

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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November 1, 2013

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653 lgoldzband@bcdc.ca.gov)
Sharon Louie, Director, Administrative & Technology Services (415/352-3638 slouie@bcdc.ca.gov)

SUBJECT: Draft Minutes of October 17, 2013 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Metro Center Auditorium, 101 Eighth Street, Oakland, California, at 1:06 p.m.

2. **Roll Call.** Present were: Vice Chair Halsted, Commissioners Bates, Gibbs, Gioia, Lucchesi (represented by Alternate Pemberton), McGrath, Nelson, Pine, Randolph, Sartipi, Sears, Spering, (represented by Alternate Vasquez), Techel, Vierra (represented by Alternate Doherty), Wagenknecht (represented by Alternate Caldwell) and Zwissler.

Vice Chair Halsted announced that a quorum was present.

Not present were: Association of Bay Area Governments (Apodaca and Addiego), Alameda County (Chan), San Francisco County (Chiu), Santa Clara County (Cortese), Department of Finance (Finn), Sonoma County (Gorin), Governor's Appointee (Jordan Hallinan), U.S. Army Corps of Engineers (Hicks) and U.S. Environmental Protection Agency (Ziegler).

Vice Chair Halsted stated: Today we are holding a Commission Workshop on the Adapting to Rising Tides Project. But before we get to that, we will hold an abbreviated Commission meeting to take public comment, consider the minutes from our last meeting and review the Administrative Listing. I also want to note that our next regularly scheduled Commission meeting will take place on Thursday, November 7, 2013, in San Francisco at the Ferry Building.

3. **Public Comment Period.** Vice Chair Halsted called for public comment on subjects that were not on the agenda. Comments would be restricted to three minutes per speaker.

Alison Madden commented: I am a board member of a group called, San Francisco Bay Marinas for All. We are a California public benefit, nonprofit. Our desire is to keep marinas in and on the Bay, specifically with the goal of public access and to enable recreation as a public trust use. We also support live-aboards in a rule of reason under the public trust as floating communities.

Pete's Harbor in Redwood City is gone and it was ripped out in an unseemly timeline. We understand that the BCDC staff feels that they did the right thing.

I asked for the Attorney General to look into it and I know that her advice is private and confidential so we don't expect that to be revealed at this meeting or any meeting.



Making San Francisco Bay Better

**BCDC MINUTES
October 17, 2013**

There has been no public hearing on this issue which is one of our issues. We feel that there should have been a public hearing. There should have been Commission action and we feel that the Harbor and the developer acted in joint concert to violate the laws of the state of California including environmental laws and the McAteer-Petris Act.

We feel that they put BCDC in an untenable solution by going on a fast-track permit that really hadn't been explored by the Attorney General and the courts.

We may be proceeding against the developer and the Harbor. This is 411 condos going up right on the Bay front and there are residences in the 100 foot setback.

They spoke to BCDC last year and agreed to raise the development three feet but the federal government owns the access road and we're not sure if that's going to permit this development.

So with the development that is either in question or on a very long track, this marina which was not in deteriorating condition was ripped out without any environmental review or public hearing.

The State Lands Commission told the developer that to take out even two dozen pilings would need more environmental review. The BCDC staff reached out to the State Lands Commission and somehow required EIR having to do with mercury load in the Bay got thrown by the wayside to accommodate a developer.

We ask that if you support marinas and a rule of reason for floating communities, under the public trust that you please reach out to us and help us in our cause.

4. **Approval of Minutes of the September 19, 2013 Meeting.** Vice Chair Halsted entertained a motion and a second to adopt the minutes of September 19, 2013.

MOTION: Commissioner Sears moved, seconded by Commissioner Gioia, to approve the September 19, 2013 Minutes. The motion carried by voice vote with Commissioners Nelson, Sartipi and Techel abstaining.

5. **Commission Consideration of Administrative Matters.** Vice Chair Halsted advised: Jaime Michaels is here if Commissioners have any questions or concerns regarding the listing that was distributed on October 4th. There were no comments or questions from Commissioners.

6. **Adjournment.** Upon motion by Commissioner Nelson, seconded by Commissioners Pine, the meeting was adjourned at 1:13 p.m.

Respectfully submitted,

LAWRENCE J. GOLDZBAND
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission Meeting
of November 7, 2013

R. ZACHARY WASSERMAN, Chair