

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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May 6, 2010

**TO:** All Commissioners and Alternates

**FROM:** Will Travis, Executive Director (415/352-3653 [travis@bcdc.ca.gov](mailto:travis@bcdc.ca.gov))  
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**SUBJECT: Approved Minutes of March 4, 2010 Commission Meeting**

1. **Call to Order.** The meeting was called to order by Chair Randolph at the Ferry Building, Second Floor in San Francisco, California at 1:15 p.m.

2. **Roll Call.** Present were Chair Sean Randolph, Vice Chair Halsted (represented by Alternate Chappell), Commissioners, Baird (represented by Alternate Vierra), Bates, Chiu, Gibbs, Hicks (represented by Alternate C. Johnson), Lundstrom, Maxwell, McGlashan, McGrath, Moy, Nelson (represented by Alternate Ranchod), Reagan, Shirakawa (represented by Alternate Carruthers), Ziegler, Thayer (represented by Alternate Kato), Wagenknecht and Wieckowski.

Not Present were: Sonoma County (Brown), Department of Finance (Finn), Contra Costa County (Gioia), Governors Appointees (Goldzband and Jordan Hallinan), San Mateo County (Gordon), Alameda County (Lai-Bitker), Business, Transportation and Housing Agency (Sartipi).

3. **Public Comment Period.** Chair Randolph asked for public comment.

David Lewis, Executive Director, Save The Bay, began his comments by noting that one of the other hats he wears is as Chair of the Board of Restore America's Estuaries, which is a national alliance of groups like Save the Bay, in 11 estuaries around the country that have been working together for more than a decade on federal policy and federal funding for estuary restoration.

I'm just back from our latest Board Meeting in Washington D.C. and I wanted to share with you a new publication, because it features San Francisco Bay, and my point is to underscore for you how important the restoration we are doing here, that this Commission has permitted, is to the whole country.

This publication is from the National Oceanic and Atmospheric Administration and Restore America's Estuaries produced it for them. It features estuary restoration efforts that are going on around the country and I've marked for you, on page 11, the salt ponds restoration that's going on in the South Bay and in the North Bay. And it's a beautiful article with photos and I just wanted to let you know that this is on the radar screen of people all over the country who are increasingly learning about and admiring the work that we're doing here. It's in that context that it's especially stunning when I go back to Washington D.C. and tell people that



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there's actually a proposal to fill in salt ponds that can be restored and fill in on top of them.

If any of you did not see this morning's San Francisco Chronicle lead editorial, I've also brought copies of that for you today. And that editorial says two things that I think many of you already know and hopefully agree with: first, that ecologically sensitive salt ponds on the outskirts of Redwood City are the wrong place to build up to 12,000 new homes; and, secondly, that now is the time for the City to say no to considering this project.

There's no obligation for the City to proceed with an Environmental Impact Report or any other process for a project that's so out of scope, so out of scale -- not just with Redwood City's own zoning and General Plan, but with the last 50 years of history, this Commission, the Environmental Protection Agency, the Clean Water Act, and this restoration that we're doing all over the Bay. Thank you for making this public comment time available for us to highlight issues such as this.

Mr. Art Agnos remarked that he had not heard of the Redwood City Salt Project until respective friends from both sides, including David Lewis, contacted him to take a side in early February. And the issue was a letter that some of the Commissioners have unfortunately signed already and has been circulated around the Bay Area.

I was tempted to do the same thing because I've had a relationship with Save the Bay since I began my career in 1968 with Assembly Speaker Leo McCarthy, and my own career in the Legislature. And so I was very tempted, but I did not.

As has been my practice as a legislator, as a mayor, and as a presidential appointee to HUD, I wanted to know something beyond the headlines, and so I spent some time learning about this project. And the more I've learned about this project, the more I'm convinced it is worthy of being evaluated on its merits and not prejudged by anyone.

And the merits of this first-of-a-kind development emanate from a company that I have learned has deeply rooted environmental principles and partnerships here in California and around the west and, most of all, contrary to any public statements that have been made to date, it does not put, this project does not put one shovel of fill into the Bay and, indeed, if one shovel of fill goes into the Bay then I will be the first one to be standing here to oppose it.

Instead, I believe that this project by itself offers the most and largest restoration of the Bay in one place ever proposed, paid for at private expense without a single tax dollar, while at the same time offering the most sustainable development in the history of this state, and, perhaps even in the country. It has that kind of potential and it does all of this on land that was bypassed by the federal government as being too expensive and too difficult to restore to wetlands when Senator Feinstein's leadership led the efforts for the acquisition of restorable Bay land in 2003.

We all know the impact of growth around the Bay. ABAG tells us right now in their current reports that we can expect some million people in the next 15 years. And that must be addressed with a comprehensive and environmentally superior solution, and it will not emanate from a narrow or rigid one-size-fits-all policy that simply says no to everything.

If I had adhered to that policy 20 years ago, we would not be meeting in this beautiful

place, in this beautiful building with some 2,000 people walking around outside, because a 40 foot high double-decker freeway that, reached up to the clock on the tower, would be along in front of this building and along the waterfront where we now see restored trolleys from all over the world on the busiest transit line in San Francisco. Why would we not be here?

Because 22,000 people in San Francisco, most of them voters, signed a petition demanding that I, as mayor, not tear down the Embarcadero Freeway, and that included half the politicians in town. It wasn't 92 from around the Bay Area, but 22,000 in the city said "don't tear it down," and they further said don't even start an evaluation on the merits that could lead to a good solution.

So my decision to demolish the Embarcadero Freeway and restore our city's access to the waterfront, which we all enjoy, was developed in a manner that frankly ignored politics at some peril, and followed what sound environmental and developmental review points to as the right solution. And over the years so has this Commission and you should do so again.

Not in scientific knowledge. The modern scientific knowledge of restoration and sustainability includes state-of-the-art solutions for marshland restoration, clean water, sea level rise, renewable energy, greenhouse reduction, and that whole list that you're more familiar with than I am. And that good public policy can be implemented right here in the Bay Area, in Redwood City, on land that was bypassed by the federal government. Sounds like a lot.

So how does one project of 1,500 acres, almost two square miles, like the Saltworks, address all that without putting one shovel of fill into the Bay, specifically? And hear this, please. Specifically, it commits to restore over 400 acres of a 100-year-old industrial salt facility closest to the Bay into state-of-the-art wetlands at private expense. It commits an additional 400 acres to parks and public open space with extraordinary access to the Bay itself at private expense. And with the remaining 700 acres it commits to building sustainable housing that voluntarily includes 15 percent affordable workforce housing, therein responding to the well known jobs, housing, and balance throughout the Bay that every county in the Bay Area, including my own, is struggling to meet.

It commits to develop the entire development to be self-sufficient with its own water source and the pursuit of renewable energy strategies that can take it off the grid at private expense. Off the grid at private expense. It commits to building a transportation link from the homes to and over Highway 101, including a transit system; again, at private expense. It commits to a three and a half mile long Bayside park that provides the missing link to the San Francisco Bay Trail, while protecting against projected sea level rise; again, at private expense. It commits to flood control measures that protect the Stanford Medical Clinics and the surrounding Redwood City neighborhoods that are chronically plagued by floods in heavy winter rains, such as those we've experienced this winter.

So with all this in mind, I'm just here to ask this Commission to not discourage a progressive developer who is working with the local community on an environmentally superior solution to help not only that community but the entire Bay Area. I would say to you that Redwood City, in particular, and the Bay Area, in general, deserve the right to simply see what this project has to offer them and us, and that means, quite simply, we should trust the

local planning process. We should trust the planning process of this Commission. We should trust the planning process of state and federal regulatory agencies who are in the line of the planning process over the next three to five years, who will protect the Bay and us from anything that does not work well.

In short, all I'm asking is that you -- let's see, let's take a look at what comes to us on the table and not prematurely judge anything based on the political advocacy of a well meaning advocacy group. The stakes are simply too high for the restoration and sustainability of our precious Bay and to all of us who live and work in the Bay Area.

Commissioner Bates remarked that Mr. Agnos -- a good friend and colleague from the Legislature -- exceeded the Commission's three-minute rule by probably five or six minutes. He asked that Save the Bay have an opportunity to make some comments relative to Mr. Agnos' comments. Chair Randolph responded that if Save the Bay would like to take more time, they would be happy to allot that.

Ms. Ellen Johnck, Executive Director of the Bay Planning Coalition, wanted to let the Commission know about and invite it to Bay Planning Coalition's 23rd Annual San Francisco Bay Decision Makers Conference. It's April 14<sup>th</sup>, and the title this year is Climate 3.0: Policies and Decisions for a Changing Landscape.

And as I started thinking about Climate 3.0, I came across a quotation from Mark Twain: "*Climate is what you expect, weather is what you get.*" Now, here we are in the 21st century, the term "climate change" has become three dimensional, 3.0, where there's a human element to this that we're all looking at it and discussing. This issue is complex and uncertain.

We want to focus on two aspects: carbon management and sea level change. And we have two discussion tracks and we're going to be looking, examining the science from multiple points of view. We're going to be looking at the emerging policies and regulations that exist, both for carbon management as well as sea level change, and BCDC has been at the forefront of recommending some ideas on that, and we're happy to have BCDC Executive Director Travis as one of our speakers.

And then the third piece of these two discussion tracks is what's the response, how are business and land owners responding, what innovative ideas and solutions are - what other matters and other ideas from the public coming up.

And we really look forward to a great day. We have folks like Reinhard Flick, many of the flood managers from around the Bay Area, Travis, Paul Thayer.... And you'll be hearing more about it. Just check out our website and you're invited as our guests as you are appointees of the legislature, et cetera. And if any members of the public want to come, please see me about registration.

**4. Approval of Minutes of February 4, 2010 Meeting.** Chair Randolph entertained a motion to adopt the Minutes of February 4, 2010.

**MOTION:** Commissioner Wieckowski moved, seconded by Commissioner Lundstrom, to approve the February 4, 2010 Minutes. The motion carried unanimously by voice vote, with three abstentions.

**5. Report of the Chair.** Chair Randolph reported on the following:

a. **New Commission Members.** The Administrator of the U.S. Environmental Protection Agency has appointed Sam Ziegler to replace David Smith as EPA's representative on BCDC. Also, Jason Brush will replace Karen Schwinn as EPA's alternate representative. I am sure the Commission joins me in welcoming Mr. Ziegler and Mr. Brush. EPA has had excellent representation from David Smith and Karen Schwinn so our staff has prepared draft resolutions of appreciation for them. I would welcome a motion, second and affirmative vote to adopt

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these resolutions.

**MOTION:** Commissioner Wagenknecht moved, seconded by Commissioner McGrath, to adopt the resolutions. The motion carried unanimously by voice vote.

b. **Next BCDC Meeting.** The MetroCenter in Oakland is not available the date of our next regularly-scheduled meeting on March 18<sup>th</sup>. Also, we don't have any permit applications that we have to take up in the next month. Therefore, we'll cancel our regularly-scheduled meetings on March 18<sup>th</sup> and April 1<sup>st</sup> and hold our next meeting in six weeks on April 15<sup>th</sup>. At that meeting, which will be held here at the MetroCenter in Oakland, we will take up the following matters:

(1) We will hold a public hearing and vote on a federal consistency determination from the U.S. Army Corps of Engineers dealing with dredging to maintain shipping channels in the Bay.

(2) We will receive a briefing on the impacts of climate change on the Bay Area natural ecosystem.

(3) We will receive a report from our staff on the status of the discussions with stakeholders on revisions to our Bay Plan to address climate change.

(4) We will receive a briefing on planning for the San Francisco waterfront.

(5) We will hold a closed session to discuss enforcement of a cease and desist order we issued to deal with violations in Alviso Slough in San Jose.

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

Commissioner Gibbs reported that he had received a call from Sam Lauter, a public relations and government affairs consulting in the city, regarding the Salt Marsh Project. The thrust of the call was to urge him to not make up his mind before the planning process has gone forward.

6. **Report of the Executive Director.** Executive Director Travis provided his report, as follows:

a. **Budget.** As I informed you at our last meeting, to comply with an executive order from the Governor we submitted a plan that will reduce our staff costs five percent this fiscal year. Our plan calls for holding two staff positions vacant and filling three other vacancies. Our plan has been approved by the folks in Sacramento so we can move ahead with hiring a senior planner, a coastal planner who will focus on climate change issues, and an enforcement analyst.

b. **Personnel.** As the first step in implementing this plan Jessica Hamburger will be transferring from our dredging unit to fill the vacant planner position. Also, with your concurrence, we are hiring Wendy Goodfriend as a senior planner specialist. Dr. Goodfriend holds a PhD and Masters in Ecology and Evolutionary Biology from the University of Arizona and a Bachelor of Science in Biology from UC Davis. For the past ten years she has worked in

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Connecticut as a consultant, an educator, a government employee and a local wetland protection commission member. She has formulated watershed management plans, evaluated development proposals, advised decision makers on permitting decisions, served as a technical writer and been a biology and environmental sciences professor. Clearly, Wendy Goodfriend will be a valuable addition to our planning team. Unless you object, she will start working for us next Monday.

We'll move as quickly as we can to fill the vacancy in our dredging unit created by Jessica's transfer and to hire an enforcement analyst.

c. **Award.** I'm most pleased to inform you that the San Francisco chapter of the American Institute of Architects will honor our "Rising Tides" design competition with a Special Achievement Award at the AIA's design awards celebration in early May. Brad McCrea, the project manager of the competition, and David Meckel, the consultant who organized the competition, will represent us in receiving the award.

d. **Statement of Economic Interests.** Statement of Economic Interests: I want to again remind you that members of the Commission must file your annual Statement of Economic Interests. Your completed form must be received in our office or postmarked by April 1<sup>st</sup>. If you need assistance in getting or completing the forms, please contact Sandra Sneeringer of our staff.

e. **Recent Mailings.** I want to call to your attention two documents we mailed to you last week. They are current versions of the McAteer-Petris Act and the Suisun Marsh Preservation Act. These documents include the most recent amendments and the complete text of the state laws that empower the Commission to carry out your mandated responsibilities. Please replace your reference copies of our laws with these two documents.

Commissioner McGrath remarked that he recently received a copy of a letter from the Coastal Conservancy to the District Engineer of the Corps on the status of the Bel Marin Keys unit and the Hamilton Restoration Project. Can you comment on the status of that? Executive Director Travis responded that the Coastal Conservancy owns the property at the former Hamilton Air Force Base, which is being converted to wetlands. They have also purchased the adjoining Bel Marin Keys property for an expansion of that project.

The U.S. Army Corps of Engineers, under authorization from the Congress of the United States, is carrying out the project. It has relied for the most part in using dredge material from the Port of Oakland to bring the elevations of the site high enough so that it will support wetland vegetation when the tide is returned to the area. The cost of the project has increased markedly and the Conservancy has found that the costs have risen so much that they have concluded that they can no longer partner on the Bel Marin Keys addition to the project. So they informed the Corps of this and there has been a subsequent exchange of correspondence.

The Corps is bringing in a special team to look at this to see if they can bring the cost down or revise the project so that it will use a lesser amount of material and perhaps initially have a smaller footprint for wetland restoration. We're hopeful that it can continue to move

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ahead because that is the primary beneficial re-use site in the Bay Area right now.

Commissioner McGrath followed up by stating that the letter indicated that it may be possible to stop putting material into Hamilton at the end of this year and let it settle, and open it up for tidal action in 2013. Executive Director Travis responded that there are a number of options being explored. The main concern BCDC staff has is that there are dredging projects that are about to be permitted and they need to be able to go to Hamilton so that the material can be beneficially re-used rather than being taken to the ocean and simply dumped.

7. **Commissioner Consideration of Administrative Matters.** Executive Director Travis noted that the administrative listing was sent out on February 18th. If there are questions, Bob Batha is available to answer them.

8. **Public Hearing and Vote on Permit Application No. 9-06, Exploratorium and the Port of San Francisco, to Relocate the Exploratorium to Piers 15 and 17 in the City and County of San Francisco.** Chair Randolph introduced staff person Ms. Ming Yeung, who provided some background on the project.

Ms. Yeung stated that the Exploratorium Project involves the relocation of the Exploratorium Museum from the Palace of Fine Arts to Piers 15 and 17 along the Embarcadero waterfront in San Francisco.

The project would be constructed in two phases. Phase One would involve repairs to Pier 15 to house the Exploratorium's program, offices, cafés and retail space; constructing a new observatory building at the east end of the pier; creating a new open water area courtyard between Piers 15 and 17; and providing approximately 78,250 square feet of new public access. Phase One would also involve relocating Bay Delta Maritime from Pier 15 to Pier 17, which would require repairing the north apron of Pier 17 and dredging approximately 75,000 cubic yards of material from the Piers 17/19 basin. The dredge materials would be disposed at the Alcatraz site.

In Phase Two, the applicants would repair Pier 17 to expand the Exploratorium's programs, cafés and retail space, and construct an additional 20,850 square feet of public access.

In total, the project would result in approximately 99,100 square feet of new public access and a net increase of 21,410 square feet of Bay open water between Piers 15 and 17.

BCDC staff believes the proposed project raises the following issues: one, whether the proposed project would be consistent with the Commission's policies on fill and safety of fills, including sea level rise; two, whether the proposed project would be consistent with the Commission's policies on public access; three, whether the project is consistent with the public trust uses for the site; four, whether the proposed project would adequately protect fish, other aquatic resources and wildlife, and water quality; and five, whether the proposed project is consistent with the Commission's policies on dredging.

Mr. Dennis Bartels, the Executive Director of the Exploratorium, described the project. He began by noting that, since BCDC approval in December for a Special Area Amendment, BCDC staff has been working very hard with Exploratorium folks to make this project a reality, and we want to thank them and the Commission for the tremendous effort that we have all made to

make this project a distinct possibility in the very near future.

The new location will draw thousands, hundreds of thousands of visitors to a new public plaza and over two acres of public access to the new site that this project provides. It restores Bay views and provides free public access to interior portions of the building. In addition, the new facility will allow the Exploratorium to educate people of all ages about the importance of learning about and protecting our environment.

Perhaps most important of all, for those of us who care deeply about the use of science in public policy and other domains, this site provides radical access, access that we've never enjoyed in the north part of San Francisco; to the southeast and parts of town and to the peninsula; and to the East Bay once again. Following Loma Prieta we lost about 200,000 visitors a year from East Bay addresses that the BART and the site open back up to us. In particular it is our mission, we believe, to help people ask questions for themselves all the time and not to take anybody's claim, not a politician's, not an advertiser's, not even a scientific claim at face value, but to ask and answer questions for themselves.

What more remarkable location could we imagine than the one we possibly had down at Piers 15 and 17? This is the perfect home for the Exploratorium. We are so pleased and thankful and grateful for the support that we received from the city, from the mayor, from the Board of Supervisors, from the Port, and from many across the community, and we ask for your support as well.

Mr. James Suh, of Wilson, Meany and Sullivan, presented the project for Commission review. He began by noting that what he will be discussing is a culmination of four years of collaborative work between the Exploratorium's Design and Development Team, BCDC and Port staff, and also includes seven joint sessions with the Design and Review Board and the Waterfront Design Advisory Committee.

We've also had over 22 meetings, at last count, with stakeholder groups including the Northeast Waterfront Advisory Group, San Francisco Heritage, Telegraph Hill Dwellers, and the Chinatown Community Development Center, just to name a few. The project has also involved coordination and collaboration with the Office of Historic Preservation, the National Parks Service, and also State Lands.

The project will provide nearly 100,000 square feet, or 2.3 acres, of new public access to the Bay. The Exploratorium will be relocating its entire facility from the Palace of Fine Arts, and moving them all under one roof at Piers 15 and 17, under a 66-year lease with the Port of San Francisco. The Exploratorium, will be the master lessee of all of Pier 15 and 17 except for the north apron of Pier 17, which will be repaired by the Exploratorium but occupied by Bay Delta Maritime, the existing Port tenant.

The project is envisioned to occur in two phases. The initial phase will involve a seismic retrofit of the entirety of the Pier 15 shed, bulkhead valley, and the substructure beneath. It will also involve the repair of the dilapidated north apron of Pier 17, some minor repair and tenant improvements of Pier 17, and utility upgrades for both piers. It will also include a new building

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addition at the far east end of the pier that we call the Observatory Building.

The Exploratorium will occupy Pier 15's ground floor in the initial phase, and also a new mezzanine level that will be constructed inside Pier 15, being respectful of the historic structure. Pier 17 will be used as a backup house space and continue to be subleased -- the majority of Pier 17 will be interim tenants, until such time as the Exploratorium decides to expand into Pier 17 in the future Phase Two phase.

Bay Delta Maritime, currently located in the Pier 15 bulkhead structure, will be relocated to a newly repaired north apron inside Pier 17 along the north wall. As part of the move, the Exploratorium has agreed to dredge the Pier 17 and 19 full basin, for the benefit of the tenant's tugboats.

On the exterior, the Exploratorium will remove the depressed deck between the sheds, currently used as a parking lot, and with it, approximately 270 of the existing piles. New seismic piles and pile caps will be installed and over them a partial deck will be built, including two bridges -- all of which will form a new Port Walk, outdoor Exploratorium ticketed space, and a large public plaza with seating, lighting, and free exhibits. Some of the existing piles in the courtyard will remain in the water area to form a temporary water pile garden. These will be reused as supports for the Phase Two expansion.

The south apron, where Bay Delta currently exists, will be repaired. We'll be including some additional seismic piles and pile caps, taking advantage of this installation by extending the deck on the southwest and southeast to create a connection between Herb Caen Way and the new south apron all the way around, in circumnavigation around the piers.

The Exploratorium will also build a boat dock on the southern end which will be run and operated either by the Port or a future water taxi operator.

An important part of the Exploratorium's educational mission is school field trips, which is currently done at the PFA. To accommodate the safe drop-off and pick-up of the children, the Exploratorium will be extending an existing curb indent located to the north of Pier 17, extending it southward. This will basically be an indent that the buses can pull in, and then pull out after they've dropped off the children safely. A second indent in front of Pier 15 will also be created, and that will be primarily for the general visitor and accessible drop-off uses.

The existing non-historic connected building, which currently exists at the east end of the pier, will be removed in the initial phase. A new two-story addition will actually take its place with a smaller footprint, so that a 60-foot view corridor will be created. This will allow public access to the east apron.

The Observatory will be a unique building, satisfying the mission of the Exploratorium to reveal the science of the world around us through observation and interaction with their exhibits. The first floor will become a public museum/café, while the second floor will be primarily for exhibits and an outdoor learning center and, occasionally, an event rental. There will also be an enclosed public access area within the second floor space on the northeast quadrant.

At the front of the building there will be a continuous 8,400-square-foot Bayside History

Walk connecting the public from the central arch, very similar to Pier 1, through the historic bulkhead where the Bayside History Walk displays will occur, and into the shed. The non-ticketed public will get a view not just of the historic truss work above you and the volume of the shed, but also get a glimpse, a taste, of the sound and sight of the museum activity located just beyond the glass walled entrance.

In total the public access area created in the initial project, as many have said, will be over 78,000 square feet -- where currently today there is none.

Phase Two will include similar repair, seismic upgrades using new piles, and historic rehabilitation similar to Pier 15. On the exterior, the Pier 17 northwest apron will be extended over new pile caps and will remain within Bay Delta's leased premises. The public access areas will also be extended and the public access components increased. The northern portion of the Pier 17 east apron will become publicly accessible.

There will also be a Bayside History Walk within Pier 17, fronting both the Embarcadero and the public plaza. That's approximately 4,700 square feet. The open water will be decreased, but we believe it creates an incredibly dynamic forum for visitors to meander around through the bridges and around the public access way to enjoy the water in a much more aesthetic way. In total, the project will create about 100,000 square feet of public access.

I'd like to say finally that, most importantly probably, the Exploratorium has made sustainability a core mission of the project. They will do their part in saving on natural resources by exceeding the minimum LEEDs rating required for the site.

The Exploratorium has a far more ambitious goal, though. They are pursuing a net zero energy building, basically a carbon-neutral building. This will be done with the use of photovoltaic panels, which will power 100 percent of the museum's operation, and a very innovative Bay water mechanical system, which basically uses the Bay's ambient temperature to heat and cool the building. We believe the building will, of itself, become an exhibit.

We want to thank BCDC for helping us get here today and on behalf of the entire Exploratorium we hope you'll approve this permit and we look forward to beginning construction very, very soon.

Ms. Jennifer Sobol, the Port Project Manager for the Exploratorium Project, noted that the Port is a co-applicant with the Exploratorium on the Application for the BCDC Permit. Piers 15 and 17 are part of the Embarcadero National Registered Historic District and, as such, they are very important maritime resources even though they are in a deteriorated condition. So the Port is very grateful for the Exploratorium if they're going to be restoring, rehabilitating, seismically upgrading and saving these important maritime resources.

This historic rehabilitation will comply with the Secretary of the Interior's standards for rehabilitating historic buildings. It will not only repair the buildings, but it will activate this area of the waterfront in very new and exciting ways, and also provide extensive public access. The Port has no doubt that this museum will attract the public to the waterfront and become a real landmark in the city landscape.

The BCDC Permit, as set forth in the Recommendation, assures that there will be extensive

public access at the project site. The opportunities for the public to see the water, walk along the water, enjoy Bay views, look at the boats that are docking right there at the piers, will enhance the opportunities and the experience for the public at the waterfront. Other than building permits, which are now proceeding, this BCDC Permit is the last major regulatory approval needed so this is a very important day for us today, an important step in the project.

We appeared before you last November and December, and you approved certain amendments to the Special Area Plan. The Exploratorium understands the requirements of those plan amendments for the off-site Bay fill removal and will comply.

So, on behalf of the Port of San Francisco and Monique Moyer, our Executive Director, I would like to thank your Staff, the Exploratorium, our stakeholders, and Supervisor Chiu for their vision and hard work in helping us to get to this point today. And Monique especially wanted to thank BCDC once again for working diligently with the Port to achieve something really great for the waterfront.

So, with that, I request your vote of approval today and thank you very much for your consideration.

Chair Randolph then opened the Public Hearing and recognized speakers.

Ms. Helene Fried, a Culture Planner, began by explain that what she does is advise cities and municipalities on public art and on cultural museums, trails, memorials -- all kinds of entities. She has worked all over this great country and particularly within this Bay region.

It's my great pleasure to be here and speak with you again today. You have a rare opportunity today. It's almost delicious, so take it. I urge you to take it. Thirty years ago -- it was very interesting seeing the former mayor here because I was reminded, and for those of you that are part of the leadership of the city today, I was reminded 30 years ago it was just like today. Many issues come before you and you go do what the good people want, and you look at all of the kinds of things within this greater Bay region we need.

Thirty years ago we didn't know an Exploratorium would make a request like this, but we prepared for it and we are so -- for those of us who worked on it -- we're so proud at what you will do, hopefully, today.

The Exploratorium achieves two things that are within BCDC's mission. One, it provides public access and that's not just "oh, gee, it's so many acres" or "it's this" or "it's very good." It means that a kid in the southeast side of San Francisco, or a family that's in the East Bay, or someone that comes on the train from the peninsula, can come easily and reach this destination, and they can feel -- they get off, whether they walk or they take the train, however they get here, they can feel comfortable, they can feel, "gee, this is something that I can do, I can go in these doors." It's not like a huge thing that isn't going to be theirs. And I think that's really what we're talking about today.

The other thing is teaching about the environment; there may be no more important thing, we all know that. I have the privilege of working in the Hunter's Point Shipyard presently and I can tell you it's really about the kids. As much as it is about the history, it's about my children, your children, our grandchildren, the children in this Bay Area, and to the extent that they

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understand the kinds of issues facing our communities and become good citizens is the extent that we will have done our work; those of us professionally involved and those of us who are volunteers and those of you who sit on the Commission.

So I urge you today to make a vote in support of this. It doesn't happen often that you have this opportunity. I say go for it and congratulate you on your leadership.

Mr. Hashim Anderson, manager of the Exploratorium's Youth Docent Program -- called the High School Explainers -- spoke briefly on the impact this potential move will have with the Docent Program's commitment to work with underserved youth across San Francisco as well as many other counties within the Bay Area.

The Exploratorium's High School Explainer Program has worked with about 3,000 youth over the last four decades, and we're really excited about the potential move because, in a word, it gives us accessibility -- accessibility to many of these neighborhoods that currently find it really difficult to get to our present location; but then also accessibility to the environment. And the thing that we like about potentially moving to Pier 15 is that we're now able to really talk more about the environment and how this program is going to be impacted by the environment so that they're able to learn more about it, but as well as being able to teach our public.

And our plans are to have outdoor Exploratorium exhibits there as well as a greenhouse within the museum, and so the High School Explainers that work there will be able to learn not only about their environment, but how to take care of their environment. And then, by teaching the general public, that will sort of reinforce a lot of what they've been able to learn over the years.

I'm a product of the High School Explainer Program. When I was in high school I had a better understanding of science because I was working at the Exploratorium. It sort of removes that fear that we all have when we're in high school. So many of these youth will be able to get over that hurdle, better understand those things, and be able to take that knowledge and not only teach their peers, their classmates, their families, but hopefully be sort of the deciding factor in the future, because they're going to have to take care of this world. So hopefully by working at the Exploratorium that information, that knowledge they pick up, they'll be able to take that information later on and help their decision-making.

We definitely appreciate your support in this matter and appreciate your vote as well.

Ms. Ernestine Weiss thanked former Mayor Agnos for his wonderful vision in not allowing the freeway to remain up. And because of that she followed him by creating open space opposite the freeway, known as Ferry Park, which is unencumbered by any commercial development, including garages and etc. It will always remain open space, in perpetuity. This long-neglected waterfront will be turned into an attractive product in this area and a productive one.

Long ago, when I backed Willie Brown for office, I told him to run on money, and he succeeded in that. The second thing on my laundry list to Willie was "Willie, you have to develop this Port, it's ugly, it's terrible, it's nonproductive, and that's where money can be

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made." Fortunately, he listened to me and eventually we got the Giants here, which I campaigned for. After that we got the Ferry Building renovation, and Piers 1-1/2, 3, and 5. And now I'm very proud to say that I lasted this long to see the Exploratorium come. I just had a very big birthday in January, so I'm happy that I'm still here to see it.

Anyway, this additional link in the necklace of development will make us all proud of a job well done, and I thank everybody who is connected with it from the bottom of my heart: the community people who acted; the developer; Jennifer Sobol, the Project Manager; everybody. I could go and on.

So make us even more proud and hurry it up, because I want to see it take place in the near future. So please approve this permit so this project can go forward immediately.

Seeing no other public commenters, Chair Randolph opened the floor for Commissioner questions and comments.

Commissioner Chiu stated that he was very excited for today and today's vote. The Commission really has what is often a rare opportunity to move forward on a project that has really come about wonderfully.

This is a project that is in the heart of my district. It is something that I strongly support and is something that is strongly supported by the San Francisco family. I thank the Exploratorium and BCDC staff for a wonderful job of not just working with all of the various governmental authorities -- BCDC, all the ports, all of the city departments -- but you did a wonderful job of working with my neighbors, my constituents and my neighborhood associations, the environmental groups, the historic preservation groups, etc.

This is a project that is truly going to transform our waterfront. It's going to transform our ports. It will create a real gem for the entire Bay Area and I encourage us to move as quickly as possible and, at the appropriate time, I'd be happy to move the motion to make this vote happen.

Commissioner McGrath remarked that one of the staff conditions refers to the "art ribbon" as something that needs to be modified. He asked where that is. Ms. Yeung responded that there are ribbons in front of Pier 15 and Pier 17. Essentially they are raised concrete art ribbons and during the DRB process it was suggested that they be removed because of the curb indents that are proposed. A couple of members were concerned that the curb indents would basically take a bite out of the Embarcadero Promenade, so there was a suggestion made to lower the art ribbons there to increase the sidewalk area to prevent that conflict.

Commissioner Ranchod remarked that this is a very exciting project and also a model; and he is excited to see that it's proposed to be kind of a mutual project and to attain LEED silver status. It will also result in an increase in solid fill. Is there any precedent in recent history with the Commission approving solid fill increases? Ms. Yeung responded that she recently worked on a project, South San Francisco Ferry Terminal, where there was an increase in Bay open water, but there's just more Bay fill within the water.

Commissioner Ranchod asked to what extent will we be able to reuse the Bay fill that is being removed for the new fill that is being put in? Mr. Suh responded that there actually is no

use for it. Most of it will be demolished because it's concrete, so it will pretty much crumble. Some of it we don't want to reuse because it's fairly old and has some -- the creosote piles, for instance, I don't think you'd want to reuse those. Executive Director Travis added that virtually all concrete, after it is ground up, is reused because there's a market for it.

Commissioner Ranchod noted that the city approved an EIR for this project. Was there any concern or opposition raised in that process? Ms. Yeung responded that there were a couple of comments and the city responded to those comments in the Final EIR, and I don't think we've heard anything else since then.

Commissioner Carruthers remarked that he had one concern about lowering the art ribbon. As it is now, it's easy to see and you don't trip over it. When we talk about lowering it, just personally I'd rather see it at ground level rather than see it be one foot high, because my experience about low things is it's easier not to see them and then they break your bones. Ms. Yeung responded that the proposal is to flatten it.

Commissioner Vierra asked about the plan to use the Bay water for heating and cooling of the building -- could you talk about some of the impingement and entrainment impacts on marine life? Mr. Bartels responded that this is one of the most exciting parts of the project, because we would be the first museum and the largest building in California to meet the requirements of AB 132. And then, since we're one of the lucky ones to be second through the door as far as the particular Bay heat and cool system, this has been developed and shown to work at the Monterey Bay Aquarium, and we're using the very same architects as the Monterey Bay Aquarium.

Mr. Suh added that, in terms of entrainment, we actually have intake streams that are going to be basically -- basically the way it will work is there are two pipes that are hung below the slab and take water in from the Bay. The water then goes up into a machine room. It goes through a heat exchanger -- not being used exactly but just going through a heat exchanger -- and then is put out into the Bay. So it's actually a cold slough system. In front of those intake pipes is a screen about 1.75 millimeters small -- small enough that there won't be any trapped fish. This is all under review at the NPDES permits.

Commissioner Bates commented that this is an incredible project and he is really proud of the progress that's been made to date, to see this actually happen. It was talked about for a long time and he didn't actually see it coming about, and now to see it be a LEED silver project --.

My family and I have certainly thoroughly enjoyed the Exploratorium. It's a national treasure, really, and we're so fortunate to have it here and to have a new home for it where it can show off all the features that are described in this project -- it's just something that really is wonderful for this region.

Commissioner Gibbs stated that this is one of the most exciting things he has had the privilege of voting on since he's been on the Commission. It is truly a jewel. It is not only access in the narrow sense of greater access to just look at the Bay, but is access to a whole new world that the Exploratorium represents.

I still remember my elementary school's field trip to the Exploratorium and what a magical place it is, and I think that we're really going to mark this day as part of the turning point of the whole Port and downtown waterfront area of San Francisco when so many people from around the Bay Area and around the world have easier access to this really wonderful place. So I'm very excited about this.

Ms. Yeung formally made the staff recommendation, which recommends that the Commission approve BCDC Permit 9-06 for the Exploratorium Project.

The staff recommendation includes a number of conditions designed to assure that the project is consistent with the Commission's Bay Plan and the San Francisco Waterfront Special Area Plan policies.

These conditions include requiring public access areas and improvements and restricting public access closures and vehicles in public access areas; requiring an open water area between Piers 15 and 17; the removal of additional fill elsewhere along the San Francisco waterfront as required by the Amended Waterfront Special Area Plan; some dredging and pile driving restrictions to protect fish species and water quality; and implementing best management practices to protect special status species and to minimize impacts to the Bay.

As conditioned, the staff believes that the project is consistent with the Commission's law and Bay Plan and Special Area Plan policies regarding Bay fill, public access, the public trust, natural resources, and dredging; and recommends approval of the staff recommendation.

There are just two changes that I wanted to bring your attention to. One is on page 8 of the Staff Recommendation in the Public Access section under 2(B), Port Walk. At the end of that paragraph we added some additional language to ensure that the public access along the Pier 15 south apron connects seamlessly to the Pier 9/Pier 15 marginal wharf. So at the end of that paragraph we've added the following language:

*"and connects with a seamless transition to the Pier 9/Pier 15 marginal wharf public access area (e.g., integrating path surfaces and avoiding obstructions within access areas)."*

And there is one additional change on page 9 that I wanted to thank Commissioner McGrath for pointing out. On page 9, number 5, at the end -- Vehicle Restrictions -- the second to last line from the bottom says, *"Docked at the east apron during the limited hours of 10:00 p.m. and 10:00 a.m. daily."* We just wanted to change the *"and"* to a *"to."* So *10:00 p.m. to 10:00 a.m. daily.* Those are the only two changes.

Seeing no other questions or comments, Chair Randolph asked for the motion.

**MOTION:** Commissioner Chiu moved, seconded by Commissioner Bates to approve the staff recommendation.

**VOTE:** The motion carried with a roll call vote of 17-0-0 with Commissioners Vierra, Bates, Chiu, Gibbs, Lundstrom, Maxwell, McGlashan, McGrath, Moy, Ranchod, Reagan, Carruthers, Kato, Wagenknecht, Wieckowski, Chappell, and Chair Randolph voting "YES", no "NO" votes and no abstentions.

Chair Randolph commented that this is a landmark product we can all be proud of and

take satisfaction in, and so thank you to everybody who worked on it.

9. **Consideration of Disbursal of Funds for Public Access Improvements.** Chair Randolph noted that the consideration is for two contracts that use funds provided by permittees to pay for public access improvements in Hayward and South San Francisco.

Ms. Caitlin Sweeney, BCDC staff, gave the staff recommendation. She stated that staff seeks the Commission's support to enter into two contracts to disburse approximately \$70,000 to the Hayward Area Recreation and Park District, and approximately \$62,000 to the City of South San Francisco to improve shoreline public access.

BCDC Permit number 20-98 authorized the California Department of Transportation (Caltrans) to widen the San Mateo Bridge. A special condition of that permit required Caltrans to mitigate the adverse impacts of the project; in part by depositing \$100,000 into an interest-bearing account in the Commission's name to be disbursed to the Hayward Area Recreation and Park District for the purpose of implementing the district's Property Enhancement Plan. In 2005, the Commission disbursed approximately \$53,000 of those funds to undertake repairs of a portion of the Bay Trail in Hayward's Shoreline Park.

Staff now intends to provide the remaining balance, which is approximately \$69,676 including the accrued interest, to the Hayward Area Recreation and Park District to fund the planning and implementation of additional public access improvements at Hayward Shoreline Park. Specifically, the money would fund the improvement of levees along Shoreline Trails throughout the property, consistent with the District's Property Enhancement Plan.

In addition, BCDC Permit number M93-40 authorized Dobbs International Service, Inc. to construct a commercial building and parking lot on the shoreline adjacent to Colma Creek in the City of South San Francisco. The provision of on-site public access as part of the project was determined to be not preferable; therefore, a special condition of the permit required Dobbs International Service to deposit \$12,625 into an interest-bearing account in the Commission's name to be disbursed for public access improvements or land acquisition for public access in the vicinity of Colma Creek.

Staff intends to provide approximately \$61,634 -- the current balance of the fund with accrued interest -- to the City of South San Francisco to reconstruct, widen, and improve approximately 1,200 linear feet of the San Francisco Bay Trail from Haskins Way southward, ending approximately 1,000 feet from the mouth of Colma Creek.

Both BCDC permits allow the funds to be disbursed at the discretion of the Executive Director, but state contracting procedures require the Commission to approve any contract that exceeds \$5,000. Therefore, staff recommends that the Commission authorize the Executive Director to enter into contracts for a total of approximately \$131,000 with the Hayward Area Recreation and Park District and the City of South San Francisco.

Chair Randolph stated that, although a public hearing isn't scheduled, if anybody from the public would like to address this, we would welcome you now. Seeing no response, he asked for the motion.

**MOTION:** Commissioner Carruthers moved, seconded by Commissioner Ranchod, to

approve the staff recommendation. The motion passed unanimously by a hand vote.

10. **Consideration of Funding Agreement for Oil Spill Responsibilities.** Chair Randolph stated that this consideration is for a funding agreement that will provide the Commission with funding for the next three years to carry out its mandated oil spill prevention and response activities.

Ms. Linda Scourtis, BCDC staff, presented the staff recommendation that the Commission authorize the Executive Director to enter into an agreement with the California Department of Fish and Game's Office of Spill Prevention and Response, which would provide the Commission with a maximum \$566,034 over the three-year period beginning July 1st of this year through June 30th of 2013, in order to carry out the Commission's responsibilities under the Oil Spill Prevention and Response Act of 1990.

Staff further recommends that the Commission authorize the Executive Director to amend the agreement as needed so long as the amendment does not substantially alter the scope of the agreement or the cost by more than ten percent.

The California Office of Spill Prevention and Response (OSPR) has provided funding to the Commission since 1992 to allow the Commission to meet its obligations under the Oil Spill Act. The funds are generated by a per-barrel fee established by the Act. The Commission works closely with OSPR and other agencies, industry, and environmental organizations to reduce the risk of oil spills in the Bay and to better respond should a spill occur. The Commission also works to ensure actions are consistent with its own laws and policies.

The proposed agreement would support the Commission's continued participation in this work; therefore, staff recommends that the Commission approve entering into a three-year agreement with OSPR for up to \$566,034 and authorize the Executive Director to amend the agreement so long as the amendment does not substantially alter its scope or the cost by more than ten percent.

Chair Randolph again noted that a public hearing is not scheduled, but if anybody would like to speak to this from the public, we invite you now. Seeing no response, he asked for Commissioner discussion or questions.

Commissioner Ranchod asked what is the current funding the Commission receives from OSPR? Ms. Scourtis responded that currently the funding is approximately \$546,000 for the three years, so the Commission is not requesting a great increase.

**MOTION:** Commissioner Lundstrom moved, seconded by Commissioner Wieckowski, to approve the staff recommendation. By a raising of hands the motion passed unanimously.

**11. Consideration of Strategic Plan Status Report.** Executive Director Travis remarked that the monthly status report recently received will be the last status report before the Commission's Strategic Planning Workshop on the 29th of April. He encouraged everyone to attend that, both Commissioners and alternates. It will once again be at the Waterfront Hotel in Oakland and it will be all day.

He also asked approval for one change in the deadline for one of the objectives, as explained on page 5. The legislation to carry out BCDC's work on sea level rise, staff decided, would come about after the Commission amends the Bay Plan. And since that work is still in progress, we're going to have to move that back several months. I would like approval of that.

Commissioner Ranchod commented that the bill introduction deadline with the Legislature is usually mid-February, and then there is a deadline before that for legislative counsel to write it up. So is this -- if we push it back to December 31st, is that enough time for

the Commission to approve the language and send it up, if that's the time it takes? Executive Director Travis responded that staff can always do it earlier if we get the Bay Plan amendments done earlier. The whole issue that we're dealing with here is such that if we don't get it into the next legislative session it's okay, we can follow up. The traditional practice of BCDC is to do things well rather than fast.

**MOTION:** Commissioner Carruthers moved, seconded by Commissioner Reagan, to approve the staff recommendation. By a raising of hands the motion passed unanimously.

12. **New Business.** There was no new business

13. **Old Business.** There was no old business

14. **Adjournment.** Upon motion by Commissioner Reagan, seconded by Commissioner Vierra, the meeting adjourned at 2:30 p.m.

Respectfully submitted,

WILL TRAVIS  
Executive Director

Approved, with no corrections, at the  
San Francisco Bay Conservation and  
Development Commission Meeting  
of May 6, 2010

R. SEAN RANDOLPH, Chair