San Francisco Bay Conservation and Development Commission

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September 27, 2019

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Peggy Atwell, Director, Administrative & Technology Services (415/352-3638; peggy.atwell@bcdc.ca.gov)

SUBJECT: Draft Minutes of September 19, 2019 Commission Meeting

1. **Call to Order**. The meeting was called to order by Chair Wasserman at the Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, First Floor, San Francisco, California at 1:10 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted (represented by Alternate Chappell - arrived at 1:49 p.m.), Commissioners Addiego, Ahn, Butt (represented by Alternate Arreguin), Chan (represented by Alternate Gilmore), Gorin, Lucchesi (represented by Alternate Pemberton), McGrath, Ranchod (arrived at 1:24 p.m. - represented by Alternate Nelson from 1:10-1:24 p.m.), Sears, Showalter, Spering (represented by Alternate Vasquez), Tavares (represented by Alternate Nguyen) and Ziegler (arrived at 1:41 p.m.). Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced: Ladies and gentlemen a quorum is not present at 1:10 p.m. We are going to start and handle the administrative matters hoping and praying that our 14th Commissioner walks through the door and we will all applaud.

With that we will start by officially taking the roll. Peggy Atwell will do this for us.

Ms. Atwell stated: We have 13 voting Commissioners.

Chair Wasserman replied: We do not have a quorum so we cannot conduct official business but we can take care of a few things that are not 100 percent official.

Not present were Commissioners: Association of Bay Area Governments (Techel), U.S. Army Corps of Engineers (vacant), Santa Clara County (Cortese), Department of Finance (Finn), Contra Costa County (Gioia), Governor (Randolph, Vacant), Secretary for Resources (Vacant), City and County of San Francisco (Peskin), San Mateo County (Pine), Napa County (Wagenknecht)

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

No members of the public addressed the Commission.

Chair Wasserman skipped Approval of the Minutes and moved to Report of the Chair.

4. **Approval of Minutes of the September 5, 2019 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of September 5, 2019.

MOTION: Commissioner McGrath moved approval of the Minutes, seconded by Commissioner Gorin.

VOTE: The motion carried with a vote of 14-0-0 with Commissioners Addiego, Ahn, Arreguin, Gilmore, Gorin, Pemberton, McGrath, Nelson, Sears, Showalter, Vasquez, Nguyen, Ziegler and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

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

a. **Enforcement Committee**. I would like Commissioner Gilmore to give a report on the Enforcement Committee meeting that was held September 12th.

Commissioner Gilmore presented the following: The Enforcement Committee met on September 12th and continued to address the issues regarding Richardson Bay. We had a report from several stakeholders including the city of Sausalito and the Joint Powers Authority that also works to deal with the derelict and anchor-outs in Richardson Bay.

It was a very informative report and the Enforcement Committee tasked staff and the participants to keep us informed.

We also had a briefing on the difficulties regarding salvaging and removing boats from the waterways surrounding the Bay Area. An Oakland police officer and a Coast Guard member talked about operations in the Alameda/Oakland Estuary. And it is time consuming and very expensive to remove boats that have been abandoned or have sunk.

And that concludes my report.

b. **Fill for Habitat Commissioner Working Group.** Chair Wasserman continued: That you Commissioner Gilmore. Any questions? (No questions were voiced) That will bring us to a report on the Fill for Habitat Commissioner Working Group. I would now ask Commissioner Nelson to report on that working group that met this morning.

Commissioner Nelson reported the following: The Working Group has been discussing the input that the Commission received at the recent public hearing on the Bay Plan Amendment regarding a Map Plan policy.

We had a terrific discussion and gave general direction to staff. Staff told us the direction they are going in. We gave them input on that.

I would say we reached conceptual agreement on a package of final amendments that will come to you for action on October 3rd and staff still has a little bit of wordsmithing to do to polish that language up.

I anticipate that package will be sent out to the Commission and the public very soon and that the recommendation is a consensus recommendation from the Working Group.

I want to thank the staff, the Working Group members and a number of really dedicated stakeholders who have helped us get to this point.

Chair Wasserman continued: Thank you, any questions for Commissioner Nelson? (No questions were voiced) He moved on in the Agenda.

c. **Next BCDC Meeting.** Our next BCDC meeting will be held in two weeks, on October 3rd, where we expect to:

(1) Consider adoption of the Fill for Habitat Bay Plan Amendment 1-17 and the related Map Policy Bay Plan Amendment 3-19.

(2) Consider a contract with the California High Speed Rail Authority to assess potential facilities along the Bay shoreline.

(3) Hold a public hearing on proposed Bay Plan amendment 4-19 to amend a priority use designation at India Basin along the San Francisco Waterfront.

(4) Hold a public hearing and possible vote to initiate proposed Bay Plan amendment 5-19 to remove a water-related industry priority use designation from a portion of the Contra Costa shoreline.

(5) I assume that we all saw the series of articles last week in The Chronicle on climate change and in particular the one article by John King on rising sea levels. John is a very good reporter. He has always treated us very well.

I think his report was accurate but unimpressive. It was a little bit of a nothing report and I think he could have dug a little bit deeper.

He certainly did talk about a certain lack of recognition of urgency. I think that was inaccurate. I think we recognize the urgency; whether we are acting quickly enough or not is a different debate.

We are working on an Op/Ed piece to submit to The Chronicle addressing that there is urgency as well as more specifically some of the things we have been doing.

Larry Goldzband and I had a productive discussion Monday or Tuesday with Mark Gold the newly appointed Director of the Ocean Protection Council and Jenn Eckerle who works for him who is one of our Commissioners. Larry had had an earlier conversation on BCDC 101. This conversation was focused much more on what we have been doing about sea level rise. He was pleased to hear what we said. He thought that what we were describing was a good process as well as substance.

We did talk to him to some extent about the political/communication problem that I think we are running into a little bit as we move forward to adapt our regional adaptation strategy on – I'm not sure it should be BCDC (laughter) although no one has a good alternative.

And I have responded to all of that as we did in the very beginning when we had our Commissioner Internal Working Group and then our public workshops on the overall how-to-adapt, clear need for somebody to lead; note the word is "lead" not "control".

We discussed then and we are happy to discuss now whether there is some other agency that should be doing it. But no other agency has been identified that makes sense to the consensus or any number of people other than BCDC.

Mark appreciated that and said, yes – I hear you, it is a political problem. He was certainly supportive of what we are doing.

The last thing I want to note is that there was an article in this morning's New York Times about Greta Thunberg the Swedish teenager who has become such a powerful voice on climate change.

And I thought there were several interesting things in that article. One is it talked about the things she has learned on the American tour that she has been on. She took two weeks to get here on a solar sailboat. Her initial remarks went something like: New York City smells (laughter). People talk really loudly here. They blast air conditioning and they argue over whether or not they believe in climate change while in her country, Sweden, they accept it as fact.

But one of the most important statements she made is that she told members of Congress when she spoke to some committees – I don't want you to listen to me. I want you to listen to the scientists.

To me there are two very important things in that statement and in her actions. One she is saying – wake up and look at the facts. But the other important piece is that we have this 16-year old inspiring teenagers throughout the world and in this country to start standing up as the youth did on recycling and say to their parents and adults around them; you need to act now.

BCDC's efforts on our education part which will tie in with that are going to speed up soon. That is a promise to you all. That is a promise to everybody out there and it is a statement to staff.

It is moving forward and we've talked before and we think there is a significant amount of money, probably one to two million dollars that we can raise to support that education effort.

That is my report. Larry is not here. He is at a meeting of resource agencies with Secretary Crowfoot. And so Steve will give the Executive Director's Report.

d. **Ex-Parte Communications.** Chair Wasserman asked: Any ex-parte communications people wish to report? Again you need to do them in writing under any circumstances but you may do them now if you choose to. (No ex-parte communications were voiced)

6. **Report of the Executive Director.** Acting Executive Director Goldbeck reported: Thanks, Chair Wasserman.

BCDC, along with the California Coastal Commission and the California Coastal Conservancy together form the California Coastal Zone Program pursuant to the federal Coastal Zone Management Act which is our federal hat that we wear. As we reported to you about a

year ago we and the Coastal Conservancy were evaluated by the Office of Coastal Management in NOAA for our performance in implementing that program. Because the Coastal Commission wasn't evaluated at that time but was evaluated subsequently NOAA has just now finalized and we have just received the final review for the California Program; and you all can sigh a breath of relief as we have received a positive evaluation. We will provide a copy of the final letter in your packets.

Chair Wasserman and Commissioner Nelson just let you know we will be considering the Fill for Habitat policies at your October 3rd meeting. In order to amend the Bay Plan we will need an affirmative vote of 18 Commissioners so we request that you make a special effort to attend that meeting and also to RSVP so that we know who we are going to have for the meeting. Thank you for that and that completes my report. I am happy to answer any questions.

7. **Consideration of Administrative Matters**. Chair Wasserman stated: Brad McCrea is here. We received listings on September 13th. Any questions for Brad? (No questions were voiced)

8. **Public Hearing and Possible Vote on the 3000-3500 Marina Boulevard Life Science and Office Development Project, BCDC Permit Application No. 2019.001.00**. Chair Wasserman announced: Item 8 is a public hearing and possible vote on the 3000-3500 Marina Boulevard Life Science and Office Development Project. This is a public hearing and possible a proposed life science and office corporate campus in the City of Brisbane, San Mateo County. Yuriko Jewett will make the report.

I defer; we probably can't have the public hearing without a quorum.

Ms. Posner replied: We believe that is correct.

Chair Wasserman continued: We think we are going to have a quorum. I think we have little choice but to take a short recess. We will reassess in about 15 minutes.

(A recess was taken from 1:28 p.m. to 1:42 p.m.)

Chair Wasserman announced: We are going to try this again. Peggy will you call the roll please. (Ms. Atwell called the roll and announced that 14 Commissioners were present.) Chair Wasserman stated that a quorum was present.

Chair Wasserman continued: We will go back now and do the Approval of the Minutes. (The Minutes of September 5, 2019 were approved by voice vote)

Chair Wasserman announced: Item 8 is the public hearing and possible vote on 3000-3500 Marina Boulevard a Life Science and Office Development Project Campus in the city of Brisbane, San Mateo County. Yuriko Jewett will introduce the project.

Shoreline Development Analyst Yuriko Jewett addressed the Commission: Good afternoon Chair Wasserman and Commissioners. On September 6th you were mailed a summary of an application and staff recommendation for the construction of the Life Science and Office Development Project.

The project is in the city of Brisbane in San Mateo County, just east of US Highway 101, on the Sierra Point Peninsula. The 8.87-acre site is in the northwest corner of a former landfill site at Sierra Point. It is bounded by a drainage slough and salt marsh area to the west, the Bay and Brisbane Causeway to the north and office developments to the east and south.

The project would develop a life science and corporate campus that includes three office buildings constructed above a two-story, podium-parking garage. The buildings would primarily be used for laboratories and related research and development activities. The project is anticipated to serve approximately 800 to 1,200 employees and would provide 1.62 acres of dedicated, public-access areas.

The staff summary raises project issues, in particular, whether the proposed public access is the maximum feasible consistent with the project as well as project consistency with Bay Plan policies on public access including those related to appearance, design and scenic views, recreation, wildlife habitat and sea level rise.

Let's start by taking a look at the public-access areas for the project. In this image you can see the project creates an inviting, shoreline, public-access area that totals 1.62 acres. This includes fitness and recreational lawns, an improved and extended Bay Trail connection, secondary shoreline paths, seating and bicycle parking.

Now, here in Plan View, you can see the 2.38-acre elevated, public-access area of the project located between the three buildings. This elevated area is known as the Courtyard Level and will afford expansive views of the Bay, a variety of seating opportunities and a public restroom. The Courtyard Level and its public amenities will be available from dawn to dusk and directional signage would be placed in key locations at the ground level to inform Trail and recreation users.

Additionally, a dedicated view corridor would be located at the east end providing a view to the shoreline from Marina Boulevard.

In this image the red lines show the existing Bay Trail network for the area. You can see that the Bay Trail extends around the majority of the Sierra Point perimeter but is re-routed onto Marina Boulevard where it intersects with the project site. The dashed green line shows the project's proposed trail connection that would run along the shoreline to the north, the drainage slough to the west and finally would connect to the northern edge of the 1000 Marina Boulevard site to complete an off-road loop at Sierra Point Parkway.

The 1000 Marina Trail extension would be acquired through an easement agreement in the near future and would be required to open at the same time as all other public-access improvements associated with the 3000-3500 Marina Boulevard Project.

The project would also allow for compatibility with the adjacent, wildlife habitat along the drainage slough and small salt marsh area to the public access areas by providing a low-rise, habitat fence that features a transparent design as shown in this image here.

Lastly, the project is sited at an elevation where it is not anticipated to be subject to flooding, even in extreme storm events, during its 50-year lifetime. Beyond its anticipated life, if the project remains in use, a sea level rise adaptation plan would be required. This plan would establish the development of adaptation measures for the site as soon as sea level rise begins to impact the project during tides, storms or both.

And here to present the project with more detail is Michael Gerrity of Phase 3 Real Estate.

Michael Gerrity of Phase 3 Real Estate (P3RE) addressed the Commission: My name is Michael Gerrity and I am with Phase 3 Real Estate Partners. I am the president of the company. I am excited to tell you a little bit about our project at 3000-3500 Marina.

Our company specifically develops space for the life sciences industry. We now own about 1.6 million square feet on the Peninsula. Our biggest, flagship project is down in South San Francisco. It is the SAP Towers now known as Genesis South San Francisco.

We have been looking at this land for quite some time and have now been working on it for two years to bring our vision forward. What we do is develop communities for these life science companies.

The most important thing as we began working with BCDC on this project was we focus on creating spaces that not only are great for the people there but also bring the public in.

One of the big themes right now in life sciences is creating collaboration space or a place where people want to be together. So when we looked at this site we saw a great opportunity for that. And as we saw the Bay Trail it was also an opportunity to have people move in and through the site.

We do like having facilities where the place becomes alive. No one today wants to go to a campus that is just dead. And many people don't just want to go to a campus that is only full of their own co-workers. They want to go somewhere where they can bring their friends and have people come meet them.

And so having spaces that are great for everyone's use to come and be a part of that campus is actually very important to us. We actually think it makes the overall experience for the people that come there much more elevated.

We do own 1000 Marina to the south as well as The Towers across the street and then there are two hotels and we own one more building a little bit further south. We are very experienced in delivering this type of product.

This has been an evolution. As we have been involved in this project and have come up with the concept you will see today in all the pieces we will focus on such as the Bay Trail and the water; it started out as something that was designed in the early 2000s and it isn't a project that excited us in any way. It was an 8 and 10-story office building and a 5-story parking garage that basically blocked the freeway.

And there was no sense of community. It was a surface parking lot. And we saw the opportunity to hide our parking, create space for people to be together and really do something unique with the Bay Trail.

With that I will turn it over to our architect Skidmore, Owings & Merrill and they will talk about the features we have brought to the project. So with that I present Michael Duncan.

Mr. Duncan presented the following: I am Michael Duncan a design partner at Skidmore, Owings & Merrill (SOM). This is a really interesting site and obviously one that is very prominent and highly visible.

There are great views from the site. There are views not just out to the Bay north but to the west and even back to San Bruno Mountain. And we were very careful to take those into consideration not just for the offices themselves but for the public spaces.

As you know there is a lot of wind on that side sometimes and we thought about how the wind was protected in the major public spaces and also how we opened it up to the sun.

This is a great chance to complete the proposed Bay Trail around the Sierra Point. This is really a chance to put these properties together and provide a bit of a destination at the northwest corner. So we see that as a public amenity that helps to round out that whole larger experience.

We have water on two sides and we've set the buildings back and really want to make that close relationship to the waterfront. The fence was described and we are careful to open up the views as we move along the north and the western side.

We have tucked the parking underneath and raised this public platform, this courtyard space up above with our three buildings.

Our Bay-side face of our project is really important frontage on the water.

We have worked closely with staff and the Design Review to make this a very public-welcoming space. We have put in an accessible ramp that helps invite people up to the courtyard level. We have sloped the lawns so that the building steps down with recreational lawns along the way – a great place to sit.

We have softened the emergency vehicle access. We have grass pavers and put a great series of slowly, cascading, stepping-down spaces from the upper level down to the Bay. And we want to make this an inviting place to come.

So we widened the staircase and have places to sit. And as we have terraced it down and it sort of eases its edge toward the Bay and opens up views.

This view is on the Marina Boulevard side. We wanted this courtyard to be a public courtyard. You can see we've opened up the space between the buildings. We have a cascading stair and garden that come down. This is part of the shuttle program in terms of connections to BART and then we will have a stop at the location you see here.

In addition to the Bay Trail we have an access point that allows the public to come. We have shoreline parking and ADA parking and this complements our neighbor who has their parking and their access point here and so we have allowed two points. The path continues down with access from the stairs and the ramp and we have elevator access from the two lobbies.

It is quite a large space. It is 200-feet wide and almost 500-feet deep. This is a unique space on the Bay that fronts out but we also open up the east and open up views to San Bruno Mountain.

We have a number of public features in addition to seating and bike parking. We have this large, central, courtyard lawn that steps down to a wooden platform that then further steps down to the water.

We have added a glass windscreen here to help to reduce the wind that comes in to this area. We have also oriented this so it gets sun at the prime, lunchtime hours.

We have natural bio-filtration around the building and natural plantings around here and no planting outside of the fence – we are leaving that natural.

We have raised the project up so that the Bay Trail is out of estimated sea level rise up to 2070. So we raised it up even a couple of more feet of from where we were when we last met with the Design Review Board.

What is really interesting about this project is we have created a space that is pretty unique in this neighborhood and certainly maybe around the Bay in general where we are able to bring people up and have a long, extended view out to the Bay, a really protected, well-considered, public space that is supported by amenities that will be the heart of this project and an incredibly, valuable asset for the greater Sierra Point.

Thank you very much.

Commissioner McGrath had questions: So you mentioned a previously, entitled project. Did that have a BCDC permit as well?

Mr. Gerrity replied: I don't believe it did.

Commissioner McGrath continued: And this is all filled land. I assume that you have resolved any public-trust questions and there is no public trust that applies?

Mr. Gerrity answered: Not that I am aware of.

Commissioner McGrath stated: And there is a small drainage and it looks like the drainage itself is entirely on a separate property – is that correct?

Mr. Gerrity replied: That is correct.

Commissioner McGrath continued his inquiry: And the beach as well?

Mr. Gerrity responded: That is correct. I mean the slope does occur on our property.

Commissioner McGrath continued: So how far are you from the wetland? What is the physical set-back of the Trail and of the buildings?

Mr. Duncan answered: The buildings are set back at their closest it is 100 feet. And the Trail comes closer to that right on the edge of the property. And depending on the height of the water it is probably as close as they are going to be.

Commissioner McGrath replied: Okay, thank you.

Chair Wasserman continued: The public hearing is open. We have one speaker, Dana Dilworth.

Ms. Dillworth addressed the Commission: Thank you for the opportunity to speak on a matter of future, public, open space at Sierra Point and observe a building with sea level rise in mind.

Thank you for ensuring the connectivity of the Bay Trail but I agree with your staff to question – is this plan fair to your mission of conservation and the publics' right to unobstructed waterfront?

I have walked dogs and I have shared images with you so you can see the history behind this. I have enjoyed Sierra and Oyster Point Waterfront since 1988. I often walk it at night and have observed Ray and Leopard Shark mating, schools of young Frye, Great Blue Night-Fishing Heron, owls hoot across the southern channel, pelicans trolling and spectacular Fourth of July displays.

I am a high-school ceramics teacher and I will scoop up a small bucket of clay to educate my students how to look at the geologic changes in the tide line and observe the iron in the clay.

If you haven't been out there please visit this glorious environment before you approve this fate. It is vital that you let this small area flourish.

I am asking you to vote no on this proposal. You are a participant of an incremental taking or privatization of the publics' open space. When this was under RD authority a plan was hashed out, no stakeholders present, never consummated with a legislative vote. This size and scale was never considered for this spot of land.

The prior, approved plan required an open, low-rise, parking structure along the tidal channel with an intent of environmental sensitivity and we tried to include solar. The buildings were closer to the streets however with a combination of sea level rise, podium parking and now taller buildings – the new plan before you will block the sun in the western slough particularly in the winter for most of the day.

You need to know how people use this waterfront and what's being taken away. It is not just for strolling. We have RC plane meetings, quad-copter trials, bike racing, kite flying and parents teaching their kids to ride bikes or roller skate. Imagine the public doing this in the enclosed dawn-to-dusk proposed land swap.

Chair Wasserman announced: You have 30 seconds left.

Ms. Dillworth continued: Please improve this waterfront by requiring substantial set-backs according to the EPA guidelines and habitat improvements not minimal daytime parking, fix the broken water fountain and supply an obvious, ground-level bathroom to the public. Bollards are good but signage is needed.

The public needs more than an 18-foot, linear path. And I can attest that the public does not feel welcomed in these inner courtyards except to use the garbage cans.

Please do not confuse dawn-to-dusk, corporate, elevated lawns and diesel-fumed, parking lots with public, open space and habitat. Please ask for a more sensitive design of this project. Thank you.

And the final picture I have included is the area over at the Cove that you guys must have approved a while back. It is now very dangerous because there is not adequate parking or ability for the big trucks to move around.

Thank you very much for this opportunity.

Chair Wasserman continued: I have no other speakers. Are there other questions or comments from Commissioners? (No further comments were voiced) May I have a motion to close the public hearing?

MOTION: Commissioner Vasquez moved to close the public hearing, seconded by Commissioner Showalter. The motion carried by a voice vote with no abstentions or objections.

Ms. Jewett presented the staff recommendation: On September 6th you were mailed a copy of the staff report recommending the Commission to authorize the proposed project as conditioned. These conditions will require the applicant to implement a variety of measures in carrying out the project including: Guaranteeing 1.62-acres of dedicated, public-access areas including improvements and extension of the Bay Trail to complete the Sierra Point Loop.

Providing a publicly-accessible, elevated courtyard with clear signage to indicate the location and availability of the public amenities including a public restroom;

Taking steps to avoid or minimize potential impacts to wildlife habitat by Trail and recreation users associated with the public-access areas; and providing a Sea Level Rise Adaptation Plan to establish timelines and measures if sea level rise impacts the site during the lifetime of the project.

As conditioned, the staff believes that the project is consistent with your law and Bay Plan policies regarding public access. And with that we recommend that you adopt the recommendation.

Chair Wasserman asked: Any questions for staff?

Commissioner Gorin was recognized: I am sifting through the Staff Report. There was made mention that public space, public access would be dawn-to-dusk. So are we saying that the paved Bay Trail is going to shut down at dusk?

Ms. Jewett replied: No. That is dedicated, public-access space. It is only for the elevated, courtyard level that has the dawn-to-dusk restriction.

Commissioner Showalter asked: Is there programming planned on this elevated space to make the public feel welcomed? How are you going to make the public feel welcomed? This looks like it is a corporate space.

Mr. Gerrity explained: We typically include a restaurant and a conference center and the restaurant will certainly be open to the public. And then we will have signage throughout the project to make sure that it is known that people are welcomed.

Commissioner Showalter continued: But you are not planning to have events there?

Mr. Gerrity replied: Our restaurant operator will host events that will be open to the public. We aren't far enough along in selecting that operator to speak to any specific events. The purpose of a big space like that would be to host events.

And those will not just be for the companies that are located there. The best example I can give is the project we own across the way, Genesis South San Francisco – we have a performing arts center that in agreement with the city there that is used for a whole host of public events.

We would expect that not only the courtyard other places here would bring that again. It is about bringing life to the project. I do think there would be programming that would be available to the public as well.

Commissioner Ranchod inquired: I have two questions. I noticed in the Staff Recommendation in the Environmental Review there was a CEQA review by the City back in 2008 and then some addendums. Can you speak to the addendums that were prepared by the City for the CEQA review because 2008 was a long time ago?

And then the second question – is there any comments from the applicant or staff in response to the public comments that we heard?

Mr. Gerrity replied: I know that a supplementary CEQA addendum was prepared for this design as we went through the Planning Commission last fall at the city of Brisbane. And that was an extensive review of the impacts.

As far as the project itself and the public comments that were made - a few things. The parking garage is actually a mid-rise. It is five stories and we didn't like what it was. We pulled the entire site back about another 60 feet.

That project sat almost half way inside of the shoreline band. So part of the project was that we pulled that in. And then the other piece is there was no real community space in that planning. It was basically all surface parking.

So we really saw this as an opportunity, I mean – there still is a need for parking. One of the benefits that many people don't realize when we come to an office project and turn it into life sciences we tend to highly reduce the population because office companies tent to occupy about four to five per thousand while life sciences is closer to two.

We further are going to implement a really strong TDM plan so we have a smaller number of parking spaces. Finally we are still required to meet all of the environmental requirements that include putting solar on these projects.

These projects will not only have solar that faces up – it will face to the side as well to meet the goal that was intended at that earlier project as well for solar generation.

Generally I would say that what we have really tried to do is preserve the opportunity for the public to do all the things that were said to come out and use the lawns, go on the Trail and have access to this bigger space to see the Bay and really access it.

So I think we have tried to make it inviting and tried to make it something that it really isn't today. Currently the Bay Trail terminates in the northwest corner of the site. This will allow people to continue on. I think it will make it a better place for all.

Chair Wasserman asked: Any other questions? (No further questions were voiced) I have a question not of the applicant. As we all know we are very close on the quorum which means we are very close on the vote particularly since our hero Commissioner Ziegler can't vote on this.

Is there anybody planning to vote "no" or to "abstain"? (No hands were raised) All right. Has the applicant reviewed the Staff Report and is it acceptable to you?

Mr. Gerrity replied: Yes we have and we are.

Chair Wasserman continued: Now I would entertain a motion.

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

Commissioner McGrath commented before the roll call vote: I understand that there is an interested party that is concerned about this. I want to explain my vote and I think the vote of the Commission.

While there is habitat value here most of it is off the site and will remain protected. And our authority to deny a project is limited in the shoreline band to just those things that don't have maximum feasible access.

I know that many people are concerned about habitat and it has habitat value, you've demonstrated that. But I want to put this in the larger context of the work that we do as a community. We are engaged in restoration of over 30,000 acres of similar and higher-value habitat at other places in the Bay where it provides habitat that is much more protected. It is appropriate to have habitat and access to habitat in places like this where the public can see it. But the real heavy lifting in terms of protecting our species is done in the areas where we are doing substantially more restoration.

So those are the reasons that I am going to support this application.

Chair Wasserman added: Thank you sir. Now please call the roll Peggy.

VOTE: The motion carried with a vote of 14-0-0 with Commissioners Addiego, Ahn, Arreguin, Gilmore, Gorin, Pemberton, McGrath, Ranchod, Sears, Showalter, Vasquez, Nguyen, Vice Chair Chappell and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

9. **Public Hearing and Possible Vote on Issuing a Brief Descriptive Notice to Initiate Changes to the San Francisco Waterfront Special Area Plan, Bay Plan Amendment No. 3-17.** Chair Wasserman announced: That brings us to Item 9 a public hearing and vote on whether to initiate the process of considering a proposed amendment to update the San Francisco Waterfront Special Area Plan. Shannon Fiala will present the staff recommendation on this item.

Planning Manager Shannon Fiala addressed the Commission: Thank you Chair Wasserman and Commissioners. Today I am going to present staff's recommendation on the initiation of an amendment to the San Francisco Waterfront Special Area Plan.

First, I am going to walk you through a brief background on BCDC's Special Area Plans and a brief history of the San Francisco Waterfront Special Area Plan. Then the Port will provide a summary of their Draft Waterfront Plan which led to the Port's current application to update BCDC's San Francisco Waterfront Special Area Plan. We want to remind you that this is the first step in the three step amendment process. With your affirmative vote today you will be initiating the process and authorize staff to review the consistency of the Port's proposal with BCDC's law and policies.

The McAteer-Petris Act provides for the Bay Plan to contain or incorporate by reference special area plans with more specific findings and policies for portions of the Bay and its shoreline. As you can see here BCDC has adopted four special area plans. In addition to the San Francisco Waterfront the Commission has approved one for Richardson Bay, the South Richmond Shoreline, Benicia and a unique, specific area plan for White Slough in Vallejo.

Since it was first adopted in 1975 the San Francisco Waterfront Special Area Plan has established policies for projects within BCDC's jurisdiction from Hyde Street Pier in Fisherman's Wharf to the India Basin Open Space in Bayview-Hunters Point. The Port of San Francisco's Waterfront Land Use Plan, first adopted in 1997, is the master land use planning document governing the Port's property including seawall lots that are located outside of BCDC's jurisdiction. From 1997 to 2000 BCDC and the Port conducted a planning process to amend the SAP to align BCDC policies with the Port's Waterfront Plan. The amended policies permitted uses that are consistent with the public trust on piers and required a package of public access benefits within the Northeastern Waterfront, which Port staff will explain in greater detail. In 2015, the Port began to work on updating its Waterfront Plan, which is currently in a public-comment period.

Diane Oshima of the Port will now walk you through an overview of the Port's Draft Waterfront Plan.

Diane Oshima, Deputy Director of Planning & Environment for the Port of San Francisco addressed the Commission: Good afternoon Chair Wasserman and members of the Commission. I am Diane Oshima, Deputy Director of Planning & Environment Division and I am

joined with Executive Director Elaine Forbes with the Port, our Resilience Officer Lindy Lowe, my team and a number of members of the Waterfront Plan Working Group that have been working over three years to develop the recommendations that have gone into the Draft Plan Update.

I am going to do a high-level overview and then leave time open for comments and questions. In general the Waterfront Plan has nine goals and values for what the citizens through the Waterfront Working Group, the public and our consultations with your staff and State Lands as well included, derived for the Port's direction for improving the San Francisco Waterfront.

The first three goals really speak to the maritime functions and the many activities in those industries along the seven and a half miles of the Port's waterfront.

Not all of it is needed for maritime and so the public is really celebrating and pushing for a diversity of activities that complement maritime around that and for the Port to really – I think that there is a public understanding more about the Port's enterprise role and not only just financing improvements but providing economic benefits and an equitable distribution of public benefits along the waterfront from Fisherman's Wharf to India Basin.

These three goals are very close to all our hearts here in the room. The last waterfront plan set a framework for a connected network of open space and parks and the work that we did on our Special Area Plan amendments in 2000 really gave that muscle.

What we have learned along the way is that historic resources along San Francisco's Waterfront has a powerful, unique characteristic that people really love and so there are goals and policies to guide us along that way to extend those benefits along the entire seven and a half miles.

The transportation and mobility goals and values are actually new content to the Draft Plan Update. It really speaks to the interface of many different types of transportation systems that use and rely on the waterfront on land and water to be able to promote public access to and along the waterfront and particularly the public access and public realm improvements that really give the public access value and the unique feel that the San Francisco Waterfront offers to the public.

Three new goals that are also added are to address the content that you know better than we do in many respects with your Baywide view perspective on the environmental sustainability, needs and objectives, which the Port actually has quite a deep bench of environmental management programs and the public's embrace of the need to prioritize those efforts so that we position ourselves to be prepared and thoughtful about taking on the task of resilience planning for not just sea level rise and flood protection but the seismic retrofit and the strengthening of the infrastructure systems and the shoreline along San Francisco as well as the security and resilience of our communities and the neighborhoods that abut the waterfront.

The only way that we can do this is through clearly strengthening the partnerships that are in place now and to really think forward in a longer term frame how we can make the decisions for investments and resilience now feed through to the longer terms of resilience and sea level rise protections that we are all going to have to be working on together.

Since 2000 when the Special Area Plan last underwent a comprehensive update which was focused on the northeast waterfront portion of the Special Area Plan that between Pier 35 and the Ballpark at China Basin Channel we believe that the comprehensive plan approach that our agencies took to really identify what are the priorities that we seek to achieve together is the formula for us to be trying to take to the full seven and a half mile waterfront.

One of the key elements was the BCDC Special Area Plan brokering of the public access and the historic resource needs of the Embarcadero Waterfront by requiring the creation of the Embarcadero Historic District.

The improvements of those historic facilities from the Ferry Building through Pier 1 and up to the Exploratorium are something that has great appeal with the public. One of the key recommendations coming out of our planning process to update the Plan is to seek more investment within these historic resources to promote more pier rehabilitation and also it is really about the resilience and the protection of these resources in the face of sea level rise.

So these projects are the lead factors for preserving, rehabilitating, preserving the maritime functions that these piers still provide and being our test run for how we can adapt the existing maritime facilities for flood protection and sea level rise.

That has been done in concert with a balanced program of fill removal which was called out in the 2000 special Area Plan amendments alongside existing parks plus the addition of new parks and new types of public access that have been created over the last 20 years.

So Rincon Park was a park that was already planned but then we were able to identify Pier 36 as a pier that we could remove in wholesale and then replace it with the Brannan Street Wharf Park so that we could address BCDC's fill and public access mission in a way that was complementary to the Historic District alongside the Promenade improvements which tie all of the open spaces together, the Bayside History Walks which created a unique type of public access experience within these rehabilitated, historic structures and then complementing that with Pier 14 and other types of public access facilities to tie the whole package together.

Those improvements by looking at the waterfront holistically, comprehensively to identify what are the priority locations for what kinds of improvements could not be done on a project-by-project, permit-by-permit basis. It really does flow from a holistic look. And that really is what we are trying to build on for looking at the full seven and a half mile waterfront from Fisherman's Wharf to China Basin.

We have done a lot of work to expand connected, public open spaces in the southern waterfront south of the Ballpark. And we would like the Special Area Plan amendments and the Waterfront Plan to work in sync so that our policies really provide for a distribution and an equitable balance of improvements and investments to support all of our interests.

So with that I will step back and give the mic to Shannon.

Ms. Fiala continued: Thanks, Diane. After the Commission initiates the San Francisco Waterfront Special Area Plan amendment process Port staff will provide proposed policy language and BCDC and Port staff will continue to meet to consider the proposed policy language in relation to the Commission's laws and policies while conducting community and stakeholder outreach and engagement with the goal of having a Draft San Francisco Waterfront Special Area Plan Amendment by May 2020.

The Port will begin environmental review for the Waterfront Plan and San Francisco Waterfront Special Area Plan as required by the California Environmental Quality Act (CEQA) which will provide the basis of the environmental assessment in BCDC's Staff Report.

So circulating a descriptive notice is only the first step in the process of amending the San Francisco Bay Plan. If the proposed notice is approved by the Commission today it will be published tomorrow. And a public hearing on this Bay Plan Amendment will be scheduled for roughly December of 2020.

Consistent with the Commission's regulations the Port entered into an agreement with the Commission in November of 2018 to pay up to $150,000 to reimburse BCDC's staff time for processing this amendment.

Approximately $100,000 remains in that contract, which is currently scheduled to end in December of 2019.

Accordingly the staff recommends that the Commission authorize the Executive Director to amend the contract to extend the end date to June of 2021 and to modify the scope to reflect the work necessary to develop the proposed policies and to conduct staff's analysis.

With that we will open the public hearing.

Chair Wasserman announced: The public hearing is open. Thank you. I have a few speakers.

Mr. Aaron Hyland addressed the Commission: Good afternoon Commissioners. I am Aaron Hyland. I was a member of the Working Group and I represented the City of San Francisco Historic Preservation Commission. And the last three years have been a phenomenal exercise and the staff has done a great job at producing the document that is now in its draft form.

I want to talk to the cultural identity of our waterfront and the importance of our phenomenal historic structures and the need to keep those in mind as we move forward with this plan.

The challenge that we have is not only to create some economically viable reuse for many of these structures but how are these structures going to be adapted to sea level rise?

And we and our team are confident that these goals are not mutually exclusive. If we work together and keep all of these things in top of mind and as a significant and important piece to the problem I am sure we will come to a good solution.

I am here to ask you to support this process but I would also like to challenge BCDC to continue to partner as one of the three goals that were identified. It is important that we all partner and put our heads together to come up with some viable solutions. Thank you.

Mr. Randall Scott was recognized: I am the Executive Director for the Fisherman's Wharf Community Benefit District and my predecessor worked closely with Diane Oshima and the Port on the Working Group. I am seeing the benefits of that work.

In the past they put together the Promenade between Pier 43 and Pier 45 as a public promenade. I am seeing a benefit of that. I am throwing a concert there October 19th.

The widening of Taylor so a connection from a cable car down to the Fisherman's Wharf area is beneficial. Jefferson Street Phase II which is coming up; Diane Oshima and her team Dan Hodapp have done a tremendous job designing that expanding the sidewalks to accommodate more pedestrians so more people down to the waterfront.

The plan that Diane quickly went over is a tremendous plan. It is a herculean effort and you will see that it is very comprehensive. It speaks to the bigger picture of the waterfront as a whole.

We are here to speak in favor that you adopt and move forward with the modification process. Thank you for your time.

Ms. Laura Schaefer presented the following: I am the Deputy Director of the Fisherman's Wharf Community Benefit. Thank you so much for having us here today. Fisherman's Wharf had 18.1 million visitors last year to our beautiful waterfront that has the unique function of being a working waterfront, attracting retail, restaurants and attractions throughout our district.

We are very proud of this gem in the northern waterfront. We work extremely closely as Randall has said with Diane and Elaine and Dan Hodapp from Planning. We are actively working with our constituents to create strategies and improvement to the working waterfront.

And one of the things that I wanted to reference was the work that we were able to do to create a North Star for Fisherman's Wharf.

So this North Star is taking into account planning. It is taking into account our retailers. It is taking into account all the public and private investment that most people don't realize is at the Wharf. We had $330 million of public and private investment.

So we are very committed to this wonderful part of the City. We are very pleased to have such wonderful partners to get to work within those 7.5 miles of glorious waterfront.

And we just want to say that this is such an opportunity for us at the Wharf and our constituents are so committed to keep ameliorating, beautifying, working with us to make this iconic neighborhood even more so.

So I just wanted to say thank you for giving me the time today and for hopefully your support.

Zak Franet addressed the Commission: Good afternoon members of the Bay Conservation Development Commission. Thank you for the opportunity to come speak with you today. I am here on behalf of the Fisherman's Wharf Restaurant Association.

The Fisherman's Wharf Restaurant Association supports the initiation of the special area plan amendment process especially when it comes to the context of removing the 50 percent rule as it is often not an economically feasible or equitable strategy for capital improvements for the restaurants located on the piers.

We also support working towards a solution which was accomplished for similar businesses and organizations in between the areas of Pier 35 and China Basin when it comes to this respect.

And we believe that the removed fill and improved public realm access measures which were taken as part of the Promenade improvements in the Jefferson Street Project was beneficial.

So we want to thank everyone for their time especially Diane Oshima and the partners at the Port for all of their hard work on this effort and we look forward to continuing to partner as this moves forward. Thank you.

Ms. Ellen Johnck was recognized: I have been a member of the Waterfront Plan Working Group for two or three years. I am happy to see the launch of this. I encourage you to support the descriptive notice. I want to thank Elaine and Diane for their leadership in this process.

I am co-chair of the Maritime Commerce Advisory Committee from the Port and have been for a long time now. I want to let you know the maritime tenants put a lot of time and a lot of work into the policies that strongly preserve maritime functions but look at how we welcome public access on the piers simultaneously.

We want you to take a really good look at those and Shannon is great.

The other main point that I want to stress is that in addition to preserving the maritime functions we very much support the tenants of opening up the frontage, the bulkhead front of the buildings to be more publicly active. We think that is a way to attract additional investment which can only do wonderful things for preserving the piers and the maritime functions.

So with that thank you so much and I look forward to further hearings.

Mr. John Coleman addressed the Commission: Thank you Chair Wasserman, Commissioners and staff. I am with the Bay Planning Coalition. We are in full support of the Staff Recommendation. I think staff produced an excellent report that they provided to you in your packet.

A couple of weeks ago Diane was able to give a much more involved overview of the port's Waterfront Plan than you heard today. It is great and I encourage you to vote "yes." (Laughter)

Chair Wasserman continued: Thank you sir. That concludes the public speakers. I would entertain a motion to close the public hearing.

MOTION: Commissioner Showalter moved to close the public hearing, seconded by Commissioner Ranchod. The motion carried by a voice vote with no abstentions or objections.

MOTION: Commissioner McGrath moved approval of the staff recommendation, seconded by Commissioner Ranchod.

VOTE: The motion carried with a vote of 15-0-0 with Commissioners Addiego, Ahn, Arreguin, Gilmore, Gorin, Pemberton, McGrath, Ranchod, Sears, Showalter, Vasquez, Nguyen, Ziegler, Vice Chair Chappell and Chair Wasserman voting, "YES", no "NO" votes and no abstentions.

10. **Adjournment.** Upon motion by Commissioner Vasquez, seconded by Commissioner Showalter, the Commission meeting was adjourned at 2:36 p.m.