

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

January 21, 2010

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 January 7, 2010 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Randolph at the Ferry Building, Second Floor in San Francisco, California at 1:10 p.m.

2. **Roll Call.** Present were Chair Sean Randolph, Vice Chair Chappell, Commissioners, Bates Chiu, Gioia, Goldzband, Gordon, Hicks (represented by Alternate C. Johnson), Lai-Bitker, Lundstrom, Maxwell, McGlashan, McGrath, Moy, Nelson, Reagan, Sartipi (represented by Alternate Richards), Shirakawa (represented by Alternate Carruthers), Smith, Thayer (represented by Alternate Kato), Wagenknecht, and Wieckowski.

Not Present were: Resources Agency (Baird), Sonoma County (Brown), Department of Finance (Finn), Speaker of the Assembly (Gibbs), Governors Appointee (Jordan Hallinan).

3. **Public Comment Period.** Chair Randolph asked for public comment. There was none.

4. **Approval of Minutes of December 3, 2009 Meeting.** Chair Randolph entertained a motion to adopt the Minutes of December 3, 2009.

MOTION: Commissioner Lundstrom moved, seconded by Commissioner McGrath, to approve the December 3, 2009 Minutes. The motion carried unanimously by voice vote.

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

a. **Departing Commissioner.** Peter Drekmeier, Commissioner Bob Wieckowski's alternate on BCDC, decided not to run for re-election to the Palo Alto city council. Therefore, he is no longer eligible to serve on BCDC. Our staff has prepared a draft resolution of appreciation for Peter, which I would like to have placed before us for adoption with a motion and a second.

MOTION: Commissioner Carruthers moved, seconded by Commissioner Gordon, to approve the draft resolution for Mr. Drekmeier. The motion carried unanimously by voice vote.

b. **New Commission Members.** We have a few new members of our Commission. The District Commander of the U.S. Army Corps of Engineers has appointed Cameron Johnson to replace Mike Dillabough as Jane Hick's alternate on BCDC. Also, the Senate Rules Committee has confirmed the appointment of Sanjay Ranchod to serve as Barry Nelson's alternate. Finally,



Bay Conservation and Development Commission

BCDC MINUTES
January 7, 2010

California's Secretary of Business, Transportation and Housing has appointed Bijan Sartipi to serve as the agency's representative on BCDC, replacing Jim Bourgart who resigned last year. As you know, Bijan served as Jim's alternate until now. James Richard, one of Bijan's deputy directors at Caltrans, will serve as his alternate. I'm sure the Commission joins me in welcoming these two new members.

c. **Next BCDC Meeting.** As part of our continuing cost-cutting measures we are cancelling our next scheduled meeting which would be held on January 21st. Therefore, our next meeting will be in four weeks, on February 4th. At that meeting, which will be held here at the Ferry Building, we will take up the following matters:

(1) We will vote on a permit for the upgrade of a shoreline trail in Mill Valley. We're holding a public hearing on this application today.

(2) We will consider the approval of our 2009 annual report.

(3) We will have two briefings on mitigation projects and planning for the San Francisco waterfront.

(4) 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 you have inadvertently forgotten to provide our staff with a report on any written or oral ex-parte communications, I invite Commissioners who have engaged in any such communications to report on them at this point. Seeing none, let's turn to Executive Director Travis' report.

6. **Report of the Executive Director.** Executive Director Travis provided his report, as follows:

a. **Redwood Shores Levee Improvements.** I'll begin my report by completing the story of the levee improvement projects that are needed to meet FEMA requirements for flood protection around the Redwood Shores community. As you agreed at our last meeting, we issued administrative approval for the four projects just before Christmas when the U.S. Fish and Wildlife issued its final biological opinion and the applicants agreed to undertake all the mitigation measures the Service prescribed. We found that those measures addressed the few comments we received on the supplemental administrative listing that we sent to you on December 10th. We also imposed a few further restrictions to ensure the projects would have no adverse impact on public access.

With approvals from Fish and Wildlife Service and BCDC in hand, project construction is now underway, so there's a good chance the work can be completed by FEMA's deadline, which means the homeowners in Redwood Shores won't have to purchase additional flood insurance costs or face flooding danger from storms and high tides this winter. Despite these measures, as I explained at the outset of this process, it is likely that further levee work will be needed around Redwood Shores in future years because the current FEMA requirements do not take into account accelerated sea level rise from climate change.

b. **Bay Plan Amendment.** At our December meeting you directed our staff to meet with representatives from the Bay Planning Coalition and the Bay Area Council to better understand their concerns about the amendments to the Bay Plan our staff has proposed to address climate

change. Unfortunately, the representatives from the two organizations are not available to meet with us until late this month. Therefore, it is unlikely that we will be able to refine the amendment language and hold another public hearing until sometime in the spring.

c. **Realignment Study.** We sent you all copies of the very gracious letter Chair Randolph received from Governor Schwarzenegger in response to the study we sent to the Governor regarding BCDC's funding and organizational status. Unfortunately, the letter gives us little hint on what the Governor will propose for BCDC when he releases his 2010-11 fiscal year budget tomorrow. We'll let you know what's in that proposal as soon it's released.

d. **Personnel.** Last July I reported to you that Leslie Lacko, one of our senior planners, had taken a six-month leave-of-absence to deal with health problems and devote time to her young children. She has recently decided not to return to work so we will have to find a new person to fill this key position.

We've added another new intern to our staff. Matt Piven has a BA in economics and is pursuing a masters degree in urban planning at San Jose State. He was a research assistant at Neil Mayer and Associates, an economic, research and development firm, and has worked with the Baltimore Development Corporation and the San Jose Redevelopment Agency. He'll be with us through May making jurisdictional determinations in our regulatory division.

We're going to place another order for the KQED documentary Saving the Bay next week. If you want to take advantage of the special discounted price let us know by January 14th how many copies and what format, and send us a check made out to BCDC. The cost for the DVD is \$20, \$21.90 with tax, and \$40 for the Blu-Ray version, \$43.80 with tax.

Commissioner Carruthers remarked that the DVD makes a terrific gift. Also, he asked how the wildlife in the Redwood Shores – the birds, harvest mice, etc. – would be able to move inland or outland with regard to the flood control. How was that taken care of? Executive Director Travis responded that the issue was addressed by the Fish and Wildlife Service in their mitigation requirements.

7. **Commissioner Consideration of Administrative Matters.** Executive Director Travis noted that the administrative listing was sent out on December 23rd. If there are questions, Brad McCrea is available to answer them.

8. **Public Hearing and Vote on Proposed Revisions to Regionwide Permits.** Chair Randolph stated that Brad McCrea would provide the staff report and recommendation.

Mr. McCrea began by noting that today's public hearing and vote are for proposals to revise two regionwide permits – numbers two and four. The goal of the revisions is to make BCDC's regulatory process more efficient, more effective, and more expeditious.

The abbreviated regionwide permits were first adopted by the Commission 23 years ago, on December 4, 1986. They have been revised twice since then, first in 1996 and then in February of 2009.

The regionwide permits are a class of permits already issued by the Commission for projects that are fully consistent with the Commission's laws and policies and raise no significant issues.

BCDC MINUTES
January 7, 2010

The proposed amendment to Regionwide Permit Number Two -- which deals with service lines, utilities, and pipelines -- would authorize the installation of new pipelines which are installed in such a fashion that the ground surface is undisturbed or little disturbed, such as directional drilling or tunneling. Projects of this sort would only be authorized if they have little or no effect on the resources that the Commission's laws and policies protect.

Secondly, there is a proposed amendment to Regionwide Permit Number Four, which deals with the reconstruction, replacement and repair of one- and two-family residences in the 100-foot shoreline band. The amendment would simply clarify that the authorization also includes small additions and remodeling of projects. This permit has been used for years by BCDC to authorize such improvements, but the amendment would make the authorization explicit.

Both amendments would clarify what was intended to be included in the authorization section of the two regionwide permits. Therefore, BCDC staff recommends that the Commission approve the revisions to Regionwide Permit Number Two and Number Four.

Chair Randolph then opened the public hearing portion of the Item. Seeing no requests to speak, he entertained a motion and second to close the public hearing.

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

Chair Randolph then asked for questions and comments. There were none.

MOTION: Upon motion by Commissioner Bates, seconded by Commissioner Lundstrom, the Commission unanimously approved the proposed revisions.

Commissioner McGrath expressed his appreciation for the staff report, which he found to be very clear and compelling.

Commissioner Lai-Bitker asked for clarification. If it is remodeling that does not disturb the shoreline area within BCDC jurisdiction, does the Commission need to specifically characterize the type of remodeling that will be impacted? Mr. McCrea responded that the language in the permit has to do with reconstruction, replacement and repair of the residences in the shoreline band. So this regionwide permit is not for work in the Bay, it is for work in the Commission's shoreline band area. Further, most of the project impacts have to do with views to the Bay. BCDC looks at the project to make sure it doesn't have any adverse impact on visual public access to the shoreline or the Bay from other public spaces, like the public street in front of the house. Because BCDC doesn't require public access as part of one- and two-family residences, view impacts is the primary analysis staff conducts.

VOTE: The motion carried with a roll call vote of 19-0-0 with Commissioners Bates, Chiu, Gioia, Gordon, Lai-Bitker, Lundstrom, Maxwell, McGlashan, McGrath, Moy, Nelson, Reagan, Richards, Carruthers, Kato, Wagenknecht, Wieckowski, Vice Chair Chappell, and Chair Randolph voting "YES", no "NO" votes and no abstentions.

9. Public Hearing on Application No. 2-09, Marin County Department of Public Works Application for the Tennessee Valley/Manzanita Connector Trail Project, in an unincorporated area of Marin County near Mill Valley. Chair Randolph noted that this is a public hearing on an application to upgrade a public trail along the shoreline of Richardson Bay in Marin County and the Commission won't be voting on this application until its next meeting. He introduced BCDC staff member Max Delaney, who provided some background information on the project.

Mr. Delaney stated that the project proposes to improve an existing public access path along Coyote Creek in Marin County. It proposes to upgrade the existing public access by

improving the surface and condition of the path, making the path ADA-compliant, relocating a portion of the path from the marsh to an upland area, and elevating the remaining portion of the path as a boardwalk so that the access situated above the marsh plain will no longer be inundated at higher tides.

BCDC staff believes that the project proposal raises a number of issues, including whether the proposed project would be consistent with the Commission's policies on fill; whether the proposed policy would be consistent with the Commission's policies on public access; whether the project would be adequate to protect fish, other aquatic resources and wildlife, as well as tidal marshes and tidal wetlands at the site; whether the proposed project would be consistent with the Commission's policies on transportation; and whether the project is consistent with the Commission's policy on safety of fills, including sea level rise.

In addition to the public comment letters, staff has since received five additional letters – one from the Marin Conservation League, one from the Tamalpais Community Services District, two from private citizens, and one from the Bay Area Ridge Trail Council.

Chair Randolph then opened the hearing to public comment.

Mr. Craig Tackabery, Marin County Assistant Director of Public Works, stated that the project group is very excited about this project.

He stated that, after the BCDC staff report was issued, they received a copy of the Marin Conservation League letter, which they carefully considered. One of the requests in the letter was outside of their county project, on flood control lands in the north levee, where the League asked the county to close public access. The project group discussed closing this public access with flood control staff, who agreed to take that action.

Mr. Pat Echols remarked that the project is part of an overall transportation pilot program, of which Marin County was one of four counties in the country to receive a \$25 million grant to improve facilities to encourage non-motorized transportation as an alternative to vehicle usage to get to destinations such as work, school, commerce, etc.

The project is located in the unincorporated area of Mill Valley known as Tamalpais Valley. There are several non-motorized transportation routes in the vicinity of the project site, in particular the Mill Valley-Sausalito Trail, which is part of the north-south bikeway non-motorized transportation corridor. This route also includes Middle Valley Middle School, Tamalpais High School, and various shoreline parks and bayfront parks. The project will provide a linkage between the neighborhood of Tamalpais Valley and access to the Mill Valley-Sausalito Bike Trail, and also to the Manzanita Park and Ride facility underneath the Highway 101 interchange at Shoreline Highway. The main section east of the Coyote Creek Bridge is currently well-used by pedestrians and bicycles in its current state.

Project goals are primarily to enhance and improve the existing path between the Mill Valley-Sausalito path and the Tamalpais Valley Community Center to the west of the intersection of Marin Avenue and Tennessee Valley Road. The project will provide new, accessible connections between the existing path and the Manzanita-Tamalpais junction area. Finally, it will provide a multi-use path network that meets current accessibility standards,

encourages use as a transportation alternative to motor vehicle use, and promotes healthy activities.

There are a number of deficiencies with the existing pathway, among them insufficient trail width for the nature of the use; grades and surfaces that don't meet accessibility and design standards for Class One pathways; no current safe crossing of Shoreline Highway to connect the Tamalpais Valley neighborhoods to the pathway itself; no direct accessible connection to the Manzanita area and particularly to the Park and Ride lot underneath the freeway; and much of the existing path is inundated frequently by high tides.

The pathway itself is constructed on top of a levee that was created by the Army Corps of Engineers as part of the creation of the Coyote Creek Flood Channel Project. In the decades subsequent to construction of the levees and the flood control channel there has been settlement of the levee itself. Some areas have settled up to one foot from the original grades as the levee was constructed.

With respect to accessibility, the current trail imposes several constraints. Most users of the existing path will walk underneath the current bridge at all times except high tides, when it becomes inaccessible because it is underwater. It also has some clearance issues with respect to heights -- there's no more than five feet of headroom under the facility itself.

The surface itself is quite irregular and difficult to negotiate, particularly in low lighting. There are numerous trip hazards and etc.

The basic project elements are to construct an improved ten-foot-wide path in the eastern segment and to reduce the effective existing path. It will also provide a spur path, which is referred to as the Manzanita Connector, which will connect the Tennessee Valley pathway in a more direct fashion to the Manzanita Park and Ride and eliminate numerous informal paths that have developed over the years.

In order to get a safe crossing across Shoreline Highway there will be construction of a new traffic signal and crosswalk at the Tennessee Valley Road intersection and there will be a new pedestrian bridge crossing at Coyote Creek upstream from the Shoreline Highway Bridge which will provide accessible direct connection to the Tamalpais Junction commercial area. The new pedestrian and non-motorized access bridge will be upstream of Shoreline Highway to connect to the commercial area.

Affordable housing was also recently constructed, aimed primarily at seniors. It is known as the Fireside Complex. One of the project aims is to provide a safe, non-motorized route for residents of that Complex, to enable them to walk to the commercial area for grocery shopping, picking up prescriptions at the pharmacy, and etc.

A couple of options were considered to improve the existing path and to relocate the path along the Shoreline Highway itself. However, there are the physical constraints of steep up-slopes; relatively steep down-slopes to the marsh area; and no effective shoulders for pedestrian, bicycle, or other non-motorized usages.

There is definitely a high vehicle usage rate. At a weekly peak hour about 1,400 vehicles use this roadway in the eastbound direction and about 1,500 vehicles in the weekday evening

peak hour. Average daily traffic is roughly 20,000 vehicles. The posted speed limit is 35 miles per hour and the average speed of vehicles has been recorded to be over 40 miles per hour. So it's not an attractive area to sight a Class One pathway for bicycles and pedestrians.

The existing trail has a four-and-a-half-foot, plus-or-minus, width of asphalt; and to each side there is quite a bit of usage on the shoulders by bicyclists, hikers, and so forth. The effective footprint of the existing facility is much larger than the four- or five-foot asphalt pathway itself.

The proposed boardwalk would be composed of wood. The elevation of the boardwalk would be up to 30 inches above the existing grade and it would be ten-foot-wide from edge-to-edge. Even with the ten-foot-wide footprint the effective footprint would actually be restored to its natural state as the result of the project, by focusing users to stay on the elevated boardwalk as they traverse the area.

There will also be four turnouts -- what are referred to as belvederes -- along the length of the path that would extent an additional four feet out to allow passage if there were to be some congestion at various points along the trail.

A number of informal trails have been established by users along this trail segment to get to their various destinations, all of which traverse across private property, and many of which have been established during high tides in an attempt to evade the water and skirt to drier land. For example, one path connects the Tennessee Valley pathway to the Holiday Inn Complex. Users trespass on the parking lot property until they get over to the Mill Valley-Sausalito pathway. Part of the pathway will be relocated to an upland area immediately adjacent to the hotel complex, which will allow the previously-used section to restore to natural marsh state.

There are currently two paths - one that goes underneath the overcrossing of Coyote Creek/Shoreline Highway and a path that goes to an existing bridge on the downstream side of Shoreline Highway. The proposed project will utilize an existing access ramp that transitions up to the elevation of Shoreline Highway at the intersection of Tennessee Valley Road.

Finally, once across the new crosswalk at the signal light intersection, the crosswalk will rejoin the existing trail along Coyote Creek up to Marin Avenue. At that location a new pedestrian and non-motorized usage facility will be constructed to provide the direct connection over to the commercial area.

The project group has held several community meetings at the Tamalpais Community Center as we've developed the project and to get public input on the project. We've also obtained permits and approvals from numerous resource agencies, including the Army Corps of Engineers, U.S. Fish and Wildlife, Regional Water Quality Control Board, National Marine Fisheries, and California Department of Fish and Game.

In November of 2009 the county filed the Negative Declaration under CEQA and the Notice of Determination. On January 5, 2010 the Board of Supervisors of Marin County approved a joint use agreement with the Marin County Flood Control District for use of their parcels in development of the pathway improvements.

BCDC MINUTES
January 7, 2010

Our next steps include: upon approval of the permit processes, we will solicit construction bids, hopefully sometime in April of this year; award a construction contract in May and begin construction in upland non-sensitive areas by June; and then the remaining work will be covered under the permits of the resource agencies, performed within their time windows of September 1 through January 31, 2011. We hope to have the new path improvements open to the public in the spring of 2011.

Chair Randolph opened the Item for public comment.

Mr. Richard Skaff, representing Designing Accessible Communities, a 501(C)(3) non-profit organization, spoke in support of the project. He also expressed issues of concern.

Regarding the documents that he reviewed, as they relate to accessibility, the documents received -- all from BCDC -- use the term "ADA Guidelines" without any reference to state access codes and regulations.

I'd like to suggest that the county needs to be aware and concerned that they are in compliance with both California requirements and federal requirements -- the Americans With Disabilities Act. We don't have any standards as yet from the feds. There are preliminary standards that haven't been adopted as yet but we don't have any actual standards. We do need to be concerned that we meet both state and federal requirements and access the appropriate documents.

One document that I have not had an opportunity to review is the BCDC Public Access Design Guidelines. The Guidelines are quoted in the document I have reviewed as stating that projects should permit barrier-free access for the physically handicapped. I have two issues with that statement. One, the use of the word "should" when it's actually required by state and federal requirements. So it is not a permitted statement, it should be a statement that mandates that access. Second, as with all state and federal regulations, a number of years ago the term "handicapped" was removed from all regulations and I'd suggest that that take place in all BCDC documents.

One major concern that I've discussed with the county is the traffic signal. Mr. Echols referred to the system over by the Firesides. That system does not have the required and necessary pedestrian signal that speaks out to people that are blind. I would hope that the county could work with CalTrans on that signal to redo that system, but also to assure that the signal that goes on Highway One for the Tamalpais project include an accessible speak-out pedestrian signal.

The picture as shown in the BCDC document provided by Marin County Public Works shows a bridge on the west side of Highway One that is proposed. I support that, because the recently-remodeled east side bridge is absolutely not accessible to anyone with a disability. I just want to make sure that the design of the bridge includes the required handrails and that the bridge meets full accessibility.

I would also hope we can get maintenance of the Sausalito-Mill Valley surface, the existing pathway surface, as part of this. Presently, the surface is so badly deteriorated that those of us that use manual wheelchairs with hard tires, that have any feeling at all, based on our injury,

find that surface to be almost impossible to use because of the vibrations the surface creates. So I'd ask if there any additional funds available in the county to support that because this project connects with that main route.

Lastly, a concern I raised with the county on this project is the boardwalks. It's very important that the joints on the boardwalk surface are very tight joints so that we don't create a vibration surface. This is something in the guidelines from the feds that has not been adopted as yet but needs to be considered so that it is truly an accessible surface. Thank you.

Mr. David Hoffman, Director of Planning for the Marin County Bicycle Coalition, stated that they have been involved with this project since its inception several years ago. They are in favor of this project moving forward. In fact, they are really looking forward to that. It's an important connector project in the regional bike and pedestrian non-motorized transportation system.

I want to echo some of the earlier remarks from Pat Echols. We also do believe that the "paths of desire," those informal paths, will go away with the current design of the multi-use path, which will provide a much better environment for habitat restoration. The Bicycle Coalition is very sensitive to the environmental concerns when any facilities are put in.

Secondly, we have spoken with many people in the Tamalpais Valley community and they are in favor of the path going in. It provides access for schoolchildren, for seniors, and for local citizens to make those non-motorized trips. Currently, as the pathway sits, it is not accessible for a good number of those folks.

In short, we are in favor of the pathway and looking forward to seeing this move forward and we thank the county for all the work they've done to bring it to this point. Thank you.

Ms. Margaret Kettunen-Zegart, a resident of the southern Marin community, remarked that she now has grandchildren using bicycle paths which do not really exist and she is very much in favor of this.

When reading through the description she noted that some of the materials reference gravel and dirt shoulders. She wondered if there is a question of meeting ADA requirements for surfaces. It is not contrary to ADA to have an alternative to the asphalt, which does decompose. Satisfactory surfaces can also be compacted, like decomposed granite. The Presidio itself uses compacted brown shale and they don't have a maintenance issue beyond the fact of occasional problems with bicycle or wheel routes.

I wanted to be sure that cement isn't used; rather, that it be a permeable surface where it's important for the shoreline. As far as the boardwalk being used over the canal and water area, I would say that the shaded boardwalk would be the equivalent of a tree shade, which normally is used along riverine habitat and there will be a natural resource for the fish that is gained by having shade.

The other problem with the boardwalk, however, is that it needs to be sufficiently high to accommodate the yearly .34-inch rise from climate change.

I strongly support this project because it will enable the elementary school, middle school, and high school to commute; and it will enable the communities of El Monte, the Bay and

Tamalpais Valley to participate in a safe, non-motorized method. Thank you.

Mr. Jon Elam, General Manager for the Tamalpais Community Service District, stated that this trail sort of “works around” a facility that they use, a recreation cabin where they hold many, many events.

So the opportunity to have non-motorized access to that is very important to the District and over the years we’ve provided hundreds of hours of maintenance and we could expect to continue to do this, including having an outdoor portable potty to serve the area, which is darned important when we encourage people to park here and go on these bike trails. The value of this, as a commuter, as a safe project, is really good. We appreciate the opportunity for the Commission to consider it today. Thank you.

Mr. Robert Eichstaedt, resident of Marin, stated that he has been a proponent of this project for many years. In 1993 it was presented to Supervisor Rose, who noted that it was an important access trail between the recreational trails and the headlands and his facility at Horse Hill.

I am a member of the Alto Bowl Horseowners Association. The multi-use trail and the Tennessee Valley Trail are all an important link to us; in fact, a vital link. We do go under the bridge 60 inches, we do go forward on the high tides, and we look forward to having a trail that’s dedicated and usable by everybody at all times.

Two deficiencies in the application: one, there is no mention of equestrian use. This is a non-motorized transportation project and I can understand why it might have been inadvertently left off. We’ve made a correction to the joint-use agreement; the supervisors approved an amendment that includes equestrian use as one of the uses on the area covered by that joint-use agreement. I would like to see the county’s application also mention equestrian use. It is mentioned several times in the CEQA document but I believe it’s important that it be right up front.

Second, regarding the width of the boardwalk -- as an equestrian user we are adapting to some of the uses and are willing to put up with them. Clearance and safe passage is really important to everybody. BCDC staff has recommended a 12-foot-wide boardwalk and the county has returned a negotiated 10-foot-wide. I’ve never heard of anybody not taking what BCDC was willing to allow and I think the county should reconsider the width on this boardwalk and go for maximum width. The traffic on this will be at high speeds, the wind blows out of the west, and cyclists are likely to be headed east at speeds up to 20-25 miles per hour.

Again, I want to commend everybody involved in this – Public Works, Marin County, everybody who’s worked on it for the last 15 years -- particularly Mr. McGlashan, who has really pushed for it. I look forward to it being a success. Thank you.

Ms. Maureen Gaffney, San Francisco Bay Trail Project, spoke in enthusiastic support of the project. The Mill Valley-Sausalito Path is one of the most heavily-used segments of the Bay Trail, probably second only to the Embarcadero in San Francisco, and is certainly the most heavily-used segment in Marin.

A couple of years ago the Bay Trail and Ridge Trail staffs got together and looked at what connector trails between our two regional trail systems were the most important. The Tennessee Valley Path, connecting the Ridge Trail to the Bay Trail in Marin, quickly rose to the top as the most important connector trail in our entire respective systems.

The proposed project will remove deteriorating asphalt from the marsh area and provide a new upland path and the boardwalk section will also take it out of the marsh area. We are really supportive of this project and happy to see it moving forward. Thanks to the Marin County Public Works Department for moving this along and to Mr. McGlashan for all his work on it. Thank you.

Ms. Betsy Bikle, resident of Mill Valley, and on the Marin Conservation Lake Board and the Mill Valley Streamkeepers, stated that she was pleased that the path would be lifted up out of the wetlands and wondered if there could be some more mitigation of the land on the shopping area around the bridge. Could that somehow be made more natural?

Also, if you're riding your bike north from Sausalito on the path and you go across the bridge, then that lands you on the southbound side of the highway. What would you do then, as a bicyclist?

Chair Randolph asked for other public commenters. Seeing none, he noted that the Commission will accept written comments on this Item through close of business on Tuesday, January 12. He welcomed a motion to close the public hearing portion of the Item.

MOTION: Upon motion by Commissioner Wieckowski, seconded by Commissioner Nelson, the Commission unanimously voted to close the public hearing.

Chair Randolph then opened the floor for Commissioner comments and questions.

Commissioner McGrath asked the applicant about some of the flood control aspects of the project. This was part of the original Coyote Creek flood control project – what is the future of flood control in this area? Is it likely that the levees will have to be raised, either because of the current situation or because of sea level rise?

Mr. Tackabery responded that there is no project to raise the levees at this time. There is consideration for restoring the entire marsh area to get to a more natural environment and some marsh projects are being considered at this time.

Commissioner McGrath followed up – in terms of back flooding from the tidal floods, the decision has been made to move upstream with whatever flood control facilities are necessary? Mr. Tackabery answered that what is being considered is that the levee would not be raised, but Holiday Inn, for example would need to work more on their property.

Commissioner McGrath asked if there is no consideration where the levee would be restored and there would be a bike path on top of them. That's not being considered? Mr. Tackabery responded that that is not being considered for any of the levees along the bayfront. Should a scenario like that occur the bike path could potentially be relocated or raised.

Commissioner Lundstrom noted that, as a long-time resident of Marin, she has walked the bike path, or at least what's left of it. It's really quite badly deteriorated. This could be a

“poster child” for a pathway along the bay because not only does it bring people to the bay and along a tributary of the bay but it’s unique in that it gets kids to public schools and allows a way to get to buses. So it’s a unique combination of a pathway, where it’s situated. The solutions proposed are excellent from all standpoints.

Commissioner McGlashan stated that he has been a huge fan of this project for a long time and has worked very intensively with the community, and with flood control three or four years ago, to move maintenance activities to the north side of Coyote Creek and so forth. He reassured the Commission that for at least the last six months he has been evaluating this project more as a BCDC Commissioner, in service of the Commission’s philosophy of maximizing Bay access and making sure that something like this actually contributes to a general net decrease in bayfill.

So, while being vigorously involved with the project in bringing it through the community a couple of years ago, I’ve been able to “switch hats” and be more faithful in my role as a BCDC Commissioner in reviewing this project more recently.

Something I’ve loved in political life -- and I know my fellow elected will relate to this -- any time you can come up with a situation that provides a win-win scenario it’s just extraordinary. In this situation, the way we count fill, and the increase or reduction in fill, is fairly strict. This project has great benefits and some of those benefits go even beyond the way we calculate fill net increase or net reduction.

One of the things I want to emphasize strongly, as a BCDC Commissioner, is the elimination of a bunch of informal paths and informal routes that people take to get away from the tidal action. When there’s a high tide people make a lot of informal cut-throughs. But even at low tide the existing asphalt path acts like a drainage barrier, so you end up with a lot of big puddles. And then people are getting off the asphalt path and cutting in to the pickle weed around there, and it’s just trashed.

So the area that would be shaded by the boardwalk would constrain users. And it’s really hard to get off a 20- or 30-inch boardwalk and start walking informally in mud, and that’s a great thing. And when we get a chance to get out there and aerate the compacted soil and get that asphalt path out of there -- which is a bad actor in allowing that little southern portion on the south side of Coyote Creek to flush properly and return the water to Coyote Creek -- the ponding will reduce, the mosquito hazard will reduce, a bunch of the informal soil compaction that’s going on will be reduced, and we’ll actually end up with a greater net benefit to the Bay environment and the functioning of the Bay habitat than we even get to count under the guidelines we use at BCDC. And that, of course, is completely separate from the increased access to the bayfront that we love at BCDC and the benefits of the non-motorized program which the Department of Public Works has been working so diligently to achieve.

So this is one of those rare win-win scenarios that I think is a good thing relative to our vision as a Commission.

Commissioner McGrath commented that he’s always a little cautious when comments are made at a very close range regarding concerns about habitat impact that don’t take into account the larger context.

BCDC MINUTES
January 7, 2010

I do bicycle along the Mill Valley to Sausalito Trail, although I've never been up this path. I do notice the heavy use and the benefit that some of this will be to people that would otherwise drive. But we have to look at the context and there are a couple of things I'd like to put on the record.

First, I think we see here that use occurs. And unless there's a respectful dialogue and some governmental sanction about a better way of doing it, trails get developed. And that's from people with good intentions and bad intentions, and we need to recognize that's going to happen unless we do something positive. In this example we've got something that clearly reduces the impact, without any doubt -- the footprint is going down no matter how you count it.

Second, when you look at habitat and you look at the Clapper Rail -- which I've worked on for many years -- there are restoration efforts underway for salt ponds of over 50,000 acres with Clapper Rails as one of the targets. While there is access along parts of those areas, over 80 percent of that restored area weaves far from disturbance. So in terms of the very important goal of restoring Clapper Rails, there is a much larger context for this.

Looking at whether that matters here and at whether or not a little more shade matters and whether or not there will be increased use, I'd like to point out that the current use almost certainly keeps the Clapper Rails away from the immediate vicinity of the existing path. They are pretty shy birds. I've been in marshes a lot and I've only seen them a couple of times.

Finally, as to the accessibility comments, I don't know that it's possible to make a boardwalk smooth. The bridges on the Mill Valley-Sausalito path are pretty bumpy and slow down bicyclists and if they're narrow that's maybe not a bad thing. I want the staff to consider the question of how fast people are going to be going. It is true that on a smooth path a bicycle will be going 25-30 miles per hour. That may not be a good idea with mixed uses and you may want to work with the Bay Trail on making sure that the design incorporates the appropriate speed.

But I do think that it is essential to make the bridge and the elevations and the slopes on the bridge accessible. So I don't know that we can make things smooth forever. Wood tends to cup -- but let's do the best we can.

Commissioner Nelson suggested that staff take a look at BCDC's public access guidelines and respond to the suggestion that they don't seem to be entirely consistent with state and federal requirements for access. It would be helpful for the Commission to make sure that in fact our public access requirements are consistent, both with state and federal law. That's a broader question than just this project but it makes a lot of sense and perhaps that should happen within the context of our strategic plan discussion.

With regard to this project in particular, I agree with Commissioner McGrath that the project certainly gives the appearance of reducing the existing footprint of this project, in terms of impacts on the marsh. But it is an unusual project for us in that the way our jurisdiction applies in this case, we're talking about applying our jurisdiction to a path that is not within the shoreline band but in part is within the Bay itself. That's an unusual circumstance for BCDC and I think we need to think about that carefully because decisions we make here could have

precedential effect for many other projects.

So I think it's important that we weigh those issues carefully and that we are thinking about the impacts to wetlands here and the net fill and so forth. And with regard to net fill, I was looking through the graphics provided in the staff report and there was greater detail provided in some of the applicants' presentations.

I believe there would be two bridges next to Highway One, is that correct? And I'm trying to understand why there would be a need for two non-motorized bridges next to Highway One. Mr. Echols responded that the existing bridge, which is on the down-slope side, doesn't meet accessibility criteria and is, we believe -- relative to usage -- on the wrong side of the bridge. One of our goals is to provide a better, safer direct connection to that large commercial area where there are grocery stores, Walgreen's, and so forth. We wanted to get it in that position on the upstream side.

Also, the existing bridge is actually a support member for a very large marine municipal water main pipeline. So, as part of our project, we would not be removing that and thus the support for that large pipeline.

Chair Randolph noted that, as someone who has been on that pathway a number of times and seen the inundation as well as the deterioration, the water at high tide will come up pretty close to where the Holiday Inn is. What is the actual elevation going to be, the rise in elevation over the current level? Mr. Echols responded that the boardwalk is going to be 30 inches over the existing grade.

Chair Randolph asked for other comments. Seeing none, he reiterated that this will not be voted on today but will be on the agenda for the February Board Meeting.

10. Briefing on Web-GIS Decision Support Tool. Chair Randolph introduced Tim Doherty, who provided the Briefing.

Mr. Doherty began by stating that the new tool is referred to as the BayRAT, the Bay Area Resource Analysis Tool. It is a web-GIS tool that staff has access to on their desktop machines.

Staff designed and developed the tool in the summer of 2009 and a series of staff trainings were conducted in late 2009. All staff now have access to the tool and are using it every day in their decision making process. Geographic Information Systems (GIS) have become an increasingly powerful tool in both the Commission's planning and regulatory process.

GIS has been integrated in many ways to staff decision making processes. Staff is able to access a wide array of spatial data. GIS technology also allows staff to perform spatial analysis.

One of the great things about GIS technology is that it allows staff to integrate data from a variety of sources. We can integrate data from the Metropolitan Transportation Commission. They share data that depicts the region's rail corridors as well as the region's major roads and highways. BART provided us a layer that reflects the BART corridor. Finally, we now have data that predicts the 86 shoreline priority-use areas. We can integrate data and then address planning and policy issues.

BayRAT can be accessed from our desktops and has over 30 layers that are generated from

our partners at the local, county, state and federal levels. We also have data that has been generated by non-profits, academic institutions and research institutions.

The data refers to ecological conditions, demographic data, transportation data, land-use data -- but really the heart of the data is BCDC's agency-specific data, which refers to the almost 3,500 major and minor permits that the Commission has issued since it was created, as well as the public access that it required. BayRAT contains information around our priority-use areas and we are now generating data that reflects our staff-based jurisdictions.

Beyond the data, there are seven distinct tools that we constructed. The first is an address locator, which allows us to insert any address from any street found in the nine-county region, and that address is then flagged. The address locator is useful as staff gets a lot of calls from the public who may have recently acquired a property and are trying to determine whether or not there is access across it or whether or not there is an existing permit on it. This is a powerful tool that allows us to work more closely with the public.

BCDC permits have been recorded temporally and we now have a system to spatially represent those permits as well. We place a point to reflect all the permits we've issued and when a user clicks on one of those points they are provided with the permit number; the permittee; a brief description about the project; and information about whether or not there's been fill or public access associated with it.

We built a keyword search. Staff can search by permit number, by permittees, by cities, or by wharfs or piers. We also built tools that allow us to search our public access layer.

There is also now a layer reflecting the 86 priority-use areas -- the two regional airports and five regional ports, our water-related industrial lands as well as our wildlife refuges, and all the waterfront parks and beaches - which are now depicted with their boundaries.

The tool allows staff to conduct some basic spatial analysis. We can capture or clip information from all the major permits issued in the South Bay, for example, which allows the display of a data table of the information that can then be exported for use in a staff report or for files, or etc. If more robust spatial analysis is warranted, we have a number of computers in the office that allow staff to conduct that rigorous analysis as well.

Staff can also customize maps, which can be very useful for applicants. Maps can be very powerful communication tools.

Our recent NOAA Coastal Fellow, for example, created a layer which we've shared with the State Lands Commission. It's the first layer of its kind to actually document the sub-tidal ownership throughout the region, which is obviously important for our planning and permitting projects as well as other projects like the Sub-Tidal Habitat Goals Project.

Next steps we are working on include maintaining very high quality data standards as well as up-to-date data in the tool. We are also working to increase staff's capacity to integrate GIS and spatial data into their decision making process. In December of last year NOAA and USGS provided a weeklong GIS training, which a number of BCDC staff attended.

This tool is only available on our intranet within our office, and I'd like to extend an invitation to any Commissioners who might want to visit the office and take advantage of this powerful tool. I would also like to thank the Beta team that helped us design and develop the tool over the summer; as well as our interns who helped us generate all of this data; and, finally,

BCDC MINUTES
January 7, 2010

our IT team, which has been critical in allowing us to realize this goal.

Executive Director Travis commented that Mr. Doherty has done a sensational job by taking a concept that Caitlin Sweeney had to create BayRAT. It is an incredibly powerful tool and he urged Commissioners to take advantage of the invitation to come in and see it. It's so easy to use that even he uses it. GIS has had promise for so long, and we've actually been able to see that promise fulfilled.

Commissioner McGrath commented that he has been lucky enough to have attended the demonstration and to pose questions that he gets from interested people. With a little bit of help from BayRAT, he gets an answer back to those folks. It is a very powerful tool and very useful at getting information back to BCDC's constituency.

Mr. Carruthers remarked that this illustrates why he keeps hanging on here. He just celebrated his 79th birthday and is so proud to be associated with this organization. The staff is fabulous and has been terrific over the years. This tool is really dazzling to see.

11. **Consideration of Strategic Plan Status Report.** Executive Director Travis remarked that no changes need to be made. Almost everything that the Commission said it would accomplish has been accomplished. He asked Commissioners to make sure they leave the entire day of Thursday, April 29th, open for the next Strategic Planning Workshop.

12. **New Business.** Commissioner Goldzband echoed what was stated earlier – the entire disability issue needs discussion. Perhaps if staff could provide the Commissioners with information about how the current system works so there is a baseline; that would be great.

Commissioner Moy suggested that Richard Skaff (who spoke earlier today) would be a good person to ask.

13. **Old Business.** There was no old business

14. **Adjournment.** Upon motion by Commissioner Nelson, seconded by Commissioner Wieckowski, the meeting adjourned at 2:30 p.m.

Respectfully submitted,

WILL TRAVIS
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission Meeting
of February 4, 2010

R. SEAN RANDOLPH, Chair
BCDC MINUTES
January 7, 2010