

San Francisco Bay Conservation and Development Commission

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October 11, 2019

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Peggy Atwell, Director, Administrative & Technology Services (415/352-3638; peggy.atwell@bcdc.ca.gov)

SUBJECT: Approved Minutes of October 3, 2019 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Bay Area Metro Center, 375 Beale Street, Board Room, First Floor, San Francisco, California at 1:07 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted (departed at 3:30 p.m.), Commissioners Addiego, Ahn, USACE (represented by Alternate Galacatos), Butt, Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), Finn (departed at 3:42 p.m.), Gorin, Resources (represented by Alternate Eckerle), McGrath, Peskin, Pine (arrived at 1:11 p.m.), Ranchod (represented by Alternate Nelson), Randolph, Sears, Showalter, Spering (represented by Alternate Vasquez), Tavares (represented by Alternate Nguyen), Techel, Wagenknecht, Ziegler and Governor's Appointee (represented by Alternate Holzman). Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present was Commissioner: Contra Costa County (Gioia). Alternate Pemberton (who would have been representing Lucchessi) had a family emergency and had to excuse herself just before the meeting began.

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

Mr. David Lewis of Save the Bay addressed the Commission: Thank you Mr. Chairman. David Lewis, Executive Director of Save the Bay; I want to remind everybody that this weekend we're celebrating the Fourth Annual Bay Day.

Bay Day is a regional holiday celebrating San Francisco Bay and opportunity for those who are not living with the Bay as you Commissioners are on a regular basis to take some time to get involved in the Bay and seeing other parts of the Bay.

This was just an idea four years ago. This year it is bigger than ever. There are more than 40 events that are part of Bay Day. And they are all listed on a special website "bayday.org".

I wanted to highlight some of the larger ones and something that is new this year. We will be having a restoration festival at Palo Alto Baylands. We will be hosting, along with the Port of Redwood City, Port Fest in Redwood City which itself is celebrating a major anniversary.

Also on the Vallejo Waterfront there is a waterfront festival and it will be part of that.

And then this Year Bay Day actually is collaborating in cooperation with Fleet Week. We are co-sponsors of San Francisco Fleet Week. Fleet Week is not just an air show but actually a whole week of events that are focused on disaster preparedness and humanitarian assistance including the military's role and the City's role in that.

And this year through our collaboration we will be highlighting climate change as an increasing stressor on disasters and humanitarian assistance with the military.

We will be at the Humanitarian Village that is part of Fleet Week at Crissy Field along with many other organizations and displays.

I encourage all of you to do something for Bay Day and spread the word among your colleagues and constituents. We are trying to grow this into an even larger, regular, annual event. Thank you.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the September 19, 2019 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of September 19, 2019.

MOTION: Commissioner Gorin moved approval of the Minutes, seconded by Commissioner Vasquez.

VOTE: The motion carried with a vote of 19-0-6 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, Eckerle, Pemberton, McGrath, Peskin, Pine, Nelson, Randolph, Sears, Showalter, Vasquez, Nguyen, Techel, Wagenknecht, Ziegler, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioners Eckerle, Galacatos, Finn, Peskin, Randolph and Vice Chair Halsted abstaining.

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

I do want to note the importance of the Climate Strike Day and the turn out throughout the world including in this country by the movement that Greta Thunberg sparked.

It is important not simply for the fact that many, many people led by our youth stood up, stood out, stayed out to protest the inaction on climate change and to call for major reform and changes in what we are doing.

I think for our efforts in terms of adapting to rising sea level we should look to that as an example and as we get to our education efforts, which hopefully we will be able to fund realistically at the beginning of next year at the earliest, but I hope then to take it as an example of what can be done here locally to get our youth to inspire the rest of our public and citizens to take action because as we all know and read more often than weekly; the causes of rising sea level are continuing to march forward as ice disappears and the oceans warm and they are not waiting for our actions.

a. **Environmental Justice Commissioner Working Group.** I would ask Commissioner Ahn to report on the activities of the Environmental Justice Working Group which met this morning.

Commissioner Ahn reported the following: Good afternoon colleagues. We had a brief meeting today that reviewed the upcoming timeline. We are going to review the proposed Environmental Justice Plan Amendment on October 17th with a full presentation by staff.

And the hope is if and when it is approved by this Commission then we will move to quarterly meetings as needed with email updates on the implementation of that amendment.

That concludes my report.

Chair Wasserman asked: Any questions for Commissioner Ahn? (No questions were voiced)

b. **Next BCDC Meeting.** Our next meeting will be held as noted on October 17th and the first issue will be:

(1) Consider the Final Staff Recommendation and potential adoption of the Environmental Justice Bay Plan Amendment.

(2) Consider the Staff Recommendation and possible vote to amend the Commission's permit application fees.

(3) Have a briefing on the Commission's emergency permit process.

(4) Have a briefing on the Commission's involvement in the State Oil Spill Prevention and Response Program.

(5) Ex-Parte Communications. If anybody wishes to put an ex-parte communication on the record here, you may do so now although you need to do so in writing in any event. (No ex-parte communications were voiced)

(6) Executive Director's Report. Executive Director Goldzband will now present the Executive Director's Report.

6. **Report of the Executive Director.** Executive Director Goldzband reported on the following: Thank you Chair Wasserman.

On this date, October 3, in 1941, "The Maltese Falcon" starring Humphrey Bogart, Mary Astor, Peter Lorre and Sydney Greenstreet premiered in New York City. Those of you who haven't seen the film haven't experienced the pain caused by trying to follow the plot. (Laughter) When I half-heartedly paid attention to the movie again a few weeks ago, I was multi-tasking – I actually was re-reading the Staff Recommendation for the Bay Fill Amendment that you will analyze this afternoon. Thankfully the plot of our Bay Plan Amendment is pretty straight forward compared to the movie and it doesn't include twists and turns and set-ups and murders. Most important, we have made sure that the policy changes can't be bought, sold, hidden or even be a fake like the actual Maltese Falcon statue and I just gave away the ending of the movie. (Laughter) But we're still on the edge of our seats awaiting the final votes.

a. **Budget and Staffing.** We are very pleased to let you know that we have found a very qualified individual to become BCDC's new Records Manager. Angela Noble earned her undergraduate degree from Mills College making her a Cyclone. Ms. Noble is also a Spartan having earned her master's degree in Archives and Records from San Jose State University. She comes to us from the state's Department of General Services in Oakland and previously worked

for both the African American Museum and Library in Oakland and the Asian Art Museum in San Francisco as an archivist. Unless I hear otherwise, we'll be pleased to welcome her this month.

That concludes my report, Chair Wasserman, and I'm happy to answer any questions.

Chair Wasserman asked: Any questions for the Executive Director? (No questions were voiced)

7. Consideration of Administrative Matters. Chair Wasserman announced: We will skip Item 7 because we have not Administrative Listing for this meeting.

8. Commission Consideration of a Contract with the California High-Speed Rail Authority. Chair Wasserman announced: Item 8 is Commission consideration of a contract with the California High Speed Rail Authority to provide the Commission with funds for staff to coordinate and consult with the Authority on permit matters. Ethan Lavine will make the recommendation.

Chief of Permits Lavine presented the following: On September 10th you were sent a memorandum detailing a proposed contract between BCDC and the California High Speed Rail Authority which would provide up to \$50,000.00 to BCDC to be used through December 31, 2022 to help cover staff time associated with coordination and consultation with the Authority regarding permitting matters for construction of the northern segment of the proposed statewide, high-speed, rail system.

At least one of the alternative designs for the San Francisco to San Jose section of the project would intersect with a portion of the Commission's jurisdiction in the city of Burlingame, San Mateo County.

The scope of this agreement consists of coordination and consultation activities needed to determine whether the Commission could grant a permit to do the work as planned under the alternatives that are being considered by the Authority.

We recommend you authorize the Executive Director to enter into a new, inter-agency agreement with the Authority to provide for these funds as well as to authorize the Executive Director to amend this agreement or enter into any future, similar agreements with the Authority in the future as needed.

That concludes my presentation and I am available for questions.

Chair Wasserman asked: Any questions? (No questions were voiced) I would entertain a motion to adopt the Staff Recommendation. The federal representatives can vote on this. Peggy will you call the role please.

MOTION: Commissioner Randolph moved approval of the resolution, seconded by Vice Chair Halsted.

VOTE: The motion carried with a vote of 24-0-1 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, Eckerle, Pemberton, McGrath, Peskin, Pine, Nelson, Randolph, Sears, Showalter, Vasquez, Nguyen, Techel, Wagenknecht, Ziegler, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Galacatos abstaining.

Chair Wasserman announced: I apologize because I failed to welcome Karen Finn as a Commissioner who has representing the Department of Finance who in her position with the Department of Finance has been very helpful in our efforts in buttressing our budget to better carry out our mission. So we thank you for that and we thank you for being here. Welcome.

Commissioner Finn replied: Thank you.

9. Vote on Bay Plan Amendment No. 1-17 Which Would Revise Various Sections of the Bay Plan to Address Bay Fill for Habitat Projects.

10. Vote on Bay Plan Amendment No. 3-19 Which Would Add a Bay Plan Map Policy to Address the Middle Harbor Enhancement Area. Chair Wasserman announced: That brings us to Item 9, a staff recommendation regarding Bay Plan Amendment 1-17 to update the Bay Plan Fill for Habitat policies. And we are doing Item 9 and Item 10 together. Item 10 is the Staff Recommendation regarding Bay Plan Amendment 3-19 to add a map policy regarding Middle Harbor to Bay Plan Map 4.

We will discuss the two together. We will vote on them separately and Megan Hall will provide the recommendations and we will hear from the Commissioner Working Group as well.

Coastal Planner Megan Hall addressed the Commission: Good afternoon Chair Wasserman and Commissioners and thank you all for being here today. My name is Megan Hall and I'm a coastal scientist in the Planning Division at BCDC and also the lead planner on this amendment.

You now have before you a staff recommendation for BPA 1-17, the Fill for Habitat Bay Plan Amendment, which was released on September 24th, and for BPA 3-19, the Plan Map Policy Amendment, which was released on September 27th. As Chair Wasserman mentioned I will be presenting on both of these recommendations together.

I will give a brief background on the need for fill for habitat. Then I will give a brief overview of public comments received. I will talk about staff's process since the June 20th public hearing that got us to the revised recommendations that you are looking at today. I will give a summary of the amendment and what it would accomplish and then give an overview of changes made in the Revised Staff Recommendation. And then after my presentation there will be an opportunity for public comment, Commission deliberation and potential votes.

Bay habitats are at risk for major changes due to sea level rise and reduced sediment supply.

In order to adapt to these changing conditions habitats may require more fill. For example, thin layer placement might be necessary to raise marsh plain elevation or construction of horizontal levees to facilitate habitat migration upslope and inland.

BCDC has regularly allowed large volumes of fill for habitat purposes in areas outside of the "Bay" jurisdiction which primarily means diked, subsided, historic bay lands such as the Hamilton Wetlands Restoration Project and salt ponds such as in the South Bay Salt Ponds Restoration Project.

However, current BCDC policies do not allow more than a “minor” amount of fill for habitat projects in the Bay. Small fills for habitat projects in the Bay have been permitted as shown in the examples here - Aramburu Island, the San Francisco Bay Living Shorelines Project and the Sonoma Creek Enhancement Project but BCDC policies do not allow the larger volumes of fill that may be necessary for sea level rise adaptation.

Therefore, the Bay Plan Amendment seeks to allow more fill in the Bay while still protecting Bay resources, and to update the Bay Plan with the best available science on habitat restoration in the face of sea level rise.

One specific policy that limits the amount of dredged sediment that can be used in the Bay for habitat is Dredging Policy 11b. Dredging Policy 11b states that no more than a minor amount of dredged sediment reuse should be allowed in the Bay until three conditions are met - one of which is the successful completion of the Middle Harbor Enhancement Area Project. Until the Middle Harbor Enhancement Project in Oakland is successfully completed, this policy limits habitat projects that may be necessary in the Bay for sea level rise adaptation.

However, the Middle Harbor Enhancement Area has not been completed and will likely not be completed for many years still. As you’ve heard in recent hearings this is a very large project with a contentious history. It is important to BCDC that this project is completed. Thus, in conjunction with recommending a change to Dredging Policy 11b staff also recommended the addition of a policy regarding the project to the Bay Plan Maps via BPA 3-19.

Today you will hear recommendations on and have the opportunity to vote on both of these amendments.

As a reminder on all that has led up to today’s recommendation and vote, here is the timeline which you have seen many times before and hopefully for the last time today.

This process really all started with the Bay Fill Policies Working Group who has been meeting since January of 2015. We really want to thank them today for all that they’ve contributed to this effort. Specifically, the Working Group includes Commissioner Barry Nelson as the chair as well as Commissioners Jim McGrath, Pat Showalter, Sam Ziegler, Katerina Galacatos and Sean Randolph. Thank you for all of your hard work on this front.

The Bay Fill Working Group recommendations eventually led to the initiation of the Fill for Habitat Amendment on July 20, 2017. Since that time staff went through substantial research and public engagement and released a preliminary recommendation for BPA 1-17 on May 21st of this year. This was followed by a public hearing on BPA 1-17 on June 20th. The Preliminary Recommendation for BPA 3-19 was then released on August 5th followed by a public hearing on September 5th.

BCDC received many public comments during the public comment periods for both amendments by the organizations you see listed here.

And we really want to thank commenters for providing such substantive and careful comments. Based on these comments we made some important revisions and we think the end product is better because of these comments.

The most common themes raised by public comment were concern that proposed language will increase regulatory burden on restoration projects, as well as concern regarding keeping or removing Dredging Policy 11b and adding a Plan Map policy regarding the Middle Harbor Enhancement Area.

Staff made changes to address many of these comments, which I will detail shortly.

Additionally, many comments raised issues outside the scope of the Fill for Habitat Amendment and staff does plan to consider those more thoroughly through future Bay Plan amendments.

So taking these public comments and Commissioner feedback that was provided at the June 20th public hearing staff went through the following process to reach the revised recommendations that you have before you today.

First, internally staff discussed the comments and the amendment with regulatory staff as well as with senior staff.

Staff also met with various stakeholders and we had three meetings with the Bay Fill Policies Working Group. And those meetings were to work our way through various iterations of the policies that raised consistent concern for commenters.

And finally, as a result of all of these discussions we published the Staff Recommendation on BPA 1-17 on September 24th and on BPA 3-19 on September 27th.

And staff believes that the recommended changes to the Bay Plan that you have before you today, which resulted from this process accomplish what we set out to do. As Chair Wasserman has noted publicly several times, BCDC is in the process of pivoting from substantial restrictions on fill in the Bay to using larger volumes of fill for multi-benefit, habitat projects that will move us into a future faced with sea level rise.

And this amendment accomplishes this change by allowing more fill for habitat projects in the Bay as well as other steps forward to incorporate the best available science and facilitate habitat restoration and adaptation in the Bay.

First I am going to talk about the key changes that were made in the Revised Recommendation primarily in response to public comment on the May 21st Preliminary Recommendation and also public comment at the June 20th public hearing.

In the Major Conclusions and Policies section of the Bay Plan, language was added to describe the benefits of fill in the Effects of Fill section which is Policy 5 of this section.

In the Fish, Other Aquatic Organisms, and Wildlife section, language was changed so that fill in wildlife refuges for public facilities for wildlife observation, interpretation and education will be held to the "minimum amount necessary" standard which is in the law, as opposed to "minor amount" standard which was still conditioning this language in the Preliminary Recommendation.

Also in the Fish, Other Aquatic Organisms, and Wildlife section there were two proposed policies in the Preliminary Recommendation - one on incremental fill and another about maintaining the balance of species and habitat throughout the Estuary - both of which raised some concern for commenters.

And in response to that they were replaced with a new, single policy that states that fill for habitat should balance near-term, adverse impacts and long-term benefits, and that the timing, volume and frequency of fill should be decided on a case-by-case basis.

Also in this section there was a proposed policy prioritizing sediment placement in the Bay's margins which, in the Preliminary Recommendation, also had a component saying that a minor amount of fill would be allowed in deep subtidal areas.

However, in response to comment and to improve consistency with the amended Dredging Policy 11b, staff proposed changing that language to allow sediment in these areas if it provides substantial ecological benefits and is consistent with the regional sediment need and supply.

In the Tidal Marshes and Tidal Flats section, language was added to the proposed finding and policy on sustainability of projects to clarify that while projects should strive to be self-sustaining, there are cases in which management and intervention may be necessary to maintain valuable restored or existing habitat.

In both the Tidal Marshes and Tidal Flats section and the Subtidal Area section, there is a similar existing policy in both of those that lists topics that should be evaluated in project design, and also goes on to talk about adaptive management and project success.

And in response to Bay Fill Working Group concern about this policy - specifically that it was a bit confusing and addressed too much as a single policy - staff proposed to separate this policy into two policies in the Final Recommendation.

The first is about project design and analysis required to obtain the permit, and the second about adaptive management.

Additionally, there is a proposed policy in these sections that introduced the requirement for a funding plan. A lot of concern was raised about that term specifically and so language was changed to "funding strategy" and language was added to explain that this is not meant to require funding in advance for monitoring and adaptive management but it requires applicants to consider funding options for any necessary monitoring or adaptive management.

Language was added to the proposed policy on monitoring stating that monitoring should coordinate with regional efforts where feasible and improve the value and usefulness of data.

So that sentiment had not been reflected so explicitly before in this policy, but staff and commenters thought it was an important addition.

Additionally, language was added to the proposed policy on pilot projects to specify that pilot projects investigating habitat and habitat adaptation to sea level rise are encouraged as opposed to just "pilot projects" in general.

In the Shoreline Protection section, language was modified in Policy 4 to state that airports may be exempt from incorporating natural and nature-based features that could endanger public safety by attracting potentially hazardous wildlife.

Staff and the Bay Fill Working Group worked closely with SFO to reach mutually agreeable language on this modification.

Regarding the much-discussed recommendation on Dredging Policy 11b and Plan Map 4, you all saw this chart at the public hearing on September 5th. Based on discussions with the Bay Fill Policies Working Group, the Army Corps of Engineers, and comments from Save the Bay and the Coastal Conservancy, staff recommends the option of adding a plan map policy and amending Dredging Policy 11b as follows:

Dredging Policy 11b would be amended to state that projects similar to the Middle Harbor Enhancement Area in scale, bathymetric modification and type of habitat creation would still be limited in the use of dredged sediment in the Bay until the Middle Harbor Enhancement Area is completed.

However, any other in-Bay habitat project (marshes, shallow subtidal, etc.) would not be subject to this restriction. At the same time, this policy, which was necessary to allow the Middle Harbor Enhancement Area to go forward in the first place, would be retained in the Bay Plan. Staff has concluded that this is an important component of BCDC's efforts to ensure the successful completion of the Middle Harbor Enhancement Area Project.

Additionally, staff proposes the addition of a policy to Plan Map 4 calling for the provision of habitat and public access benefits at the Middle Harbor Enhancement Area site in accordance with the 3M Plan. This language was also crafted after discussions with the Bay Fill Working Group and the U.S. Army Corps of Engineers. The policy is now written in the standard syntax of other Bay Plan Map policies - which was not the case in the Preliminary Recommendation - saying what should happen at given sites around the shoreline with an action verb starting the statement. Staff concluded that this policy, combined with the amended Dredging Policy 11b, signals the Commission's commitment to continuing to work with the Corps and Port of Oakland to get this project done.

So in summary, the Bay Plan Amendment would accomplish the following:

- a. Recognizes the positive effects of fill.
- b. Allows more fill for habitat in the Bay.
- c. Scales the amount of monitoring, adaptive management with the project's goals, level of risk, size so that projects are not required to do any more than is necessary.
- d. Incorporates principles of regional goals and project sustainability into the consideration of restoration projects.
- e. Encourages pilot projects and research to further our understanding of sea level rise adaptation of habitats.
- f. Requires consideration of natural and nature-based infrastructure for shoreline protection.
- g. Allows more beneficial reuse of dredged sediment for most habitat projects in the Bay.
- h. BPA 3-19 would now directly encourage the completion of the Middle Harbor Enhancement Area.

Staff will now present our two recommendations on both Bay Plan amendments. On BPA 1-17 staff recommends that the Commission adopt Resolution No. 2019-05 that would amend the Bay Plan as detailed in the September 24th Staff Recommendation.

And on BPA 3-19 staff recommends that the Commission adopt Resolution No. 2019-06 that would amend the Bay Plan as detailed in the September 27th Staff Recommendation.

I would now like to invite Commissioner Nelson as Chair of the Bay Fill Policies Working Group to provide comments or add any details to this presentation. Thank you.

Commissioner Nelson spoke: That is a terrific overview of where we are. I would like to offer a couple of framing comments. The first one is historic. The Commission is over a half century old. Our Bay Plan is a half century old. I can speak for the last 35 years of our history. I first appeared before the Commission 35 years ago – I was three. (Laughter)

We weren't talking about climate change. The relationship between Bay fill and habitat was a simple one. Bay fill was bad for habitat.

We live in a more complicated world now. We now know that we have to figure out how to adapt to the amount of climate change that is already baked into our atmosphere. And we know that in some cases fill is not just desirable – in some cases it is essential in order to maintain a healthy balance of habitat in the Bay Delta System and we need to encourage that.

That is a very different world from the world we all lived in when we wrote the Bay Plan half a century ago.

We have been at this for quite a while. As Megan mentioned our Working Group has been meeting for four and a half years to discuss these issues. I would like to thank the members of the Working Group. We have had a substantial number of guests from a very wide range of interests to appear and speak before our Working Group.

Some stakeholders, like the Coastal Conservancy and the Bay Planning Coalition, have been regular participants for years throughout this process. I want to especially thank them for their hard work in this process.

We have gotten to the point where staff did revisions following our last recommendations. So the recommendations before you reflect the input from the Working Group as well as the stakeholders who were there at our last meeting. It is fair to say that we got to consensus around the general direction that you see before you today.

That is an enormously important step forward for us. The closing thought is when you look at the full scope and ambition of what the Commission is doing with regard to the Bay Plan and climate change, it is fair to say that we are doing nationally and globally significant work. We all need to push ourselves harder to be even more ambitious and to do that work even faster.

And with that I will invite other members of the Working Group to add any further thoughts.

Commissioner McGrath chimed in: I am going to echo much of what has been said but I am going to put it in a context. I knew at the State of the Estuary Conference about 1995 that we needed to do something like this. We were facing how important this is.

This is the context. I have been asked since about 1995 by one of my longest-term mentors, Phyllis Faber – when are you going to let me put some fill in the Bay to protect my wetlands? And I would say, Phyllis I am working on it.

I can't invoke any higher moral arbiter of the importance of wetlands and how we need to manage them with scientific knowledge.

So in addition to thanking the other members I would also like to thank the stakeholders who gave us really meaningful comments. I'd like to thank the Chair for setting this up as a work group that could deal and roll up their sleeves.

It is frustrating that this would have been better done some while ago but it is better done right. And the level of work needed to reach consensus is important.

And then finally the staff – they rolled up their sleeves. They pushed back on things to make sure that it would work in the regulatory structure.

So the process was really done right. The substance is great but the process was really done right.

Commissioner Showalter commented: I too am a big fan of this work. I really wanted to get on BCDC for the express reason of working on this.

When I worked at Valley Water I represented my agency on the South Bay Salt Pond restoration effort. And I saw firsthand how difficult it was to go forward with restoration efforts with BCDC's requirements even though for habitat they were the least stringent.

And I knew that in order to meet the challenges of climate change we really have to encourage restoration and fill as a necessary part of the restoration of our marsh lands which is a huge part of the Bay.

It has been a great opportunity for me personally to serve on this and I really enjoyed it.

I want to thank the staff. This is intellectually very challenging work. Megan came onboard 14 months ago and she jumped in with both feet and got her arms around this material and made sure that it was described clearly and succinctly and that is very difficult.

The other thing that I would like to echo is that a lot of times we got very good-quality comments. A lot of times we get comment letters that say – yes we like your suggestion or no we don't like your suggestion and that is pretty much it. In this case there were a number of responders who really dug in and read through these suggestions very, very carefully and came back with substantive changes.

There were commonalities between many of them that we were able to follow through with. This is a much better product than it would have been without those comments. So I really wanted to thank all of the agencies that stepped forward.

And then the other thing is that personally I am really excited to see in here the information about adaptive management. Adaptive management should be viewed as a way to communicate best available science.

Traditionally many, many years ago when we were all in college before the Internet et cetera – or many of us, I guess that's not true for some people (Laughter) – you had to wait until everything came out in a journal article for it to be considered best available science. Well

that is not going to work in this instance. We need to make sure that our scientists are talking to one another and interacting very, very rapidly in order to communicate the best available science - that they are learning to do the restoration work that must be done to protect the Bay from sea level rise.

So this adaptive management program is designed with that in mind. We want to encourage interactions that will not just be written in journals. I hope it will be a series of regional workshops and conferences such as State of the Estuary. That is certainly a good example of one that has gone on for many years because this information really needs to be communicated quickly.

With that I am going to be very happy to vote for this and I hope you all will join me.

Commissioner Ziegler was recognized: I wanted to add that I couldn't agree more with all the comments of my colleagues on the Work Group. It was an honor to work on this. Thank you very much.

Chair Wasserman continued: We are going to hear from the speakers who have submitted cards.

Mr. Roman Berenstyn addressed the Commission: Good afternoon. My name is Roman Berenstyn and I am here on behalf of the Bay Planning Coalition. We would like to commend BCDC for their work to amend the Bay Plan to incorporate the latest science and recognize the importance of fill for restoration and shoreline protection throughout the region.

As you are aware sea level rise poses a significant threat to the Bay Area and its economy. The estimated cost of replacing the structures in the Bay Area ranges from 50 to 100 billion dollars and that cost will only go up over time.

Given the threat to the built environment and natural habitats in the Bay Area it is critical that we work quickly and efficiently to restore Bay habitats and protect the shoreline assets across our region.

Thank you and we look forward to continuing to work with you to strengthen the resiliency of the Bay Area.

Mr. Jan Novak spoke: I represent the Port of Oakland. I am the project manager on the Middle Harbor Enhancement Area Project. I have been working on this project for about two years so please tailor your praise or criticism accordingly. (Laughter)

I'd like to start by telling the Commissioners that the Middle Harbor Enhancement Area Project is inextricably linked with the Hamilton Project and the Montezuma Project. Without Middle Harbor you don't have Hamilton. Without Middle Harbor you don't have Montezuma.

The Middle Harbor Enhancement Area was an early experiment in sub-tidal habitat restoration. As you all know restoration is not a hard science and that is why adaptive management is so important. We write our management plan and we hope for the best. And the more challenging the project the more difficult or the more you have to hope in this regard.

The Middle Harbor Enhancement Area had its unique challenges that, for instance, the Salt Pond Restoration Project would not have.

Looking at the Middle Harbor in the 1990s you see a minus 40-foot dredged naval harbor. It was dredged annually by the Army Corps of Engineers and that is not lost on me; the irony of that situation.

Looking at the Middle Harbor today you will see a much different landscape. I'm sure the Commissioners have heard about the science article that in North America we have lost three billion birds since 1970 – contrast with the Middle Harbor Area which has been called by the Audubon Society a birding hotspot in the East Bay.

We have limited data because of the way that our plan was written. We weren't supposed to start collecting data until after the eel grass was planted. But looking at the data on the left which was 1997, you see 27 different species of birds, you see 200 or so total birds, about 50 percent of them are Western Gulls.

Looking on the right you will see that since Middle Harbor was created, 173 different species of birds have been identified out there. We have 930 separate bird lists that have been created because Audubon and other birders go out there so frequently and record their observations.

This summer we put in 82 test plots of eel grass. We put in 12,300 individual pieces of plants.

The Middle Harbor is a birding hotspot - Audubon approved. The eel grass has been planted and the monitoring period has begun. Middle Harbor is a well-functioning, sub-tidal habitat even if the success criteria haven't been written in such a way to actually present that to the public.

I hope that all the Commissioners will take the opportunity to go out there and give it the seeing-eye test and see what a fabulous, natural environment it is.

Thank you very much for your time.

Mr. Tommy Williams of the Army Corps of Engineers gave public comment: I am happy to be able to come here today in support of your push to allow more in-Bay fill for habitat and beneficial reuse purposes here in the Bay.

We all seem to agree that beneficial reuse of dredged material is a win/win/win. As a result of great, environmental benefits it can be a cheaper placement option for the taxpayers versus some of our Army Corps current disposal methods. And it offers a tremendous amount of resilience along our coast as we learn to adapt to sea level rise.

I'd also like to comment on the work that we at the Corps have managed to accomplish with your staff since the last public meeting in September. It goes without saying that we don't always all see eye-to-eye. However, I personally had the pleasure of working with Megan Hall, Steve Goldbeck and Shannon Fiala and they have been excellent to work with. It has been an enjoyable pursuit.

We all cooperated in a very professional and collaborative fashion despite the fact that the issues we were discussing really could have easily manifested in a stalemate or an impasse.

My talking point from the Corps and all I'm really supposed to say today is that the Corps no longer objects to the Middle Harbor Enhancement Area Amendment. We have all arrived at a place that is mutually acceptable and is a better paradigm going forward tomorrow than it was just yesterday.

Thanks to you all and your team for all of the work that we put into this. I truly hope that the way we work together is a sign that our relationships will be just as collaborative and successful in the future.

So speaking of success I realize this public forum does not allow us sufficient time to go into a lot of the details. We at the Corps and our partners at Oakland have a standing offer to all of you all in this room to provide a more in-depth brief on the current status, and the path forward of the Middle Harbor Enhancement Area. This would also be a good chance to inform you of the goings-on but a good opportunity for us to get feedback from all of you.

Thanks again for the opportunity to speak today.

Chair Wasserman added: And thanks to the Corps on this matter.

Mr. Arthur Feinstein addressed the Commission: I am representing the Sierra Club. I am chair of the State Conservation Committee and also I am a board member of the Citizen's Committee to Complete the Refuge.

I was one of the two or three environmentalists who came up and actually supported the Middle Harbor Enhancement Area proposal. When it started it was sort of groundbreaking at the time but it has turned into a wonderful birding area. I think that your solution is a good one because Bay fill is essential.

I don't really have to say anything. I assume you are all going to vote for it. If you don't you need to start reading up on what is happening to this world because Bay fill is really critical.

I was pleased to see that you did talk about managed retreat several times in your text. I am still very disappointed that BCDC is not pushing to have a little more authority so that we can get actual managed retreat instead of leaving it to every local government because nobody is going to want to retreat. But not every community around the Bay is going to be able to be saved from 10 feet of sea level rise.

We need to be thinking about it. We need a regional agency thinking about it and you guys are a good one but you have sort of blown it so far. I hope you reconsider.

Thank you very much. Do vote for this. One of the impacts that happen when you do restoration and you have your public access mandate is that you can actually have a significant impact on the value of the habitat that is restored. There isn't a question that we disturb critters; it's a question of how do you design your impacts so you don't. It is not either/or.

But you don't talk about that here and I am disappointed that there wasn't some mention of that when doing these restorations and when doing it in the shoreline creating new habitat and new recreation areas that you will ensure that those recreational trails do not impact the wildlife but works with it.

So thanks very much.

Mr. David Lewis was recognized: Thank you Mr. Chairman and Commissioners. I am David Lewis from Save the Bay. I want to echo various comments in appreciation for the Working Group and all the work that has gone into this, and especially the staff for their openness to input from the community, and also in particular to the Chair on one of the aspects of this that was most important to us, which is the retention of some modified Dredging Policy 11b. I am very satisfied with the ultimate outcome and I really appreciate the Chair underscoring the importance of keeping that statement from the Commission in its Bay Plan about the importance of seeing that project through to its completion and not unintentionally sending a signal to the Port of the Corps that it is any less important to achieve the original goals than it was.

I do encourage all of you to vote for this change in the Bay Plan.

I did want to underscore two other parts of the suggested changes that are very important and may not get as much attention at this point in time but will be very important going forward. And one of those is the Tidal Marsh Policy which I will read to you. It reads: To provide for the restoration of Bay wetlands state, regional and local government, land-use tax and funding policy should not lead to the conversion of restorable lands to uses that would preclude or deter potential restoration. The public should make every effort to acquire these lands for the purpose of habitat restoration and wetland mitigation.

We have had an incredible acquisition and protection of restorable properties. There are still other parcels on the Bay shoreline that are conducive and susceptible to restoration and it is great that BCDC is making that statement that this is still important.

And the second one that I want to highlight is actually in the Shoreline Protection Policies and it is also number four in Shoreline Protection. And it underscores the importance of trying wherever possible to use natural solutions for shoreline protection.

In some cases we are doing that with tidal marsh restoration but there are other opportunities for green infrastructure and for natural solutions to shoreline protection and to flood protection and flood resilience, not just on the shoreline but along the creeks leading to the Bay.

So it is also very important that BCDC is underscoring this and it is a policy. So for future projects that are coming in to propose shoreline protection they should be looking at these green infrastructural alternatives first and foremost. And it is great to know that BCDC will be checking for that.

So thanks again to all the long work that went into this. We are very glad to see it nearing its conclusion and to work on the next phase of work with the Commission. Thank you.

Chair Wasserman announced: That concludes the public speakers. Are there any questions or comments from the Commission?

Commissioner Nelson had questions for staff: I have a question for Megan or Shannon. Arthur Feinstein raised a suggestion about the tension between restoration and public access and we are all aware of that concern.

I'm trying to remember our long list of Bay Plan Amendments that are underway. I am hoping that my memory is correct that one of those Bay Plan Amendments is with regard to public access and that in those issues we are anticipating that we will discuss them but we will discuss them in that public access section of the Bay Plan Amendment process.

Ms. Hall replied: Yes that is the plan - that it would be addressed there, and our Bay Plan does already actually have several policies discussing the conflict between public access and wildlife and where in-lieu public access would be necessary because of that tension.

But we would consider it even further in that amendment.

Commissioner Nelson continued: Rising sea levels may cause us to think differently about that in some ways. So Arthur we have not forgotten that comment and that is where we are going to take it up.

Commissioner Eckerle addressed the Commission: I just want to reiterate appreciation for the staff and the Working Group and our stakeholders that have contributed to this. I want to underscore the value and the leadership in including language around requiring evaluation of natural and nature-based solutions when we are looking at shoreline protection.

I also wanted to highlight another component of the Shoreline Protection Policy revisions around the importance of pilots and research projects to test the efficacy of these nature-based solutions.

I really wanted to flag this because this is a priority for resilience for the entire state and we are talking about that at the agency level and with all of our sister agency partners. So it is really important and valuable for BCDC to be including this here; so thank you.

Commissioner Pine commented: I will speak with two hats both as a BCDC Commissioner and chair of the San Francisco Bay Restoration Authority. Five of us serve on both BCDC and the Restoration Authority and we also have some former Restoration Authority members on the Commission so we have quite an overlap.

Our job on the Restoration Authority is to fund tidal wetland projects and we know from the ecosystem goals that time is running short with the sea level rise accelerating and the need to get this work underway before we miss opportunities to restore areas where we have opportunities but would be flooded with sea level rise.

So removing impediments to that work is critical. This is certainly a great step in that direction and I am very happy that we have reached this point to take a vote and make this important change.

Commissioner Sears chimed in: I would like to follow up on that comment. I think the content of all the proposed amendments are terrific. Phyllis Faber who is mentioned by Commissioner McGrath is one of my constituents. She is one my very favorite constituents and for the last couple of years she has been saying – why is it taking so long? Why is it taking so long and when are you going to get this done? (Laughter) And I do think the quality of the content is important but I am extremely glad that the next time I run into Phyllis I have some really positive news and that we are positioned now to really move more quickly and get things done.

There are a lot of folks out there in addition to Phyllis who have been waiting and are eager to take advantage of the proposals that will hopefully be adopted today; so good work everyone.

Chair Wasserman continued: With that I will ask Megan to restate the Staff Recommendations on both measures. We will vote separately but you can combine the recommendations.

Ms. Hall stated the following: Thank you all and thank you for your comments. I will read this recommendation and I also wanted to note that this adoption would be as amended through the errata sheet which you all did receive in your folders as well. It was a formatting error in the way we printed the actual strike-throughs.

So for BPA 1-17 the Staff Recommendation is that the Commission adopt Resolution No. 2019-05 as amended by the errata sheet that would amend the Bay Plan as detailed in the September 24th Staff Recommendation.

And staff also recommends that the Commission adopt Resolution No. 2019-06 that would amend the Bay Plan as detailed in the September 27th Staff Recommendation.

MOTION: Commissioner Nelson moved approval of Bay Plan Amendment 1-17 of the Staff Recommendation, seconded by Commissioner McGrath.

Chair Wasserman added: Eighteen votes are required for adoption and the federal representative can vote on this motion. Peggy will you call the roll please.

VOTE: The motion carried with a vote of 24-0-1 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, Eckerle, Pemberton, McGrath, Peskin, Pine, Nelson, Randolph, Sears, Showalter, Vasquez, Nguyen, Techel, Wagenknecht, Ziegler, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Galacatos abstaining.

Chair Wasserman announced: The motion is approved. Now we will vote on the Item 10 Bay Plan Amendment 3-19.

MOTION: Commissioner Nelson moved Bay Plan Amendment 3-19 of the Staff Recommendation, seconded by Commissioner Scharff.

VOTE: The motion carried with a vote of 23-0-2 with Commissioners Addiego, Ahn, Butt, Gilmore, Scharff, Finn, Gorin, Eckerle, Pemberton, Peskin, Pine, Nelson, Randolph, Sears, Showalter, Vasquez, Nguyen, Techel, Wagenknecht, Ziegler, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioners Galacatos and McGrath abstaining.

Chair Wasserman announced: This motion also passes. I want to take a moment to echo the comments that have been made but add my own thanks to particularly the Commissioner Working Group and the Commissioners as a whole and in particular to staff as well as to the stakeholders who participated in this.

Megan noted in her opening remarks that the Bay Fill Working Group was created four years ago. We tasked that group with two goals. The first goal was to learn about and analyze substantial, fill-related, habitat research and projects that were then underway including the 2015 Baylands Ecosystem Habitat Goals Science Update.

The second goal was to determine whether and how BCDC should change its laws and policies to better support these efforts.

With Commissioner Nelson's leadership, the active participation of the Working Group members, and a lot of terrific staff reports, the Group has accomplished both goals.

Many have thought it likely as happens that the Group's efforts would result in BCDC changing both the physical and policy landscapes in which large-scale habitat restoration projects can and will be built.

Based on the Working Group's initial recommendations, the Commission voted two years ago to begin the formal Bay Plan Amendment process. The Working Group and our staff have fulfilled their objectives in about 14 months, delayed a bit because of a shortage of staff.

I know at times this seemed like a very difficult effort. This was the easy one. The next Bay Fill Amendment to protect the build environment as opposed to the natural environment is going to be harder.

One of the reasons we took this one up first was because we needed to get movement. We needed to make sure we could act as quickly as possible to protect our habitat.

And it was also to set the pattern and model for the process. And even though the next one will be harder the work that has been done may allow us to do it in a shorter period of time.

The Commission has acknowledged publicly, repeatedly, that BCDC must pivot as has been noted from its original fundamental purpose of limiting the amount of fill placed in the Bay to explicitly allowing more fill to create large-scale, multi-benefit habitat restoration projects in order to adapt to rising sea levels.

We are not pivoting away from protecting the Bay. Indeed the reverse is true. By adopting the Bay Plan Amendment BCDC is demonstrating the leadership required of all public agencies when they are faced with unforeseen circumstances.

The Bay's future will include more natural habitats that will not only persist in the face of rising seas but also serve to protect the communities around them.

Approving this amendment, to quote BCDC's mission, will "help us to protect and enhance San Francisco Bay and encourage the responsive and productive use of the responsible and productive use of its resources for this and future generations." Thank you all.

11. Public Hearing on Proposed Bay Plan Amendment No. 4-19 Concerning a Bay Plan Map Change to Reconfigure the Waterfront Park, Beach Priority Use Area Designation at India Basin in the City and County of San Francisco. Chair Wasserman announced: That brings us to Item 11 which is a public hearing on the proposed Bay Plan Amendment 4-19 to delete portions of a Park Priority Use designation at India Basin along the San Francisco Waterfront. Shannon Fiala will introduce the topic.

Planning Manager Fiala addressed the Commission: Thank you Chair Wasserman and Commissioners. You have before you a staff report dated September 3rd regarding the proposed Bay Plan Amendment 4-19. Today I am going to present staff's preliminary recommendation for the requested boundary change of the Waterfront Park, beach priority use area at India Basin in San Francisco.

After this presentation you will hear from the Applicant, Build Inc. and then we will have a public hearing. To orient you, India Basin is located in the southeast corner of San Francisco. The project site which is approximately 39 acres and is bounded by Hunters Point Boulevard on the northwest, Innes Avenue on the southwest, Earl Street on the southeast and San Francisco Bay on the northeast. There are two existing parks in the project vicinity, India Basin Open Space on the project site and India Basin Shoreline Park located to the northwest.

First a brief explanation on BCDC's priority use areas and Bay Plan Maps. Bay Plan Maps are an integral part of the Bay Plan and they show how to apply Bay Plan policies to specific areas.

The McAteer-Petris Act states in part that, "certain water-oriented land uses along the Bay shoreline are essential to the public welfare of the Bay Area, and that these uses include water-oriented recreation and public assembly, and the San Francisco Bay Plan should make provisions for adequate and suitable locations for all these uses thereby minimizing the necessity for future Bay fill to create new sites for these uses..." The Bay Plan Maps identify these as priority use areas or PUAs.

The McAteer-Petris Act also states that "[i]f a function or activity is outside the area of the Commission's jurisdiction, any provisions of the [Bay Plan (including Bay Plan Maps)] pertaining thereto are advisory only" which is largely the case for the India Basin in the Priority Use Area.

The Park PUA at India Basin was included in the original Bay Plan adopted in January 1969. The India Basin PUA boundary as shown on the original Bay Plan Maps extended some distance inland of BCDC's 100-foot shoreline band jurisdiction.

In the meeting minutes from a public hearing to approve the boundaries of the PUAs in 1971 staff stated that "park priority use areas recommended in the Bay Plan were generally those recommended either by local governments, or by a citizens' organization." At that time the Commission reaffirmed the boundaries of the India Basin PUA.

Figures found in the City's archives show that in the City's 1970 Master Plan Amendment for the South Bayshore District, shown here on the left, the area around India Basin was designated for "park, recreation or planted" uses, and approximately followed the boundary of the Park PUA designation currently shown on Bay Plan Map 5.

Likewise, in the City's Recreation and Open Space element of 1973, shown on the right, there are plans for a park at India Basin.

Also, in our archives is a letter from 1985 in which City staff inform BCDC staff that the Planning Department at the time had received an application to subdivide and develop the privately-owned site at India Basin. City staff stated that the owner "appears willing to devote the 100 foot-wide shoreline strip, which is not already in public ownership as open space." There is no record of BCDC's response.

City records show that in 1985 the East India Basin Business Park subdivision was approved and corresponding amendments to the General Plan and Zoning Map were approved at the local level in 1986 which changed the zoning of the area outside of BCDC's jurisdiction to allow for construction of an industrial park. However, the project proposed at the time stalled and no changes were made to the PUA boundary.

The figure shown here illustrates the City's recreational and open space element in effect in 1986 showing a park roughly following the shoreline band but not on the rest of the project site.

Fast forward to 2014 when the applicant started the entitlement process for the proposed mixed-use development at 700 Innes Avenue and for park improvements at the existing India Basin Open Space. In November 2018 after the Planning Commission certified the Final Environmental Impact Report (EIR) and approved the development agreement for the project, the Board of Supervisors approved amendments to the City of San Francisco's General Plan, the Planning Code and the Zoning Map to change the zoning designation at the 700 Innes Avenue property from "light industrial" to the "India Basin Special Use District (SUD)." The current city zoning is shown here.

That brings us to the reason for the proposed amendment. Currently the entire area shown in blue is designated as a Waterfront Park, Beach Priority Use Area or Park PUA on Bay Plan Map 5.

As shown here in hash marks the applicant proposes to develop 17.84 acres of privately-owned land outside of BCDC's jurisdiction with residential, retail, commercial, office, institutional space and recreational and art uses which is referred to as the 700 Innes Avenue Mixed-Use Development. The applicant also proposes to remove the designation from 0.06 acres, or 2500 square feet shown circled in red in the Commission's shoreline band jurisdiction which is proposed to contain a portion of the backyard of an existing residence that is proposed to be relocated to facilitate the mixed-use development at 700 Innes Ave.

Prior to reducing or eliminating a PUA within the shoreline band that had been designated because of contemplated acquisition necessary to implement the priority use, the McAteer-Petris Act directs the Commission to first make a finding that there is no substantial probability that a public agency will be committed to acquiring the PUA within a three-year period commencing January 1st of the year following the year in which such a finding was made. This provision of the Act applies only to the 0.06 acres of the PUA within the shoreline band.

The City has approved the development agreement for the project and the City has designated the site for development and does not intend to acquire it for park use. No other public agency has indicated that it is committed to purchase the property and the site owner is not interested in selling the property.

The proposed boundary of the PUA is shown here outlined in dark green and would remain on approximately 11.6 acres of the project site including the existing 7.8-acre India Basin Open Space property. Furthermore, the existing India Basin Open Space would be expanded with an additional 3.6-acres shown here in light green and the Park PUA would be retained for the adjacent India Basin Shoreline Park and the area comprising 900 Innes Avenue to the northwest.

Removing the Park PUA designation for the property would be consistent with the City's General Plan and Zoning Map for the southeastern waterfront.

Allowing construction of the mixed-use project outside of BCDC's jurisdiction will allow for improvements on, and long-term funding of, the 20 acres of Waterfront Park that will remain in the PUA in India Basin.

The applicant in coordination with the Port and City Recreation and Parks Department (RPD) has made financial, logistical and managerial contributions to planning efforts in the larger India Basin area. Portions of the 700 Innes Avenue property, including areas currently owned by the applicant, will be granted to the public trust under the Port's ownership and RPD's management and incorporated into the existing India Basin Open Space property. In addition to funding design, permitting, and construction of the India Basin Open Space improvements, the 700 Innes Avenue Mixed-Use Development will create a permanent Community Facilities District that would generate necessary funding to provide enhanced maintenance and public operations in perpetuity for not only India Basin Open Space but also the proposed park at 900 Innes Avenue and improvements to the existing India Basin Shoreline Park to the northwest.

The India Basin Open Space improvements will include a variety of public access and open space areas including: a trail network, vista points, a recreational beach, a human-powered boat launch, a variety of gathering spaces with picnic tables, benches, and other amenities, stormwater treatment basins and new and preserved wetland habitat. The India Basin Open Space improvements would also reconfigure and improve the Bay Trail at India Basin providing new linkages and connections to recreation sites, residential neighborhoods and commercial areas.

The proposed public access as well as the rest of the project will be analyzed for consistency with BCDC's law and policies through the subsequent, BCDC permit process.

The environmental impacts of the applicant's proposed project including the mixed-use development at the 700 Innes Avenue property and redevelopment of the India Basin Open Space property as well as the 900 Innes Avenue and India Basin Shoreline Park were assessed in the "India Basin Mixed-Use Project Environmental Impact Report" (EIR) for which the Notice of Determination was issued on November 8, 2018.

As described in the EIR, historically, the Bayview Hunters Point neighborhood has been the location of the City's heaviest industries and its greatest concentration of public housing supporting the area's highest population of low-income residents. The City's three largest public housing developments in the area, Hunters Point East/West, Westbrook and Hunters View are located in the project vicinity.

CalEnviroScreen 3.0 is a screening tool that ranks California communities based on potential exposure to pollutants, adverse environmental conditions, socioeconomic factors and prevalence of certain health conditions. CalEnviroScreen ranks Bayview Hunters Point in the 90% percentile which means that Bayview Hunters Point has a higher pollution burden and pollution vulnerability than 90% of California.

Starting in 2013 the applicant states that they worked with neighbors and Bayview community groups holding or presenting at over 150 community meetings to attempt to ensure that the proposed project reflected the communities' needs and desires.

However, in converting the project site from the largely vacant lot shown in the existing condition on the left to the rendering of the proposed development on the right, the EIR concludes that the project would have significant and unavoidable impacts to air quality, specifically that the project would generate emissions of criteria pollutants and precursors during construction and operations that could violate an air quality standard, could contribute substantially to an existing or projected air quality violation or result in a cumulatively considerable net increase in criteria pollutants and that the project would generate emissions that could expose sensitive receptors to substantial pollutant concentrations.

The proposed project would also include construction, traffic and operational noise impacts. The EIR concludes that construction of the proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity.

Finally, the proposed project would bring over 3,000 new residents or workers to the India Basin / Bayview Hunter's Point area and the EIR concludes that the project would cause a substantial increase in transit demand that would not be accommodated by adjacent transit capacity resulting in unacceptable levels of transit service, thus, the EIR includes mitigation measures which require the applicant to implement transit capacity improvements.

In 2018 the Planning Commission's certification of the EIR was appealed to the City's Board of Supervisors. In November 2018 the Board denied the appeal stating that the EIR's analysis was thorough. Although the EIR found that some adverse, environmental impacts were significant and unavoidable the City concluded that the project had overriding considerations consisting of significant public benefits that will contribute to the revitalization of the southeastern waterfront. There was no court appeal.

BCDC's planning and permitting programs under the McAteer-Petris Act are exempt from the CEQA requirements to prepare an environmental impact report (EIR). Instead, BCDC's regulations provide for preparation of an Environmental Assessment which is considered the "functional equivalent" of an EIR.

BCDC's Environmental Assessment assesses only the action before the Commission today: the modification of the PUA boundary. As this action is removing the portion of the Park PUA that is largely advisory only, the Environmental Assessment finds that no significant adverse environmental effects are directly created by the map change in the proposed Bay Plan Amendment, but acknowledges that the EIR identified significant secondary or indirect adverse impacts from the applicant's overall project.

The applicants are currently in the pre-application phase for a BCDC permit for the proposed project through which the Commission will analyze the consistency of the proposal with BCDC's law and policies and there will be several more opportunities for the public to provide input.

In addition to the oral comments that you will hear today we have received three comment letters and one email which are included in your packet as well as several additional letters that we received today. One comment letter raises the question of whether or not BCDC is obligated to translate its meeting agendas and staff reports.

While BCDC is not legally obligated to translate, translation is a goal in BCDC's Strategic Plan and has been identified as an implementation recommendation of BCDC's Bay Plan Amendment for environmental justice and social equity. BCDC will explore whether or not it has the resources to translate the staff report for the permit for this project.

That concludes staff's presentation.

Chair Wasserman announced: We will hear from the applicant.

Ms. Jillian Blanchard addressed the Commission: Good afternoon Commissioners. I am here on behalf of BUILD to present on the India Basin Bay Plan Amendment.

Today we are going to talk to you about the existing conditions that are out there and why this Bay Plan Amendment is so important to help the City as well as the Commission realize the vision for India Basin. We are going to go over the extensive planning that has been involved in the India Basin Project as well as the extensive community engagement and the number of public partners that have been involved in the design of this project that have led to an extensive range of community benefits that have been incorporated into the mixed-use development.

We are going to talk briefly about the environmental review process and then go into an overview of the projects at issue within India Basin.

I am thrilled to say that I also have here with me today the general manager of the San Francisco Recreation and Parks Mr. Phil Ginsberg. I will pass the presentation over to him to discuss the cohesive park network as well as the Equitable Development Plan and RPD's vision for the India Basin.

In addition to Rec and Park this is a public/private partnership that has been ongoing for over half a decade. I am also happy to tell you that we have a number of those partners here with us today to help answer any questions you may have about the proposed Bay Plan Amendment and the India Basin projects including Diane Oshima from the Port of San Francisco, Jonathan Cherry from OEWD, representatives from the Trust for Public Lands as well as the Parks Alliance.

The project location has been shown to you by staff so I will move right along.

We will discuss the existing conditions out there. I will focus in on the four sites that were analyzed in the environmental review process. The India Basin Shoreline Park which is a Rec and Park project is currently an under-utilized park that needs renovation.

And then there is the 900 Innes site which is currently an abandoned boat yard. There is no public access. It is a brown field site and it requires remediation. However, it does contain a historic shipwright's cottage.

In addition, there is the India Basin Open Space on the other side of the 700 Innes property that currently contains under-performing wetlands.

And the 700 Innes site itself which will be the location of the mixed-use development does have some trails and they are discontinuous and there are some under-utilized, industrial warehouses.

So why is it important to do this Bay Plan Amendment? Why are we asking you for this? Well first we will discuss the request.

The request is to remove 17.9 acres of land that has been privately owned and has been zoned for development for the past 30 years. Almost all of it is outside of BCDC's jurisdiction. Why is it important? It is important because construction of the mixed-use development will facilitate the creation, enhancement and improvement of 20.5 acres of Waterfront Park.

As part of the mixed-use development itself BUILD will construct extensive improvements on the India Basin Open Space. They will also create a brand new park called the Big Green.

And the mixed-use development will provide community- facilities, district-funding mechanisms to fund the long-term operations and maintenance of all of the waterfront parks including addressing issues we know are sensitive to the Commission like sea level rise and adaptation.

The proposed future conditions you see here in the rendering that staff showed as well. If the Commission were to approve this Bay Plan Amendment it will facilitate the following improvements: The India Basin Shoreline Park would be improved, 900 Innes would be remediated and open to the public, India Basin Open Space would be significantly improved, the Big Green Park would be created for this total of 20.5 acres of which 3.5 are currently in privately-held ownership – they would be transferred into the ownership of the Port of San Francisco to be held in the public trust.

As part of the overall design as well there would be continuation of the Bay Trail known to some as the Blue/Greenway along the southeast waterfront for about 1.5 miles.

Back in 2014 when BUILD started the entitlement process, they realized that in order to build in San Francisco you can't just build a postage-stamp development in a vacuum. You need to engage the community and figure out what exists there, how it can be preserved, how it could be enhanced and to build contiguously with the existing waterfront parks that are out there now.

So they embarked on an ambitious mission to engage with the community as much as possible creating a Bayview Working Group as well as an India Basin Working Group and met with numerous community groups as well as HOAs for a total of over 150 meetings, but many more than that in the end, to gain community input and incorporate the community's desires into the design from the very beginning of this project.

This is the list of the non-profit partners that BUILD has worked with for over half a decade on the design as well as affordable housing, as well as how to engage the existing community and enhance the community's current needs and desires.

And here is the list of the many public partners that BUILD has worked with. It is a very public/private partnership that has gone into the design of the India Basin projects.

All those partners came together, and BUILD funded a number of studies. I will go over two big ones because they help to identify how this project fits into a much larger strategy for the southeast waterfront.

They funded the Waterfront Parks Trail Study with all of the partners you see here; public, private, non-profits as well as individuals all came together to identify the needs of the various parks in the waterfront.

And it wasn't just BUILD's project but the parks all the way from Heron's Head all the way down to the Northside Park to figure out what are the amenities.

And the results you can see here the various amenities that were identified as important to include in design. And they have been incorporated into the mixed-use development as well as the Rec and Park projects.

The second big study that BUILD funded was the Transportation Action Plan to try and identify the needs of the existing community in terms of transportation improvements as well as the needs that would be there once the mixed-use development came in.

And the results of that extensive study that was done with the City was incorporated into the design of the mixed-use development; a Class I bike network, safe streets and connected streets for a walking, urban village, the Bay Trail or the Blue/Greenway incorporated into the project an additional downtown bus stop as well as transportation improvements that are in the mixed-use development – street lights, left-turn pockets et cetera.

The goal was to create a complete neighborhood. Look at the existing amenities that are there now and figure out what needs there are. IBNA helped to identify certain desired amenities and architects and the City helped to identify really what does this area need and how can this project fulfill that need.

And all of that work and all of those partners and input came together with BUILD coordinating extensively with OEWD to identify a significant number of community benefits that will be included in this project that will address environmental justice issues as well as the need of the area.

So here is a summary of the community benefits at a high level. They were all included in the development agreement negotiated with OEWD. It is over 200 million dollars in community benefits that will be provided as part of this project.

We will work with local, non-profits to identify job opportunities for the surrounding communities as part of the project construction.

A childcare facility would be included, and 25 percent of the housing will be affordable housing to provide critical housing for the city of San Francisco.

And then addressing the environmental justice concerns directly a local business incubator in the form of a public market will be created that will provide local vendors and artisans an opportunity to start and grow their business.

In addition, we will have a 5,000 square foot community center.

There are also going to be opportunities throughout the parks for art installations as well as in the mixed-use development. The development was designed with cutting-edge, low-impact development for sustainability and maintaining all stormwater on-site, the complete streets that I mentioned before and the neighborhood amenities because including a grocery store because wouldn't it be nice if someone from the Bayview could actually walk to the grocery store instead of having to drive four miles.

So, the environmental review process staff described – I would just say that again as BUILD entered this process, they understood that there was a strategy that they needed to fit into for the overall southeast waterfront.

And with that regional, contextual planning in mind they went ahead and sponsored an environmental review document for not just their mixed-use development but for the India Basin Shoreline Park improvements and for 900 Innes which will be put forward by Rec and Park.

So, they wanted to view them altogether contiguously and planned intelligently.

I want to give you a high-level review of the 700 Innes Mixed-Use Project but as staff mentioned this is just the Bay Plan Amendment piece. We will be coming to you again in the future with a BCDC permit application for this project wherein the Commission will have another opportunity to really look in and dig into the details of the location of amenities et cetera.

So, the goal that BUILD had in mind was how you take 27 vacant acres that are under-utilized and turn it into a dynamic, urban village that also provides a brand new open space contiguous with existing waterfront parks.

So, it will provide 11 acres of open space, over 1500 residential units to provide critical housing for the City, extensive commercial square footage as well as up to 500 public parking spaces so that folks can come and enjoy the waterfront parks.

The BUILD team has also been engaged with BCDC staff and has received incredible feedback from staff. So, we thank them for that. Over the past five years we have been trying to incorporate those guiding principles into the design of the India Basin Project in particular helping staff and ultimately the Commission to incorporate Bay Plan policies we know to be important.

And so, I will just provide a couple of them here and show you how they are incorporated into the design. So public access; moving it away from the shoreline to protect against sea level rise but also including extensive amenities for the public.

You can see here nine overlooks are proposed for the public including looking at the extensive habitat restoration that will be going on, public restrooms, there is hardscape and softscape that has been juxtaposed to give people a sense of the lawn and the public area but also a beach. And there you see the kayak dock going into the water.

As well we understand there needs to be extensive, contiguous, trail networks as mentioned. This has been designed with the adjacent projects in mind to connect everything up, so it is a seamless transition along the southeast waterfront.

So, you can see the Bay Trail, the connection point I discussed and is also called the Blue/Greenway to some. Then there is this inter-connection of trails within the 700 Innes as well as the open space. There is a shoreline boardwalk with ADA access.

And of course, we understand it is critical to maintain view corridors so that at all times in this special place you recognize that you are near the water and you can get to the water.

And last, we have habitat enhancement. The under-performing wetlands would be addressed significantly by the proposed India-Basin Open Space improvements and there would be increased in-Bay habitat as well as a number of low-impact design techniques that are incorporated in the mixed-use development.

The goal in mind was wherever you are in this proposed urban market you can feel connected to the water and there is a view corridor and signage to get there.

As staff mentioned we are in the process of permitting the project with the staff first and then would come to the Commission for approval. We have been in discussion with BCDC since 2015 to incorporate BCDC's principles into the design from the beginning. The team has also met with the Design Review Board three different times to discuss the design of the public access and where amenities should go and that has all been incorporated into design.

We submitted a draft and intend to submit a formal application within the next month. And we have our co-applicants on the permit application – Rec and Park as well as the Port of San Francisco because of the varying property ownership.

And with that I will turn it over to Mr. Ginsburg.

Mr. Phil Ginsburg addressed the Commission: I am the general manager of San Francisco's Recreation and Park Department. We steward over 4,000 acres of open space within San Francisco and are one of the land managers responsible for stewarding our precious waterfront.

We are here today to kind of zoom out a little bit. BUILD's presentation is about a very open-spaced, focused, development project. But when you zoom out and think about all of the public space benefits that are related to the India Basin area we have a project that is one of the most important park projects in modern San Francisco history.

While BUILD's development is focused on 700 Innes and some of the private land that they own that they want to convert into the Big Green and to public open space. As part of that project they are also improving the wetlands along India Basin Open Space, which is a very under-performing habitat, very disconnected from our communities, not functioning well.

When you go from the tip of Heron's Head on the northern point of India Basin all the way to the southern boundary of the future North Side Park approximately 1.7 miles of contiguous waterfront open space.

This is one of the final and most significant, new waterfront space opportunities that we've got.

This project has been in the works for many, many years and so from a national park's perspective, a national urban parks perspective this project has national significance and it is being followed across the country.

This is one of a series of projects that attempts to restore and revitalize all industrial uses on our waterfront and create improved habitat, environmental justice, improved program opportunities. So, some of its precedents really are significant such as the Brooklyn Bridge Project, the Seattle Waterfront Project, Governor's Island and Hudson River to name a few.

There is a precedent image in the middle that is a project that really is our North Star which is the Eleventh Street Bridge Project in the District of Columbia which seeks to connect Wards 7 and 8 in the southern part of the District of Columbia with the rest of the City by reusing and reclaiming a bridge that is no longer in use for transportation and turning it into a park to connect these communities.

Crissy Field is probably the most local analogy that we have. Crissy Field is also approximately somewhere between 1.5 to 1.6 miles of old, industrial use. We have the opportunity and a moment here to do something like what was done on Crissy Field on the southern waterfront now.

These projects have overlapped but have also been in parallel because while BUILD has been focused on 700 Innes and the Big Green and the India Basin Open Space our work dating back to 2014 or 2015 when the San Francisco Board of Supervisors approved the acquisition of 900 Innes has been focused on 900 Innes and India Basin Shoreline Park with a larger goal of connecting this quilt, this patchwork of different open spaces.

We have also been through a very extensive community process that has overlapped at times, but the community has heard from this project, from different pieces of this project on numerous occasions. And these were essentially the four primary goals: to create a healthier community, to restore our environment, to strengthen the community connections between this open space and the existing neighborhoods.

There are 2500 units of existing or planned public housing and low-income housing within a walking distance of this site. And one of the reasons that a couple of these spaces fail now; such as India Basin Shoreline Park, which is okay and India Basin Open Space, which is doing even worse, is because of their disconnect to our communities on the hill.

And so, part of this project is to strengthen the community connections so that everyone can take advantage of this open space.

Dating back to the Waterfront Task Force, which BUILD did help fund, but which was really convened by the San Francisco Recreation and Park Department, the Trust for Public Land and the San Francisco Parks Alliance and Parks 94124 and APRI – we have done our best to convene as diverse an array of partners and community representatives as we can.

And that work continues. That work will never be done from the beginning to the end of this project. But this is a list of all of the community participants that have been involved in this project to date.

Going back to the Eleventh Street Project in D.C. what may be on people's minds is that when you invest in infrastructure and build new parks the question is – who are these parks really for? Are these parks going to be for us? Are these parks going to be for our existing communities or for those who come next?

And there have decades and decades of broken promises all over this country and in San Francisco with respect to that very point. There is a similar issue involving the Eleventh Street Bridge Project in the District of Columbia where there is concern about not just gentrification but the impacts of displacement and that the project, this new park and new infrastructure, would displace existing communities. And their strategy which has been a little bit of our North Star in this project is by engaging community in something called an equitable development plan which creates a transparent set of commitments created by community for community about how we are going to help existing communities thrive in these spaces. And that is by leveraging this project for every single ounce of economic opportunity and economic development we can squeeze out of this project whether it is through job training or construction jobs or after the Park is built through program concession opportunities or park maintenance opportunities.

We want to make sure that the existing stable of housing is not upset or displaced. Commissioner Peskin has been very involved and San Francisco has doubled and tripled and quadrupled down on its commitment to public housing and low-income housing in this community near this park.

But nonetheless we do need to continue to develop strategies that will help the existing community thrive and to make sure that the existing community has easy access to this park – there is topography here. The Basin is Bayside, and we have lots of communities that live on the hill. We are beginning to talk about different strategies whether they range from extra shuttle-bus services or redoing the stairways to make it easier for people to use and access this park.

The environmental justice issues are on everybody's mind here. We know that 900 Innes is a brown field. It was an old scow-schooner shipbuilding yard. There were no military vessels built there or dismantled there but it was an industrial boatyard. It built boats that moved goods across the Bay before there was a bridge.

It is inaccessible to the community right now. It is gated, locked and shut. And our goal with the help of many partners including the Bay Restoration Authority, including our state leadership, the State Parks Department and our state leadership we are well on our way to beginning remediation work at the site which we hope to begin in spring of 2020.

And the first thing that needs to happen at this space is that we leave the land and water cleaner than when we found it. If nothing else happens that is our priority.

And then significantly designing these spaces in a way that sends a clear, unmistakable signal that they are being built for the existing community where African American men and women will feel comfortable, where the design considers spatial justice issues, where program and culture is celebrated, and the Bayview's proud history is celebrated.

All of these are some of our cornerstones of our Equitable Development Plan. We have hired an equitable development program manager to actually lead these conversations. And we will be convening our first Equitable Development planning meeting in mid-October with 16 community leaders to continue to review the design and continue to think about strategies that address some of these key points and any others that the community has.

This design stands to evolve but it is a product of the community input that we have had to date. You see the 700 Innes and the Big Green Open Space on the far right and then highlighted are 900 Innes and India Basin Shoreline Park. Beyond that are the Bay Trail and the PG&E Coastal Shoreline Trail that leads into Heron's Head.

The different elements of this large project include a community front porch – a gathering spot where there can be community events, music, food, et cetera. Ship Rights Cottage is on the National Historic Register which will be renovated to the Secretary of the Interior standards and will become community space and a visitor hub.

There will be waterfront access at this site. And the 900 Innes site will do a little bit more to reflect and represent the historic, shipbuilding flavor of the community. But as we move into India Basin Shoreline Trail along pedestrian pathways and a Class I bike lane and the pedestrian pathways are part of the Bay Trail.

We have a diverse array of activity and program: a gigantic lawn, multiple basketball courts, barbecue pits, many stages where there can be entertainment, a nature-based playground – and that is a little off the shoreline because along the shoreline is essentially a habitat restoration project that is capable of adapting and being resilient to climate change. And at low tide you can actually see some of the ships that are remnants from some of the ships that sunk there. We are using those as part of the design of the project and are influencing the design.

The project would also include another element which is the water itself. We want give people the ability to go out into the Bay and actually look back at the neighborhood, at the coastline or the Bay front and at our City and have access to the water whether it be for recreation or environmental education.

This is an ambitious project. It is one of certainly the most expensive project that we have undertaken in the Recreation and Park Department. We want to do this through local bond funds, through state money. The Bay Restoration Authority has been very supportive so far with respect to remediation work. We've also gotten a very significant philanthropic gift. We have a long way to go but this is a project that just has incredible, awesome potential.

And then when you complete this project and connect it to the Shoreline Trail and connect it to Heron's Head and connect it to the new Big Green which renovates the India Basin Open Space and this new piece of open space in our portfolio and then you connect that to North Side Park - we have one of this nation's most important waterfront parks and that is what we are striving for.

I will conclude by saying the Bay Plan Amendment would facilitate the mixed-use community prioritizing outside of BCDC's jurisdiction, which allows the rest of this project to move forward, extensive improvements and enhancements to the India Basin Open Space, the

creation of a brand-new park, the Big Green Park which becomes part of this portfolio. Let me emphasize that when this project is done all of these open spaces are public and belong to the City and County of San Francisco.

Jillian mentioned the long-term plan: a Community Facilities District that will provide extra support for operations and maintenance for this connected waterfront space. Thank you.

Chair Wasserman announced: Thank you and we will open the public hearing. We do have a number of speakers. Our first speaker will be Phillip Vitali.

Mr. Vitali addressed the Commission: I am Phillip Vitali with the Trust Republic Land. We are a national, non-profit that works to create and renovate parks and playgrounds, so everybody has a close playground within a 10-minute walk of their home.

We have been working in San Francisco and the Bay Area for more than 40 years. We have created and renovated parks across San Francisco recently. Boat Ecker Park in the heart of the Tenderloin, Civic Center Playgrounds in front of City Hall, Hilltop Park just up the hill from India Basin and we have been partnering with Rec and Park and the many agencies that you have heard referenced earlier on the renovation of India Basin Shoreline Park and 900 Innes.

This neighborhood has been under-served for decades. It had the PG&E Power Plant where it had environmental injustice. It had economic injustice after the closure of the ship yard and for several years these parks have needed improvements.

So, we worked closely community partners and agencies through community meetings and focus groups and surveys and tabling at events and through that process we heard from the community again and again and again how important high-quality parks are.

Quality parks bring health to individuals and to the environment, but they also create healthy communities. And this community deserves just like any other community across San Francisco to have quality parks and open space.

And so, with the amendment of this plan you will see the expansion that can occur to that park and open space system and really bring to this community a really high-quality park and open space.

We are really encouraging you to approve this amendment so you can see this park that has been a vision of the community brought to life. Thank you.

Chair Wasserman stated: I understand that Jennifer Yi is ceding time to Mr. Angel so he will have six minutes.

Mr. Bradley Angel was recognized: My name is Bradley Angel and I am the director of Greenaction for Health and Environmental Justice. Unlike some of the presentations you just heard we are an actual environmental justice organization with actual members in Bayview Hunters Point.

Our organization was founded by grassroots community leaders in 1997 from the Bay Area and across the west and we don't sell out. We don't compromise on health or justice.

I needed a whole lot more time to respond to some of the fallacies and straight-out, false statements that have just been made. We also submitted this morning supplemental comments that I hope you read about the Staff Report and the project. They are really important.

But I want to start by responding to a couple of things. One Mr. Ginsburg from Rec and Parks said who is the Park really for? Well Greenaction has been involved in this project from very early on. We met with BUILD repeatedly.

At one point we invited them to come to the Bayview Hunters Point Environmental Justice Response Task Force which BCDC has come and we really appreciate working with BCDC over the years. At BUILD's presentation several years ago, they put up an artist's rendition.

So, who were the parks really for? Well I don't have the best eyesight, so I had to ask other people too. There were about 100 people in their artist's rendition – as far as I could tell not one of them was a person of color; not one of them. Who are the parks really for? This is a project for gentrification.

I was shocked to see under the Parks, Community, India Basin Restoration Goals it said – created a healthier community. My response is: are you kidding me? Are you actually kidding me? Do you think we're stupid? Do you think we can't read the Environmental Impact Report whose conclusion is that this project will cause significant, harmful, unavoidable, even with mitigation, air pollution that is localized and cannot be mitigated to less than significant.

So, the claim that this is somehow creating a healthier community quite honestly is a bald-faced lie unless the person cannot read.

So, I would ask you before you make any decision – please read particularly pages 2-20 and 2-21; that is exactly what it says.

In our comments submitted today I also submitted a letter that the Bay Area Air Quality Air Management District wrote the mayor and Board of Supervisors a few weeks ago on August 28th. That letter says in part and I quote, any increase in air pollution of the current disproportionate burden in eastern San Francisco unacceptable. I want to repeat "unacceptable".

The Air District is concerned about the potential impact of the construction and operation of the project.

I also want to say for the record Greenaction fully supports more parks for Bayview Hunters Point for the people who live there who have fought to take down the PG&E Power Plant which didn't include the group that just got up and referenced that. They were nowhere to be seen.

Our group was there. People from Hunters View were there.

Also, I need to point out you need to scrutinize the claims that the proponent just made. They put on the board as did Rec and Park, but BUILD put up all these so-called project partners. You all better correct that. We called you on that before. It is false and slanderous to put Greenaction as a project partner.

We've raised concerns about this from day one. The first time we met with Bill Delouse – you know what they told us about the contamination at India Basin at their project site? That it was quote/unquote just a couple of paint cans, totally false.

They are asking you to swap land or to support that. What is the toxicity of the land? Park and Rec has done a generally very commendable job assessing the contamination on their parcel. And we supported that and worked with them. And we look forward to working with the neighbors and the City and the agencies to make sure the clean-up goes well. But Park and Rec has done a pretty good job.

Where are the test results from the BUILD, LLC part? I don't think they exist. You don't know what you are being asked to trade or to support trading.

So, this is pretty serious stuff. We've also raised concerns about involving the community. It was stated by your staff that there is no responsibility to translate for people in the community who don't speak English. I want to let you know if you are not already aware that not only does San Francisco have – and Mr. Peskin you might want to wake up – not only does San Francisco have a language-access ordinance that they admitted they violated in approving the EIR but three years ago Greenaction reached a civil rights settlement under Title VI of the Civil Rights Act with the State of California's EPA and Department of Toxics and that settlement which is being implemented requires that their agencies comply with language access.

So, the bottom line is that this is not just about a park. And again, parks are really important. We want to make sure the parks are clean, but it has to be healthy. What kind of community benefit is it to have a park if the sensitive receptors – I hope you are all aware of CalEnviroScreen; the state of California has acknowledged what people in Bayview Hunters Point have said for decades – they are especially at risk. That is a fact and it is in your own Staff Report.

That is why the Air District calls this community a care community; "any" increase above the current, overburdened, excessive pollution is unacceptable.

It could violate air quality standards. I won't take any more time. I would just ask you – please do your homework. And I think the fact that these guys stood up and had the audacity to put Greenaction up there as a project partner and I would venture to guess that certain other groups that I know don't support it that I saw up there but I don't speak for them. There are a number of things that are just clearly not true. But this is not for a healthier community. It would poison the community and your agency would be complicit despite the attempt in the Staff Report to distance yourself. Thank you very much.

Ms. Sheridan Noelani Enomoto commented: I am also with Greenaction for Health and Environmental Justice. I want to make three points regarding this proposed plan.

The first point is environmental justice and social equity is not just something on a checklist. So, when you put Greenaction for Health and Environmental Justice as a supposed partner that is incorrect. Just because you meet with community does not make us a partner.

The second thing is we can have water parks but if my chances of getting asthma or COPD increase while I am playing in the park; what is the point? Last time I checked the molecular structure of water also included oxygen.

The third thing is Greenaction has worked in good faith with BCDC staff for several years on environmental justice policy development. As a contributing member at BCDC's Environmental Justice Review Team we believe the Commission has a historical and necessary opportunity to serve as a role model to other regional, state and national government agencies undergoing restructuring efforts around environmental justice, social equity, diversity and inclusion especially agencies entrusted with permitting authority.

If BCDC approves San Francisco Bay Plan Amendment No. 4-19 to modify the Bay Plan Waterfront Park at India Basin the Commission would completely undermine years of work by the Environmental Justice Review Team that I am a part of and severely contradict the establishment of the Commission's Environmental Justice Working Group.

This proposed project represents a crucial crossroads for BCDC. Since what is determined from this proposed amendment will either set a precedent for truly healthy, functioning environmental justice and social equity policy or diminish the credibility of not only BCDC's decision making process but also completely invalidate BCDC's mission to protect the Bay for future generations.

I want to end with this: you would know if you work and you live in India Basin especially San Francisco Rec and Park you would know that the language of that area is actually not English. If you know that subsistence fishers that actually access the Bay way before this project even came to light people have been accessing that Bay before this idea that they don't go to the Bay. Their language is Cantonese, a dialect of Chinese.

So, who is this project for? And what is the truth here?

Mr. Leotis Martin addressed the Commission: Good afternoon I am Leotis Martin. I am president of the Mothers and Fathers Committee of Bayview Hunters Point with Greenaction for Environmental Health and Justice and that is what we do.

We do all of this for our community because our community has a high rate of cancer and a lot of other things. You all already know this because we have been here many times.

And who is this for? When they throw out the word affordable housing let me see – it's like here I have some money; is it a one-dollar bill or a hundred-dollar bill? Affordable housing will not fit my income and I work every day. So, who is it for? Who is the affordable housing income going to fit?

Yes, about pushing us out – people that have been here; I've been here since 1966. I lived on the hill and Sunday I will be 59. We used to play in the shipyard, and we didn't know that it was a nuclear shipyard.

Many years have gone by and the shipyard has been just like that. Why couldn't these people do something 30 or 40 years ago? Why couldn't they clean the ground up 20 or 30 years ago and then talk about putting something there?

I guess it's because of all this construction going on in our neighborhood as well as San Francisco. A lot of people are making money except the people in Bayview.

I mean we get a job when they come and then they let us work one year and after that we are out of a job. But everybody else is still working and I was in the Laborer's Union too. So I know what I am talking about. I still live in Bayview.

It is all right that people can live any way they want to live if they can afford it. But we can't afford it. We've been pushed out and it's the same thing that happened in Fillmore. They have been pushed out. I don't think it is right.

So, when you all make this decision think about it. There are a lot of people that grew up over there. I have 11 grandkids. I do environmental work because I want my grandkids to grow up with good health. So, when you start letting these people work over here and they already said any more impacts will be really harmful to the community then who are you working for?

Are you working for these people that want to build the buildings or are you working for the community? Is it your job to protect the buildings or to protect the people that live in the community? The bottom line – it is to protect the people. People come first – out.

The next speaker is my brother, but we feel the same way. He has been in Bayview one year longer than me. We are here for our community. Our community doesn't come out and support us, but we support them because their lives matter, because their kids' lives matter and that is why – bye.

Ms. Jasmine Jones spoke: I am a community organizer for Bayview Hunters Point through Greenaction. I am also a Bayview resident.

I would like to ask you guys a couple of questions. What is the point of building what you are building? It is going to affect the residents of this neighborhood. Those models are nice and beautiful, but this area of the City has the highest cancer and asthma rates in the City.

So, what is the point of building a park if we can't enjoy it? If this project was in your neighborhood would you want it there?

And also, who is this development really for? It is obvious this development is not for us. This hearing is not even near the neighborhood for which this project is being proposed.

On behalf of Greenaction we believe that public hearings should be held near or where the proposed project is located and also at a time that affords residents the best opportunity to actually present in this regulatory process.

Also, there is a difference between low-income housing and income-based housing. Like Leotis just pointed out he works every day, but can he afford the rent that you guys are bringing to this neighborhood? There is a reason why black people of San Francisco are leaving in record numbers.

So, who is this project really for? Thank you.

Mr. Arthur Feinstein addressed the Commission: I have to speak with two different hats on today. I am going to speak as just me first. I live five minutes away from this site, Heron's Head. I helped create the park actually.

With my Sierra Club hat, I was part of the group that went to a lot of these meetings. To begin with India Basin as it is now is a pretty neat place. Heron's Head Park is wonderful.

I come from Golden Gate Audubon originally. I am mostly a nature person. So, for nature it is great and there are thousands of water birds, thousands of shore birds – we have Harbor Seals coming and we have Ridgeway's Rail at Heron's Head Park. For being in San Francisco it's sort of a nature wonderland. It is pretty fantastic.

Any development is going to be a detriment to that because that is what we do. People drive out critters. We are 30 percent lower in total bird population than we were 20 or 30 years ago. It is not a fluke it is us.

So, we are not that good for critters. We are not that good for nature. When I see a development, I get nervous and then when it is my nature area, it is really sad.

I have to say that BUILD did listen to us and did some things that are going to make it better. And I think from an ecological perspective it is a pretty good project.

But when I read the EIR looking only at the nature stuff stupidly I didn't see the air-quality issues. Living on Potrero Hill south side close to this area I know full well just how bad our air quality is with 280, 101 and it is terrible. The smog there can be really bad, and cancer and asthma rates are higher than anywhere else in San Francisco and the Bay Area.

The idea that this is going to increase the problems of air quality is a real problem. The EIR says they can't do anything. Well you could eliminate the parking spaces and 500 cars are not going to be there every day.

You could increase buses and put a light-rail vehicle there. You can do things they just cost money. But you can do things to save peoples' lives.

When you get around to the permitting process this comes into play and so I am neither for nor against but I think that you should be pushing to get the City as well as the developer to look at the air-quality issues and see what they really can do and not just say – oh, it's going to be bad, too bad. Thanks.

Mr. Michael Hamman was recognized: I am a long-term resident and business owner in India Basin. I am here today in support of the Plan Amendment. It allows the creation of 17 acres of new parkland and a whole new community in India Basin.

Today you have the opportunity to close the circle on something that was begun over 50 years ago that was the landfill at India Basin. This landfill came long after the shipyard closed.

The landfill at India Basin sparked an outrage that directly led to the creation of this body, BCDC. If you look at the TV commercials from that day you will see dump trucks dumping dirt into the Bay and in the background is my building, 702 Earl Street. It was the last major landfill in the Bay due to the regulations that you folks created.

Today you get to participate in a historic event helping to create a whole new neighborhood for thousands of people that was an unfortunate event for the Bay.

This plan is enthusiastically embraced by the neighbors and by the City of San Francisco. The Planning Commission approved this unanimously. In fact, several Commissioners went out of their way to praise this project as exemplary and outstanding. Tell me – when does that happen in San Francisco?

When BUILD bought this property, they immediately began having meetings with the neighbors. Today that is de rigeur for all developers to have meetings with the neighbors. But BUILD did something very different from most developers. They actually listened to us.

Prior to their arrival our neighbors spent several years developing a public planning process for our neighborhood and that resulted in the publication of a document we call "Our Vision." And most of that vision is incorporated in this plan.

Much of the San Francisco Waterfront is closed off. It is used for piers and docks and sheds all of which is beneficial, but it is not accessible. This plan will create an accessible waterfront. It is ironic that the event that led to the creation of this body and all the good that it has done over the years can now be properly repaid – that is the wrong can be made right and you can transform an unfortunate landfill into over a mile of open space and shoreline, accessible and inviting to the public where people can not only look at our magnificent Bay but actually get on it and get in the water.

I envy you this opportunity and I thank you for your time.

Ms. Renay Jenkins commented: Thank you for listening to the community as we come out. Only a few of us were able to make the two-hour trek to come down here and take time off from our day to let you guys know that this is really not an opportunity to expand or help the black community. It is actually adding to the current contamination. It is not addressing the radioactive and toxic contamination at the shipyard Superfund site.

You guys are overlooking science, climate changes and children. I live in the Bayview community and I am part of the Mothers and Fathers Committee working with Greenaction. I am really concerned about the air quality for my 14-year-old daughter. Air quality doesn't just disappear, and it doesn't just dissipate. So, this is a forever problem that we are adding to.

So, what is the opportunity here? What is the strategy? Where is the safety? I am a little confused. I am confused as to the mission statement.

If you want to protect the Earth and the Bay that means cleaning it up, not adding to any more contaminants or adding any more buildings, any more projects – let's work together to try to find natural ways to fix what we have already started that we can't really stop now that it is in full effect. And at the end it is just going to help to pollute and gentrify Bayview Hunters Point. We have a dwindling, existing community right now.

If you knew from the T Train, which was just one project that was supposed to improve our community, has basically led to fewer jobs, less access to anything. We are waiting constantly in bad air quality on top of that.

I just wanted to bring out that if you want to help the community please provide jobs, affordable housing and just come to the Bayview to talk to the residents and maybe not help these mega-developers and maybe not think about the money because in the end it is going to cost the public in the long run for UCSF as well as cancer and all the funerals. The pharmacies will be making money. The doctors will be making money but everyone else will be losing quality of life.

And that is all I came here to say. Thank you.

Mr. Jill Fox addressed the Commission: I am Jill Fox chair of the India Basin Neighborhood Association. We have been advocates for our community since 1994. You may know us from our decades-long effort to landmark the Ship Rights Cottage and to get the City to acquire 900 Innes, the historic boatyard.

Back in 1999 I had a dream and submitted a dream park plan to the Recreation and Park Department for a contiguous, waterfront park across from my house on Innes Avenue.

The Rec and Park Commission at that time didn't know where India Basin was. They all thought I was a little crazy, but I wanted a park for my then toddler son. Well that son is now in graduate school and look at where we are now.

Because of BUILD Inc.'s willingness to improve all of the community not just making improvements for their new residents the India Basin Neighborhood Association supports this adjustment to the park designation.

Back when this was under the Redevelopment Agency, 700 Innes land was designated to have a 40-foot tall residential with no public amenities and only the little strip around the outside for a park, what is India Basin Open Space.

In response India Basin neighbors got together to work on our community vision. We had goals of comprehensive planning, economic success, environmental protections, transportation improvements and recreational opportunities.

We didn't just let that vision sit on a shelf. We pitched it. We took 300 people on neighborhood walks. We went to all of our neighboring associations and we also made appointments with developers.

We met with every developer we could find and told them about this opportunity at India Basin. One of them was BUILD Inc. Having planted the seed in 2010 a few years later they had the opportunity to purchase 700 Innes and they came to us and said; now we are neighbors.

They met with us regularly as has been stated. One Friday night a month for four years we met with BUILD Inc. staff to go over the amenities, the park, the Class I bike lane that we wanted.

Because they listened to us, we are supportive of their plan. We are not supportive of every single little detail of it but in general we want our dream to come true and we would like you to make this needed adjustment to the Park Plan. Thank you.

Mr. Jonathan Cherry commented: I am with the City and County of San Francisco. On behalf of San Francisco's Office of Economic and Workforce Development I am asking you to support the staff's recommendation on the item before you.

As you heard from the presentation your approval of this item will help facilitate the expansion and improvement of the India Basin Open Space along the waterfront while also providing critically needed new housing on the adjacent privately-owned land on the uphill portion of the site on land that the City has zoned for development.

The India Basin Project is a result of extensive, community conversations over several years and contains a number of public benefits negotiated by the City and approved in 2018 as part of an open public process with significant community input.

This is one of several projects identified as part of the City's Southern Bay Front Strategy which you heard described briefly at your September 5th meeting.

The Southern Bay Front Strategy was a negotiating framework that aimed to maximize public benefits resulting from several large development projects in the areas of affordable housing, transit, job creation, open space, sea level rise and sustainability.

The India Basin Project will deliver significant park and open space improvements along the shoreline that includes a transfer of three acres of currently private land to public park use. And it will provide long-term maintenance funds to ensure that these newly-improved, open spaces are maintained on an ongoing basis.

The India Basin Project is designed with a long-term view towards sustainability and resilience including onsite treatment of wastewater and stormwater, reduced greenhouse gas emissions through 100 percent clean energy and the formation of a community facilities district that will provide resources to the City for sea level rise mitigation in the future.

I did want to mention with respect to the project's EIR because it was brought up in a previous comment – I don't speak for the Air District upstairs but I think I understood from one of the previous comments that there was a letter introduced into the record this morning from the Air District to the City from August and I will consult with the staff about the best way to do this but there is an additional letter from September 19th from the Air district to the City regarding this project's EIR and regarding the Air District's efforts to implement a community-based plan in Southeast San Francisco and in the Bayview as part of their Community Health Protection Programs. In terms of completeness of the record I wanted to mention that.

Perhaps most urgent among the community benefits to the City is that the India Basin Project will provide nearly 1600 new housing units with 394 of those units to be affordable housing and that is 25 percent of the total.

Thank you for your time and support for this important public/private partnership to restore and improve San Francisco's Waterfront.

Ms. Diane Oshima was recognized: I am the deputy director of Planning and Environment for the Port of San Francisco. I am here to state our support of all of the community and collaboration efforts between BUILD and the City.

We as a port have played the role in terms of supporting the public-trust swap to create the shoreline area that will be held permanently in the open-space network within this project.

And with respect to this item that is before you that is really what we want to focus on is the effort that Jonathan just described at the City family level to start looking at the comprehensive lens of the entire Southeast San Francisco Waterfront to look at how each project and each partner whether you are in the community or you are in the public agency or in the development groups or the constituencies can be heard and play a role in putting together an integrated system of neighborhoods and public benefits that benefit where the sum is greater than the parts.

And the Blue Greenway open-space system and the planning that we all did back in 2006 was the pathway for part of the improvements that we are able to enjoy today and this particular item that is before you now to change the Bay Plan to recognize that from Heron's Head through India Basin and even north beyond Heron's Head up through the Mission Rock Project that you approved previously that there is a planned system of open spaces, natural areas, public access areas that speak as one, not just a series of pieces and parts. And so it has been our pleasure to be part of the planning effort on that and then to come in today to support your amendment of the Special Area Plan to support this particular piece of the larger whole.

I am happy to answer any questions. Thank you.

Mr. Uriel Hernandez addressed the Commission: I am the Southeast Area Manager for the San Francisco Parks Alliance. I gave a presentation about four weeks ago on the Blue/Greenway, a 13-mile long initiative of parks and trails along the Southeast Waterfront.

At the San Francisco Parks Alliance, we champion and transform, we activate parks and public spaces throughout the City and we believe that everybody within San Francisco deserves a local, thriving and safe public space.

We have been working with the Trust for Public Land and the Rec and Park Department on the India Basin Park Project for many years. I am here to ask you guys to support the amendment and this project.

The overall plan for this parcel includes a net gain in real open space for the community, not just a designation on paper. It is exemplified by community outreach, a comprehensive EIR and other shared efforts; this project will build upon the big plans for India Basin for the park next door.

For the greater India Basin Project the Parks Alliance is working with various city agencies, non-profits and community partners on the Equitable Development Plan, which was mentioned earlier to ensure that this project has a positive impact on the community through a robust community engagement and a series of investments with job training and a number of programs that would hopefully mitigate any social disruption that this project may have.

And though that Equitable Development Plan is for the project next door both in practice and in the EIR we are collaborating with BUILD to ensure that this space is a huge success.

Our aim is for India Basin to become a model example of how private and public partnerships can work successfully to create a high-quality space with minimal social disruption and provide the last stretch of the Blue/Greenway connection along the Southeast Waterfront.

Supporting this amendment would allow this project to bring much needed, usable, open space, Bayfront green infrastructure and housing to this community.

This will create a much more resilient shoreline in the long-term and that is what we want. We want the community to succeed in the long-term. We want it to be more resilient in the long-term because things are changing, and we need to plan for that.

So, thank you so much for your time and for your support in this important project for improving the Southeast Waterfront.

Chair Wasserman announced: That concludes the speakers. I would entertain a motion to close the public hearing.

MOTION: Commissioner Scharff moved to close the public hearing, seconded by Commissioner Peskin. The motion passed by a voice vote.

Mr. Goldbeck chimed in: The staff would like to be able to still get written testimony on this matter for the next two weeks.

Chair Wasserman asked: Will the maker and seconder accept that? (Both nodded in agreement) Let it be so.

Commissioner Ahn commented: The question I had was - does the Sierra Club consider itself a partner of BUILD Inc.? Greenaction stated that they don't consider themselves as a partner to BUILD Inc. I would like to have that better clarified and what that means would be helpful for this Commission. If the developer wanted to comment on that I would welcome it.

Ms. Blanchard stated: In the presentation Greenaction was not identified as a partner. It was identified on a slide as one of the many community groups that BUILD engaged with. We could show the slide again if the Commissioners would like.

It is not on the non-profit partnership slide. It is on the community engagement slide because BUILD has met with Greenaction a number of times to try and address their concerns. I wanted to make that part clear.

Commissioner Peskin commented: Just by way of background this was in the presentation. The adjudication on appeal of the EIR came before the San Francisco Board of Supervisors and the appeal was rejected by a ten to one vote. And the project at that time was supported by the District Supervisor Malia Cohen and is still supported today by her successor Supervisor Shimon Walton to my knowledge.

Commissioner Gilmore was recognized: I am curious about the timing of this because I know that we are going to get our Social Justice Plan in a couple of weeks, and I was wondering if there was some reason why we had to make this decision today and we couldn't wait until after. I am a little bit troubled that we spent so much time on the social justice and building up trust between the various community groups and it seems to me that if there is ever a situation that called for being thoughtful and judicious about issues around social justice this might be one of them.

I feel like I would benefit from having the work product of the Social Justice Group before having to make this decision.

Mr. Goldbeck explained: To clarify – today is a public hearing on the proposed deletion. There is no vote scheduled for today. The staff will take the comments received and go back and prepare a final recommendation that will be mailed out to the Commission and then schedule a vote.

And that would necessarily be after you adopt or at least consider adoption of the social justice policies. So, it will be down the road.

Commissioner McGrath chimed in: I think it is important to make these comments while some of the concerned parties are here.

I went to India Basin with one of the people who I served on the board of Bay Access and was interested in improving access before I became a BCDC Commissioner and that was more than 12 years ago. I've seen this area and its lack of accessibility.

I was also told at the time about the fight that the community has had over the power plant and the air-quality impacts. So, I understand fully the importance of that to the community but I want to make it clear to you that this is not our lane.

I salute your courage and your success in that, but again, that is not our lane. The most important part to me in the Staff Report was found on page three and I will go back over it; "In this situation where most of the area to be removed from the PUA is inland of BCDC's shoreline band jurisdiction, a PUA designation is advisory only and the provisions of Section 666611 do not apply."

I'm also highly sympathetic to the issue of gentrification. I've seen it happen in Berkeley and the community where I first bought a house and what it has meant to the African American community and diversity in that city.

That is not something I like to see but it is not my lane either. I don't get to do anything about that from this seat. Maybe I would like to, but I don't.

So, the issue to me and to be addressed is what would happen without this? Would we have as nice a park? Can the City still build units outside of BCDC jurisdiction and have the same net impact in terms of the development footprint but without the public benefits? I suspect that is the case.

I've done a lot of work in trying to get people into parks regardless of their ethnic background. I think that is a good thing. That is in my lane. And that is what I am going to be interested in when this comes back for a vote.

Commissioner Eckerle was recognized: I flagged this when we were considering going out to notice for this issue. I am curious whether we have any precedent for eliminating Bay Plan designations outside of our shoreline band and in other instances or pushing back on retaining those designations. I think that would be helpful when this comes before us again.

Commissioner Randolph weighed in on the issues: A lot has been said in the comments about the EIR so along the way I would be interested to know how this relates, if it does relate at all, to the long-term issues of environmental clean-up in Hunters Point and do those issues overlap in any way?

The other would be on the environmental effects; I had the impression earlier from the Staff Report that relates primarily to the construction that would happen at the site which, if that is what it is, would be presumably a short-term process like any construction site – so did it point out any long-term, negative, environmental impacts beyond those of construction?

Commissioner Scharff commented: I thought Commissioner McGrath's comments on "in our lane" were very apropos. I think we have a particular lane to be in on these things.

And I was interested to hear that – yes – San Francisco has gone through this project and everyone from San Francisco spoke for it, other neighborhood associations spoke for it; I thought we were getting a little far afield actually in terms of environmental reports that I haven't reviewed that are really not a purview of our Commission.

I've sat on this Commission for a while now too and I've sat on other bodies and they give me environmental reports to read. I don't think I have ever reviewed an EIR to make a decision as a Commissioner on BCDC.

So, I think staying in our lane is somewhat important.

12. **Adjournment.** Upon motion by Commissioner Vasquez, seconded by Commissioner Scharff, the Commission meeting was adjourned at 3:47 p.m.