

San Francisco Bay Conservation and Development Commission

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November 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 November 21, 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 1:03 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Addiego, Ahn, Butt, Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), Finn, Gorin, Lucchesi (represented by Alternate Pemberton), McGrath, Peskin (represented by Alternate Stefani), Pine (arrived at 3 p.m.), Ranchod (represented by Alternate Nelson), Randolph, Sears, Showalter, Spering (represented by Alternate Vasquez), Techel and Wagenknecht (represented by Alternate Ramos). Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: U.S. Army Corps of Engineers (Beach), Department of Business Transportation & Housing (Tavares), Contra Costa County (Gioia), Governor (Vacant), Secretary for Resources (Vacant) and U.S. Environmental Protection Agency (Ziegler).

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda. There were no public speakers on this item.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the October 17, 2019 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of October 17, 2019.

MOTION: Commissioner McGrath moved approval of the Minutes, seconded by Vice Chair Halsted.

VOTE: The motion carried with a vote of 17-0-2 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, Pemberton, McGrath, Stefani, Randolph, Sears, Showalter, Vasquez, Techel, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioners Ramos and Nelson abstaining.

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

a. **Letter to OPC on Rising Sea Level.** You did receive in your packets a letter that I sent to Dr. Mark Gold the Director of the California Ocean Protection Council regarding their Draft Strategic Plan. And the issue is that they had actually talked about moving towards a standard of projecting five feet of sea level rise but their Draft Report fell back to three and a half feet. As we all know the scientific projections are not certain either in terms of actual, total sea rise and more importantly when it will reach a level of three and a half feet, four feet, five feet, seven feet, ten feet or more – but, the scientific community is historically and appropriately conservative. The difficulties as policy makers – if we take the conservative view the reality may well outstrip, outrun and out-inundate our projections. And therefore we think as a guide and moving towards a policy of five feet is more appropriate. We did not take Commission action on that. I clearly said that in the letter. But we thought it was important to get that issue on the record and before them. And we've gotten some remarks of appreciation for doing so.

I want to make a couple of other brief remarks about our educational campaign. We have talked about four different waves of our efforts, the first one focusing on rising sea level itself which led to our Action Plan and the second on Bay fill which led to our Bay Fill Amendment and our Social Equity and Environmental Justice Amendment our Financing the Future Wave which is still ongoing and the one that has been started but is moving a little slowly is the education one. And at some level I believe that is actually the most important one because that is what is going to provide the basis for getting action from our elected leaders at the local, regional and state level and maybe even at the federal level. And this at some level requires the most effort. It is also the most difficult to figure out how to do effectively and how to fund. We are working on a potential funding method and we believe in the first quarter of next year we will come forward with a method that can provide some very significant dollars to do that.

But I wanted to touch on two points. One is a correction of the record and a plea. I have said repeatedly and many people have said that it was an effort by our children to educate us about the need for recycling that has led to the three bins here and cycling bins elsewhere. In the last few weeks I have tried to do some research to figure out how that campaign happened. We ought to talk to the people who were involved in that and I cannot find a record of that. I don't know if this is an urban myth writ-large or it just hasn't really been studied. I will continue my research and I welcome anybody who has thoughts about how to determine that to join in. Having said I can't find that I will not retreat from the importance of educating our children on it. I think the second piece that emphasizes that is Greta Thunberg the Swedish, young woman who is on the autistic spectrum. That is interesting to me because in part it is her Asperger's that allows her to be so focused and concentrated on this issue. We need to be very, very focused on this. And our voices need to be raised as her voice has been so successfully raised. I will come back to this topic on future meetings.

b. **New Commissioners.** I am pleased to announce that the U.S. Army Corps of Engineers has appointed Ms. Tessa Beach to the Commission and Mr. Tommy Williams as her alternate. I know that the Commission joins me in thanking Commissioner Galacatos for her service to the Commission, particularly on the Fill for Habitat Working Group.

c. **Enforcement Committee.** Chair Wasserman announced: I am going to have Commissioner Scharff report on the Enforcement Committee meeting that was held yesterday and any other meeting by the Committee as well. (This item was taken out of order.)

Commissioner Scharff reported the following: We had a really good meeting yesterday. We talked about Union Point Park in Oakland and we talked about Richardson's Bay.

We made really good progress in a collaborative manner with the city of Oakland, the RBIA and the city of Sausalito.

The city of Oakland put together a Closure and Park Restoration Plan which they worked with the staff on. After a presentation from the Oakland staff, their recommendations and that we then followed staff's recommendation to initiate enforcement by issuing violation notices to the permittees, the Port of Oakland which is the underlying landowner, the city of Oakland which is the lessee and possibly the Unity Council which is also a co-permittee.

But while we are issuing these everyone seems to be pretty much on the same page in coming up with a plan and we have supported the Closure Plan that they came up with.

So it is really their plan that they came up with. So it is really their plan that we will be enforcing on them. So that is why it was collaborative. And I think it is a good and compassionate approach that is happening there.

Following the issuance of these orders we expect the Committee will recommend to this Commission that it issue a cease and desist order that would require the city of Oakland to carry out its Closure and Restoration Plan.

This plan will limit encampments to a designated area by January 2020 and the city of Oakland will then engage in moving the residents to appropriate living situations outside of the Park by April 2020. And Oakland will also be engaged in other efforts to restore and reinvigorate the usage of the Park by local residents and to prevent the reoccurrence of the encampment situation in the Park and will also put together a CIP and restore the Park according to a timeline that they are going to work with staff to come up with.

On Richardson's Bay we also had multiple meetings on that situation there and it seems like we are finally moving in a direction that seems to make sense for everyone.

We've had multiple meetings on the RBRA situation that we have already talked about and then with the city of Sausalito RBRA et cetera; and after receiving both updates from the city of Sausalito the RBRA we actually also received an update from a number of members of the public and we also had updates from the marina groups and the Harbor Master that were in attendance.

The Committee approved staff's recommendation after all that and it includes in the short-term issuing letters to the RBIA and all of its members and to the city of Sausalito stating the actions that are expected to occur to alleviate the situation in Richardson's Bay.

And these actions include carrying out the short-term priorities to stem the influx of new vessels and removing all unoccupied vessels particularly marine-debris vessels.

The letter also set forth the expectation that the local entities by March of 2020 develop a long-term plan to transition vessels from the waters.

The Enforcement Committee expects updates in February and will revisit the situation and take any necessary actions in April.

Other than that there were some enforcement program developments and staff provided updates on the case load and the most recent updates. In addition to working on cases staff is also spending significant time to document procedures and develop process refinements to improve the efficiency of the case-management efforts.

At the December Enforcement Committee meeting we will expect to update the Committee on the progress in developing these procedural enhancements.

Staff is also working on policies and potential, regulatory changes in response to some of the recommendations in the Audit. Further details on the actions being undertaken will be provided as part of the update on enforcement at the December 5th Commission meeting.

And I think at that Commission meeting what we are planning what we are planning on doing is going through where we are in terms of all of the process changes and what the dates are that we expect to have those implemented. So I wanted to save all of that for that meeting.

Chair Wasserman asked: Are there any questions? (No questions were voiced) And after that meeting and that report we will prepare a report to the Legislature that was concerned with the State Audit. (Chair Wasserman continued with his Chair's Report)

d. **Next BCDC Meeting.** Our next meeting will be held in two weeks, on December 5th, when we expect to consider:

- (1) A proposed amendment to the Terminal One site in Richmond.
- (2) A proposed ferry terminal in Mission Bay in San Francisco.
- (3) The U.S. Army Corps of Engineers proposed maintenance dredging program going forward.
- (4) Hold a briefing on our Enforcement Program.
- (5) Hold a briefing on the Seaport Plan Update.

So please plan a full afternoon for that day and do not expect to get out early.

e. **Ex-Parte Communications.** Anybody wishing to make a report on ex-parte communications now is the time to do it reminding you that you still have to file a written report under any circumstances.

Commissioner McGrath was recognized: You have in your packet three emails from people and I did notify kite-boarders that I knew had potential concerns of the upcoming vote on the levees at Foster City. I did not talk to them. I did receive emails. I wanted to make sure that they were aware that this was coming up in short order. All the communications that they have are currently before the Commission.

Chair Wasserman asked: Any others? (No other ex-parte communications were reported).

f. **Executive Director's Report.** Chair Wasserman announced: Larry Goldzband will now present the Executive Director's Report.

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

On behalf of BCDC's staff, I want to thank you for attending this afternoon's jam-packed meeting that won't be over any time soon. Thirty nine years ago tonight, over 80 million Americans watched the soap opera "Dallas" to find out who shot J.R. – only to find out that it was that deadly beauty Kristen. That cliffhanger had lasted for months and spawned Vegas odds and lots of TV-watching parties. I mention that because successfully getting through today's agenda is incredibly important and we don't want any of our applicants subjected to the same kind of feverish, nail-biting wait that so many Americans suffered through in 1980.

a. **Budget and Staffing.** We have three new staff members that we plan to hire unless we hear otherwise. First, Nahal Ghoghaie Ipakchi (stood and was recognized) is slated to join BCDC on December 9th as our first-ever Environmental Justice and Community Outreach Specialist. Many of you may recognize Nahal, who joins us from EcoEquity Consulting and prior to that, the Environmental Justice Coalition for Water, where among many things, she facilitated BCDC's Environmental Justice Review Team which provided feedback and advice on BCDC's Environmental Justice and Social Equity Bay Plan Amendment. Nahal is a Longhorn having earned her undergraduate degree from the University of Texas at Austin and a master's degree in Environmental Studies from Evergreen State University, so she is also a Geoduck which might be the most interesting combination of degrees that we have at BCDC.

We are also fortunate to have found Shane Gutto a Sacramento native who has spent the last two and half years working in the Department of Justice to join us as an office technician working for the Planning and Sediment units finalizing reports, permits, presentations and providing general clerical assistance including reception duty. Shane is a Beaver having studied political science at American River College in Sacramento and has traveled widely domestically and abroad.

Finally, we plan to offer the position of legal secretary to Margie Malan. She comes to us from the Department of Industrial Relations where she started two years ago as a senior legal typist and was promoted to a legal secretary. Before that, she worked at a number of law firms in San Francisco in positions involving records management, docket coordination and law library maintenance.

And while we don't plan to hire her anytime soon at least; I want to introduce you to Jackie Shaeffer (stood and was recognized). Jackie is a Coro Foundation Fellow who started with us last week and who will be with us to just before Christmas. She is primarily assisting the planning team in scoping potential updates to the Suisun Marsh Protection Plan, preparing for the Suisun Marsh Protection Plan Update kickoff meeting on January 24th and creating a stakeholder engagement plan in preparation for our presenting our progress to the State Auditor by the end of January. Jackie is a Bruin from UCLA.

b. **Policy.** On October 30, 2019 upon consultation with the Chair, I authorized the staff to issue an emergency permit to the Union Pacific Railroad to replace a failed culvert beneath the railroad tracks in the Suisun Marsh near Goodyear Road. The failure of the culvert could have resulted in damage to the tracks which presented an imminent threat to the passenger and freight service and safety to the San Francisco Bay Area. The railroad had only recently

discovered the issue, consulted with BCDC staff on October 25, 2019 and promptly requested the emergency approval four days later. The work began on November 18th and will take about two weeks. The work is being conducted to generally avoid and minimize impacts to the adjacent tidal marsh.

On Saturday, Caltrans opened the new bike-pedestrian path on the Richmond-San Rafael Bridge. Initial estimates are that about 5,000 one-way trips took place on the path during the opening weekend including 3,600 or so users on that Saturday alone to celebrate the first-ever connection for bikes and pedestrians connecting the East Bay with Marin. I am hoping that Mayor Butt and/or Commissioner McGrath might want to comment on the Saturday festivities.

Commissioner Butt commented: I am always happy to comment on good news (laughter). It was a great occasion and in two days there were 5,000 people that biked, walked or jogged across the Bridge. They were a very eager bunch.

The festivities started at 10 o'clock in the morning and after some brief speeches were supposed to be followed by a ribbon-cutting and Amy Worth and I were supposed to lead the riot across the Bridge but the speeches got long and the people got antsy and by the time we cut the ribbon and went across the Bridge Amy Worth and I were last. (Laughter)

A good time was had by all. The one thing I would like to leave with my BCDC colleagues is that those 5,000 people who went across that Bridge found no restrooms at the Marin end. The bushes there took quite a beating. (Laughter) So if we get a chance to get some restrooms on the Bay Trail there in Marin let's jump on it.

Commissioner McGrath commented: And I'd like to add – as I recall there was a BCDC-required restroom not far from the terminus that we turned down a request to eliminate. So there is a facility that is required.

This was a marvelous day. I went out there and I saw Brad, Maureen Gaffney and Laura Thompson of the Bay Trail. I saw the people from TRAK who had bird-dogged this including Nancy Wakeman, a former BCDC Chief of Permits.

But there is a bittersweet sense in there. And I saw Robert Raeburn in the crowd and Robert has been a tireless fighter for this. But I want people to remember Alex Zuckerman who started all of this effort who has passed away.

And I wanted people to remember the two bicyclists who were struck. One of them was killed and the other was paralyzed about 15 years ago. I remember going to the State Lands Commission about 15 years ago when the long-wharf lease was going to be renewed with no public access. And I spoke after who had been paralyzed in that effort and it was very hard to speak.

So these efforts take a long time – they involve sweat, tears and – indeed – blood. And I think we should just remember those who gave their blood.

Chair Wasserman added: And one of my partners was amongst those 5,000 riders riding from Orinda to the Bridge and he biked 46 miles that day.

Executive Director Goldzband continued: One more item of note. If the schedule for the next Commission meeting holds, you will have considered 11 major permit applications including major consistency determinations and material amendments in 2019. This represents basically double the amount that the Commission usually sees in any given year and the regulatory program issues somewhere well over 140 or 150 permits, amendments, minors, region-wides; you name it – throughout the year. So it appears that you will consider the largest number of major applications considered by the Commission since 2003.

That concludes my report, Chair Wasserman, and I'm happy to answer any questions.

Chair Wasserman asked: Any questions for the Executive Director? (No questions were voiced)

7. Consideration of Administrative Matters. Chair Wasserman announced: That brings us to Item 7, Consideration of Administrative Matters. We have received an Administrative Listing and Brad McCrea is here to answer any questions. (No questions were voiced) Chair Wasserman proceeded to Item 8 on the Agenda.

8. Public Hearing and Possible Vote on Issuing a Brief Descriptive Notice to Initiate San Francisco Bay Plan Amendment No. 5-19 Regarding the Lower Walnut Creek Restoration Project. Chair Wasserman announced: Item 8 is a public hearing and possible vote to initiate a Bay Plan Map Amendment regarding the Lower Walnut Creek Restoration Project. Cody Aichele-Rothman will present the staff recommendation.

Planner Aichele-Rothman presented the following: Good afternoon Commissioners and guests. My name is Cody Aichele-Rothman and it is my pleasure to introduce this proposed Bay Plan Amendment 5-19 for the Pacheco Creek Water-Related Industry Priority Use Area.

Proposed Bay Plan Amendment 5-19 is brought to us by the Contra Costa County Flood Control and Water Conservation District. The District is seeking to move forward with their larger project, the Lower Walnut Creek Restoration Project, and they will apply for a BCDC permit in the near future. In order to do this they will need the Water-Related Industry Priority Use Area designation to be removed from the project site. The project site is located along the southern shoreline of Suisun Bay in between Pacheco Marsh and where the Pacheco Creek empties to the Bay.

Priority Use Area designations around the Bay Area are used to apply Bay Plan policies to specific areas and reserve shoreline areas for water-related uses so that there will be less need for future Bay fill in order to meet these uses. Priority Use Area designations include seaports, waterfront parks, wildlife refuges, and in our case here today, Water-Related Industry.

The Applicant would like to move forward with their tidal restoration project and the current designation for the site, Water-Related Industry is inconsistent with the new proposed use. Therefore they have asked that the Commission consider removing the Priority Use Area designation on the site. The 172-acre parcel they are requesting to remove the designation from is seen here in a detail of Bay Plan Map 2. This site would be reconnected to the surrounding tidal marsh which would also be enhanced as part of the project.

This Priority Use Area site can actually be seen on two maps in the Bay Plan. The image we just saw came from Bay Plan Map 2 right here and it also shows up on Bay Plan Map 3. These are the two maps that would need to be edited in order to remove this designation.

This is an aerial image of the existing conditions on the site. There is a berm placed around the site from the 1960s separating the parcels from the fringing tidal marsh seen here.

This berm prevents daily tidal action from entering the site, however, the site is very low and the ground water is relatively high so there are already muted marsh features across the landscape. The existing project plans would reconnect the tidal action to the site and enhance the neighboring marsh for improved habitat connectivity and increased flood protection for the area.

Here is the proposed timeline for this Bay Plan Amendment. With an approved vote to initiate today we aim to publish the Brief Descriptive Notice tomorrow, the planning staff report later this month and then hold the public hearing in January and the Commission vote in February or early March.

The applicant would then have to go through the BCDC permit process to continue the project. This project is to be the first Bay Restoration Regulatory Integration Team, or BRITT, project processed by our staff as part of the new cooperative initiative with the six state and federal regulatory agencies in the region.

Before we move on to the vote to initiate the Bay Plan Amendment does anyone has any questions or comments?

Commissioner McGrath chimed in: I do have a question about how this entails. I would presume that the analytical work that goes into this would have to demonstrate either that removal of this designation would not lead to the need for fill in other places in the Bay or that the wetland issues already present on the site pose significant, regulatory burdens that it is not a realistic situation. I am seeing nods – I would like yeses on the record please.

Ms. Aichele-Rothman replied: Yes in order to move ahead with this Bay Plan Amendment we would have to show that this water-related industries is not necessary for this site and that the site characteristics do not fit a water-related industry criteria.

Commissioner McGrath responded: All right, thank you.

Commissioner Showalter commented: I was wondering if this is within the boundary of the East Contra Costa Habitat Conservation Plan?

Ms. Shannon Fiala replied: That is a good question that we can analyze through our Staff Report.

Commissioner Showalter continued: Okay and then just if it is of course you will have to follow through on the Endangered Species Protection work and if it isn't you probably want to check them anyway because there was a tremendous amount of work done to develop the plan. Thank you.

Chair Wasserman announced: I would entertain a motion to open the public hearing.

MOTION: Commissioner Scharff moved to open the public hearing, seconded by Vice Chair Halsted. The motion was approved with no objections or abstentions.

Chair Wasserman continued: The hearing is opened and I do not have any speakers on this item and therefore the hearing is closed.

Do any other Commissioners have any questions?

(No Commissioners voiced additional questions) Would you please present your recommendations?

Ms. Aichele-Rothman read the following into the record: The BCDC staff recommendation will be as follows:

Adopt the attached Brief Descriptive Notice to initiate the process of considering a possible amendment to the San Francisco Bay Plan Maps 2 and 3 to remove the water-related industry Priority Use Area designation at a site to the west of Pacheco Creek; and two to -

Schedule a public hearing for January 16, 2020 to consider the proposed amendment.

Chair Wasserman continued: I need a motion for this item.

MOTION: Commissioner McGrath moved approval of the Staff Recommendation, seconded by Commissioner Randolph.

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, Pemberton, McGrath, Stefani, Nelson, Randolph, Sears, Showalter, Vasquez, Techel, Ramos, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO" votes and no abstentions.

9. Public Hearing and Possible Vote on the Foster City Levee Protection and Planning Improvements Project, BCDC Permit Application No. 2018.005.00. Chair Wasserman continued: Item 9 is a public hearing on Foster City's application for flood control and public-access improvements related to its levee. Walt Deppe will introduce the project.

Permit Analyst Deppe presented the following: On November 8th you were mailed a summary of the proposed Foster City Levee Protection Planning and Improvements Project to construct shoreline protection structures and redevelop public access along the shoreline levee system in the city of Foster City in San Mateo County.

This photo shows you a portion of the levee and the Bay Trail along Beach Park Boulevard as it exists today. The last major project to raise the levee along Foster City shoreline was permitted by BCDC in 1991.

The project would include levee rehabilitation work with new, shoreline protection to rehabilitate 5.9 miles of the six and a half mile Foster City levee system to retain FEMA accreditation and account for sea level rise to 2050 with an adaptation framework beyond 2050.

The project would also redevelop and widen 6.2 miles of the levee Bay Trail, provide public-access amenities and access to the Bay and provide detours during construction.

Additionally, the project would construct two bridges to increase tidal circulation to enhance O'Neal Slough in the southern segment of the project site.

This project deals with a much longer section of shoreline than this Commission often sees when considering a permit.

We have prepared a number of scale comparisons to share with you and you see some of them on the screen.

Given expected trends in planning efforts around more regional, shoreline adaptation for sea level rise it is possible that the Commission may begin to review more projects that deal with longer sections of shoreline like the Foster City Project before you today. This also shows you that the Foster City shoreline trail is a critical Bay Trail connection.

The City has continued to improve the levee over time to maintain FEMA levee accreditation including a number of smaller projects along various segments of the levee as well as a significant project along the entire levee for which the Commission issued a permit in November 1991 for raising the elevation of the levee for flood protection and included extensive public-access improvements.

The Staff Summary lists issues raised by the project, in particular whether the public access proposed as part of the project is the maximum, feasible consistent with the project as well as consistent with related Bay Plan policies on public access including those related to physical and visual access, appearance, design and scenic views and sea level rise as well as policies on protecting Bay resources.

Here you see two exhibits that show on the left the existing access points to and from the levee Bay Trail on the land side and the Bay side including ad hoc access points such as foot paths through ice plant on the levee slopes from Beach Park Boulevard and on the right the improvements to be constructed as part of the project to enable existing access including ramps and stairs and openings in the flood walls to provide access to the Bay.

The project would include features to provide physical and visual access including railed overlook platforms, a trail elevation, picnic area and access points to the Bay through the flood walls.

The Design Review Board reviewed the project in February and August of this year. At the February meeting the Design Review Board provided comments and requested to see the project again.

At the August 2019 meeting the City presented a number of project design changes based on discussions with the Commission staff and with members of the board sailing community and with input received from the Board.

At that meeting the Board reviewed the project and advised staff to continue to work with the project team to ensure that the project includes comprehensive way finding, interpretive elements and amenity-design considerations.

The City plans to prepare and submit to the Commission a comprehensive plan for these considerations within six months of the commencement of construction that include design elements including wall treatments and furnishing elements to create a cohesive experience along the levee Bay Trail and establish easily-identifiable, access locations and points of interest along the Trail.

This plan would also include topics such as historical, cultural and scientific context of the project and sea level rise risks and adaptation frameworks.

I would like to point out that none of the shoreline protection infrastructure proposed for the levee raising would be located within the Commission's Bay jurisdiction.

The proposed project would however replace existing water-access ramps including riprap near Bay Winds Park at the north of the site. This would result in a net Bay fill increase of less than 1,000 square feet.

At the southern reach of the project site there is a muted, tidal channel connected to Belmont Slough by a damaged culvert named O'Neil Slough.

The project would construct two bridges to replace earthen-fill, pedestrian pathways which separate O'Neil Slough from Belmont Slough and would open a 2,750 square foot area at both ends of O'Neil Slough to allow for full tidal exchange beneath the bridge spans to hydrologically connect O'Neil Slough and Belmont Slough.

Finally, for sea level rise and flooding you will see here a typical cross-section for a portion of the project site in the area adjacent to Beach Park Boulevard with elevations included to demonstrate anticipated sea level rise.

The anticipated life of the project is 80 years and the project plans for 1.9 feet of projected sea level rise at 2050.

The public access required by the project would primarily be sited behind the shoreline improvements so that these areas would not experience flooding during a 100-year storm event today or through mid-century.

It is also anticipated that the lower shoreline paths on the water side of the flood walls and the section of the Trail beneath the San Mateo Bridge would not be subject to flooding during a 100-year flood at mid-century projections of sea level rise.

Thus, the public access would be anticipated to be resilient to mid-century sea level rise based on the best, available, scientific data.

The permittee provided as part of the application for this project a risk assessment and adaptive-management plan that explains how the project is designed to be resilient to mid-century sea level rise projections during a 100-year storm event including wave run-up.

This plan outlines a suite of feasible, adaptation measures given site conditions and establishes an adaptation framework through 2100 with sea level rise projections of 6.9 feet and a 100-year, storm event.

That concludes the staff presentation. To present the project I would like to introduce Jeff Moneda, the City Manager for the city of Foster City.

Mr. Moneda addressed the Commission: I am Jeff Moneda City Manager of Foster City. I would like to introduce our Mayor Sam Hindi.

Mayor Hindi addressed the Commission: My name is Sam Hindi and I am the mayor of Foster City. Thank you for the opportunity to address you this afternoon.

Foster City embarked on the levee improvement project back in 2014 after FEMA had declared that our current levee does not meet the 100-year, storm, protection standard.

This project and Foster City are the canary in the coal mine if you will. We have worked and conveyed several meetings of congressional leadership and state representatives as well including Commissioner Dave Pine who is not here today but with all the regulatory agencies including BCDC. The goal was to ensure that all agencies are on the same page and that permitting requirements are clear and streamlined.

It should be noted that our city council took the initiative of addressing sea level rise by unanimously voting to build the levee to meet 2050 sea level rise that is adaptable to upgrade to 2100.

It should further be noted that our community has overwhelmingly by voting 80 percent of our voters passing a bond measure to tax themselves to the tune of 90 million dollars to build this project.

It would be an understatement to say that this project is a most important project in the City's history since its creation.

Over the past year our team has worked closely with your staff and addressed all the questions and concerns raised. We are excited and proud about this project as it will enhance access to the Bay and also widen the Bay Trail for all to enjoy.

Your approval of the permit today is critical to the progress of this project and we are looking forward to delivering what we promised, what our voters willingly agreed to tax themselves for which is to protect our community.

Thank you again for your consideration and for your commitment to our Bay and its communities. Now I will turn it back to Jeff.

Mr. Moneda continued: Thank you Mayor Hindi. Today I will presenting the project overview which includes the location, the purpose, the design, financing and the proposed project schedule. I will also include a presentation on project resilience and adaptation to future, sea level rise as well as the request for Commission action.

The project location encompasses 34,293 feet of shoreline and approximately 6.5 miles. This begins at the northern part of the City which is in the vicinity of the golf course on 3rd Avenue and heads south to the southern, city limit located near Highway 101.

The project encompasses or protects 17,000 parcels 8,000 of which are in San Mateo and 9,000 are in Foster City. We began this process by receiving the letter from FEMA indicating that we needed to raise the levee in 2014.

In 2015 we requested seclusion mapping and we were granted that status. In 2017 we had our EIR certified. In June of 2018 was our ballot measure. And as Mayor Hindi mentioned it was successful with 81 percent in support. We began our permitting process at the beginning of 2019 and we are hoping to begin construction in the summer of 2020 with a three-year, construction period ending 2023.

The project design team took a look at all the various types of levee improvements that would be feasible for Foster City. There is the earthen levee which is the least expensive alternative. There is the conventional flood wall which we are incorporating in certain areas of the City that would require some protection in some areas by construction of sheet-pile wall. And one of our designers had suggested – let's go with a hybrid, sheet-pile, wall method and

that would provide protection immediately while raising the Bay Trail and providing protection during that process.

The hybrid, sheet-pile wall is 22,300 lineal feet. The earthen, levee improvement is 5,400 lineal feet. And the flood wall is 4,000 lineal feet. So 70 percent of the project is the hybrid, sheet-pile, wall design.

For design we used the 2016 San Francisco Bay Trail Guidelines and Tool Kit. Overall the Bay Trail was widened 50 percent. Public access was improved for ADA compliance, for cyclists, board surfing amenities and general access.

The existing Bay Trail will be widened from its existing width of 12 feet or less to the improved width of 18 feet. This is a great improvement as it creates improved safety as you separate bicyclists and pedestrians.

We have a 90 million dollar bond measure which was approved in June of 2018. Included with the bond measure which would be paid for by the property owners is the authorization to use General Fund. The City Council authorized an additional 10 million dollars should we need to dip into additional funds rather than going back to the voters.

Depending on how bids come in hopefully they will come in within our budget. Should they exceed that amount at the time of award then we would look within the use of the General Funds authorized for this project.

Our timeline shows the beginning of the basis of design beginning in 2015 and laying out the permitting process time window – we are looking to begin the bid period in March of 2020 awarding the construction contract shortly after with a Notice to Proceed in July.

Assuming that we can begin construction as soon as the Notice to Proceed is out in a three-year, construction window; we are hoping for a ribbon-cutting ceremony in 2023. Any opportunities to trim that construction window will be considered during construction.

As part of our permit requirements we were required to provide an adaptation plan and be able to address future, sea level rise. So as designed the project provides erosion control and 100-year, flood protection of public, Bay access and 17,000 properties within San Mateo and Foster City with resilience to anticipated high-risk, future, sea level rise through at least 2050.

With the high range of 2018 California Ocean Protection Council Science Advisory Team the emission scenario the project is expected to provide resilience to 100-year, flood hazards through 2120. It is likely to provide resilience to 100-year, flood hazards through 2100 and 99.5 percent reliable against the 100-year, flood hazards through 2065.

Foster City has written in an adaptive management plan to address the potential, long-term impacts that might arise based on a risk assessment using the OPC/SAT projections for sea level rise through the end of the century.

In this plan we make sure that we monitor changes to the Bay sea level and plan for adaptation for future, sea level rise.

In this slide you see a number of triggers that would activate action on our part to modify certain aspects of our adaptation plan. Our project timeline is 10 years and a 50-year, planning horizon is assumed.

At this time Foster City seeks the San Francisco Bay Conservation and Development Commission approval of our project. That concludes our presentation. We have our project team here to answer any questions you might have.

Chair Wasserman announced: We will open the public hearing. I have two speakers on this Agenda Item.

Mr. Brian Perkins commented: I am the District Director for Congresswoman Jackie Speier. We want to thank the Commission for considering this project today.

It was about six years ago when FEMA came into my office with a lot of rolled maps and threw them down on a table and told me who was or was not going to be in a new, flood zone. And one of the maps was Foster City. And I took a look at it and asked, so what is going to happen here? And the answer was – they will have to buy flood insurance. I asked; when are you going to tell the City this? They replied, it takes about four to six months before we get these things approved. I responded – great, give me a call 30 days in advance, I need to retire. (Laughter)

I remember that story because these projects are daunting. And as everyone here knows when you have to go to the public and try and ask them for money – that is a tough thing to do. But in the case of Foster City there is one aspect of it that proved to be very painful; and that is that they are well-timed for federal intervention, federal funding.

There simply wasn't enough time to get the Congress onboard and to try to get federal funding. We looked all up and down the list of possible areas and it just didn't happen.

So I want to make sure that the Commissioners understand that this city council has been extraordinarily aggressive in trying to get this project done and to get it done in time. In fact their credibility is so great that FEMA took advantage of a particular piece of law that changed during that time period.

FEMA secluded Foster City for a period of time from having to buy flood insurance. So the residents for a time period now don't have to do it. But they had to have Foster City credible evidence that they were in fact going to go forward and fix the flooding problem.

And the credible evidence wasn't any kind of design or wasn't any kind of extraordinary expenditure; it was a resolution of the Council coupled with a lot of meetings saying – we are serious. We realize this is going to be expensive. At that moment they didn't even know how much. But we are serious and we are going to go forward.

And for that they were one of three or four places in the United States that was granted seclusion from having to buy flood insurance during the time when this project is going forward.

And hopefully today, if you will be so kind as to permit the project to go forward, that seclusion zone will last long enough - but that is the other point. Seclusion can be yanked away at any moment. It is an administrative choice. And if progress isn't made FEMA will simply come in at some point and say; sorry, we have to get serious here.

So we sure would appreciate it if you could do this. I also wanted to thank BCDC staff. They have been wonderful about offering advice and advice well in advance. In fact, Congresswoman Speier convened two different meetings – one in August of 2015 and one in September of 2017 in which all the regulators were invited. We probably had about 15 to 20 different agencies in attendance including the FAA at one point. And we were all trying to figure out; what are the issues here and where do things clash and where can we all find common ground? And BCDC staff was very helpful in all of that. So we sure would appreciate it if you could keep the ball rolling.

This is a fully-funded project and as Mayor Hindi said, they really are the canary in the coal mine. We'd like them to actually get out of it without being asphyxiated. Thank you so much.

Chair Wasserman continued: Thank you sir and please give all our regards to Congresswoman Speier.

Mr. Evan Adams addressed the Commission: While I sit on the Foster City Planning Commission I am not here in any official capacity. I am here to speak for myself and myself alone.

Of note during the Design Review meeting there was a public comment made that brought up Foster City. There was comment on the design of the levee. I am here to say that the design is good and we want this project to go forward.

I work in construction during the day. Understand that construction is labored by extreme cost increases right now especially for projects like this.

There is an extreme amount of anxiety in town – political and social about this levee; that it is not going to happen and it is not going to happen on time and on budget. Note that Mr. Moneda's comments about the General Fund – understand that it is a zero-sum game.

Further delay might dip into the General Fund which could affect City services for children, for other services, our roads, other things – the sooner we get this started the less chance there is of further delay.

Finally, I would like to relay to you a question that was posed at a recent town hall meeting by our mayor. A local realtor got up and asked – I don't know what to do about disclosures on my sales of my homes in Foster City because of this delay and the time that it has taken to be in front of BCDC. She didn't know how to process transactions and how to move forward.

The sooner that you make this decision and the sooner that we move forward, the sooner the real estate industry, people like me, renters who are trying to buy homes can understand what our costs will be moving forward and we can move forward with our lives and stop being "on hold" for this levee. Please get it started soon. Thank you.

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

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

Commissioner McGrath had a question: I am probably encouraged that there are no board sailors here. I think that the issues have been resolved. If you will recall the site elevation of the hybrid wall, there was a wall adjacent to the levee, so one of the concerns that I understood raised by some of the people that sail down there is that they were worried that they would not be able to get out of the water.

Now I know they met with the City. I know that it's not ideal to clamber up over rocks to try to get out but I would appreciate it if the staff could take us through what looked to me to be net improvements in the access and egress points. I think it is something that we should be sure of.

Mr. Deppe replied: Essentially the main improvements that are going to be happening in those two locations I showed you there will be water-access ramps with improvement done there.

Commissioner McGrath asked: And those would be wider, correct?

Mr. Deppe answered: Correct.

Commissioner McGrath emphasized: Substantially wider.

Mr. Deppe responded: Yes, from my understanding that is correct.

Commissioner McGrath continued: So they would be safer; that is good.

Mr. Deppe added: The original design included a railing but there were concerns from the board sailors that those would tangle up their equipment. And so the railing was removed. On Bay side there is still a shoreline path still accessible. So board sailors will be able to get up there.

The project team has worked with the board sailors to site locations where you can get from that shoreline side path up to the levee trail by staircases and other access points along the way.

Mr. Moneda stated: We have been working with the surfboard community to make sure that the design works well with their needs.

Commissioner McGrath replied: Excellent.

Mr. Chuck Anderson of Schaaf & Wheeler commented: A board surfing representative is here and we have met a number of times with them to improve the design to accommodate their needs. The most active, board-surfing area is from what is known as the Upper, Third-Avenue launch which we are not doing any improvements to. It kind of wraps around until you get to the San Mateo Bridge and there is something called Last Chance Beach which if you beyond you are in some real trouble. (Laughter)

We have two water ramps. One ramp is for emergency, rescue craft to better enter the water. The other is for people to enter the water and once upon a time we had some rails there but meeting with the surfing community we understood that this would be problematic for them so those have been removed.

We have a number of egress and ingress points all along that stretch I mentioned including some additional board kite-surfing, lay-down areas where you can put your rig together and get into the water.

You did mention the wall and there are a couple of places where if people got stuck it would be a problem so we added a staircase to get up and over the wall. So we think it is safe and it is an improved recreational site for them.

Commissioner McGrath continued: Thank you for that. I am going to put Mandy Browning on the spot and I will introduce the rest of you to Mandy who is one of the fastest women on water in the world. She was the person who first brought these concerns to us. Mandy are you happy?

Ms. Browning replied (off mic): Yes I am happy.

Commissioner McGrath acknowledged: Mandy says she is happy. If Mandy is happy I am happy. (Laughter)

Commissioner Addiego was recognized: I just wanted to attest to the fact that it is great to see a community step up and take care of a problem in a big way that Foster City did. This is an incredibly popular portion of the Bay Trail. And occasion I have enjoyed this portion of the Bay Trail as a pedestrian. It is incredibly scenic and the Bridge is quite striking from that vantage point. I am glad to see that they are moving from 12 to 18 feet because on occasion I have encountered Mayor Hindi on his bike and we will all benefit by that extra six feet. (Laughter)

I think that I was interested to note that you are protecting 8,000 parcels in the city of San Mateo. I am wondering - do those parcels or the city of San Mateo participate in any of this effort financially?

Mr. Moneda explained: In previous years when they conducted their improvements they did not tax the Foster City property owners.

Commissioner Showalter was recognized: I have a question about how this tax, the magnitude of the tax compares with the cost of flood insurance. What is the cost of the tax?

Mr. Moneda answered: We did it based on an average, assessed value of about 600,000 dollars. We all know the values are way higher than that. But that is assessed value.

A lot of our owners bought it and are original, property owners so that is an average. So based on that it was 400 and change per year versus about 2500 dollars minimum for flood insurance. So it is pretty significant – the difference between the tax itself versus the property insurance required. In some cases they were as high as 5,000 dollars a year.

Commissioner Showalter opined: So it is an excellent trade-off.

Mr. Moneda agreed: Yes ma'am.

Mr. Deppe presented the Staff Recommendation: On November 8th you were mailed the Staff Recommendation for this project. Staff recommends conditions related to public access including requiring the 35.1 acre area of the project site along 6.2 miles and associated amenities to be made available exclusively to the public for unrestricted, public access and requiring the City to provide detour routes and signs for the duration of the closure for construction-related activities and to alert recreational users to impending closures.

Staff also recommends a condition to prepare and submit to the Commission a comprehensive wayfinding, interpretive elements and amenity design plan within six months of the commencement of construction for review and approval.

Additionally, conditions are included to avoid and minimize adverse impacts to the Bay and its resources including construction best-management practices as well as requirements to provide photo documentation to demonstrate the success of the O'Neil Slough enhancement portion of the project.

Finally, conditions are included to require the flood reporting and review of the risk assessment and adaptive-management plan provided with the application every five years with the first review due in the year 2025 and updates to that plan as needed as well as requirements to plan for and implement adaptation measures for sea level rise as they become necessary.

With these and other conditions outlined in the Staff Recommendation the staff believes that the project is consistent with the Commission's law, Bay Plan policies and approved, coastal-management program.

With that we recommend that you adopt the recommendation before you. Thank you.

MOTION: Commissioner Scharff moved approval of the Staff Recommendation, seconded by Commissioner Addiego.

Chair Wasserman asked: Does the applicant's representative agree with the Staff Recommendation?

Mr. Moneda replied: Yes.

Commissioner McGrath added: I would just like to give a brief note of appreciation for the quality of the staff work and the efforts of the City. This is a really, big project. It appeared to me that it was a fairly, significant net-improvement for public access throughout the area and they responded extraordinarily well to the concerns about safety. So I think this is great work by everyone.

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, Pemberton, McGrath, Stefani, Nelson, Randolph, Sears, Showalter, Vasquez, Techel, Ramos, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Executive Director Goldzband commented: First of all I want to thank the city of Foster City. It has been a complex series of negotiations and discussions. You all have been great to work with. I also want to note for the Commission that this is Walt's first, major and he handled it greatly. I also want to thank Brian Perkins. As a former congressional staffer I know how hard it is to be a district director especially for one who used to sit on BCDC which Congresswoman Speier did.

Chair Wasserman added: Thank you all very much and thank you all for the work on a very important project. In many respects this is a canary-in-the-mine project.

10. Public Hearing and Possible Vote on an Application by FC Pier 70, LLC, and Port of San Francisco for Pier 70 Mixed-Use Development Project, near Pier 70, in the City and County of San Francisco. Chair Wasserman announced: Item 10 is a public hearing and vote on the proposed Pier 70 Mixed-Use Development Project along the San Francisco Waterfront. Ethan Lavine will make the presentation.

Chief of Permits Lavine presented the following: On November 8th you were mailed a summary of an application by FC Pier 70, LLC and the Port of San Francisco for a new mixed-use neighborhood on a formerly industrial section of the San Francisco Waterfront.

Here's a video to orient you to the site. The project area is located along San Francisco's Southeastern Waterfront, south of the Mission Bay neighborhood and immediately east of the Dogpatch neighborhood, within a stretch of the waterfront that is currently inaccessible to the public.

The proposal would redevelop the 28-acre site as a mixed-use development. The project would be developed in phases over a period anticipated to be about 10 to 15 years. Once complete, roughly 10,000 to 11,000 people are anticipated to be here – that includes a mix of new residents and employees within the office and commercial spaces.

No work is proposed within the Bay itself. Within the Commission's shoreline band the majority of the area would become a waterfront park. There would also be some rehabilitation work to the existing, ripped shoreline, some areas for private dining along the edges of the buildings lining the park and a new waterfront street.

In total, the project provides approximately 2.6 acres of new shoreline public access areas including recreational lawns, picnic areas and pavilion structures that are intended to frame key views.

This also includes a minimum 20-foot-wide Bay Trail segment that runs adjacent to the shoreline and that continues along 20th Street at the north of the site where it will eventually link up to Crane Cove Park which is the new park that will be opened to the north and that the Commission approved in 2017.

There's also a narrower path that is built along the very edge of the shoreline. This path links up the various historic piers—called "Craneway Piers" that are a remnant of the time when this area was used for ship building and repair. You can see these piers in each of the renderings on the screen.

In terms of sea level rise and how it is anticipated to affect the site in the future, most of the site will be raised to an elevation that will not require adaptive measures until very close to the end of the century. However, the lower shoreline path and historic Craneway Piers will remain at the site's existing grade. By around mid-century they will likely experience more frequent flooding and eventually will need to be retrofitted or removed. Therefore, the applicants are proposing that this narrow band along the shoreline be an area for managed retreat or for other adaptive measures to be determined as part of the adaptive planning which will occur in the future.

The applicants propose that in addition to the more passive recreation uses you see in most waterfront parks that regular, special-event programming be allowed. Under their proposal there would be events allowed in some portion of the park during every day of the year. And on up to 100 days each year medium or large events would be allowed that might occupy even more of the park. Most would be free and open to the public but a smaller share would be allowed as ticketed events and a smaller share would be for private events. Group classes and reservations for picnics and very small events would also be allowed within the park. Events would be restricted to defined event zones within the park and would never be held on the Bay Trail.

In closing, the issues raised by the project relate to whether the project provides maximum, feasible, public access to the Bay and shoreline consistent with Commission's law and Bay Plan policies including how the park is designed with the public users in mind, how it will continue to function with rising sea levels, and how it accommodates proposed special event programming.

With that, I'm going to turn it over to the applicants for their presentation.

Ms. Catherine Riley addressed the Commission: I am Catherine Riley from Brookfield Properties. We are a co-applicant with the Port of San Francisco. We are the master developer for 28 acres of the Pier 70 Project.

It has been a little over three years since we had our first meeting with the DRB (Design Review Board).

I'd like to thank BCDC staff for working with us over the years especially Ethan as well as Andrea Gaffney. They have been extremely helpful throughout helping us through this process.

Our project is located on the waterfront in San Francisco south of the new Chase Center and Crane Cove Park and east of Dogpatch.

The site is historic to shipbuilding. You can see that through the remaining architecture and infrastructure throughout.

Currently none of the site is open to the public. And we are very excited that this will be the first time in over 100 years that the entire waterfront will now be open with public access.

The Pier 70 Project is a result of over 10 years of planning with the community holding over 50 events including over 75,000 people. Due to being located on Port property and height limitations we also had to go to the voters for approval and passed at 73 percent which is amazing for San Francisco.

At full build-out Pier 70 is going to have over 3,000 new units, 1.75 million square feet of commercial with some additional space in our historic courts in the north, half a million square feet of retail and makers space and light industrial, a new arts building as well as nine acres of new parkland, seven of which are within our 28 acres.

Approximately 25 percent of our 28-acre site will be dedicated, open, public space.

The project also includes a robust, public, benefits package in addition to the nine acres of parkland. Also 30 percent of the residential units will be affordable. The site will be raised to address sea level rise. We also are forming a community, facility district so there will be another dedicated, funding source for future adaptation strategies as necessary.

There is an existing arts building which we will be replacing out there. So we will be retaining those artists onsite in subsidized space.

We will restore three, additional, historic buildings and have a transportation, management program and a robust, workforce program to ensure that we provide opportunities for local, smaller businesses and workforce.

We are going to be developing this project over three phases. The yellow phase in front of you is Phase 1 to ensure that we are able to get people to the waterfront opening day of Phase 1 parks.

We have actually front-loaded the parks and infrastructure so we are putting in 50 percent as part of Phase 1 and 25 percent in the following ones.

We wanted to make sure that we got people back to the waterfront as soon as we could.

We were approved in November 17th and we have already raised most of these streets that will be for Phase 1. We are installing infrastructure and our general contractor is ready to roll on the parks as soon as we have BCDC approval.

We also recognize that we want to bring people into the site as we are still continuing to do during interim activation. We are hosting various events to keep the enthusiasm high and people involved in the site.

With that I am going to turn this over to Richard Kennedy from JCFO our landscape architect.

I do want to recognize that we have representation from the Port, Ming Yeung and Christine Maher. And we also have other representatives of our team for questions at the end. Thank you.

Mr. Kennedy addressed the Commission: I want to thank the BCDC staff who has been extraordinarily helpful. It has been quite a long series of conversations.

Pier 70 is quite a unique place. Its historic character is significant. Its former legacy as a shipbuilding site is still evidenced by the large building sheds that remain and will remain with new uses. This will ultimately lend a unique quality for what will be a new neighborhood here.

Pier 70 is also distinct in that it sticks quite far into the Bay. This means it has great exposure to the skyline of San Francisco to the north. It actually gets a bit more blue-sky days. The fog doesn't always get to that edge of the Bay.

It is adjacent to Dog Patch which is a burgeoning, creative neighborhood with lots going on. It was key that we made a connection between Dog Patch and the waterfront.

We are also creating a Bay Trail that will link from Crane Cove down to the Potrero Power Plant north to south through the site. This is an enormous amount of connectivity.

The center of the park is the main magnet of the site. It is a large, open, flexible lawn and quite simple in many ways and open to flexible uses. It is positioned between two of the finger piers that will remain and be refurbished as pedestrian, access points to the water.

It also distinguished by what we are calling a Craneway Pavilion which is one of three large-scale, metal structures that are designed to frame vistas, frame horizons. It captures the downtown skyline, the Bay Bridge, Yerba Buena and parts of Oakland. So it is a large viewing frame but it also is meant to evoke the shipbuilding past and do it in a way that becomes a social element.

The north portion of the waterfront is more low-key. This is partly inspired by the fact that the historic Pier 70 was a dilapidated, wooden pier out in the water and all of its old piles are still out there. They create a great texture that is unique.

And so we have open, picnic lawns, picnic terraces with picnic tables under shade trees and other amenities for residents in Dog Patch and in the future neighborhood to come out and enjoy.

So it is quite simple, rustic, informal and meant to be accommodating and welcoming to all sorts of people from all backgrounds.

We have a second pavilion oriented towards the dry dock in the north. The idea is when that dry dock is in operation you can stand under the shade of the pavilion and have a perfectly framed view of the massive ships under construction and repair.

The Bay Trail will also run continuously through the waterfront connecting the sites north and south and the purely, flush, accessible, uniform surfacing to the picnic areas along the water's edge.

South of the central lawn is what we are calling the Waterfront Promenade. This is adjacent to residential buildings that will have ground-floor food and F&B programming. It is meant to spill out and activate the park and provide food offerings. There will also be seating areas south of this area that allow for taking in a view, dining, picnicking, gathering fully public and fully open to everyone.

And we have access to four of the finger piers that still occupy a great and proximal location to water each with a unique piece of furnishing to invite people to come out, sit and spend some time looking out at the 360 degree panorama.

The third viewing pavilion at the very southern end of the site is aligned to the 22nd Street Viewing Corridor so it frames the view from Dog Patch to the Bay inviting people out and drawing them to the water's edge.

Once you get there it is the smallest and most intimate of scale pavilions with seating terraces built in so you can sit under the shade enjoying views to the East Bay.

And the very southern end is transitioning to the future, Potrero Power Plant site where we can transition and have a greener landscape that creates great buffer and transition from one project to the next.

The last piece is how the project will adapt over time to rising sea levels. The areas in blue are being maintained at their current levels of elevation. This is to allow access to these historic elements so people can actually use them and see them and evoke the historical use of the piers as part of the shipbuilding operation but also have close access in closer proximity to the water.

But over time beyond 2050 these become vulnerable. And so we have a series of mitigation adjustments to accommodate when you have King Tide events and where water may be an issue.

We have three techniques shown in this diagram. The red is where we have temporary barriers that were placed on a few of the ramps that descend down to the lower level and these are half way down the ramps where the highest level of water might achieve.

There are the blue elements that are at stairways. So these are temporary barriers with signage to indicate temporary limitations to access.

And then we have the green zones which are where we have seating terraces which by their nature of a place to sit and perch provide a signal of an area to consider because of its flooding.

So the overall design is meant to evoke its historic past – kind of give it dignity and respect and make it a powerful and distinctive aspect of this particular waterfront in the Bay but mostly to make it a casual, passive, welcoming and informal parklands that anyone in Dog Patch and the City and the surrounds can come and feel welcome here and enjoy the spectacular vistas, eventfulness and all the other offerings that this point in the Bay can achieve. Thank you very much.

Chair Wasserman announced: We will open the public hearing. I have one speaker, Uriel Hernandez.

Mr. Hernandez addressed the commented: I am the Southeast Area Manager for the San Francisco Parks Alliance. The Parks Alliance champions, transforms and activates parks and public spaces throughout the City. We believe everyone deserves a local, driving and safe public space.

I am here to speak in support of the Staff Recommendation to approve this project with all the listed conditions of approval so we can help establish and strengthen a publicly-accessible waterfront in this neighborhood.

The Blue Greenway is a multi-agency effort to create 13 miles of new parks and trails along the southeast waterfront of the City.

This project would be the latest in this effort and complement the nearby Crane Cove Park that is currently under construction. This project would add over two acres of a new public shoreline most of which is in the Commission's 100-foot jurisdiction. In addition over four acres of open space would be constructed throughout the rest of the project site and the Bay Trail would be extended along this waterfront in addition to a secondary shoreline path created to bring people even closer to the Bay to showcase the amazing space that we have in the southeast part of the City.

Additionally the sea level rise and climate change considerations in this design will work to show users and members of the public just how our shores will change over time and provide options for how to adapt to that change.

In short this project will bring much needed public space this area and I really ask for your support. Thank you.

Chair Wasserman continued: I would take a motion to close the public hearing.

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

Commissioner Nelson chimed in: I have a question for staff. San Francisco is changing extraordinarily rapidly and we heard testimony about that when we last heard from this project. We've adopted environmental justice policies to help us think through those issues.

This is a very large project and we have very limited jurisdiction over most of the project site. So with those two things in mind I was hoping staff could talk us through how our new EJ policies apply to this project.

Mr. Lavine replied: The EJ policies are new and we have been considering this project for quite some time but we knew they were coming. So we were thinking about them even a year or two ago. One thing we did do is inquire with them about their public-outreach process. And they provided us with some information about the work they did to reach out to the communities adjacent to this area and I am sure they can provide some more input on exactly how that process worked for them.

It is also true that the project is mostly outside of our jurisdiction and that is not uncommon with large, mixed-use projects like this.

We consider the public's experience along the shoreline to include getting to the shoreline and we think through connections both pedestrian and bicycle connections from interior of the site, in this case the Dog Patch neighborhood view corridors down to the Bay.

And we think about the public programming on this site and if it will enhance or detract from that experience and will bring a mix of people to this waterfront and will they feel comfortable here.

So those are questions that the Design Review Board considers as well. And they think about it quite a bit when they reviewed the design of the project.

Mr. Goldbeck chimed in: I just wanted to point out that while it is good to discuss the EJ policies that the Commission has adopted they don't have force until they are approved by the Office of Administrative Law which is now considering them. And probably in the next couple of months they will be approved.

Commissioner Addiego was recognized: I was listening intently to the applicant's aesthetic description of the pilings remaining in the water. And certainly the water is BCDC's jurisdiction.

I was just wondering Mr. Lavine did we have any discussions about the advisability of all remaining, maybe part remaining – I think 10 might speak to what was there and it looked like there were 50.

Mr. Lavine explained: In this case the boundaries of the project were drawn such that the Bay is not a part of the project area. There is one element that we did see an earlier version of the public access where it was unclear what the future of Pier 70 would be. And it was shown basically intersecting with the shoreline and there was at that time an idea that perhaps a fence would be installed between the Bay Trail and the Pier which is dilapidated and not safe for people.

And luckily in the intervening time the Port of San Francisco has elected to remove that portion of Pier 70. That was actually mitigation for the Fireboat Station Project which the Commission approved earlier this year.

As for the other elements in the Bay those remain within the jurisdiction of the Port of San Francisco and it is not a part of this project but it is conceivable that in the future they might elect to do something about it or they might not.

Commissioner Butt commented: I take it that on several of these site plans there is a big L-shaped pier. Is that Pier 70? It looks like it is partly collapsed or something.

Mr. Lavine replied: That is correct. That is Pier 70 and at least a portion of the L that extends out directly from the shoreline is to be removed.

Commissioner Butt asked: How much of it?

Mr. Lavine answered: That part I can't speak to. The Port of San Francisco is here and they may be able to tell us exactly what portion of it is to be removed. But my understanding is that it includes the portion that is directly on the shoreline so there is no public-safety threat from people going onto the pier.

Commissioner Butt continued his inquiry: Are we talking about inches, feet or yards?

Mr. Lavine responded: It is a sizable area. It is roughly equivalent in size to the fill that was created by the new Fireboat Station. So it is the size of a large building.

Commissioner Butt continued: I guess the question I have is why wouldn't somebody - the City or BCDC make it a condition of approval to take all of that out? It is obviously not going to be used anymore and it is an eyesore and it is a public-safety hazard. I don't understand with a project of this magnitude that is going to have this level of investment why that vestige of Pier 70 is going to remain.

Mr. Lavine replied: That is a good point. It was a concern to staff particularly the public-safety implications of keeping it close to the shoreline.

We discussed with the Port and their intent is to remove Pier 70 over time. As far as I understand they are not removing it in total at this point.

Commissioner butt asked: Can we add that as a condition of approval?

Mr. Lavine replied: One other complication with the way this project is defined is that no work occurs within San Francisco Bay. If there was work occurring within the Bay then we would be analyzing the impacts of the fill and oftentimes removal of the fill is required as a condition of approval.

In this case we are limited to the shoreline band and within our law the McAteer-Petris Act when we are reviewing a project that is within the shoreline band our objective, our requirement is that we consider the project consider the maximum, feasible, public access consistent with the project and if it is consistent with the priority use designation for the area.

In this case there is no work in the Bay so it does limit our ability to condition work in the Bay.

Commissioner Butt surmised: So what you are saying is it is outside of BCDC's jurisdiction. It is off limits.

Mr. Goldbeck replied: Only in the context of the proposed project.

Commissioner Scharff was recognized: Who gets to define the project? That is really the question. Why does BCDC not define the project?

Mr. Zeppetello explained: Well I think in this case the answer is that there is no work proposed in the Bay. So we have had this issue with defining the project where applicants seek to segment the project – the upland portion versus the Commission’s jurisdiction. But in this case since there is no work proposed in the Bay this is a shoreline band project as far as your jurisdiction here today.

Commissioner McGrath chimed in: Many years ago before I was a BCDC Commissioner but I was a member of Bay Access which was trying to create the Bay Water Trail one of my colleagues took me down to this area. And he lived in the Mission which didn’t have access to the water. And he took me all along the shoreline and eventually had me speak at one of the first Blue Greenway workshops about how you get from there where there was virtually no access to here.

So even though this area is changing and the gentrification is going to change the nature – these projects provide access that doesn’t exist and hasn’t been there. I’m not willing to let perfect be the enemy of good.

On the question of removal of fill I have been a developer on this issue and I think we can change policy but I don’t think we should do it in this permit.

As staff for the Port of Oakland we had pieces of fill that we might not need – we didn’t take them out because we might need them in the future for mitigation.

I would love to see policies and funding and other mechanisms to create mitigation banks because it gets the fill out of the water sooner and because it reduces the administrative costs of mitigating for fill. I like removal of fill I just hate to see local governments pay premium in administrative costs.

So I think it is a good policy idea to be able to do that. I just don’t think you can do it here where there is no real nexus to making that a requirement for something that they’ve done to the Bay. But as a policy change it is something I would love to see.

Mr. Lavine presented the Staff Recommendation: The staff recommends that the Commission authorize the proposed project, with conditions to:

Require the 2.6 acres of public access areas in perpetuity.

Provide a Bay Trail Connection that continues along 20th Street.

Ensure that Special Events occur with a focus on low-cost and free events.

Require Sea Level Rise adaptation planning to ensure ongoing viability of the public-access areas.

And to establish permanent view corridors down the major streets running perpendicular to the Bay.

As well as the other conditions included in the staff recommendation.

So with that we recommend approval.

MOTION: Commissioner Randolph moved approval of the Staff Recommendation, seconded by Vice Chair Halsted.

Chair Wasserman asked: Will someone from the applicant indicate whether you are accepting the Staff Recommendation?

Ms. Catherine Riley from Brookfield replied: Yes we accept.

Ms. Ming Yeung from the Port of San Francisco replied: We accept.

VOTE: The motion carried with a vote of 18-0-1 with Commissioners Addiego, Ahn, Gilmore, Scharff, Finn, Gorin, Pemberton, McGrath, Stefani, Nelson, Randolph, Sears, Showalter, Vasquez, Techel, Ramos, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Butt abstaining.

11. Vote on Proposed Bay Plan Amendment No. 4-19 Concerning a Bay Plan Map Change to Reconfigure the Waterfront Park, Beach Priority Use Area Designation at India Basin in the City and County of San Francisco. Chair Wasserman announced: Item 11 is a possible vote on the India Basin Bay Plan Map change. Shannon Fiala will make the presentation.

Planning Manager Fiala presented the following: Thank you Chair Wasserman and Commissioners. You have before you a staff recommendation dated November 8th regarding the proposed Bay Plan Amendment 4-19. Today I am going to present staff's recommendation for the requested boundary change of the Waterfront Park, Beach Priority Use Area at India Basin in San Francisco.

To remind you, India Basin is located in the southeast corner of San Francisco. The project site which is approximately 39 acres is bounded by Hunters Point Boulevard on the northwest, Innes Avenue on the southwest, Earl Street on the southeast, and San Francisco Bay on the northeast. There are two existing parks in the project vicinity, India Basin Open Space on the project site and India Basin Shoreline Park located to the northwest.

As a reminder of the three-part Bay Plan Amendment process the Commission initiated this amendment in August and staff published a staff report including its preliminary recommendation in September which started a 45-day comment period. The Commission held a public hearing on October 3rd and staff published a revised and final staff recommendation, including response to comments, on November 8th which brings us to today's potential vote on the requested Bay Plan Amendment to alter the Park Priority Use Area boundary at India Basin.

Finally, the Applicants are currently in the pre-application phase for a BCDC permit for the proposed project through which the Commission will analyze the consistency of the proposal with BCDC's law and policies including the newly adopted environmental justice and social equity policies, which will hopefully be in effect by then. And there will be several more opportunities for the public to provide input.

First a brief reminder on BCDC's priority use areas and Bay Plan maps: Bay Plan maps are an integral part of the Bay Plan and they show how to apply Bay Plan policies to specific areas.

The McAteer-Petris Act states in part that, "certain water-oriented land uses along the Bay shoreline are essential to the public welfare of the Bay Area, and that these uses include water-oriented recreation and public assembly, and the San Francisco Bay Plan should make

provisions for adequate and suitable locations for all these uses thereby minimizing the necessity for future Bay fill to create new sites for these uses..." The Bay Plan maps identify these as priority use areas or PUAs.

The McAteer-Petris Act also states that "[i]f a function or activity is outside the area of the Commission's jurisdiction, any provisions of the [Bay Plan (including Bay Plan maps)] pertaining thereto are advisory only" which is largely the case for the India Basin Park PUA.

Currently the entire area shown in blue is designated as a Waterfront Park, Beach Priority Use Area or Park PUA on Bay Plan Map 5.

As shown here in hash marks the applicant proposes to develop 17.84 acres of privately-owned land outside the Commission's jurisdiction with residential, retail, commercial, office, institutional space and recreational and art uses which is referred collectively as the 700 Innes Avenue, Mixed-Use Development. The applicant also proposes to remove the designation from 0.06 acres or 2500 square feet shown circled in red in the Commission's shoreline-band jurisdiction which is proposed to contain a portion of the backyard of an existing residence that is proposed to be relocated to facilitate the mixed-use development at 700 Innes Ave.

Prior to reducing or eliminating a PUA within the shoreline band that had been designated because of contemplated acquisition necessary to implement the priority use the McAteer-Petris Act directs the Commission to first make a finding that there is no substantial probability that a public agency will be committed to acquiring the PUA within a three-year period commencing January 1 of the year following the year in which such a finding was made. This provision of the Act applies only to the 0.06 acres of the PUA within the shoreline band.

By way of making that finding the City has approved the development agreement for the project and the City has designated the site for development and does not intend to acquire it for park use. No other public agency has indicated that it is committed to purchase the property and the site owner is not interested in selling the property.

The proposed boundary of the PUA is shown here outlined in dark green and would remain on 11.6 acres of the project site including the 7.8-acre, existing India Basin Open-Space property. Furthermore, the existing India Basin Open Space would be expanded with an additional 3.6 acres shown here in light green and the Park PUA would be retained for the adjacent India Basin Shoreline Park and the area comprising 900 Innes Avenue Project to the northwest.

Finally, removing the Park PUA designation from the property would be consistent with the City's General Plan and Zoning Map for the Southeastern Waterfront.

Allowing construction of the mixed-use project outside of BCDC's jurisdiction will allow for improvements on, and long-term funding of, the 20 acres of Waterfront Park that will remain in the PUA in India Basin.

The applicant in coordination with the Port and City Recreation and Parks Department (RPD) has made significant financial, logistical, and managerial contributions to planning efforts in the larger India Basin area. Portions of the 700 Innes Avenue property including areas currently owned by the applicant will be granted to the public trust under the Port's ownership and RPD's management and incorporated into the existing IBOS property. In addition to

funding design, permitting, and construction of the India Basin Open Space improvements and redevelopment, the 700 Innes Avenue Mixed-Use Development will create a permanent Community Facilities District that would generate necessary funding to provide enhanced maintenance and public operations in perpetuity for not only India Basin Open Space but also the proposed park at 900 Innes and improvements to the adjacent India Basin Shoreline Park.

The proposed public access as well as the rest of the project will be analyzed for consistency with BCDC's law and policies through the BCDC permit process.

On November 17, 2019 the Commission adopted Bay Plan Amendment 2-17 which added new policies and findings regarding environmental justice and social equity to the Bay Plan. Although these policies and findings are not yet in effect because they have not yet been reviewed by the State Office of Administrative Law, staff has prepared the following analysis for the Commission's consideration and we welcome your feedback on that analysis. Please see page 5 of the Staff Recommendation for reference.

As described in the EIR, historically, the Bayview Hunters Point neighborhood has been the location of City's heaviest industries and its greatest concentration of public housing supporting the area's highest population of low-income residents. The three largest public housing developments in the area, Hunters Point East/West, Westbrook, and Hunters View are located in the project vicinity. CalEnviroScreen 3.0 shown here is a screening tool that ranks California communities based on potential exposure to pollutants, adverse environmental conditions, socioeconomic factors and prevalence of certain health conditions. CalEnviroScreen ranks Bayview Hunters Point in the 90th percentile which means that Bayview Hunters Point has higher pollution burden and pollution vulnerability than 90% of California.

Starting in December 2013 the applicant worked with neighbors and Bayview community groups holding or presenting, at over 150 community meetings to attempt to ensure that the project reflects the communities' needs and desires. Community Benefits will include, but are not limited to: an on-site childcare facility, a transportation fee that would support public transportation, 25% affordable housing, a public market to support local businesses, and workforce training to employ community members in the construction and maintenance of the project.

Transportation fees would be specifically used to increase service of the 44 O'Shaughnessy bus route or to provide a dedicated shuttle to nearby regional transit facilities downtown. In addition to providing additional transit to the area these improvements would reduce pollutants from potential vehicle trips associated with the Mixed-Use Development. The Mixed-Use Development itself will include other transportation improvements including new intersection signals and pedestrian crosswalks at five intersections, left-turn pockets at three intersections, Innes Avenue streetscape improvements, and a new street grid on the India Basin site.

However, there remain several issues that some community members and community-based organizations continue to believe will cause disproportionate impacts to their community as expressed through the CEQA process as well as through public comment directly to BCDC. Specifically, there are issues around gentrification and displacement which I will discuss here and air quality and contamination which I will discuss on the next slide in the context of the EIR.

Some members of the community have expressed concern that the proposed project with nearly 1600 units will create additional, real-estate pressure that will either physically or culturally displace current residents. In recent years numerous developments have been proposed and/or are under construction in other locations on the waterfront of San Francisco that will include similar or higher numbers of units, including Mission Rock (1,500 residential units), Pier 70 (1,100 – 2,150 units) which are north of India Basin and the Candlestick Redevelopment Project which will include 1200 units in Phase 1 and potentially up to 25,000 new residents via subsequent phases south of India Basin.

In addition, one community-based organization has raised concerns about the nature of the proposed open space and its accessibility to local residents. For example, with respect to a proposed boat launch Greenaction has stated in their comment letter on the Draft EIR dated September 2018 that “plans to promote kayaking at the site will contribute to the gentrification threatening to displace long-time people of color and residents from their community.”

Through the BCDC permit process community members and other interested parties will have the opportunity to provide input into the public design to help ensure that the design is, “welcoming to all and embraces local multi-cultural and indigenous history and presence,” per the recently adopted Bay Plan Environmental Justice and Social Equity policies.

The environmental impacts of the applicant’s proposed project including the Mixed-Use Development at the 700 Innes Avenue property and redevelopment of the India Basin Open Space property were assessed in the “India Basin Mixed-Use Project Environmental Impact Report” (EIR) for which the Notice of Determination was issued on November 8, 2018.

In converting the project site from the largely vacant lot shown in the existing condition on the left to the rendering of the proposed development on the right, the EIR concludes that the project would have significant and unavoidable impacts to air quality; specifically that the project would generate emissions of criteria pollutants and precursors during construction and operations that could violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria pollutants and that the project would generate emissions that could expose sensitive receptors to substantial pollutant concentrations.

In their comment letter to BCDC on this project, San Francisco Planning staff note that with regard to the health risk related to particulate matter concentrations, “the air quality analysis yielded particulate matter 2.5 concentrations that were substantially higher than San Francisco’s significance threshold which is more stringent than the threshold adopted by the Bay Area Air Quality Management District reflecting concern for the location of the project in an area that experiences high levels of air pollution”.

In their letter to San Francisco Planning dated September 2019 Bay Area Air Quality Management District staff concur that “the City’s analysis of India Basin was very conservative and tended to over-predict the impacts in order to be as protective as possible”.

The EIR requires six mitigation measures to address the proposed project’s air quality impacts to reduce criteria air pollutants and health risk. But even with those mitigation measures those impacts would not be reduced to less than significant levels.

Regarding contamination, as described in the EIR, contamination has been identified at India Basin Shoreline Park, 900 Innes Avenue, India Basin Open Space and at the 700 Innes Avenue property.

Soil sampling results indicate that there are occurrences of slightly elevated concentrations of metals, benzo(a)anthracene and polyaromatic hydrocarbons (PAH) in some locations. Sampling results indicate that some nearshore areas contain heavy metals, PCBs, PAHs, and total petroleum hydrocarbons (TPH).

Groundwater sampling detected metals and TPH at low concentrations. As a result, the EIR mitigation measures include implementation of a Site Mitigation Plan for Areas Above the Mean High-Water, a Nearshore Sediment and Materials Management Plan for Areas Below the Mean High-Water as well as a Remedial Action Plan for the 900 Innes Avenue property through which the project's impacts related to hazardous materials would be reduced to less-than-significant levels.

Finally, the BCDC permit process will analyze potential impacts on Bay resources including contamination and will include coordination with the Department of Toxic Substances Control.

As a reminder, Greenaction appealed the Planning Commission's certification of the EIR to the San Francisco Board of Supervisors. In October 2018 the Board denied the appeal. Although the EIR found that some adverse environmental impacts were significant and unavoidable the Planning Commission had concluded and the Board of Supervisors upheld that the project had overriding considerations consisting of significant public benefits that will contribute to the revitalization of the Southeastern Waterfront. There was no further appeal.

BCDC's planning and permitting programs under the McAteer-Petris Act are exempt from the CEQA requirements to prepare an environmental impact report (EIR). Instead, BCDC's regulations provide for preparation of an Environmental Assessment (EA) which is considered the "functional equivalent" of an EIR.

BCDC's EA assesses only the action before the Commission today: the modification of the PUA boundary. As this action is removing the portion of the Park PUA that is largely advisory only the Environmental Assessment finds that no significant, adverse environmental effects are directly created by the map change in the proposed Bay Plan Amendment but acknowledges that the EIR identified significant secondary or indirect adverse impacts from the applicant's overall project.

We received around 30 comment letters or emails and oral comments at the October 3rd public hearing. In the Staff Recommendation in your packet you can see staff's response to comments starting on page 12 and the comment letters and public-hearing, meeting minutes starting on page 36.

In response to commenters' concerns that have not yet been addressed in this presentation regarding noticing, translation and Commission meeting locations and times, staff's response is that BCDC is committed to improving its meeting and materials accessibility.

With regard to comments regarding the inclusion of certain community-based organizations logos in applicant's presentation at the October 3rd public hearing, BCDC staff notes that particularly Greenaction and literacy for Environmental Justice do not consider themselves to be supporters or project partners of the India Basin Mixed-Use Development.

It is also our understanding that those groups would not characterize themselves as supporters or project partners of the 2015/2016 India Basin Community Waterfront Task Force or the India Basin Waterfront Study. However, we defer to Greenaction and literacy for Environmental Justice and the applicant to answer any additional questions on this matter.

In conclusion, as a reminder, the question before you today is whether or not to amend the Bay Plan Map 5 and San Francisco Waterfront Special Area Plan Map 7 by removing the Park PUA designation from 17.84 acres outside the Commission's jurisdiction and 0.06 acres in the Commission's shoreline band jurisdiction and making the necessary findings regarding environmental impacts outlined in the EA. You can see the resolution for this BPA on page 29 of the Staff Recommendation.

That concludes staff's presentation.

Mr. Goldbeck chimed in: I would like to note that there an additional comment letter in your packets from Greenaction that was received after the close of the public hearing.

Commissioner McGrath addressed jurisdictional issues: Shannon, since this is outside of our jurisdiction if the commission left the jurisdiction in place it would not prohibit the city of San Francisco from approving the development inconsistent with it. And maybe I should be directing this to Marc.

As I recall the only grounds and the only mechanism would be doing something inconsistent with the adopted plan and it would have to consider that in its EIR.

Is there any other possible impact of leaving the jurisdiction in place?

Mr. Zeppetello fielded the question: Well I think since the City has already certified its EIR and approved the project the more immediate issue is that when the applicant comes to the Commission for a permit for the Mixed-Use Project and the open space, there would need to be a McAteer-Petris Act consistency analysis and a Bay Plan consistency analysis. So there would need to be a discussion of the fact that the Mixed-Use Development on this area that is still designated as park priority use is perhaps inconsistent with recreation policies but acknowledging the fact that the City has already approved the project and what the zoning is and the Commission would need, if it approved the project, to do so in the face of that inconsistency for the inland portion of the PUA that is still park.

Chair Wasserman noted: We have approximately 18 speakers. I do want to make sure all of them are heard but I would request that the speakers try not to be repetitive or if they are to indicate a "me too" type of comment.

Someone could easily misinterpret my meaning. (Laughter) Let me rephrase that. They could indicate that they are in support of what prior speakers have said.

And I am going to limit speakers to two minutes.

Ms. Jacky Barshack commented: I am with Greenaction and the Democratic Socialists of America. I am opposed to BUILD's proposed amendment to the San Francisco Bay Plan regarding the project.

This project is a scam. It will cause significant and illegal amounts of air pollution. The Planning Commission used a loophole in CEQA called the "Statement of Overriding Consideration" to try to justify air pollution that this project will cause claiming that open space, which is toxic and contaminated and affordable housing which isn't affordable to the City's residents being displaced, is more important than health and the right to breathe clean air.

The EIR sea level analysis was also not correctly evaluated even though this Commission predicted that sea level rise would be 55 inches by 2100.

At the public hearing on October 3rd BUILD's PowerPoint falsely claimed that certain entities listed as partners and supporters included organizations that are not and never have been supporters. Among the supposed-supporters are the Sierra Club, Cal EPA and Literacy for Environmental Justice – these false claims are unacceptable.

The Commission should reject the amendment and disqualify BUILD from receiving a permit just based on this untrue testimony. The amendment requested by BUILD would be a violation of the new environmental justice and social equity guiding principles adopted by this Commission on October 17th by approving a project whose own EIR concluded that the project would cause significant, harmful, unavoidable air pollution and that cannot be mitigated and could violate air-quality standards.

The Commission must uphold and carry out its mandate as an agency acting in the public trust.

Ms. Sheridan Noelani Enomoto spoke: I am with Greenaction for Health and Environmental Justice. On October 17, 2019 the San Francisco Bay Conservation and Development Commission adopted an environmental justice and social equity policy to the Bay Plan Amendment 2-17 and unanimously approved BCDC's Environmental Justice and Social Equity Guiding Principles.

The harmful, disproportionate and environmental impact of the proposed San Francisco Bay Plan Amendment No. 4-19 requested by the applicant BUILD Inc. would violate and make a mockery of this new policy by supporting a project who's own EIR concluded it would cause significant, harmful, unavoidable air pollution that cannot be mitigated to less than significant and that could violate air-quality standards.

In addition, your policy properly supports the incorporation of meaningful and robust community involvement yet your agency is poised to support a harmful project that was approved by the City despite the findings of the EIR and also a CEQA process that violated language access and civil rights laws and policies excluding non-English speaking residents from the process.

The fact that BCDC has formed a working group of Commissioners who have taken the time and energy to intentionally include environmental justice and social equity into the Bay Plan Amendment should send a powerful signal that private developers' gains cannot come at the expense of local communities' health.

Approval of BUILD's proposed amendment would undermine years of work by BCDC's Commissioners, staff and community and environmental justice groups.

Leeann Pittman was recognized: I have lived in the Bayview community for over 14 years as a resident. I have concerns on keeping our community parks open. The India Basin Shoreline Park is vital to our community.

There is housing that surrounds this park and it allows our community to mingle and gather together as well as be able to be human beings like anyone else. In the housing district above this park we aren't allowed to do a lot of things there. We aren't allowed to have barbecue pits and to mingle with each other as a community. There are a lot of families in that community that depend on this park.

At the end of all of this I just hope that we can clean this park up and keep it open for the families there and this is something that our community needs.

Alanis Tupuola Tocaina spoke: I was born and raised in San Francisco in Potrero Hills which is adjacent from the India Basin shoreline. During high school I interned with Parks and Recs Green Agents program based in Hunters Point.

The Green Agents mission is to help the youth blossom in the field of conservation, sustainable farming and environmental leadership.

We learned about the importance of the Bayview. Growing up in the Bayview I noticed a lack of resources that were accessible to us.

So how can we make this community more equitable? We start by bringing resources activities and providing a safe, open space that will attract our community and bring them together.

So thank you to the team who is stepping up to create the change. I can't wait to see the growth and transformation of the project in our community.

Ms. Krystal Rockett commented: I have been a resident of the Bayview for 10 years. Previously I lived in Ingleside and coming to the Bayview was a different change. On the Ingleside area they have a lot of different recreational things for the neighborhood and coming over to this side was a total change.

The parks are not clean. It is not a safe environment for the kids to be in. It is not safe for the kids to cross the streets.

If we are going to have this park there are a lot of things that we need to change to make it safe. In the parks in the Bayview you see needles, you see dirt, you see homeless people living and laying around where the kids don't feel safe to go.

I hope today that we can make change and action to make things better and to clean it up if we are going to do so. Thank you.

Ms. Selena Crane addressed the Commission: I am a San Francisco native. I grew up in the Visitation Valley area. I have two children who I moved to the Bayview with my parents.

Where I grew up in the Visitation Valley we caught the bus to go to Golden Gate Park. We took the bus away from where we lived because the parks are cleaner and more beautiful over there. They are safer. Almost every time we went to the park we had to get on the bus to go away from where we lived.

If you allow this park in the India Basin it will be so much growth for our children. They will have somewhere to go. They can be together. They can learn about different nationalities. We need this park.

The park has always been a part of my life as I was growing up and it is today. The park is a lot of joy and satisfaction, relaxation and open space for our community. As an adult I go to the park frequently to get my mind and thoughts together and for peace as our children should have.

Please, please approve the park. Thank you.

Ms. Shirley Balendo was recognized: I am a native San Franciscan of 60 years now. So growing up in the Bayview I've seen a lot of changes. Growing up there was only one park in the Bayview/Hunters Point area and that was on 3rd Street – Martin Luther King Park.

There is nothing for us in our neighborhood now especially having kids and grandkids grow up and experience something different. In our neighborhood there was nothing but drugs, corner liquor stores where people hang out and we would have to go outside of the community to have a barbecue, family gatherings – nothing that I can remember growing up here in the Bayview District to remember by. We played out on the streets and we had to come in when the streetlights came on.

We need something for our community and for our neighborhood instead of people just playing street basketball and drugs. There is nothing for us right now.

We need to be able to go outside and start experiencing things for our kids and for the neighborhood. I would greatly appreciate it if we can pass this and have this park. And we could also have jobs for our community and be part of San Francisco and be proud of our neighborhood and all come together. Thank you.

Ms. Aniya Bibbs gave public comment: I am 15 years old and I am standing here today to say – why do I want a park? I would like a clean park for my community and for younger kids to be able to have fun without finding needles or cigarette butts. (Speaker starting to cry)

Chair Wasserman interjected: Keep at it. You are doing fine.

Ms. Bibbs continued: I want a park where kids will be able to feel safe. I would like to see more people engage with others and also more hands-on activities like basketball and dance battles. Thanks for listening.

Ms. Lilia Pittman spoke: I am a resident in Bayview/Hunters Point. This is a community of resiliency, history and beauty. I want to bring to you today a sense of urgency for priority of our people.

What is community without the presence of unity? Our parks represent that for us and the India Basin shoreline specifically represents that for us.

I want to bring to you a sense of urgency regarding contamination, regarding displacement of housing – without this park and without doing the proper due diligence to our community how can this project possibly go forward.

I want to have you try to find a solution and work together to find a solution to pollution. Throughout this entire process the one thing I didn't hear was community and that is what comes first for us.

Mr. Gonzalo Mejia was recognized: I was born in the San Francisco Mission District. During high school I had the opportunity to learn more about the Bayview community and the environmental issues that the community endures on a daily basis. I noticed that in the Bayview community there aren't as many as safe or updated recreational resources as other areas have.

I believe that the India Basin Shoreline Project will implement the growth that our community needs by allowing a free and safe accessible space where families can enjoy the shoreline. I believe that without community there is no unity. Thank you for your time.

Ms. Jackelyn Flin addressed the Commission: I am the Executive Director of the A. Phillip Randolph Institute, San Francisco. I have organized my community to come out. I want to thank you guys for alternating the space that you have this meeting because it was a significant challenge to get to Oakland last month.

I am an advocate and I am a community leader. I am organizing folks because we do a significant amount of work to connect our community to this project.

I have been asked by the director of the Recreation and Parks Department under my organization to participate as the Equity Development Plan Manager of which we have created a committee of community leaders in addition to some of these folks here that will help us develop strategies around equity and define exactly what we mean when we talk about equity being implemented on this park site.

We are here because we want to work together with our community in order to build a park space that is clean, accessible and something that is really driven by the voices of the community. So I thank you for your time today.

Mr. Kurt Grimes commented: I am the Program Manager for the A. Phillip Randolph Institute, San Francisco. I am also a San Francisco resident and I live in the Bayview.

I want to ask you sitting here if you have been to the Bayview. (A number of Commissioners raised their hands) You have? Okay – I appreciate that. How many of you have taken kids to Golden Gate Park? This is important. There is nothing like Golden Gate Park in the Bayview.

Access to a clean, safe, accessible park is what we are looking for. It is something that our community needs. With the project currently proposed I think it is going to give us the change that we need to have a successful area where people can congregate and come together. Thank you for your time.

Mr. Bradley Angel was recognized: I am the Director of Greenaction for Health and Environmental Justice. And on behalf of our many members in Bayview/Hunters Point we urge you to reject this amendment.

I want to compliment the Commission for adopting the Social Equity and Environmental Policy.

Approval of this permit would make a mockery of that amendment. The decision before you today is not about a park. And for the record - Greenaction fully supports the improvement, clean-up and expansion of the India Basin Shoreline Park. But we want to make sure it is a healthy park because as the Environmental Impact Report makes clear that significant, ongoing, forever, harmful, localized air pollution in Bayview/Hunters Point will happen.

Yes we need the park cleaned up but it needs to be healthy for people to be in the park. There is no toxic clean-up plan.

The amendment request is not about a park. It is a giveaway of nearly 18 acres of park priority use area. It is a giveaway of our land designated for park for a private, commercial development.

The false statements put out by BUILD in their presentation last time was not just Greenaction as a waterfront task force, whatever that is; it listed your own agency as a project sponsor and supporter. Is that okay?

Would it be okay if Greenaction falsely and knowingly put your name out there? No way.

Lastly, the Staff Recommendation said the public will have input into the project design. That means to me that the permit has already been approved before it has gone out to public comment. There must be a transparent, legal permit process. But apparently the decision has already been made and obviously we will be challenging that.

Mr. Leotis Martin spoke: I have lived in Hunters Point since 1966 across the street from the shipyard. The shipyard used to be my playground. I had the best time of my life growing up in Bayview/Hunters Point.

The bottom line in this – the place needs to be cleaned up. It needs to be cleaned up first and then let's talk about giving away something. The people that live up there in Bayview/Hunters Point are dying. By the grace of God I am still here. I have a mother that passed away from cancer. I have a twin brother that had an enlarged heart that passed away and my oldest brother was a diabetic and went into a diabetic coma and died. My only sister died of sickle-cell anemia.

Let's talk about the clean-up. We are not trying to stop people from working. We want the clean-up first. The naval shipyard is not cleaned up and they are always telling people that it is cleaned up but they are always coming back and finding something. So therefore it is not cleaned up.

God bless you.

Mr. Blair Sandler addressed the Commission: I have a degree in environmental economics from the University of Massachusetts. I have a law degree from U.C. Hastings. I am a resident of the Bayview where I attend the regular monthly meetings of the Environmental Justice Response Task Force. I am familiar with the environmental and social conditions of my community.

Bayview is one of the most vulnerable communities to pollution. People have talked about the lack of resources devoted to the Bayview.

This would take public land from the community and give it to a private, luxury, commercial development. We are talking about a private park here, not a public park.

So the access that people in the community have would actually be decreased. All of my community will be paying with health costs for this private benefit.

We have seen that it is never a response to public scarcity to give away public resources to private interests. That is a losing proposition. I urge you to honor the environmental justice and social equity component of the Bay Plan that you have approved and to reject this amendment which would make possible for BUILD the project. Thank you.

Ms. Renay Jenkins commented: I am a representative of the Bayview/Hunters Point Mothers and Fathers Environmental Justice Committee. I am also a proud parent of a 14 year old.

I am here to request a nay vote on this initiative. How are children supposed to play in a park with asthma, with already unhealthy situations and conditions, with a 90 percent weight already and with spare-the-air days? So I don't understand how children are supposed to benefit by being more exposed to pollutants and toxics.

Maybe the tourists who come for a day and then leave won't be affected but anyone who is a resident will be forever affected by the air pollutants that this initiative is putting into the Bay.

My request is that you vote no on redevelopment, no on big business industries and please follow your own mission statement. Protect the little man. Conserve the Bay. Speak for those who don't have a voice.

We have the responsibility to green it up. Clean it up and don't add to this smog and the gray. We want to add color to our environment and that includes diversity and community. We want to keep the community culturally alive. Thank you and please consider the residents of Bayview in your decisions from now on.

Ms. DeCoty Moore gave public comment: I am a resident of the Bayview/Hunters Point area. I have raised two kids in the Bayview. I ask that you vote against this amendment because the air is so dirty in the Bayview. It is unhealthy. We need a lot of clean-up and we don't need any more redevelopment. We don't need any more buildings. We need you to clean up the area. We have people dying.

People of color in Bayview are suffering big time. We are losing family members and friends. You need to think twice before you pass this amendment. Thank you.

Mr. Chester Meadows was recognized: I am with Green Meadows Janitorial Service. I am here today to support BUILD Inc. on the India Basin Project. I am a product of public housing and I am also a product of BUILD Inc.

The founder of BUILD Inc. has been a mentor to me ever since I was 18 years old. Things have turned out in a positive way because he always opened his doors to me.

I had the pleasure of doing work on the India Basin site doing some landscaping and clean-up and creating opportunities for other people.

I also want to say, I just want to share something before I leave. I used to work on a site that BUILD Inc. developed, Dogpatch, and I used to go up Indian Basin, and it's something I wrote on my time up there on my lunch break, and I just want to share that. I want to see this project move forward, not for myself but other people. It goes like this:

*Inspirational thoughts come from the ocean's flow
 From the wind's whispers to my ear's awareness
 Call it a sound of beauty
 Full of spiritual blessings in life's lessons
 Through a bird's eye view, who should ever spread their wings on this spiritual flight
 Shall flow by faith.
 Take this journey not for granted
 That the seed of knowledge I have planted in the minds of many
 To the heart that's heavy
 Exhale all your burdens
 Inhale all the blessings that life has to offer
 Which translates to a thing of beauty.
 Watch how the sun rises, but yet so amazing how it sets
 The mood for the stars to shine light on the moon.
 So take aim and proclaim your place in the universe
 Where your star can shine as bright as mine!
 But keep in mind, my star shines very bright
 Thanks to the creator who brought me from out of the darkness
 So I could become light
 (Applause) Thank you.*

Chair Wasserman acknowledged Mr. Uriel Hernandez.

Mr. Uriel Hernandez commented: I am with the San Francisco Parks Alliance. This is a really important conversation and a big decision for the community.

I am here in support of the request to amend the Bay Plan and Waterfront Special Area Plan Maps to reflect the reality that this project will add much-needed park space to this neighborhood.

Years of community engagement have gone into ensuring that the public-space components of this project and the adjacent parks are well integrated, publicly accessible and community supportive.

As exemplified by extensive, holistic, community outreach and a shared EIR and interim-use collaboration this project will build upon the adjacent Recreation and Park Department projects at 900 Innes, India Basin Shoreline Park and the India Basin Open Space Park.

The ultimate plan for this parcel, 700 Innes, includes a net gain in real, open space for the community including the addition of over three and a half acres of this property to the Recreation and Parks Department land.

The aim is for India Basin to become a model example of how private and public partnerships can work successfully to remediate a site to create a high-quality space with minimum social disruption for a project of this size.

It will provide connection and recreation opportunities via the Blue Greenway Network. This Blue Greenway connection would give the community access to the northern neighborhoods via trails and water.

I hope you are able to support this amendment to allow this project to bring much needed, usable, open space, Bayfront and green infrastructure and housing to this area creating a more resilient shoreline in the long-term. Thank you.

Mr. Phillip Vitali addressed the Commission: I am a program manager of the Trust Republic Land and a Bayview resident. I am here to speak in support of this amendment.

Our organization has worked with the Bayview community for the last five years to help re-envision the park space along the India Basin shoreline.

This amendment will allow for expansion of the parks in this vital portion of the neighborhood. This is a unique space along the waterfront. This community deserves to have these spaces improved and expanded.

Our organization supports this amendment and we would love to see you pass this so that we can see these parks brought to life. Thank you.

Commissioner McGrath commented: I going to vote for this and I am going to urge each and every one of you to vote for it.

I've spent 40 years working on public access. I would point out that this site has been designated as a park priority use since the 60s and there is now a trail and some green space – that's it.

I am convinced that without a mechanism to fund parks it will remain that way and the denial would just be a stall. Why do I think that? It is not just my experience working on parks it is the time I spent on places like Berkeley and Oakland.

In Berkeley I am on the Parks and Waterfront Commission. And when I was appointed to the Parks Commission I found millions of dollars' worth of shortcoming in the parks that led to their closure.

So the funding and maintenance of parks is absolutely critical. The concept before has a benefit assessment district. It has 11.6 acres that remain and a mechanism to fund the maintenance of the park.

I don't believe that you can have a park in these days in San Francisco without such an arrangement. The City developed a benefit package. It is not our package and people may disagree with it. But that was within their jurisdiction as is the land use authority.

I want to talk about gentrification and air quality. I am sympathetic to the concerns that have been raised about these. I have seen these in other communities. But I have also worked with the environmental justice community concerned about air quality in places like West Oakland and where the Port of Oakland had a responsibility for economic development that was going to increase air pollution.

And we worked with that community. And, in fact, due to the efforts of that community and the Port of Oakland and the Bay Area Air Quality Management District jointly the emissions are going down by 90 percent. That is how you improve air quality not by stopping a small, residential development that is going to pay for a park.

I urge you to support this.

Commissioner Ahn had a question: I want to be very surgical in how we address this. Was there anyone from the Air District here today at this Commission meeting to address some of the air quality issues? (A staff person was in attendance) If that staffer could spend a minute to speak about this to us.

Mr. Henry Hilken addressed the Commission: I am the Planning Director at the Air Quality Management District. What can I answer for you, Commissioner?

Commissioner Ahn continued: In our last Commission meeting there was an attachment from the Air District that was expressing concern about air quality impacts. Could you describe it for context for the Commission?

Mr. Hilken replied: We have never explicitly supported or opposed this particular project. We have sent a number of letters to the City recommending additional mitigation measures and noting our concerns about additional pollution in the community.

We have for many years identified Bayview/Hunters Point Eastern San Francisco in our Community Air Risk Evaluation Program and more recently in our Community Health Program as one of the parts of the Bay Area that are disproportionately impacted by air pollution and poor health outcomes.

We have really been drilling down in local communities like West Oakland, like Richmond, like Eastern San Francisco to work with community to improve air quality and health.

At the same time we also support in-fill development. In-fill development is critical to meet regional air pollution goals and greenhouse gas goals.

What we were trying to do in those letters is signal to the City our concerns about our support for in-fill development, our concerns about increased pollution in Eastern San Francisco and, most importantly, our eagerness to work with the City and with community members on our Community Health Program to continue to reduce emissions in Eastern San Francisco.

Commissioner Ahn continued: You mentioned “letters” plural. I only saw one letter. What was the second one?

Mr. Hilken explained: There was a letter last September or October when the City was considering the EIR and then this year we sent a letter in August and September.

Ms. Fiala added: Commissioner Ahn, I would just clarify that both letters are in the Staff Recommendation.

Commissioner Nelson was recognized: I have a couple of questions for staff. Quite a few of the community members who have testified against this proposal to change the park priority use area designation have done so because of the air quality connection.

The first question is – have we denied communities proposals for changing park priority use designations in the past? And, if so, why we have done that? What are the grounds for denying a local government’s request for changing park priority use designations?

Ms. Fiala answered: That is a good question. I did not analyze the entire history of our park PUA designation, amendment requests. However, one example I was able to find was that recently in 2011 for the Candlestick area there was a park priority use area designated around the former site of the stadium. And staff recommended modification of that boundary to remove some acreage.

In that particular case there was acreage that was added elsewhere for a minimal loss or perhaps even a net gain of acreage. That was the only example I could find.

Mr. Goldbeck added details: The Commission did not deny the deletion.

Commissioner Nelson continued his inquiry: The second question is about the air quality issue in particular. I am still going to look to our environmental justice and social equity policies for guidance even though they haven’t been approved by the Office of Administrative Law; is there anything in there that clarifies what authority we would have over a park priority use designation decision that is outside of our shoreline band jurisdiction?

I am looking for a nexus here to the air quality issue that understandably a number of community members have raised.

Mr. Zeppetello replied: I am not aware of anything in the EJ policies that would go to this issue. And it seems to me that in context of the McAteer-Petris Act and the whole process of water-oriented, priority use areas that the real issue for the Commission is one of land use compatibility and what the local jurisdiction has zoned the property or the issue of whether it can be acquired in the McAteer-Petris Act Section 66611 within the shoreline band whether there is a basis that it may be acquired for a park.

I believe it is really a land use issue where the Commission would have a concern or a nexus as opposed to other parameters.

Mr. Goldbeck added: I feel compelled to add that the environmental assessment for the park deletion did not show air quality impacts. That is associated with the construction of BUILD’s project. Is that correct or not?

Ms. Fiala responded: The environmental assessment did disclose and discuss all of the areas in the EIR that were identified as having significant impacts even in spite of mitigation measures. The EA said that there would be no direct environmental effects of the map change but acknowledges that the EIR did discuss at length the secondary and indirect effects of the project.

Commissioner Stefani spoke: I would like to add that this is an extremely important project for the City and County of San Francisco and our parks. I am fortunate to be the supervisor of District 2 with large amounts of open space including Crissy Field. And this has been described as a Crissy Field moment for the Southern Waterfront in Bayview.

We had 6.2 acres of brand new parkland as a result of this project. We are using an equitable development planning model to mitigate issues of displacement.

I have been involved with this project for years as a legislative aide and now as a supervisor for the last two years. The EIR appeal came before the Board of Supervisors and it was denied. I have been impressed with this project all along and the benefits that it will incur upon the public and I would urge your support.

Commissioner Gilmore was recognized: I really feel for the residents of Bayview/Hunters Point. Everybody deserves an environment where their kids get to go out and play and be healthy. And everybody deserves a clean park.

Having been an elected official and having been involved in many city budgets I will tell you that cities right now can barely maintain the parks that they have.

And if there had been money in the City budget to clean up this park and make it useable and playable the City wouldn't have taken all of these years and it wouldn't still be languishing that way.

And so while I totally empathize with the need to have a clean park there needs to be some sort of funding stream to make that happen because it is clear that there isn't enough funding simply based on the entire City's taxing their residents.

You need to have a funding stream. And I think the City has used this mechanism to make that happen.

Nobody has said this explicitly but what I am gathering from a lot of the speakers here is that there is this belief that if we deny this here today that this will somehow stop the project. My understanding is if we deny this here today the applicant can still file a permit application. And so that just moves the ball farther down the road in terms of time but it doesn't stop the project. Is that accurate?

Mr. Zeppetello responded: I would say that this is accurate. The issue that I raised earlier in response to Commissioner McGrath's question would still be applicable.

The applicant will apply for a BCDC permit and the project will be the entire project, the Mixed-Use Development and the improvements in the shoreline band.

There would need to be a consistency analysis and without removal of the park priority use designation there would be a finding of inconsistency with some Bay Plan policies but in the end that would not prevent the Commission from granting a permit. We would just have a finding of inconsistency coupled with the fact that within inland of the shoreline band the designation that you did not remove is merely advisory.

So the answer to your question is – yes – this would not stop the project.

Commissioner Scharff noted: I wanted to point out that on page 7 of the Staff Report they talk about air quality. What I took out of the analysis here was that the analysis does not demonstrate likely or probable violations of air quality standards but the EIR concluded that the project in combination with past, present and reasonable foreseeable, future development which means to me that anything you add on to this, any traffic at all is going to add to the cumulative and that is why you get the EIR override. That is why you get the EIR issues with air quality.

But this project itself doesn't actually demonstrate that it is going to cause bad air quality.

I thought that was important to point out. And the other thing that I wanted to point out is that I don't really feel that we as a group have enough information and have spent the time to make the determinations on air quality and that is not really our wheelhouse and our mission.

The San Francisco Board of Supervisors did that already for us and made a determination. And I feel like defer to them on that issue.

What is in our wheelhouse is access. We have a mission to provide access to the Bay. And this project provides good access to the Bay and furthers our mission. And I think that is really important.

So I will be supporting this project.

Commissioner Ahn was recognized: I will be supporting this project today and it was good also to see the community support particularly from the A. Phillip Randolph Institute. Seeing youth speak in favor of this project particularly demonstrates the importance of this moving forward today.

I also want to add a note of caution for the developer. And this did bother me in the last hearing as well. It has been pointed out again in our staff packet that the usage of partners and supporters and the logos – I would just caution that the presentations be a lot more precise about that. Obviously it has created a lot of confusion; so much so that another organization, Literacy for Environmental Justice, whose work I really respect in the Bayview was listed as a partner as supporter when they should not have been.

I would hope that is corrected in the future.

Commissioner Randolph commented: I agree with Commissioner Scharff's reading on the source and the impact on air quality which doesn't seem to stem from the project itself like any net development that leads to further traffic it is going to have some kind of an impact but still within existing standards.

While listening to some of the community speaking on this it doesn't strike as a reason by itself to deny the project. On the other hand this does seem to be an important net plus in terms of community benefits and especially waterfront access. So I would support the project.

Chair Wasserman commented: I want to echo Commissioner Ahn's comments to the developer. Intentional or not the presentation was easily misleading about who was partnering and supporting the project. That should not happen.

I want to address the air quality issue in the context of this project and in the context of our social equity and environmental justice context. I'm certainly not suggesting there should be no discussion of air quality impacts but air quality is not our mission nor our area of expertise. And I think we need to be very careful not only about potentially exceeding our authority but also by misleading the public and the people who have struggled so hard on social equity and environmental justice issues that by adopting our policy we did not open the door to our becoming an über agency that gets to review a whole range of very important issues for the populations we want to protect on issues that are outside of our wheelhouse, outside of our jurisdiction.

As has been pointed out the amendment is not yet effective. It needs approval by the state and by NOAA. We do intend during this three or four month period in which we are waiting for those approvals to have public outreach and workshops on implementation guidance and strategies. So we will have discussions about these issues.

But I think we need to be very careful that we are not misleading people about what those policies really mean. And we will get into that in more detail in those guidance workshops.

Ms. Fiala read the Staff Recommendation into the record: The staff recommends that the Commission adopt Resolution No. 2019-09 that would amend the San Francisco Bay Plan Map 5 and San Francisco Waterfront Special Area Plan Map 7 by removing the Waterfront Park Beach Priority Use Area Designation from 17.84 acres outside the Commission's jurisdiction and 0.06 acres in the Commission's shoreline band jurisdiction while retaining the designation on 11.6 acres within and outside the Commission's jurisdiction of the applicant's total 29.5 acre project site and India Basin and making the necessary findings regarding environmental impacts outlined in the Environmental Assessment.

MOTION: Commissioner McGrath moved approval of the Staff Recommendation, seconded by Commissioner Scharff.

Commissioner McGrath clarified some points: First of all as the Regional Board's representative on this body and with our own independent authority we will make sure that the water-quality aspects of the clean-up plan are given the necessary scrutiny including attention to sea level rise.

Second, the one argument that I am sympathetic to is we will make sure that this park is welcoming to the existing residents of the Bayview.

Chair Wasserman added: And I would echo that we have recently learned some lessons from other parks that we will apply to this one in terms of that kind of monitoring.

VOTE: The motion carried with a vote of 19-0-1 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, McGrath, Stefani, Nelson, Pine, Randolph, Sears, Showalter, Vasquez, Techel, Ramos, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Pemberton abstaining.

Chair Wasserman announced: The motion passes with the requisite more than 18 votes. Thank you all for your participation. As you well know we will revisit because there will be an application for a permit that will come before us. Thank you staff.

12. Closed Session on Pending Litigation. Chair Wasserman announced: That brings us to Item 12 which is a closed session and is the last item on our agenda. We expect this to be a short session but we do ask that everybody leave other than Commissioners and required staff.

The Commission convened into closed session at 4:13 p.m. and resumed the regular Commission meeting at 4:31 p.m.

Chair Wasserman announced: We have completed our closed session regarding pending litigation and did not take a reportable action.

13. Adjournment. The Commission meeting was adjourned at 4.33 p.m.