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

December 22, 2017

Permit Application Summary
BCDC Permit Application No. 1978.028.06, Material Amendment Request
(For Commission consideration on January 4, 2018)

Application Filed:	November 9, 2017
Deadline for Commission Vote:	February 7, 2018
Commission Staff Assigned:	Ethan Lavine (415/352-3618; ethan.lavine@bcdc.ca.gov)

Summary

Applicants: City of San Rafael ("City") and Roots Construction Company

Project Site: Jean and John Starkweather Shoreline Park at Point San Quentin, north of Francisco Boulevard and approximately 0.25 miles northwest of the western touchdown at the Richmond-San Rafael Bridge (Interstate 580), in the City of San Rafael, Marin County (Figure 1).

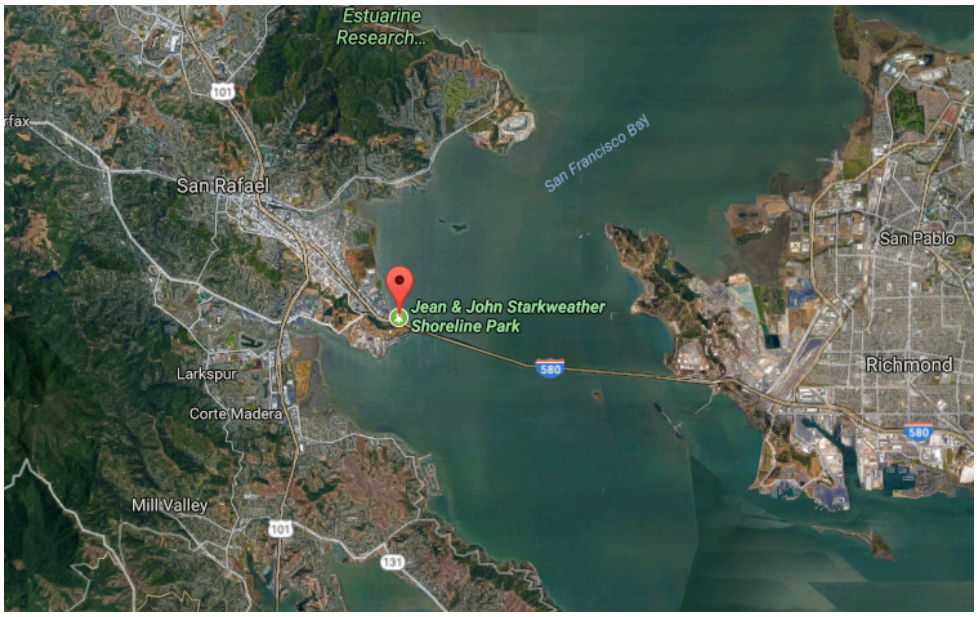

Figure 1. Vicinity Map

Project: The applicants propose to demolish a structure originally constructed to provide public restrooms as required (Special Condition II.B.3.e) in BCDC Permit No. 1978.028.02.

Issues Raised: The Commission staff believes that the primary issue raised in the application for BCDC Permit No. 1978.028.06 (Material Amendment) is whether the proposed demolition of a public restroom structure would be consistent with the Commission's law and policies on public access and, if implemented as proposed, whether the remaining BCDC-required public access improvements would provide the maximum feasible public access consistent with the office park and shoreline park project that is fully constructed as permitted by the Commission in 1982.

Background

The Commission issued BCDC Permit No. 1978.028.00 on May 17, 1979, authorizing activities involved with the development of an office park, San Rafael Bay Park, including grading, shoreline protection, roads, and parking spaces. The permit authorized and required a 120,450-square-foot (2.77 acre) public access area, including a shoreline pedestrian/bicycle path and 20 public parking spaces.[1]

Subsequently, Roots Construction Company sought an amendment to the permit to reflect design changes to the planned office park and public access areas. BCDC Permit No. 1978.028.02 was issued on November 22, 1982, conforming the permitted project to the revised design.[2] The amended permit allowed the permittee to construct portions of the office park buildings within a 2,300-square-foot area of the Commission's 100-foot shoreline band jurisdiction, which was previously required as public access. The amended permit also allowed a reduction in the previously required public access area by 45,450 square feet (1.04 acre) and also in the

[1] The original permit was issued to Robert H. Greene. Roots Construction Company, subsequently purchased the property and became holder of the BCDC permit in 1980.

[2] Amendments No. One and Three authorized minor changes to the original permit. Amendment No. One, issued August 5, 1981, extended the life of the permit to account for delays in the start of construction. Amendment No. Three, issued December 9, 1983, allowed for the construction of additional commercial parking spaces.

previously required public parking spaces by two spaces. Lastly, the amended permit required the construction of a public restroom at the project site, construction of which was completed in 1985. The amended permit required Roots Construction Company to convey its interest in the required public access areas to the City of San Rafael through an instrument guaranteeing the land would be used in perpetuity as open space, which was done in 1983. In 1986, the City of San Rafael became a co-permittee to the subject permit, accepting the rights, interest, and obligations of the amended permit as they applied to the required public access areas.

On July 22, 2015, the Commission staff received a letter from the City of San Rafael requesting to delete the permit condition requiring a permanent public restroom and, further, to demolish the structure constructed to serve that purpose. The City stated, among other things, that the restroom had been closed since around 1985 due to vandalism and security concerns. Prior to that communication, the Commission staff was not aware of the restroom closure.

In February 2016, the Commission's Enforcement staff visited the site and identified permit violations including the unauthorized closure of the public restroom, the absence of public parking signs, and the failure to properly maintain required landscaping, furnishings, directional signs, and a shoreline trail. The Commission staff informed the City of these violations, and the City diligently took action to resolve them, with the exception of reopening the public restroom facility. At the request of Commission staff, the City considered options to renovate, replace or relocate the restroom facility and provided a portable toilet and hand-washing station adjacent to the closed restroom structure.[3] On July 25, 2017, the City of San Rafael and Roots Construction Company (co-permittees) requested a permit amendment seeking authorization to delete the permit condition requiring a permanent public restroom and demolish the public restroom structure.

[3] The portable toilet and hand-washing station are still in place, and the City intends to maintain these facilities until after the Commission votes on the subject permit amendment.

Proposed Project

Details: The permittees, City of San Rafael and Roots Construction Company, propose to:

1. Demolish and remove an approximately 250-square-foot public restroom structure required in BCDC Permit No. 1978.028.02.

Public Access: The proposed project would result in the demolition and removal of a public restroom facility required as a permanent public improvement in BCDC Permit No. 1978.028.02. The subject material amendment request does not include a proposal to provide an alternative or comparable public access improvement to offset the absence of a public restroom facility at the site.

Analysis

Issue Raised: The Commission staff believes that the primary issue raised in the application for BCDC Permit No. 1978.028.06 (Material Amendment) is whether the proposed demolition of a public restroom structure would be consistent with the Commission's law and policies on public access and, if implemented as proposed, whether the remaining BCDC-required public access improvements would provide the maximum feasible public access consistent with the office park and shoreline park project that is fully constructed as permitted by the Commission in 1982.

I. **Public Access**

A. **Maximum Feasible Public Access.** Section 66602 of the McAteer-Petris Act states, in part, that "…existing public access to the shoreline and waters of the…[Bay] is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided."[4] In assessing whether a project provides maximum feasible public access consistent with the project, the Commission relies on the McAteer-Petris Act and the policies of the San Francisco Bay Plan (Bay Plan).

Policy 1 of the Bay Plan Public Access policies states that "[a] proposed fill project should increase public access to the Bay to the maximum extent feasible…."

Policy 2 states that "…maximum feasible access to and along the waterfront…should be provided in and through every new development in the Bay…except in cases where public access would be clearly inconsistent with the project because of public safety considerations or use conflicts….In these cases, in lieu access at another location preferably near the project should be provided."

Policy 7 states that "[p]ublic access improvements provided as a condition of any approval should…provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline… should include an ongoing maintenance program, and should be identified with appropriate signs."

[4] In assessing whether a public project will provide the maximum feasible public access consistent with the project, the Commission should evaluate whether the public access is reasonable given the scope of the project.

To determine whether the project will provide the "maximum feasible public access consistent with the project," the Commission generally considers a number of factors, including the existing and anticipated future demand on public access improvements and demand for public access generated by the project.

1. **Existing Conditions.**

   a. **Project Site and Vicinity.** Jean and John Starkweather Shoreline Park ("Starkweather Shoreline Park" or "shoreline park") is located north of Francisco Boulevard in the City of San Rafael (Marin County), approximately 0.25 miles northeast of Point San Quentin at the western touchdown of the Richmond-San Rafael Bridge (Interstate 580, Figure 1). The 1,144-foot-long park is located at the shoreline adjacent to the developed area known as San Rafael Bay Park ("office park"). The shoreline park and sections of the office park are constructed within the Commission's 100-foot shoreline band, as authorized in BCDC Permit 1978.028. Public access facilities at the park include a pathway, a beach, an 18-vehicle space public parking area, benches, picnic tables, and directional signage (Figure 2).

Figure 2. Project Site

The park is accessed through the office park driveway at Francisco Boulevard, after which, visitors proceed approximately 500 feet east through a private parking lot. The public pathway trailhead, beach, parking lot, and permanent public restroom structure, which is currently closed, are clustered in the same general location. The park is not wholly visible from Francisco Boulevard because it is located at the base of a densely vegetated slope approximately 20 feet below the roadway. Visitors cannot access the park from the eastern shoreline because public access is not allowed at the neighboring property owned and operated by the Marin Rod and Gun Club.

The flat, paved pedestrian and bicycle path at the shoreline park is a designated segment of the San Francisco Bay Trail ("Bay Trail") with the trailhead located at the park entrance between a public parking lot and the closed public restroom structure that is the subject of this amendment request. The shoreline path ultimately connects to the City-owned Pickleweed Park located approximately two miles north of the project site (Figure 3).[5] Views from the shoreline path looking east include the Marin Island National Wildlife Refuge, Point San Pablo, and the Richmond-San Rafael Bridge.

Between the shoreline park and Pickleweed Park, no permanent public restroom exists. A public library and community center with public restrooms are located at Pickleweed Park, approximately two miles north of the project site. Approximately one mile north of the trailhead, a restroom at a Target retail store exists along the trail, but public use of the facility is at the discretion of store managers. In 2016, the City installed a temporary portable toilet and handwashing station adjacent to the closed restroom structure in response to the Commission staff's notice about the unauthorized closure of the public restroom and the consequent violation of the terms of its BCDC permit (Exhibit A). The City intends to keep the temporary toilet in place until the Commission acts on this permit amendment request.

Figure 3. Shoreline Path and Vicinity

[5] A small gap in the shoreline path exists directly north of the property, where it is unpaved and not owned or maintained by the City.

b. **Required Public Access Areas and Improvements**. At Starkweather Shoreline Park, the subject BCDC permit requires, among other things, dedication of a 75,000-square-foot public access area to the City of San Rafael. Required public access improvements include: a 12-foot-wide pedestrian/bicycle path; landscaping; an easement across the office park's parking lot to provide a public connection between Francisco Boulevard and the shoreline park; 18 vehicle parking spaces for public use; a permanent public restroom; public access signs; and maintenance of the aforementioned improvements. The amended permit also requires two public access improvements that were never built: a staircase connecting Francisco Boulevard to the public parking area and a "par" course. Construction of the staircase was determined infeasible because of the steep slope separating Francisco Boulevard and the parking lot. The par course was later found not to be necessary and was removed from the public access plan.[6]

On November 22, 1982, the subject permit was amended (Amendment No. Two) to reflect revisions made to the original office park design. Among the major revisions to the permit as part of Amendment No. Two were authorization for portions of two office park buildings to be constructed within the Commission's 100-foot shoreline band jurisdiction, and a reduction of the required public access area by 45,450 square feet (1.04 acres), from 120,450 square feet (2.77 acres) to 75,000 square feet (1.72 acres). The amended permit required the City to provide a permanent public restroom at the shoreline park. The Commission found the project, as amended, to be consistent with the McAteer-Petris Act and the Bay Plan policies on public access upon a finding that the BCDC-required access improvements, including the permanent public restroom, constituted maximum feasible public access consistent with the project.

Table 1 summarizes the work authorized in the original permit, as well as changes authorized in subsequent permit amendments.

Table 1. Summary of Permit History

Permit/Amendment	Authorization for Work within BCDC's Jurisdiction
Original Permit (Approved by Commission, May 17, 1979)	In association with development of the office park: • Place 5,300 cubic yards of concrete riprap for levee stabilization • Place fill to raise elevation of site • Construct 26 private parking spaces • Construct portions of public streets and related improvements Required public access improvements: • Construct a 120,450-square-foot public access area with a public "par" course • Construct a 12-foot-wide pedestrian/bicycle path • Construct 20 public parking spaces •

[6] Correspondence between BCDC Enforcement Analyst Joan Lundstrom and Joe Shekou, Roots Construction Company, Inc., November 27, 1984.

Permit/Amendment	Authorization for Work within BCDC's Jurisdiction
Amendment No. One (Issued August 1, 1981)	Extended by 3 years the authorization to begin and complete construction activities.
Amendment No. Two (Issued November 22, 1982)	In response to revisions to the design of the office park site, the following changes were made to the original authorization: • Construct portions of two office park buildings within the 100-foot shoreline band • Place an additional 400 square feet of fill for shoreline appearance and protection • Reduce private parking spaces by 5 (to 21) and construct 4,200 square feet of paved vehicular access road The following revisions were made to the required public access improvements: • Reduce the required public access area by 45,000 square feet (to 75,000 square feet) • Various changes to the pedestrian/bicycle path, including a reduction in width from 12 feet to 8 feet in some segments • Addition of requirement to install a stairway connecting Francisco Boulevard to public access area • Reduce public parking spaces by 2 (to 18) • Addition of requirement for a permanent public restroom
Amendment No. Three (Issued December 9, 1983)	The number of private parking spaces authorized within the shoreline band was increased by 7 (to 28). No changes were made to public access requirements.
Amendment No. Four (Requested July 22, 2015, Subsequently Withdrawn)	Amendment No. Four was the initial request by the permittees to amend the permit to allow for demolition of the restroom structure. The amendment request was later withdrawn and replaced by the application for Amendment No. Six.
Amendment No. Five (Issued May 5, 2017, Never Executed by Permittees)	A special condition was added to allow for the permittees to impose reasonable rules and restrictions on the use of public access areas and improvements (e.g., restricting hours and delineating appropriate behavior) if found necessary to correct a substantiated problem. The permit amendment has been issued on behalf of the Commission, but the permittees have not returned an executed copy agreeing to its terms.

c. **Use and Demand for Public Access Facilities.** Starkweather Shoreline Park is used primarily by trail users, including walkers, joggers, dog-walkers, and bicyclists. The adjacent office park supports roughly 300 employees at full capacity, and employees use the trail during business hours for walking, viewing the Bay, and enjoying lunch. The beach is used for wading and launching non-motorized vessels during higher tides, including kayaks and paddle boards, and Bay viewing.

The City conducted counts of recreational users at the shoreline park in the vicinity of the public restroom structure proposed for demolition and removal at three sample times in mid-December 2017. On a sunny and clear Wednesday morning (7:00 – 9:00 a.m.), with temperatures in the mid-50's, the City counted 13 pedestrians, one cyclist, nine visitors arriving by vehicle, and four visitors to the temporary toilet at the site. Later that afternoon (3:00 – 5:00 p.m.), with

temperatures in the mid-50's, the City counted 14 pedestrians, one cyclist, seven visitors arriving by vehicle, and two visitors to the temporary toilet. On a sunny and clear Sunday, with temperatures in the high-50's and low-60's, between 11:30 a.m. and 1:30 p.m., the City counted 10 pedestrians, one cyclist, six visitors arriving by vehicle, and no users of the temporary toilet.

Use of the trail and demand for public access facilities in the area is anticipated to increase in the future with the opening of a pedestrian and bicycle path on the Richmond-San Rafael Bridge as early as 2018. As part of that project, Caltrans will also construct improvements to bicycle and pedestrian facilities at both sides of the bridge. These improvements will include a two-way bicycle/pedestrian path along Francisco Boulevard (Exhibit C). The project will provide a continuous and long-awaited Bay Trail connection from the City of Richmond to the trail-head at the Starkweather Shoreline Park.

In addition, the San Francisco Bay Water Trail ("Water Trail") identified the beach at the shoreline park as a potential future hand-powered boat launch site. With an expression of interest from the City, the Water Trail could begin a process to move forward with official designation of the beach as a Water Trail site. If designated, the beach at the shoreline park would serve as a formal launching and landing site for non-motorized small boats and be posted on the Water Trail's official map and website.

The permittees state that there is not a substantiated demand for a public restroom at the shoreline park: "In the 30 plus years the bathroom has been closed, the City has not once recorded a public request to reopen the facility" (Exhibit D). While the City did not record any such requests, it is possible that the public was unaware of the existence of the restroom facility, as the structure resembles a shed or utility building and is not identified as a restroom through the use of signage or other exterior information (Figure 4). The structure also lacked signs indicating it contained public restrooms until new "Public Restroom" signs were installed during the past year.

Figure 4. Existing Restroom Structure (Closed)

In December 2016, the City installed a temporary toilet and hand-washing station at the site at the request of Commission Enforcement staff. The permittees state that in the time "since the temporary bathroom was installed, no public comment has been fielded by the City in support of keeping it or opening the permanent bathroom" (Exhibit D). While the City did not record any such requests, it is possible that the absence of public comment may be due to a lack of knowledge about the temporary facility's future disposition or any City plans to open the existing bathroom structure at a later date. Finally, public use and support for a temporary toilet tends not to be as great as it would be for a permanent restroom structure with flush toilets. As discussed above, the City did observe use of the chemical toilet in its observational counts in mid-December 2017.

d. **Reports of Unlawful Activity***.* The City indicates that its municipal departments have been challenged in managing the shoreline park because of unsafe and criminal activities in the area. In 2015, two instances of sexual assault at the shoreline trail approximately one mile north of the project site were reported to the City police. City of San Rafael Police Department records for service calls to the office park and shoreline park show 29 calls for service were reported between 2003 and 2015. The calls were classified by the police as related to recovered stolen vehicles (9 calls), a person living in a vehicle (6 calls), stolen vehicle reports (4 calls), drug use/possession (3 calls), a person sleeping or camping (3 calls), stolen license plates (2 calls), and recovered stolen boats (2 calls). None of reported incidents occurred at the closed restroom structure (Exhibit E).

   The property manager for the office park has likewise reported incidents of illegal activities, including unauthorized camping, garbage dumping, suspected drug dealing, and drug use (suggested by the presence of needles). Records of the private security firm working on behalf of the office park, all dated for 2015, show 16 incidents primarily involving people in parked vehicles within both the public access and office park parking lots at night, including loitering, drug or alcohol use, consensual sex, and suspected prostitution. None of the reported incidents occurred at the closed restroom structure (Exhibit F).

2. **Public Safety in Public Access Areas.** As part of its evaluation of whether a project provides maximum feasible public access to the Bay, the Commission considers if access would be provided in a safe manner for use by the public. The Commission's public access policies require that public safety considerations be considered for any access improvements required as a condition of permit approval. If the Commission finds public access is inconsistent with the project because of public safety considerations, in lieu access (i.e., at an alternative location but preferably near the project site) should be provided.

The Commission's *Public Access Design Guidelines* ("Guidelines") contain advice on issues related to the siting and design of shoreline public access improvements. The Guidelines list public safety as an important consideration in the siting and design of shoreline public access, but do not provide detailed guidance on how to reduce the likelihood of unlawful or unwanted behavior through the design of public access areas. Lacking more specific guidance, the Commission staff has looked to further accepted professional best practice information on the issue.

Professionals in design, planning, and law enforcement have contributed to developing an approach, known as *Crime Prevention Through Environmental Design* (CPTED), to reduce incidence of crime through design strategies. The CPTED approach provides a framework by which to assess how the design of a shoreline park or public restroom might contribute to incidence of illegal or unwelcomed activity, as well as ways to possibly deter these activities.

The *Crime Prevention Through Environmental Design Guidebook* (2003)[7] summarizes the four overarching design strategies to reduce incidence of crime in the CPTED approach: (1) *natural surveillance*, (2) *natural access control*, (3) *territorial reinforcement*, and (4) *maintenance and management*. The sections below briefly explain each principle, examine public safety concerns identified by the permittees, and identify a handful of related environmental design strategies influenced by the CPTED approach.[8]

a. **Natural Surveillance** is achieved when the behavior of individuals in a space is easily observed by others. Surveillance comes informally from passersby and other users of the space ("eyes on the street"), through an organized effort (e.g., police, security guards), or by mechanical means (e.g., security cameras, lighting). Being surveilled increases the perception of risk among potential offenders and, therefore, can decrease their willingness to engage in unlawful behavior.

   There are certain aspects to the shoreline park area design that contribute to the ability of the restroom structure to be surveilled by members of the public. The shoreline park benefits from its adjacency to the office park, in that the people who work at or visit the office park provide a degree of informal surveillance as they enter and exit their cars, walk from building to building, eat lunch outside, etc. At other times, particularly early mornings and evenings, and on weekends, users of the shoreline path serve the same function. The presence of office

[7] Published by the Singapore National Crime Prevention Council.

[8] This analysis made use of strategies found within the following publications on CPTED: "Crime Prevention Through Environmental Design Guidebook," National Crime Prevention Council of Singapore (2003). Accessed at: http://www.popcenter.org/tools/cpted/PDFs/NCPC.pdf. "Design Out Crime Guidelines," City of Los Angeles (1997). Accessed at: https://planning.lacity.org/policyinitiatives/CPTED/CPTED_Guidelines.pdf. "Publicly Available Toilets Problem Reduction Guide," Staffordshire Police Crime Reduction and Community Safety Unit (2010). Accessed at: http://www.btaloos.co.uk/wp-content/uploads/2014/01/PubliclyAvailableToiletsProblemReductionGuide.pdf. "Public Toilet Advocacy Toolkit," PHLUSH. Accessed at: https://drive.google.com/file/d/0B5Q56ATMstzlaFVKeW1wcmpSS3c/view.

workers and shoreline path users during most parts of the week provide a degree of activity in the area that can mitigate the feeling of the area's isolation from the adjacent road (Francisco Boulevard) to a certain degree. The same users may also contact police or office management in the event that they witness suspicious or unsafe behavior.

Informal surveillance by public trail users could be expected to increase over time, following general trends of population growth and increasing popularity of the Bay Trail. As discussed above, recreational use of the shoreline path is anticipated to increase upon opening of the bicycle and pedestrian public access path on the Richmond-San Rafael Bridge (Exhibit C). Designation of the public beach as a designated Water Trail site would likewise increase activity at the site.

However, the permittees describe challenges to natural surveillance at the "visually and physically isolated" public restroom structure, as it is "accessed through the terminus of [the office park's] private parking lot" where it is not "easily accessible or readily visible for optimum surveillance by the Police Department."[9] The permittees also indicate that "[t]he steep slope bank that separates the park access and restroom from Francisco Boulevard East make it impossible to provide direct vehicle and pedestrian access from the public street, which would facilitate more proactive surveillance…. Because of the isolated location and lack of visibility from the public street, this portion of the Shoreline Park has attracted unsafe and criminal activities" (Exhibit D).

Given the challenges presented by the site, CPTED-informed strategies to enhance natural surveillance of the public restroom structure and surrounding area might include one or more of the following:

- *Clear vegetation from the slope along Francisco Boulevard.* The visual isolation from Francisco Boulevard would be reduced by removing the trees, large bushes, and tall grasses on the steep slope between the road and the shoreline park (Exhibit A). When Commission staff initially reviewed landscape plans for the office park in 1982, it recommended against the installation of large vegetation on the hillside. Staff commented that maintaining direct visual access from the road down to the park would increase the use of the public access area and provide for greater security for the public.[10]

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[9] Despite any challenges that exist today, the site of the closed public restrooms was chosen deliberately to take advantage of the "eyes on the street" provided by office workers and shoreline path users. In 1984, City's Parks and Recreation, Police, and Planning departments requested that the public restrooms be constructed at their current location, rather than the less visible location at the southeast corner of the property that was originally proposed. BCDC staff agreed that a location adjacent to the more active portion of the project site near the trail's edge and closer to the office park would make the restroom more visible for security and maintenance and approved the change. (Correspondence between BCDC Enforcement Analyst Joan Lundstrom and Joe Shekou, Roots Construction Company, Inc., November 27, 1984.)

[10] Correspondence between BCDC Development/Design Analyst Tan Chang and Joe Shekou, Roots Construction Company, Inc., July 13, 1982.

- *Change the orientation of the restroom entrances*. The entrances are currently located on the side of building which faces onto the parking lot and the hillside along Francisco Boulevard. While this orientation provides for greater visibility from the parking lot, reorienting the entrances to face the office park buildings and shoreline path would provide greater ability of office workers and trail users to surveil the entrances to the restrooms.
- *Install formal surveillance equipment.* Devices including video surveillance cameras, emergency telephones, or panic alarms could be installed at or nearby the restroom structure. Such devices could enhance security and provide a deterrent to unlawful activity during nighttime hours when few if any office workers or trail users would be present at the site.
- *Install nighttime lighting.* Nighttime lighting at the restroom structure and possibly in other locations at the site, such as the public parking area, could increase security for the public, and make the area less hospitable to individuals who would otherwise engage in unlawful activity.
- *Increase frequency of police or private security patrols.* More regular patrols by police or security guards would signal the risk of engaging in unlawful activity at the shoreline park.
- *Relocate restroom structure.* If it is determined that adequate surveillance of the restroom structure cannot be achieved through another method, a different facility could be constructed at an alternative nearby location with greater visibility where it would serve largely the same user groups.

b. **Natural Access Control** includes physical elements incorporated into a space to create barriers that limit opportunities for crimes (e.g., locks, gates), as well as psychological barriers that make a potential offender feel it would be difficult to engage in an unlawful activity without being discovered. One method to create a psychological barrier is to place public facilities near major circulation paths where unlawful activity would be easily observed and reported to authorities. A psychological barrier can also be created through use of high-quality building materials, and regular maintenance of an area, as these signal that the space is well controlled by its operators.

The permittees' state: "As difficult as it is to currently monitor the exterior of the bathroom for illicit activity, it would only be more difficult to monitor the interior of the bathroom as well." They also state that instances of drug use and exchange and prostitution "would only heighten if the restroom is restored and accessible as it will become a refuge" (Exhibit D).

CPTED strategies can establish environmental cues to reduce the likelihood of restroom use for unwanted activities, signaling to individuals who might engage in unlawful acts that they are at risk of being caught. The natural surveillance methods discussed above represent a psychological barrier to engaging in unlawful activity, as that activity is more likely to be discovered by informal or

formal means (e.g., reported by office workers and trail users, caught on surveillance cameras). During nighttime hours, gates, locks, and other physical barriers can be used to prevent entry to the restrooms. CPTED-informed strategies to enhance natural access control in the vicinity of the public restroom structure and surrounding area might include one or more of the following:

- *Install angled slats at the base of the restroom structure.* This feature allows for police, security guards, and passersby to see if a user is present in the restroom, but does not compromise privacy within the restroom.
- *Install secure gates and/or locks to prevent break-ins during nighttime hours.* Locks that are resistant to vandalism, or alternative methods such as rollup metal doors (such as those seen at commercial storage units) can provide additional security against break-ins during hours when the restrooms are closed.
- *Install signage identifying the City's role in maintaining and monitoring the restrooms.* Clear indications that restrooms are regularly serviced and monitored by the City convey a subtle cue that unlawful activities may be discovered by City staff or police and will not go unchallenged. Signs can include telephone numbers for maintenance and police service.

c. **Territorial Reinforcement** is achieved by constructing physical elements (e.g., signs, good landscaping) that create a perception that the space "belongs" to a set of users. This may reduce the incidence of unlawful activity as people naturally tend to police their own territory, and tend to respect the territory of others.

The permittees state that "[t]he restroom and adjacent shoreline park access have a proven history of being an attractive nuisance" (Exhibit D).

The CPTED concept of territorial reinforcement might be strengthened at the project site. The closed restroom structure is located at the trailhead, but its function on the site has likely been unclear to the public. Until the last year, no "Public Restroom" signs were posted, and the aging appearance of the structure did not signal that it was actively used or carefully managed. While the restroom structure is at the park's entrance, and located only 50 feet from the public beach and public access parking area, the space around it is largely open and unprogrammed. CPTED-informed strategies to achieve a greater degree of territorial reinforcement in the vicinity of the public restroom structure and surrounding area might include one or more of the following:

- *Redesign trailhead area to encourage more active uses near the restroom.* The addition of features that generate additional activity (e.g., outdoor fitness equipment, a picnic table, bike fix-it station) in the shoreline park area nearby the restroom structure may bring new user groups to the park, increasing informal surveillance and policing.

- *Recruit volunteers as park stewards.* A volunteer group focused on stewardship activities such as maintaining or improving the park's landscaping would result in a setting that appears better maintained and controlled, and establish a new constituency group that might look out for and report unusual or unlawful behavior.

d. **Maintenance and Management** helps to create a general sense of security that can increase public use of a space. Dilapidated places are more likely to attract unlawful activity, whereas proper maintenance and management can be an effective psychological deterrent to unwanted behavior.

The City indicates that vandalism contributed to its decision to close the public restrooms roughly 30 years ago. Management of the office park has indicated to staff that the shoreline park area adjacent to the office park has historically been poorly maintained by the City. The permittees state that the office park has played a significant role in "private monitoring and clean-up of debris, which includes everything from hypodermic needles to trash, [reducing] calls to the City for service and response" (Exhibit D).

During a site visit on February 26, 2016, BCDC staff noted that certain facilities within the shoreline park had not been maintained in good condition as required by the amended BCDC permit. In response, the City took diligent action to correct these maintenance issues. Landscaped areas were restored and enhanced, including by planting new trees and plants, trimming overgrown bushes, removing weeds, trash and dead tree limbs, and replacing mulch ground cover. Missing public access signs and directional signs, including at the entrance on Francisco Boulevard and within the public access parking lot were reinstalled. Pavement markings and "Shared Driveway" signs were installed through the private parking lot connecting Francisco Boulevard to the shoreline park trailhead to enhance safety for pedestrians and bicyclists.

CPTED strategies suggest the importance of proper maintenance and management in enhancing the safety of public areas. Additional maintenance and management strategies that might be effective in the vicinity of the public restroom structure and surrounding area might include one or more of the following:

- *Reevaluate City maintenance procedures for the shoreline park*. Regular and effective maintenance of the restroom and shoreline park will help to signal that the space is well monitored and managed.
- *Institute additional management rules as needed.* To correct particular problems that may arise, reasonable rules and restrictions could be imposed at the shoreline park (e.g., restricting hours of use, delineating appropriate behavior). For instance, to avoid vehicles congregating within the public access parking lot, nighttime closure of the lot could be implemented if necessary. (Amendment No. Five to this permit was issued in May 2017 to

allow the permittees to impose reasonable rules and restrictions on use of public access areas for demonstrated management problems. However, the permittees have not yet signed and returned that amended permit.)

- *Use vandal-resistant hardware*. Vandal-resistant locks, fixtures, and lighting will reduce the need for maintenance and the likelihood that the restroom structure will fall into disrepair.
- *Install signage in the interior of the restroom stating the expected standards for cleanliness and inviting feedback*. Include an email address and phone number where users of the restroom can report maintenance issues or vandalism.
- *Replace landscaping that's low-quality or blocks views.* Further upgrades to the landscaping in the trailhead area could make the space feel better maintained. Replacing higher shrubs and small trees that block lines of sight or provide a hiding place would make the area feel safer.

While the permittees have requested only to demolish the closed restroom structures, the CPTED-informed strategies above suggest a number of methods that might contribute to an overall safer environment at the shoreline park, or in an alternative nearby location for a restroom if it were relocated.

B. **Public Access and Wildlife.** Policy 4 of the Bay Plan public access policies states that "[p]ublic access should be sited, designed and managed to prevent significant adverse effects on wildlife….If significant adverse effects cannot be avoided or reduced to a level below significance through siting, design and management strategies, then in lieu public access should be provided, consistent with the project and providing public access benefits equivalent to those that would have been achieved from on-site access."

The permittees state: "The restroom has infrastructure and utility service challenges. The wastewater/sewer infrastructure requires that waste be transported from a lateral line to the main line on Francisco Boulevard East. Because of the steep grade difference (vertical distance of over 20 feet), this transport must be made with the assistance of an ejector pump which can be prone to mechanical problems. Any mechanical issues including temporary loss of power could lead to discharges which are problematic for a facility being directly adjacent to the Bay" (Exhibit D).

The public restrooms are located approximately 125 feet inland from the Bay shoreline. The City indicates that the ejector pump system installed for the public restroom structure approximately 30 years ago would have to be repaired or replaced for it to function properly today. If the ejector pump were to fail, flushed water and waste could build up in the plumbing pipes eventually leading to a sewage leak. To avoid ejector pump failures, some systems install a secondary pump that activates automatically upon failure of the primary pump. A secondary pump relies on a different source of power (e.g., power generator, batteries). The City indicates that there is also the potential to install monitoring systems that might help to detect pump failure early. While a flush

toilet system was originally believed suitable for this site, if this design is found to be infeasible or of concern given the potential to adversely affect Bay resources, alternative systems (e.g., vault toilets, chemical toilets) might also be considered for the site.

The Commission should determine whether the project (as authorized in Permit No. 1978.028.02 in 1982 and subsequently amended) would provide the maximum feasible public access consistent with that project should a required permanent public restroom be demolished and removed and, thereby, be consistent with its law and policies on public access.

C. **Relevant Portions of the McAteer-Petris Act**

1. Section 66602

D. **Relevant Portions of the San Francisco Bay Plan**

1. *San Francisco Bay Plan* Policies on Public Access

Exhibits

A. **Existing Site Conditions Photos**

B. **Plans for Closed Public Restroom (1984)**

C. **Planned Bicycle and Pedestrian Improvements from Richmond-San Rafael Bridge Work**

D. **Permittees' Letter Requesting Amendment No. Six**

E. **Police Records for Service Calls**

F. **Private Security Records**