

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

November 26, 2014

TO: All Commissioners and Alternates

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

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

SUBJECT: Draft Minutes of November 20, 2014 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Ferry Building, Port of San Francisco Board Room, Second Floor, San Francisco, California at 1:06 p.m.

2. **Roll Call.** Present were: Acting Vice Chair Halsted, Commissioners Addiego, Bates, Chan (represented by Alternate Gilmore), Chiu, Cortese (represented by Alternate Scharff), Gibbs (represented by Alternate Arce), Gorin, 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) Ziegler (represented by Alternate Brush) and Zwissler. Jane Hicks was also present.

Ms. Louie announced that a quorum was present.

Not present were: Governor's Appointee (Wasserman) Association of Bay Area Governments (Apodaca), Department of Finance (Finn), Contra Costa County (Gioia), and Governor's Appointee (Jordan Hallinan).

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

Mr. Will Travis commented: At your last meeting I offered my assessment of the Oakland Middle Harbor Wetland Enhancement Project. I noted that you amended the Bay Plan to allow this project to be constructed and at the same time you prohibited any similar projects until the Middle Harbor Project was deemed to be a success.

As you look at options for amending the Bay Plan to allow wetland enhancement, shoreline protection and other types of soft and hard infrastructure that will be needed to adapt to rising sea level, I suggested that the process you used to approve the Middle Harbor Project could serve as a prototype.

I also cautioned you to avoid setting standards so high that no project can ultimately succeed.

I'd like to amplify those suggestions. I believe the over-arching objective of any initial amendments of the Bay Plan to address rising sea level should be to encourage innovative adaptation.

info@bcdc.ca.gov | www.bcdc.ca.gov
State of California | Edmund G. Brown — Governor



BCDC MINUTES
November 20, 2014

Failure is an inherent part of the process of innovation. The very culture of government runs counter to innovation. When a public agency tries to do something innovative and it doesn't work out just right we first look for somebody to blame and then we adopt restrictions to ensure that the same mistake won't happen again.

Unfortunately, by prohibiting similar mistakes we also prevent further experimentation. By placing blame, government sends a clear message to its employees that their job is to follow the rules that maintain the status quo and not change the rules to solve problems.

This approach won't work if you want to stimulate imaginative ideas for sea level rise adaptation. Your objective should be to learn and move on, not to hold on to standards that simply can't be met.

Horse races aren't won by beating dead horses. They are won by breeding faster horses. The current Bay Plan policies prohibit additional, large wetland restoration projects until the Middle Harbor Project has had a decade to prove its success; a decade after it's ultimately completed. In hindsight I believe imposing this restriction was a mistake.

In order for the Middle Harbor Project to encourage innovation you should adaptively manage both the design and construction of the project and the regulatory standards under which the project is being carried out.

You can make more progress by abandoning expectations that have proven to be unrealistic than by expecting that more oversight and more transparency will make marsh grass grow quicker, cause endangered birds to breed faster or result in nature doing anything that nature just doesn't want to do.

Ultimately, you'll learn more and you will advance sea level rise innovation by encouraging more pilot projects knowing full well that some of them will fail than by establishing conditions and restrictions that are designed to legally prohibit failure and to point the finger at who is to blame when something goes wrong. Thank you.

Acting Chair Halsted stated: I forgot to mention that there is a three minute time limit. Fortunately, Mr. Travis stayed well within that. Our next speaker will be John Coleman.

John Coleman of the Bay Planning Coalition addressed the Commission: In your Executive Director's Report you have a letter and I wanted to give a perspective from the Bay Planning Coalition's perspective.

Larry and I were in D.C. this week and we met with a number of members on the Hill. We did a joint letter which you'll find signed by BCDC, the Bay Planning Coalition, the Coastal Conservancy and Save the Bay on "WRDA" 2 if you want to call it that.

We had a succinct message and we had very positive feedback. Having a coalition of business, environmental and regulatory agencies, educational organizations as well as the Coastal Conservancy all being on the same page says a lot to the people in D.C.

Some of the people that we met both on the Democratic and Republican sides engaged us in good conversations. We asked Colonel Baker for help in acquiring a surplus dredged material offloader so that we can have more than one here in the San Francisco Bay. We had a good productive meeting with the Corps as well.

We met with the head of the Senate Appropriations who is working on the budget for Senator Feinstein on our issues. We had a unified message which is really important.

We ran into some difficulties in the last week trying to get some other people to sign the letter. They didn't understand or comprehend the process of compromise and the process of appropriations and deliberations in Washington and how that works. We are still going to try and bring them onboard because this is a long-term process and to be able to get that letter into the hands of members of Congress.

Congress Garamendi asked for a joint letter with other members of Congress from the Bay Area as well as the Central Valley addressing the importance of dredging and the dredged beneficial re-use to the shoreline resiliency and protection of our shoreline and our assets around the Bay in trying to get the folks outside the Bay to understand that what happens here has an impact in Stockton and Bakersfield as well.

It was a great meeting and I just want to say, thank you and thank you for giving your Executive Director the ability to go forward in tandem with the business and other regulatory communities so we can have a unified message.

Acting Chair Halsted recognized public speaker Tanya Sole.

Ms. Tanya Sole addressed the Commission: I am a Redwood City resident. In researching the Commission it has come to my attention that the Commission generally votes unanimously to approve projects recommended by staff.

In a country where there are organizations against banning plastic bags, it strikes me as fundamentally wrong for a Commission that it supposed to represent a broad spectrum of bodies to, in effect, come to a unanimous decision. I hope that the representatives of the different agencies that sit on this Commission start now to represent their constituencies instead of colluding against them. Thank you.

Acting Chair asked for any additional public speakers and she had none so she moved to Item 4, Approval of Minutes.

4. **Approval of Minutes of the November 6, 2014 Meeting.** Acting Chair Halsted asked for a motion and a second to adopt the minutes of November 6, 2014.

MOTION: Commissioner Vasquez moved, seconded by Commissioner Caldwell, to approve the November 6, 2014 Minutes. The motion carried by a voice vote with Commissioner Bates voting no and no abstentions.

5. **Report of the Chair.** Acting Chair Halsted reported on the following:

a. **New Business.** This item was not discussed.

b. **Commissioner Colleen Jordan Hallinan.** I am sad to report that for personal reasons, has had to reduce her commitments and reluctantly decided to leave the Commission after serving for nine years. On behalf of the Commission I would like to thank her for her service and wish her well. I would also like to add my congratulations to my local supervisor, David Chiu and I believe this is his last meeting with the Commission as he has just been elected to represent us in higher bodies. We will sorely miss you. We thank you for your service here and look forward to your representation elsewhere.

c. We have a full agenda today and I request that Commissioners stay with us through the entire meeting. Also, I am making a slight change to the order of our agenda today. Since we have a shorter timeline to consider federal consistency matters, we will move up the US Fish and Wildlife item from Item 10 to Item 9, though I am confident we will be able to get through the whole agenda.

d. We will not be having a BCDC history presentation today but watch this space for future presentations.

e. Our next meeting will be held December 4th, at Pier One. At that meeting we will take up the following matters:

f. We will hold a possible vote on the U.S. Fish and Wildlife Habitat Project on San Pablo Bay in Sonoma County that we are holding a public hearing on today.

g. We will hold a public hearing on an application for the Sausalito Ferry Terminal in Sausalito, Marin County.

h. We will consider a contract for facilitation services associated with the upcoming work of our Bay Fill Policies Working Group.

i. We will consider adoption of the Annual Report.

j. We will have a briefing on the Bay Plan policies applicable to sand mining.

k. **Ex-Parte Communications.** That completes my report. In case you have inadvertently forgotten to provide our staff with a report on any written or oral ex-parte communications, I invite Commissioners who have engaged in any such communications to report on them at this point and also to record them in writing.

Commissioner Pine reported: I met with citizens regarding Pete's Harbor and I will provide a written report too.

Acting Director Halsted moved on to Item 6, Report of the Executive Director.

6. Report of the Executive Director. Executive Director Goldzband reported: As you have heard, we have a packed agenda today. This makes up for the weeks that we didn't meet because projects weren't quite ripe. We can't always pick when our agenda becomes as full as it is today. Don't we all wish that we could be like Henry Kissinger who once remarked to a member of the press, "There cannot be a crisis next week. My schedule is already full."

No news to report on the budget yet, but we remain hopeful. Meanwhile, I am thrilled to tell you that the budget meeting we had earlier this month that covered the first quarter of this fiscal year forecasted absolutely no red ink in this fiscal for the first time in my tenure at BCDC. Amazing what an infusion of funds that can be used for regulatory and planning work relating to climate change can do for your finances. I am pleased to announce that Rebecca Crebbin Coates has accepted a one-year limited-term position in your planning unit. Ms. Coates has a Bachelor's Degree in Environmental Studies from U.C. Santa Cruz and has several years of very intense public policy experience, including work with the Planning and Conservation League. Ms. Coates will be assisting with the ART Program work and will lead preparation for the NOAA-required program assessment and strategy. Unless I hear any objections, I'll appoint Ms. Coates to the BCDC staff. (No objections were voiced)

At 11:00 this morning, the Commissioner Working Group on Bay Fill Policies led by Barry Nelson and including Jim McGrath, Sean Randolph, Jane Hicks and Jason Brush met for the first time. I'd like to ask Commissioner Nelson to give a short description of the meeting and next steps.

Commissioner Nelson reported the following: We had a brief meeting today with one member of the public attending, John Coleman. These are open meetings and we'll be holding these meetings, in general, before the second Commission meeting of the month.

The meeting today was a good discussion about the role of the Bay Fill Committee compared to the Rising Sea Level Commission Working Group that we have already formed. We are, in a way, a subcommittee of that group. The Rising Sea Level Committee is outwardly focused at how the region, as a whole, can adapt to rising sea levels. The responsibilities of the Bay Fill Committee is to think through whether the Commission has the right laws, regulations and policies right now to meet that challenge. We haven't answered that question and we are simply asking it. We will let you know when we reach the end of that process.

We had a good briefing from staff on the NOAA grant that we have received to do work in this area on adaptation issues. We had an initial discussion about an advisory committee, how to make sure that this process is as open and transparent and inclusive of the public as possible.

Our next meeting which may be on January 8th, we will discuss setting up that advisory committee and inviting members. That meeting will probably happen and the end of January or the first of February.

We will receive a briefing from staff about our existing laws and policies.

Executive Director Golzband continued: John Coleman talked about their excellent adventure in Washington. You will see the letter in your packet. It was a terrific couple of days. It is always gratifying for a veteran of the Hill to meet with members from both sides and be told that what your commission is doing is exactly what they should be doing.

I want to congratulate you on your policies. We had some terrific guidance and it is nice to get a pat on the back from folks who work for elected officials.

A week ago, the Joint Policy Committee held its first meeting to figure out its organizational structure and process. The JPC agreed that the two major issues that it should be focusing on are climate change adaptation and economic competitiveness. I was thrilled to see a number of the BCDC Commissioners who are JPC members at the meeting. We will keep you informed as the process continues.

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

Acting Chair Halsted continued the meeting: I am chairing this meeting because Chair Wasserman is researching sea level rise in another part of the world.

7. Consideration of Administrative Matters. Acting Chair Halsted stated that Bob Batha was available to answer questions regarding administrative matters in the listing that was distributed on November 7th and 14th.

Commissioner McGrath inquired: I do have a question about the project in the City of Pinole. The information there is that it would reduce the size of the existing public access area. It is a non-material amendment. This would come to the Commission or be resolved in some way so that it wouldn't conflict with the existing public access. This is sort of a question.

Chief of Permits Bob Batha replied: It will likely be handled as an administrative amendment to an existing permit. If you would like us to let you know how that is resolved we will do so. They are very compromised in terms of the amount of land available. They are being required to do this plant expansion to meet water quality concerns. They have contended in their application that the only way they can get the facilities they need is to do a small incursion into the required public access area.

We haven't issued this and we are happy to bring it back if the Commission would like to see drawings and any conditions that we require for it.

Commissioner McGrath answered: I am okay with the small incursion as long as there is some other kind of benefit that would make the public access facilities whole.

8. Vote on BCDC Permit Application No. 2014.004.00 by RWC Harbor Communities, LLC, to Construct Blu Harbor Residential Community at 1 Uccelli Boulevard in the City of Redwood City, San Mateo County. Acting Chair Halsted announced: Item 8 is a vote on the application to construct the Blu Harbor residential development at the site of the former Pete's Harbor. Erik Buehmann, will provide the staff recommendation.

Permit Analyst Erik Buehmann presented the following: At the hearing for this project on November 6th several issues were raised by Commissioners. I would like to address those issues before moving on the formal recommendation which was mailed to you on November 14th.

The first issue is about whether the project had been fully permitted locally. The project was fully permitted and received a plan development permit from the city of Redwood City on March 2014. That proposal proposed a three foot grading increase at the site.

The current proposal before the Commission is a five foot grade increase.

The City of Redwood Planning Department has informed BCDC staff that it does not anticipate re-visiting its local approval in light of the two feet of additional grade currently proposed for the project.

The second question that was raised was whether the owner had appropriate title under the public trust. Peter Uccelli purchased the lands in 1956 and began to fill them. He built a marina at the site. Since he filled the land prior to the creation of BCDC, the area is not considered part of BCDC's Bay jurisdiction and the land does not constitute Bay fill.

No Bay fill is proposed for this project. Except in certain circumstances fill placed prior to BCDC's creation is not in the Bay jurisdiction.

After Mr. Uccelli filled these lands, the State Lands Commission asserted that they were state lands and he entered into a dispute with them that lasted for approximately 20 years. This dispute was resolved by statute in 1983 when the Legislature terminated any right the state had to those lands except below the mean high tide line. Therefore, the applicant has a sufficient property interest in this site.

The third issue is a more complicated one. A Commissioner asked that in the event of flooding if this site would become an island. I said that it would in a storm. I want to expand on that statement.

My answer will have two steps. The first step will be to explain the context of the site and its adjacent lands. The second step is that we will talk about jurisdiction and our regulatory constraints.

We looked at total water levels in relationship to Uccelli Boulevard, the road that runs to the site which is owned by the Fish and Wildlife Service, and estimated elevations of adjacent lands. The total water level is a way to demonstrate that any given water level can represent different combinations of sea level rise in extreme storms.

So total water level is sea level rise and storm surge all put together.

King tide which you often will hear about is a little different. King tide is a very high tide that we see annually. It is an astronomical tide and it is not a storm.

It is the same water level as a one-year storm but it is not a storm.

The best available science finds that sea levels will rise to 36 inches plus or minus 10 by the end of the century.

This level of sea level rise is the same water level as a 50-year storm today which has a two percent chance of occurring every year.

This means that if we had a 50-year storm right now, you could walk outside and see what 36 inches of sea level rise would look like possibly at the end of the century or whenever that level of sea level rise occurs.

So development that shows inundation at 36 inches of sea level rise at high tide will flood much sooner. If this amount of sea level rise happens at the end of century, we will see a property that is below that level flood more often with 100-year storms, with 25-year storms and with 50-year storms.

There is a difference between flooding and inundation. Flooding is a temporary event and inundation is permanent. Extreme storm events will last between a few minutes up to several hours. If your project is below mean higher high water we consider it to be inundated.

There are two generally adjacent areas to this site. One section is Uccelli Boulevard and public access proposed for this area is within your jurisdiction. Public access proposed for this area includes a sidewalk and a bike lane. There is an existing seawall at this site.

The grade for this area will not be increased. Once you enter the private area of the site the road will be increased and slope up to the five foot of grade increase.

The recommendation authorizes and requires the public access amenities in this location.

The property directly adjacent to Pete's Harbor is called the Villas at Bair Island and it has the Bair Island Marina. There is also Uccelli Boulevard and Bair Island Road to the south and some other developments.

The wall at Uccelli Boulevard may be temporarily flooded or over-topped by a 25-year storm event at the end of century. This has a four percent chance of occurring every year. This wall may be temporarily flooded earlier by a 100-year storm event which has a one percent chance of occurrence at 24 inches of sea level rise whenever that occurs.

The current elevation for the site without the grade increase is between nine and thirteen feet NAVD. If we assume that the Villas at Bair Island and the road south of the part of Uccelli Boulevard with the seawall is at nine feet, it is already likely to flood.

It may be temporarily flooded today during a 5-year storm event which has a 20 percent chance of occurrence and it likely will be inundated at the end-of-century projection of 36 inches of sea level rise at high tide because the grade will be below mean higher high water line.

When we talk about whether it will be an island some of the access will be cut off in these specific circumstances.

The staff is aware of the fact that some areas connected to public access areas could be flooded in the future. However, the Commission's regulatory program is limited in the shoreline band. BCDC staff works project by project, property by property and in the 100-foot shoreline band you may only deny a project if it does not provide maximum feasible public access consistent with the project.

The Commission's laws and regulations require that the applicant have a property interest or at least control through an easement or encroachment permit over the area that they propose to develop.

There is a constitutional requirement that there be a relationship between the conditions of a permit and the impacts from the development.

The climate change policies that the Commission adopted in 2011 only apply in the shoreline band to public access. The public access policies require that the public access remain viable in the event of future sea level rise or flooding.

BCDC staff believes that this proposal, including the improvements along Uccelli Boulevard, is viable in the face of flooding from sea level rise.

The Commission does not have the authority to require the applicant to raise neighboring lands. The Commission does not even have the authority to ensure that the development itself is viable.

The buildings themselves in the property could flood and the Commission doesn't have the authority to require that they be higher or viable from flooding.

This is an issue that engages local governments, BCDC staff has been engaging in collaborative planning, public agencies and private interests like ART Project to address it. In the end it is a local land use and planning decision.

Another issue was raised about the parking spaces. There are seven public parking spaces proposed for the project. A parking lot close to the proposed parking has approximately 50 spaces and a public bathroom. BCDC staff believes that seven public parking spaces for this site are appropriate.

Commissioner Arce clarified: The notion that we don't have the authority to provide guidance with respect to minimizing the impact of sea level rise on the residences or the construction itself, we do have the authority to safeguard against the impact of sea level rise on the public access.

Mr. Buehmann agreed: That is correct. You said, guidance; we do have the ability in an advisory role to say, maybe you should implement certain measures to protect an area outside of our jurisdiction or outside of our authority.

Commissioner Arce asked: So we can opine or comment as to whether or not the proposed safeguards are adequate?

Mr. Buehmann agreed: Yes, yes.

Commissioner Pine had a question and a comment: We talked about the location of the boat launch. The recommendation doesn't specify where that will be. I was surprised to see this was left open.

Mr. Buehmann replied: The design of the kayak launch has not been completed because the inner harbor hasn't been completed. Because the design is not completed we felt it was best to leave it as a plan review.

Once the design for the kayak launch has been completed the permittee would consult with the Bay design analyst about the location, whether it's ADA accessible and then the Bay design analyst would approve the location through plan review.

Commissioner Pine continued the conversation: So the applicant would come back to the staff. I think it's very clear here that the applicant is taking tremendous efforts to protect its site from sea level rise. Bringing five feet of fill is no small task. Other property that is not under consideration today is not going to have similar protections. All the public access that we're creating may not be able to be accessed in the events we have discussed. Jurisdictionally this points to a larger problem which we in San Mateo County are trying to address.

This kind of shows the limitations of our efforts here.

Executive Director Goldzband commented: This also shows the need for BCDC and the Joint Policy Committee and the Bay Area to agree on a holistic strategy so that we can ensure that people can get to where they need to get to whether they are inside BCDC's jurisdiction or outside of our jurisdiction.

As Julianne Potter, the Chief of Staff at SFO always points out, she says, you know Larry we can always figure out how to protect the runways at SFO from an engineering basis. Then she says, the hard part is going to be making sure that people can get there. That is why we have to look at mobility holistically throughout the territory.

Commissioner Zwissler was recognized: I'm just concerned that the resolution to this regional approach might be so far out and we're going to continue to have applications coming to us that we have discomfort with or we're not sure how to address given all these uncertainties, maybe at a future meeting where we have nothing on the agenda or a few things on the agenda, we could tackle this issue around, what do we do between now and then? I don't know what the answer is but just a request to address it.

Commissioner Doherty spoke: It would be great in thinking about how the Water Trail and the Bay Trail are addressing sea level rise and making sure that the actions we are taking individually are integrated with that broader vision.

Commissioner Nelson commented: We've traditionally thought of ensuring the long term maintenance of public access as a challenge on the site itself so that wave erosion or putting up a fence doesn't interfere with public access. This concern about sea level rise is imposing a new kind of concern about making sure that public access is accessible over time.

I suppose we could claim that an applicant is not providing maximum feasible public access unless they have a plan to ensure access over the long term but that would put on the applicant's shoulders the responsibility of doing work on the property of others and that would be a challenge for us.

Maybe it's worth thinking about engaging in a conversation with our applicants to make sure that we're engaging them in that regional effort.

The applicants cannot by themselves solve these problems. They might be a little piece of the solution in that they might be part of that conversation. Maybe we need a Commission working group to think about that.

Acting Chair Halsted added: So far in my perception in working on these things is that it has been easier to engage the public institutions than private property owners. Those interests have not been as well represented as they need to be.

Commissioner Arce commented: Is this the conclusion of the presentation?

Acting Chair Halsted replied: The recommendation has not come yet. We need to hear the staff recommendation and we will have further questions from Commissioners.

Although the public hearing was closed at our last meeting, there was someone who requested to be heard on this item and I did not realize that on the beginning of the meeting. We will ask her to submit her public comment after the matter is on the table.

Mr. Buehmann made the staff recommendation: The staff recommends that the Commission approve BCDC Permit No. 2014.004 to authorize the proposed project.

I have a correction. At several points in the recommendation Uccelli Boulevard is identified as the property of the city of Redwood City. It is actually owned by the U.S. Fish and Wildlife Service.

The staff recommendation contains special conditions that require the permittee to take a variety of measures. These measures include, the permittee shall install and maintain for public use a 110,939 square foot shoreline public access area consisting of a 1,260 linear foot, twelve foot wide Bay Trail spur, a 458 linear Bay Trail segment along Uccelli Boulevard, U.S. Fish and Wildlife property, landscaping and public access amenities including a public playground, a bocce ball court, a gazebo, trellises, a kayak wash down area, bike racks, overlooks, some seating areas and seven public access parking spaces and signage, a non-motorized boat launch or kayak launch that will be accessible to persons with disabilities will be located in the inner harbor and designed to allow easy transport of vessels from the public parking area to the launch float.

The design of the kayak launch has not been completed but will be subject to plan review conditions. A Bay design analyst will work with the applicant to ensure that the kayak launch is accessible to persons with disabilities and convenient for users.

The permittee shall be required to permanently maintain the public access area including from damage from sea level rise and inundation. The maintenance condition includes the possibility that the site would need to be raised or re-designed to continue to ensure the viability of the public access.

BCDC MINUTES
November 20, 2014

Prior to this meeting Commissioner Doherty requested that we include a condition that is not in the recommendation that would provide for future adaptation measures. Currently the site is developed so high that it is above a 55 inch sea level rise level.

If sea level continues to rise it could eventually become subject to some flooding. In that event that condition would require the permittee to put a plan together for us and staff would approve the plan and the condition would require the permittee to implement the plan.

Based on the proposed design of the public access including the proposed engineer fill, the staff believes that public access will remain viable in the event of flooding from sea level rise or storms.

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

Acting Chair Halsted asked for a motion and a second on the staff recommendation.

Motion: Commissioner Vasquez moved for adoption of the staff recommendation, seconded by Commissioner Pine.

Ms. Tanya Sole made public comment on this item: I am concerned about the Commission's decision to vote on the Blu Harbor Project today. Enough major issues have been brought up to at least delay a vote. Just because the city of Redwood City has verbally stated that they don't intend to re-visit their decision doesn't mean that you the Commission shouldn't consider and recognize that this is substantially a different plan and should therefore not even be in front of you.

In addition, the issues to the underlying Redwood City approval permit, there are considerations that have been brought up of the public trust as to whether or not it's consistent as defined and interpreted by the BCDC and other agencies here represented such as the California State Lands Commission.

As Erik just stated, this project will end up creating an island with sea level rise. Beyond authority issues as to Agency's jurisdiction, there is not only a jurisdictional but an ethical concern regarding sea level rise. The water is already lapping and we're in a drought year.

Whether or not the grading of the access strip which belongs to the federal government is considered and how the grading will be done either externally or as described today in a changed format by Erik as internally will only aggravate the creation of an island.

Design of the kayak launch hasn't even been completed but this is the critical component of the public trust.

I strongly recommend the Commissioners delay a vote until such a time as these issues are resolved. Thank you.

Acting Chair Halsted asked: Has the applicant reviewed the staff recommendation and does he agree with it?

Mr. Paul Powers replied: I have reviewed the conditions.

Acting Chair Halsted asked the applicant: And do you agree?

Mr. Powers responded: Yes.

Acting Chair Halsted moved to Commission discussion.

Commissioner Arce had a couple of questions: I have some concerns I want to ask about. This is somewhat of a new venture for the applicant and for the developer in question I think this is a first. There is not much of a track record in terms of successfully pulling something like this off.

Mr. Paul Powers spoke: Could I ask that the question be repeated.

Commissioner Arce replied: It's about the track record of the developer, the applicant of your team in terms of doing something like this in the past. I understand this is kind of a first project of this nature that you're proposing to go forward with here.

Mr. Paul Powers replied: I don't want to pat myself too much on the back but we have done a project within a block that we have been working on about 15 years. The project is called, One Marina and it too has a marina basin and it too dealt with many of the same issues. It has been successfully been built. There are five homes there that remain to be sold. It's a successful project in the vicinity.

Commissioner Arce asked for more detail: And is that a project that has some of the elements of what we are talking about here, the placing of clean fill, the retaining wall system, deep-soil mixture, buttress system, concrete retaining wall, these elements that are part of this project to address sea level rise?

Mr. Powers replied: The homes there are at a finished floor elevation of thirteen. These homes would be at fifteen so there is a two-foot differential. That project was not in an area where BCDC has jurisdiction. The project has considerable public access pathways identical to what we are proposing here that we voluntarily made all along Redwood Creek and all around a U-shaped marina basin.

We used the different methodology in terms of the shoreline stabilization called, ACPs or augercast piles. The difference is fairly minor. They both seek to achieve the same objective, shoreline stabilization. In both cases the public pathway at the water edge is protected from seismic events and liquefaction by the augercast piles in the case of One Marina Project up the street or in this case with deep-soil mixing at the Blu Harbor Project.

Commissioner Arce asked: So no deep-soil mixture buttress system, concrete retaining wall, sheet pile fascia wall, none of the elements described in this rather robust and evolving approach to sea level rise with respect to this project?

Mr. Powers replied: The neighboring project does have a seawall. It has a footing under it and it's there to prevent scour and it was done with a process called, shot crete. There are many similarities. The only difference I can think of off the top is the deep-soil mixing versus the augercast piles.

Commissioner Arce continued: Is there already a team in place? Do you have designers, contractors lined up that have a track record where your team may not?

Mr. Powers responded: Yes. We're using our consultant team that includes people well known in the Bay Area, Moffitt and Nichol, NGO, Sandus Engineering and the same construction management team that did the One Marina Project is scheduled to do this project.

Commissioner Arce further inquired: Do you have any workforce standards in place? Any plans to use state-certified folks to do this work? Will you draw folks from the local community as part of your effort to make this more sustainable and develop the local capacity to be part of what we're trying to do at BCDC which is, make this a model if we approve it. This would be a model for how we have a regional approach to this or do you not have any kind of workforce standards in terms of how you are approaching to get this work done?

Mr. Powers answered: We will use all Bay Area contractors to accomplish the work.

Commissioner Arce asked: Are they going to be state-certified contractors with a track record to successfully get this kind of work done since your team doesn't have the experience doing this?

Mr. Powers responded: All of the contractors we use will have experience. This will not be their first time doing any of this work.

Commissioner Arce continued: I understand that there were some folks that were evicted from the previous site to get this project going. I'm wondering if there is any affordability component as part of a way to responsible use and public enjoyment. We want to see stuff that helps to level the playing field to address income inequality to address something that we're dealing with in the Bay Area. I'm wondering if this is a component of the project.

Mr. Powers replied: The One Marina Project up the street had an affordability component. It was a voluntary component. It involved offering the for-sale housing there on a public listing through the multi-list for six months. Then it went on to say that in the event that there were no takers because of the deed restriction for 45 years, that those homes remain affordable; that we would pay in-lieu fees to the Housing Fund of Redwood City. In fact, that is what occurred. The homes were listed at affordable prices for six months and there were no takers and so the project paid the in-lieu fees to the Redwood City Affordable Housing Fund.

In the case of the Blu Harbor Project there is no affordable component other than the fact that we believe that the homes by design are going to be substantially more affordable because of their size. Some of them will be as small as 500 square feet.

Other than that, there is no, in the traditional sense, affordability component at Blu Harbor.

Commissioner McGrath commented in favor: I am going to support the staff recommendation. I want to tell everybody that I did contact Penny Wells who was one of the founders of the Bay Water Trail about this project and her indication was that certainly it's less

convenient than ideal but it's a significant upgrade and the accessibility and the kayakers would use it. I asked her to come here if she had concerns and we don't see her or other kayakers here. We don't see people concerned with disabilities here. These people have been quite active in the Water Trail process.

I think we have an element that even if it's not completely designed at this stage, is seen by the kayaking and disability community as a significant improvement particularly given the lack of jurisdiction.

There has been an interesting discussion about flooding. One of the things that I would like to remind us all of is that we do occasionally have these storms where we have three or feet of water. The last really big storms that I studied in detail were the '83 storms where the surge was three feet and big parts of the Bay flooded.

This project is improving on public access and I think it gives us a "to-do list" about what we have to do to adaptively manage. We have a lot of facilities which provide wonderful recreational opportunities when the tide is low enough and we're going to have to think about how we make them work better.

I don't think it's appropriate to say that an applicant needs to make those improvements offsite when they are making such a significant improvement onsite.

For those reasons, I'll support this project.

Commissioner Nelson commented: I want to thank the staff and the applicant for the discussion of sea level rise that we've had here. This is the reason we adopted our sea level rise policies. In this case it shows that this is encouraging a discussion that is helpful and appropriate. If these policies played any role at all in the applicant's decision to raise the bed of that building then it is a terrific sign that the policies are working to make sure that shoreline development projects around the Bay are more resilient in the face of sea level rise.

One question for the staff; I'm not troubled that the design of the sea kayak launch ramp hasn't been completed yet. Virtually all marinas around the Bay area have locked gates to restrict public access to private vessels. I want to make sure that this is not going to be an obstacle wherever that launch is ultimately placed that the security needs of the marina will not conflict with accessible public access.

Mr. Buehmann added: We would require that the kayak launch be accessible at all times. If there is some reason why the applicant can't provide that, they would have to articulate that to us. It is generally policy to make sure that those Water Trail access points are open 24/7.

Commissioner Nelson clarified: I just wanted to make sure this was clear before we vote on the application.

Commissioner Doherty spoke: I think that there is a special condition that we can add that would be helpful. I have provided a copy to staff. We have discussed it with the applicant before the meeting and the applicant is amenable to this revision.

The change is to take some language that was in a special condition for the Burlingame Project and use it here. The special condition is that when sea level rise does occur to the point when the public access is no longer viable, and we don't know when this will occur, then it's important that the permittee come before BCDC with a plan for how to provide comparable public access either onsite or offsite.

That is my proposed revision and I can read that into the record.

So the special condition would say, when sea level rise occurs to the level when the public access area becomes unavailable for use due to regular flooding, within six months of notice by the Commission's Executive Director the permittee shall prepare a proposal with adaptation strategies to prevent flooding and result in comparable dedicated public access areas and improvements onsite or offsite. The permittee shall provide an adaptation strategy to the Commission for its review and approval by the Commission and the permittee shall take all actions needed to implement the plan.

Acting Chair Halsted sought concurrence from the maker of the motion: Let me ask if the maker of the motion agrees.

Commissioner Vasquez responded: That is not my motion.

Acting Chair Halsted clarified: Then you don't accept that as an amendment to your motion. We would have to vote on the proposed amendment prior to the motion. Is that correct?

Before we vote on that, should we ask whether or not the applicant would accept that as an amendment? We need to establish the procedurally correct order here. Does the amendment need to be voted on first?

Deputy Attorney General Tiedemann responded: Someone should move the amendment and then there should be a second.

Acting Chair Halsted stated: I was assuming this had been done. Is there a motion for the amendment?

Commissioner Doherty replied: I move the amendment per the language I read previously.

Acting Chair Halsted asked: Is there a second for the amendment?

Commissioner McGrath replied: I'll second it for purposes of discussion. I'm not sure that I will vote for it but I do want it discussed.

Acting Chair Halsted continued: Before we discuss it we should ask the applicant if it would be acceptable to the applicant.

Mr. Powers responded: I met with Commissioner Doherty and the staff before this meeting and was approached about this amendment. I indicated that we could accept it. I will say that we have our concern about it and it is as follows.

As Commissioner Nelson mentioned, the standards on sea level rise that this Commission has set forth are the only standards. There are no city, county or federal standards governing sea level rise protection in the Bay Area. As a result, our concern with this amendment would go solely to one of the reasons why we went to 55 inches in the first place. We wanted to remove doubt and uncertainty with those who finance projects like this with words like, adaptation. So, protecting to 36 inches and then having vague language about an adaptation strategy to protect to 55 inches was a little more uncertainty than we felt we could get a construction lender and permanent lender comfortable with.

Thus, we went to the 55 inches. The only part of this amendment that concerns us is that it, once again, inputs a degree of uncertainty. We don't have a problem with the concept of the amendment. We think whether this flooding occurs in 50 years or 250 years, it is reasonable to think that the permittee, the owner of the property being noticed on a six month basis is reasonable. Coming up with an adaptation plan seems reasonable.

Our sole concern is the financiability of jurisdictional approval that mentions things that are all uncertain.

Commissioner Scharff commented: My concern is speaking for the permittee 50 years from now. The applicant couldn't care less what happens 50 years from now. He is not going to be here. He is not going to be paying for it. He doesn't care.

The question is, what are the homeowners thinking? You buy this and 50 years from now and suddenly you're entangled with BCDC. I don't think this is fair and it is too much uncertainty for someone who buys a house. I wouldn't be willing to support it for that reason.

Commissioner Pine inquired: It sounds like staff was aware that this was going to be proposed; or maybe not. This would have major ramifications for all future permits. I don't know if staff has comments. If staff has any guidance or thoughts we probably should hear them.

Regulatory Program Director McCrea replied: Commissioner Doherty approached us about seven minutes before the meeting began and raised something that was evident to us. This is that in the Burlingame Point Project there is a condition that looks very similar to this. That project applicant proposed that work. The staff recommendation for that project ncludes that requirement. When the Commissioner saw that he thought that seemed to be a reasonable requirement to impose in this project.

We approached Mr. Powers outside and played this out and Paul said, I'd be open to that. Erik alluded to this in his presentation, of the staff recommendation. We were waiting for Commissioner Doherty to spell it out.

Commissioner Pine continued: I had questions about that language in the Burlingame Point proposal which we can defer. I'm not clear that they are identical.

Acting Chair Halsted added: We need to talk about the advisability of what is before us. I think we should address this.

Commissioner Nelson commented: I'm tempted to be sympathetic with this motion but I would certainly be open to changes that the applicant might suggest or perhaps the Commission could give general direction to the staff and the applicant. The reason for this is that it is helpful for this requirement to be explicit. I'm not sure that it is required.

We already require applicants to provide a permanently dedicated public access. I think the responsibility to address this issue is implicit in every permit we've issued since 1965.

I think making this an explicit responsibility is valuable. I am not sure it imposes any greater burden than every applicant already faces. We have tended not to have this discussion with regard to sea level rise.

I'm not sure that it actually represents a significant additional burden. I like the concept because it is surfacing an important issue although I'm not wedded to the language.

Acting Chair Halsted recognized Chief of Permits Bob Batha.

Chief of Permits Bob Batha spoke: We feel similar to Commissioner Nelson. The staff started the first iteration of this condition and it began with the first permit that the Commission issued after its adoption of the sea level rise policies. It was for Loch Lomond Marina in San Rafael.

This is very similar to the intent of that first condition which we've included in all subsequent permits. It spells it out more explicitly as to what we expect will be the responsibility of the permittee into the future.

We think this is a better condition than what we started out with three years ago. It is clearer and more explicit. The Commission has been doing the same thing for three years.

Commissioner McGrath was recognized: I think this is a healthy discussion. I don't know that this applicant is particularly the one that deserves the clock on the head. If I remember Bay Ship and Yacht correctly, I understand that there was a segment of that trail which we knew would eventually be inundated in a shorter term period than this site. Is my memory of that correct?

Permit Analyst Ming Yeung answered: Yes, I do believe that there was an area that was going to be flooded before 2050. We did include a condition that was similar to this one, maybe not as explicit. It required the applicant to make sure that they would provide adequate public access if that area of the shoreline trail would be flooded.

Commissioner McGrath continued the discussion: So that began the discussion of what is the timeframe under which we should think about the longevity of our permit conditions.

Maybe it's appropriate to move that timeframe up but I think I'm going to vote against this motion because I think there are higher priority places where we have to worry about that.

Commissioner Zwissler took the floor: I am going to vote against this motion as well. We have a working group that is trying to get its arms around just this very issue. I am a little concerned that we're improvising on the fly and setting precedents. This will keep coming up.

Like Commissioner Pine, I made notes about questions in the Burlingame application when I saw that. I am going to be voting, no, as well.

Commissioner Randolph addressed the Commission: I also have reservations as to the possible precedent that this could set. It's an important issue but it is going to take a lot of careful consideration in that BCDC is really out in front in this particular area. We need to be very thoughtful about how we proceed.

Commissioner Arce commented: I am concerned because this is early when we have the benefits of the work out of the working group. We are talking about getting this right and coordinating with all the different agencies. I don't think this aspect of the permit is yet ready. I am going to support the amendment. I am mostly inclined to vote, no, on the whole thing if we have to vote today.

For me, there are a lot of questions about giving a green light at this stage. In order to do this there has to be better answers from the applicant about how they propose to get this done.

It is new territory for us. It is new groundbreaking territory that is going to guide our policies. The amendment makes me a little more comfortable but generally speaking I'm inclined to vote, no, on the permit if we have to vote today.

Commissioner Doherty commented: I think this does raise a lot here for further discussion. When we're putting new development in areas that are directly adjacent to the shoreline that we know there is going to be sea level rise impacting that area in the future; we have a responsibility as a Commission to make sure that we're having viable public access in the future.

Over the life of the project, which for residents can be 80 to 100 years, the Bay Plan has provisions to make sure we are maintaining viable public access over the life of that project.

I am suggesting this amendment to make sure that we are having a process in place so that when the flooding does occur that there is a plan that is brought back to BCDC to make sure that the public access is adjusted so that it can be provided as viable.

In terms of the question about owners coming in and not expecting to have to pay for future adjustments for sea level rise, the legal instruments for this permit are going to be recorded against title for property so that when someone looks at a title report and investigates the property, they will become aware of this permit condition. They will know that part of becoming a waterfront community with this permit means that there will be consideration of what to do about public access in the future.

Executive Director Goldzband commented: This is what you all are supposed to be doing. From the staff perspective I can say that, it is marvelous that we have been talking this through. From the staff perspective there are a couple of things to consider prior to voting on this.

The first is general and the second is specific. The general one is that, when, in 50 years, there may be regular flooding at this site; if BCDC in the Bay Area has not adopted and implements an adaptation strategy for the near-term and medium-term, we have failed.

This means that the flooding should not be occurring in that way anyway. If it does, it's because there is a conscious decision for that to happen. That is generally one issue that the Commissioners should consider as they look at this.

The second is that I was very encouraged by Commissioner Zwissler's comment that the Rising Sea Level Working Group has already said in its report, that it wants to or that it will take a look at the application process and look at total water level and figure out a way to determine whether and/or how to change that application. I would argue that this discussion should be, not only transcribed but probably be read by everybody on that working group the next time the working group meets so that it has an idea about the way that the Commissioners are actually thinking about this issue.

We are sort of caught between and betwixt here at BCDC. It goes right back to what Commissioner Zwissler said earlier, which is, what do we do between now and a long-term strategy?

I would argue that from staff's perspective you need to or we would, request, that you think about those two issues; the general issue and the specific issue prior to voting on a new condition for a permit like this.

Commissioner Vasquez commented: This really was about the process. We have had a briefing, a public hearing and this was not part of the public hearing discussion. We are here to vote today and try to place this burden or try to figure out what the impact of that amendment to that motion would be. It is unfair to everyone.

We have a working group. Let's let them work through this. If we haven't figured this out in 50 years then we have all done a really bad job of the adaptation planning.

Acting Chair Halsted stated: I share some concern about adding a condition like this at this moment partly because of the impact it has on future permits which come before us and those people who think they may have future permits.

We need to develop a really consistent and thorough method for the future that people can rely upon and understand. I would be inclined to vote against this.

Commissioner Bates commented: I think this is a very good amendment. I do think the process is such that I'm not going to support it. I think it is the right thing to do. We should start thinking about how we can put it in there because it really needs to be said and needs to be spelled out. I am going to vote, no, on the amendment and I'm going to vote, aye, on the regular program.

Commissioner Sartipi was recognized: One point of clarification, without this, the permit still would require that the access be available.

Mr. McCrea agreed: That's right. And maintained. On page eight of the staff recommendation, on number five on that page is a maintenance condition of public access. I will read it. It may get you to where you want to be. It reads, the areas in public access improvements within the, I'm going to paraphrase, public access area described above shall be permanently maintained by and the expense of the permittee or its assignees. Such maintenance shall include, and it lists a number of things. Then it says, repairs to any public access areas or improvements that are damaged by future subsidence, uneven settlement, flooding or inundation caused by sea level rise including raising land elevations or re-designing public access features to protect and ensure the usability of the public access areas and improvements at all times.

BCDC MINUTES
November 20, 2014

Commissioner Pine inquired: It sounds like this is a standard provision but I never thought about it in the context of sea level rise. When you take the long-term view, and what are we really saying here, that you have to protect the public access 200 years from now? Is that what we are saying?

Acting Chair Halsted stated: It sounds like what we are saying.

Commissioner Pine continued: It's one thing to think about 100 years out and it's another thing to think about 200 years out. The applicant is investing a lot of money to deal with a 100-year problem. I don't know what this really puts on the applicant.

Commissioner Doherty spoke: And that's exactly what got me thinking about this. In the future are we going to have a situation where there is an exhibit showing this location of the public access area and are we eventually going to have a little island of that public access area and will this be it and it's disconnected from everything else?

It didn't seem reasonable in terms of thinking, at all times and in-perpetuity to require them to raise the elevation of this public access area but instead to have an approach either onsite or offsite of how they would provide comparable public access.

Commissioner Nelson commented: Three thoughts. The first is, I'm not sure this imposes any new responsibilities other than establishing a procedure which our current permit requirement doesn't.

There will be, if and when we reach that point where this site is threatened with inundation, an adaptation discussion. The homeowners will ensure that there is an adaptation discussion.

All this requirement ensures is that public access is a part of that discussion. That is entirely appropriate. It doesn't dictate what the outcome of that discussion is. I don't think it necessarily suggests that the burden of addressing that is necessarily entirely on the applicant. We don't know what sort of financing mechanisms are going to be in place to do adaptation activities 50 years from now, 100 years from now. I suspect there will be, at least in some cases, some regional, state or federal financing mechanisms to address some of these issues. This may or may not be one of those spots but we know that there will be an adaptation discussion. We're just making sure that the public access is a part of that.

I'm tempted to support this new language on one condition; the applicant has just seen this language. We are making this up a bit on the fly. I would be willing to support it if Commissioner Doherty would accept a friendly amendment that rather than approve this language precisely as written, we hand it to our staff and ask them to sit down with the applicant and see if you can reach agreement on permit language that addresses their concerns; and if not, bring that back to us.

I would ask if you would accept a friendly amendment that we give this language to staff and provide them with direction to craft a final permit language working with the applicant.

Commissioner Doherty responded: I support that amendment. I do apologize for not addressing this issue at the previous meeting.

Acting Chair Halsted clarified: So you have accepted that amendment to your motion. Does your seconder accept that?

Commissioner McGrath stated: Boy, talk about putting me on the spot. Why don't I withdraw it like Barry said.

Acting Chair Halsted continued: Thank you. Commissioner Gilmore has a question.

Commissioner Gilmore commented: I had a general comment about Commissioner Pine's comment about, are we doing this in-perpetuity; first it's 100 years, it's 200 years out. We need to have a little perspective here because as was pointed out, if we're talking about inundation the homeowners would have something to say about it.

On the other hand, each project has a life cycle of its own. Maybe in 200 years those homes won't be there because people will decide that it's too expensive to hold back the Bay waters and they're going to move.

What we could potentially end up having is, you are having the permittee protecting shoreline access when there is no project and the shoreline has actually moved several hundred feet farther in.

This issue of, well are we doing this for 100 years or 200 years; I kind of think that will take care of itself in the fullness of time. In other words, I think it is important to say, to put it in the context of the lifespan of the project and say something to the effect that, yes, you need to preserve the shoreline access as long as there is a project there that got us worrying about the shoreline access in the first place.

If the lifespan of the project goes away, then, why are we protecting shoreline access?

Executive Director Goldzband addressed the Commission: On behalf of staff I want to make sure that I understand something. If the friendly amendment were to be adopted, would this applicant leave today without the approval of a permit? And would the applicant come back then in two or four weeks either with an agreement or no agreement and then the Commission would then, once again, take this up?

If that is the case, I want to make sure that our attorney general has the ability to talk about that.

Ms. Tiedemann advised: I have interpreted Commissioner Doherty's suggestion as a substitute motion for which there is a friendly amendment that has received a second. I believe the Commission should vote on that substitute motion today. If it fails it will vote on the main motion.

Executive Director Goldzband posed a hypothetical: And if it passes?

Ms. Tiedemann replied: If that motion passes, I suppose that this will come back to the Commission at a future meeting because that is the nature of the amendment.

Executive Director Goldzband added: I just want to make sure that everybody understood that.

Commissioner Randolph commented: I would support Commissioner Zwissler's remarks that there is a working group that is working on this in a very systematic way and I'd like to wait and see what they come up with.

Acting Chair Halsted remarked: When we finish our questions I will proceed to a hand vote on the amendment.

Commissioner Nelson had a question: I had a question about my friendly amendment. My recollection is that in the past the Commission has done things like this. The Commission has said, we know that this language has to be resolved but rather than have that final language before us, we're going to delegate that responsibility to staff.

My intention in offering a friendly amendment was that we would vote on the permit today and the permittee would have a final permit that would require staff to resolve some issues.

If they fail to resolve those issues it would have to come back to the staff. My intention was, they'd have a permit.

Acting Chair Halsted interjected: Our attorney is saying, no, that is not the way we have done things in the past. We have to accept that as the fact.

Ms. Tiedemann responded: You should vote on the substitute motion. What you are suggesting is that there be a vote on the permit and then some subsequent vote on the actual language of the permit. That is not an appropriate way to proceed.

There should be a vote on the substitute motion.

Commissioner Nelson concurred: I am in agreement with that. In voting on the substitute motion which is merely inserting this new permit requirement, my assumption is that we would then vote on that, then we would vote on the permit.

Ms. Tiedemann added: On the same day.

Commissioner Nelson continued: If the substitute motion passes –

Ms. Tiedemann interjected: No, if it fails you will vote on the permit. If it passes, staff has to consider additional language for the permit.

Commissioner Nelson replied: And we must have all of the details of that permit condition resolved here. We can't delegate that to staff.

Ms. Tiedemann added: You can delegate some matters to staff. I would not recommend that you do it with a condition such as this one. I would recommend that the Commission actually vote on the permit language.

Commissioner Nelson replied: Then I think we should ask the applicant that because I'm not sure the applicant understood that this amendment might result in a delay in issuing the permit.

Commissioner Doherty had a procedural question: I am open that instead of proposing the amendment to propose that we delay the vote until two weeks from now for the next meeting to allow for everyone to see the proposed permit language in writing and just to note that the applicant has expressed willingness to accept this.

Just to be able to have that in writing for people to consider for the next meeting.

Acting Chair Halsted asked for clarification: Are you asking to change your substitute motion at this point?

Commissioner Doherty responded: Yeah. So I think just procedurally I would like to propose to delay the vote today until next week to allow the Commissioners to –

Acting Chair Halsted interjected: I think that is a different motion, is it not? I think we need to dispose of the motion on the floor first.

A question has been called. We will have a hand vote on the motion by Commissioner Doherty, seconded by Commissioner Nelson.

Commissioner Nelson added: On his original motion with the friendly amendment and not the motion to simply delay.

Acting Chair Halsted clarified: It is the motion that you refer to staff to come up with language and then if it were to pass then the vote on the permit would be delayed until the next meeting and there is agreement between the staff and applicant on the language.

Commissioner Nelson requested: I'd like to hear from the applicant whether the applicant is willing to – At this point Acting Chair Halsted noted the question was called.

Acting Chair Halsted continued: All right. So the question has been called as long as everyone understands the question before us. Those in favor of the amendment with the friendly amendment please signify by raising your hand.

MOTION: Commissioner Doherty moved the friendly amendment, seconded by Commissioner Nelson. The motion failed by a show of hands with 3 Commissioners voting, "YES", and 19 voting, "NO". There were no abstentions.

Acting Chair Halsted announced: The substitute motion and friendly motion fails. We should move to a vote on the staff recommendation. I think that motion and the second is on the floor.

Commissioner Arce commented: I want to say to the applicant and the team that I am going to be voting against the permit. There is a variety of things about the project that are not necessarily BCDC questions but are probably questions that are going to come up around the nature of a luxury development like this at a time when we want to see affordability. Those of us that care about the quality of jobs and community, opportunities for the local folks as a sustainability measure; that is obviously important too.

I am going to vote against the permit because I feel like this is a critical moment to get this right. I supported that amendment because I thought that would have been a really good part of this piece to attach to the permit. I think the questions are not going to go away about public access. According to Public Access Policy 7, that public access provided as a condition of a development to remain viable in the event of future sea level rise.

I read at page 16, reluctance from the applicant after staff raised concerns, reluctance to be more aggressive in adapting to sea level rise. I didn't hear articulation of a concrete plan to do that. When our Vice Chair says, the hard part is about making sure people get there when we talk about public access, I'm not convinced and I won't be voting for the permit.

Acting Chair Halsted replied: I think that we should call for a vote. It will be a roll call vote. Sharon Louie will you please call the roll. Thirteen votes are needed to approve the application. The federal representatives cannot vote on this matter.

VOTE: The motion carried with a roll call vote of 18-1-1 with Commissioners Addiego, Bates, Gilmore, Chiu, Scharff, Gorin, Pemberton, McGrath, Nelson, Pine, Randolph, Sartipi, Sears, Vasquez, Techel, Caldwell and Zwissler, Acting Chair Halsted voting, "YES", Commissioner Arce voting "NO", and Commissioner Doherty abstaining.

Acting Chair Halsted continued: The vote was 18 yes, 1 no and 1 abstention. Thank you for a very lively and thoughtful debate and we will have much more discussion on these matters on future permits. I congratulate the applicant on his approval.

10. Public Hearing on a Request for Consistency Concurrence with the U.S. Fish and Wildlife Service's (USFWS) Construction of the Sonoma Creek Enhancement Project, in the San Pablo Bay National Wildlife Refuge, along the Western Bank of Sonoma Creek and San Pablo Bay, in an Unincorporated Area of Sonoma County; BCDC Consistency Determination No. C2014.004.00.

Acting Chair Halsted announced: As I mentioned earlier, we are taking this item slightly out of order. Michelle Levenson will introduce the project.

Project Analyst Levenson presented the following: The next item on the agenda is a request for consistency concurrence by the U.S. Fish and Wildlife Service for the Sonoma Marsh Enhancement Project proposed in the San Pablo Bay National Wildlife Refuge, along the mouth of Sonoma Creek, in an unincorporated area of Sonoma County.

The project involves dredging 12,155 linear feet of tidal channels to improve tidal circulation in the existing marsh and placing the dredge material to reduce mosquito-breeding habitat, enhance tidal marsh wetlands and create upland refugia habitat.

Of the material dredged during channel construction, 7,365 of the 40,680 cubic yards would be used to raise low-lying areas of the marsh that currently provide habitat for breeding mosquitos and to construct marsh mounds that would support tidal marsh vegetation. 24,200 cubic yards of

the material dredged for the channels would be used to construct a 10 acre, transition upland refugia habitat ramp. This ramp would provide retreat areas for marsh-dependent wildlife during high tide events and storms.

The remaining 9,115 cubic yards of material not used for enhancement of the marsh would be used by the Vallejo Sanitation District to raise the elevations of its levees. This activity is already authorized in an existing Commission permit.

Due to property ownership issues and species concerns, on-site public access was deemed infeasible by the U.S. Fish and Wildlife Service.

Thus, off-site public access has been proposed. This access consists of a 1,400 foot long trail along a levee that separates the Sonoma Baylands and Sears Point restoration sites, located approximately 3.8 miles west of the site. The trail would contain an area for sitting and wildlife viewing, and contain interpretive signage.

The staff believes that the project raises five issues:

- a. Is the fill that would be placed for the habitat features consistent with the McAteer-Petris Act and Bay Plan policies on Fill in the Bay?
- b. Is the public access consistent with the Bay Plan policies on Public Access?
- c. Is the project consistent with the Bay Plan policies on Safety of Fills and Climate Change?
- d. Is the project consistent with the Bay Plan policies on natural Resources? and
- e. Is the placement of dredged material consistent with the Bay Plan policies on Dredging, in particular Policy 11(b).

Here to provide you with more information on the project is Don Brubaker and Meg Marriott with the San Pablo Bay National Wildlife Refuge.

Ms. Marriot addressed the Commission: I am Meg Marriott, San Pablo Bay National Wildlife Refuge Wildlife biologist. I am a co-lead on the Sonoma Creek Enhancement Project along with Rachel Spadafore of Audubon California, Don Brubaker, Manager for San Pablo Bay Refuge Stuart Siegel and Dan Gillenwater of ESA.

I will be talking about the Sonoma Creek Enhancement Project.

And what I would like to do, I would like to just give a brief site history. I will present our goals for the project and then give a brief project overview for any of you who are not very familiar with the project. And then I would like to spend the rest of my time discussing the five consistency issues raised by the BCDC staff and I would like to discuss how we believe the project is consistent with BCDC policies.

So here we are in the North Bay or San Pablo Bay, whichever you choose. The Sonoma Creek Marsh is outlined in black. And it is part of the San Pablo Bay National Wildlife Refuge.

The project area, the Sonoma Creek Enhancement Project area, is outlined in red. I like to think of it as the stomach because the top part of the marsh looks like a neck and then that looks like a stomach.

The Sonoma Creek Marsh is a centennial marsh. Centennial marshes have built up over the past 100 years due to a mass amount of sediment load coming down the Sacramento River and other rivers due to hydraulic mining during the Gold Rush Era, and farming and agricultural practices up to the late last century.

And what happens is these centennial marshes, which are mostly in the North Bay, build up so quickly that they don't have time to form complex channel systems which bring tidal flushing in and out of the marsh twice a day, bringing nutrients into the marsh, which bring propagules, which bring wildlife.

These centennial marshes are generally flat and monotypic with mid-elevations marshes that lack the heterogeneous topography of natural marshes and therefore, lack the micro-habitats that a healthy, functional has for wildlife.

The tidal marsh habitat, is outlined in green. You can see up at the upper left hand corner the tidal marsh existing at this location in 1966. Then we go to 1970, 1980, 1989 and lastly in the middle bottom, 2005. So you see, this marsh grew up really quickly so you can understand that there is no channelization in this marsh.

But what you can also see is that around 1989 the marsh quit building up rapidly horizontally and that was directly due to the decrease in the sediment coming down into the Bay Delta. And as we have had less and less sediment coming to the North Bay the marsh has not expanded very much horizontally but it has built up vertically on the Bay edge.

What this means for Sonoma Creek Marsh is that we have a flat, monotypic – it is just dominated by pickle weed, there is no topography in there – marsh that is bordered on the west side by a levee and then on the rest of the sides by a higher elevation marsh.

And what happens because of this is that when you have spring tides, (e.g. large king tides) or you have storm events the water comes rushing up over the top. The water then cannot get out because there are no channels in the marsh. It sits on the marsh plain, it ponds, it stagnates, it creates algae and it kills off the pickle weed, reducing habitat for wildlife and creating a massive mosquito breeding ground.

We have two major problem areas at this site. The main 100-acre "central basin," which ponds up, and then also along the western levee there is a section we call the "relic berm area" because there are two relic berms paralleling the western levee. The relic berms were attempts at creating levees that just did not go very far. They are still up in elevation but they are not as tall as a regular levee. So when the waters push over those levees it is not going anywhere.

This is the most updated Google Earth imagery of the site, taken in August, before king tide season. You can see in the relic berm area everything is looking okay but in the central basin we have problems (drainage) already in August. The gray area is actual ponding water and then the brown areas are pickle-weed dieback.

BCDC MINUTES

November 20, 2014

Here is a picture or pictures of the inter-berm area. On the left you can see the berm on the left side and then the main levee on the right side. This is what it looks like, very gunky when the water gets in there and stagnates.

The Marin-Sonoma Mosquito & Vector Control District has called this area one of the worst areas that they treat for mosquitoes in Marin and Sonoma Counties and so it was actually the Control District who proffered up the \$80,000 for us to design the proposed enhancement project that would alleviate the hydrology problems in the area.

Quickly we jumped on board and we formed a partnership between Marin-Sonoma Mosquito Abatement District, the Refuge and Audubon California to combat the issues at the site and to come up with project goals. The project goals include:

Goal 1: Remedy persistent drainage problems in the marsh by improving and creating connections between the isolated ponded area and the adjacent tidal waters of Sonoma Creek and San Pablo Bay.

Goal 2: Create a healthy, functioning tidal marsh system where improved habitat conditions would benefit marsh-dependent wildlife.

These goals will serve to protect and enhance populations of marsh-dependent plant and wildlife species. Also mosquito production will be greatly reduced, thereby reducing the amount of pesticide that we are putting into Bay waters.

What we are proposing is fairly simple. In essence there are two main project components. One addresses the ponding problems in the Central Basin and the second addresses the ponding problems in the Relic Berm Area.

What we are proposing to do in the central basin is to create an approximately 4,500 foot long channel that connects to Sonoma Creek. At this connection at the mouth the channel will be 57 feet wide and then it will taper down to 16 feet wide at its terminus. We will create starter notches all along that channel and we are expecting that with the regular tidal flushing those will flesh out into secondary channels.

In the relic berm area, we are proposing to create a 10-acre transition habitat ramp in green. This will be a gradually sloping ramp at about a 10-percent grade, that will start a little bit below the western levee and be graded down to marsh plain.

We are also proposing in the areas that are not exceptionally troublesome but still have bad hydrology, high marsh lifts (showed in blue). These are areas where fill would be placed in lower elevations just to bring these areas to marsh plain elevations.

We are proposing also to create a couple of side channels that connect the relic berm area to the main channel and we are also proposing to build two acres of marsh mounds to get that heterogeneous topography into the marsh.

Now we get to the consistency issues. Policy Consistency Issue 1: Whether the project is consistent with the McAteer-Petris Act and Bay Plan policies regarding Fill.

The marsh upland transition ramp, the high marsh lifts and the marsh mounds would involve fill in wetlands (e.g. the Bay). We plan to use the material which we are excavating from that main channel to create these features.

In addition to improving hydrological function and creating a more natural heterogeneous tidal marsh, the transition ramp and marsh mounds are fundamental components of a healthy, functioning tidal marsh system. The fill will create high tide refugia for marsh-dwelling wildlife to escape drowning during the high tides and increased storm events.

Climate change is predicted to increase both the frequency and the intensity of storm events. The transition ramp and marsh mounds would serve as climate change adaptations in that they would promote the survival of marsh-dwelling wildlife during these events. The transition ramp is going to be proposed more and more as a climate change adaptation in marsh restoration projects. Larger ramps and those that connect with uplands will allow more marsh migration space.

Originally we proposed a 25-acre ramp. But after discussions with BCDC about minimum amounts of fill necessary to provide meaningful benefits to marsh function and wildlife, we agreed to propose a smaller, 10-acre ramp that would serve as a sort of a pilot project to help BCDC, the Refuge and other Bay conservation organizations determine the efficacy of such project components.

To minimize the amount of wetland converted to upland we are proposing only to build the ramp up to an elevation of 9 feet, which is approximately the elevation of highest-observed water level at the site. The entire ramp will be tidally influenced. Only 1.85 acres will be converted to what BCDC and the Corps considers upland but what I consider a transition zone, which is an essential component of a functional marsh.

We will be actively vegetating the transition ramp with our partner students and teachers, through the "Restoring a Watershed" program. We will be monitoring the progress of multiple elements of transition ramp function and sharing our results with BCDC for at least 10 years.

Far from having harmful effects, we believe these proposed changes will improve the circulation of water, water quality, fertility of the marshes and wildlife resources and other conditions impacting the environment such as climate change.

This is what the transition ramp is going to look like. This is a 2 foot rise vertically to a 20 foot rise horizontally.

Policy Consistency Issue 2: Whether the project would provide the maximum feasible public access, consistent with the project. And I have to say that this has been the most discussed issue with this project.

We are proposing a 1,400 foot spur trail about 3.8 miles west of the project site between the Sonoma Baylands Restoration Project and the new Sears Point Restoration Project. We are proposing to erect benches and interpretive panels.

We think this project is so exciting because it is going to be precedent-setting in many ways. The trail would provide a location where people can walk to and be in the middle of an older restoration (e.g. the Sonoma Baylands project, completed in 1994, I believe the first restoration in the Bay that beneficially re-used dredge spoil for marsh restoration). The Sonoma Baylands site is at marsh plain elevation and it is vegetating really quickly. We have shore birds and water fowl and we saw our first clapper rail in there last year. The trail would provide access for people in the middle of that with Sonoma Baylands on the side of the levee path, and the Sears Point brand new restoration project that will be breached in 2016 on the other side. This site is heavily subsided and will be open water for many years except for the marsh mounds.

The levee trail would provide the public with an opportunity to experience what we are all doing here working to protect, enhance and restore the Baylands through these restorations projects. The public can really experience that when on the trail. We will have interpretive panels that will show the timing and phasing of restoration projects and we will also have benches at the end of the trail.

Policy Consistency Issue 3: Whether the project is consistent with the Commission's Safety of Fills and Climate Change policies.

This project will include climate change adaptations that will help to prevent damage from sea level rise. First, the transition ramp and the marsh mounds are primarily going to benefit wildlife; they are going to save animals from drowning.

Second, we will provide a little over 9,000 cubic yards to our neighbor (Vallejo Sanitary District) to build up the levee that will protect the District's property from flooding. The main way in which this project is going to help prevent damage from sea level rise is that it is going to create this large channel that will allow tidal flushing into the marsh twice a day. Tides are going to bring sediment, sediment is going to drop out, it is going to accrete, it is going to build the marsh plain up and it is going to allow that marsh to keep pace with sea level rise. That is the best chance that we can possibly give this area to keep pace with sea level rise. Hultgren-Tillis conducted a levee stability analysis and they concluded that the fill placed with the project would not undermine the stability and the structure of the levee.

Policy Consistency Issue 4: Whether the project is consistent with the Commission's natural resource policies, including Fish, Other Aquatic Organisms and Wildlife; and Tidal Marshes and Tidal Flats.

We have designed a 3-year monitoring program already and we propose to develop a 10-year monitoring program, which will include long- and short- biological and physical goals and success criteria, which will assess sustainability with this project.

We want this project so badly because we care about improving the tidal marshes on the Refuge. To protect, conserve and, where possible, restore tidal marshes, is one of the purposes for which our San Pablo Bay Refuge was established. We will, therefore, continue to monitor the health and function of this marsh, even after our permitting requirements of perhaps 10 years run out.

I go out into the field. I monitor tidal marshes function and processes. I monitor the wildlife, and see how their populations are doing. I analyze the data bring it back to my manager. It is then my manager's decision, while we talk it through, to implement adaptive management if the tidal marsh is not functioning as we thought it should. This is what we do. We are dedicated to doing this. And whether or not this is a permitting requirement, we are going to do it.

Policy Consistency Issue 5: Whether the project is consistent with the Commission's dredging policies.

We will be excavating marsh soils to enhance existing tidal marsh habitats within the Refuge. We have used this approach of enhancement before at Lower Tubbs and we achieved results above and beyond our success criteria.

We do propose to place 31,565 cubic yards of dredged material, which constitutes 1,565 cubic yards over the potentially allowable 30,000 cubic yard minor fill amount that is potentially permissible in the Bay. However, we respectfully ask you to consider allowing us the extra 1,565 cubic yards while still determining this to be a minor amount of fill.

We are only doing this project to benefit and improve Baylands' ecosystem function and we hope you feel that way too.

Acting Chair Halsted continued: We are ready to hear public comment. Is there a motion to open the public hearing?

MOTION: Commissioner Gorin moved to open the public hearing, seconded by Commissioner McGrath. The motion passed by a voice vote with no abstentions or opposition.

Acting Chair Halsted announced: The public hearing is open and we have speakers on this item.

Ms. Laura Thompson addressed the Commission: I am Laura Thompson, Manager of the San Francisco Bay Trail Project at the Association of Bay Area Governments. I just want to say a few words about this particular project as well as public access in the North Bay, in general.

For those of you on the Commission that are not familiar with the Bay Trail, it is a 25-years-in-the-making vision of a continuous 500 mile hiking and biking trail around the shoreline of San Francisco Bay. Two weeks ago we celebrated the 340th mile, so we are 68-percent complete.

Regarding this project, we recognize that the levee adjacent to the restoration area is not owned by the U.S. Fish and Wildlife Service and it is, in fact, owned by the Vallejo Sanitary District and when the Service approached them to see if they would allow public access on the levee they declined. That particular levee is part of the San Francisco Bay Trail Plan and it is also part of the Sonoma County Bicycle and Pedestrian Plan.

We recognize that access along the District's levee wasn't an option for this project and I think my staff proposed that maybe the Service could consider contributing to a feasibility study for a gap that is about a one mile in length gap somewhat near the project but I don't think that that was considered as part of this project.

So we certainly appreciate the 1,400 foot spur that will provide the public with an opportunity to get to a new section of the marshlands off of the Sonoma Baylands and the Sears Point trail. Both of those restoration projects did include public access as part of their restoration efforts; it was part of the whole project together.

So we are kind of faced with a dilemma in the North Bay of finding good public access projects for BCDC permits for restoration projects. So what I would like to do is just make you aware of an effort from 2009, called the "North Bay Public Access Plan." This plan was a map that was developed in collaboration with the Bay Trail Project, BCDC, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, Marin Audubon and others, in an effort to have some consensus around all of the existing and potential public access in the North Bay so that we can look to these pieces of the Bay Trail when projects like this come before you.

So I would love to bring this back on to the table and work with BCDC staff so that when we have these types of proposals we all are looking at the same roadmap. Thanks.

Commissioner McGrath asked a question: Ms. Thompson, you have indicated that you understand that there is a dilemma in terms of the maximum feasible consistent with the project and you appreciate the 1,400 foot improvement.

Do you think that the 1,400 foot public access that is proposed is sufficient for us to easily find that the project provides maximum feasible public access?

Ms. Thompson replied: I can't defer to BCDC staff on that one? Because I will.

Commissioner McGrath responded: From your perspective of implementing the Bay Trail and burdens and benefits. I would like the Bay Trail's opinion separately from them.

Ms. Thompson answered: I am definitely not standing up here to obstruct a project. I think this restoration project is really important and Fish and Wildlife Service is a really important partner of ours and so I wouldn't want any of my comments to be perceived as standing in the way of their project.

But I am a bit disappointed. I had hoped that we would be able to find some sort of creative way to provide, if not physical public access, but some contribution towards completing a gap. Most of the Bay Trail in the North Bay consists of gaps. We have a lot more to work on. We are looking at feasibility and engineering analysis that is really needed to connect the Bay Trail south of Highway 37 up to the proposed Bay Trail at Skaggs Island. So any help that applicants can provide in moving us forward on those gaps in terms of contribution to those studies would be welcome.

Commissioner McGrath continued: So there is clearly no land that they can give at the site, but financially it may be something for further discussions.

Ms. Thompson replied: Yes.

Acting Chair Halsted recognized the second public speaker, Rachel Spadafore.

Ms. Spadafore addressed the Commission: My name is Rachel Spadafore and I am a Restoration Ecologist for Audubon California and those were my boots that you saw in the gunk in the presentation. We are partnering with U.S. Fish and Wildlife on this project.

We are here today to present this project to you. A project that resolves not only a major public health issue but also helps to alleviate imminent stressors on endangered species and the ever-increasing threat of climate change impacts, all while engaging the community in this important work.

The Sonoma Creek Marsh, being an impounded and poorly-drained centennial wetland, thanks to the Gold Rush Era, has become a major source of mosquito production. The Marin-Sonoma Mosquito Vector & Control District has highlighted this marsh as one of its worst source areas in need of the most treatment. This presents a significant public health issue which must be resolved. The mosquito breeding habitat as well as the continuous treatment of a fringing tidal wetland with thousands of pounds of insecticides each year must come to an end.

Our project would drastically improve the drainage of the Sonoma Creek Marsh, relieving its ponding issues and minimizing mosquito breeding habitat. Reducing treatment of the marsh will, in turn, improve water quality for a long list of marsh-dependent wildlife, including birds, fish, small mammals and even invertebrates.

As I am sure you all are very well aware, the San Francisco Bay has lost over 90-percent of its natural wetlands in the last century; 90-percent is a huge number. This loss has had extreme consequences for both humans and especially for wildlife. While we cannot necessarily get back what we have lost, this project can take an accreted marsh born of anthropogenic activities and help species surviving currently in the project vicinity.

We have an excellent opportunity here to make a big impact. Not only will the Sonoma Creek Wetlands become functional but the project will also serve as a missing link connecting a chain of restoration and enhancement efforts ringing the San Pablo Bay. This high degree of connectivity, in addition to improved functioning, can help make it possible for the Ridgway's rail, or clapper rail if you still prefer that name, salt marsh harvest mouse and state-threatened black rail to thrive into the future in spite of rising sea levels.

Audubon's mission and role in this project is to conserve, protect and restore habitat for wildlife, especially birds. The San Pablo Bay is a designated important bird area, home to millions of migratory birds along the Pacific Flyway whose coastal habitat either has been lost or is on the verge of being lost due to urbanization and climate change. We have the opportunity to change this through this very important and timely project.

Furthermore, as the direct ecological and physical effects of climate change for wildlife and people become clear, it is obvious that we need to take action and take action now. The project will not only improve Sonoma Creek Marsh's resiliency to sea level rise through improved hydrology, but also takes the future into account by incorporating the crucial transition zone habitat.

We have worked very hard to meet the Commission's goals of public access while providing this crucial, valuable opportunity to restore a very degraded marsh. Because of that, in partnership with U.S. Fish and Wildlife as well as the Mosquito District, Audubon California asks that the Commission approve this project as quickly as possible. Thank you.

Ms. Salzman spoke: My name is Barbara Salzman and I am representing the Marin Audubon Society.

I am here because we think this is a good project. For those of you who don't know, the Audubon chapters really don't have to agree with each other or with National. I just wanted to make sure – I am just not here because I am an Audubon chapter and have to follow what they say.

But I too wanted to address the same thing everybody else is. Number one: the fill. I find and I know that Commissioner Sears also has been – there is a lot of discussion these days where fill in the Bay comes up.

I know that you have been involved in studies and whatever. You are going to have to deal with it one of these days and I hope you deal with it in a way that benefits the Bay.

This is a project that I think really demonstrates adaptation to climate change. National Audubon recently came out with a climate change study and recommendations and one of their recommendations is that for – what they did was they went through all the bird species with lots of information from Christmas Bird Counts and the federal agency that does a lot of bird surveys. Anyway, they determined that one of the main aspects of what we are going to need to do to make sure we don't lose wildlife species, and there were a number of species they identified, were able to identify that we could lose or at least have significant declines, is to have optimal habitats. And that's what this project does. It will make a degraded habitat an optimal habitat to protect wildlife.

The other thing I wanted to note is that it really is just moving fill that is already on the site. It is not trucking it in from the South Bay or anywhere.

With regard to the public access: I have to say if this will make the project go I think it's great. I would have liked to have had more information on the impact on the clapper rail because that's always our concern. Because having public access right adjacent to marshes or high tide refugia really reduces the potential for them to survive. Because if they don't have a safe place to hide and they can't come in if people are there and dogs and whatever, then we are going to lose them, they get picked off by raptors. Assuming since the Fish and Wildlife endangered species people from Sacramento did give their okay I think that this probably is a good project in that respect.

Lastly, I wanted to say I am happy to agree with Laura. And I wanted to mention that the study that she talked about and we did participate in, it was a group of landowners in the North Bay that were concerned about wildlife habitat and public access and it was convened by the Joint Venture. And so I would urge you to pursue that. I think it's a great idea.

Commissioner Nelson asked: One of the things we have to wrestle with, and I'm sure we are going to discuss this later on but I wanted to give you a crack at this. One of the things we have to wrestle with is our dredging policy 11(b) that has a number of conditions. This was with regard to

the Middle Harbor Project that David Lewis came and testified about at our last meeting. We adopted a condition when we approved that permit and we said, we are not going to authorize, and I am quoting, "additional dredge material disposal projects in the Bay in certain waterways until several conditions" and one of those is Middle Harbor is demonstrated to be a success. Middle Harbor is underway, it is not completed. So here we are. Do you have any thoughts for us?

Ms. Salzman replied: Yeah, I think that was an unfortunate condition that you put on future projects. Why hold other projects hostage? Anything could happen with Middle Harbor. Maybe they're moving along quickly and just aren't there yet but, you know, maybe they don't move along quickly. I just think it's unfair, especially for a project such as this that is really to benefit wildlife. The Bay in that area will just continue to be degraded and it doesn't really have anything to do with Middle Harbor so maybe you should revise that condition.

Acting Chair Halsted announced: There are no more speakers. I was going to ask for a motion to close the public hearing.

MOTION: Commissioner Nelson moved to close the public hearing, seconded by Commissioner Gorin. The public hearing was closed. We will proceed to questions and comments.

Commissioner Nelson commented: One comment and then a question. It seems to me that this project is not a classic dredge material disposal project. We may face one down the road where we have to debate the wisdom of this current policy, but this is a marsh enhancement project. This is not a channel deepening project in a port over here with the disposal over there. I feel no discomfort voting for this project in light of Policy 11(b), I don't think it applies.

The question is about sediment quality. This is a marsh composed largely of hydraulic mining debris. How is the quality of the sediment in this marsh?

Ms. Marriott answered: We did conduct soil testing and we found that while some levels were high they were not higher than baseline in any other soils in the Bay. ESA and WWR were the ones who did conduct the study.

Mr. Siegel spoke: Stuart Siegel with ESA. So as part of the restoration planning we had soil sampling and laboratory testing and went through the Regional Water Quality Control Board (RWQCB) in terms of the sampling protocol ahead of time and the laboratory tests to be conducted. The findings were everything was consistent with the Regional Board standards for re-use of the sediment within the marsh. Thank you.

Commissioner Gorin was recognized: Thank you; great presentation. I have just a couple of questions. I represent this area. I think I share the mouth of Sonoma Creek with Napa County, probably.

As I mentioned before, Napa and Sonoma are well on their way to creating adaptation strategies for Bay level rise and this is just another great project. I love the collaboration of the partner agencies involved here and I think it's a great project.

But I have a couple of questions and I am not sure whether staff wants to answer this or Meg. Obviously, representing Sonoma Valley, we have over 100 years of flooding in the lower part of Sonoma Creek. Part of it is the water coming down, part of it is the king tides going up and producing some challenges and we are trying to figure out recharge projects to alleviate some of the flooding.

But I have a question about this particular project and how that would affect flooding or lack thereof further upstream. Would it have any effect in reducing the flooding? Schellville would appreciate it.

Mr. Siegel responded: We did a little bit of modeling for the project to make sure that it would have good tidal circulation. It probably won't have a very significant effect on flooding upstream. What it does do is provide a little more direct access of both waters coming down Sonoma Creek and the Bay waters to the site which acts as a storage basin to an extent. So it would have potentially a small but I would not expect it to be a significant change in flood conditions upstream.

Commissioner Gorin added: I was hoping it would have a great effect but I'll take whatever little effect I can get.

I am not sure whether you are the best person to answer my next question and that is about if you are looking at the maps and it is just a great aggregation of diked lands and hay growing and marshes and the beginning of some really significant restoration efforts moving throughout this area. And it has been the intention to alleviate or punch holes through some of the dikes to allow the natural tidal action to restore and enhance the marshes and yet here is a proposal to essentially widen the creek, add to the dikes. And can you help me understand as to why this is a good thing in the broad context of where we are going in this area.

Mr. Siegel answered: So this project is providing a little bit of extra Bay by converting some of the centennial marsh into a tidal channel and that helps provide a little more storage capacity and really to bring tidal circulation to this particular piece of marsh. This marsh is located at the mouth of Sonoma Creek right as it enters San Pablo Bay on the west side of the channel; on the east side is more similar centennial marsh. So this part is very consistent with all the other efforts in the whole Napa/Sonoma Marsh complex to restore tidal action in order to improve the ecological function of that area.

The idea of the transition ramp on the perimeter levee of Tubbs Island, has been there for quite some time. It is not adding new levees to the Bay, it is taking an area that is very steep and has, as Meg mentioned, two relic berms. Those potentially were historic levees that failed. They kept retreating the levee back as they couldn't sustain the earlier levees in the scenario with very, very poor circulation and very large mosquito breeding. So it's essentially using an ecological approach, more of a living shoreline concept, to take an area that has been problematic and turn it into area that is very productive for fish and wildlife.

Commissioner Gorin continued: I appreciate that. A further question: The three counties, Napa, Sonoma and Marin, have come together to create the North Bay Water Reuse Authority, using the discharge, tertiary treated discharge from various sanitation districts, use it to offset potable water but essentially to flush out some of the briny saline marsh areas, the salt marsh area. Would this project have any effect on that?

Mr. Siegel responded: I would think it probably would not. That treated wastewater will be used for the bittern and the hyper-saline ponds from the old Napa Salt Pond complex, which is very far from the project site, it's on the northeast side of the whole Napa complex. This is in the southwest corner, so it would be very separate hydrologically and it would have no effect either direction, I would imagine, on that.

Commissioner Gorin further inquired: And one last question about the public access. I appreciate Laura being here talking about the challenges of creating public access. Considering that we are moving more towards removing some of the dikes or punching holes in the dikes it makes it really difficult to create a network of public access. And yet I am being deluged with constituents who want access, either with walking trails or with bicycling trails because there are so many islands around here that are disconnected and cut off from public access.

So I appreciate Laura being here and Mr. McGrath's comment about public access. It's a conundrum here. We are trying to create a water trail through here and the levees. This is a great birding area but we want to make sure that birders can actually get out there. And to figure out how to take their bicycles from Sonoma County, through Napa County, through Solano County and obviously this network of incredible land. But it makes it really challenging to do that.

So thank you. I am going to support this project, no doubt about it; it's just another great step. And I appreciate all of the great collaborations and the considerations regarding the fill. But that is another challenge that we have with BCDC, to figure out public access in this beautiful area. Thank you.

Commissioner Randolph commented: I was just curious, from a geotechnical standpoint, what the thinking is of the strategy of dredging one, long central channel, perhaps with notches, as opposed to creating more secondary channels that would perhaps connect directly to the Bay if you are looking at tidal movement through the marsh.

Mr. Siegel replied: We looked at a few different ways of doing things here and also including consideration of material to be moved and long-term sustainability of this channel. That's one of the concerns there's a higher sediment-load in the northern San Pablo Bay. High tide days have a lot of re-suspension, so we wanted channels large enough to maintain the flow so that sedimentation would not choke the channel out quickly.

We went back and forth looking at different strategies there and also looking at the topography of the basin—it is essentially a bowl. Putting a channel through the middle of it and then having the small starter channels off of the main channel provide a balance in terms of having adequate tidal flushing to try to maintain the geometry of that channel over the long term and providing that draining effect to really help improve the hydrology of the marsh.

Commissioner McGrath commented: Except for the public access I am really happy with this project. And with the public access the question there is, is there reasonable contribution to the eventual solution, given that they don't own the levee. And I'll leave that to the staff to come back with. I do want a status report on the adjacent project where public access was required.

There are some really nice things here and the way of thinking about this project in terms of ecological systems rather than Bay fill is particularly important. The presentation by the U.S. Fish and Wildlife Service was really excellent. These are really recently deposited marshes. Because they form so rapidly they don't have the same characteristics as other marshes.

There is another issue that has risen which is, in creating the salt ponds you have cut off tidal circulation, which has caused sedimentation into channels. And I would expect that, although I am not sure, that that's part of the problems of Sonoma Creek. But treating the system in terms of the habitat from the super-tidal transition zone all the way out into the Bay to the submerged portions is the way that you need to look at it.

I'd like to refer the Commission to Exhibit A because there is something that is really interesting that I think shows up. If you look at that you can see that to the east of the arrow you have this nice, smooth, curved bay. Not everyone realizes the scale of the centennial marshes out there. They are, I believe, about 100 yards wide. I did a calculation a number of years ago, there's something like 200 million cubic yards of material in them. So in a perspective of the 30,000 or 31,000 or extra 1,000 cubic yards of dredge material, it's not going anywhere.

What you see in terms of that shoreline is material accretes against that shoreline because that's the way the waves carry it. And what you don't see but at the mouth of the Carquinez Strait is a long jetty which holds that all in place. So that material is not going to go out into the Bay and do any mischief. It's going to sustain these marshes and I think that's fine.

There is, in fact, a model for this where we have tried to create a marsh, it was too high, circulation was poor, and that's Muzzi Marsh (Corte Madera, Marin County). They went into Muzzi Marsh and they excavated a channel and they over-excavated it and it turned out to provide some of the best habitat value. So there is a prototype out there, it has been well-monitored. This concept of creating a circulation channel, maybe a little too large, I think is really sound. We'll get a little more tidal prism, we'll get a little more tidal action; it's all good.

9. Public Hearing and Possible Vote on City of Burlingame's and 350 Beach Road, LLC's Permit Application No. 2013.001.00 for Development of an Office Campus Complex located on Airport Boulevard, in the City of Burlingame, San Mateo County. Acting Chair Halsted announced: We now have the public hearing and possible vote on the application for an office complex in the City of Burlingame. Bob Batha will introduce the project.

Chief of Permits Batha presented the following: On November 7, staff mailed a summary of an application from 350 Beach Road, LLC and the City of Burlingame to undertake activities related to developing a 20 acre site with an office campus, a realigned public road, a shoreline revetment system and shoreline public access.

While the buildings and a majority of the road would be located outside the Commission's jurisdiction, the supporting activities would be located in the Bay and within the 100 foot shoreline band.

In the Bay, a shoreline revetment system and a small section of a public access overlook would be built. In the shoreline band, the remaining portion of the revetment system would be constructed. Portions of three outdoor patios and eating areas, storm water outfalls and two sections of the realigned road would be constructed within the shoreline band. In addition, 3.7 acres of dedicated public access would be developed within the shoreline band.

Because the proposed shoreline revetment system would replace an existing shoreline protection system in the Bay within the same footprint, the new revetment would lead to slightly less fill in the Bay than currently exists. It would result in a very small reduction in Bay volume because the applicant would be removing a lot of the concrete that currently forms the revetment along the shoreline. That concrete was from the demolition of the former San Mateo Bay Bridge.

Two points in the summary that I would like to correct are as follows:

On page 11 in the table on Future Sea Level Rise, the title of the third and fourth columns should read "Maximum Projected Total Water Level at the Shoreline" not "Projected Tidal Elevation" as is stated in that table.

And on paragraph four on page 11, the second-to-last sentence should read: "The proposed strategy would raise elevations to approximately 13.8 and 14.3' NGVD29 data" not "13.8' and 14.3 inches" as stated in the summary; so it's feet, not inches.

In reviewing the project the staff's summary asked you to consider consistency with the McAteer-Petris Act and the San Francisco Bay Plan, specifically in regard to whether the proposed fill would be consistent with the law regarding fill and relevant Bay policies regarding fish, sub-tidal habitat and water quality.

Two, whether the fill, mainly the shoreline revetment system, and strategies for adapting to sea level rise, would be consistent with your laws and policies regarding those issues.

Three, whether the proposed access would be the maximum feasible consistent with the project as required by the McAteer-Petris Act.

With that, I would like to ask that the project representative Mark Farrar come forward.

Mr. Farrar addressed the Commission: Good afternoon, I am Mark Farrar with 350 Beach Road. I would also like to introduce my co-applicant, the City of Burlingame, Mayor Michael Brownrigg.

Mayor Brownrigg spoke: I did want to say a couple of things because this is an important project for the city.

The National Park Act has sometimes been called the best idea the United States ever had and that's because it both protected land but it also made it accessible and enjoyable and thereby underscored the importance of preserving that land to people who might not ever otherwise have seen it.

The last time Burlingame really embraced the Bay was back in the 1930s with Pacific City, an amusement park that later burned to the ground. And really since then the city has turned its back on the Bay, leaving it to light industrial, to the town dump, to water sewage and to hotels.

But we want to change that. We want to embrace the Bay; we want to go back to a city that sees the Bay as a terrific asset. And this project for us is a huge catalyst in that vision. This project enlivens a part of the Bay front for us that has been dead. It will improve the Bay Trail and we have other ideas for ways to further improve the Bay Trail. It will make it a place, a destination for our residents and visitors alike, and it will be a destination for the 3,700 visitors we have every night in our hotel rooms.

So I think this is a terrific way to energize and galvanize the enjoyment of the Bay and that's why I wanted to come up here and share our perspectives with you as you consider this important and final approval for this project. Thank you very much.

Mr. Gilman spoke: Hello, I am Tom Gilman with DES Architects in Redwood City. We are the architects for this project. I've got a few slides I just wanted to run through very quickly just to kind of familiarize you with the project.

So we can see that this is out at the end of what is called the Anza area of Burlingame. You can see just off to the right is Coyote Point just across the Bay, north in all of these drawings.

And then focusing in: The brown area, the brown square in the center is the site of the former Burlingame Drive-In Theater.

Here are some of the views of Airport Boulevard in that area and then this is the eastern shoreline that looks out toward Coyote Point.

You can see the decrepit conditions of the Bay shoreline currently.

And then this is the Sanchez Channel which forms the western edge of the project as well.

Here is our site plan. We have some very unique conditions on this site. A lot of wind occurs in that area. Also downwind from us to the right, toward Coyote Point, is a very popular windsurfing area. We did a lot of study of the project, ideas and concepts in the wind tunnel at UC Davis, working with the windsurfers, to come up with site plans that worked very well in terms of letting air flow happen and not affecting areas downwind of the site.

It is a little hard to see, but there is a red line on the left edge right at the edge of those buildings, and on the right edge of the buildings on the right side of the site denoting the 100 foot band. One of the exciting parts of this project is the fact that we are adding almost four acres of essentially park-like setting for the city with the Bay Trail, with educational nodes, outlooks across the Bay and so on.

These are some diagrams of showing various aspects of the public access areas. Shared bike lanes would be constructed on the new Airport Boulevard through the project, and bike lane and pedestrian pathways would be constructed on both the eastern and the western shorelines area. Again, little over 800 lineal feet of access would be provided along both east and west shorelines. Public access would also be provided through the center of the project, both east/west as well as north/south, providing additional bike and pedestrian access to those shoreline bay trails and through the project from Airport Boulevard.

This is a diagram showing the new, realigned Airport Boulevard through the project. Each of those little node elements are view corridors out to the Bay.

These are just some diagrams showing a detail of the Bay Trail and the public access proposed within the 100 foot shoreline band on the eastern side. On both the east and the west shorelines we have, two educational nodes. These might be areas where we might have some kinetic sculptures, maybe some wind-oriented kind of art, maybe interpretive plaques. Opportunities to help educate folks that come to that point, whether it happens to be relative to the views or historic elements or flora and fauna of the site itself. These areas afford an opportunity to have a little bit of an educational character to these areas.

The project also incorporates wind-sheltered seating. As I say, the wind can get pretty strong in this area so we want to have some areas where you might have berm-protected seating areas where we could have actual, usable seating areas. We may also incorporate telescopes, so that there is a very usable kind of function in these areas.

In addition the project would provide some step seating that would provide views of windsurfing and other kinds of activities that occur in this immediate area of the Bay.

This is a depiction of the shoreline along the Sanchez Channel on the west side; similar kinds of elements would be provided along this shoreline. We also have what we call a Frisbee Field that might be a place for casual recreation or kite-flying as there is plenty of wind for that.

Here are a couple of details of some of those areas and images of the kinds of berming and landscaping planned for these areas. Totally natural, native, drought-tolerant landscaping is what is planned for the landscaping for the project.

Again, just some details of some of those features at the educational nodes.

An example of the amenities: For the landscaped and public access areas we will have plenty of seating, benches, and drinking fountains, including pet drinking fountains, in the area. LED pedestrian lighting would occur through this area.

Here is an example of the kind of character that we are looking at in terms of one of these outlooks where people can get closer to the Bay and look out across the water.

The project would provide a 100 foot wide band, really a park-like setting with meandering walks, berms, new landscaping and so on.

So again, this project presents the opportunity to really add, essentially, almost four acres of new park land.

Just a couple of technical diagrams, which I think were in your packets. And we have representatives from Moffat & Nichol if anyone has any questions here regarding sea level rise and our adaptation strategies.

So with that, thank you very much. Our whole team is here for questions if anyone has anything.

Acting Chair Halsted announced: The public hearing is open and we have two speakers.

Ms. Thompson made public comment: Hello again, Laura Thompson with the San Francisco Bay Trail Project at ABAG.

We have had our eye on this part of the shoreline for a long time. We participated in both Design Review Board meetings in 2012. I want to give a little bit of a regional context to this because I think it is good to understand what is around this project area.

If you were to get on your bike from this project area and ride south along the shoreline on the existing Bay Trail, you would be able to ride for 20 miles along a continuous shoreline section of trail that heads through Coyote Point Regional Park into the city of San Mateo Shoreline Park, Foster City, Redwood Shores, all the way to the San Carlos Airport where we have a gap. So I can imagine that this section of trail will continue to serve as a really important recreational resource and then with this development, will certainly become a really viable commute corridor for bicyclists.

So there's a couple of things on this staff report that I really, really like. One of them is that there is explicit language that ensures that the public access that is completed as part of this project connects to existing pathways. And that's important to us because we don't want to leave any gaps between what exists, even if the property lines don't quite match up. We want to make sure that we are providing a functional public access way for people.

And the second thing I like that I haven't really seen very often is an interim Bay Trail along the northern section of the property. The reason this is important is because the property to the north isn't part of this project proposal. That northern parcel is where the ultimate Bay Trail will be along the shoreline but here we have an interim pathway because we don't know when that other project will move forward. So I really appreciate that because as a Bay Trail user, you will continue to have a trail to use and get you north through Burlingame.

There is one thing that I was disappointed in and that was that during the Design Review Board process, the bridge across the Sanchez Channel, which is a vehicle bridge, was proposed to be widened to include an additional 14 feet access for bicycle and pedestrians and that has been removed. So we will continue to work with the City on providing dedicated bike/ped access across the channel and I am sure that you will see a proposal for the parcel to the north. Thank you.

Mr. Robberson spoke: I am Bill Robberson, I am the President of the San Francisco Board Sailing Association and I think I last spoke to you during America's Cup discussions. Thankfully we got the schedule changed so it didn't impact us so badly.

I am also here with Rebecca Geffert and she will speak in a minute. She is the co-founder of Boardsports School, LLC, they are a vendor at Coyote.

First of all, a little about the San Francisco Board Sailing Association: We incorporated 28 years ago for the protection and enhancement of board sailing access and promoting safety. And we represent mainly kite-boarders and windsurfers.

And Boardsports School, LLC, I'll just say for them, they have been incorporated about 12 years, I believe. They are one of the few board sailing/kite boarding schools in the Bay Area. It's a rarity to have a school for board sailing. Boardsports lease from San Mateo County Parks a location at Coyote Point just downwind of the project site.

The challenge we had is they could measure wind speed in the wind studies, which we have worked with this group at Davis before, but you can't measure turbulence, which is one of the biggest impacts to windsurfing. There was really no adequate threshold within CEQA for turbulence.

Ms. Geffert spoke: So having very, very few access points to windsurf and kite board around the Bay Area, let alone to teach because you need a very, very safe environment in which to teach, the concern was that the project would impact the wind. The issue is you can't measure the fact that when wind hits an object, it swirls around that object. So it might decrease but you can't measure that. You're holding on to a sail one moment and getting pushed backwards the next.

So that was the biggest issue that we had coming into the project, to make sure the project didn't impact wind speed. Clearly, putting in buildings will impact a decent area of where we teach; that will need to be moved. And that's what we worked with the project sponsor on is to have mitigating circumstances or plans to go in place to hopefully keep Coyote Point a place where we can continue to teach and keep this sport alive.

Mr. Robberson commented: And if indeed the turbulence is so bad you can't teach anymore we'd need to find another location to teach.

So I can say that we actually formed what is known as a sailing group, Boardsports, LLC and the San Francisco Board Sailing Association formed a loose group in legal context. The project sponsor in good faith, even though it was not identified as a significant impact, agreed to help mitigate what we all saw and what we know will be impacts. In that good faith we stand here before you, we support the project. They have done their best. And they have also made it possible for us to potentially move and find another site.

We have actually already invested some of that agreement in moving the ramps at Coyote out of what we expect to be the wind shadow. I can tell you, working with a project sponsor in good faith is much better than one who doesn't. So we are appreciative of the partnership they have created with us.

And I think the last thing we would like to say is if they acquire that property to the north, we would really encourage and appreciate them working with us for designing some launch locations. Thank you.

Seeing no other public speakers Acting Chair Halsted asked for a motion to close the public hearing.

MOTION: Commissioner Gilmore moved to close the public hearing, seconded by Commissioner Gorin. The public hearing was closed.

Acting Chair Halsted opened the floor to Commissioners' questions and comments.

Commissioner Arce commented: I think the team involved in this particular project is much more of a known quantity in terms of being involved in projects like this.

And I think one of the things for me is to know your plan to actually deliver what is on the page in front of us and what is before us to approve in terms of track record. And maybe one of the members of the applicant team can speak to the quality of jobs and jobs for communities as part of a public benefit in terms of responsible use of the Bay.

Mr. Farrar replied: Mark Farrar for 350 beach Road, LLC,

Mr. Arce, we have extensive experience. We are part of Millennium Partners, a large developer in San Francisco. We have done a number of high-rise projects in the City. We have got extensive experience with the building trades and with workforce development programs. We have worked together on a couple of programs as well. And we would envision, even though Burlingame is in San Mateo County not San Francisco, embracing similar programs for this project, both with the building trades and opportunities for folks to get into the building trades.

We have been doing this for the 20 years we have been doing business here in the Bay Area and it is something we are very comfortable with and do it as a customary course of business.

Commissioner Arce continued: And again, thanks to staff on all your work on this. I would like to move to approve the permit.

Acting Chair Halsted recognized Commissioner Gilmore.

Commissioner Gilmore commented: While I really appreciate the questions about the applicant's ability to perform the project, the workforce, the building trades and all of that, I think that's really, really important, but I also think that's more of an issue for the local jurisdiction in terms of whether or not they choose to partner with an entity or not. I feel like it's outside of our purview.

Acting Chair Halsted commented: Thank you for your clarification. I understand the interest in getting answers like that and I do that myself sometimes, but it may not be in our purview and we do understand that, thank you.

Commissioner Zwissler commented: So the proposed amendment that came up last time was generated by the special condition 2(g). My question is around the enforceability of this. Is this policy setting that we have a revisit of the project at 2065? And again, it is that whole issue of our broader policy and I have the same concerns that I had earlier. I was ready to express them here and then I expressed them previously.

Mr. Batha addressed this issue: I want to clarify something earlier that a Commissioner brought up with regard to public access. Our public access is a requirement for as long as that project that we have permitted stays in place. When that project goes away, the public access requirement also goes away. But as long as that use is there, the Commission has always required that the public access be maintained in-perpetuity by the permittee.

So that is essentially what the previous condition does and that is what this condition essentially is requiring. The condition recognizes that sea level rise is a real threat to public access. It was something that the soon-to-be permittee will have to address and assure that the public access continues to be viable as long as the use that is getting the benefit of your permit remains.

Commissioner Zwissler added: If I could just follow-up. What is the thinking on 2065 versus 2100? How did you come to that? Was that a negotiation?

Mr. Batha answered: The reason that 2065 is cited in the permit, and I am sure the applicant's consultant is here to correct me if I get this wrong, the applicant has a plan for sea level rise protection through projected 2065 sea level rise. They have an adaptation strategy that will allow them to adapt the shoreline protection system if projected sea level rise happens sooner or needs to be raised at 2065 because sea level rise is continuing to go up.

So the date 2065 is cited because it is the date of the plan proposed by the applicant.

Commissioner Nelson commented: I just wanted to follow up on that and just note that what we have here is a slightly different condition than the one we had in Redwood City. The applicant here is willing to accept the process, the procedure for adaptation that we discussed for the previous permit in Redwood City. But it is also interesting to note that the elevations on this site are a foot-and-a half lower than the finished elevations will be in Redwood City. So this applicant may have a greater risk of the need of adaptation down the road.

So as we think through how adaptation hits the ground in our permits, there is an interesting tradeoff there. This applicant is accepting more liability, if you want to call it that. It is really nothing more than a procedure. The last permit doesn't have that. But there is a greater likelihood that this procedure is going to be triggered at some point sooner.

Acting Chair Halsted had a question: I have a question that is really not within our jurisdiction. Because I serve as BCDC's representative on MTC I feel compelled to inquire about how people who work at this site or people who come to visit will be able to get there other than in cars or by bicycle or walking?

Mr. Farrar replied: Mark Farrar again for 350 Beach Road.

As part of the approval by the City we have an extensive TDM program. One of the requirements of the program is the operation of a shuttle service during peak periods to the Millbrae Multi-modal Station. So we are going to be running that shuttle in conjunction with other businesses in the area. And I think Mayor Brownrigg has some other comments to make.

Mayor Brownrigg expanded on the subject: I appreciate the question as well. The City actually has in its near-term work plan, developing a much more robust shuttle service going both sort of clockwise and counter-clockwise. Because we have heard repeatedly that one of the things holding back development north on Old Bayshore is firms would like better access to BART and to Caltrain.

And frankly, with a new downtown, it is in our interest to make sure people, the workers have a place to come and have lunch. So we are looking forward to develop a much more robust shuttle service and we'd love to have MTC's help.

Mr. Farrar added: The parking garage is primarily for employees and visitors to the buildings and also there is some parking for visitors to the Bay as well.

Acting Chair Halsted commented: I am really pleased that you are developing the transit service and hopefully we will have more. Because we have people from San Francisco who go down there and want to work too.

Mayor Brownrigg agreed: That's right. In our vision we see an opportunity for much more public recreation very nearby; we see an opportunity for much more development. So we are looking forward to working with everybody here.

Mr. Batha addressed the staff recommendation: There are two important changes that I would like to read into the record into the recommendation.

One has to do with the CEQA finding. We accidently included a CEQA finding from an entirely different project in this recommendation. This is the CEQA finding we'd like to include and this should be on page 23, Section G. And what we would like it to read is:

"On June 18, 2012, the City of Burlingame, the lead agency, certified an Environmental Impact Report for the proposed project, including adopting findings that address a variety of environmental topics, including activities that are the subject of this BCDC permit. The City found that with those mitigation measures the activities subject to this permit would avoid the environmental effects identified in the EIR. In addition, the Commission has incorporated special conditions that require many of the mitigation measures relevant to the Commission's policies from the EIR. For these reasons the Commission finds that the project, as conditioned, is consistent with the requirements of Public Resources Code 21080.5(d)(2)(a) that requires that an activity may not be approved if there are feasible alternatives or mitigation measures available that would substantially lessen significant adverse effects on the environment."

So that is the finding we would like to replace the mistaken one for.

The other change is we would like to include a new finding that recognizes that that in 1997, the Commission issued an administrative permit for public access along the eastern shoreline. That public access included a five foot wide bike trail, 17 public shore parking spaces and a bike trail along Airport Boulevard, which now will be realigned. So what we would like to include is a finding that recognizes that we will be superseding the requirements of that permit with the requirements of this permit, which has a different Airport Boulevard and a lot more public access along the shoreline.

So with those changes the staff recommends that you approve the staff recommendation.

Acting Chair Halsted called for a motion and a second on the staff recommendation.

MOTION: Commissioner Arce moved approval of the staff recommendation, seconded by Commissioners Nelson and Pine. The motion passed by a voice vote with no abstentions or opposition.

Commissioner Pine commented: I feel like I have a conflict of interest because I live in Burlingame and I am so excited about this project. You know, we always talk about BCDC as the Bay Development and Conservation Commission and this is certainly a great example of that. We are bringing some exciting, economic opportunities to the City of Burlingame and then we are providing all this public access.

Acting Chair Halsted completed a procedural requirement: I also need to ask the applicant if they have reviewed the staff's recommendation with the amendments as made and agree to it?

Mr. Farrar replied in the affirmative: Yes, we have.

Mayor Brownrigg also concurred: Yes, we're good.

Commissioner Bates inquired: Why is the City one of the co-applicants?

Mr. Batha answered: It's because of the street. They are the owner, the landowner of the street. The McAteer-Petris Act requires that applicants demonstrate that they have proper and sufficient title to be able to undertake a project. And this is the way most applicants do it is by joining up together.

Commissioner Arce commented: Commissioner Nelson said it, that the staff has worked with the applicant and the mayor to develop something that goes above and beyond where we want to get to with respect to sea level rise, and I think that makes it even more special.

Acting Chair Halsted asked for a roll call vote on the matter.

VOTE: The motion carried with a roll call vote of 17-0-1 with Commissioners Addiego, Bates, Gilmore, Scharff, Arce, Gorin, Pemberton, Ajami, Nelson, Pine, Randolph, Sears, Vasquez, Techel, Caldwell, Zwissler, Acting Chair Halsted voting, "YES", no "NO", votes and Commissioner Doherty abstaining.

12. **Adjournment.** Upon motion by Commissioner Gorin, seconded by Commissioner Nelson, the Commission meeting was adjourned at 4:17 p.m., by voice vote with no abstentions or objections.

The remaining Commissioners reconvened as a special committee to hear Item 11.

11. **Briefing on Treasure Island and Yerba Buena Island Redevelopment Project, in the City and county of San Francisco.** Acting Chair Halsted announced: Item 11 is a briefing by the Treasure Island Redevelopment Authority (TIDA) and Treasure Island Community Development (TICD) regarding redevelopment of Treasure Island and Yerba Buena Island in the City and County of San Francisco. Ming Yeung will introduce the briefing.

Permit Analyst Yeung presented the following: The next item is a briefing on the Treasure Island and Yerba Buena Island Development Project. In just a moment the applicants will provide more detail on the project but just to give you a quick overview:

The project would involve the construction of up to 8,000 residential units, 450,000 square feet of retail space, up to 500 hotel rooms and a cultural center, and a ferry terminal and transit program. Approximately 300 acres of open space and an approximately 3 mile long, public shoreline trail around Treasure Island and Yerba Buena Island are also proposed.

Today's briefing is intended to provide the Commission with some preliminary information about the project in preparation for a public hearing and vote on the project, possibly next spring. An application for the project has not yet been submitted but the applicants have indicated that one will be submitted by early 2015.

Although more detail is needed to fully analyze the project, at this early stage the staff has identified that the project will raise issues regarding the project's consistency with Bay Plan policies as Bay fill for the ferry terminal and breakwaters, public access, sea level rise, dredging and resource issues such as water quality and species issues.

The applicants' presentation will introduce the project to the Commission and will provide some information on these likely Commission issues.

The applicants will also present some of the project's creative adaptive management strategies to address sea level rise, particularly on the northern shoreline edge.

I would now like to introduce Bob Beck, Director for the Treasure Island Development Authority, who will kick off the presentation.

Mr. Beck addressed the Commission: Thank you members of the Commission, Bob Beck with the Treasure Island Development Authority.

We were here to the Commission and to the Design Review Board in 2010-2011 when we were doing the environmental work on the project.

But we are now at the point in time where we are preparing to take the first land transfer from the Navy. We are working with them on legal descriptions. But late January or early February we should be closing on the first land transfer, which will include the northern half of Yerba Buena Island and about 60 percent of the area of Treasure Island. And with that we have been working with our development partner, Treasure Island Community Development, to prepare the engineering work and the permitting work to move into construction before the end of 2015.

It's a project that has been a long time in the making and there has been a lot of work that has been done but we are here to move it forward into construction. I'll introduce Kheay Loke with Treasure Island Community Development; he will give you a little bit more of the background on the work that has been done to date.

Mr. Loke spoke: I am Kheay Loke with Wilson Meany; we are one of the members of TICD, the developer. My team is here to give an update on the project to get this ready to come before you for a permit next year.

As Bob touched on, we have been at this for a while. In 2010-11 we came before this Commission. At that time we shared this book with the Commission, it's the Design for Development, "D for D," and we got your input on that. Subsequent to that the City adopted this as the Specific Plan for Treasure Island. And then in 2011 we also had the EIR certified and approved and as of today we have passed all CEQA challenges.

So what we have today is a complete set of entitlement documents between the private developer, TICD and the City of San Francisco. We have the D for D that guides development going forward, we have the EIR that gives us the entitlement and we have a disposition development agreement for the transfer of land between the City and us.

In 2014 we have been working hard to get ready to implement the project according to the vision that was shared with the Commission and approved by the community.

In 2014 the City signed the land transfer agreement with the City so that's ready to go. This week the Governor signed the trust exchange agreement, which enables trust lands to be exchanged on the islands to any private development. The team is now heavy into production of documentation to get us ready for construction next year.

First let me talk a bit about the team that we have assembled. When we were before you in 2010 and 2011, CMG was our main landscape designer. They are still with us on this project today and we are very happy to have them give us the continuity going forward.

We are also very excited to add four new landscape architects to our team. These are four well-known, very accomplished, local architects here in San Francisco and I will just touch briefly on the scope that we have asked them to help us with.

Looking at the picture that you have there, on your screen or on your page as well, CMG is covering the parts that are labeled in green, which are basically the streetscape and the western side of the island. CMG has done many great projects around the Bay Area. In San Francisco they have led the Better Market Street Plan, they worked on the Crissy Fields, and they are now the lead designer on the Moscone Center expansion.

BCDC MINUTES

November 20, 2014

We are also excited to add AECOM to our team. AECOM is doing the work that is highlighted in orange on this slide here, which is the strip of land closest to the ferry terminal on the west; west edge of the building and along the southern edge, which is called Clipper Cove/Marina Boulevard. AECOM is well-known, they have a worldwide experience. They have done a very successful similar project in Los Angeles on the waterfront so that's why we asked them to help us on these two edges.

We are also excited to have the Office of Cheryl Barton join our team. Cheryl Barton, you probably know of her, she has done Cavallo Point and AT&T Park, Rincon Park. Cheryl and her team are working on the patch that is blue in your screen there; it is the so-called Cultural Park. It is a very prominent park, as you come onto the island it is in your frontal view right there. We have seen some very exciting concepts from Cheryl and her office.

Next moving on to the purple section around Building One, which is a historic building that you can see right there, that semicircular building with those nice, historic, articulated windows. The Office of Andrea Cochran is helping us with that. It is a very interesting piece. We have stuff to do on the front and on the back of the building. Andrea, she is fantastic. She was just recently awarded the Cooper-Hewitt Award for best landscape architect. She is helping us with that.

And last but not least, on Yerba Buena Island we have a couple of hilltop parks that we are improving as well and we invited Walter Hood to help us with that. You know Walter, he has done a great job at the DeYoung Museum and a bunch of other things around the Bay Area and also nationally as well.

So with that team we are really excited to move forward with the project. And the way we are implementing the project is in phases. It is a large project so necessarily we have to do it in phases.

So a simple map that is on your screen depicts the project in essentially four phases. The first phase is starting from the right, the Yerba Buena phase labeled with a Y, the orange phase, and the first green phase. This will be the first major phase that we will be executing going forward next year.

And then we just radiate out from there to Major Phase 2, 3 and 4. That is a rough timeline that you see on the screen there. We hope to break ground in late 2015 and complete our horizontal infrastructure in about 10 or 12 years' time. We expect then all the homes and buildings will be completed by the mid-twenties. So it's a long-term project and we look forward to working with the Commission as we go along here.

This plan shows the island as it exists today. It is open for visits; anybody can go there today to take a look. But we wanted to depict here in particular are open spaces that are on the island today. There's considerable sports activity happening on the island. There are single events that happen on the island; the TI Music Festival has been happening for a few years now. So when we go about our business of redeveloping this island we will be sensitive to maintaining the open space use and also sensitive to maintaining the shoreline access that exists on the island today.

Diagrammatically kind of what I just talked about earlier. We are building from the south to west and north. But basically all of Yerba Buena Island north of the Bay Bridge will be developed under this plan. In Major Phase 1 we will be developing the boxes in red.

The main thing I will leave with you on these images are the concept of adjacency. We will be building out the shoreline access and the public parks as we build adjacent infrastructure for the land next to the park. So that's our agreement with the City, we build this adjacently as you go along on the islands.

Major Phase 2, we radiate out. We maintain some parks and ball fields.

Major Phase 3, we get closer to the center.

Major Phase 4 really is the big phase. In that phase we will complete 100 acres of parklands. And in that phase we will complete the entire circle around the island's perimeter of open space network and bike trails and pedestrian trails.

What the team is working on right now is Major Phase 1. This picture shows you the extent that you will see again when we come to you. When we come to you we will show you some pictures of some concepts and design components of this Major Phase 1 in green. That is going to be in February for schematics. Then in October we will come to the Commission for details on the sub-phase. This will be 100 percent construction documents in the sub-phase depicted in this plan right here.

So with that I think I will pass this off to Pamela Conrad who is with CMG, our landscape architect.

Commissioner Bates had a question: When you get to Phase 4, that's the ultimate development; is that right?

Mr. Loke responded affirmatively.

Commissioner Bates continued: So all of that open space on the northern side of the island would be available, right?

Mr. Loke agreed: That's right.

Commissioner Bates voiced his assessment: It looks interesting; it looks very good.

Ms. Conrad spoke: I am Pamela Conrad; I am a landscape architect with CMG. I am a newcomer to the project; I have not been working on it for 10 years, but will do my best to give you an overview of the project. For those that are not familiar with Treasure Island, try to tell you where we are going and hope to answer any questions.

So I would just like to start a little bit with the schedule here. We have actually, I think Kheay mentioned, met with the DRB about four times in the past. We actually were just there in October as well.

Along the lines of what else is happening. Tomorrow we will actually submit the water certification applications.

And then here we are today before you, the Commission.

We will then move into submitting our major permit application early 2015.

We will also go and talk about technical issues with the ECRB as well in January.

We will go back to the DRB in February. We will be meeting with the DRB several times before coming back to you in April for another design presentation.

We anticipate the major permit in July 2015 and starting construction February 2016. So we have a very busy year ahead of us but nonetheless it will be an exciting one.

This is the kind of thing, I think, most of us dream about being a part of. Here we are in the middle of the Bay. The amazing views and this great opportunity to do it right and provide public access and open space for the whole Bay Area.

So just to familiarize you a little bit with the existing conditions: You see in yellow three existing buildings that are to remain, Buildings One, Two and Three. There will be the Job Corps Central on the site that will also remain. And then you can see the housing to the north side that will eventually be removed in the Phase 4 of the development.

If you haven't been there it is quite a magical place, with an existing marina, the hangars that were from the World's Fair. It's kind of unknown and kind of wonderful. The existing shoreline is primarily composed and held up with a riprap edge. There are some incredible palm trees out there today and expansive views of the entire Bay. And on the northern end, riprap lines the edge and there is an incredible jetty on the northeast side that actually has water access at this point in time, which will remain and also be improved.

For me coming into this project more as a newcomer, it is a great opportunity to see all the hard work that everybody has put together over the years to come up with this amazing plan that is really focused on a compact development that maintains this opportunity for 300 acres of open space. There is a retail core, which will be the downtown of Treasure Island and then residential neighborhoods to the east side and the west side as well as residential development on Yerba Buena Island and then open space lining the entire shoreline.

This is the land use plan. You can see the residential in orange, mixed-use in red and gray. There is an existing wastewater treatment facility on the northeast corner that will be maintained and improved. And then there is also a school that will be toward the northern end of the site as well. You can see the 100 foot shoreline band just on here for your reference as well.

Central to the core ideals of this development is pedestrian access, bicycle network and really just encouraging people to not use cars. There is an extensive transportation network with AC Transit and MUNI that will take people from both sides of the bridge onto the island, looping them around the downtown at an intermodal transit hub. There will also be a shuttle on the island that takes people out towards the residential developments and loops around the site.

As you can see here, this is the extensive pedestrian network that I am talking about, whether it's trails or wide sidewalks or taking people through the shared public way. There are a lot of different ways that people can access the island and we are studying those in very detailed ways at this point in time.

The same with the bikes; we have been engaging with different groups to better understand the bicycle needs. We are learning more as each year goes around and so we are working to improve the bicycle network and provide access around the island and then on the east span of the bridge as well.

This diagram is a little tricky to read but I will walk you through some of the open spaces around the island, in a counter-clockwise manner starting with the Ferry Building here. As Kheay mentioned, the horseshoe-shaped building, Building One, will be maintained and repurposed, sort of the welcome center to the island.

Then moving north is where the chapel will be and remain. That is the park that Cheryl Barton's office is working on.

If you continue around towards the western side there is the 25 acre cityside waterfront park which we are engaged in right now.

And then towards the northern end is the wilds or the more natural open space, which we think is going to be a really special opportunity for trails and habitat restoration opportunities and doing some of those adaptive measures that we have been talking about with sea level rise.

Central to the site is an urban farm, which will provide the residents with on-island food sources.

There will be recreational areas as well. Kind of in the same location of where they are today. On the east side there will be the waterfront park. There will be a linear park that connects the eastern neighborhoods. Pier 1, which exists today, will be improved and remain. Clipper Cove will also be improved upon in terms of the Marina and the pedestrian access.

Not to forget about Yerba Buena Island. If you have been out there you may be familiar with the sort of hidden gem on Yerba Buena Island, which is the Clipper Cove Beach, which is noted here in "C." It is really special because it is protected from the wind. We won't tell too many people about it because it is kind of hidden right now. It will remain and we will work on providing better public access to it.

So I think that is a general overview but you guys are really interested in public water access. There will be a board sailing launch here noted on the northwest corner as well as the existing condition of the sailing center, which is noted with an "E" and then the marina expansion is noted with a "D".

I think it goes without saying that there are amazing views and I think we actually have a hard time when we go to create our view diagram of trying to identify where the special views are on the site because there are views everywhere. So all around the Bay. We are starting to try to identify where those most special views are, so if you have been there recently you have seen that

the eastern span of the Bay Bridge is quite spectacular from the Pier 1 side of the site so we think that is going to be an important one to preserve and highlight. There's great views to Yerba Buena Island from the new retail core. There will be views from the Ferry Building back to the City here, which will be important to maintain.

And then how the grid is oriented. It really is oriented to enhance the views back to the City and also attenuating the wind that blows in from the Golden Gate.

The ferry is a big, important part of this project. It will come in at Building One. We have Blake with the AECOM team here if you guys have specific questions about how the ferry is going to be operating. But really it is going to be the central core location where people come to the island and leave from so it is important for us to understand the circulation around here.

People will come in and have an opportunity to go to the cityside waterfront park or continue east to Clipper Cove and really straight through Building One into the main heart of the development.

And for us it is important to maintain that view from Building One through the Ferry Building so it is envisioned as being a very open structure, transparent in a way, to maintain views back to the City.

Clipper Cove Promenade: Blake has been working very hard on coming up with some amazing ideas for what is going to happen here. Central to the ideas that were in the D for D is maintaining an open pedestrian path, which you can see in a dark gray. A mixed pedestrian and bike way is the light gray. These moments or nodes where the roads intersect or come into the promenade that will be special places for people to gather, as well as creating these overlook moments within the existing footprint of where people can get out to the water.

So as envisioned in the D for D, this is the vision, an open promenade with people. You can get a sense of the building massing that is imagined behind it.

And then, for the Cityside Waterfront Park, the 25 acres that we are working on right now. We have these ideas about really connecting the urban fabric out to the open space. So how we are proposing that this is done is through these wind rows. So the trees can come through the development and out into the park, attenuate the wind to make it more comfortable for people that are using the outdoor open space. Really come up with some fun ideas of how people can use this outdoor space and waterfront park.

With the very thoughtful comments that have come from the DRB recently we have been working on making the space even more interesting. Thinking about how we can apply these adaptive strategies to the shoreline. Really studying the grading to make smart choices about where we add fill and where we don't, where we let the water come in over time. I think that we are heading in a really exciting direction.

And again as envisioned in the D for D, the core ideas are to maintain this open pedestrian promenade with open space, comfortable and flexible for lots of different user groups.

And then to the northern side of the park, which happens in Phase 4. Envisioned as the wilds or places where people can go and hike, where we can do some habitat restoration, where we can apply adaptive strategies for sea level rise. As you can see, the wastewater treatment remains on the northeast corner of the site.

And this gives you a sense of the amazing views that you have from here to the Golden Gate Bridge and Alcatraz beyond.

And the eastern shoreline park, quite similar to the cityside. The open space and then again the pier.

There has been a lot of talk about sea level rise and I think we are fortunate that there were innovators working on this project several years ago so sea level rise adaptation strategies have been in place for years on this project. We have been working very closely to make sure that those are up to speed with the latest technology and the latest thinking. There is time. We are addressing the edge condition as needed. The plan is to monitor it and adapt as necessary. There are ample setbacks around the island, some places 300 feet, more than 300 feet. So that allows us to have more flexibility in adapting in the future.

One of the other core fundamental values of how adaptation and sea level rise will be handled over time is funding mechanisms that are already part of the project to ensure that these adaptive strategies will be carried out and funded in the future. Which leaves us, we think, with lots of options.

So there are several different strategies that we are applying around the island. It depends on existing conditions, it depends on the wave run-up that is happening, the winds. There are all kinds of factors that our shoreline engineers have been working with us on. But we are treating different parts of the island in different ways along the edge and I am going to walk you through each of those.

Clipper Cove is one strategy, the cityside waterfront park and the east side waterfront park share some of the strategy. And then around the northern end we have much more. With these very wide setbacks we have the flexibility to do adaptive measure that you have been hearing about.

A very basic diagram just to show you what our strategy is. Taking what the base flood elevation is, adding our 36 inches for sea level rise. That essentially would give us where the top of the bank needs to be. But then when you add in wave runup, and that varies around the island, Clipper Cove is very calm so there is very little wave runup, but on the west side and the north side there's a lot of splash so it varies where that top of bank needs to be. And you will see that in these sections as we go around.

Clipper Cove, very protected. You can see that with adding sea level rise to the base flood elevation, where we are setting the promenade and Clipper Cove Avenue we really don't have to have any extra strategy to protect for 36 inches of sea level rise on this edge.

At the cityside waterfront park it's a little bit different condition. The orange here is the runup and so we have to add a little bit extra on the edge to protect ourselves from 36 inches of sea level rise. We have goals of maintaining views for people that are in the park and looking back to the City so we have set a minimum of 3½ feet for the difference in the top of bank to our promenade to ensure that people will be able to see the City at all times.

And then on the eastern side there is also very little wave runup. We have a much flatter condition, less need to have an elevated bank on the edge.

To the northern end, these are three different strategies that we have for the adaptation. The top one actually occurs at the wastewater treatment facility where we need to actually protect the edge so we need to build it up to maintain that 36 inches plus the crest.

Other conditions, however, we could potentially lay back the edge and let the tidal flows fluctuate as they do and as they will over time with sea level rise to allow for these tidal wetlands along the northern stretch. So there's a couple of different ways that we will be able to do that. It will allow for various opportunities for different habitats and different engagement with people and hiking trails and boardwalks so we feel very excited about that.

Acting Chair Halsted opened the floor to questions from the Commissioners.

Commissioner Zwissler asked: Is the permit that is going to be coming to us for the entire project?

Ms. Yeung answered: That is what they are expecting. They are looking to get approval for the entire project, even though it would be constructed in phases. We would build in conditions to require them to go back to the DRB for more specific reviews after the permit has been issued. But that is the anticipation, we are still working that out.

Commissioner Zwissler continued his inquiry: I do have a question around the concept of adjacency. Can you say a little bit more? Again, this is in the abstract but just from what I have heard today it sounds like a lot of development in the commercial and the housing up front and then all the public benefit at the tail end. Not all but significant in terms of just geography or square meters or whatever we want to call those. Sheer area. There is the technical term. That feels kind of funny. And sort of as a follow-on to that is, that sheer area represents a lot of existing housing in use. If you could say a word about how do people get moved out and moved in and how does this all happen?

Mr. Loke commented: The concept of adjacency, maybe it is key to understanding that is how we actually prosecute the project. We are going to go in and build, we divided the project conceptually into horizontal work versus vertical work. The horizontal work being infrastructure, streets, parks, landscape. Vertical work comes after that when people start building buildings where the homes and the offices and the retail go.

As the master developer we are responsible for the horizontal work primarily and the adjacency concept comes in with the horizontal work. So they are the first to go in. The streets go in, the parks next to the street. Between the streets, for example, and the water, goes in in that same first or second year of the development of this particular phase. Then when the lands gets

BCDC MINUTES

November 20, 2014

ready and the pads are made ready for development, “vertical developers” we call them, come behind and they build these homes. So it is not the case that the parks come later, the parks actually come sooner rather than later. Because we want the parks to be there because we are going to be selling land pads and selling homes and the parks represent a tremendous amenity to future residents of the island.

We have the sub-phases in our presentation. For example, the light orange on this focus on TI alone, the light orange parts, those are the open spaces. So this entire plan, this entire diagram that is color-coded, gets done within one or two years. And then the buildings, which are the pads in the white squares and rectangles behind the parks, get built over time.

Mr. Beck spoke: Just to speak to your question about the existing housing and the existing residents. That large area out on the north end of the island is obviously in Phase 4 and there are two drivers there. One is that is the area that has the longest environmental cleanup schedule, so we don’t expect to receive that property from the Navy until 2022. The other thing is that the majority of residents on the island are going to be provided with opportunities to move into the new development, allowing them to remain there while the new buildings are being developed and then transitioned into the existing housing.

Within our existing housing we have roughly 750 units on the island and one-third of those are affordable housing. Affordable housing operators, their mission is to provide housing so all of the residents of the affordable housing on the island are expected to be transitioned into the future affordable housing on the island.

For the market rate residents, all of them who were in-residence at the time that the entitlements were adopted in 2011, there are provisions for them to receive discounted rents within the new development as well. Just to let you know that there are options for them to transition in.

Commissioner Nelson had questions: Just two quick questions. The first is about the wetlands on the northwest side of the property. I think one of the maps said they were tidal and one said they were stormwater wetlands. I am just checking in to see if they are tidal, which influences whether we have jurisdiction over those down the road.

Ms. Conrad responded: I may have to give you a vague answer. The ideas of the adaptation have been newer ideas to the project and so we really still are studying those. We imagine that the tidal wetlands will be possible and that is the hope. This is showing a more recent version of where we are imagining the stormwater wetlands to be separated. We understand that the two need to be separate systems.

Acting Chair Halsted commented: I have the unfortunate position of old information since I was on the Base Closure Committee and then I was on TIDA but I don’t have current information. I would love to see the geotechnical, how you’re keeping that island as an island now. I don’t know what the latest on that is. I saw the presentations in 1993 and 1995 and 1998 but I don’t know how that is happening, whether that is being done in stages as well or not. So that would influence my thinking about how you are doing this project. But not now, for another presentation.

Commissioner Doherty spoke: I would just request, if you have public information describing your sea level rise strategy and some of the analyses that you have done for that. If you could provide it to staff and just have them forward it to us. I think we would be interested just to kind of start getting up to speed on the background.

Ms. Conrad responded: We would be happy to. We have lots of charts and numbers and things that we have saved for staff but we would be happy to make those available.

Commissioner McGrath commented from a windsurfer's perspective: As a windsurfer representing windsurfers out there, we have followed this pretty closely for a long period of time. One of the constraints against habitat restoration or wetland restoration out on the northern end is the soil contamination. It has been kind of a slow and agonizing process.

Just more realistically, it is tough to try to figure out how clean you have to make the soil to accommodate the designated uses and whether or not that is going to be a constraint for habitat restoration. It is not surprising that there are some things that will have to be dealt with as we go along.

Acting Chair Halsted continued: I would like to say we appreciate your bringing us this information and we will look forward to more. I think it is a huge project and we would like to make it as good as it can be.

The special committee meeting was adjourned at 4:57 p.m.

Respectfully submitted,

LAWRENCE J. GOLDZBAND
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission Meeting
of December 4, 2014.

R. ZACHARY WASSERMAN, Chair