San Francisco Bay Conservation and Development Commission
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Application Summary
(For Commission consideration on April 19, 2018)

Number: BCDC Permit Application No. 2017.007.00
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Staff: Hanna Miller (415/352-3616; hanna.miller@bcdc.ca.gov)

Summary

Applicants: Oyster Point Development, LLC and the City of South San Francisco

Location: The *Oyster Point Development Phases IC and ID Project* is located east of Highway 101 and east of the intersection of Oyster Point Boulevard and Marina Boulevard, in the City of South San Francisco, San Mateo County (Exhibit 1). The proposed project would be constructed on the Oyster Point Marina area (Figure 1). The Commission's *San Francisco Bay Plan* (Bay Plan) designates a portion of the site for Waterfront Park, Beach Priority Use.

Figure 1: Vicinity Map

Project Overview: Within the Commission's jurisdiction, the proposed project involves the construction of a portion of the 85-acre redevelopment of the Oyster Point. The Oyster Point redevelopment project for the entire Oyster Point area involves the construction of up to four large office/R&D complexes, a 350-room hotel, and the enhancement of shoreline public parks.

The project is separated into several phases, some of which would be proposed in future applications to the Commission (Exhibit 2). The present application includes Phase IC (24 acres), Phase ID (10 acres), and an approximately 1.3-acre (56,000-square-foot) portion of Phase IIC involving enhancements to the landfill. Phases IC, ID, and the portion of Phase IIC, as part of the proposed project, include the regrading of a 35.3-acre portion of a historic landfill to prepare the site for the proposed uses and to raise the elevations to avoid current and future flooding. The regrading work of the whole site would take place before any portion was built out. Oyster Point Boulevard and Marina Boulevard would be realigned, bringing Marina Boulevard closer to the northern shoreline. An approximately 8.72-acre portion of the proposed project would be located within the Commission's jurisdiction (Exhibit 3).

1. **Phase IC.** Phase IC involves the enhancement of an approximately 6.48-acre shoreline park along the northern shoreline. Within the Commission's Bay jurisdiction, the development proposal includes the repair of a portion of the landfill clay cap by placing two feet of additional cover over a 3,914-square-foot area and the removal of an outfall within the beach area. The material to repair this portion of the landfill cap would be placed within existing tidal marsh, and the area would be restored to tidal marsh following construction. Within the Commission's 100-foot shoreline band jurisdiction, the development proposal includes the demolition of approximately 64,400 square feet of infrastructure; grading of the landfill to prepare the site for development;

construction of an approximately 400-foot-long (8,350-square-foot) portion of the realigned Marina Boulevard; and the enhancement of approximately 3.18-acres of shoreline park including a replenished beach, portions of three restrooms (some of which would be for private use only by the marina), a lawn area, a picnic area, a multi-use gravel area with seating, the drive aisle of a parking lot, and the widening of 2,200 linear feet of bay trail.

Phase IC would also include the grading for a future 350-room hotel development outside of the Commission's jurisdiction (Parcel 6). Adjacent to the hotel site, the applicants would provide an area for public access ("Parcel 5 Park Area") to be developed in the future as a park. The Parcel 5 Park Area would also include a restaurant or another park-serving amenity to be determined by the applicants at a future time.

2. **Phase ID.** Phase ID involves the construction of a three-building (508,000-square-foot) office/R&D complex composed of three five- to seven-story buildings and a service lane. Only the service lane and a 210-square-foot portion of the office/R&D complex would be located within the Commission's jurisdiction. The office/R&D complex would support 950 employees. The area south of the complex would be landscaped and dedicated as open space. Additionally, the applicant would rebuild an existing BCDC-required overlook closer to the slough along the southern shoreline.

3. **Phase IIC.** Phase IIC is not designed at this time but is anticipated to involve enhancing public park areas and facilities to support the marina, which would be considered under a separate application. However, as part of this permit application, the applicants propose to repair historic landfill cover deficiencies in the Phase IIC area, at the eastern end of the peninsula. The applicants would place approximately 1,200 cubic yards of clay and soil. This would impact the design of an existing BCDC-required windsurfer launch,

which would be temporarily closed during the repair work construction. An alternative access route would be provided and coordinated with the Commission and the San Francisco Boardsailing Association.

4. The majority of the future Phases IIC, IID, IIID, and IVD of the Oyster Point redevelopment project would be subject to future separate applications for a BCDC permit. As permitted by the City in 2011, Phases IID-IVD would involve the construction of up to an additional 1,742,000 square feet of office/R&D space and would support 3,180 employees. Oyster Point Development, LLC (OPD) submitted an application with the City of South San Francisco in 2017 to allow up to 1,191 residential units and approximately 50,000 square feet of flexible use retail/amenity space within Phases IIID-IVD; that application is currently on-hold at the request of the OPD, who is the project proponent for the larger redevelopment project.

Issues Raised: The Commission staff believes that the BCDC Permit Application No. 2017.007.00 raises three main issues: (1) whether the proposed fill is consistent with the McAteer-Petris Act regarding fill and relevant Bay Plan policies on Fish, Other Aquatic Organisms and Wildlife, Tidal Marshes and Tidal Flats, Safety of Fills, and Mitigation; (2) whether the proposed project is consistent with the Bay Plan policies regarding the priority use designation for the project site; and (3) whether the proposed public access would be the maximum feasible consistent with the project and is consistent with the Bay Plan policies on Public access, Recreation, and Appearance, Design and Scenic Views.

Project Site

Use. Bay Plan Map No. Five of the San Francisco Bay Plan (Bay Plan) designates a portion of the site as a Waterfront Park, Beach Priority Use Area. Previously, the priority use designated included the entire Oyster Point peninsula. On September 16, 1999, the Commission adopted Resolution 99-06 to amend the San Francisco Bay Plan and Resolution 16 to delete a portion of the waterfront park, beach priority use area designation.

Former Uses and Activities at the Site. Historically, the project site was a tidal marsh and home to native Olympia oysters until 1957 when the area was filled and used as a sanitary landfill, resulting in two peninsulas at the site. In the 1970s, the landfill was closed and capped. Since then, San Mateo County annually monitors the site's water quality. The project site is located on a peninsula referred to as Oyster Point Marina area. The adjoining site to the north is named the Oyster Point Business Park and a portion of that area is scheduled for later development phases. In total, these two areas cover approximately 85 acres.

Current Uses and Conditions of the Site. Outside of the project site and within the Oyster Point Marina area is an approximately 400-berth recreational boat marina operated by the San Mateo County Harbor District, located at the northern shoreline of the subject project site. The marina facilities include a harbormaster office and a maintenance building. A Water Emergency Transportation Authority (WETA) ferry terminal is located at the marina, with associated BCDC required publicly-accessible overlook, seating, and bike lockers. A public kayak storage rack, boat launch, boat dock, windsurfer launch, and recreational fishing pier facilities are located at the eastern end of the Oyster Point Marina peninsula. The marina, ferry terminal, Oyster Point Yacht Club, a bait shop and other maritime activities, as well as approximately 260 vehicle parking spaces and 54 boat parking spaces, are not within the project area. With the exception of four gates to the marina and two restrooms for marina use, the marina is not part of the proposed project. Within the project site, the existing site includes a marine boat service, a boat storage area, miscellaneous parking lots with approximately 370 vehicle parking spaces, a public restroom, a hotel, a restaurant, a beach, and public park areas and open space. A tidal channel (slough) is located at the southern boundary of the site. There is limited public transit to and at the site. The project site is regularly exposed to strong winds predominantly from the west, northwest, and southwest. Approximately 5,080 linear feet of BCDC permit required trails, which are part of the San Francisco Bay Trail (Bay Trail) run along the entire peninsula shoreline. The beach area has three picnic benches, a barbeque, a changing room, and a shower. The sandy beach transitions to a mudflat where marsh vegetation is present. Approximately 9.97-acres of the site is public access/ open space (Exhibit 4).

Project Description

Project Details: The permit co-applicants, Oyster Point Development, LLC and the City of South San Francisco, describe the proposed project as follows:

Within the Commission's Bay Jurisdiction:

1. **Phase IC**
   a. Place approximately 88 cubic yards of sand and soil over an approximately 3,914-square-foot area;
   b. Restore and maintain an approximately 3,914-square-foot area tidal marsh; and
   c. Remove approximately 75 linear feet of an 18-inch-diameter outfall pipe.

Within the Commission's 100-foot shoreline band jurisdiction and partially with the Waterfront Park, Beach Priority Use Area:

1. Subdivision of property on approximately 36-acres into six (6) new parcels and one (1) remainder parcel (After-the-fact).
2. **Phase IC**
   a. Demolish approximately 64,400 square feet of infrastructure and remove approximately 25 feet of an 18-inch-diameter outfall pipe;
   b. Regrade an approximately 265,600 square-foot (6.10 acre) area;
   c. Place, use, and maintain approximately 1,944 cubic yards of material across an approximately 26,250-square-foot area to repair the landfill cap;
   d. Construct, use, and maintain an approximately 400-foot-long portion of Marina Boulevard and approximately 4,400 square feet of sidewalk;
   e. Enhance, use, and maintain an approximately 2,200-foot-long portion of public access trail and create, use, and maintain approximately 1,500 linear feet of public access pathways;
   f. Place, use, and maintain approximately 1,200 cubic yards of material to replenish the approximately 13,000-square-foot beach and construct, use, and maintain a six-foot-wide accessible beach path from the trails to the beach, an approximately 185-square-foot portion of an eight-foot-wide wooden overlook deck, and an approximately 900-square-foot maintenance trail;
   g. Install, use, and maintain a portion of an approximately 200-square-foot public restroom with a changing station and shower, a portion of an approximately 1,500-square-foot public and private restroom, and an approximately 750-square-foot private restroom;

h. Construct, use, and maintain a public access area including an approximately 6,470-square-foot portion of a lawn, an approximately 3,480-square-foot portion of a picnic area, a 3,350-square-foot portion of a multi-use gravel area, and an approximately 4,400-square-foot-portion of a parking lot;

i. Construct, use, and maintain two (2) 130-foot-long ramps, two (2) 100-foot-long ramps, and two (2) stairways to connect to the Oyster Point Marina gates to Docks one through seven;

j. Landscape an area with approximately 71,200 square feet of salt marsh vegetation and approximately 51,500 square feet of low groundcover planting; and

k. Hydroseed an approximately 40,600-square-foot (0.93-acre) area of the edge of the Parcel 5 Park Area.

3. **Phase ID**

a. Regrade an approximately 35,000-square-foot area;

b. Construct, use, and maintain a 41-foot-wide (approximately 28,462 square feet) service lane with a 32-inch tall (approximately 812-foot-long) guardrail, an approximately 174-foot-long retaining wall, and an approximately 210-square-foot portion of an office/R&D complex;

c. Construct, use, and maintain an approximately 450-square-foot overlook; and

d. Landscape an approximately 32,600-square-foot area.

4. **Phase IIC**

a. Place approximately 1,200 cubic yards of clay soil over an approximately 31,435 square foot area to repair the clay cap; and

b. Construct, use, and maintain a set of stairs to the existing windsurfer launch.

Bay Fill: The proposed project would result in the placement of 88 cubic yards of fill over an approximately 3,914-square-foot area of tidal marsh along the northern shoreline at the Marina Waterfront area. The fill would repair the clay cap covering the existing landfill to provide the full four feet of Title 27 and Regional Water Quality Control Board required cover over the landfill. To mitigate for the impacts of the fill, the project would replant the impacted area with tidal marsh species and would monitor the area for three years.

Public Access: The project site is currently a mix of developed areas and open space. Approximately 9.97-acres of open space or public access areas exist today at the site, including areas that were previously required by BCDC Permits 1977.001.00 and 2008.001.00. The public access improvements would include a widened Bay Trail

(from 14 feet to 18 feet), a 3.51-acre park with up to one-acre used for commercial and recreation development, a replenished beach, a lawn area, a picnic area, and a multi-use gravel area. These public spaces would include restrooms, a shower, seating, and bicycle parking.

Table 1: Proposed New and Enhanced Public Access

Type	Area (Square Feet)	Acres	Trail Length
Bay Trail (new)	8,800	0.2	2,200
Bay Trail (enhanced)	33,300	0.76	2,200
Parcel 5 Park	152,700	3.51	N/A
Beach (enhanced)	13,000	0.3	N/A
Lawn Area	8,000	0.18	N/A
Picnic Area	4,000	0.09	N/A
Multi-Use Gravel Area	5,750	0.13	N/A
Sidewalk	27,600	0.63	2,500
Misc. Public Improvements*	31,650	0.73	1,500
Parking Lot	47,500	1.09	N/A
Landscaped Area	102,700	2.36	N/A
Total	**435,000**	**9.9**	

* Includes pump station, bicycling parking pads, wooden deck, connecting pathways

Schedule and Cost: The proposed project has commenced in portions of the project site located outside of the Commission's jurisdiction. The work within the Commission's jurisdiction is anticipated to begin in late April, 2018. The total project cost estimate is $16,958,915.

Staff Analysis

A. **Issues Raised:** The Commission staff believes that the BCDC Permit Application No. 2017.007.00 raises three main issues: (1) whether the proposed fill is consistent with the McAteer-Petris Act regarding fill and relevant Bay Plan policies on Fish, Other Aquatic Organisms and Wildlife, Tidal Marshes and Tidal Flats, Safety of Fills, and Mitigation; (2) whether the proposed project is consistent with the Bay Plan policies regarding the priority use designation for the project site; and (3) whether the proposed public access would be the maximum feasible consistent with the project and is consistent with the Bay Plan policies on Public access, Recreation, and Appearance, Design and Scenic Views.

1. **Bay Fill.** The Commission may authorize fill when the fill proposed complies with the requirements identified in Section 66605 of the McAteer-Petris Act, which states, in part, that (1) fill "should be authorized only when public benefits from fill clearly exceed public detriment" and "should be limited to water-oriented uses" or for minor fill for improving shoreline appearance or public access to the bay; (2) fill should be approved only when "no alternative upland location" is available; (3) the fill is the "minimum

necessary to achieve the purpose"; (4) the "nature, location, and extent of any fill should be such that it will minimize harmful effects to the bay area" including water quality and fertility of fish and wildlife resources; and (5) the fill will "be constructed in accordance with sound safety standards"; (6) the fill will establish a permanent shoreline; and (7) the applicants have valid title to the property where the fill would be placed.

a. **Public Benefit v. Detriment and Water-Oriented Use.** Approximately 32.1 acres (1,400,000 square feet) of the project consists of a former landfill. Within the project area, the shoreline consists of a sandy beach and tidal marsh. Along the peninsula, outside of the project area, the shoreline consists of riprap rock revetment. In 2001, the Regional Water Quality Control Board issued a Water Board Order No. R2-2000-046 Waste Discharge Requirements for the landfill. Closed landfills are required to have a minimum of four feet of cover, pursuant to the standards for environmental protection of solid waste disposal sites in the California Code of Regulations Title 27. A Final Closure Plan for the Oyster Point Landfill was created on September 8, 2017. To comply with these requirements, the applicants must place approximately 88 cubic yards of clay and soil over an approximately 3,914-square-foot area along the shoreline to achieve the appropriate four-feet of cover of the clay cap protecting the historic landfill. According to the "Final Closure Plan Former Oyster Point Landfill, Oyster Point Properties- Phase I and II Development 379 Oyster Point Boulevard, South San Francisco, California" (Final Closure Plan), the clay cap protecting the existing landfill is deficient in some locations, with less than four feet of cover due to wave overtopping and ponding along the shoreline. The applicant would install additional cover to fix clay cap deficiencies over other portions of the site outside of the Commission's Bay jurisdiction (Exhibit 5). The Final Closure Plan states that placement of fill in the Bay to protect the landfill cap would prevent the leaching of chemicals and waste into the Bay, which would harm Bay resources and create a hazard for human use of the Oyster Point Marina. The applicant would place the material over the existing wetland habitat at the shoreline and restore the wetland vegetation to pre-construction conditions. The public detriment in the form of the loss of wetland habitat would be temporary. The public benefits to the project include protecting Bay resources from potential contaminants contained in the historic landfill, facilitating use of portions of the site for public access, and restoring wetland at the site.

   Additionally, approximately 75 linear feet of an 18-inch-diameter outfall pipe would be removed from the Bay at the beach area. The outfall would not be used at the site by the new developments. This removal would not impact surrounding tidal marsh.

   The fill proposed is a shoreline protection project, as the fill would protect the upland clay cap that protects the historic landfill from becoming exposed and releasing contaminants into the Bay. As a result, the project is a water-oriented use.

b. **Alternative Upland Location.** The proposed fill is required under state law to resolve deficiencies in the clay cap over the historic landfill. It would only be placed in areas that have been mapped below the required four feet of cover. No alternative upland location is possible for the protection of the existing historic landfill clay cap.

c. **Minimum Fill Necessary.** The proposed fill would be placed exclusively within areas that have less than four feet of cover over the landfill. The project has been designed to use the minimum amount of fill necessary to achieve the four feet of cover over the clay cap and to support the replanted wetland vegetation.

d. **Effects on Bay Resources.** In addition to Section 66605(d) of the McAteer-Petris Act regarding the impacts of fill on Bay resources, the Bay Plan contains related policies, as cited below.

   i. **Fish and Wildlife.** The Bay Plan Fish, Other Aquatic Organisms and Wildlife Policy No. 4 states, in part, that "[t]he Commission should consult with the California Department of Fish and [Wildlife] and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species… and give appropriate consideration of (their) recommendations in order to avoid possible adverse impacts of a proposed project on fish, other aquatic organisms and wildlife habitat."

   On March 13, 2018, the National Marine Fisheries Service (NMFS) issued a concurrence letter for the proposed project, concluding that the project would not likely adversely affect species protected under the federal Endangered Species Act, including the Central California Coast steelhead and the North American green sturgeon southern species. The concurrence states that the effects of the project are "not expected to result in either a net change to existing habitat values in the action area or result in adverse impacts to designated critical habitat" for project species that occur in this area. NFMS determined that the project will result in increased turbidity, but that this would be minor and temporary. Additionally, NMFS determined that the clay cap work would result in the disturbance of benthic aquatic macroinvertebrates that steelhead and green sturgeon feed upon. However, the area is anticipated to be recolonized quickly following construction. The California Department of Fish and Wildlife provided comments on the timing of the project within the wetland area stated that because the work would take place during low tide, the work "is unlikely to impact state listed or commercially managed species."

   At this time, U.S. Fish and Wildlife Services (USFWS) has not provided a letter of concurrence with the U.S. Army Corp of Engineers determination that the project would not likely adversely impact protected species. USFWS staff has communicated to the Commission's staff that the USFWS does not have concerns about the proposed project, and any recommendations in the letter of concurrence would be consistent with the recommendations of NMFS.

ii. **Water Quality.** The Bay Plan policies on Water Quality state, in part, that "Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality" and that " [w]ater quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Basin Plan… [and] the policies, recommendations, decision, advise, and authority of the State Water Resources Control Board and Regional Board should be the basis for carrying out the Commission's water quality responsibilities." Additionally, the policies state, in part, that "[n]ew projects should be sited, designed, constructed and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay…" Lastly, Policy 7 states that, "[w]henever practicable, native vegetation buffer areas should be provided as part of a project to control pollutants from entering the Bay, and vegetation should be substituted for rock riprap, concrete, or other hard surface shoreline and bank erosion control methods…"

On March 16, 2018, the RWQCB issued a water quality certification for the proposed project, including the placement of fill for the clay cap repair work and the removal of an outfall. The proposed fill would impact approximately 3,914 square feet of existing tidal marsh. As mitigation, the RWQCB required the impacted area to be restored to pre-construction conditions and the creation of a Mitigation and Monitoring Plan that would outline the existing site conditions and establish success criteria for the mitigation project. The RWQCB required the site to be controlled for invasive non-native sea lavender such that non-native and invasive plants shall be less than 5% cover of the restored area.

The applicants propose to restore tidal marsh on top of the fill required for the clay cap work instead of covering the area with a hard substrate, such as riprap, to avoid erosion. The use of tidal marsh vegetation in place of rock riprap would better absorb pollutants and create a more natural shoreline and provide more effective habitat for fish and wildlife.

iii. **Tidal Marsh and Tidal Flats and Mitigation.** The Bay Plan policies on Tidal Marshes and Tidal Flats state, in part, that "tidal marshes and tidal flats should be conserved to the fullest possible extent" and that "[p]rojects should be sited and designed to avoid, or if avoidance is infeasible, minimize adverse impacts on any transition zone presented between tidal and upland habitats. Where a transition zone does not exist and it is feasible and ecologically appropriate, shoreline projects should be designed to provide a transition zone between tidal and upland habitats." The Bay Plan policies on Mitigation state, in part, that "[p]rojects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable. Finally, measures to

compensate for unavoidable adverse impacts to the natural resources of the Bay should be required." Furthermore, Policy 7 states, in part, that "a mitigation program should be reviewed and approved by or on behalf of the Commission as part of the project. Where appropriate, the mitigation program should describe the proposed design, construction and management of mitigation areas and include: (a) Clear mitigation project goals; (b) Clear and measurable performance standards for evaluating the success of the mitigation project, based on measure of both composition and function, and including the use of reference sites; (c) A monitoring plan designed to identify potential problems early and determine appropriate remedial actions. Monitoring and reporting should be of adequate frequency and duration to measure specific performance standards and to assure long-term success of the stated goals of the mitigation project; (d) A contingency plan…and (e) Provisions for the long-term maintenance, management and protection of the mitigation site…"

The proposed fill would be placed over an approximately 3,914-square-foot area that is the location of existing tidal marsh. Because the fill material is required for the landfill cap to be consistent with state law, it is not possible to avoid impacts to the tidal marsh. To mitigate for the adverse impacts to tidal marsh, the applicants propose to restore the site to tidal marsh following the placement of fill to protect the landfill cap. The "Oyster Point Development Phase 1C, Abbreviated Mitigation Monitoring Plan," outlines that the area would be restored to pre-construction conditions and the area would be monitored for three years. Following permit issuance, a complete mitigation and monitoring plan would be developed analyzing the pre-construction conditions of the tidal marsh, performance standards, site maintenance, and monitoring techniques. The RWQCB required that the restored area limit the amount of cover by non-native sea lavender and other non-native or invasive species, resulting in a higher quality marsh habitat than exists today. Additionally, the larger project is providing transition zone in the uplands for the marsh along the northern shoreline of the peninsula to migrate as sea levels rise. As a result, there will be no permanent adverse impacts to tidal marsh from the placement of fill.

e. **Safety Standards.** In addition to Section 66605(e) of the McAteer-Petris Act regarding the seismic and flooding standards by which fill is designed and constructed, the Bay Plan contains related policies, cited below. The Bay Plan policies on Shoreline Protection state, in part, that "[n]ew shoreline protection projects and the maintenance or reconstruction of existing projects and uses should be authorized if: (a) the project is necessary to provide flood or erosion protection for (i) existing development, use or infrastructure, or (ii) proposed development, use or infrastructure that is consistent with other Bay Plan policies; (b) the type of the protective structure is appropriate for the project site, the uses to be protect, and the erosion and flooding conditions at the site; (c) the project is properly engineered to provide erosion control and flood protection for the expected life of the project based on a 100-year flood event that takes future sea level rise into account; (d) the project is property designed and construct to prevent significant impediments to

physical and visual public access; and (e) the protection is integrated with current or planned adjacent shoreline project measures…" Furthermore, Policy 4 states that "[w]henever feasible and appropriate, shoreline protection projects should include provisions for nonstructural methods such as marsh vegetation and integrate shoreline protection and Bay ecosystem enhancement, using adaptive management. Along shorelines that support marsh vegetation, or where marsh establishment has a reasonable chance of success, the Commission should require that the design of authorized protection projects include provisions for establishing marsh and transitional upland vegetation as part of the protective structure, wherever feasible."

Further, the Bay Plan Climate Change Policy No. 2 states, in part: "When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end-of-century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices." Climate Change Policy No. 3 state, in part, "[t]o protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects…should be designed to be resilient to a mid-century sea level rise projection." Climate Change Policy No. 7 states, in part, that until a regional sea level rise adaptation strategy can be completed, the Commission should evaluate each project proposed in vulnerable areas on a case-by-case basis to determine the project's public benefits, resilience to flooding, and capacity to adapt to climate change impacts. The following specific types of projects have regional benefits, advance regional goals, and should be encouraged, if their regional benefits and their advancement of regional goals outweigh the risk from flooding... [including] a public park."

The proposed fill is necessary to raise the areas with deficient landfill cover areas to be consistent with Title 27 and RWQCB Order No. R2-2000-046. The covering of the capped areas with marsh vegetation would prevent further loss of landfill cap cover and would provide protection through a mid-century projection of sea level rise of 24-inches at a minimum. The proposed fill is anticipated to last through the end of the century. The restored tidal marsh would connect into the surrounding marsh and would create a natural shoreline. The project would provide transitional marsh plantings in the upland areas, however the RWQCB expressed concerns about the elevation change and the ability of the marsh to migrate landward as sea levels rise. Sea level rise impacts to the proposed public access elements involving fill in the Bay are discussed in more detail in the Public Access section below.

f. **Valid Title.** The project site is owned by Oyster Point Development, LLC and the City of South San Francisco.

The Commission should determine whether the proposed project is consistent with the McAteer-Petris Act and the relevant San Francisco Bay Plan policies regarding fill in the Bay.

2. **Priority Use Area.** The project site is located within an area designated for Waterfront Park, Beach Priority Use in the Bay Plan Map No. 5 which provide that projects in this area should "Preserve and improve marina and shoreline park. Preserve picnicking, swimming, boating, hiking, windsurfing, and fishing opportunities. Possible ferry terminal. Allow if compatible with park and marina uses; serve with bus public transit to reduce traffic and parking needs. Some fill may be needed. Provide signage regarding fish consumption advisories for anglers."

   On September 16, 1999, the Commission adopted Bay Plan Amendment No. 2-99 and Resolution No. 99-06 to amend the San Francisco Bay Plan and Resolution 16 to delete approximately 37 acres from the waterfront park, beach priority use area designation on Plan Map 5. The remaining priority use area is 28.41 acres. The majority of the deletion was in the upland areas, but an approximately 0.5-acre area at the western end of the drainage channel (slough) located along the southern shoreline of the Oyster Point peninsula was also removed from the priority use area designation (Exhibit 6).

   The area is subject to several existing BCDC permits. BCDC Permit No. 2008.001.00 authorized a Water Emergency Transportation Authority (WETA) ferry terminal. BCDC Permit No. 1977.001.17 requires the majority of waterfront park, beach priority use area for public access. Permit No. 1977.001.17 also requires a fishing pier on the eastern portion of the peninsula, which will not be changed as a part of the proposed project. The proposed project would maintain, improve, and expand the existing public amenities required by the existing BCDC permits within the waterfront park, beach priority use area.

   As part of the effort to fix landfill cap deficiencies, clay cap work would take place at the eastern corner of the peninsula within the Phase IIC area. However, the majority of work proposed within Phase IIC is not designed at this time and would be subject to a future application and review by the Commission. The landfill clay cap work within the uplands in the Phase IIC area would involve the temporary closure of a portion of the Bay Trail and the windsurfer launch. Additional stairs would be added to the launch to conform to the new grading elevations from the clay cap work. Detour routes and timing of construction would be coordinated with the Commission and the San Francisco Boardsailing Association (Exhibit 7). The project applicants will work with the San Francisco Bay Water Trail (Water Trail) and the San Francisco Board Sailing Association to ensure the new design meets the needs of the users. Additionally, the construction at this location would take place during the windsurfing and kite surfing off seasons. The applicants are not proposing any new public transit as part of this project.

   The Commission should consider whether the project would be consistent with the Bay Plan Waterfront Park, Beach Priority Use Area designation for the project site.

3. **Public Access; Recreation; and Views.** In assessing whether the proposed project would provide maximum feasible public access consistent with the proposed activities, the Commission relies on the McAteer-Petris Act, the Bay Plan policies, and access requirements of similar previously permitted projects.

   a. **Public Access Policies.** 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." Section 66632.4 states, "[w]ithin any portion or portions of the shoreline band that are located outside the boundaries of a water-oriented priority land uses… the Commission may deny an application for a permit for a proposed project only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project, to the bay and its shoreline."

      The Bay Plan **Public Access** policies state, in part, that projects "should increase public access to the Bay to the maximum extent feasible" and that "…maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline…" Further, the policies state, in part, that "[a]ccess to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available" that "diverse and interesting public access experiences should be provided." Additionally, the policies state, in part, that public access "should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier free access for persons with disabilities to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs." Additionally, the policies provide that "[p]ublic access should be sited, designed, managed, and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding," and that access should be designed consistent with the physical and natural environment. The policies also state, in part, that "[r]oads near the edge of the water should be designed as scenic parkways for slow-moving, principally recreational traffic. The road-way and right-of-way design should maintain and enhance visual access for the traveler, discourage through traffic, and provide for safe, separated, and improved physical access to and along the shore." The policies state that "[p]ublic access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding." Further, the policies state, in part, that "[a]ny public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby" and that "[t]he Design Review Board should advise the Commission regarding the adequacy of the public access proposed."

The Bay Plan **Recreation** policies state, in part, that "[d]iverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population… and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels…waterfront parks should be provided wherever possible."

Recreation Policy 2 states, in part, that: "Waterfront land needed for parks and beaches to meet future needs should be reserved now…. [however] recreational facilities need not be built all at once; their development can proceed over time. Interim use of a waterfront park priority use area prior to its development as a park should be permitted, unless the use would prevent the site from being converted to park use or would involve investment in improvements that would preclude the future use of the site as a park."

Recreation Policy 3 states, in part: "Recreational facilities, such as waterfront parks, trails, marinas…non-motorized small boat access, fishing piers, launching lanes, and beaches, should be encouraged and allowed by the Commission, provided they are located, improved and managed consistent with the following standards [including]…[d]ifferent types of compatible public and commercial recreation facilities should be clustered to the extent feasible to permit joint use of ancillary facilities and provide a greater range of choices for users; [s]ites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses, consistent with natural and cultural resource preservation; [a]ccess to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails; [t]o reduce the human health risk posed by consumption of contaminated fish, projects that create or improve fishing access to the Bay at water-oriented recreational facilities, such as fishing piers, beaches, and marinas, should include signage that informs the public of consumption advisories for the species of Bay fish that have been identified as having potentially unsafe levels of contaminants"; "[and c]omplete segments of the Bay…Trails where appropriate."

Further, Recreation Policy 3 provides, regarding non-motorized boats that "[w]here practicable, access facilities for non-motorized small boats should be incorporated into waterfront parks" and that "access point should be located, improved and managed to avoid significant adverse affects on wildlife and their habitats." To enhance this use, such areas should include "…launching facilities, restrooms, rigging areas, equipment storage….[and] be accessible…to ensure that boaters can easily launch their watercraft." And, moreover, the policies provide in part that "[s]andy beaches should be preserved, enhanced, or restored for recreational use, such as swimming, consistent with wildlife protection."

Additionally, the Recreation policies state that waterfront parks "should emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical and cultural education and interpretation, viewpoints, beaches, and fishing facilities" and that "[p]ublic parking should be provided in a manner that does not diminish the park-like character of the site." Also, on water oriented commercial-recreation, the policies state partly that "[w]ater-oriented commercial recreational establishments, such as restaurants… recreational equipment concessions…should be encouraged in urban areas adjacent to the Bay. Public docks, floats or moorages for visiting boaters should be encouraged at these establishments where adequate shoreline facilities can be provided."

The Bay Plan Recreation policies pertaining specifically to designated **waterfront park** areas state, in part: "To assure optimum use of the Bay for recreation, the following facilities should be encouraged in waterfront parks…." The policies pertaining to waterfront park areas include the following: "(2) To capitalize on the attractiveness of their bayfront location, parks should emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical and cultural education and interpretation, viewpoints, beaches, and fishing facilities. Recreational facilities that do not need a waterfront location, e.g., golf courses and playing fields, should generally be placed inland, but may be permitted in shoreline areas if they are part of a park complex that is primarily devoted to water-oriented uses, or are designed to provide for passive use and enjoyment of the Bay when not being used for sports… (4) Public launching facilities for a variety of boats and other water-oriented recreational craft, such as kayaks, canoes and sailboards, should be provided in waterfront parks where feasible. (5) Except as may be approved pursuant to recreation policy 4-b, limited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay. Limited commercial development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary. (6) Trails that can be used as components of the San Francisco Bay Trail…or links between them should be developed in waterfront parks. San Francisco Bay Trail segments should be located near the shoreline unless that alignment would have significant adverse effects on Bay resources; in this case, an alignment as near to the shore as possible, consistent with Bay resource protection, should be provided… (7) Bus stops, kiosks and other facilities to accommodate public transit should be provided in waterfront parks to the maximum extent feasible. Public parking should be provided in a manner that does not diminish the park-like character of the site. Traffic demand management strategies and alternative transportation systems should be developed where appropriate to minimize the need for large parking lots and to ensure parking for recreation uses is sufficient. (8) Interpretive information describing natural, historical and cultural resources should be provided in waterfront parks where feasible… (10) The Commission may permit the placement of public

utilities and services, such as underground sewer lines and power cables, in recreational facilities provided they would be unobtrusive, would not permanently disrupt use of the site for recreation, and would not detract from the visual character of the site.

The Bay Plan **Transportation** Policy 4 states, in part, that "[t]ransportation projects on the Bay Shoreline… should include pedestrian and bicycle pathways… Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline."

The Bay Plan policies on **Appearance, Design, and Scenic Views** state, in part, that "all Bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay" and that "[m]aximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas…" Furthermore, "[s]tructures and facilities that do not take advantage or complement the Bay should be located and designed so as not to impact visually on the shoreline. In particular, parking areas should be located away from the shoreline."

b. **Maximum Feasible Public Access**

(1) **Existing Site Conditions.** Approximately 9.97 acres of public park area exists at the site. BCDC Permit 1977.001.17 for the Oyster Point Marina requires a trail around the perimeter of the peninsula and the entire area at the peninsula to be open to the public. The permit also authorized the construction of a fishing pier and a public boat launch at the eastern end of the peninsula (outside of the Phases IC and ID project area). BCDC Permit No. 2008.001.00 authorized a WETA ferry terminal and requires public access along a portion of the ferry pier, a viewing platform, and an approximately 565-foot-long north-south pathway. BCDC Permit No. M1990.037.01 authorized a UPS maintenance facility south of the project site and requires a sidewalk along Gull Drive and an overlook at the western end of the slough. City of San Francisco staff estimates that approximately 300 users visit the peninsula on a daily basis today, to access the Bay Trail, marina, ferry terminal, beach and other amenities.

(2) **Proposed Public Access**. The proposed project would result in approximately 9.99 acres of enhanced public access. Approximately 6.81-acres of the public access would be located outside of the Commission's jurisdiction. Approximately 3.18-acres of public access would be located within the Commission's 100-foot shoreline band. The access would consist of an approximately 6.48-acre shoreline park as part of Phase IC known as the Marina Waterfront/Beach area; a 3.51-acre Parcel 5 Park area that would be programmed at a later date but which could include some commercial recreation and restaurant uses on up to 1.25 acres of the 3.51 acre parcel; and an approximately 450-square-foot overlook at the western edge of the slough south of the project site as part of Phase ID.

The Phase ID building would support approximately 950 employees. The future hotel site located outside of the Commission's jurisdiction would have approximately 350 rooms and additional employees to support the hotel. The

anticipated number of daily users of the waterfront park area following project construction is 795 people, including use by people who work at the site and hotel guests. Additionally, Phases IID-IVD are anticipated to be office/R&D complexes and would support 3,180 employees.

Approximately 2,200 linear feet of Bay Trail would be widened from 14 feet to 18 feet and would extend along the Marina Waterfront area, connecting to the existing path at the northern peninsula and to the adjacent public access areas associated with the Ferry Terminal development. The Bay Trail would be paved and would include foot level lighting (Exhibit 8).

The Marina Waterfront/Beach area would include approximately 2.36 acres in landscaping, including bioretention areas, that would not be used for active public use. Due to grading and landscaping, only approximately 4.12 acres of the park area would be usable by the public. A network of 10-foot-wide trails would connect the Marina Waterfront area to Oyster Point Boulevard and Marina Boulevard.

The approximately 13,000-square-foot beach within the Marina Waterfront Area would be replenished, and the applicant would construct a six-foot-wide accessible path and beach mats, for universal access to the water, extending from the Bay Trail to the beach. An eight-foot-wide, 1,350-square-foot wooden deck with seating would sit adjacent to the Bay Trail and overlook the beach and the marina. A 200-square-foot restroom with a changing station and a shower would be constructed west of the Bay Trail. A drop-off area would be provided on Oyster Point Boulevard for beach users, such as picnickers and kayakers, to unload items at a location closer than the public parking. An approximately 1,500-square-foot pump station would be located between the Bay Trail and Oyster Point Boulevard and would be screened by a fence and landscaping (Exhibit 9).

The Marina Waterfront Park area would include an 8,000-square-foot lawn area; a 4,000-square-foot picnic area with six picnic tables and three barbeque pits; a 5,750-square-foot multi-use gravel area; and a 1.09-acre parking lot for approximately 139 vehicles. The park would include three seating areas with benches, lounge chairs, and picnic tables. The parking lot would be open for public use and would serve both the public access areas and the marina. The Phase ID office/R&D complex would have its own private parking. The multi-use gravel area would include seating and is proposed for special events, such as farmers markets and food trucks. An approximately 1,500-square-foot restroom with a portion available to the public and a portion that would be for private use for the marina would be constructed on the western portion of the Marina Waterfront Park. An additional approximately 750-square-foot private restroom would be installed at the eastern end of the park. The private restrooms would serve the marina and would replace the existing private restrooms at the site. Approximately 20 bicycle racks would be installed between the beach area and the Marina Waterfront (Exhibit 10).

The approximately 3.51-acre Parcel 5 Park area would be located south of Marina Boulevard, between the Phase ID building and a parcel proposed for a future hotel development (Parcel 6 Hotel Site). The hotel development would not be located within the Commission's jurisdiction and would not be subject to a future Commission permit application. A crosswalk would be installed on Marina Boulevard to provide for access from the public parking lot to the Parcel 5 Park Area. The park would not be programmed until five years after the issuance of the Commission's permit for the Phase IC and ID developments to allow the design of the park to compliment the adjacent hotel and for the City to complete a public review process. In the interim, the park area would be graded, hydro-seeded, and maintained, including irrigation, as useable public open space. The park would include an approximately 11,900-square-foot temporary parking lot, which would re-assessed and potentially removed when the park is designed. An approximately 1.25-acre portion of the Parcel 5 Park area would be available for limited commercial use, including the construction of commercial structures. These uses are anticipated to include the installation of facilities for farmers markets, a restaurant space of up to 7,500 square feet, and recreational equipment concession facilities. The exact type and location of these uses and structures would require further review and approval by or on behalf of the Commission. As proposed, the City of South San Francisco would host special events within the Marina Waterfront park and the Parcel 5 Park area (Exhibit 11).

A North-South connector path would be constructed through the site of the proposed hotel outside of the Commission's jurisdiction (Parcel 6 Hotel Site) connecting Marina Boulevard to the pedestrian bridge that crosses the slough along the southern shoreline. A 10-foot-wide paved path would be installed within three (3) years after issuance of the Commission's approval if the construction of the proposed hotel has not commenced. If the construction of the proposed hotel has begun, the permanent trail would be incorporated into the design of the hotel. The permanent path alignment would be approved by or on behalf of the Commission (Exhibit 12).

An approximately 450-square-foot overlook would be installed south of the Phase ID building along Gull Drive at the terminus of the slough located to the south of the project site. The overlook would replace an approximately 100-square-foot slough overlook that is required under BCDC Permit No. M1990.037.01. The overlook would include a bench and a trash receptacle. An approximately 58,800-square-foot area extending from the Phase ID service road, across the slough to the edge of the applicant's property would be landscaped and dedicated as open space (Exhibit 13).

Approximately 400 linear feet of the new alignment of Marina Boulevard would be located within the Commission's jurisdiction. The road would be elevated to preserve views north toward the marina. At the apex of the road, it would be possible to view the Bay eastward. Crosswalks would be added across Marina Boulevard to allow people to move between the public access areas.

The design of the project has adapted since initial communication with the Commission staff in November, 2016. Originally, more of the Marina Waterfront park area was proposed as parking, consistent with the current conditions. The applicant has proposed more active uses of the site and designed more connectivity by improving pathways between areas.

c. **Sea Level Rise and Flooding.** According to the Federal Emergency Management Agency (FEMA), the current 100-year flood elevation for the project site is 11 feet (NAVD88). Portions of the site today flood during "King Tide Events" and storms. The Phase ID office/R&D building complex would have a design life of approximately 80-100 years.

   The proposed Marina Waterfront area would be located at an elevation of 14.8 feet (NAVD88). This area has a design life of approximately 50-years and would be resilient through 2050 with 24 inches of sea level rise. This area would be flooded by a 25-year storm event, which has a 4% chance of occurring, at the end of the century with 66-inches of sea level rise. The shoreline bayward of the Bay Trail along this area would be planted with a "coastal meadow" plant mix that would provide a transitional zone for the salt marsh to migrate upward as sea levels rise. The applicants propose adapting the public access areas to sea level rise impacts after mid-century, including the Marina Waterfront Park area (Exhibit 14).

   The replenished beach area would be approximately 52 feet wide and would have an elevation between 6.2 to 13 feet (NAVD88). The beach has a proposed design life of approximately 50 years and would be flooded by mid-century during a 100-year flood event with 24 inches of sea level rise. On a regular basis, the lower portions of the beach would be frequently flooded by 2050, and unavailable for public use. The beach would be fully inundated by the end of the century with 66 inches of sea level rise. There is no proposal to adapt the beach to sea level rise beyond mid-century (Exhibit 15).

   The Parcel 5 Park area, North-South connector path, and the Phase ID slough overlook would all be elevated to be resilient to a 100-year flood event at the end of century with a projection of 66-inches of sea level rise (Exhibit 16).

d. **Design Review Board.** The project was reviewed by the Commission's Design Review Board (DRB) on July 10, 2017. At this meeting, the DRB raised questions about the type of landscaping and safety at the site. The DRB commented on the need to better connect the public spaces across Marina Boulevard, from the southern shoreline to the Marina Waterfront. Additionally, the DRB discussed the desire for an

east-west connection along the slough from the Parcel 5 Park area to Gull Drive. Lastly, the DRB expressed concerns about whether the appropriate soils brought to the site would support the proposed landscaping.

In response to these concerns, the applicants added a crosswalk from the public parking lot to the Parcel 5 Park area. No access along the slough from the Parcel 5 Park area to Gull Drive has been proposed due to the steep slopes along the slough, which would require retaining walls. The applicants expressed concerns about constructing retaining walls on former landfills and the ability to achieve seismic stability.

e. **Comparable Projects.** The Commission considers its previous actions on comparable projects to help inform a decision about whether the proposed public access improvements represent the maximum feasible scope and type consistent with the mixed-use project.

The proposed project would provide approximately 9.99 acres of public access, with approximately 3.18 acres located within the Commission's jurisdiction. Public access areas would occupy approximately 28% of the total project site and approximately 42% of the project area within the 100-foot shoreline band.

The Commission has, in the past, considered comparable projects that dedicated similar portions of the total project site to public access (Table 2). The Sierra Point five-building office complex in the City of Brisbane, San Mateo County (BCDC Permit No. M2008.019.00) provided approximately 3.7 acres of public access on the undeveloped 22.3-acre project site. The public access is located entirely within the Commission’s 100-foot shoreline band and is approximately 16% of the project site. The Burlingame Office Park project in the City of Burlingame, in San Mateo County (BCDC Permit No. 2013.001.01), originally issued on November 24, 2014, and amended through October 18, 2017 was for a six-building office complex and provided approximately 3.7-acres of public access on an approximately 20-acre site, which is 19% of the project site. A public access path previously existed on the site before the project was constructed. The Bay Park Plaza, a two-building office complex, in the City of Burlingame, in San Mateo County (BCDC Permit No. 1982.020.08), originally issued on January 21, 1983, and amended through October 22, 2007. provided approximately 2.93-acres of public access on an approximately 12.7-acre project site. Public access is approximately 23% of the project site and the vast majority is located within the Commission’s 100-foot shoreline band. The Wind River five building office complex project in the City and County of Alameda (BCDC Permit No. 1997.009.01), originally issued on November 20, 1997, and amended through November 12, 1998 provided approximately 4.35 acres of public access on an approximately 13-acre site, which is approximately 34% of the project site. There was no public access at the site of the Wind River project prior to the construction of the project. The single-building office complex project at 501 Airport Boulevard in the City of Burlingame in San Mateo County (BCDC Permit No. 1980.003.00), issued on April 28, 1980, provided approximately 0.18-acres of public access on the approximately 0.5-acre site, equaling approximately 36% of the total project site.

Table 2: Public Access Provided in Comparable BCDC Approved Office Complex Projects

Permit	Total Project Size (On Land; Acres)	Size of Public Access (Acres)	Public Access as a Percentage of Total Project	Type of Use
M2008.019.02	22.8	3.7	16%	Five Building Office Complex
2013.001.01	20	3.7	19%	Six Building Office Complex
1982.020.08	12.7	2.93	23%	Two Building Office Complex
1997.009.01	13	4.35	34%	Five Building Office Complex
1980.003.00	0.5	0.18	36%	Single Building Office Complex
Application No. 2017.007.00	**35.3**	**9.99**	**28%**	**Three Building Office Complex**

The project differs from other previously-approved office park developments, as it includes a potential future hotel development. In addition, the public access improvements proposed include improving existing BCDC-required public access. However, compared to other similar developments, the project proposes a comparable portion of the site for public access.

The Commission should consider whether the proposed project would be consistent with relevant provisions of the McAteer-Petris Act and the San Francisco Bay Plan, including policies on Public Access, Recreation, and Views.

B. **Commission Advisory Boards**

1. **Engineering Criteria Review Board.** The Commission's Engineering Criteria Review Board did not review the proposed project because Commission staff determined that the fill proposed does not raise seismic safety issues.
2. **Design Review Board.** The proposed project was reviewed by the Commission's Design Review Board on July 10, 2017.

C. **Environmental Review.** On March 23, 2011, the City of South San Francisco, acting as lead agency, certified the final Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) for the Oyster Point Specific Plan. This document reviewed Phases IC and ID on a project level and Phases IIC, IID, IIID, and IVD on a programmatic level. The review of these subsequent phases will be the subject of a future permit application for the Commission's approval.

On December 11, 2017, the City of South San Francisco circulated a subsequent EIR to analyze changes to the design of Phases IID, IIID, and IVD. These are future phases that are not part of the proposed project but will connect to the proposed project. The three phases were planned to provide approximately 1,750,000 square feet of office/R&D space. The updated proposal is for Phase IID to include approximately 1,070,000 square feet of office/R&D space. Phases IIID and IVD would change the zoning in these locations from office/R&D to residential and retail/amenity. These phases would include approximately 1,191 residential units and 22,000 square feet of flexible use retain and/or amenity space.

The review of these phases will be the subject of a future permit application for the Commission's approval. However, the request for the re-entitlement of these phases has been put on hold at the request of OPD.

D. **Relevant Portions of the McAteer-Petris Act**
   1. Section 66602
   2. Section 66605.1
   3. Section 66632

E. **Relevant Portions of the San Francisco Bay Plan**
   1. *San Francisco Bay Plan* Map No. 5
   2. *San Francisco Bay Plan* Policies on Public Access
   3. *San Francisco Bay Plan* Policies on Recreation
   4. *San Francisco Bay Plan* Policies on Appearance, Design, and Scenic Views
   5. *San Francisco Bay Plan* Transportation Policy 4

Exhibits

1. **Vicinity Map**
2. **Master Plan Phases**
3. **Phase I Plan**
4. **Existing Conditions**
5. **Phase 1C Landfill Cap Work**
6. **Plan Map 5 Priority Use Area**
7. **Phase IIC Landfill Cap Work**
8. **Master Plan Circulation**
9. **Phase IC Replenished Beach**
10. **Phase IC Marina Waterfront**
11. **Parcel 5 Park Area**
12. **North-South Connecter Path**
13. **Phase ID**
14. **Phase IC Marina Waterfront Section**
15. **Phase IC Beach Section**
16. **Phase ID Section**