

**State of California
Office of Administrative Law**

In re:
**San Francisco Bay Conservation and
Development Commission**

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:
Amend sections: 11945
Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

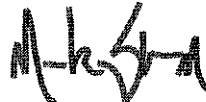
OAL Matter Number: 2024-0402-02

OAL Matter Type: Regular (S)

This action amends the San Francisco Bay Area Seaport aspect of the San Francisco Bay Plan by modifying port policies as well as boundaries for port priority uses at Concord, Oakland, Redwood City, Richmond, San Francisco, and Selby, adding new topic areas, and removing port priority use designations for Concord and Selby.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 5/14/2024.

Date: May 14, 2024



Digitally signed by Mark
Storm
Date: 2024.05.14 10:37:40
-07'00'

**Mark Storm
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Lawrence J. Goldzband,
Executive Director**
Copy: Michael Ng

REGULAR

STATE OF CALIFORNIA
NOTICE PUL

STD. 400 (REV. 10/2019)

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|--|--------------------|--|------------------|
| OAL FILE NUMBERS Z- | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER 2024-0402-08S | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | | |
| NOTICE | | REGULATIONS | |

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 14 2024

1:52 PM

OFFICE OF ADMIN. LAW
2024 APR 2 PM 3:50

AGENCY WITH RULEMAKING AUTHORITY
San Francisco Bay Conservation and Development Commission (BCDC)

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|---|---------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | ACTION ON PROPOSED NOTICE | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|--|--|
| 1a. SUBJECT OF REGULATION(S) Update to the SF Bay Area Seaport Plan, a part of BCDC's SF Bay Plan | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|--|--|

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

| | |
|--|----------------|
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND 11945 |
| | REPEAL |

3. TYPE OF FILING

| | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | | <input checked="" type="checkbox"/> Other (Specify) <u>Gov. Code section 11354.1</u> | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

| | | | |
|---|---|--|--|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> \$100 Changes Without Regulatory Effect | <input checked="" type="checkbox"/> Effective other (Specify) <u>Gov. Code section 11354.1(d)(5)</u> |
|---|---|--|--|

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

| | | |
|--|--|---|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) | | |

| | | | |
|---------------------------------|------------------------------------|-----------------------|---|
| 7. CONTACT PERSON Michael Ng | TELEPHONE NUMBER (415) 452-3610 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) michael.ng@bcdc.ca.gov |
|---------------------------------|------------------------------------|-----------------------|---|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|---|------------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE Michael Ng <small>Digitally signed by Michael Ng Date: 2024.03.11 16:49:52 -0700</small> | DATE March 11, 2024 |
| TYPED NAME AND TITLE OF SIGNATORY Michael Ng, Senior Staff Attorney | |

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| For use by Office of Administrative Law (OAL) only |
| ENDORSED APPROVED |
| MAY 14 2024 |
| Office of Administrative Law |

REGULAR

STATE OF CALIFORNIA—OFFICE OF

NOTICE PUBLICATION/REGULATIONS SUBMISSION

For use by Secretary of State only

STD. 400 (REV. 10/2019)

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| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER 2024-0402-025 | EMERGENCY NUMBER |
|------------------|--------------------------|---|------------------|

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| For use by Office of Administrative Law (OAL) only | |
| NOTICE | REGULATIONS |

| | |
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| AGENCY WITH RULEMAKING AUTHORITY San Francisco Bay Conservation and Development Commission (BCDC) | AGENCY FILE NUMBER (If any) |
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| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

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| 1a. SUBJECT OF REGULATION(S) Update to the SF Bay Area Seaport Plan, a part of BCDC's SF Bay Plan | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
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| | |
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| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related) | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND 11945 |
| TITLE(S) 14 | REPEAL |

| | | | |
|---|---|---|---|
| 3. TYPE OF FILING | | | |
| <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11348) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11348.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input checked="" type="checkbox"/> Other (Specify) <u>Gov. Code section 11354.1</u> | | |

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| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) | | | |
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> 100 Changes Without Regulatory Effect | <input checked="" type="checkbox"/> Effective other (Specify) <u>Gov. Code section 11354.1(d)(5)</u> |

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| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6680) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal | |
| <input type="checkbox"/> Other (Specify) | | | |

| | | | |
|---------------------------------|------------------------------------|-----------------------|---|
| 7. CONTACT PERSON Michael Ng | TELEPHONE NUMBER (415) 452-3610 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) michael.ng@bcdc.ca.gov |
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| | |
|--|------------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE | DATE April 17, 2024 |
| TYPED NAME AND TITLE OF SIGNATORY Michael Ng, Senior Staff Attorney | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 14 2024

Office of Administrative Law

ENCLOSURE 1

**SUMMARY OF REGULATORY PROVISION APPROVED BY THE SAN FRANCISCO BAY
CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) AS PART OF PROPOSED CHANGE
FOR PUBLICATION IN THE CALIFORNIA CODE OF REGULATIONS
(GOVERNMENT CODE § 11354.1(d)(2)(A))**

Proposed amendment to 14 CCR section 11945, adding:

§ 11945. Seaport Plan Amendments.

(a) Resolutions.

...

9. On November 16, 2023, the San Francisco Bay Conservation and Development Commission approved Resolution No. 2023.02 adopting Bay Plan Amendment No. 1-19, a comprehensive update to the San Francisco Bay Area Seaport Plan. The adopted amendment modified the San Francisco Bay Plan policies and Seaport Plan policies for ports as well as the boundaries for port priority use areas in the Cities of Concord, Oakland, Redwood City, Richmond, San Francisco, and the unincorporated community of Selby in Contra Costa County.

...

(b) Policy Changes.

...

9. Comprehensively update the Seaport Plan policies to remove outdated information and add new topic areas (Bay Plan Amendment No. 1-19).

...

(c) Port Priority Use Designation Changes.

...

24. Per Bay Plan Amendment No. 1-19, modify the port priority use designations in the Cities of Oakland, Redwood City, Richmond, and San Francisco to reflect shifts in cargo activity, and remove the port priority use designations in the City of Concord and the unincorporated community of Selby.

NOTE: Authority cited: Sections 66602, 66611, 66632(f), 66651, and 66652, Government Code.
Reference: Section 66652, Government Code; San Francisco Bay Plan Parts IV and V; and San
Francisco Bay Area Seaport Plan, Parts I, II, and III Introduction, Parts 1 and 2.