

San Francisco Bay Conservation and Development Commission

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

January 4, 2019

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Jessica Fain, Planning Director (415/352-3642; jessica.fain@bcdc.ca.gov)
Linda Scourtis, Coastal Planner (415/352-3644; linda.scourtis@bcdc.ca.gov)

SUBJECT: Staff Recommendations on (1) Proposed Brief Descriptive Notice for Possible Bay Plan Amendment No. 2-19 to Consider Removing the Bay Plan and Seaport Plan Port Priority Use Area Designation from Howard Terminal at the Port of Oakland; and (2) Authorizing the Executive Director to Execute a Contract with the Oakland Athletics for the Cost of Processing the Application

(For Commission consideration on January 17, 2019)

Staff Recommendation

The staff recommends that the Commission (1) adopt the attached Brief Descriptive Notice to initiate the process of considering a possible amendment of the *San Francisco Bay Plan* and *San Francisco Bay Area Seaport Plan* to remove the Howard Terminal port priority use area designation from the Port of Oakland (see Figure 1); and (2) schedule a public hearing for December 5, 2019 to consider the proposed amendment.

The staff also recommends the Commission authorize the Executive Director to: (1) execute a contract with the Applicants under which the Oakland Athletics will provide up to \$193,067.00 to the Commission for the staff's time to process and the Commission to consider the proposed Bay Plan and Seaport Plan amendment, and (2) amend the contract so long as the amendment does not involve substantial changes in scope.

Staff Report

The Oakland Athletics ("Applicant") have applied to the Commission to amend the *San Francisco Bay Plan* ("Bay Plan") and the *San Francisco Bay Area Seaport Plan* ("Seaport Plan") by removing the port priority use area designation from the Port of Oakland's Howard Terminal (see Figure 1 "Area proposed to be deleted"). Figure 2 shows Bay Plan Map 5, as it would be amended.

The Applicant proposes to develop a new major league baseball park and mixed-use development containing residential, retail, commercial, office, cultural, entertainment, light industrial, recreational, performance venue, and hotel uses, as well as new utility infrastructure, signage, lighting, transportation improvements, and waterfront public access. This property would be removed from port priority use area designation by the proposed amendment, which would facilitate development of the proposed use.

If the Commission votes to consider the amendment application, the amendment request will be reviewed by the Commission's Seaport Planning Advisory Committee, which includes representatives from the San Francisco Bay Conservation and Development Commission (BCDC), the Metropolitan Transportation Commission/Association of Bay Area Governments, the federal Maritime Administration, the five Bay Area ports, Caltrans, and Save the Bay Association. The Seaport Planning Advisory Committee will consider the proposed deletion and forward its recommendation to the Commission. BCDC staff will prepare its own analysis and forward its report and the recommendation of the Seaport Planning Advisory Committee to the Commissioners and interested parties at least 30 days in advance of the Commission's scheduled public hearing on the amendment request.

To consider removing a port priority use area designation, the Seaport Plan requires the Commission evaluate the impact of the deletion on the region's capacity to handle the amount of ocean-going cargo projected to pass through the Bay Area ports. Therefore, under the provisions of the Seaport Plan, to approve the requested amendment, the Commission must determine that eliminating the potential future use of the area for port purposes will not negatively affect the region's cargo handling capacity and will not increase the need to fill the Bay for future port development.

Consistent with the Commission's Regulations, and with the Commission's approval, the amendment proponents will enter into an agreement with the Commission to pay up to \$193,067.00 for BCDC's costs of processing the application. Accordingly, the staff recommends that the Commission authorize the Executive Director to: (1) execute a contract with the Applicant under which the Oakland Athletics will provide up to \$193,067.00 to the Commission for the staff's time to process the proposed amendment to the *San Francisco Bay Area Seaport Plan*, an element of the *San Francisco Bay Plan*, while, per Commission regulation, retaining the authority to charge an additional 20% of this amount if costs exceed the baseline; and (2) amend the contract so long as the amendment does not involve substantial changes in the scope.

Commission Procedure

Circulating a brief descriptive notice is the first step in the process of amending the Bay Plan. The McAteer-Petris Act (Government Code Section 66652) and Section 11000 of the Commission's regulations (California Administrative Code, Title 14, Division 5) require a notice of the proposed amendment. If the attached proposed brief descriptive notice is approved by the Commission January 17, 2019, it will be mailed January 18, 2019, and a public hearing on proposed Bay Plan Amendment No. 2-19 regarding Howard Terminal will be held December 5, 2019.

The staff will distribute a report on the proposed amendment with the staff's preliminary recommendation for the specific changes to the Bay Plan to all Commissioners, Alternates, and interested parties at least 30 days prior to the public hearing as required by the Commission's regulations (California Administrative Code, Title 14, Division 5, Section 11001). Upon conclusion of the public hearing, and after submission of the Executive Director's final recommendation, the Commission can vote upon the proposed plan change.

San Francisco Bay Conservation and Development Commission

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

Descriptive Notice

January 18, 2019

Proposed *San Francisco Bay Plan* Amendment

Hearing Concerning Possible *San Francisco Bay Plan* Amendment No. 2-19 to Remove the Port Priority Use Area Designation from Howard Terminal in Oakland

Notice is hereby given that the San Francisco Bay Conservation and Development Commission will consider an amendment to the *San Francisco Bay Plan* and the *San Francisco Bay Area Seaport Plan*. The proposed amendment would remove the port priority use area designation at the Howard Terminal as shown on Bay Plan Map 5. The change would reflect the removal of the designation from the terminal at the Port of Oakland.

A Public Hearing on the possible amendment is scheduled to be held December 5, 2019 at 375 Beale Street in San Francisco, California, starting at 1:00 P.M. At least thirty days prior to the initial meeting, the staff will prepare and mail a staff report and preliminary recommendation on the proposed amendment. Interested persons may request the staff report and present written comments on or before December 5, 2019. Oral comments may be presented at the December 5, 2019 Commission meeting or thereafter as directed by the Commission.

This **Notice** is prepared in conformance with Section 66652 of the California Government Code, Section 11001 of Title 14, Division 5 of the California Code of Regulations, and Section 312 of the federal Coastal Zone Management Act of 1980. If, after the hearing, the Commission adopts an amendment to the *San Francisco Bay Plan* described in this notice and subsequent staff report, such amendment will be processed as a routine program change of the Commission's federally-approved coastal management program for San Francisco Bay. Any federal agency interested should, therefore, comment to the Commission on or before December 5, 2019. Any written comment received subsequent to the close of the public hearing and public comment period will be distributed to the Commission; however, the staff

will not provide a response to the comment in its staff recommendation but will advise the Commission whether it believes the comment raises a new, substantial issue. If the Commission determines that the comment raises a new, substantial issue, the Commission may reopen the public hearing, and the staff would prepare and distribute a new planning report.

Whether the Bay Plan should be amended as described above, and in what manner, will be the subject of the public hearing and Commission deliberation.

Further information concerning the proposed amendment can be obtained by contacting Linda Scourtis at the Commission's office, 455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102. Ms. Scourtis can also be reached at (415) 352-3644 or at linda.scourtis@bcdd.ca.gov.

FIGURE 1

Proposed Change to the Port of Oakland Priority Use Area



Figure 1: Port of Oakland Priority Use Area

FIGURE 2 Proposed Change to the Port of Oakland Priority Use Area

Plan Map 5
Central Bay

