

# San Francisco Bay Conservation and Development Commission

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October 28, 2016

**TO:** All Commissioners and Alternates

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdca.gov)

Sharon Louie, Director, Administrative & Technology Services (415/352-3638; sharon.louie@bcdca.gov)

**SUBJECT: Approved Minutes of October 6, 2016 Commission Meeting**

**1. Call to Order.** The meeting was called to order by Chair Wasserman at the Ferry Building, Port of San Francisco, California at 1:10 p.m.

**2. Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Bates (departed at 3:14 p.m.), Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff) DeLaRosa (represented by Alternate Jahns), Gibbs (departed at 3:24 p.m.), Gioia (departed at 3:14 p.m.), Kim (represented by Alternate Peskin – departed at 3:36 p.m.), Lucchesi (represented by Alternate Pemberton – departed at 3:16 p.m.), McGrath, Nelson, Pine, Randolph, Sartipi (represented by Alternate McElhinney – arrived at 1:13 p.m.), Sears, Spering, (represented by Alternate Vasquez), Techel, Wagenknecht, Ziegler and Zwissler.

Chair Wasserman announced that a quorum was present.

**Not present were Commissioners:** Association of Bay Area Governments (Addiego), Department of Finance (Finn), Sonoma County (Gorin), and U.S. Army Corps of Engineers (Hicks).

**3. Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

There were no public speakers present to comment.

Chair Wasserman moved to Approval of the Minutes.

**4. Approval of Minutes of the September 15, 2016 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of September 15, 2016.

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

a. **New Business.** If any Commissioner wishes to ask us to consider something at a future time, now is one of your opportunities to do so. (No comments were voiced)

Our thanks to John King who continues to focus on rising sea level and helped to alert the readers of print media in the Bay Area. The fact that Rolling Stone is covering climate change and rising sea level fairly regularly is a good sign.

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**BCDC MINUTES**  
**October 6, 2016**

As I was walking up here from BART I passed a series of street art installations and one of them is on sea level rise. It contains pictures of a mythical woman whose apartment looks down on Market Street and what it did look like and what it may look like in 200 years. My comment to them was, the sea is not high enough in those pictures.

All of these are good signs that the concern is getting out there. I wish it were a bigger part of some of the political debates but it is, at least, occasionally mentioned.

b. **Enforcement Committee.** I am going to ask Commissioner Scharff to give us a brief report on the Enforcement Committee that met this morning.

Commissioner Scharff reported the following: We met regarding the Point Buckler Island matter. We held a public hearing and we put forward the staff recommendation with certain amendments to it.

c. **Next BCDC Meeting.** Looking to our next meeting, which will not be on October 20<sup>th</sup>; we will not hold a meeting on that day. We will hold one on November 3<sup>rd</sup>. At that time we may consider the following matters:

- (1) A public hearing and possible vote on an enforcement matter concerning Scott's Restaurant and the Port of Oakland;
- (2) A public hearing and possible vote on an enforcement matter concerning Marina Village;
- (3) A public hearing and possible vote on a permit application concerning Galilee Harbor;
- (4) A briefing by the California Natural Resource Agency on it's rising sea level adaptation policies and plans;
- (5) A briefing by our Chief Counsel regarding Public Records Act request;
- (6) A briefing on the proposed development at Alameda Point;
- (7) An update on the status of sand mining in the Bay; and
- (8) A briefing on updating the Suisun Marsh Local Protection Plan.

We do not expect to consider all of those matters. We will take up some of them.

d. **Ex-Parte Communications.** That completes my report. Does anybody wish to put any ex-parte communications on the record here? (No comments were received.) Keep in mind that you do need to submit them in writing. That brings us to the Executive Director's Report.

**6. Report of the Executive Director.** Executive Director Goldzband reported: Thank you very much Chair Wasserman.

At our synagogue on Rosh Hashanah we heard the story of when Rabbi Israel Salanter walked past his local cobbler's house very late one night and noticed that the man was still working by the light of a dying candle. "Why are you still working," he asked. "It is very late and soon that candle will go out." The shoemaker replied, "As long as the candle is still burning, it is still possible to accomplish and to mend."

I think that story is the best way to explain what has happened during the past two weeks. On September 22, two weeks ago today, the Attorney General's Office – specifically, Tara Mueller, with whom you spoke during your recent closed sessions – filed a complaint against the U.S. Army Corps of Engineers on behalf of BCDC objecting to the Corps' proposed 2017 Operations and Maintenance dredging program. Yet, eight days later, representatives of all of the member agencies of the Long Term Management Strategy, including the San Francisco District Office of the Corps of Engineers, met very convivially in the EPA's new conference center and worked to advance our shared goal of increasing the beneficial reuse of dredged materials. The lawsuit that BCDC has initiated has not dimmed the LTMS light, much less extinguished it. Most important, our process of "keeping on keeping on" is understood by all of our LTMS partners and others who have a stake in the Corps' dredging program. We can continue to accomplish a great deal and I believe that we shall.

I have distributed to all with whom I have spoken, and to others, a copy of the short explanation of the lawsuit that you have in your packets. Both that explanation and the actual Complaint are now posted on the Commission's website. The Court has set its first initial case management conference for December 27th after the parties have met and conferred regarding alternative dispute resolution possibilities. Certainly, it would be nice if the Corps' leadership decided to take a relaxing vacation on the West Coast at that time so that we can actually talk with them about the issues at hand; however, I am not so optimistic because the Corps already has declined to participate in mediation.

With regard to staffing, I want to introduce Tira Okamoto. (Stood and was recognized) She is an environmental services intern in our Adapting to Rising Tides Program focusing on revising the ART Program's Equity Issue paper and researching community capacity indicators. Tira graduated from the University of California, Los Angeles (go Bruins!!!) with a degree in World Arts and Cultures and is interested in the intersection between art, environment and community; this is not the first time that we shall comment that her work with the Adapting to Rising Tides Program is giving her a chance to learn about another kind of ART. Please let me know if you have any questions or concerns about her temporary appointment.

Also I want to introduce to you today Andrea Gaffney. (Stood and was recognized) Andrea is our new Bay design analyst and she is focused on the job and already working with staff who want more and more information from her.

There are two other articles in your packet to which I want to draw attention. The first concerns a lawsuit filed by a San Diego nonprofit organization that is seeking about \$20 million in fines from five members of the California Coastal Commission for alleged violations of the Commission's ex-parte rules. I simply want to urge you in the strongest possible way to ensure that you comply with BCDC's ex-parte rules on a very timely basis.

Finally, I have attached a very interesting article on how New York City could face possible flooding in its future. I think that's timely considering what you all will discuss today.

That completes my report, Chair Wasserman, and I am happy to answer any questions.

I was reminded of two quick things that I forgot. One of them was related to the Army Corps lawsuit. We are going to convene a small group of interested parties to think about how we may use public relations and other resources beyond what this Commission has in dealing with the lawsuit as a leverage or fulcrum for the bigger issue of re-evaluating beneficial reuse of dredged materials which unfortunately the Army Corps is not as progressive as we would like.

The second piece is that there is a piece in today's news that is active and frightening and that is Hurricane Matthew. In the analysis of that hurricane people are talking about global warming being part of the reason why increasing hurricanes are occurring and that their intensity is increasing.

This is important and potentially helpful as well. However, we are all thankful that we do not get hurricanes. That does mean that federal dollars are going to be more focused there. I believe this gives an even greater urgency to our item on the actions that we are taking because if we can truly continue to be one of the most advanced areas in figuring out how to adapt to rising tides; that will help to counter the fact that we are fortunate to suffer a little less from natural disasters from the water.

**7. Consideration of Administrative Matters.** Jaime Michaels is here if Commissioners have any questions about the administrative listing that was distributed to us on September 30<sup>th</sup>.

Vice-Chair Halsted commented: I have a comment in regards to the removal of the rail tracks at the San Francisco National Historic Park. I assume that this does not have anything to do with the F Line advancing to Fort Mason. It is completely separate.

Chief of Permits Michaels replied: It is for the Promenade only.

Vice-Chair Halsted continued: I understand. But there had been talk about using that right-of-way for the F Line. I guess that is not going to happen.

Ms. Michaels added: It is not going to happen.

Chair Wasserman announced: That brings us to Item 8.

**8. Commission Consideration of a Contract with the Metropolitan Transportation Commission to Compensate for BCDC Staff Services.** Item 8 is Commission consideration of a contract with the Metropolitan Transportation Commission to compensate BCDC for work on an ART program vulnerability assessment and potential adaptation measures for the region's transportation network. Lindy Lowe will provide the staff recommendation.

Senior Planner Lindy Lowe presented the following: Item 8 is Commission consideration of a contract with the Metropolitan Transportation Commission for staff services. I have received a lot of questions about the Caltrans grant. It is a sizable grant for BCDC and we are going to be doing a lot of exciting work that will come to every single county in the region.

It started with a proposal in late December and was a team of BCDC's ART team members as well as Allison Brooks at BARC. We partnered up and submitted the grant to conduct a regional vulnerability assessment and develop adaptation strategies for transportation assets and services, priority development areas, priority conservation areas and communities with characteristics that could make them more vulnerable to flooding and sea level rise.

The grant was awarded in July. It is \$800,000 from Caltrans, a \$400,000 match for a total of \$1.2 million. It begins in the fall of 2016, or now, and we are already starting to do the work. However the money is still moving slowly through the process.

It will be a two and a half year grant. MTC was awarded the grant and BCDC was listed as the sub-applicant. The scope of work includes a regional-scale assessment, not county-scale like Alameda County or Contra Costa County but a regional-scale similar to what we did in Safer Housing and Stronger Communities.

It is going to be conducted using the Adapting to Rising Tides approach and process including four frames from start to finish, working group meetings, at least 12 of them, adaptation responses designed to achieve multiple benefits and a rigorous assessment that can lead to action. We will want representatives from each county and we hope that our Commissioners will help us identify some of those working group members. The grant also includes seven public participation meetings around the region; in addition to the working group meetings.

The outcomes will include: a regional assessment of transportation, communities, priority conservation areas, priority development areas, transportation and community indicators, a draft regional assessment framework that we can use moving forward to assess these assets so that it is not a one-shot but will result in a framework to assess and prioritize into the future, evaluation methods that will allow for the prioritization of actions, priority adaptation actions to be included as projects to be funded in the next Plan Bay Area which is not the 2017 Plan Bay Area but the next one, increased public participation and create new port partnerships and capacity building around the region.

As a sub-applicant BCDC is identified as part of the project management team as well as responsible for a number of tasks within the scope of work. We will be receiving up to \$600,000 from the grant over the three-year period.

This work will build on past efforts. We will be building on the work that we done and that others around the region have done as well. We are not starting from scratch. We have a lot of information about Caltrans assets, about community assets, we have developed a lot of tools and strategies and we will use all of that information to build upon.

The staff recommendation is that the Commission authorize the Executive Director to execute a contract with MTC to provide up to \$600,000 over three years to the Commission for its staff costs to provide services in support of the sea level rise adaptation planning effort that includes a vulnerability assessment and adaptation strategies for transportation, priority conservation areas, priority development areas and communities with characteristics that make them more vulnerable to sea level rise and that the Executive Director be able to amend that contract as long as the amount and the scope does not change significantly.

I am available for questions.

Commissioner McGrath asked about alternatives funding: This seems like it is plenty of money for BCDC staff. The question that I have is, to proceed from the planning stages to feasibility analysis of alternatives there has to be some cost estimating. So rather than assume

that Caltrans is going to do this, I am going to ask specifically how is the costing of alternatives that surface in the planning process going to be done.

Ms. Lowe replied: I will answer from my perspective and I will let Commissioner McElhinney respond if he has an answer as well. We will have money for consultants that will assist us with cost estimating.

Additionally, We also want to ensure that cost is not the only consideration when we are evaluating different strategies and options because there are a lot of public health and safety factors that we want to take into consideration, as well as the regional consequences of inaction, not just what would it cost to “do this over that,” take one action over another. We also want to have a way to value the multi-benefit strategies that might address multiple vulnerabilities in ways that are much more sensitive to our Bay versus some strategies that may cost less but will result in negative effects on our communities and the environment.

We want to take all of that into account and we are hoping that the regional framework that we develop will help us with that determination and prioritization. It will be a combination of working with our consultants and factoring in all four frames not just the economic frame in terms of costs.

Commissioner McElhinney, do you have any feasibility answers for Commissioner McGrath?

Commissioner McElhinney commented: First of all, it is really terrific that the application process resulted in this success. It was great work by the BCDC staff and MTC to get the application in on time and through the competitive process.

Overall, MTC, BCDC Caltrans team members just continue to carry forth and bring whatever other efforts and whatever other resources, to be sure that when we get to an end product it does support a feasibility plan looking ahead, whether that is the cost estimating side or the scale of it so that we are not just in a study mode but we are actually getting to some products that Commission can look at and use for the next step.

Ms. Lowe added: One of the things that we have heard from a lot of the transportation planners, particularly at the regional scale, is there is no way to prioritize action right now. So even if you had options for certain locations, we do not know if that is where we should be acting first. This regional assessment will allow us to prioritize as a region where we may need to look first and where we may need to act first. That is a really important component before we get to feasibility of projects at any particular location.

Commissioner Nelson commented: In a couple of agenda items we are going to get to a discussion and possibly action on the staff recommendations that came out of the workshops that the Commission has held in the course of the last year. And if you look at those recommendations, which we will do in a moment, they really track what this grant is intended to do really nicely. I think it is a completely natural partnership and I am thrilled to have all of the agencies working together. I would be happy to move it if someone has not.

Chair Wasserman stated: I will take that as a motion.

Vice Chair Halsted added: Could I second it and make a comment? As your representative at MTC I have been somewhat disappointed that we have not earlier been able to address sea level rise issues in the Plan Bay Area. I am anxious to get going and the third time around hopefully it will be addressed more fully moving ahead.

Ms. Lowe replied: We commit to that and thank you Commissioner Halsted for continuing to press that point.

Chair Wasserman echoed a point: I want to echo the thanks to our own staff, MTC and to Caltrans for doing this. It is a significant grant for this agency. It is about one fifth of the money we actually need to carry out nine county ART throughout the region. It is a very good start. We are going to have to use this in a variety of ways to leverage additional funds for additional parts of ART. It is very important that this one is starting with taking that regional approach so it is starting to look at how we are going to knit these individual plans together. This is a great action.

With that we will do a roll call and a vote and federal agents can vote if they choose to.

**MOTION:** Commissioner Nelson moved approval of the staff recommendation, seconded by Vice Chair Halsted.

**VOTE:** The motion carried with a roll call vote of 21-0-0 with Commissioners Bates, Gilmore, Scharff, Jahns, Gibbs, Gioia, Peskin, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Vasquez, Techel, Wagenknecht, Ziegler and Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

**9. Commission Consideration of a Contract with the Department of General Services for Budget Support.** Chair Wasserman announced: Item 9 is consideration of a contract with the Department of General Services' Office of Fiscal Services to provide technical budget support. Executive Director Goldzband will provide the staff recommendation.

Executive Director Goldzband addressed the Commission: You will remember that when we last met that I asked for your forgiveness for signing a contract prior to the time that you actually approved it or much less authorized me to do so, to work with the Department of General Services and ensure that they would be providing us budget services.

You will remember that I did so because we needed the services as about immediately as you can get and there simply was not time to notice the contract.

Item 9 today is an ex-post-facto recommendation that the Commission approve that contract with the California State Department of General Services for \$37,000 for this fiscal year that would go to the DGS Office of Fiscal Services in exchange for full scale budget analysis and support for BCDC in the absence of a BCDC Chief Budget Officer.

OFS offers a variety of state agencies complete accounting, budgeting and financial services. We simply require budgeting services at this point.

We will be provided by OFS monthly budget reports. We are already working with OFS on a number of different aspects and in addition to recommending that the Commission approve this contract the staff also recommends that the Commission authorize the Executive Director to amend the contract as long as it does not involve substantial changes in either scope or amount.

I would remind you that BCDC lost its previous budget chief in December of last year. We were able to get through the fiscal year because, A: We and the Department of Finance knew that we had enough cash to do so and the authorization to do so and, B: Because the Department of Finance was kind enough to perform all the technical budget drills that have to be done which average about once every three weeks or so.

We have been unable to hire a chief budget officer for two major reasons. The first reason is that the state's low pay does not attract many qualified candidates. We have had two. And the second reason is that there is tremendous competition in addition to the fact that there is very low pay.

We simply have decided as a senior staff that we will certainly work this year without a chief budget officer and we will come back to you at the end of this fiscal year with a plan to move forward with OFS or some other plan to do so.

I am happy to take any questions you may have.

Chair Wasserman added: We are by no means unique as a state agency in carrying out very important functions with little control over our revenue sources and even less control over the salaries that we can pay. We will continue to struggle and be creative in the way that we solve these problems. We need a motion. The federal representatives may vote on this matter.

**MOTION:** Commissioner Vasquez moved approval of the staff recommendation, seconded by Commissioner Zwissler.

**VOTE:** The motion carried with a roll call vote of 21-0-0 with Commissioners Bates, Gilmore, Scharff, Jahns, Gibbs, Gioia, Peskin, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Vasquez, Techel, Wagenknecht, Ziegler and Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

**10. Public Hearing and Possible Vote on Trux Airline Cargo Services, Park SFO LLC, Robert E. Simms, and City of South San Francisco's Application for Amendment No. Five of BCDC Permit No. 1998.011 to Expand an Existing Long-Term Parking Structure.** Chair Wasserman announced: Item 10 is a public hearing and vote on a proposal to expand the Park SFO parking facilities in South San Francisco. Tinya Hoang will introduce the project.

Permit Analyst Tinya Hoang addressed the Commission: On September 23<sup>rd</sup> the staff mailed a summary of an application for Material Amendment No. Five to Permit No. 1998.011 to construct a parking garage expansion of the Park SFO parking facility in the City of South San Francisco.

The original permit issued in 1998 authorized the construction of the existing 70,000 square foot garage and adjacent surface parking area to serve airport passengers. The permit required a public access park on site next to the garage and a pedestrian and bicycle Bay Trail connection at North Access Road.

The permit has been subsequently amended on four occasions partly to extend the period of time to complete required public access. Amendment No. Four was issued earlier this year to partially resolve permit violations related mostly to the access.

In August the Commission approved a stipulated cease and desist and civil penalty order for violations at the parking facility. And the permittees have met the requirements of the stipulated order.

The project under consideration for Material Amendment No. Five of the permit involves approximately 72,000 square foot, 86 foot high parking garage that would expand the previously permitted parking facility at the site.

As proposed, the public access improvements include new and improved cross to, bike lanes and pedestrian crosswalks, traffic calming measures and other Bay Trail improvements at and nearby the project site.

In evaluating the proposal the Commission should consider the following issues: One, whether the proposed public access would be the maximum feasible consistent with the project and Two, whether the proposed project would affect public views of the Bay and shoreline.

I would like to introduce Mr. Robert Simms and Brian McMinn who will present additional information.

Mr. Robert Simms addressed the Commission: We were here a couple of months ago for an enforcement proceeding. We have successfully completed all of the requirements of that proceeding. We are moving on. I wanted to talk about the benefits of our project. We have approximately 50 employees. Most of our employees are low-income people. We have a very diverse staff of people.

One of the things that we have tried to do in our efforts to create job opportunities is to find a way to reach out to people who are not necessarily represented and who have very difficult times finding opportunities in this environment.

Many of our employees work on our job on a full-time basis and work on other jobs as well. As we know, the Bay Area is a very difficult place to survive in. It is very difficult for people to find housing, for people to find employment. We think we stand out as a business that represents and hold ourselves out to provide opportunities for disadvantaged people.

The expansion of this project will provide about a 60 percent increase in the opportunities for these people. They do a tremendous job for the public. They do a wonderful job for the public.

This is an expansion project. It is presented to you as an amendment but the reality is that this represents the effectiveness and the dedication of our long-term over the years. Our success is built on their efforts. We are very proud to try and expand the opportunities for them.

The expansion of this garage will provide a place for our customers to park at an economical value. Currently, if you park at Long Term Parking it will cost you \$25 a day. The average person that makes \$15 an hour cannot afford that. What we offer is a premium service at a discount rate. We think that, to the travelling public at the airport, this is a very important service to the public. This is another very valuable benefit of this expansion project.

In addition to that and perhaps most important to you is the expansion of public access. What we are presenting today will provide a substantial increase in the public access that we have already created with the first phase of our project. And not only will it provide a substantial increase but it will effectively provide a qualitative increase in the kind of public access that we are providing.

In our first go around we provided a park and we provided some trails and some bicycle lanes. In this go around what we intend to do is expand that on to the streets of South San Francisco which makes it much more effective for the general public.

In closing, I would ask for your support in helping to move this project forward. We have been very committed for at least two years in trying to get this done. An approval from this Commission would be very helpful in helping us to move it forward. Thank you.

Mr. Brian McMinn spoke before the Commission: I am the Public Works Director for the City of South San Francisco here representing the co-applicant. We do have the project architect here to run through some slides and show you what the actual expansion project will be and then I will speak to some of the access alternatives that were considered.

Mr. John Fugle addressed the Commission: I am with International Parking Design in Oakland. This slide is a partial map of the Bay. The project site is just north of SFO airport. The parking structure is at a right angle to North Access Road. The existing structure is on property owned by Mr. Simms.

The proposed expansion is almost the exact same footprint as the existing parking structure. We have three fingers going out into the Bay that is for surface parking existing now and will continue to be. The fourth finger is the public access park, which was developed during the 1998 permit.

The new parking structure is about 20 feet further away from the Bay. The existing and new access and exiting for the parking structures will be in the lower left hand corner of the slide.

The shoreline band is affected with the new expansion. We have about 11,000 square feet, which is new parking structure, about 5,600 square feet is new landscaping and then the rest is surfacing parking and access control lanes.

We are planning some traffic calming measures at the corner of the site at North Access Road. At the entrance and exit we are having an array of Bott's Dotss and stop signs which will cross the sidewalk and the Bay Trail so that will alert the patrons for Park SFO that they will be looking for bicyclists or pedestrians.

This rendering shows what the complex will look like when it is completed. The exterior finishes will match the existing structure.

Mr. McMinn continued: Over the past two years the co-permittees have been in collaborative consultation with BCDC staff to look at access improvement alternatives in which no less than five alternatives were considered for this permit amendment.

The first one was site improvements, the finger park, as a historical site to raise Bay Trail user interest. The second proposal was to construct a Bay Trail segment west of SFO. We worked with the Bay Trail staff to identify that one mile segment there at San Antonio Avenue in San Bruno outside of the city limits. There were right-of-way issues with that as well as drainage and the costs to overcome all of those. These costs were outside of the scope of this permit. The third one was we looked onsite at alignments through the site to the east. And the fourth one was an alternative alignment to the west.

The one through the site has the same constraints that existed with the original permit as far as traffic, pedestrian and Bay Trail users crossing through an active parking lot.

The ones to the west that we explored, we engaged Shell Petroleum to see if we could put a trail between the existing fuel tank farm that was there and the wastewater treatment plant which is to the north of the site. Due to security/safety concerns and limitations on existing infrastructure in place, those two alternatives were found to be infeasible.

We came to the fifth alternative which includes improvements onsite that have already been presented by the architect as well as improvements for pedestrian bicycles in close proximity to the site on existing surface streets. And for that I will turn it over to Robert Vance the traffic engineer from DKS who will explain the proposed traffic improvements.

Mr. Robert Vance addressed the Commission: I will show you some slides that show aerial shots of the area and the proposed improvements. The improvements would add enhanced signage to direct users to the Bay Trail. There would be a little more than one-eighth of a mile of improved Class II bikeways that exist on Belle Aire Road. There would also be pedestrian improvements including ADA ramps, high-visibility crosswalks and refuge islands for pedestrians. To enhance safety there would be green markings near the driveway entrances to alert users of potential conflicts. Further south leading from Belle Aire down to North Access there will be Class II bike lanes there as well.

The furthest north pedestrian improvement is at Marco Way, which would include pedestrian beacons to alert drivers to stop for pedestrians and there would also be a concrete pedestrian refuge island at that point. There would be a new crosswalk there with ADA ramps.

Further south near the Costco there is an existing island that would need to be modified to accommodate the new bike lanes to provide two travel lanes in each direction plus the bike lane.

We are also adding a new crosswalk for the side street near Beacon.

At Belle Aire there would be another pedestrian improvement, which would be to install high-visibility crosswalks, new ADA ramps and another pedestrian refuge island. Further south there is another existing island that would need to be modified to accommodate the bike lanes. The last intersection on South Airport is at North Access Road for the new pedestrian crossing. There is an existing median today that would be converted to a pedestrian refuge island with high-visibility crosswalks.

Belle Aire Road has existing bike lanes and these would be converted into green-painted bike lanes to maximize the visibility and new high-visibility crosswalks would be added. Toward the end there is access to the Bay Trail. It is kind of hidden today so it is not very prominent. There would be new signage and an entrance added to make the access to the Trail more prominent. And finally we would be making the crossing to the garage more visible for people who are exiting the garage.

Mr. McMinn continued: That concludes our presentation. We urge you to consider the Amendment No. Five for this permit and the associated improvements for the public access that have been proposed. The co-permittees stand ready and waiting for any questions that you may have.

Chair Wasserman announced: We will now open the public hearing. Do we have any cards for speakers? (No speakers came forth) I would take a motion to close the public hearing.

**MOTION:** Commissioner Nelson moved to close the public hearing, seconded by Vice Chair Halsted.

**VOTE:** The motion carried with a vote of 20-0-0 with Commissioners Bates, Gilmore, Scharff, Jahns, Gibbs, Gioia, Peskin, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Vasquez, Techel, Wagenknecht, Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Commissioner Scharff had concerns about the Bott's Dotss: I was a little unclear as to where the Bott's Dotss are in terms of the Bay Trail access. The reason I bring it up is because it just happens that I was running down my street and I hit these Bott's Dotss and I went flying. A car was coming by at the same time and I missed hitting the car by less than a foot. I was wondering if you are riding bicycles there or jogging there over those Bott's Dotss, I think it can be a problem. I was unclear in your picture how close that is to the Bay Trail and; if I was heading towards the Bay Trail to get there whether or not I would survive it.

Mr. Fugle replied: The Bott's Dotss are on the property of Park SFO. The Bay Trail is taken up by the sidewalk that runs along North Access Road and then it turns in front of this rather large entrance to Park SFO and then goes on in front of Park SFO as a sidewalk as well. The Bott's Dotss are not on the sidewalk where the pedestrians would be. The bicyclists would be in the street.

Commissioner Zwissler had a procedural question involving sea level rise: I am curious as to why we have not heard any discussion on sea level rise. Is that because this is an amendment to an existing permit?

Ms. Hoang replied: Most of these improvements are inland away from the shoreline.

Commissioner Nelson continued conversation on this subject: Usually our public access is right along the Bay shoreline. Our public access requirements do require that this public access be permanently dedicated and protected. We have interpreted that as meaning you have to make sure your public access is designed to accommodate sea level rise. This is an interesting

case because in this case the public access improvements are outside of our permit jurisdiction; but nevertheless, we still have a requirement to make sure that this public access is permanently dedicated. I am not exactly sure where that leaves us.

It does raise an interesting question whether we have different authority to ensure the long-term protection of land. This is obviously extremely flat land; it is fill. Whether we have different authority to protect public access inside the shoreline band compared to outside the shoreline band is, I suppose, a question for staff.

Ms. Hoang explained: There are no permanently guaranteed public access areas. The recommendation is for public access improvements. There is a maintenance condition that covers these improvements. We could provide additional language if the Commission wishes.

Ms. Michaels added: We do not normally require that access be guaranteed on public property and this is entirely on the City's property. We did not put it in for this permit.

Mr. McMinn explained further: The improvements are on city streets. They not only represent a benefit to the public but we as the City see that as a benefit for the area around that facility. We see the benefit of actually constructing and maintaining these improvements.

As far as sea level rise; the implications of the streets that these improvements are on, being under water is definitely a concern of ours and we are looking at that on a regional level because it is something that is going to have to be addressed citywide.

Commissioner Nelson commented further on public access: Compared to most of the public access improvements that we have required in the past there is actually a lot of bicycle access here. There has been a real explosion in bicycle use in the Bay Area for a whole host of reasons. It is not unconnected with sea level rise so I think that is particularly appropriate. I wanted to thank the staff and the applicant for focusing on that aspect of public access because it is not usually the kind of public access the Commission has usually focused on as a major component of access.

Commissioner McGrath reiterated potential sea level concerns: When I look at this shoreline I looked at those four fingers and I see issues but not at the moment for planning. You cannot readily protect this. Before you can come in here and do improvements for the shoreline you are going to have to look at those kinds of issues including public access. I do think it is given that there is a parking garage here already and there is a commitment to put the applicant and the City on notice that there are planning issues with sea level rise and they are going to have to be dealt with. I do not think we have to deal with them today.

Commissioner Bates had a question: I have a question about slide nine and slide ten. I do not understand why you have a red line going up into the air.

Regulatory Director Brad McCrea replied: The red line is a demarcation between existing and proposed structures.

Commissioner Bates inquired further: So the development will be at the height of the red line? And on slide ten; will it be expanded?

Ms. Hoang explained: The red line is separating what the existing parking structure is and what the expansion is.

Commissioner Bates asked: So my question is, will the expansion be the same height as the existing?

Ms. Hoang answered: Yes. It will be approximately the same height.

Commissioner Pine commented: I am familiar with this part of the Bay shore as it resides within my supervisorial district. Two points; first with respect to sea level rise, we are very well aware of the risks in this area. It is a very complicated part of the shoreline. You have both Tacoma Creek and the San Bruno Creek converging. You have both the fluvial and tidal influences present.

We recently completed a study looking at how these creeks will change with sea level rise. And additionally, San Francisco has completed a whole shoreline resiliency study and they are very focused on properties adjacent to the airport because they are aware that it is not going to do a lot of good to have an airport without people able to get there.

So there is thought going toward the sea level rise issue in this geography.

Second, I would point out; this is a heavily industrialized area with these oil containers and parking garages and warehouses, it is not the most beautiful place on the shoreline. I am very pleased to see that access improvements would allow people to traverse through here as part of their travels along the Bay.

Right now it is a maze in there and these improvements will help a great deal for people that navigate through a place which they are probably not going to pause at. It helps the connectivity regionally.

Chair Wasserman commented: I know that there has been a certain level of dialogue with applicants and probably with the cities or counties over what they are doing in terms of rising sea level for public access.

My impression is that this dialogue is at a fairly low level. Two things; one, we need to elevate that in our discussions with cities as we deal with these applicants. And this is not a huge resource problem. My next one is going to be a resource problem.

I do not think this will require new authority. I am going to request staff to look at the model of congestion management agencies who comment on EIRs for traffic in the cities within their county jurisdictions.

I would like some evaluation of whether we have the jurisdiction to do that today. It is commenting on, in terms of adapting to sea level that will affect things perhaps beyond our jurisdiction, and that one will also need a little attention to resources.

It seems to me we are going to have to get there sooner or later. I am asking that this be a new item to be put on our agenda in the future.

If there are no other questions; Tinya present the recommendation please.

Ms. Hoang presented the staff recommendation: On September 30<sup>th</sup> the staff mailed its report on Material Amendment No. Five to Permit No. 1998.001 recommending that the Commission authorize the subject project.

Please be aware that a lot of the changes were necessary to help clarify what the permit authorizes and requires up to date.

Today you have been provided with an errata sheet on the recommendation. The corrections consist of changes to an existing special condition to clarify language on public access areas and as such are minor.

The final staff recommendation contains special conditions that require the permittee to take various measures to ensure project consistency with your law and policies including: One, providing traffic calming improvements at the parking garage to minimize conflicts between vehicles, cyclists and pedestrians. Two, constructing cross-through two bike lanes on South Airport Boulevard. Three, providing green-colored pavement painting at existing bike lanes on Belle Aire Boulevard. Four, installing high-visibility crosswalks, ADA curb ramps and pedestrian islands at South Airport Boulevard and Belle Aire Road. And five, installing other Bay Trail improvements such as wayfinding signage.

As conditioned, the staff believes that the project is consistent with your law and Bay Plan policies regarding public access and appearance, design and scenic views; therefore, we recommend that you adopt the recommendation of approval.

Chair Wasserman asked: Does the applicant accept the recommendation? Federal representatives cannot vote on this matter.

Mr. McMinn replied: Chair and Commissioners, absolutely, we do accept the recommendation.

**MOTION:** Commissioner McGrath moved approval of the staff recommendation including any corrections, seconded by Commissioner Nelson.

**VOTE:** The motion carried with a roll call vote of 20-0-0 with Commissioners Bates, Gilmore, Scharff, Jahns, Gibbs, Gioia, Peskin, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Vasquez, Techel, Wagenknecht, Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

**11. Discussion and Possible Vote Regarding Rising Sea Level Policy Options.** Chair Wasserman announced: That brings us to Item 11 which is Commission consideration of revised policy options regarding rising sea level based on the Commission's past considerations, workshops and working groups. This item will be introduced by our Executive Director.

Executive Director Goldzband presented the following: You will remember that on May 19<sup>th</sup> you held a workshop and a very serious and productive conversation to discuss, edit and amend a series of recommendations on policies; not changes to regulations or statute, just on policies affecting our work on rising sea level.

Those recommendations were developed during a series of public workshops that Lindy and the planning staff, ably assisted by the regulatory staff, conducted during the first quarter of this year.

During your discussions we took copious notes. Indeed, many of us took copious notes. We are happy to tell you that the many of us who took copious notes sat in our conference room about one week later and discovered that our notes were about 99 percent identical.

We then worked through one or two points of clarification because they were not disagreements. We came up with a series of recommendations that are not new to you. They are very similar to those which you discussed in May and which you will find on page nine of the staff report on the final recommendations from the Commission workshop series on rising sea levels. You will note on page nine that we have moved from five recommendations to eight. Those recommendations were increased for three reasons.

First of all, you decided that you wanted to separate out the education campaign and that deserved its own recommendation. The second that you wanted to set apart was about data repositories. And the third which we think makes it far easier to understand, and even more important, gives it more prominence – is to make separate the new Commissioner working group on innovative financing.

You will notice in the previous pages on the staff report starting on page six, the actual amendments and edits that you suggested to the recommendations that were written by you with a lot of help. These should not be new to you. They are very comprehensive, if not, a 100 percent complete list of everything that you suggested.

A couple which merit your review – in the first recommendation when you suggest that BCDC create a regional adaptation plan, we made sure that we heard you by saying it would be modeled on the ARTP process as opposed to simply being modeled on the ARTP. That it would be iterative and that would consider seeking state legislation but only after a while.

The next one which merits some review, is the first bullet, the first action under Recommendation Three. We wrote down specifically that with regard to new institutional arrangements, first of all, the recommendation was changed to say that we would ensure that it would promote a shared regional perspective and increase collaboration and that in the first bullet we would encourage such perspectives in planning and collaboration.

You will notice that the fifth bullet was the result of a lot of your discussions. We started out by saying, although not a current recommendation, consider whether a new regional authority is needed.

In the fifth recommendation, which starts on page eight you will notice in the third bullet that we ensured that we put in there the Dredged Materials Management Office reference. We made sure that, just as you suggested, we started by saying, “based on the success of”, not that the new multi-agency permit application would be a mirror image of or a direct copy of the LTMS/DMMO.

Then you will notice six, seven and eight. In discussing these with senior staff and others at BCDC, when we went through this I do not think any of your amendments or edits on May 19<sup>th</sup> either surprised us or caused us to raise eyebrows. One of the things that was so empowering that you did was to look, review, consider, debate, suggest and take ownership of these recommendations.

In discussing how you discussed this with external folks afterward that is precisely what I heard. I heard that BCDC is really taking ownership of these policy recommendations.

I think that the milieu in which we are all working in 2016 is fundamentally different than that in 2011. The individuals who may have had some concerns in 2011 about the way BCDC did its work on climate change amendments, candidly, had no concerns about how you worked in 2016.

From staff's perspective we really like that. We like that because it demonstrates that you are taking ownership but you are directing us in a way that we really want to fulfill.

We will recommend as staff that you adopt these recommendations and the next implementing step will be for staff to issue an RFP for our Strategic Plan update in this fiscal year that will have three components.

The first component will be to update the Strategic Plan by going through the litany of everything that this staff has done and you have done over the past three years to fulfill the Strategic Plan. Second, that we will include in that process a work plan to be developed as part of that process to make sure we know how we can fulfill these recommendations. And then third, to figure out how we can do something akin to a wholesale review of our regulations to make sure that those are also up to date and aligned with whatever it is the policy recommendations actually come up with.

We are prepared to discuss each of these in full should you want to do so.

Commissioner Pemberton commented: There are a lot of great things in here and I am wondering if there has been any thought about exploring using social media as a way to further communicate and be external with some of what BCDC is doing on sea level rise.

Ms. Lowe replied: We had a conversation about that this morning. We did not come to any conclusions about what we should regarding social media. I do think that some of the other agencies and organizations are using social media. ABAG Resilience Program uses social media and tweets out things. It is something for us to consider particularly as we move into this regional effort and we do want a lot of public participation in this regional effort. It is an added layer of review.

Executive Director Goldzband added: Speaking as the Agency's Public Information Officer I received a great invitation yesterday from the number two PIO at MTC who has arranged for a meeting of all the PIOs of the four agencies that are going into 375 Beale and that is happening in November. I accepted the invitation.

At that meeting I will learn about a lot of different capacity that other folks have that we can take advantage of.

Chair Wasserman announced: I am going to recognize the one public speaker we have and that is Arthur Feinstein.

Mr. Feinstein addressed the Commission: I am speaking for the Sierra Club and also the Citizens Committee to Complete the Refuge. I attended all four of these workshops and it has been a step forward.

I am not here to argue against any of these steps. I think they all need to be made. A recurring issue in these workshops was that nature seemed not to play a role in the discussions. Everyone is seeing what happens to us as the sea level rises.

This is BCDC and traditionally "C" has played a big role in BCDC. The Bay has been a preoccupation, not for how do we defend from it, but how do we preserve and improve its resources.

That is missing from this discussion for the most part. My peers felt the same way when I talked to them at the workshops; how come we are not talking more about how we deal with the natural component of the Bay, our wetlands and our mud flats et cetera. It is not that they were never discussed but it was not a big issue in these discussions.

I have a suggestion because if you are going to start talking about changing your regulations, possibly even legislation has been suggested, then it might be good to at least indicate where your thinking is when you go into this process. I would urge you to add a few words to the first bullet where it says, "Create a regional sea level rise adaptation plan that ..." and I would suggest that you add something like, "To the maximum extent possible preserves the ecological functions of the Bay while addressing the threats to our social infrastructure."

All that does is say at the beginning, why are we doing this because that is absent here. The impression you get when you read all of this material is what we are really afraid of is what is happening to us rather than, by gosh, what is happening to the Bay. It has productivity from everything that is in it. It is an important resource in itself, that in our efforts to protect our own resources we do not want to diminish that too much.

If you could just add a few words at the beginning of these policies because we do care about what happens to the Bay and the natural world. I think that would help assuage the concerns of the people I have worked with on this process.

Otherwise, all of this has to happen. But it has to happen with the perception that while we are here to save ourselves from the sea we do not want to destroy the very thing that has made San Francisco Bay and its community what it is.

Commissioner Scharff complimented the staff: I wanted to say that this was a great public process. I really did enjoy the workshops and I thought everyone who attended them really enjoyed them. This is one of the best public processes that I have been involved in. The outcome that we came out with on those recommendations had the right bit of public process and involvement as part of it. I want to commend Larry and the staff for doing a great job on this.

Commissioner McElhinney commented: It was not too long ago that under your leadership as Chair and Larry as Executive Director we began the Rising Sea Level Working Group. That led to a lot of looking at our past actions and looking forward to a more resilient Bay Area.

That led into the workshops and that was excellent. I want to thank both of you for your leadership in getting us to this point. BCDC staff has really utilized an excellent process.

Commissioner Nelson also praised the staff: I was going to start with a similar comment. I thank the Chair and the staff for an excellent series of workshops and just to note that the Caltrans, MTC agreement has similar kinds of public processes. I think we are really building on our strength by building on this work and carrying it forward in that agreement.

I have a couple of questions for staff. The first regards Arthur's comments. Arthur I want to thank you for your comments because it shows the value of public input because you wind up seeing things you do not see otherwise. I look at all of these recommendations and I do not see them being focused on the built environment. I did not see it that way.

Speaking from my perspective as the Chair for our Working Group on Bay fill related issues; we have divided the world into one bucket of issues related to ecosystem protection and another bucket of issues related to protecting the built environment. There are plenty of places where it is hard to draw a firm line between those two categories.

I understand your point; that we want to make sure we are conveying the fact that we are paying attention to the built environment and the human uses as well as the ecosystem values. I am wondering, and this is a question for staff, whether there would be some value in some framing language here that makes that clear.

I am not sure that it belongs best in that first bullet because it applies to just about everything. A question for staff; do you have any thoughts about framing language in here to make sure that we are conveying the need both for the development side and the conservation side of the work we do?

Chair Wasserman had a bit of levity for attendees: Your answer is yes, they will work on it. (Laughter)

Commissioner Nelson continued: I would ask to clarify a point. There are a bunch of specific recommendations in here like the help desk, the multi-agency permit application, BCDC's permit application, beneficial re-use of dredged material; how are you going to make sure as you write that work plan that each of those individual elements are written in? They clearly all fit under those eight recommendations. I just want to make sure that we keep the thread going as we write that work plan.

Ms. Lowe shared some process details with the Commission: There are two things here. There is the work plan and then that it would benefit all of us to have another meeting or workshop that talks about implementation pathways for each one of these actions.

Some of them will be more involved than others. Financing the future Commissioner working group will not be so difficult but we have some partnerships that we want to connect up with.

There are some others that will be a little bit more involved. We really want to talk to the Commissioners about that and get into more detail about the possible actions and then discuss some of the ways in which we have already taken action.

Executive Director Goldzband continued the conversation on potential process: I would add, for example, on the multi-agency permitting issue, we had a discussion at the LTMS meeting last Friday in which Lindy and a senior staffer from the Water Board discussed how we need to start looking at policies among all of the four agencies in order to try to figure out how we can actually start a multi-agency permitting process.

I have been in communication with a number of people in Sacramento and other places asking those same questions. These people are very involved on the other side of the table; that is with applicants for permits.

This is going to be a big megillah and it is going to require a lot of different heads around the table. The thing that is most important is that the first step you have to do is figure out what the facts are first; meaning, what are the policies, what is working, what can work better and, more importantly, give us examples of how it has not worked before and you do not get into shibboleths.

I think Lindy is totally correct in that we are going to come back at you with all of these at one point or another saying, here is how we are doing it or here is how we would like to do it or here are some recommendations for you to chew on about how we can do it.

And yes, it will end up being part of that work plan process. That is going to be iterative but we are going to have to figure out how to do it.

Commissioner Jahns commented: I want to echo thanks to the staff and everyone involved. I commend you for referencing so many of the recently passed and emerging Executive Orders from Governor Brown as well as legislation and even in the last few weeks additional legislation has been signed that further indicates that the State is very much trying to get local jurisdictions to plan for climate change including sea level rise. This process is going to be a fantastic example of how to do that in an integrated way.

The State can require certain things, require accountability, require reporting; but in order for that to be productive in protecting residents it really needs to be done as part of an integrated regional plan which this is going to do.

I appreciate the reference to natural and built systems in all of this. It certainly is consistent with what is coming out of Sacramento but also consistent with BCDC's role. I do agree that some kind of preamble of principles or something like that is probably the best way to make that statement and make it clear that it, in fact, does apply to everything not just where it is very specifically mentioned.

Commissioner McGrath commented: Ditto. I think the process was fabulous. I agree particularly with Barry's comments about what we have done.

I am not opposed to any changes but I think a good Commission consideration of the language that is in here and the context should be a preamble. I do remember talking about changes to the policies. I see them there in number four which talks about recognizing the regionally significant natural resources. That is certainly what Barry and I have been working very much on. Those are to be protected.

It goes beyond that in the second bullet. And then in the last bullet there it talks about the green shoreline infrastructure.

I think those in combination with the effort led by Commissioner Pine and others to pass Measure A gives the environment a seat at the table with a lot of carrots. That is the context of this.

I think there are policies that recognize it and there is money that can be used as leverage to make sure that the natural environment is part of the solution where it is practical.

Whether or not that is sufficient in the eyes of the beholder, I certainly see things in here that give me direction that I am comfortable with in making sure that we protect the natural environment.

Commissioner Gioia commented: I think it is a good process. I am going to add one major thing that we are missing as a principle to include here. That principle is that as these policies are developed the whole issue of social justice, environmental issues need to be included.

Serving on the State Air Resources Board every major principle document that ARB produces on addressing climate change acknowledges environmental justice principles. When ABAG and MTC approved the Plan Bay Area, the SCS for the Bay Area; it also acknowledged that in its principles.

To me that would be a glaring omission to not acknowledge that in this diverse Bay Area how we address this issue with all the various diverse communities. It is important to acknowledge that those principles, those issues will be part of this.

I would strongly suggest that we figure out the right place to incorporate that language. If there was one thing missing I thought it was that. Otherwise I thought everything was really well done. I enjoyed participating when I was there.

There was great discussions and great information in the working group discussions.

On the question of social media, I saw that under number six which is, Work to Develop a Regional Education Campaign which includes many things; it could be social media, it could be traditional media, it could be working with schools, it could be working in diverse communities in which social media is not particularly a very big item. That is part of how we think about developing the regional education campaign. Social media will probably fit in there somewhere.

I had one final minor observation. Under five, when I read it through it, it was not clear at first. I understand what it means. Maybe to make it a little clearer where it says, "Modify existing laws, policies and regulations, it says, "to more fully consider." I know that what we are saying is, modify existing laws, policies regulations so that they more fully consider the local and regional impacts. I know that is what it is saying. To me there was something missing. So it might be changed to say, "so that they more fully consider" because we are modifying these laws, policies and regulations so that they more fully consider local and regional impacts. My major comment is how can we incorporate this environmental principle in here.

Commissioner Randolph commented: I also want to thank the staff and everyone for their leadership in putting this together. Those of us that were here in 2011 will remember that process when there was not a process.

We were taking a necessary and tentative step onto what turned out to be thin ice launching into this issue not knowing quite what the reaction would be or what the next steps would look like. Having had this process has been extremely important.

It helps, not that we have solved all of these issues, having a working consensus among everybody where there are no outliers, no clear dissent, there is a broad agreement through an open-ended process about the principles under which we are going to go forward and this is really important because it is a long road. Having this process has been extremely important.

Commissioner Zwissler added a bit of humor: I think you have all been thanked enough. (Laughter) I wanted to reflect on how nicely this dovetails into the Bay Area Resilient by Design Challenge. I would call out on bullet three in terms of collaboration; that is going to be one of the key values of the process.

Number four in terms of identifying the specific assets and regional locations; that is a process that the Resilient by Design Project is going to undertake in the next coming months.

And then finally a key element will be education and public outreach.

It is cool that this is so closely fitting in what is going to start up, hopefully, next year.

Commissioner Pemberton thanked the staff: I want to thank the staff for their great work. I think that the preamble idea is great and that might be a good place to fold in social justice.

Commissioner Ziegler mentioned EPA strategy: Being from U.S. EPA I wanted to highlight that actually EPA does have a national strategy to respond to climate change just even within our water programs.

We have a regional strategy as well. I am saying that in terms of looking for a lot of opportunities to support this good work. By having a regional, local strategy it is really quite helpful to be able to know where we can direct our resources to provide the best level of support.

I will be looking for opportunities to do that.

Vice Chair Halsted commented: I would like to add my support to the development of the Bay's natural resources and to equity, social justice in this new preamble which could be a very important piece for this.

I look forward to hearing back in the near future on the next steps. I would hate to get it all put together before we get started. I hope that is not what we are doing.

Chair Wasserman stated: You will hear about a couple of next steps before we leave the room.

Commissioner Pine addressed urgency of Commission work: I would remind everyone of the urgency of our work. As we know the science keeps suggesting the problem is growing more severe. And the melting of Greenland and Antarctica is more severe.

The task in front of us needs to be approached with that urgency. We have got a good game plan.

In the educational effort where we talk about outreach for the public officials and the general public; from time to time we have talked about the need to engage the business community and typically they have not been engaged in our workshops in a substantial way. That is a community that has to be very involved for us to make the progress that will need to make in the years ahead.

Chair Wasserman commented: EPA is a little bit ahead of us. They are reaching out to kids. If you go to [ww3.epa.gov/climatechange/kids](http://ww3.epa.gov/climatechange/kids) there is more but I think that will get it to you. You will find a lovely primer that all of us could benefit from but is aimed at kids and getting them involved and educated.

The educational piece is; we want to inspire, we want to elucidate, we want to enlighten but there are lots of people involved in this with us. We probably ought to convene a working group of those of our children, 10 and above, to talk about how we do it with social media. They will have better ideas than any of us.

I want to make a small grammatical change. On page seven the last bullet on three; when we say, "Although not a current recommendation, consider whether a new regional authority is needed." I would like to take out the word, "a" and simply state, "whether new regional authority is needed," because that is more consistent with the rest of it.

I want to be very clear that we are open on this. We are not trying to grab power or expand our jurisdiction.

On the other hand we are also not saying that we may not be the right body to do this. It is an open discussion. I want to emphasize that by taking out that little word.

I want to share the thanks of everybody and to the Commissioners who participated in all of the workshops. This really was a great process. It is not over. There is a lot of work left to be done.

My suggestion is that we authorize the staff to draft a preamble and I will entertain a motion to adopt the measures; but that actually we put prominently on our website a link that gets you there very quickly, very easily the first time you hit our website to the preamble, the eight and then the next level down with the details.

I also want staff to think about how we take this on the road a little bit. It is not quite the tool kit for ART but it has some elements of that.

We ought to make a very specific presentation to the Bay Area Council. I am only using this as an example because there are a number of others on this as an action plan because we really do have a road map here that we can get people involved with and committed to.

With that I would entertain a motion to adopt this plan including a preamble which includes the points about preserving the natural elements of the Bay and the elements of environmental justice and social justice and that we adopt this plan and the two small amendments.

**MOTION:** Commissioner Scharff moved approval of the staff recommendation with the aforementioned additions, seconded by Commissioner Nelson.

Chair Wasserman added: Federal representatives can vote on this.

**VOTE:** The motion carried with a roll call vote of 21-0-0 with Commissioners Bates, Gilmore, Scharff, Jahns, Gibbs, Gioia, Peskin, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Vasquez, Techel, Wagenknecht, Ziegler and Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Chair Wasserman announced: Having gone to the heights of rising sea level we will now go to the depths of budget.

**12. Briefing on BCDC Budget.** Executive Director Goldzband presented the following: We have two short presentations to make. They are very important and I promise you they will not be boring.

About two months ago Chair Wasserman and I decided that we should make sure that we annually provide you with an actual overview of the BCDC budget which we do not think has been done for several years.

Now is a good time to do it because we have made it through the first quarter of this fiscal year and given that we now have a way to track our budget it is a good thing.

I want to spend five to ten minutes letting you know how the BCDC budget works and to entertain your questions about it.

Let's first take a look at the California State Budget so you can see how big it is. It is basically \$171 billion when it comes to spending authority. Out of those \$171 billion a little over \$122 billion of it is actual General Fund meaning the dollars go to the State Treasury and can be used for any purpose.

Those monies that are not part of the General Fund are essentially either bonded funds or special funds that can only be used for specific purposes under the law.

As part of the revenue that the State gets there is a line that says in the revenue side, "Other income to be received." That is \$663 million.

The Natural Resources Agency accounts for a very small portion of the total state budget. The General Fund authority for Resources is a little less than \$3 billion. Their special fund is a little more than a billion dollars and it has a little over half a billion dollars in bond funding ability.

The next screen shows you some small numbers. BCDC's budget this fiscal year, our total spending authority is a little over \$8 million. Our General Fund spending authority is a little under \$6 million and our Special Funds authority is a little over \$2 million.

We have essentially two different types of Special Funds authority. The first is the Bay Fill Cleanup and Abatement Fund from which we can spend up to \$317,000 this year.

The second type of Special Fund authority is our ability to receive dollars for grants and contracts; for example, the Caltrans contract that you just approved.

Eight million dollars out of about \$170 billion. It is pretty small.

With this \$8.06 million in total spending authority, that does not mean how much we actually spend, it means how much we have the ability or the authority to spend.

Our expenditures are actually pretty simple. Forty-two percent of our expenditures goes to salary and wages; a little under \$3 million. And \$1.78 million of that comes from General Fund and a little over \$1 million comes from our grants and contracts.

This allows us through the state process to have in the Governor's Budget or in the State Budget, 42 actual, honest-to-God boxes in an organizational chart which allows us to have 42 people in boxes.

In addition, what we can also do if we have the extra money is to put people in a blanket. That is a State Budget term which means that we can have folks work for us and be BCDC state employees who are not in a box that is an official box in the state for a personnel person but instead are simply paid for out of our other funds.

Currently we have 42 baseline positions, three staff that are paid for out of the blanket and then we have two retired annuitants who help us on an irregular basis.

Forty two percent of our dollars go to salary and wages. Another 25 percent of our dollars go to the staff benefits which means that 67 percent or two-thirds of our dollars go to staff salaries, wages and benefits.

We have about \$2.3 million in OE&E, Operating Expenses and Equipment. Fourteen percent of that 33 percent goes to rent. It is a million bucks a year for the state building. That will increase for 375 Beale.

For the office move itself we received in that OE&E a onetime shot of \$350,000 to help us move to the 375 Beale address. That is 19 percent of that 33 percent which means 14 percent of that total can be spent on pencils, telephone bills, Commissioner per diems and the like.

It is not a lot of money. When I first came in as Executive Director I was a little bit flummoxed by the budget. I was flummoxed not because I had not built and implemented budgets before but I could not understand exactly why it was that I could never get our numbers straight.

After about 18 months I finally figured out that BCDC had a structural deficit that was caused by three things. Number one, a General Fund shortfall of a little over \$400,000 and that was because when the state had to downsize, BCDC decided not to and instead decided to try to reach out and get grants and contracts to pay for the folks we did not lay off.

There was a rent increase that BCDC faced of \$200,000, and we were using the Bay Fill and Abatement Fund to actually pay enforcement staff.

We were able to get through those years by not filling vacant positions and by making sure that people had limited term appointments and we robbed Peter to pay Paul in a number of different ways, all legally, but we used short term grants and contracts to do this.

We were able to tell Finance a couple of years ago that this was untenable and Finance agreed. In the last fiscal year the Governor was kind enough to provide and the Legislature approved a \$1 million augmentation to the General Fund which allows us now to have a stable base of funding.

When I say, stable, you will remember that \$1.14 million of our funds come from grants and contracts which means that we have to make sure that we continue to get a certain amount of grants and contracts in order to make sure that we can do that work because the state government does not pay us, does not pay staff, does not pay BCDC to do adaptation planning work. It is that simple.

We certainly get paid through the General Fund for our regulatory staff to do permitting work based upon our laws dealing with adaptation. ART is not paid for by the state.

This is, Other Income to be Received. BCDC collects permit fees every time that we get an application. Those permit fees unlike other state agencies do not come to BCDC. Those permit fees go directly into the State General Fund.

And that is because BCDC's McAteer-Petris law was created in 1965 and 1969 before the state ended up in the 1970s and 80s realizing that permit fees should actually go to the organizations that actually permit to help pay for the regulatory program. This means that the \$1,226,484.56 that BCDC collected in checks last fiscal year went directly to the State General Fund ATM as opposed to BCDC's.

The reason that is important to note is that when we were able to work with Finance and the Governor's Office in a very positive way to get our \$1 million augmentation we told the Administration that we would during the next couple of years start a public process to double our permit fees.

And the reason we would do that is so we at BCDC could collect an equivalent amount of permit fees as the General Fund would but we would not take the money away from the General Fund.

We will start that process now that we actually have a CFO being the Department of General Services. I want to thank you again for approving that contract.

We just want to put you on notice that we are going to start that process and we know that it is going to be very difficult.

The final slide that I will show you is violation fines. When BCDC collects a fine based upon a violation those dollars do not go to the General Fund. Those dollars go to the Bay Fill Cleanup and Abatement Fund. We have approximately \$750,000, \$780,000 now in the Fund.

The Enforcement Committee is working hard to increase that amount. We figure that amount will increase this year by at least \$750,000 which would put us at about \$1.5 million. There are a couple of big enforcement issues close to completion that will also increase it.

We will need to discuss among staff how we will then ask you to discuss among yourselves what to do with those dollars.

The reason the dollars were used to pay for Enforcement staff is precisely because BCDC faced a structural deficit. The Department of Finance was kind enough to tell BCDC 10 or 11 years ago that we could pay Enforcement staff with those dollars.

We are not doing that anymore. We have the dollars to be able to pay Enforcement staff out of our General Fund dollars.

We do think that when we get up to about \$1.5 million in that fund we need to have a process for you to decide how we should expending those dollars in order to improve the physical nature of the Bay.

Two other things that I want to leave you with. BCDC is small and one of the best compliments that the staff has received over the past few years was from a person who wanted to remain nameless because the person works with BCDC in the regulated community. The person said that we do more with our money than any other state agency that person knew.

When you do performance reviews and you go to outside people they tend to tell you good and bad things and that was a really good thing to hear.

The second thing I want to tell you is that historically BCDC is a classic lagging economic indicator. Development happens based upon where we are in an economic cycle. BCDC's permit fees reflect that development cycle.

Violations tend to happen less regularly than the economic indicator. You have two different cycles going on. One of the cycles you can sort of depend on because you happen to know right now we are in a boom to some extent and there is building going on. There is not as much building going along the Bay as you might imagine.

On the other hand on the violations side if you had asked Brad three years ago would we get \$750,000 or more during one fiscal year into the Bay Fill and Abatement Fund he would have said, probably not.

There is planning that you can do and there is planning that you cannot do. We are trying to regularize that as much as we can.

That is the extent of what I wanted to tell you about the budget and I am happy to answer any questions.

Commissioner Randolph had a fees-related question: Rather than doubling the permit fees why not just jiggle the rules so that BCDC keeps 100 percent of its fees?

Executive Director Goldzband replied: Because Finance is not going to let that hit happen to the General Fund. We would have to grow ten-fold just to be dust. Just consider how small we are. The really good thing about the Department of Finance and our work with the Department is that they recognize that there are a whole host of state agencies, maybe 10 to 15 of them that have under 50 employees, and so we need special rules but they do not go that far.

Commissioner Zwissler asked for some clarifications: Benefits are \$ 1.73 million on a payroll of \$ 2.9?

Executive Director Goldzband explained: Benefits \$ 1.73 million on a payroll of \$ 2.92 million, correct.

Commissioner Zwissler stated: That is 60 percent not 25 percent. That is crazy. It is usually closer to 25.

Executive Director Goldzband replied: Well it depends on what you are running and where you are running it. Remember that as a part of the State the benefits that the staff receives are set by law. They are set by contract.

What we get at the beginning of the year is the Governor's Budget describing how much we are getting and how much is going to benefits.

Commissioner Zwissler reiterated: That is fine but it is not 25 percent.

Executive Director Goldzband agreed: That is correct. It is 25 percent of our total spending.

Commissioner Pemberton inquired about fees levels: For the permit fees, when were they last increased? How long have they been at the level they are at now?

Executive Director Goldzband responded: The last time we dealt with permit fees was 2008 or 2009. The regulations are very clear about how this works. The way we have to deal with this is that every five years we go through a process and we did not really do it five years after that because not as much changed.

We are going to have to start that process now again now that we have an actual budget officer who can actually run numbers and do what we need to do.

The regulations say every five years you need to reconsider what you have. The regulations themselves with regard to how the permit fees are established are very specific.

Treasure Island, the permit that you approved two weeks ago at the last meeting, handed a check to the General Fund of over 600,000 dollars because BCDC's permit fee is based upon the total cost of the project not the cost of the project within BCDC's jurisdiction.

Commissioner Pemberton had a follow-up question: Is there an application fee?

Executive Director Goldzband explained: That is it. The application fee is equal to a certain percentage of that. It is not like a flat 100 bucks to fill out the form.

Commissioner Scharff inquired about fees increases: Were you serious when you said we were moving towards doubling the fees?

Executive Director Goldzband replied: We told the Department of Finance that we would start a public process to do that. We did not promise them success.

Commissioner Scharff added: Because that would be \$ 1.2 million then for Treasure Island.

Executive Goldzband agreed: It would be \$ 1.2 million for Treasure Island.

Commissioner Scharff opined: It strikes me that at least when we do things in cities you try and break even on your fees and your plan is to cover your staff costs with that. And that way the public knows no one is getting ripped off. In this process it confused me and it seems like it could be a money making thing.

Executive Goldzband explained: The way it is written now the money is simply based upon an algorithm and it is written in the regulations and it goes to somewhere else.

There are a number of questions we would want the Commission to consider. One of the things that trigger a change in the application fee is the amount of dollars that are apportioned to the regulatory team.

The regulations say that the application fees need to cover a certain portion of the regulatory budget. That is all part of the fee structure.

Commissioner Scharff asked: But you are not sure that it is doing it yet?

Executive Director Goldzband answered: Now that we have a DGS contract that will be one of the things that we ask them to do.

Commissioner Scharff offered a cautionary note regarding fees and fines: It seems like we need a framework that makes sense with a nexus that is defensible. I also had a little bit of concern on the violation fines collected. Obviously you never want to have a situation where you are getting a quota and you are getting a ticket because we have to fund a certain amount of our budget, our police department; we do not want to lay people off so we need to fine you. That is not a good approach.

Executive Goldzband concurred: I totally agree with that which is why I like the fact that any fines go into the Special Fund which can only be used for specific purposes along the Bay, also that is why we really wanted to get Adrienne and her team out from under that Special Fund. We have been able to do that.

Chair Wasserman added: And if you look at the way the violation fines have gone up and down over the years it is clearly not related to budget.

Commissioner Scharff agreed: Clearly it is not. One of the things I was concerned about is that I would hate for us to not use it as onetime money, i.e. use it to fund an ongoing program that everyone in the Commission loves and therefore result in a problem.

Mr. McCrea commented: As Larry pointed out we do not have a process yet on how to expend the penalties that come in. They go into the Bay Fill Cleanup and Abatement Fund and by definition that is what the money should be used for. The Legislation clearly says that you can use it to remove Bay fill, to do cleanups et cetera.

As Larry said we have been using it primarily for staff but we do not have a process for how to spend it in the future, so we are going to begin a public process about how we do this. Do we have a grant program? Do we have a list of eligible sites? What is the process by which we spend this money?

Executive Director listed additional potential parameters: And how much money should be spent? And how much money should be kept in reserve? These are questions that we are going to have to ask.

Then after the Commission decides how it wants to spend that money; we then are going to have to go through the Governor's Budget process because that will be a new type of budget authority or new level of budget authority that we will have to receive.

Vice Chair Halsted followed up on Commissioner Scharff's point: It seems to me about 10 or 12 years ago we took a very hard-nosed look at increasing our application fees and came up with a very aggressive plan; looked at it and realized what it would mean and we never saw it again. (Laughter) You might keep that in mind.

Executive Director Goldzband replied: That is why when Steve Goldbeck and I were up at the Department of Finance talking with them we made sure to tell them that we are more than happy given their refusal to let us keep the permit fees and given their insistence that we then double the fees, we said; we are happy to start that process but we cannot guarantee you that it will actually result in a doubling of permit fees.

Vice Chair Halsted remembered the history of fees increases: We thought it was a nice idea but when we looked at the reality it was not saleable.

Commissioner McElhinney asked: If you take out all future revenues each year from fines or fees, take that off the table; how much do we need annually?

Executive Director Goldzband replied: What we need is what we have now, which is a budget authority of about \$8 million if you want to continue the way we are doing now.

Commissioner McElhinney responded: Why don't we ask for what we need?

Executive Director Goldzband explained: I am only allowed to tell you ex post facto what we worked with the Administration to actually request. I can assure you that we request more than we receive.

Commissioner Techel inquired: You are not allowed to come to your Board and talk about your budget and what you are going to request?

Executive Director Goldzband replied: The rules are that budget change proposals which we submit through the Natural Resources Agency and go up to the Department of Finance are not to be made public.

That does not mean that the Chair does not know what they are. We would not do it without the Chair.

Commissioner Nelson asked: Does this mean as we go through the process of wrestling with fees if we want to dive into budgets and BCDC proposals in the future; is it possible that we could get that additional detail in a closed session?

Executive Director Goldzband replied: I do not know. I will have to find out about that. I don't think so.

Deputy Attorney General added: That is not an authorized reason for a closed session.

Chair Wasserman continued: We do not need any action on this item and that brings us to our last item today, a briefing on the Adapting to Rising Tides Mapping and Analysis. Wendy Goodfriend will make the presentation.

**13. Briefing on ART Program Mapping and Analysis.** Senior Planner Wendy Goodfriend: We have called this briefing the Commission meeting killer because every time it was scheduled the meeting was cancelled, so I laughed when I saw that I was Item 13. (Laughter)

I am talking to you today about the ART Mapping and Analysis Program. It has two key components. We include stakeholder engagement in everything we do and that is including when we are working in the mapping data and information and technology world.

We bring stakeholders in from the beginning to help us with these activities rather than developing tools and showing them at the end; we bring them along the way. This has reaped great benefits for us.

Back in 2006 the first sea level rise maps were created for the whole region. In 2009 with a U.S.G.S. and BCDC partnership the Living with a Rising Bay Maps were created. In 2011 we started the ART Alameda Project as part of ART. In 2015 we really entered a hot year of mapping and analysis, updates and revisions and a lot of work happened in 2015 that is bringing us now to 2016 where we are doing regional ART sea level rise maps and working on community analysis and mapping.

We are going to start working with NOAA partners to develop a model that can be taken to all of the coastal states to help them all do the work as we see that it should be done.

In 2006 we developed the very first regional maps which were pretty rough. In 2009 the U.S.G.S. and BCDC worked together to create the maps series that was used to underpin Living with a Rising Bay. There was asset mapping conducted at the time and these sea level rise maps still live on. We call them the 16 and 55 inch maps.

In 2011 we started the ART Alameda Project and recognized that those maps were too coarse. They had a very coarse digital elevation model or the land topography. They were not accurately reflecting the water levels and the amount of sea level rise that we wanted to see.

We began a process to develop our own first round of ART maps for Alameda. We also developed the shoreline delineation approach as well as the shoreline overtopping approach which has now been extended to the full Bay by the San Francisco Estuary Institute. We are using this approach today in our regional mapping and analysis.

We did a lot of asset mapping and we learned a lot of lessons about asset exposure analysis, point files, line files, polygons and it was our first foray into this exposure analysis. We learned a lot that we carry through today.

These were still 16 and 55 inch maps. We did actually include other scenarios beyond high tide. We had storm events and wind-driven waves. That was not all that satisfying as we moved through the Alameda Project. We had some very intelligent and thoughtful stakeholders that when we brought them the findings of the assessment they said, this is all great but you are

basing this on sea level rise maps that do not tell me when I need to take action. And when is my threshold and when are there triggers. And I am not going to be in the Bay at high tide so you are not helping me with my decision making.

That was where we started to come to the fruition of the full ART sea level rise maps. The approach and the process that we are using today some of us still call one map equals many futures. This was developed in ART and it is really a stakeholder-driven approach.

We heard from the folks we were working with needed a mapping approach that was going to help them make decisions and allow them to not have to analyze and re-analyze as a new map was made every couple of years.

Because it was so great it went viral and the ART maps were first created in Alameda County, then San Francisco County, Contra Costa County and now San Mateo County and we are taking these maps around the region.

One of the other things that happened in 2015 is we really expanded what we were doing with asset analysis and mapping. We took on very detailed mapping for Contra Costa County to help us with our assessment. We looked at high-resolution land cover, land use data, parcel data; all kinds of asset data to underpin the assessment which is based other kinds of information and stakeholder information that we gather from those that are with us in the working group.

The other thing that we did in 2015 was we developed a web map viewer. Many of you probably go on web maps and do not know that you are on one. We created this web map viewer to help us in our assessment in Contra Costa County.

We also shared this web map viewer with our working group. We heard that a number of them work in small communities or for community-based organizations and they do not have a mapping team. They do not have access to GIS analysts and this web map viewer was really helpful to them.

In 2016 we have launched the Regional Sea Level Rise Analysis and Mapping effort. We are taking the ART maps to all nine counties. As part of that process we learned from Contra Costa that the best way to get input is to develop a web-based review tool.

The other thing that we are doing which is going to help drive the work that we are doing in Adapting to Rising Tides on social equity and climate justice here in the region but I think our mapping and analysis for communities is going to help the whole coastal planning community start to understand who is going to be at risk and who is going to be reliant on assets that are at risk.

We have a "community characteristics" mapping that we just finished for the whole region. In addition to that we have been working on new approaches to understanding how many people will be at risk in these areas that will be inundated. Oftentimes people do not live equally distributed over the landscape and flooding is not equally distributed over the landscape. Understanding how those two things intersect is going to refine our understanding and our knowledge about who is at risk and where.

If we know that more clearly we can start to design strategies for communities, for cities and for the region that are going to be stronger and more effective at bringing that risk down and together coming up with solutions.

Lastly, we are working our way towards a regional web map viewer for sea level rise. This is about providing data and information for the region at their fingertips. This viewer will be in development through 2017 so we are making all of the data and information available as we collect it for all nine counties as we move through each county.

So 10 years later where are we headed? I started with the strength of our program which is coalescing stakeholder engagement and mapping technology and making sure that as both of those fields advance that we are bringing those two things together at the same time. We do know that we have deeply engaged stakeholders that have a lot to tell us about what their needs are. We also know that the world of web mapping and GIS is really taking off and accelerating. We want to keep those two things in pace with each other.

We want to make sure we keep working with you, the Commission, so that we can help you meet your information needs.

Thank you.

Commissioner Nelson made a request of staff: Wendy can you walk us through what sort of characteristics your mapping used. You said that you were doing community characteristic mapping. Could you give us a little more detail on that?

Ms. Goodfriend provided more detail: What we call community indicators was something that we started in the ABAG/BCDC Stronger Housing Safer Communities Regional Analysis of flood and seismic risks which looked at people and their houses. We developed an approach with an advisory group that included community-based members and other folks who had been working with community characteristics and people who work in public health to develop 10 characteristics that we feel describe whether individual households or neighborhoods could be at greater risk from flooding.

It includes things like age. They are very common characteristics but we honed them in for our region and for our issue flood risks. Some of the other characteristics were ownership or rent of homes, housing costs burdens, income, educational access, linguistic isolation, ethnicity and culture and car ownership.

We have this paired mapping approach that visualizes areas that may have a greater risk. We can start to have people working in those communities do self-assessments to identify whether these characteristics are really true, whether in these neighborhoods folks without cars really do need additional strategies if they have to evacuate, if they really do rely on transit; and so it is a starting point for us.

We are working with our NOAA Office of Coastal Management partner and starting a new relationship with NCOOS, another NOAA office, who have worked on the East Coast on similar issues in trying to bring together the national knowledge about demographics and mapping so that we can come up with a methodology. This methodology can be kind of tricky. There are a lot

of steps that we need to take to understand how to use the data. It is incredibly important to us that this process be transparent.

We are using the American Community Survey five year averages at the block-group. This is because we feel the census tract in most areas is way too large for the extent of the flood exposure that those neighborhoods might see.

One of the things that we are working on with our NOAA partners is getting a more accurate depiction of where people live on the landscape because block-groups are very large and people do not live equally distributed across the block-group.

**14. Adjournment.** Upon motion by Commissioner McGrath, seconded by Commissioner Nelson, the Commission meeting was adjourned at 3:41 p.m.

Respectfully submitted,

LAWRENCE J. GOLDZBAND  
Executive Director

Approved with no corrections, at the  
San Francisco Bay Conservation and  
Development Commission Meeting  
of November 3, 2016

ANNE HALSTED, Vice Chair