Little Hoover Commission as either another partner or in some similar capacity.

4. **Approval of Minutes of June 4, 2009 Meeting.** Chair Randolph entertained a motion to adopt the Minutes of June 4, 2009.



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MOTION: Commissioner Lai-Bitker moved, seconded by Commissioner Carruthers, to approve the June 4, 2009 Minutes. The motion carried unanimously, with Commissioner Moy abstaining.

5. **Report of the Chair.** Chair Randolph reported on the following:

a. **Joe Houghteling.** I regret to have to report that Joe Houghteling, who was BCDC's chairman from 1971 until 1982, passed away a few weeks ago. I never worked with Joe but understand from our staff who worked with him that he was well-respected, dedicated and effective. His memorial service is being held aboard the *Balclutha* this afternoon. We will adjourn today's meeting in his memory.

b. **BCDC Governance and Financing.** The staff has furnished us with a memo concerning the report we offered to provide to the Governor and the Legislature concerning where BCDC belongs on the government organization chart and how our operations should be financed. The work program for developing this report calls for the creation of a steering committee that would include two representatives from the Commission.

Rather than appoint only two representatives, I propose that the entire Commission membership be kept apprised of all the deliberations of the steering committee and be invited to attend any and all meetings conducted in the course of preparing this report. If it becomes necessary for the steering committee to vote on any matter, Vice Chair Halsted and I can handle this responsibility because it is likely we will attend the meetings.

The bulk of the work of preparing the report will be handled by the Bay Area Council Economic Institute (BACEI), of which I serve as the president and CEO; and the San Francisco Planning and Urban Research Association (SPUR), where Vice Chair Halsted is a member of the advisory council. Also, Executive Director Travis serves on the boards of both, so BCDC's interests will be well-represented.

We have already scheduled two meetings of the steering committee. The first meeting will be from 9:00 to noon on Thursday, August 6th at SPUR to discuss governance; and the second meeting will be from 9:00 to noon on Thursday, August 13th at the BACEI to discuss financing. As I said, members of the steering committee and all members of the Commission are invited to participate in these meetings.

c. **Next BCDC Meeting.** We are cancelling our next regularly-scheduled Commission meeting, scheduled for August 6th, and it's highly likely that we will cancel our August 20th meeting as well. In that case, the next BCDC meeting will be on September 3rd. At that meeting, which will be held at the Ferry Building in San Francisco, we will take up the following matters:

(1) We will hold a public hearing and possibly vote on a permit for the seismic retrofit of the Dumbarton Bridge;

(2) We will hold a public hearing and possibly vote on a permit for the upgrade of a shoreline trail in Mill Valley;

(3) We will hold a public hearing and possibly vote on a permit for levee improvements in the City of San Mateo;

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(4) We will hold a public hearing and possibly vote on a federal consistency determination of marsh enhancement along the shoreline of San Pablo Bay;

(5) We will receive a briefing on ecosystem based management;

(6) Finally, we will consider a status report on the progress we are making in carrying out our strategic plan.

d. **Ex Parte Communications.** In case any Commissioners have inadvertently forgotten to provide our staff with a report on any written or oral ex-parte communications, I invite those who have engaged in any such communications to report on them at this point.

Commissioner Lundstrom reported contact with local government representatives.

Commissioner Kato remarked that in the course of normal business she had opportunity to discuss the Exploratorium Project with both the developer and the Port of San Francisco.

Chair Randolph received a phone call from Pius Lee in San Francisco regarding a proposed development in the bay offshore, at Oyster Point. Mr. Lee was following up on a meeting he had requested about a month earlier on that topic, which was reported to BCDC's technical director. Mr. Lee was referred for further conversation to the Executive Director.

Commissioner Chiu noted that the Exploratorium is a project in his supervisorial district and he also has had many conversations with the developer and other neighborhood folks on the topic.

6. **Report of the Executive Director.** Executive Director Travis provided the following report:

a. **Budget:** As usual, I'll begin my report today with some information about our budget. Chair Randolph has already mentioned the study we have underway to develop a report to the Governor and the Legislature on Bay governance and finance. I have heard back from the Department of Finance and the Legislative Analysts Office. They are willing to participate on the steering committee as long as we understand that that doesn't preclude them from coming to their own separate conclusions later on in the process.

At our last meeting, I advised you that beginning this month we went back to the practice of closing our office on the first and third Friday of each month. Apparently the Governor found this such a good idea he directed all state departments to follow suit and to close the second Friday as well. I can't overemphasize the impact that these three days of unpaid furlough are having on our operations.

Beyond the personal financial effect on our staff, who have had their salaries cut almost 14 percent, it's also the equivalent of losing six staff positions. This is resulting in delays in completing some of our obligations. We'll keep pressing on, but it is becoming increasingly more difficult.

Unfortunately, until a state budget act is passed we won't be able to pay your per diem for attending Commission meetings. I truly apologize for this situation.

As always, I'll keep you apprised of any new budget information as it arises.

b. **Strategic Planning Workshop.** Later today, we will present our monthly status report on achieving the objectives in your strategic plan. Once again we'll be recommending that you eliminate another objective in the plan because we don't have the resources to complete it. In light of our overall budget situation, unless you have strong objections, we believe it is prudent to postpone our next strategic planning workshop which is currently scheduled to be held all day on September 17th. There are three reasons why we think such a postponement is warranted.

First, we have had to drop five objectives from the current plan because we didn't have the resources to complete them within the last year. In our status report today we're recommending that a sixth objective be dropped. We can take a second look at all those objectives to determine if we can get any of them done over the next several months.

Second, over the next few months, our executive staff is going to have to invest considerable time in working with SPUR and the BACEI on the governance and funding study. This will make it difficult for us to put time into preparing for the strategic planning workshop and following through in programming staff work to accomplish the new objectives in an updated strategic plan.

Finally, until we know the outcome of the study on governance and finance it will be difficult to develop a strategic plan for an organization, the form of which is uncertain and the funding for which is in doubt.

Therefore, I would appreciate your concurrence in our decision to postpone our next strategic planning workshop until sometime in 2010.

c. **Personnel.** In addition to the loss of staff resources from the budget cuts, we've lost two real staff members.

Leslie Lacko, our senior planner who did the initial study that got us started in working on climate change and who is the principal author of the background report that is the basis of our proposed Bay Plan revisions to address climate change, has found it necessary to take a six-month leave-of-absence to deal with health problems and to devote time to her young children. We hope this respite from the pressures of work will restore Leslie so she can rejoin our staff in early 2010. In the meantime, Joe LaClair will be taking on the lead responsibility to finish up the Bay Plan amendment work.

Nina Bacey, who has been a key member of our enforcement staff for the past two years, has accepted a position at the Department of Toxic Substances Control where she will be cleaning up brownfields in Alameda County. We will miss her and wish her well at her important new job.

Unfortunately, because of budget constraints we won't be able to fill either of these vacancies.

d. **Design Competition.** On Monday a jury selected the winners of the design competition we held to get innovative ideas for responding to sea level rise. The competition generated worldwide interest and we got 130 entries. We asked the jury to select one grand prize winner. They decided instead to honor six winners because they found the problem of sea

level rise too complex and the ideas too varied to single out any one proposal. The jury had no idea who developed each proposal. Although we're pleased that we got entries from 18 countries, five of the six winners selected are from the Bay Area. Therefore, our region's reputation for being a hot bed of innovation seems well-deserved.

All of the entries are on display in the Ferry Building until Sunday and they will be posted on our website. We hope you take the time to look at them. We also got very good coverage on the front page of the San Francisco Chronicle and on the front page of the Metro Section in the San Jose Mercury News. When the exhibit closes, the submissions won't just go into a back room. We'll be using them as sources of inspiration, refining some of them for other applications, and examining the feasibility of some that may seem far-fetched at first glance. And we'll be looking for other opportunities to exhibit them in other venues.

I can't let this opportunity pass without expressing my gratitude to and admiration for Brad McCrea, our staff design analyst, who managed the competition in partnership with David Meckel, our consultant. Brad has worked incredibly hard, but more importantly he has worked creatively to pull off a venture that any normal government employee would have found to be impossible -- and he did it with elegance. Brad received a lot of help from others on our staff, particularly those in the administrative services unit. They did such a great job, they can take the day off tomorrow--without pay.

e. **San Quentin.** You may have noticed that the permit application to expand San Quentin State Prison has vanished. The project has been redesigned so that it can be built at least 100 feet inland from the shoreline and, thus, out of BCDC's permit jurisdiction. We've reviewed the plans and confirmed that a permit isn't needed. Of course, this removes any obligation for the Department of Corrections and Rehabilitation to provide funding for in-lieu public access in Marin County. BCDC authorization may be needed to fix an outfall pipe at the prison and to repair a shoreline protection structure, but this work would have had to be done whether or not the expansion project is undertaken. In all likelihood, this authorization will be handled through non-material amendments to an existing BCDC permit so nothing will come to the Commission for a hearing or vote.

f. **Acting Executive Director:** I'll be in Boston next week attending the International Coastal Zone Conference. NOAA is covering the costs for Steve Goldbeck, Brad McCrea and me to attend. While I'm away, Caitlin Sweeney will be serving as acting executive director.

7. **Commissioner Consideration of Administrative Matters.** Executive Director Travis noted that the administrative listing was sent to the Commissioners on July 2nd and Bob Batha is available to respond to any questions Commissioners may have about matters on the listing.

8. **Continued Public Hearing on San Francisco Bay Plan Amendment No. 1-08 Concerning Climate Change.** Chair Randolph introduced Mr. Joe LaClair, BCDC staff, who provided the update.

Mr. LaClair began by noting that since the previous BCDC public hearing on this proposed Bay Plan Amendment, Commissioners had received letters from the Santa Clara

Valley Water District, the Port of Oakland, Designing Accessible Communities, Friends of Redwood City and Contra Costa County Public Works, that were mailed prior to this meeting. And BCDC also received a letter from the Bay Planning Coalition that was received this week. And staff also mailed out the staff recommendation to the Commission and those who are following this prior to the meeting.

On May 8th, BCDC opened a public hearing on the staff-proposed amendments to the Bay Plan to Address Climate Change. A second hearing was held on June 4th and the Commission is scheduled to close the hearing today.

BCDC began its staff work on sea level rise planning three years ago. But the importance of updating the Bay Plan became more important last November when Governor Schwarzenegger issued an executive order requiring all state agencies to develop climate adaptation plans. Our intention is to have the work BCDC is doing serve as a component of this statewide strategy.

The Governor's Executive Order calls on the National Academy of Sciences to advise California on the range of sea level rise we should be using in our adaptation planning. It will be about a year and a half until the NAS delivers its recommendations.

In the meantime most California agencies have agreed that it is prudent to plan for about .4 meters, or 16 inches, of sea level rise by 2050, and 1.4 meters, or about 55 inches, by the end of the century. This sounds like a wide range, but in the Bay Area fully 84 percent of the area that is vulnerable to flooding by the end of the century would be affected by mid-century.

So what are our policy options? The first option is to ignore the problem for now. We could wait for the National Academy of Sciences to issue its report and hope that the projections will be more definitive.

There are two problems with this option. First, it's unlikely that future projections will be any more definitive than the current ones are. All projections will be based on assumptions, show a range of possibilities, and have a degree of uncertainty. If history is any guide, future sea level rise projections will continue getting higher than the last one. In other words, the longer we wait the worse the problem will become.

As I mentioned earlier, sea level rise will cause us problems sooner than we think. Here is a map showing the 100-year flood plain around the Bay and the area that may be subject to flooding from sea level rise by mid-century. You will notice they are pretty much the same. Thus, in the area where there is now a one percent likelihood of flooding in any year, by 2050 this area will represent our one-year storm, with a chance of flooding in any year. 2050 seems like a long way off but it's one refi of a current mortgage away.

Over the next several years we will see increasing evidence of damage from sea level rise. Pier One-Half, just north of San Francisco's Ferry Building, is a prime example. It was used for parking but has had to be red-tagged because of structural damage. The damage didn't result solely from age or deterioration. It was helped along by higher and more frequent waves bashing the underside of the platform. So I don't think ignoring the problem or waiting

are realistic options.

Instead of waiting, we could pursue a policy option that is much like triage. In the future you will have to decide which areas must be protected, which areas of the shoreline where we can retreat from the waterfront, and areas that deserve special attention. Just as in the emergency ruling, making these policy decisions won't be easy.

In some places we can retreat from the shoreline and focus on restoring wetlands. Wetland restoration is critically important. In addition to absorbing floodwater and dampening wave energy, tidal wetlands sequester carbon. So wetland restoration is part of both an adaptation and a greenhouse gas mitigation strategy.

The toughest decisions will come in those areas that are low-lying and not yet developed, but could be. What should we do about these areas? Should we restore them, develop them or both?

Some say we should prohibit development in low-lying areas. We should not make the problem worse by allowing new development that may have to be protected from flooding in the future.

However, problems can arise if we paint with too broad a brush. Some undeveloped sites are large enough to be planned so sea level rise could be accommodated. Some of them are small and in the midst of sites that will probably be protected. And it may be possible to develop some of these areas in a way that they can be part of a regional flood protection system.

Our analysis shows that some of the low-lying property within the inner core of the Metropolitan Bay Area has been accepted into the regional Focus Program as priority development areas. The Focus Program emphasizes concentrating future growth within these priority development areas and along transit corridors. We need to focus development in this already urbanized core. We want more growth near transit and ferry terminals, not less. We want more housing in the mild microclimate of the Bay Area instead of inland areas where it is hotter in the summer and colder in the winter.

Clearly, it will be much harder to figure out how development along the shoreline of a rising Bay should be planned and regulated than it would be to simply ban development in these areas. But we aren't abandoning the Bay Area even though we don't have enough water now and we will have less in the future. We will face longer droughts, higher temperatures, more wildfires, and our region is riddled with earthquake faults. Instead we are dealing with these challenges head-on and we should do the same thing with low-lying shoreline areas.

We believe we should encourage innovation in planning for these areas. To generate innovative ideas, as Executive Director Travis just mentioned, BCDC held an international design competition. We will be sharing the best ideas with you. We will investigate the feasibility of some of them and refine others as we move ahead.

Rather than being too prescriptive in our planning for vulnerable areas, we should set high performance standards -- performance measures for creative proposals to meet our expectations. We must insist that any proposal to build in an area that is vulnerable to sea level rise must have a definitive strategy for dealing with rising water; must embrace long-term

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environmental sustainability such as consistency with our regional focus program goals; must incorporate adaptive management to deal with uncertainties; and must include a financial strategy that will ensure the public isn't burdened with the cost of protecting property in the future.

To move this discussion from abstraction to reality we think it would be helpful for the Commission to get briefings on two existing proposals for low-lying areas along the shoreline.

The first is the Salt Works Project in Redwood City. You already had one briefing on that project and have requested a follow-up briefing.

The other project is Treasure Island. Each of these uses a somewhat different approach. But both have ideas that can and should be examined using exacting performing standards.

We believe that regional policies that incorporate the lessons learned from your consideration of these real-life examples will be better than policy based on theory alone.

We also suggest that you receive a briefing from the agencies collaborating on the South Bay Shoreline Study, including the Santa Clara Valley Water District, the Corps of Engineers and the Coastal Conservancy. This innovative project seeks to integrate wetland restoration with structured shoreline protection to protect one of the highest value economic areas on the planet, Silicon Valley, while preserving and restoring habitat for endangered species.

Most of the proposed Bay Plan policies in our staff recommendation deal with the first two parts of the triage trilogy. Protect what we have and encourage wetland enhancement in appropriate locations.

Only one of the proposed policies deals exclusively with the most difficult policy question. It is policy number one in a proposed new section on climate change in the Bay Plan. As drafted it would discourage new projects in these low-lying areas I have just been speaking about.

Our staff is rethinking this policy. We believe it should be refined so that it is more consistent with the overall regional climate change objectives and encourages innovation.

Our region is famous for finding new solutions to old problems, better solutions for new problems, and even solutions to some problems most people don't even know they have. We believe our Bay Plan policy should embrace this innovative spirit.

Our second Proposed Bay Plan Climate Change Policy calls for the development of this regional strategy for making these decisions. Obviously this work will have to be carried out in partnership with other regional agencies, local governments, landowners and the general public.

Once we have broad regional policies in place they will have to be applied along the entire thousand miles of shoreline around the Bay in a plan that identifies those areas that must be protected -- where development should be removed, which natural areas should be protected and enhanced, and most importantly, which low-lying areas can be developed and how they should be planned and managed.

At our last meeting you decided to wait until the development of this strategy is

underway before deciding whether new state laws are needed to deal with climate change in the Bay Area.

At this meeting we recommend that you close the public hearing on the proposed climate change amendment so our staff can evaluate all the comments that we have received, address them and refine the proposed climate change policy one, along the lines I have described. Once we complete this work, we recommend that in September or October you hold another public hearing on the refinements we have made to the proposed plan amendments in light of the comments we have received.

Chair Randolph noted three requests to speak in the public hearing.

Ms. Ellen Johnck, Executive Director of the Bay Planning Coalition, remarked that, on May 7, she stood before the Commission and said they were working their way through the excellent report that BCDC staff worked on -- Living with a Rising Bay. It was such a terrific document and of course this whole subject matter is being taken very seriously.

Bay Planning Coalition assembled a task force of several of its members, property owners for marine terminals, the ports, several coastal engineers who work internationally, as well as flood control managers and recreational marinas. And we came up with our recommendations, which you have before you in a five- or six-page letter that we submitted to you this week.

As responsible property owners and flood control managers, we must pay attention to a rising sea. And we are already doing, and have continued, ongoing essential maintenance and planning for capital improvements.

Of course in these times these precious dollars must be metered out very judiciously and it's tough. It's tough to balance both the public safety and economic development but we're working on it.

So what we would like BCDC to do, and are pleased just hearing the staff report right now. Our major action recommendations are one, that you do not adopt the amendments at this time. You have had a lot of good public comment. You have had our letter. We'd like you to consider how BCDC's function and role in this arena of policy-making through the study that you are going to be doing in the next few months. That input needs to be brought back.

And I think the other thing that we are recommending, and it seemed to indicate you would be interested in this, is having some briefings and dialogue with local government. As you know, there's a substantial local variation around the Bay and we think local government needs to have some more input, particularly as you look at identifying base levels for sea level rise and subsequent adaptation management strategies.

So number two is our discussion about compliance with the Administrative Procedures Act. And what we want you to look at here is, were you to amend the Bay Plan, in amending it you would intend that these policies would be used as regulations through permit conditions in the BCDC permit process.

Given this, we think and we ask you to evaluate how these policies meet the criteria for adopting regulations under the Administrative Procedures Act -- necessity, legislative

authority, consistency, reference, non-duplication.

Overall, those are our recommendations. We are pleased that the staff is headed in the direction it is and we are happy to continue to participate, of course. Thank you.

Mr. Bob Glover, Executive Director of the Home Builders Association of Northern California, noted that the Commission has a copy of the letter that was jointly written between Bay Planning Coalition and the Home Builders Association of Northern California.

The Home Builders Association would like to reiterate the request that the Commission not adopt the amendments at this time. We respectfully request that you, as recommended by staff, close the public hearing but continue to consider the comments and recommendations from stakeholders. And also continue to reach out to the other agencies and potential stakeholders, possibly through a series of workshops, and then report back in the fall with an updated staff report and recommendations.

Finally, because we feel the two items are related, we would like to echo the comments that were made by the Bay Planning Coalition and recommend that the Commission explore the idea of requesting the Little Hoover Commission conduct a study on BCDC's function. Thank you for the opportunity to speak and we look forward to working with you in the future.

Commissioner McGrath commented that he had read the letter pretty carefully and one of the concerns raised was that the language was overly proscriptive. He said that it would be helpful to him if they would put "a little more meat on that skeleton" and say exactly what they find proscriptive?

Ms. Johnck replied that in the proposal for a Bay Plan Amendment it says 16 inches in 2050, 55 in 2100. And that appeared to them -- and the property owners who were looking at it -- that that was going to be applied as some kind of base projection. And that adaptive management strategies were going to be keyed to that number flat out. At least, that's the impression they get.

When you read this and the rest of the tenor, the rest of the language, in some of the other policies, we think there's something really wrong here that needs to be looked at when looking at projections.

And maybe these are worst cases. We know there's a lot of debate on this. This may possibly be the worst case or not. But local variation and strategies should be identified and discussed on a case-by-case basis. We need to get a little more agreement when we're looking at projections and base levels. So it looked like it was too prescriptive for us at the moment.

Commissioner McGrath further clarified that the proposed sea level rise numbers -- perhaps as exact standards as opposed to a process suggested by the numbers, is what in your mind makes it prescriptive or has the potential for prescription? Ms. Johnck said yes. She also said that they had submitted two examples of what they thought were pretty good analyses that had been done by Moffat & Nichol, both for Treasure Island and Hunter's Point, as a starting point for discussion.

And of course the South Bay Salt Pond Restoration Project too; which we call a sub-regional process. That's another piece of information that's coming out we're looking at. We need that to be considered in this discussion.

Commissioner Nelson stated that their comments suggested it would be good if BCDC did more work to try to receive more input from local governments. That was an item of discussion at BCDC's last meeting, from Commissioner McGlashan. Further, he noticed that the only local government agency BCDC received comments from in this round was the Port of Oakland -- not a general purpose agency. But the Commission did not see an outpouring from the land use planning agencies that are going to be responsible for coping with a lot of these changes at the local government level.

He added that he didn't think it makes sense for BCDC to simply continue to delay and hope that it will receive input from those agencies. It makes sense to move forward with these policies. But he would be open to suggestions about how the Commission could do a better job of reaching out to local governments, whether that's holding a workshop with local governments or whatever.

Ms. Johnck replied that they had received letters from the Bay Area flood control agencies, which is most of the counties, and a letter from the Santa Clara Valley Water District. She is working hard to collect more opinions and technical ideas on the subject as well -- a workshop or two, and specifically invitations, and she'd be happy to help coordinate another forum on that.

Commissioner Gioia commented that -- as someone who comes from local government - getting local government input is obviously very good. Although you can't expect that every agency is going to provide comments with the same level of, let's say, expertise, because some are more versed in dealing with this than others.

And frankly I turn us back to the late 1960s when, if folks wanted to get input of every local government in the Bay Area at that time and wait, BCDC would never have existed and the Bay would be filled in much more than it is today. The whole purpose of this agency was to stop some local jurisdictions from continuing to fill the Bay under their local land use authority.

Likewise, it would seem to make sense for a regional agency to think about putting policies in place that make sense from a regional perspective to keep some jurisdictions from approving development when maybe they shouldn't be approving development.

So there may be this tension, frankly, between what local governments want -- and again, I come out of local government -- versus what makes sense for the region and for the state. And I think that's why this is a state agency and a regional agency as opposed to a local land use agency.

Commissioner Goldzband stated that he was really struck by two things. The first was that in reading the Port of Oakland's letter, and then the letter from the gentleman who represents the Bay Area public works folks, the two things that arose from those letters were very, very basic. The Port of Oakland basically says that we can support 36 inches of sea level rise of mean high water, and then they question BCDC's conclusions.

And then the public works guys basically say it would be advantageous for everyone if we could collectively identify what the 100-year flood level is for insurance purposes. And identify a future flood level that includes expected sea level. Imagine me as a homeowner now understanding, for the first time in my life, that there is not a normally accepted, 100-year flood level identification for insurance purposes. So it's very advantageous to have workshops.

My real question from a process standpoint is -- if we were to close the public hearing today, to what extent does that affect our ability to hold a workshop, collect information, and have that information used for staff and Commissioner purposes -- to further identify issues, to further clean up/change/whatever policy recommendations. So, if we are going to hold workshops, or if we want to continue to get stuff in from the locals how does that work?

Executive Director Travis responded that the public hearing should be closed today in large part because staff kept extending the public hearing and that was allowing people to say "well I'll comment right before the close of the public hearing." So we want to close it today.

That will give staff a chance to respond to the whole body of comments that we have on the language in the staff's recommendation. We can then work through various means to engage the general public and local governments, take all of that into account and then come back and schedule a new public hearing. So there's nothing that precludes us from taking advantage of that process. And there's nothing that precludes us from using whatever we get between those two to go forward.

Commissioner Carruthers expressed his complete confidence in the process that has been outlined. He added that it would be helpful for the Commission to become articulate about what kind of relationships it is going to have with other regional and local governments, sub-regional and such. That needs to be further articulated.

In addition, regarding flexibility -- there's flexibility, and flexibility. The kind that he is concerned about is that we have to avoid creating a framework within which different local agencies can set different standards for areas that are going to be protected, because that becomes a political and an economic weapon.

Through his years in working with local government he has observed continual competition over seeking tax-paying industry. It would be easy for local governments to set different standards regarding protection, which would make one area more attractive for development than another. And that's something that we must avoid as part of our function as an agency with a regional view.

Commissioner Lundstrom added that, if you go on page two of the public works comment from Public Works Department, Contra Costa, representing all the Bay Area flood control protection agencies -- so these aren't just the guys doing streets; these are the folks, men

and women, engineering our dikes and flood control systems -- and there they say that a 100-year flood protection requirement for maintenance is not workable, simply because if you are going to say -- for example, doing 100 yards of a dike that has subsided and that section of a dike has to come up to the 100-year flood protection and the other areas do not, then it's a huge project.

So this ties in with having a workshop. And I think at the very least, staff should have a workshop with the flood control engineers around the Bay Area to see how this, on the ground, what's workable and what's feasible. That to me would be a core group of the folks on the ground dealing with this. And actually you can broaden it, just not for how they look at diking but at the whole process of flood protection and so on. I think it's an invaluable group that could help with all of our policies. But they do have serious objections to the maintenance standard of flood control versus new flood control being a 100-year standard.

Commissioner Bourgart remarked that the concept of workshops that has been mentioned by several members and also from the public is a good idea. He is not surprised that we have not been inundated, so to speak, with letters from local public agencies. It's understandable -- they have a lot of other things that they are worrying about at this particular time. We hear about it at every meeting regarding the state budget, the local budgets are impacted in a similar fashion. So this is probably not viewed as urgent as compared to some of the other priorities they have now.

So it is really incumbent upon us to go out to them and do serious outreach and not just wait for letters to come in. Perhaps the Commission might convene several workshops or perhaps it could just get on the agenda of some of the organizations -- make a presentation, seek comment and input at organizations, such as ABAG and councils of mayors and so on. We have an obligation to proactively seek that kind of input before taking a very major step in incorporating some of these proposed changes in the Bay Plan.

The third speaker, Margaret Kettunen Zegart, from the Tamalpais Planning and Bay Front Coalition in Marin County, spoke of the many problems they currently have with high tide and storm surge. Even in the summer's sunny days they have high tide flooding on a primary access road to West Marin and to other Northern Marin communities, as well as in Tamalpais Valley and the Bay Front Coalition.

She urged that the Commission, when it talks about coordinated environmental planning and access, broaden its scope of access to include Caltrans and the county public works agencies which maintain county roads.

The problem is there, and it needs to be solved in order to provide shoreline protection to the pathways which adjoin major highways -- 101, the Shoreline Highway. And in other communities this also affects the areas that are primed to be developed.

She was particularly hopeful that BCDC would strengthen the at-risk, adverse planning policies so that when you have a large development, or even a small development on a small parcel, which you feel -- as a presenter said today -- might be protected because it's small, that is not necessarily true. So the Commission should strengthen its at-risk adverse planning for current projects now, until the four-year time frame when it will have its policies defined and

workable.

There's another phrase that concerns her, and that is expected lifetime of a project. Most projects that will be initiated now would have a 50 year lifetime, so they would be subject to the variable 16- or 55-inch maximum at 100 year. So that kind of figure is a variable one. But not on the downhill side because, as you read most recent information that is coming out from the scientific areas, you find that sea level rise is accelerated. So I hope that you don't think that it should be downplayed but really work towards the maximum protection necessary.

Seeing no other speakers, Chair Randolph welcomed a motion and a second to close the Public Hearing.

MOTION: Commissioner Gioia moved, seconded by Commissioner Wieckowski, to close the Public Hearing. The motion carried unanimously.

Commissioner McGrath noted that he had spent quite a bit of time with this and done quite a bit of reading.

I started my career -- well, the middle part of my career was in coastal engineering, hydraulic engineering. I used to calculate sediment delivery and flooding and the like. So there are aspects of this I have been dealing with for 25, 30 years.

I think it would be helpful, organizationally, if the staff report was organized a little better around -- and the recommendations around -- what our interest is and what is our charge. And that's the protection of public access and the protection of the Bay itself.

And I see public access in terms of a dike or levee with a trail on top of it that can be maintained. Maybe public access will work in a place where you could see it. So I'd like to see that geographically around the Bay in some areas.

But I also know that there are some public access areas, such as the Bay Trail along the Marin County shoreline, that are definitely prone to flooding now, moreso at higher sea level. So that's our first responsibility, protecting public access and what are we going to do about it.

And then there's protecting the Bay itself. I think we want to protect the Bay from direct-fill, so I don't think we want to see developments go forward that could only be protected by placing a protective device in the Bay and occupying areas of the Bay. And we should be concerned about reflective wave energy or displacement of soil from any levee.

But there's then more difficult questions which have crept into this. Before there were humans around here, as sea level rose the wetlands migrated into upland areas. But unfortunately we have got a property ownership system where those are all patented and many of them are developed.

So I don't know that at the end of the day that there's much we can do, absent purchasing property to allow for migration, other than what we are already doing in the South Bay Salt Ponds.

I would like to see some organization around it on what actions are necessary to protect the Bay itself and to protect public access.

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And I think it would be fine and I think we should make recommendations beyond that to other agencies dealing with risk. You know, as the regional board representative I would kind of welcome a mandate from BCDC to look up the watershed at such issues as flood control and sediment delivery. Sediment delivery can help wetlands cope with rising sea level and is a way that you can protect the Bay.

But organizationally, if you organize what we are protecting with the Bay resources in our mission it might be a little more clear. It might be a little less threatening in terms of perceived prescription.

Commissioner Gioia asked Executive Director Travis to expand upon the comments he made earlier about some of the staff's thinking about Policy 1 and some preliminary thoughts. Mr. Travis responded that Policy 1 as drafted took a risk-averse approach. It said "if you have a low-lying area, the best thing to do is to not develop in that low-lying area." And that's true.

Staff then did an overlay with the work that it is doing with our regional partners on the FOCUS program, which is emphasizing more development around transit corridors, more development within the urbanized core of the Bay Area where we have a nice climate, more development around transit. And some of those areas are vulnerable to sea level rise.

So what we think, and the overstatement that I always make is, it doesn't make sense to save the Bay if we're losing the Bay Area. We need to integrate the land use planning that is being done by local governments and the other regional agencies with what we are doing with the Bay.

And I think it is entirely possible to come out of this with a strategy that doesn't just protect San Francisco Bay but that actually enhances San Francisco Bay. But to do so we have to change our mindset. We have to stop thinking about protecting the Bay the way it is now and we have to acknowledge that you can't restore it to the way it was in the past. We need to design it for the way it will be in the future.

Now what we all need to do is take those platitudes and put them into policy language that acknowledges that we are going to have two kinds of policies -- ones that BCDC will use when we make regulatory decisions, which largely are on the shoreline involved, whether there's public access or not; and other policies which are advisory to other agencies that provide some guidance, some leadership, but we have no capacity to enforce.

Commissioner Gioia commented that the challenge for the Commission on all of these policies is that -- and getting back to your comments about having sort of one consistent standard around the Bay Area so you don't have it applied differently in jurisdictions competing against each other -- the problem is that our jurisdiction extends to 100 feet in, but the areas that we are talking about are potentially outside of our jurisdiction. Or maybe much of it is outside of the jurisdiction.

And that gets us back to the discussion we had back in May, which was, at what point do we seek additional authority, statutory authority, to be able to enforce our policies? Because it is one thing to have a set of policies that may be consistent, but if we don't have jurisdiction in those areas the local land use agency may or may not abide by those policies, and you will get

this varying implementation, and ultimately things that are not in the interest of the region.

So I think it still takes us back to the importance of having some additional authority and having some policy that maybe continues to move us in that direction.

Executive Director Travis reminded the Commissioners that what they decided was “let’s figure out what those policies should be; let’s work to apply those policies working through the existing structure of the other regional agencies and the local government. And only if we come to the conclusion that the existing governance structure is somehow fatally flawed should anybody seek any legislation to change anybody’s authority.” And I think that’s a very prudent course of action.

Chair Randolph added that, on Policy 1, he was glad to see it as something the staff was looking at again because it did strike him as laden with a little bit of ambiguity where it discusses discouraging development in the area that would be potentially prone to flooding.

But it is not really clear how that connects to the other items, A through G. So it could be read as a blanket presumption against development as opposed to what Executive Director Travis was referring to with the more creative, innovative look at how projects, where necessary, could be creatively adapted.

He encouraged staff to keep focusing on Policy 1.

9. Public Hearing and Vote on the Citizens Advisory Committee and the Science and Technical Advisory Committee. Chair Randolph introduced Caitlin Sweeney, who gave the staff’s report and recommendations.

Ms. Sweeney stated that the Commission established its Citizens Advisory Committee in 1965 to assist in the review of the San Francisco Bay Plan as it was being drafted. With the passing of the McAteer-Petris Act in 1969 the Citizens Advisory Committee was formalized to “assist and advise the Commission in its functions.”

The Citizens Advisory Committee, or CAC, has assisted and advised the Commission in a variety of ways over the past 45 years. In recent years however the CAC has played a less active role in assisting the Commission, due in part to accumulating vacancies on the committee.

The CAC has not met as a body in several years, though individual members continue to provide comments on planning reports.

In addition to the CAC, in the 1980s the Commission established a Science and Technical Advisory Committee. The Science and Technical Advisory Committee (STAC) was composed of various technical and scientific experts, primarily from other agencies, who were available individually on an as-needed basis to the staff. Currently the STAC is inactive and has been so for many years.

Due to the limited resources of the Commission staff, access to advice from technical and scientific experts is obviously extremely beneficial. In addition, advisory committees in various forms can provide critical links to the citizens of the Bay Area, community advocates and leaders, as well as experts in various professional fields.

As the work of the Commission continues to evolve to respond to the current and future challenges facing the Bay Area, it is an opportune time to revitalize and restructure both the CAC and the STAC.

The evolving needs of the Commission will be best served by a revitalized CAC that represents a broad range of perspectives on issues that affect the Bay, and that is able to provide advice to the Commission on policy direction, provide advice to the Commission on regulatory issues, assist the Commission in advancing important regional objectives such as the Commission's work on climate change, foster a more visible and effective citizen involvement, and strengthen existing and facilitate new connections to the Bay Area community.

In turn, a revitalized STAC would provide the Commission with a comprehensive range of technical expertise and the ability to focus on particular technical and scientific issues, thereby advancing the integration of science in the Commission's planning and regulatory work.

In addition to, or in some cases in lieu of, the formally established CAC and STAC, the Commission staff has increasingly engaged interested parties and experts on an as-needed basis for specific planning projects, permit applications, and scientific and technical inquiries. This evolving process has been extremely useful when grappling with complex policy issues and has helped ensure the public process on important issues is robust and effective.

Integrating this type of flexibility into both the CAC and the STAC processes would be an efficient way to meet the changing needs of the Commission. So a flexible structure for the CAC that is adaptable to a variety of situations and needs would include the ability for the staff to consult with individual CAC members on an as-needed basis. And there may also be opportunities for the CAC to assist the Commission as an entire body.

Additionally, CAC members could help facilitate connections between the Commission and the broader Bay Area community. Members could aid the staff in defining and populating subcommittees and temporary, topic-based advisory committees that reach beyond the membership of the CAC.

For example, your strategic plan includes an objective to evaluate the feasibility of a public access Citizens Advisory Committee. A flexible Citizens Advisory Committee would allow for the formation of a public access subcommittee that may be populated by a combination of CAC members and other citizens as appropriate or necessary.

Similarly, a flexible structure and process for the STAC allows for the ability to adapt to the changing needs of the Commission. Though there may be opportunities for the STAC to meet as an entire body, the staff would most likely turn to individual members for assistance on specific projects or plans.

In addition the staff may form more focused subcommittees of the STAC that include additional members not on the basic committee roster and facilitate needed linkages between BCDC and the many excellent scientific and technical institutions in the Bay Area and beyond.

The first phase in the implementation plan for a revitalized CAC and STAC would be to determine the range of expertise and backgrounds that should be represented on the

committees. Eleven of the up to 20 allowable members of the CAC are required by law to represent specific interests of the Bay Area community. Currently there are 13 members representing 8 of the required spots.

To best promote the proposed flexible structure in which CAC members both participate individually as well as assist the staff in forming subcommittees, the committee would benefit from an expanded membership to the full 20 members allowed by law. Additional members could bring a range of relevant expertise such as resource conservation, land use and transportation, economics, policy, law, public access and recreation, accessibility and environmental equity. Members could be drawn from academia, the community, non-profits, agencies and perhaps even Commission and staff alumni.

The Science and Technical Advisory Committee could similarly include a range of technical and scientific expertise, including representatives from academia, agencies, nonprofits and consulting firms. Examples of specific expertise could include climate change science, hydrology, biology, ecology, sediment dynamics, cumulative impacts and coastal engineering.

In conclusion, the staff recommends that the Commission approve the staff's approach for revitalizing the Citizens Advisory Committee and the Science and Technical Advisory Committee so that these committees can:

- (1) Actively advise and assist the Commission on a variety of issues and topics;
- (2) Be sufficiently broad in membership to integrate many interests and sources of information; and
- (3) Have a flexible structure to respond to the various needs of the Commission, including allowing for subcommittees to focus on specific issues;
- (4) Further, the staff requests that the Commission provide direction on specific areas of membership for the committees, and direct staff to return at a later date with specific, proposed appointments.

Chair Randolph noted that the public hearing did not have any requests to speak in advance and asked if anybody from the public would like to address this topic?

Seeing no response, he entertained a motion and a second to close the Public Hearing.

MOTION: Commissioner Carruthers moved, seconded by Commissioner Bourgart, to close the Public Hearing. The motion carried unanimously.

Commissioner Carruthers remarked that he was particularly impressed with the proposal for flexible subcommittees set up on an ad hoc basis to address particular, specific, limited things. He thought that was a very creative proposal.

He added that the one thing he wondered about, given the year and the staffing that the Commission is going to have, is how do staff do any of this stuff without enough people to support the committee and the subcommittee? Is this something we are considering to undertake at a future time when we will have additional staff resources? Do you want to comment on the staff implications of the proposal?

Ms. Sweeney responded that there clearly needs to be strong staff leadership in energizing and activating these committees. But, the establishment of strong chairs of the committees, would really help with BCDC's limited staff resources. It's something that we can make progress on, given our limited resources, though our progress may be slower than we would like.

Commissioner Wieckowski asked if BCDC has ever used student representatives on any of its subcommittees in the past? School boards have students and some of these advisory boards have students. He was wondering if that may be appropriate to tap into Berkeley or Stanford or San Jose State or something like that where you have, the future leaders in hydrology and geology. And it may be an opportunity for an eager beaver to help out with staff.

Ms. Sweeney responded that she was thinking similarly. It's an excellent idea, given how much success we have had with our internship program.

Commissioner Carruthers asked what process does the staff have in mind for Commission members to suggest community sectors or interest groups to specify or to recruit from? Are you expecting that this afternoon?

Ms. Sweeney responded that if anything comes to your mind this afternoon that would be wonderful but this will clearly be an ongoing process. So she welcomes input later on as well, through e-mail and phone calls.

MOTION: Commissioner Lai-Bitker moved, seconded by Commissioner Lundstrom, to approve the staff recommendation. The motion carried unanimously.

10. Public Hearing and Vote on Whether to Consider Amending the *San Francisco Waterfront Special Area Plan* to accommodate a Proposal to Relocate the Exploratorium to Piers 15-17. Mr. LaClair presented the staff's recommendation that the Commission adopt a descriptive notice for proposed Bay Plan Amendment number 1-09, set the public hearing date for October 1, 2009, and authorize the Executive Director to enter into a contract to recover Commission costs for processing this amendment.

Adopting the descriptive notice is the first step in the process of amending the Special Area Plan. If the attached Proposed Descriptive Notice is approved by the Commission today, a public hearing will be held on October 1, and the staff will distribute a preliminary recommendation on the proposed changes at least 30 days prior to that public hearing date for the Commission and the public's consideration.

The Exploratorium is a nonprofit museum and has submitted a Bay Plan Amendment application to modify the policies in the San Francisco Waterfront Special Area Plan that requires the removal of a pile-supported structure called "the valley" between Piers 15 and 17. Currently the Plan requires that the Port of San Francisco remove the deck and pilings that form "the valley" between Pier 15 and Pier 17, as well as the non-historic additions to the Pier 15 and Pier 17 sheds and the underlying pile-supported fill.

The implementation requirements in the Special Area Plan require that "the valley" and non-historic shed additions be removed within 20 years or sooner, upon the issuance of a

certificate of occupancy for major reuse of Piers 27 through 31 or a comparable, major development.

The application proposes that these requirements be modified to allow the retention of some of these structures, and that the retained amount be offset by fill removal elsewhere on the waterfront.

The application also proposes that the timing of the removal be modified so that the Valley would be removed within 20 years of issuance of an occupancy permit for the project.

Chair Randolph opened the Public Hearing.

Alec Bash, an interested citizen in San Francisco who serves on the Port of San Francisco's Northeast Waterfront Advisory Group, which has had several presentations of this project, spoke in favor of initiating the Bay Plan amendment for the San Francisco Waterfront Special Area Plan.

The Exploratorium is an amazing institution. It is a Bay Area resource that is a font of creativity, technology, education and learning. It's exactly the kind of thing that the Bay Area needs in this time of dramatic change.

As I listened to the public comments on sea level rise, it's exactly something like the Exploratorium that we need to bring home to people of all ages, as they come to the Bay Area and San Francisco, that things are changing, and a place like the Exploratorium is a perfect vehicle for helping make that clear to people, in terms that they can understand, as opposed to reading reports that the average citizen or kid has no interest in.

I was heavily involved in the Special Area Plan process towards the end of the '90s. I was a planner in San Francisco, both at the planning department and at the Port for 30 years. At the time we worked on the Special Area Plan, it was a very cooperative effort and it's wonderful to see so many of the people who I worked with at BCDC still here.

We had not contemplated that something like the Exploratorium would ever want to come to the Waterfront and that we would ever have something like a prospective tenant at Piers 15 and 17 that would want to use those resources and would want to have some connectivity between the two piers.

And just as in the mid-19th century the idea of adding a valley between those two piers and extensions on to the buildings was a technological innovation that was designed to help advance and modernize the San Francisco port to using trucks as opposed to railroads for all its access needs, so the Exploratorium is the type of activity that San Francisco and the Bay Area desperately needs to help turn on the light bulbs in people's brains.

So I urge you to proceed with this. It will require a great deal of creativity on the part of staff and the Commission inasmuch as the potential fill removal within San Francisco largely consists of historic piers in a National Register historic district which is not really in the public interest to remove either, so I wish you all the best as you sort through all the policies in this project. Thank you.

James Suh, Wilson Meany Sullivan, consultant and development manager for the

Exploratorium, urged the Commission to accept the application to amend the Special Area Plan.

(Mr. Suh presented a series of slides detailing the project.)

The Exploratorium is celebrating its 40-year anniversary this year. It is a San Francisco nonprofit science and educational institution and is looking forward to making Pier 15-17 its permanent home.

We have many supporters like Mr. Bash who have been involved in the waterfront for decades, specifically with the SAP process. And they have all told us that the Exploratorium is one of those dreams come true that they just never planned for when they actually were planning the northern waterfront.

The site's location and proximity specifically to the Exploratorium is what's drawing them here. Their adjacency to public transit actually will allow them to have greater access to an under-served populace that can't get to their site currently at the Palace of Fine Arts.

The uses that are included in the site will include galleries for science exhibits, a nationally recognized teacher training program, a theater, a large public café at the east end of the piers, a classroom, and new adult education programs. Free exhibits are scattered around the public areas of the site.

Pier 15 is to the south, and Pier 17 is to the north. The area in-between is what is referred to as "the valley;" it's currently a parking lot. Much of the pier is dilapidated and red-tagged, including most of the aprons around the periphery, the northern apron specifically.

We are asking that you initiate the process today because the Exploratorium has an exciting proposal and it does, as Mr. LaClair said, require the retention of non-historic shed additions on both the northern side of Pier 15, the southern side of Pier 17 and also a large portion of the valley as well.

We are using that primarily to focus the Exploratorium's program and exhibits and it will showcase the Bay as a learning center. You will notice that the middle area, "the valley," would largely be removed and is going to be open to the Bay as an exhibit and there will be public access about it.

If you initiate the process today, we look forward to being able to return to show you the public benefits in more depth; what this nonprofit brings to the waterfront; and demonstrate how the project furthers multiple goals of the SAP in many ways that most projects cannot actually achieve.

Specifically, saving two historic resources on the National Register through rehabilitation and seismic upgrades for life safety; adaptively reusing a warehouse and parking lot to a more desirable and pedestrian-oriented use; creating approximately two acres of public

space that currently does not exist; providing substantially new public access including perimeter access; providing free science and waterfront history displays, including the Bayside History Walk; drawing people to the Bay by opening up a view corridor, an access corridor to the east end; and providing a public museum, café and outdoor seating.

The current project as planned has a new building on the east end that opens up a 60- foot view corridor, an access corridor out there. Also, you can see the railings that look over the Bay Exhibit, the Bay water.

We are removing a large portion of the fill earlier than outlined in the SAP. We are enhancing maritime activity by rebuilding a dilapidated building that was on the south, the north and the east.

We are also promoting high levels of sustainability. The Exploratorium is pursuing a zero net energy project with photovoltaic panels and Bay water heating and cooling -- we're very excited about that.

It's a unique project with tremendous potential to transform the waterfront. It clearly accomplishes many of the goals of BCDC by creating a rich environment for the enjoyment of the Bay for all. And we look forward to continuing this process. Thank you very much.

Jennifer Sobol, the project manager for the Port of San Francisco Exploratorium project, added that the Port supports the application and requests that the Commission adopt the descriptive notice to initiate the Special Area Plan Amendment for this project. The Port has also committed to working with BCDC and the Exploratorium on a community outreach process.

The Exploratorium museum will be a very exciting attraction for the waterfront and we look forward to welcoming the Exploratorium in the very near future. Thank you.

Tay Via, Coblenz, Patch, Duffy and Bass, representing the Exploratorium, spoke briefly to two letters in the Commission packet which express interest by Save the Bay and San Francisco Tomorrow in participating in the amendment process.

The Commission has a draft descriptive notice in its packet and that does serve as a notice. And it is very broad. It doesn't specify the amount of fill, what equivalency means. All of that is open for discussion and is part of the detail that will happen over the coming months.

And I did want to stress, and you probably know, that this will be a pretty long process for the Exploratorium as it is, in that we both need the amendment and then the major permit will follow that. So we are probably looking at a six-month window of hearings before you, a lot of public process, and we welcome the opportunity to work with Save the Bay and San Francisco Tomorrow. And we urge you to move forward today so that we can begin to do that, thank you.

Seeing no other speakers, Chair Randolph welcomed a motion and a second to close the Public Hearing.

MOTION: Commissioner Chiu moved, seconded by Commissioner Goldzband, to close the Public Hearing. The motion carried unanimously.

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Commissioner McGrath asked, if the Commission adopts the staff recommendation it can have a full and frank discussion about how much public access is adequate and timing is in order to make the change; is that correct?

Mr. LaClair responded yes, and added that he wanted to make sure that Commissioners understand the distinction between the plan amendment, which will set the framework for what will ultimately be decided in the permit discussions. This amendment would give the Commission the flexibility to either require that the fill be removed as required in the Plan now, or have another option, which would enable them to require or allow that some of the fill be retained and that the remainder could be removed elsewhere on the waterfront.

Then, when considering out the permit, the Commission will be looking at all of the policies that apply to the project in the Special Area Plan and the Bay Plan regarding public access and waterfront design and parking/transportation access, and the other requirements in the Plan. Those will be vetted at a public hearing.

Commissioner McGrath asked for clarification that, in terms of the general magnitude and nature of the design and public access, in order to be able to compare the proposed plan to the existing plan and the timing and the amount of fill, that those broad questions will be before the Commission in a broad enough way to be able to evaluate the amendment.

Mr. LaClair assured him this would happen. In staff's preliminary recommendation they will include a great deal of information about the project.

Commissioner Chiu reiterated some of the public comments that were made -- that this is a project that is a very exciting one for San Francisco. As he mentioned previously, it is one that is in his district.

As far as these types of projects go along the San Francisco waterfront, it is relatively non-controversial. It actually just passed out of their planning commission last week with a unanimous vote.

And with the proposed policy changes of the offset requirement and the requirement that within 20 years we make up what is being asked for here, I think it's a fairly reasonable proposal. But I definitely look forward to a further and very open and more complete discussion in October.

Commissioner Moy stated that, as a member of the Waterfront Plan Advisory Board in San Francisco in the '80s, he has to agree with Bash. The Advisory Board never envisioned anything like this. It thought it would keep the real estate. And that's why we have this -- it became that much real estate as an existing condition. So having to see this removed is very, very exciting.

MOTION: Commissioner Chiu moved, seconded by Commissioner Moy, to approve the staff recommendation to amend the San Francisco Waterfront Special Area Plan. The motion carried unanimously.

11. **Briefing on Dutch Climate Change Initiatives.** Executive Director Travis remarked that

staff has been working in partnership with some colleagues from the Netherlands for the past several months, under a project that is funded by the Dutch government, which has provided 120,000 Euros to organizations in the Netherlands to evaluate the situation here in the Bay, to look at some of the work Holland has done, and to provide BCDC some advice.

He added that this week the Commission has had the good fortune of having eight of those colleagues here, working in BCDC's office, and it's been a rather intense time with them and the jury and the design competition.

He introduced Peter Wijsman, with Arcadis, a Dutch-American consulting firm, who provided the briefing.

Mr. Wijsman began by thanking Executive Director Travis, Chairman Randolph, and the Commission, and explaining that they are in the middle of the process of establishing a partnership between the Netherlands and California on climate change adaptation.

(Mr. Wijsman showed an accompanying series of slides with his presentation.)

He continued, noting that one of the first pilot projects that we are working on together is to develop adaptation strategies for shoreline development along San Francisco Bay.

And today I will explain more about the partnership that we are setting up, the pilot project that we are doing, and some examples of where we are coming from in the Netherlands.

First of all the Netherlands, being under sea level for about 60 percent of the country, is very vulnerable to flooding and to the risks of sea level rise. The Dutch government is also very progressive in developing adaptation strategies. Hence they also see that they cannot just develop these strategies by themselves, so they seek international cooperation.

And the physical environment here in San Francisco Bay, but also the Sacramento/San Joaquin Delta, the strong -- or former strong -- economy of California, the high level of research that is being done at various research institutes such as Stanford, UC Berkeley or UC Davis, make California a very interesting partner for the Netherlands to work with.

The Dutch have initiated a research program called Knowledge For Climate. It aims at developing climate change adaptation strategies to make the Netherlands climate proof. And one of the components within that program is international collaboration. That's the component we are working on together with California. We have had contacts with the Natural Resources Agency in Sacramento, with the Assistant Secretary for Climate Change and Energy, Tony Brunello. And basically he gave BCDC the green light to start exploring the opportunities for a partnership with the Dutch on climate change adaptation.

The partnership didn't start with an official signing ceremony where we all say what we are going to do in the future and not much is happening. We decided to start off with a concrete project and take San Francisco Bay as a case study on what adaptation strategies we could jointly develop.

We are in the middle of executing that project. As Travis was explaining, we have about eight colleagues of mine from the Netherlands over this week to work on this project. And basically we are going to do four things.

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One is look at the impacts of sea level rise on San Francisco Bay. And BCDC has produced an excellent report on what the projected sea level rise is. And what we tried to do is take it a step further by also looking at, okay, if you have the sea level rise, what is it going to do to tidal changes, wave height, and flow velocities in the San Francisco Bay? How are those going to change in relation to sea level rise?

Two, we will also look at conceptual approaches and potential adaptation measures that you can think of for San Francisco Bay, and we tried to make a comparison with some of the situations that you find in the Netherlands.

Three, we'll look at institutional arrangements looking at the climate change. Will we still be able to develop the right vision strategies and policies under your current institutional arrangement or should you look at organizing your government differently to address climate change and to come up with appropriate strategies to address climate change?

And last, we cannot cover everything in this one project so we are also looking for future research and cooperation opportunities.

As I was explaining, we are in the middle of executing the project. It started in February of this year. We started off with a fact-finding mission where we talked to different Bay Area stakeholders such as the Port of Oakland, San Francisco International Airport, SFPUC, the Bay Planning Coalition, and the Santa Clara Valley Water District, just to get a better understanding of what the issues are and what is at stake.

We have done a lot of modeling exercises with our data. We are now in the middle of analyzing it. As part of that we are also looking at the extremely vulnerable locations around San Francisco Bay.

And we will end our project with a public event September 21. It is going to be a one-day symposium where we will present the results of the study and also look at future cooperation opportunities.

These are basically the hotspots -- that's what we call them -- in the Bay Area that we've looked at. They all comprise either extremely vulnerable locations or critical infrastructure. It doesn't mean that the other areas in the Bay Area are not important but I think these are quite representative for the different types of land use or types of functions that you find in the Bay Area.

Now, to go back to where we are coming from. What the interest of the Dutch is in California and why we think that the two go so well together. This is a map of the Netherlands. The entire western part, about 60 percent of the country, is below sea level, with some areas being as low as 20 feet below sea level.

The Netherlands has about 16 million inhabitants. It's an eighth of the size of California. In addition to the area that's threatened by floods that's also where most of the people are living. So adapting to climate change and developing strategies is critical.

The typical way of how we protected ourselves from flooding along the rivers coming from Belgium, France and Germany is with embankments, just typical earthen levees.

Along the north seacoast you primarily see sand dunes. Quite wide, often up to half a mile or a mile wide.

And to close off the major rivers during a storm surge we have storm surge barriers such as the Maeslant barrier, which is a 1,000 feet wide barrier that can be closed during a storm surge. And it's on land during normal conditions to allow shipping traffic to go through.

You can look at the impacts of climate change on the Netherlands and the different sea level rise scenarios. There's a 2006 scenario of our National Meteorological Institute that was updated by the Dutch Delta Commission in 2008. And basically for the year 2100 we are expecting a sea level rise of between two feet and four feet.

They also took it up to 2200 where we have an anticipated sea level rise between roughly seven feet and thirteen feet.

In addressing future climate change we are not looking at sectors that are addressing developing strategies such as agriculture or forestry or urban areas. We have decided to take a bottoms-up approach, what we call hotspots, where specific areas are an indicator for a larger area where you find certain impacts on the climate change.

For example, the major river areas in the Netherlands are the southwestern delta or the City and Port of Rotterdam. And what we tried to do is see how we can link those hotspots, those areas, to certain situations in the Bay Area. I will take the City and the Port of Rotterdam as an example because I think it quite resembles the situation here in the Bay Area.

Rotterdam has a major port, the largest port in Europe. It's basically the gateway to Western Europe. It's a densely populated area. The city of Rotterdam is about 600,000 people but the entire metropolitan area is about a million and a half, two million people. You will see big spatial investments over the next couple of years. Its proximity to the North Sea and being on a river make Rotterdam a very interesting case study to do research on in light of climate change.

Now what are some of the threats and challenges that this area is faced with? It's primarily a water issue for Rotterdam, water is coming from four directions. The impacts of climate change will be differences in precipitation, rainfall differences. More high-density storms, longer extended periods of drought. Also, resulting in differences in the river discharge as a result of precipitation.

Groundwater levels will be harder to maintain. We have problems with land subsidence. And, in addition, it's threatened with sea level rise and higher levels. Or more salt water intrusion into the city.

And as I am explaining these effects I guess you can also say that it doesn't really matter whether you talk about Rotterdam or you are talking about the San Francisco Bay Area or the Bay Delta, the problems are quite similar in that it would not make much sense that everyone develops their own strategies or continued to do the same research for a different area. But try to combine those efforts and try to learn from each other.

Now how do we perceive climate change or water and how do we look at it? Often water is perceived as a threat. There's a traditional way of thinking where you see problems

with flooding or problems with high-intensity rainfall or problems with water quality because of sewage overflow or extended periods of drought.

Basically, sea level rise can now offer new opportunities because you are rethinking your strategies on how to design your shoreline and how to incorporate urban planning or land use planning into water management.

We all know Al Gore. He was in the Netherlands about six or seven months ago. And he told us it was not very wise to invest in the Netherlands because we are so low. In the Bay Area you have more high ground than in the Netherlands but we are determined to keep our feet dry and to protect the country. But more important, make it also more attractive.

And, going back to the City of Rotterdam. They basically have two very simple ambitions -- to have a strong economy and to be a safe and attractive city. Very simple, very clear, and they see water as the dominant driver to accomplish that.

The key in using water as the dominant driver for new development will be integration with urban planning and land use planning. To create new opportunities by integrating these disciplines will create a more attractive living environment for people to live in. Make water visible, live with water and use it as such. That it's safe for the people to live in, but not in a way that you only pull people back from the water and it is not physical for them.

I always look at a levee as just a single function object. Why not create a somewhat wider levee on which you can build upon because the levee is not going to fill? Or use it as a multipurpose object that you also create walkways on, or allow other types of recreation on top of your levee.

In urban environments, especially with the high-intensity rain events, let's start looking at creating water squares where you can temporarily store water in the city landscape, by which you reduce the chance of having sewage overflow and therewith not jeopardizing water quality -- which is also an issue here in the San Francisco Bay.

Use water as an amenity and a means of transportation. More traffic on water will reduce the effect or the stress on your highway system.

Other ideas include floating museums that you can take to other cities along a river or along the coast.

We also looked at Sausalito. Rotterdam wants to have its own Sausalito in one of the port areas that's being redeveloped. What can we learn from the community that has been established there?

Another way to address climate change and to produce water from directly, precipitation from directly entering your sewer system, is to make use of green roofs. You reduce the speed in which the precipitation will enter your drainage system and therewith reduce the chance of having a sewer overflow. But also, in light of climate change, cool the city because it has a cooling effect.

Also double use where on one hand you are meeting the objectives of urban planning or land use planning and you are also meeting your water objectives.

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And last, not so much in an urban landscape, but what we also try to do is use nature as a means of food protection. I think that quite well resembles how you want to use wetlands to reduce storm surge or to lower wave height during storms. And I think it's a very effective and environmentally friendly way of protecting the environment and also very attractive.

These were some of the examples that I wanted to share with you. If bad comes to worse you can always put your finger in the dike. But that is not something we are going to recommend for San Francisco Bay.

On September 21 together with BCDC, local stakeholders, people from the Netherlands will present the results of our study. I hope to see you there. And thank you very much for giving me the opportunity to speak to you.

Chair Randolph asked for public comment. Seeing none, he welcomed Commissioners' questions or comments.

Commissioner McGrath remarked that Mr. Wisjman mentioned a budget of \$6 billion for levees. And he has heard estimates, of people who have looked at the delta, of at least a trillion dollars. Can you give us some idea of a comparison of size of the Netherlands as opposed to the Bay Area, and how many miles of levees you maintain?

Mr. Wijsman responded by first making the distinction between primary levees and secondary levees, depending on the system. But they have about 1,400 miles of primary levees and an additional 14,000 miles of secondary levees. And the \$6 billion investment is what will be a spatial investment for the city of Rotterdam only.

If you look at the entire Dutch coast or the entire Dutch flood protection system, we had a second delta plan for our country come out last year. And they anticipated a need for an additional \$100 billion for the next 100 years, so a billion a year.

I don't know if my colleagues know what the annual budget is for our flood protection. The annual budget is -- I think it's around \$1.2 billion that they invest in upgrading flood protection structures. So with the extra billion it would be 2.2 billion a year.

In 1953 the Dutch had a major, major disaster in the southwestern part of the country, killing almost 1800 people. That triggered us to develop levee safety standards which range from one in 1250 years to one in 10,000 years levee protection. That system has been built. We are now maintaining that system.

The economic value in the area is so high and the country so dependant on proper flood protection that we think these standards are justified. I don't think you can directly compare that to the US, just because there's a different strategy where in the US the primary focus is on mitigating the effects once a flood happens; the Dutch try to prevent a disaster or a flood event at any cost.

But there is always a residual risk that you need to take into account. Look at New Orleans, for example. We learned a whole lot on proper evacuation planning and what to do when something does go wrong. Because a one in 1250 or one in 10,000 year event can still mean that a flood disaster can happen tomorrow.

Chair Randolph remarked that Mr. Wijsman had talked about the dual use of levee structures and the possibility of things like building on them, for example. So in cases where that's happened in the Netherlands what kind of dual use is common? Are they residential or commercial structures or public access parklands? What would examples be?

Mr. Wijsman responded that in many instances it's public access. What you see is roads on top of a levee or the bicycle paths or walkways. I think that -- especially if you look at a city like New Orleans, for example -- right now it's quite mono-functional as to how the flood protection system is developed. The water that's right next to the neighborhoods is not accessible for the people that are living there.

I think that will be key, especially if you make these investments now. And as Californians think about investing a lot in their flood protection system they take that into account. Like incorporating buildings in your flood protection structures, especially along the rivers. That's fairly new but it's something that's being considered more and more where just, you know, say the bottom floor or the bottom two floors also function as a means for flood protection along a river and are also designed as such that they are resilient to having water along them for a couple of days.

Commissioner Nelson stated that this has been enormously helpful. He was part of a delegation a couple of years ago that looked at some of the work done in the Netherlands and it is remarkable. Just two comparisons of Amsterdam and Rotterdam. They have, by law, flood protection at a level of an acceptable risk of one flood in 10,000 years. By contrast Sacramento has, depending on who you ask, currently maybe 50 to 75 year flood protection. So the difference between the two --. Their new delta plan that has been adopted is enormously ambitious. In our own delta there is quite literally no plan at the moment to provide adequate flood protection, or a plan to accommodate inevitable changes over time. So I think this partnership has the potential to be very beneficial.

One specific question. I don't believe I have ever seen in a public policy setting in the United States a discussion of climate change a projection of sea level rise beyond 2100. And you presented a slide that looked at two centuries worth of potential sea level rise.

My question is, what planning horizon is traditionally used in the Netherlands to look at this risk? Is it unusual in a public policy setting for the planning horizon to be 200 years rather than 100 that we have tended to be focused on?

Mr. Wijsman responded that, for the Dutch, having a 200-year planning horizon is exceptional. But we see that in the spatial investments that you make, in the infrastructure that you are designing, in many instances the life span is much longer than you originally designed it for. And that's okay. If you look at a city like Amsterdam, for example, these canals have been there for 400 years and so are those houses. Very sustainable in that sense. I think that having the outlook for a longer period of time will help you think about the life span of your infrastructure.

Eddy Moors, another of the colleagues from the Netherlands, added that the normal

period for planning is pretty similar to what's been used in the US, so the 200 years is really exceptional. One of the main things that came forward is that what we wanted to do is, they don't want to look at, say, an average sea level rise, but more at the maximum risk that you could have. And for that reason they also extended the length of the time period.

Commissioner Bates commented that he was particularly interested in the use of public lands, parks, to turn those into water storage opportunities. And the part about the garage -- are those actually in place now in the Netherlands? And if so how successful are things like that?

Mr. Wijsman responded that, if you read Dutch newspapers, it's a very sensitive question. Because the one parking garage that acted as a pilot project had huge problems during construction. Not in its function, but they had a lot of groundwater problems and land subsidence problems in constructing this one parking garage.

But this parking garage will be finished sometime in the next year and this is one way of storing water. There is already experience with storing water underneath greenhouses where they have built big basins. I mean, it doesn't necessarily have to be a parking garage, it can also be an office building or just, you know, underneath a road.

But the principle is, if you do have these high-intensity rain events. You know, just a couple of hours, you need to store that water at a local location. And then once you have drained most of the water away you can pump that water out of that facility and not overuse or damage your drainage system.

Commissioner Bates noted that an occasion in 2007 was like a perfect storm. There was 20 minutes of intense rain in the city of Berkeley. We also had the tide, it was at high tide. I guess it was double high tide or something. So it backed up all of the water into our channels and flooded homes and other kinds of things.

So it would be really remarkable if we recognized that there's going to be these intense rainfalls; that we could figure out some way to siphon some of that flow out just for a relatively short period of time. Some kind of a public facility like that would be a major adaptation that could actually pay off and pay you dividends.

Commissioner Lundstrom stated that she sat on a flood control district in Marin County. And with its' microclimates this particular area gets just about the highest rainfall in the Bay Area besides Big Basin. And in 2007 it was part of the New Year's Day floods and it flooded. All of downtown San Anselmo went underwater, and Fairfax.

They are looking now at retention basins upland because in the flood of 1987, with the microclimates -- people didn't believe it but we had 100 inches of rain that year. And rainfall that stalled, I think it was a 14-inch rain that stalled in less than 24 hours. And we have had three major flood events in the last ten years. So we can grab that, yes, climate change is here.

I was scribbling notes about the water retention and the water squares and how it could definitely be used because they are identifying specific areas for that.

And just got a National Weather Service forecast for Northern California for this fall and El Niño is returning and they expect the drought to be broken. So the flood control district will

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be back in operation, hoping that people will recognize that it's everybody's problem.

One of the problems is people who live on hillsides don't think it's a flood problem, it's just those people who might be flooded down below. And that's a real difficult issue to overcome. But I am very interested in examples of water retention.

Mr. Wijsman responded that what they did in the city of Rotterdam is -- they took a 1,000 year rain event and from that derived what their water objective is, as in how much water you can drain for your system and how much more water you should be able to store. And they just came up with a set of measures that you can take like, you know, to create new city parks with small lakes or basins in them. Renew the drainage system. But also to get the more innovative concepts that I just showed.

Now this water objective is executed in their water plan. It's not that they are executing this as a program that's accomplished in the next two to three years. But as the urban landscape is changing and they are redeveloping the inner city they always use water in their planning and account for water storage in new facilities that they design so that they eventually meet their water objective in the decades to come.

Chair Randolph thanked Mr. Wijsman and commented that everyone is looking forward to seeing what he will have to share with the Commission in September.

12. Consideration of Strategic Plan Status Report. Executive Director Travis recommended once again that the Commission remove one of the objectives from the strategic plan because staff hasn't been able to get to it.

Given concurrence today, what staff will be doing for the next strategic plan update is to go back and look at those items that they had to eliminate to see if they can accommodate some of those and provide an extension of the plan that will run BCDC at least through the end of the calendar year.

MOTION: Commissioner Wieckowski moved, seconded by Commissioner Reagan, to approve the staff recommendation. The motion carried unanimously.

13. New Business. There was no new business.

14. Old Business. There was no old business

15. **Adjournment.** Upon motion by Commissioner McGrath, seconded by Commissioner Gordon, the meeting adjourned in memory of Joe Houghteling at 3:30 p.m.

Respectfully submitted,

WILL TRAVIS
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission Meeting
of September 3, 2009

R. SEAN RANDOLPH, Chair