

San Francisco Bay Conservation and Development Commission

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DRAFT MINUTES

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653;

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Reylina Ruiz, Director, Administrative and Technology Services (415/352-3638; reylina.ruiz@bcdc.ca.gov)

Sierra Peterson, Executive & Commissioner Liaison (415/352-3608; sierra.peterson@bcdc.ca.gov)

SUBJECT: Draft Minutes of May 16, 2024, Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:06 p.m. The meeting was held with a primary physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference.

Chair Wasserman asked Ms. Peterson to proceed with Agenda Item 2, Roll Call.

2. Roll Call. Present were: Chair Wasserman, Commissioners Addiego, Ahn, Beach, Eckerle (represented by Alternate Kimball), Eklund, Gorin, Gunther,

Hasz, Lee (represented by Alternate Kishimoto), Lucchesi (represented by Alternate Pemberton), Moulton-Peters, Pine, Ranchod (represented by Alternate Nelson), Randolph, Showalter (represented by Alternate Lefkovits-joined after Roll Call), Tam (represented by Alternate Gilmore) and Zepeda (joined after Roll Call). Assembly Representative Ting (represented by Alternate John-Baptiste) was also present.

Ms. Peterson announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Burt), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), BT&H (El-Tawansy), Contra Costa County (Gioia), Solano County (Mashburn), City and County of San Francisco (Peskin), Napa County (Ramos), Governor (Eisen)

3. Public Comment Period. Chair Wasserman called for public comment on subjects that were not on the agenda. No comments were offered.

Chair Wasserman moved to Approval of the Minutes.

4. Approval of Minutes of the May 2, 2024, Meeting. Chair Wasserman asked for a motion and a second to adopt the minutes of May 2, 2024.

MOTION: Commissioner Eklund moved approval of the Minutes, seconded by Commissioner Kishimoto.

The motion carried by a voice vote with Commissioners Gilmore and Gorin voting "ABSTAIN."

5. Report of the Chair. Chair Wasserman reported on the following: That brings us to my Report.

SB 272: I want to start by thanking the Governor. Larry will provide additional details, but I wanted to recognize on behalf of the Commission that the Governor's May budget revision does include funding to start implementing SB 272.

In this very difficult budget year, we need to thank him for doing that and his commitment to shoreline resilience. And our, and this is a very broad our, a very big tent ability to start disseminating these guidelines and start implementing consistency with them and projects to save us all from the inundation that is coming.

Bay Planning Coalition Spring Summit: I was pleased in a number of ways on Tuesday. Bay Planning Coalition hosted their Spring Summit focusing on financing adaptation to rising sea level. They had a full array of speakers and panelists talking about how this is going to happen and the necessary elements. We were kicked off with a keynote by former Mayor Libby Schaaf of Oakland whose theme was hope, change, action.

Some of the themes that were stated throughout the various speakers were we do need to work together, we need to recognize that we can only address this as a region, that it is going to take, as we well know, funds from many different sources to meet the cost, the estimated \$110 billion cost. We all know that is a low figure. A scary figure but low figure.

There was also some emphasis on the importance of storytelling, both for us and as we communicate our issues to elected leaders at all levels and to the public. That we need to keep in mind stories that convey both what may happen and the way in which we can, in fact, adapt and fund adaptation.

I had the challenge of summarizing some five hours of presentations in 10 minutes. I think I rose to the challenge. But it was a very good conference.

Thank You: I want to thank everybody who was at the Metro Center two weeks ago. Our ability to meet together I think does enhance our actions as a Commission. Recognizing that for many the convenience of being able to attend by Zoom is important and environmentally beneficial. Nonetheless, in doing this work, which is not easy, having people meet together and be able to see each other and talk offline a bit is always very helpful.

Commissioner Gunther's Comments: Commissioner Gunther has asked for a couple of minutes to comment on the sea level rise presentation that we heard, and he now has the floor.

Commissioner Gunther spoke: Thank you, Mr. Chairman. Just very briefly, I wanted to share with everybody that in thinking about Ben Hamlington's presentation and the fact that the high scenario for sea level rise is now lower and that we will not see, we really do not have a chance according to their new projections of seeing three meters of sea level rise until the middle of the 22nd Century.

That means that everything we are doing now, particularly the wetlands

restoration, is going to result in another half or maybe a full century of benefits to the region before they are finally inundated. That same thing goes for any hard structures we put in there. I think it adds a tremendous frame of the value of what we do in the present day.

That being said, I just also wanted to share that the whole process of ice sheet collapse, which is the mechanism that is driving that high scenario, is still very, very uncertain. I have a colleague looking at these issues from the Union of Concerned Scientists Board and he just shared with me that he thinks it is a little too early to be putting in our pocket the idea that we are not going to see that one of these really extreme scenarios.

So, with that proviso I just think that the information we got really underscores the importance of what we do today, particularly around wetlands restoration because it is going to have even more payoff for the future of the region than we thought. Thanks.

Chair Wasserman acknowledged: Thank you. It is an important reminder that as we focus our efforts on the immediate future in order to prepare for a future that is moderately far off, the things we do will benefit us in-between as well.

Next Meeting: Our next meeting will occur in two weeks on June 6. The meeting will be held in the Metro Center. At the next meeting the possible agenda will include:

- A presentation by the Department of Finance describing the mission-based review of BCDC's permitting processes and systems.
- A contract to develop a Regional Shoreline Adaptation Plan Technical Assistance Program.
- An update on progress on the Commission's Strategic Plan.

Ex Parte Communications: That brings us to ex parte matters. If there is any Commissioner who wishes to report on a communication concerning a Commission matter that they have not already put on the record now is the time to share that. This is on adjudicatory matters, not necessarily matters of policy, and you do need to file something in writing. But now is the time to speak and I see Commissioner Eklund has her hand up.

Commissioner Eklund stated: This is not an ex parte. I just wanted to question. You said it was going to be at the Metro Center so you want as many of us as we can to come into the office or into the meeting room. Was that your point?

Chair Wasserman replied: That was my point. Thank you for helping me to emphasize it, particularly as we talk about the Strategic Plan. I think having as many of us there as possible makes it a more productive meeting.

Commissioner Eklund acknowledged: Thanks for clarifying that because I was not quite sure what that meant. So, thank you.

Chair Wasserman continued: Thank you.

That brings us to the Report of the Executive Director.

6. Report of the Executive Director. Executive Director Goldzband reported: Thank you, Chair Wasserman.

Just to let people know, Commissioner Gilmore is having some technical issues so she will be trying to get back in if she is not here now.

First, I want to apologize to the Commission, and again to Steve Goldbeck, for having to vacate this building two weeks ago fifteen minutes prior to the Commission meeting. Which means that Steve had to sit in my chair unexpectedly and I missed his announcement of his retirement.

I had learned just a few minutes earlier that my wife had tested positive for COVID so I figured that all of you would be much happier if I left the office and began to isolate. That I did, although I had to take BART to get home, so I wore a mask.

While looking out the window on BART, I smiled at how fast I could get to our home that is over twenty miles away. It was not always so, of course. Legend has it that on this day in May 1817, the first regularly scheduled Mississippi steamboat headed south, likely at about four miles per hour. And it is a great coincidence that 134 years later, on this date, the first regularly scheduled airplane service between New York and London began. But just as you think that travel times continue to get shorter, you can get stuck in a 90-minute traffic jam just trying to get to the Bay Bridge, as we did on Sunday after the Giants game.

With regard to budget and staffing, BCDC has selected Alyssa Please to join Katharine Pan's Shoreline Development Permitting Team as a Coastal Program Analyst. Alyssa is a Golden Bear, having earned her undergraduate degree from Cal in Landscape Architecture and Environmental Planning. She joins us from the consulting world, where she worked on environmental impact reports and general plan policy development related to coastal planning and climate change vulnerability.

Now for some even greater news. As Chair Wasserman noted, Governor Newsom's May Revise Budget Plan includes full funding for BCDC and the Coastal Commission to hire staff to implement SB 272, legislation authored by Senator John Laird requiring local governments to create rising sea level adaptation plans that either we or the Coastal Commission will need to approve.

Yesterday, I spent the day in Sacramento watching Assembly and Senate budget hearings, and I think that I am happy to report that none of the questions from the members dealt at all with rising sea level funding. Leading us perhaps to hope that nobody will question its importance.

The leadership of the Resources Agency recognizes the importance of the relatively small amount of funding in the Governor's plan and I know that they will be working on our behalf. More information to come when we receive it.

Now for some not-so-great budget news. As part of the budget plan, BCDC and all other state organizations will face a General Fund cut of

something like 8 percent next year. We have started to plan for it, and we will keep you updated on its ramifications.

Back to some good news. Many of our staff, along with Commissioner Ahn to my right, participated in a workshop with our Environmental Justice Advisors last week as part of the Organizational Development Consulting Contract that aims to increase communication and alignment between BCDC and our Advisors. Each of us who attended have real positive thoughts about the time spent together and we talked at length about how best to work as collaborators. I am sure that we will have more to report in the future.

I am happy to report that the Seaport Plan you approved last November has been approved by California's Office of Administrative Law this past Tuesday. Therefore, the new Seaport Plan is now in effect. Great news given all the work that Cory and the team put into it starting, remember, with the Howard Terminal issue.

Full of good news today, especially to my left as Commissioner Beach watches. This week, the U.S. Army Corps of Engineers' 2024 Work Plan was released, and we are excited to note that the Corps has received funding to include the Bel Marin Keys Unit into the Hamilton Wetlands Project, which will bring the total habitat restoration to 26,000 acres.

And as a result of our 2016 coalition that spurred changes to the Corps' authorizing legislation, the Corps will be spending another \$7 million to increase beneficial reuse of sediment in the Bay during the next year.

Two final notes. First, perhaps as something of an antidote to the Giants' disappointing first quarter of baseball, I urge you strongly to visit the new China Basin Park across McCovey Cove from the ballpark. I was positively thrilled to be asked to speak at the grand opening late last month and it is tremendous.

And due to the BCDC permit, there is a superb audio tour of the shoreline from the Ferry Building down to Mission Rock, now known as China Basin Park, that is now live. It is a few years late. It is a different form of public access than what BCDC normally requires for sure, and we are working with the Giants to make sure that it is publicized well.

Finally, another notice for the BCDC Book Club. Commissioner Ahn's new book entitled *Advocate: A Graphic Memoir of Family, Community, and the Fight for Environmental Justice* is now available for purchase. It is absolutely superb, and if you follow Commissioner Ahn on social media you will know why. We all recommend it highly. In addition, the Commissioner has assured us that he is more than happy to sign all available copies, at a small price.

With that, Chair Wasserman, I am happy to answer any questions.

Commissioner Ahn interjected: A quick comment from Commissioner Ahn. There is no price, it will be absolutely done free of charge. Thank you, though. Very much appreciated your praise for the book.

Chair Wasserman added: Well, there is a price, you need to buy the book and you should. But no price for the signature.

I was actually disappointed that we are not all together because I have my book and hoped to get him to sign it, but I will hopefully do that at our next meeting.

One of the things Larry said reminds me of one thing I did want to note. There was a report in the *San Jose Mercury News* last week about the Howard Terminal settlement, the settlement of the claim by Pacific Maritime Association and some others against BCDC regarding our actions. There was a statement in that article that we had in that settlement made a deal and changed the terms of what was going on to put the Howard Terminal back into the Seaport Plan. That is not accurate. We made no change in the deal, we simply dismissed, agreed to dismissal of the lawsuit.

State law, which authorized the use by the A's of Howard Terminal, had an expiration date in it whereby if the Port and the A's did not reach a binding agreement by a date, which I think was sometime this year, somebody may correct me on that. The exclusion of the project from the Tidelands Trust or the determination that that use was consistent with the Tidelands Trust would expire. We did not make any change in it. We will convey this to the *Mercury*. I know that the Port of Oakland knows that, but we will make that clear as well.

7. Consideration of Administrative Matters. Chair Wasserman stated: That brings us to Item 7, Consideration of Administrative Matters. We have received the draft of administrative matters. Are there any public comments on the administrative list?

There were no comments or questions.

8. Public Hearing and Possible Vote on PG&E Programmatic Operations and Maintenance Permit 2023.002.00. Chair Wasserman stated: That brings us to Items 8 and 9, which we are going to combine and hear as one item. They are very similar. They involve two different geographic areas, but the issues are essentially, substantially the same.

So, with that, these are hearings and possible votes on Pacific Gas & Electric Company's application for new five-year programmatic operations and maintenance (O&M) permits for its existing gas and electric transmission structures throughout the Commission's jurisdiction outside Suisun Marsh and inside Suisun Marsh in the area where we do have some jurisdiction. So, we are having one public hearing to cover both of these issues.

Rowan Yelton of our staff will make the staff's introduction and then introduce speakers from PG&E.

Bay Resources Analyst Yelton addressed the Commission: Thank you, Chair Wasserman. Good afternoon, Commissioners. My name is Rowan Yelton, and I am a Coastal Program Analyst on the Bay Resources Team. Today I am presenting two permit applications for an operations and maintenance program proposed by the Pacific Gas and Electric Company (PG&E).

The applications are for five-year programs of maintenance, repair, replacement, removal, retirement and modification of PG&E facilities. These

activities will be limited to existing facilities and structures and would not result in permanent net Bay fill, though some temporary Bay fill would be installed for site access. Additionally, there would not be any permanent adverse impacts to public access.

Based on the application, we expect that hundreds of projects will be conducted under this permit each year. Most of the projects involve repairs to electrical towers and poles, such as repairing cracks and spalls in tower foundations, trimming vegetation near towers and lines, and replacing damaged hardware, insulators, and structural components of towers and poles. Less frequent activities include replacement of entire structures such as towers and pipelines.

The program would include activities in all nine Bay Area counties in BCDC's Bay shoreline band, certain waterways, salt ponds and managed wetlands jurisdictions. The program is split into two applications, one for activities in the Primary Management Area of the Suisun Marsh, and the other for all other locations. The two permits would have identical authorizations and special conditions and only differ in their findings.

BCDC previously issued two permits for similar operation and maintenance programs in 1987 and 1989. These permits were repeatedly amended and extended and will both expire on May 30, 2024.

In 2021, PG&E applied for five-year extensions to both permits. When these applications were received BCDC staff reviewed the existing permits and

determined that they were outdated for the following reasons. Authorizations were no longer sufficient to cover all of PG&E's activities and the special conditions needed significant changes to bring them up to date with current BCDC laws and policies, engineering codes and standards, current state of the Bay environment and our scientific understanding of the Bay environment.

The previous permits were permitted administratively but this time we are looking to issue major permits for them. Because though each individual activity qualifies as minor repairs or improvements, the permits would cover a large number of projects over the entire Bay Area over five years. So, they cannot be reasonably construed as a single activity and should not be permitted administratively.

When writing the Staff Recommendation, our primary concern was ensuring that the projects would not have significant permanent impacts to the environment or to public access. To address these concerns, special conditions are included to require the permittee to:

- Restore all construction sites to their original condition or better.
- Adhere to the appropriate environmental work windows.
- Avoid and minimize public access impacts.
- Use best management practices in marshes, the Bay and other sensitive habitats.
- Comply with the conditions of the approvals issued by the other

resource agencies.

Additionally, the special conditions limit the allowed activities to those that:

- Do not result in net increases to Bay fill.
- Limit the duration of temporary fill to less than 180 days per project.
- Limit the relocation and redesign of structures.
- Disallow permanent adverse impacts to public access.

To ensure that the permittee complies with the special conditions, the Staff Recommendation includes an activity proposal and review process. All activities will require BCDC staff approval before they can be conducted, except for a limited category of activities that would not reasonably be expected to result in any adverse impacts to the Bay environment or to public access and do not involve any in-water work. Some examples of these activities include replacing minor structural components and equipment, painting and vegetation trimming.

For all activities which could conceivably result in adverse impacts to the Bay environment or to public access, or were to involve in-water work, the permittee would be required to submit an activity proposal based on a form included as an exhibit to the permit. BCDC staff would then review the activity for consistency with the permit authorization and conditions. The staff find

that a project is not consistent with the permits and that PG&E will have to submit an individual permit application.

Special conditions are also included to require the applicant to submit annual reports on the activities conducted over the past year and cumulatively since the permit was issued; the activities projected for the upcoming year and a five-year projected work plan for the repair and replacement of electrical towers in BCDC jurisdiction.

As you learn more about this program from the PG&E staff presentation, these are the most relevant Bay Plan and Suisun Marsh Protection Plan policies to keep in mind. Tidal Marshes and Tidal Flats; Fish, Other Aquatic Organisms and Wildlife; Mitigation, Public Access, Other Uses of the Bay and Shoreline Band. In the Marsh Plan is Land Use and Marsh Management policy.

The Commission should consider whether the proposed project is consistent with the McAteer-Petris Act and applicable San Francisco Bay Plan policies. Specifically, whether the fills resulting from the projects are consistent with regulation Section 66605 and that the public benefits exceed the public detriments. The fill is there for water-oriented uses, that there are no alternative locations, and that the fill is the minimum necessary and is designed to minimize harmful effects of the fill.

And whether the special conditions of the permit are appropriate to avoid and minimize adverse impacts to public access and the Bay environment.

That concludes the staff presentation, and I will now introduce Cuyler

Stapelmann, Tim Andrews and Jon Wilcox from PG&E for their presentation of the program.

Mr. Wilcox spoke: Thank you, first of all, Chair Wasserman and the Commissioners, to look at our permit application. As Rowan said, this is something we have been working on from the 1980s off of a previous permit. This is solely for our own activities that's in and around the Bay. We look forward to getting this new permit in place, getting the processes in place and working to a good future working with BCDC as we have this permit active in the future. With that, I will introduce Tim Andrews who is the Manager of our Water Program.

Mr. Stapelmann commented: Tim said he may not join due to technical difficulties so I can take it over. Good afternoon, BCDC staff and Commissioners. My name is Cuyler Stapelmann, I am a land and environmental planner at PG&E. I have been working with BCDC staff and PG&E stakeholders on the development of this permit for the past couple of years or so. Today is the big day and looking forward to the discussion after our presentation.

A quick overview of our agenda topics here in this presentation. We are going to go over the program need and purpose, a little bit of the background of our O&M work, the activities we are seeking to get authorized by these permits, examples of what those activities are and the activity classes that have been incorporated into this permit, an overview of the potential impacts and the special conditions that we will be implementing during our operations

and maintenance program. I realize some of this may be repetitive from the information that was just presented so I will try to streamline where possible.

PG&E's mission is to deliver clean, safe, reliable and affordable energy to our customers. This means we must routinely inspect, maintain and operate our facilities to achieve that goal. We feel that the purpose of this operations and maintenance plan is to maintain the energy transmission and distribution facilities to deliver that energy to our customers. In doing so, in maintaining safe and reliable facilities, we will be doing our part in being good stewards to the Bay environment and the resources under BCDC's jurisdiction.

PG&E has been conducting routine operations and maintenance work within BCDC's jurisdiction under permits that were initially effective in 1987. They have been extended numerous times and the current extensions expire May 31 of this year.

Under these new permits we propose to continue that operations and maintenance plan with new special conditions and notification and reporting procedures with BCDC.

This permit would authorize PG&E to perform this routine work for a period of five years with an option to renew at the end of the term.

This O&M work will be conducted under two separate permits, one for the Suisun Marsh Primary Management Area and the other permit for all other portions of BCDC's jurisdiction along the San Francisco Bay.

Again, the activities we will be performing will be similar to the activities

we have been performing under the existing permits with new special conditions.

The following maps show the locations of PG&E work that we conducted under the existing permits in 2022 and 2023 as well as the work we are planning for 2024 and 2025. I want to briefly point out some items on this legend in the following maps. BCDC's jurisdiction is shaded in a purple color. The projects from 2022 to 2025 are shown as points. One thing to keep in mind is the distinction between transmission and distribution facilities.

When PG&E talks about our facilities, there's two major categories that we think of, transmission and distribution. To understand the difference, it is really important to keep in mind that energy is not always consumed where it is produced. When we think about transmission facilities, these facilities transmit energy resources over long distances between the location where it is produced and where it is consumed. So, an electric transmission system may be higher voltage with larger poles and a gas transmission system has a larger diameter pipeline.

For distribution systems, these systems deliver energy directly to the end user, our customers. A distribution pole, electric distribution pole, are those that you are likely familiar seeing in your community or your neighborhood; and a gas distribution pipeline is generally a smaller diameter.

To give PG&E staff and Commissioners a sense of the amount of infrastructure we have in your jurisdiction I ran some numbers with our GIS

department and wanted to share those with you all today. We have over 520 miles of energized electrical conductor within your jurisdiction. Those conductors are supported by 829 towers and over 4,900 poles and similar support structures. Those 829 towers I mentioned can be accessed by over 180 miles of boardwalk in the Bay and we also have over 65 miles of natural gas pipeline.

All of these assets must be inspected, maintained and operated to ensure our facilities provide that safe, reliable energy to our customers.

The activities authorized by these permits are those that we routinely perform to meet our goals. Under this permit, these activities will be limited to the maintenance of existing facilities rather than the construction of new facilities.

The permit will categorize our operation and maintenance activities into four classes, which we will discuss in a few more slides. But I wanted to note that the permit was written with broad language, intended to cover most of our routine operations and maintenance work. However, any activity that does not fall within these activity classes or within the authorized activity definitions, PG&E will seek separate authorization from BCDC.

A majority of the activities we expect to perform under this permit are what we refer to as overhead activities, which consist of replacing or repairing equipment at the top of utility poles and towers. These activities do not require any ground disturbance or excavation on the ground that may impact

Bay resources.

Typical overhead activities may include replacing insulators and hanger plates that suspend the electrified conductors from towers and poles, as well as repairing wires, placing high voltage signs, and replacing bolts. These are the de minimis Class I activities I will mention on the next slide. We are expecting to perform approximately 500 of these overhead activities during the five-year permit term.

In addition to overhead activities, we are expecting to replace up to 25 miles of boardwalk, replace 50 poles, towers and tower foundations, and replace sections of five gas pipelines over the next five years.

The permits include four activity classes, within which PG&E will have specific review notification and reporting requirements to follow. In general, activities with less environmental risk will be reviewed and authorized more quickly than activities that have potential to impact public access or Bay resources.

Class I activities do not involve any impacts to public access or the Bay and do not involve any in-water work. These are those overhead activities I previously referred to. PG&E will be proceeding with this work at our discretion during this permit. However, we will be reporting to BCDC annually a summary of the Class I activities performed.

The second activity class is Class II; and within Class II there are two subtypes, Class II.A and II.B. Class II activities will occur in the shoreline band.

They may involve small amounts of fill and extraction. They do not involve any in-water work. The difference between II.A and II.B is Class II.A is limited to work that does not impact public access, whereas Class II.B may include temporary public access impacts.

Class III activities are the routine operations and maintenance actions that have potential to result in impacts to Bay resources including fish, wildlife and tidal marshes. However, with the special conditions required by this permit and PG&E's other programmatic maintenance permits with resources agencies, significant adverse impacts to resources will not occur from the implementation of Class III activities.

A Class III activity may include replacing the concrete footing of an existing steel transmission tower in a tidal marsh that may involve excavation or ground disturbance within the tidal marsh.

This slide is briefly summarizing the impacts that may result from PG&E's operations and maintenance activities under this permit. As Rowan previously mentioned, we do not expect any significant net increase in Bay fill. While PG&E expects to place 140 cubic yards of fill within BCDC's jurisdiction, this fill will be offset by the removal of existing fill of roughly equal amounts.

For example, if we replace a pole, we will install a new pole and remove the existing pole such that the net fill within the Bay stays roughly zero.

The permit also limits public access scenic view impacts from PG&E facilities, projects with permanent adverse impacts to Bay resources, public

access, will not be authorized by this permit.

As mentioned previously, these permits will require PG&E to employ a standard set of best management practices while performing all authorized activities. Additionally, the permit has a number of conditions that PG&E must follow to avoid or minimize impacts to resources regulated by BCDC such as fish, wildlife and tidal marsh.

Furthermore, PG&E's biologists will be reviewing maintenance work with the potential to impact biological resources to identify specific resource protection measures needed to avoid impacts to resources during work execution. These project-specific measures will be documented in a biological report sent to BCDC with the work notification package.

The last item I wanted to point out is the special conditions required by this permit are consistent with the resource agency permits PG&E has for operations and maintenance plan, including the Bay Area Habitat Conservation Plan authorized by the US Fish and Wildlife Service, our Bay Area Incidental Take Permit from California Department of Fish and Wildlife, as well as our operations and maintenance permits for performing in-water work from the US Army Corps and Regional Water Quality Control Board.

With that said, that is the end of the presentation we have so I will turn it back to BCDC for questions and discussion. Thank you.

Chair Wasserman announced: I will open the public hearing.

Sierra, do we have any questions from the public, or comments from the

public?

Ms. Peterson noted: No hands raised in-person or on Zoom.

Chair Wasserman continued: We do have two Commissioner hands raised. Commissioner Eklund.

Commissioner Eklund was recognized: Thank you very much, Chair. My question is that you indicated that there would not be any adverse impacts on public views or whatever, but are there any opportunities where we can improve the public access and views by making some changes? That is my first question.

My second question is, you showed a picture of the towers, these big towers. Are there any of the big towers that are going to be replaced? If you could clarify that, thank you.

Mr. Wilcox explained: Maybe I could address the towers. Yes, we do have towers that are going to be replaced. We are going to provide a plan over the next five years to BCDC of those towers that will be replaced and going through that. That is the big driver for renewing this permit. Those towers are sitting in saltwater, they get beat up pretty bad and they need to be replaced every now and then.

Regards to the other one about improvement. We are doing things of pruning or aligning some boardwalks to better locations that make less impact that is out there. This is really, though, at the heart of it, an O&M to handle the equipment and the facilities that are already currently in place; so we

would not really be doing a lot of changing. That would trigger other things like a new right-of-way, access, other permits that would be needed above and beyond of just fixing the assets that are currently in their location.

Commissioner Eklund sought clarification: Okay. Clarification on those metal towers. You said that they would be replaced. You said that was going to be a separate permit application to BCDC. Was that correct?

Mr. Wilcox answered: No, that is not a separate permit. There would be a report. We are providing in the reporting to BCDC. That was created under this new permit.

Commissioner Eklund continued: So then also are you going to be coordinating with cities and counties on getting a permit? Because I just had an experience recently that PG&E was going to be working on a particular telephone pole but then apparently, they forgot to get a permit. Do you have like a double-check to make sure that permits are applied for and received before work is actually initiated or letters go out to folks?

Mr. Wilcox replied: Yes, that is part of our whole permanent planning process. It is just cities and counties, we have feds, we have other state agencies. There is a huge overlay that is there.

Now, the good thing, we do have processes, we do have programmatic that are in place, as Cuyler pointed to, with the feds and the state that require the same type of reporting or, in this case, best management practices or avoidance measures that we put in place as well. So that is there.

And then there is a whole check process that goes through our Environmental Planning Group to take care of things as far as the cities and counties. That is actually a different group, it is called EPWC, but they handle, in this case, if you have to get a permit to shut down a roadway or something like that from the city and county, encroachment type permits and things like that. They work on that as well.

Commissioner Eklund acknowledged: I totally understand that because I worked for the Army Corps of Engineers and the US Environmental Protection Agency for 43 years, so I definitely understand all that. But anyway, thank you very much for answering my questions.

Mr. Wilcox replied: Absolutely.

Mr. Yelton stated: And just to add a little bit to the questions about the electrical towers. The permit restricts the activities to projects that would not require any additional compensatory mitigation.

When PG&E would propose something large and impactful like a tower replacement, our staff would use the activity review process, which is a special condition of the permit, to assess whether that activity is consistent with the permit authorization and special conditions and whether the special conditions are sufficient to prevent permanent adverse impacts that would require compensatory mitigation. There might be some cases where a specific tower replacement project would require an individual permit.

However, there are some cases where PG&E, I believe, is planning on

replacing towers in different locations and this would be allowed under this permit when the relocation of the tower would move the tower out of BCDC jurisdiction entirely, would move the tower from the Bay jurisdiction into the shoreline band, or the movement would result in significantly less Bay fill, or significantly improved public access or views, and the relocation would not have significantly greater adverse environmental impacts compared to replacing the tower in the same place.

Commissioner Eklund acknowledged: Thank you very much for clarifying that, that was one of my concerns that I had. Thank you very much.

Commissioner Nelson was yielded the floor: Two questions. The first is it sounds as though there are a couple of ways in which this permit could produce public or environmental benefits. Relocating the towers, as Rowan just mentioned, potentially outside of our Bay jurisdiction and either to our shoreline band or upland jurisdictions; and a reduction in Bay fill from consolidating and removing boardwalks.

Given that there are 25 miles of boardwalks to be replaced, that is a pretty significant number. So, I am just asking if the reporting process in this permit will help us understand those benefits over time, if there are indeed those kinds of significant benefits and the scale of operations over the length of this permit. Is the reporting going to allow us to detect those benefits?

Mr. Yelton responded: Yes. For all of the larger projects that require the reviews in the Class II or Class III such as the replacement of structures,

removal or replacement of boardwalks, that kind of thing. The annual reports would be required to report on those projects both narratively and with raw data of things like what the net fill difference was so that our staff can review how this program is going and see if there are unexpected benefits or things that we would want to change the next time the permit comes up for renewal.

Commissioner Nelson continued: Okay. Second question. This is an O&M permit. If this were a capital permit of this size and scale and scope, I am certain that we would be requiring significant public access given our requirement to provide maximum public access consistent with the project. But this is an O&M permit, not a capital requirement. So can you help us understand, given the size of this permit, how staff has thought about public access.

We do not want to double dip. If there were requirements for public access regarding some of these projects when they were originally constructed, then we do not want to double dip. But at the same time, I also want to make sure that we are appropriately thinking about public access requirements for a big, long-term O&M project.

Mr. Yelton stated: Yes. As we were going through the application process, we seriously considered whether this program would require public access improvements. The fact is that the program would only involve activities on existing structures, it would not involve any increases in use or significant changes in uses and there would not be any permanent public access

impacts. Staff determined that there was not an appropriate nexus to require public access improvements.

Commissioner Nelson asked: Are there other examples of long-term O&M permits like this that similarly do not have public access requirements?

Mr. Yelton explained: Yes, we have several long-term O&M permits with different public agencies, Caltrans, Santa Clara Valley Water, East Bay Park District, Cargill, there a lot of them. I do not believe that any of them have public access improvements required.

Mr. Goldbeck stated: The permit focuses on public access; a lot of the focus is actually on avoiding impacts to public access during these kinds of work that PG&E needs to do to keep the electricity and the gas flowing. That is really what the permit provides for is making sure there are not any significant long-term impacts to existing public access with the projects.

We definitely were thinking about public access to the project, but it was more in that light. You also have to realize that most of these things are very small, like replacing resistors or things like that, that are really fairly nominal.

Commissioner Kishimoto was recognized: Yes, thank you. My question is about maybe the larger projects. Can you talk a little bit about the staging areas that might be required? I guess there is some discussion of that there. You talk about boardwalks, but what kind of heavy equipment do you potentially need for the work on the larger towers and how many large staging areas do you anticipate having to build and potentially mitigate for?

Mr. Stapelmann replied: Thank you for your question. I can jump in here. A lot of our electric transmission towers are in the Bay, they do have boardwalk access. But we perform a lot of work on those towers, especially at the tops of those towers, by helicopter. There's lots of restrictions on where we can safely fly suspended loads between distances. We cannot cross public roads without traffic control. So, we try to locate those helicopter landing zones as close to the work locations as possible. It is a safety issue for our workers as well as the public.

I cannot really speak to the volume of those landing zones that may be required per year, but generally they are located on existing paved surfaces, lots, disturbed areas. They are really just to maybe stage a couple of poles and insulators and fly them out to the work locations.

In the case of a larger tower project there could be additional temporary construction easements or work areas outside of our right of way that would need a temporary land right from a property owner. Those would generally be located immediately in the vicinity of the tower due to a tower in a tidal marsh. Those work areas would be as small as possible to reduce impacts. If we can access by barge, oftentimes we will have equipment on barges and float them right up to the towers. But in rare occasions we will need to place matting and use some heavy equipment on that mat within a tidal marsh setting. Hope that answers your question. I do not know if you have any follow-ups.

Commissioner Kishimoto acknowledged: Yes, that helps, so either

helicopter or barge. Because I could not imagine you could bring very heavy equipment along the boardwalk.

Mr. Stapelmann replied: Sure, yes.

Commissioner Kishimoto acknowledged: Okay, thank you.

Mr. Yelton added: To add just a little bit more to that answer. The permits would also include a special condition requiring the restoration of temporary impacts to tidal marsh if they are expected in a project. And these activities that are authorized by this permit will be limited to those that PG&E expects to be able to be passively restored within two years. Some of the larger tower replacements that would require more vegetation clearing, more matting, those might be kicked out of this permit and require an individual permit if the restoration would be expected to take longer or there would be permanent impacts.

Commissioner Gunther spoke: Just a quick question. Mr. Stapelmann, thank you for all of the detail in your presentation. Can you describe how you are considering as you repair and upgrade facilities, I assume you are thinking also about the future in which these facilities will need to be operating. Can you just say a little bit about that and whether as you are working in the area around the Bay whether there are possibilities of multi-benefit kind of work that you can do. Because I know you do not go out to these sites really that often.

Mr. Wilcox answered: We do have a team that is looking at sea level

rise, especially the impact. We have substations that are close, I am thinking Ravenswood in particular, things like that that are triggered for sea level rise.

We are also spending a lot of time on whether towers need to be raised to address that. Those issues that occur. We have a big team, and they are definitely spending some time reviewing that. That is some of the project work they are going to see is protecting for sea level rise. Those are some of those projects that are going to be coming through right now.

I think on your question about a multi-benefit. I think that is going to go on each project and what we can do. We work closely with the Joint Venture, we work closely with a lot of the groups and seeing what we can do to work together.

We have these other programmatics, I think we mentioned before, and those trigger a lot of the mitigation that is out there for the Fish and Wildlife Service and CDFW. We are working with them to create large-scale, landscape-scale mitigation projects, as opposed to the postage stamp stuff that was done before historically.

I think those are the things that we can work with the Joint Venture, we can work with both the feds and the state agencies, land agencies, to create benefits and restoration opportunities. We are working with a mitigation bank developer where we are actually switching the easement to an aerial easement that we would never put anything down. That way it protects the benefits of that mitigation bank. And that is at Don Edwards Refuge right now that we are

working on. Those are things are coming up that I think there's some multi-beneficial aspects.

But sea level rise, I can tell you, is very high in our mind. We do have a lot of assets that are right in the midst of being impacted.

Commissioner Gunther continued: Well, that is what I figured, and I just wanted to make sure that once you are out there touching these facilities, that all the capital we invest in this community now needs to be done in that manner. So that is great. Thank you very much.

Commissioner Moulton-Peters was recognized: I just had a quick follow-up question for Jon. You referred to something called a Joint Venture, Jon, and I was curious what that was with regard to the mitigation projects that you would do.

Mr. Wilcox explained: Yes. It is the San Francisco Bay Joint Venture that we are part of, we sit on that board as well. It is the Bay Area Joint Venture Program. We are exploring with them opportunities of restoration that exist out there currently and the way we can leverage.

For example, we have a property called Antioch Dunes that was part of the Refuge. We donated that back to the Refuge two years ago, so it is a big expansion. So, what we can do as far as working together on that side. There's benefits both off the compensatory mitigation side, but it is also benefits of what we are going to do and what we can put into a refuge-type situation or restoration that's out there. Those are the things that we are looking at.

Chair Wasserman noted: I do not see any other hands raised. I would entertain a motion to close the public hearing.

MOTION: Commissioner Eklund moved to close the public hearing for Items 8 and 9, seconded by Commissioner Moulton-Peters. The motion carried by a voice vote with no abstentions or objections.

Mr. Yelton read the following into the record: The staff recommends approval with conditions of the proposed permit application Number 2023.002.00 for the five-year program for the operations and maintenance of electrical and gas transmission and distribution facilities throughout the Bay Area.

The permit would include special conditions requiring activity proposal for staff review including annual reporting; habitat and species protection, including the restoration of temporary disturbances to tidal marshes, compliance with appropriate environmental work windows, and compliance with other agency programmatic permits and individual permits; and a condition requiring avoidance and mitigation for temporary impacts to public access.

The staff believes that the project is consistent with the requirements of the McAteer-Petris Act and the San Francisco Bay Plan.

Executive Director Goldzband stated: May I add something, Rowan, which is this recommendation is for Item 8, not Item 9, simply for Item 8. Is that correct?

Commissioner Eklund interjected: Right, Number 9 is different.

Executive Director Goldzband acknowledged: Thank you.

MOTION: Commissioner Eklund moved approval of the Staff Recommendation, seconded by Commissioner Gorin.

Chair Wasserman stated: I assume the Applicant accepts the conditions, but I would like to hear affirmation.

Mr. Wilcox stated: We do. Thank you.

Chair Wasserman acknowledged: Thank you very much.

Commissioner Eklund added: Zack, I would like to thank staff for their thoroughness in developing those conditions.

As someone who was in charge of the NPDES permitting program for EPA for many years, I know writing these permits is not something that is easy. I also wanted to thank PG&E for agreeing to try to not only maintain what you have got but try to improve the current public access and visual aspect of it as well. This is the time when we should be doing that. So, I wanted to make those two comments very much.

VOTE: The motion carried with a vote of 14-0-1 with Commissioners Addiego, Ahn, Eklund, Gilmore, Gorin, Gunther, Lefkovits, Kimball, Kishimoto, Moulton-Peters, Nelson, Pine, Randolph and Chair Wasserman voting, “YES”, no “NO” votes, and Commissioner Pemberton voting “ABSTAIN”.

Chair Wasserman: The motion passes. Thank you.

9. Public Hearing and Possible Vote on PG&E Programmatic Operations and

Maintenance Permit 2023.003md. Chair Wasserman stated: I would now ask for the Staff Recommendation on Item 9.

Mr. Yelton read the following into the record: The staff recommends approval with conditions of the proposed permit application Number 2023.003.00MD for the five- year program of operation and maintenance of electrical and gas transmission distribution facilities throughout the Primary Management Area of the Suisun Marsh.

The permit would include the same special conditions as 2023.002.

The staff believes that the project is consistent with the requirements of the McAteer-Petris Act, the San Francisco Bay Plan, Suisun Marsh Protection Act, Suisun Marsh Preservation Act, and the Suisun Marsh Protection Plan.

Chair Wasserman asked: Is there a motion to approve the Staff Recommendation on Item 9?

MOTION: Commissioner Pine moved approval of the Staff Recommendation, seconded by Commissioner Eklund.

VOTE: The motion carried with a vote of 15-0-1 with Commissioners Addiego, Ahn, Eklund, Gilmore, Gorin, Gunther, Lefkovits, Kimball, Kishimoto, Moulton-Peters, Nelson, Pine, Randolph, Zepeda and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Pemberton voting "ABSTAIN".

Chair Wasserman announced: The motion passes. I thank you all, as has been stated, for your work. We look forward to this going smoothly. Thank you.

10. Public Hearing and Possible Vote on 505 East Bayshore Road

Permit Application. Chair Wasserman stated: That brings us to item 10, a public hearing and possible vote on an application from Regis Homes Bay Area, LLC, to redevelop an approximately 2.54-acre industrial parcel with a new residential project consisting of 56 for-sale townhouses, as well as shoreline public access and open space areas within the Bay and 100-foot shoreline band at 505 East Bayshore Road in Redwood City.

Katharine Pan, BCDC's Shoreline Development Permits Manager, will make the presentation and introduce the Applicants' speakers.

Shoreline Development Permits Manager Pan addressed the Commission: Thank you, Chair Wasserman. Good afternoon, Commissioners. I am Katherine Pan, the Shoreline Development Program Manager at BCDC. I will be providing a brief summary of this next application, Number 2023.005, for a residential development at 505 East Bayshore Road in Redwood City in San Mateo County.

Following that I will introduce the Applicants, Regis Homes, who will share further details of their project with you. The Application Summary for this project was mailed to you on April 5, 2024, and the Staff Recommendation followed on May 10, 2024.

To orient you, the project is located in Redwood City in San Mateo County. Nearby landmarks include the Bair Island Ecological Reserve and Smith Slough to the north and the Port of Redwood City and Cargill's Redwood City Salt Plant to the east. The Bair Island Ecological Reserve is part of a San

Francisco Bay Plan designated Wildlife Priority Use Area, but the project site itself is not part of any priority use areas.

The project site is approximately 2.5 acres in size, situated just off the Whipple Avenue overpass off of Highway 101. Previous use of the site was for a metal recycling and supply operation dating back to 1963. There are no existing BCDC permits on the site. Directly to the south is the former Toyota 101 Dealership, and to the east is 557 East Bayshore Road, currently a vacant movie theater complex that is in the process of being redeveloped into a mixed-use residential and commercial development with nearly 500 residential units. The permit for that neighboring development was approved by the Commission in June of last year.

There are a number of notable features at the north of the site that we frequently reference in the Staff Recommendation. Immediately to the north is a tidally- influenced ditch with muted tidal marsh habitat, which is part of the Commission's Bay jurisdiction. North of that is a paved trail and levee on PG&E-owned property, which we call the Levee Trail in the Staff Recommendation, and north of that is what we refer to as the Unnamed Slough, which is a tributary of Smith Slough. North of that is the Bair Island Bay Trail segment.

The tidal ditch is characterized as having muted tidal marsh habitat of limited quality due to its size and isolation, though it does provide suitable habitat for salt marsh harvest mouse and salt marsh wandering shrew, which

are a special status species. The Unnamed Slough and the Bair Island Ecological Reserve to the north are both biologically rich areas and provide habitat for a variety of special status species.

Here are just some images of the project site taken from the Levee Trail, showing the tidal ditch at high and low tides.

Regis Homes Bay Area, LLC, is proposing to remediate and redevelop the property at 505 East Bayshore Road with a new residential townhome project consisting of 56 total units, including 8 moderately affordable units, as well as shoreline public access and open space areas. Approximately 1.39 acres of the project would be within the Commission's Bay and shoreline band jurisdictions, including three of the townhome buildings and a public access area and shoreline trail.

Due to the presence of tidal marsh and a ditch, the Bay shoreline in this area is considered the upland edge of marsh vegetation up to five feet above mean sea level. In this diagram you can see that in red, it might be a little thin.

The project will involve 645 square feet of new Bay fill consisting entirely of small portions of the new public shoreline trail and overlooks that will be cantilevered over the ditch from a retaining wall situated into the shoreline band. It may be a little hard to see here but the green areas are the parts where the cantilevering crosses over into Bay jurisdiction, accompanied by some of the Applicants' renderings. The remainder of the project site located

in the Bay jurisdiction will remain undeveloped and be dedicated as open space to maintain a visual connection to Bair Island.

Within the shoreline band, the project will include site preparation work that involves removing all existing site features, remediating PCB-contaminated soils, and raising site elevations approximately 5 to 7 feet above existing grade to a finished grade of approximately 13 feet. Additionally, the project will include a new 550-foot-long retaining wall along the ditch, three three-story residential buildings with 20 townhome units and associated circulation areas, and approximately 16,560 square feet of the project's public access improvements, including improvements taking place offsite on publicly-owned property.

The project will provide approximately 18,800 square feet of dedicated or publicly-owned public access in an area where public access does not currently exist. This includes approximately 14,250 square feet of new dedicated public access in the Bay and shoreline band and 180 square feet of dedicated public access outside the Commission's jurisdiction.

Improvements in the dedicated public access area will include a new 10-foot-wide concrete path with 2-foot shoulders on each side that will connect the roadway to planned improvements at 557 East Bayshore, overlooks and an observation deck cantilevered over the tidal ditch with views toward Bair Island, and a portion of a plaza at the trail entrance.

The Applicants plan to work with the permittees of the 557 East Bayshore

site next door to connect the trail to facilities on that side as they are built.

In addition, the project will provide 4,550 total square feet of public access improvements within rights-of-way owned by Caltrans and the city of Redwood City, including the rest of the new trail and plaza, a new sidewalk connection to the Bair Island Trailhead, and a new sidewalk along East Bayshore Road leading to five new public shore parking spaces in the city right-of-way.

The site's past industrial use resulted in PCB contamination in the soil and sediment on site and in the tidal ditch. The Regional Water Quality Control Board, or Water Board, is overseeing cleanup of this contamination, which is being conducted through two separate but related mediation projects.

This project will include remediation of the on-site area shown here in purple, or blue. This work will be based on a site cleanup plan developed under the oversight of the Water Board and will involve construction of the retaining wall, excavating contaminated soil around planned utility lines, grading, and capping contaminated soil under a geotextile layer and importing clean soils.

In addition, another project is being proposed by a different applicant to remediate the yellow site bank and orange offsite areas below the retaining wall and in the ditch. Both remediation projects will be completed prior to the construction of any of the housing or public access components of the project and the site bank area will become dedicated open space.

The project site is subject to coastal fluvial and groundwater flood hazards. The project will elevate the entire site 5 to 7 feet above existing grade to a finished grade of about 13 feet NAVD 88, except for the northwest corner portion of the public access where elevations will decrease to around 11 feet to conform to existing grades in the Caltrans right-of-way.

By 2050, the 100-year storm tide level at the project site is projected to rise to 12.69 feet NAVD 88 from current levels of 10.69 feet, based on the High Emissions/Medium-High Risk scenario provided by the Ocean Protection Council's 2018 State's Sea Level Rise Guidance.

The figure on this slide from BCDC's Bay Area Flood Explorer shows roughly what that would look like at the project site if it were to remain as it is today. At the proposed elevations, most of the project and public access area will be resilient to flooding from the 100-year storm tide in 2050 under the Medium-High Risk/High Emission scenario, with the exception of those improvements in the northwest part of the site.

However, the 100-year storm tide is projected to reach 13.6 feet by 2060 and 14.5 feet by 2070, meaning that the public access area and private areas of the site would be at risk of frequent flooding before end of century.

Additionally, rising groundwater levels will have the potential to compromise the project storm drains by 2050 and are projected to be at or above ground level by 2100. By end of century, the 100-year storm tide is projected to reach 17.69 feet and this slide shows roughly what that will look

like, again based on current conditions. And you will notice that nearly all of the surrounding area would also be facing impacts by this time.

The Applicants contemplated adaptation strategies during the design phase, including raising the edge of the retaining wall and elevating the multi-use trail, but have not committed to a single adaptation strategy at this time.

Instead, the Applicant has agreed to monitor the site and engage in an adaptation planning process that will begin by 2050 or at any early stages or at any early signs of flooding to reassess site conditions using the best available science at the time and develop and implement appropriate adaptation measures to avoid impact on the public access area.

Because the project involves for-sale townhomes, and we expect the permit to be taken over by a homeowners' association or a similar entity, staff's recommendation is to require notice to buyers that clearly indicates the responsibilities of the permittee to maintain and adapt the required public access area for the life of the project. A recommendation for the contents of that notice is included in Appendix C of the Staff Recommendation.

According to the Commission's community vulnerability mapping tool, the project site is located within a block group identified as having low social vulnerability. Given the industrial and commercial nature of the surrounding development and the nearby open space, much of this immediate area shows up as having low social vulnerability.

On the other hand, it is also identified as having the highest

contamination vulnerability, which is associated with nearby hazardous cleanup activities, groundwater threats, hazardous waste facilities, solid waste facilities and impaired water bodies.

During the development of the project design, the Applicant conducted outreach to community groups to identify any environmental or social equity concerns.

Issues identified through outreach included a desire for more affordable housing in the community and improved shoreline access through trail connections and parking.

To address these issues, the Applicant is proposing to make offsite public access improvements, including an improved sidewalk connection to the Bair Island Trailhead, and a new multi-modal sidewalk segment along East Bayshore Road, and those five designated public-shore parking spaces.

In addition, the project has been designed to include eight below-market-rate units that will be affordable to households making up to 120% of the area median income, which is approximately \$210,000 for a family of four.

The relevant policy issues raised by the project include whether proposed public access is the maximum feasible consistent with the project and whether it is otherwise consistent with the McAteer-Petris Act and the Bay Plan in terms of Bay fill, appearance, design and scenic views, water quality, mitigation, fish, aquatic organisms, and wildlife, climate change, and environmental justice and social equity.

With that, I would like to introduce Chris DeHaan, Vice President for Development at Sares Regis Homes Bay Area to present the proposal in greater detail.

Executive Director Goldzband stated: Before he comes on, I want to remind folks that we are close to a quorum, so please, we need you to stay. Thank you very much.

Mr. DeHaan presented the following: Good afternoon, Commissioners. As Katharine said, I am Chris DeHaan with Regis Homes. I am joined today by Jeff Smith on Zoom, also with Regis Homes, and our full design team to answer questions later on.

Regis Homes is a local home builder and developer based in San Mateo. We have been in business for more than 30 years. We have had a long track record delivering new housing throughout the Bay Area and here in Redwood City, including the three projects you see on the screen before you. So, we are really excited about this project.

I am here today to tell you a little bit more about our new housing proposal at 505 East Bayshore Road. Before I do, I would like to start just by thanking BCDC staff who helped us get here today, including Katharine, Yuri, Jessica, Tony, Andrea, Ethan and so many more. It has been a huge team so thank you all.

So, 505 East Bayshore, again, is a small but important housing proposal that I part of a broader transformation of the Bair Island neighborhood that

started with the City's General Plan Update back in 2010.

Bair Island was envisioned as a mixed-use waterfront neighborhood consisting primarily of housing with a mix of other uses. As you can see from this aerial, that transformation is well underway with the development of other communities like Blue Harbor, The Villas, One Marina and of course, most recently the approval of the 480-unit project next door at 557 East Bayshore Road. We are just kind of a piece of that big transformation.

Our project site really is the gateway to the neighborhood. It is the first site that you see when you get off at Whipple and you come on to Bayshore Road. The site is walkable to downtown and of course has direct access to incredible outdoor resources including the Bair Island Wildlife Refuge and the Bay Trail system. So, a really pivotal site.

This is what it looks like today. As you can see there's no trees, there's no curb appeal of any kind, really. The buildings are aging, there is an environmental problem. So, it really is time to do something new at the site. Even more importantly, it is lacking basic public access and safety measures like a sidewalk, street trees, parking, nothing of the kind.

Today, we have a real opportunity to transform this site. Not only can we build new housing, we can also beautify the entrance to the neighborhood, we can create new public access to the Bayfront, and add much needed safety features to this key gateway site.

Before you is the final site plan that was approved by the City last year

that Katharine joined. I just want to fill in a few gaps here. At just over 2.5 acres this is a pretty small site in the grand scheme of things. We are excited at the opportunity to turn it into 56 new homes, including the 8 affordable homes that Katharine mentioned. We talked about the ditch and the levee trail so I will not go through that.

I wanted to mention a few other features of the site design. You can see that we have broken up the homes into nine different buildings across the site just to avoid creating too much mass.

We have these, we call them *paseos* running through the site to enhance the views, to create view corridors, enhance connection through to the Bay. We maximize landscaping across the site, you can see that here, and included a modest private outdoor amenity space for residents in the lower righthand corner, but really tried to make most of this as public as possible.

I will share a little bit about the architecture next. As you can see, the homes are all three stories tall. The architecture is contemporary and interesting with a mix of materials. There is private outdoor space on all three levels of the homes, primarily above grade. That was intentional because we wanted the public space along the trail to feel public, so we elevated the private outdoor spaces.

Here is a view of that new trail, with the ditch in the foreground and of course the Bay and the wildlife refuge in the background.

We are proud to offer a full 14-foot with Bay Trail section here that

consists of a 10-foot center walkway with two-foot shoulders on either side for multi-modal use. And of course, as Katharine mentioned, the design includes some cantilevered overlooks, we call them nodes, with informational signage, with benches, to enhance the public enjoyment and use of the new trail.

Here we have a view of one of the paseos running through the site. Again, you can see the emphasis on creating views and connection through to the Bay. I also wanted to point out you can see some of the private outdoor spaces here delineated with landscaping and not fences or anything of that kind, really trying to create an open experience.

In addition to helping address the housing shortage, this project offers a number of different community benefits including the affordable housing that we talked about. I just wanted to point out that is 15% of the overall homes at the moderate-income level. That was an increase from our original requirement of 10%.

The new public access and open space easements together are over 20,000 square feet, which is more than 18% of our site area, not including the offsite improvements that I will talk about next.

We are excited to offer significant bike and pedestrian improvements, adaptation for sea level rise and so much more that I will outline in the coming slides.

And then of course, new development will bring significant development and infrastructure fees and enhance property tax revenue to the City to further

support improvements in the area.

I wanted to quickly emphasize that these are for-sale homes, which is going to help the City meet its goal of increasing the ownership housing stock. As some as you may know, there has been a lot of development in Redwood City, the lion's share of which is all apartment homes. So, this is a badly needed sort of underserved segment of the market. Those affordable units will also be offered for sale, which is fairly rare.

At the moderate-income level, the BMRs are perfect for teachers, first responders and other essential members of the community. For the market rate homes at this size and price point, townhomes really are perfect for first-time homebuyers, the most underserved segment of the market.

I wanted to just focus a little bit more on the trail and how we designed it. With the goal of maximizing public access while minimizing any potential impacts to the Bay, early on in our design process we engaged Huffman-Broadway to complete a biological study to look at the ditch and the tidal vegetation in it. Then we completed a jurisdictional determination with the Army Corps.

Based on that jurisdictional determination, we reconfigured our site plan, losing some units, and shifted our plan back to stay out of the Bay. So, we have been very careful to understand where the ditch is, where the Bay is, and design everything around that rather than pushing into it.

Then working with BCDC staff we added a slight cantilever along the trail

to achieve that full 14-width Bay Trail section while trying to avoid any physical impacts into the ditch.

We are, of course, all aware of the risk that sea level rise poses to the community, and we are committed to doing our part to prepare the community for future conditions.

Our project includes a new seawall along the ditch to help us build up the site, enabling us to add new public access while maintaining a feasible unit count. The seawall was really pivotal to our site plan design here, just given the small size of the site. This plan enables us, as Katharine said, to raise the site up between 5 and 7 feet across the site, providing protection to the 2100 mean high high-water line and adaptable to the 100-year flood elevations if needed in the future.

I wanted to quickly clarify the context for the site as well. Beyond the drainage ditch that we talked about, the PG&E levee and the slough, sits Bair Island and the Wildlife Refuge. As Katharine pointed out, there is an existing Bay Trail segment in this area that is shown in green here. In blue I wanted to point out the other public access walkways, like the PG&E levee trail and the walkways from all the other new developments in the area. And then in yellow you can see the new trail segments from our project site and 557 East Bayshore Road combined here. So, just wanted to point out that they are additive to an existing network of public access in the area.

Speaking of context, I wanted to quickly zoom in on an existing flaw and

a pretty serious one about this network of public access. This is a view of the intersection at Whipple Road and Bayshore in front of our site where the existing Bay Trail trailhead is located. As things stand today, as you can see, the intersection is incomplete and unsafe. There is no sidewalk, there is no parking, there is no safe pedestrian access at all to the Bay Trail trailhead or the bike path. Then there is what I like to call the crosswalk to nowhere, which dead ends into a chain link fence. Today, in addition to building much needed new housing, we have an opportunity to fix this problem.

Our proposal includes going beyond our property line with significant offsite improvements to create a safer connection to the trail system, including a new sidewalk with raised landscape planters to provide enhanced pedestrian protection. This junction creates an opportunity for a new trailhead, we are calling it a plaza, with seating elements, a drinking fountain, signage, and a micro-mobility station for the City's bike share and/or scooter share program. And then of course, we get to complete the crosswalk to nowhere.

As many of the Commissioners may recall, the 557 East Bayshore Road site was approved with a nice package of public access amenities. However, they are completely orphaned and inaccessible by the public without traversing through their site from Bayshore Road. We are happy to offer a solution to this problem as well, providing a direct connection from their site through ours to the trailhead, creating a continuous pathway.

We are also proud of how sustainable this project will be. These homes

will be all electric, which means no natural gas plumbed to the property. Or as I like to say, there's no tailpipes with these homes. They will all also have solar PV panels installed as well as EV charging outlets. Part of all-electric construction includes heat pump water heating, which is really the next technology you are going to be hearing a lot about in the fight against climate change, purple plumbing for irrigation recycled water, and so much more.

As all of us in the industry know, it can be quite a journey to get new housing approved. I will not go through this in detail, but I just wanted to mention that we are really excited to be here today. I wanted to mention we were approved by the City about a year ago. Prior to that we went through four rounds of design review, two with the City and two with BCDC. We completed a full Environmental Impact Report and conducted extensive community outreach. And we are asking for your approval this afternoon.

Speaking of community outreach, part of our process at Regis Homes is to meet with as many of the stakeholders as possible, including the neighbors but also folks in the City more broadly and in the Bay Area. Not only did we meet with groups that support housing, we also tried to meet with as many groups as we can that may see the world differently than we do.

This is a partial list of the groups that I met with over the years. I wanted to mention that we are really proud to have the support of the Bair Island Neighborhood Association, sort of the local booster, if you will.

I also wanted to mention that we sat down with the Citizens Committee

to Complete the Refuge and the Sierra Club to hear out their concerns. We did make a few changes in response to those meetings, the best we could, while of course keeping a feasible project.

With that, we are proud to have the endorsements of these fine groups here. Thank you for your time this afternoon. I will open the floor to questions.

Chair Wasserman announced: We will now open the public hearing. Do we have public speakers?

Ms. Peterson stated: Currently three hands raised virtually and none in-person.

Chair Wasserman requested: Let's call them.

Louis Mirante spoke: Hello, Mr. Chair and Members. My name is Louis Mirante. You nailed my last name like an Olympic gymnast, so congratulations, thank you.

I am here today in proud support of this project on behalf of the Bay Area Council. The Bay Area Council represents about 350 of the region's largest employers. We work on public policy in a variety of areas, including housing policy, all with the goal of making the Bay Area the best place in the country to live and work.

The housing crisis that the Bay Area faces is, as you know, obviously, one of the most immense challenges that our employers and our residents in this region face today. And so, we are proud today to be a part of helping support

this project, which is a small but mighty contribution to reducing the intensity of that crisis.

We reviewed this. Our Project Endorsement Committee reviewed this project and unanimously voted to support it, in part because the project aligns with our goals of expanding affordable homeownership options in a job market that so clearly needs them. And because the public benefits and resiliency efforts that the project undertook go above and beyond, in our opinion, in terms of contributing value to the public.

So, when looking at this project, I hope that you see it is not just a housing project but also one that improves the region's resiliency, however slightly, and is part of the bigger picture that we need to meet to get to our climate goals and to make sure that our region can adapt to and be resilient to climate change.

With that, I am happy to answer any questions you have about our support letter, which I believe was transmitted to you yesterday. And otherwise urge your support for this sterling project. Thank you.

Gita Dev addressed the Commission: I am Gita Dev. I am with the Sierra Club, Bay Alive Campaign. I am very appreciative of the work that Regis Homes does, and I appreciate a lot of the projects they have done.

However, I want to make it very clear that Sierra Club did not meet with Regis Homes on this project, they did reach out and we declined. I also would like to note that Citizens Committee to Complete the Refuge is very adamantly

opposed to this project. Also, a lot of the community benefits, some of those are not benefits, some of those are required fees.

So given that, what I would like to point out is, I assume that all you Commissioners realize that the front row of townhomes that are shown in the site plan are all within the BCDC 100-foot setback band. And given sea level rise, you can see that we really need those 100 feet. You can see that the project next to it is respecting that 100-foot setback with its homes.

I would also point out that this segment of what they are calling the Bay Trail is really an isolated segment that is really for the enjoyment, presumably, of the people who live in those homes in these two developments because there is no connection back to the blue line, which is used as a public trail, and I am very familiar with it.

I do accept all of the points about how difficult the connection is to Bair Island at the Whipple Road. However, I really think this would be the wrong time to encroach, to allow encroachments into this 100-foot setback band. One Shoreline, as you all know, came before us, and said that it is their policy to try to maintain a 100-foot setback in order to allow for the Bay to stay alive, to not have sea walls right up against the Bay. And you can tell, if you have had anything to do with construction, that doing construction into the Bay, into that slough, into the ditch which has endangered species, you are going to have to close off that ditch in order to be able to drain it in order to be able to do all that stuff underground.

So, I would also say one other thing. Affordable housing. This is not the place to put affordable housing. They are going to get hit up with a lot of costs when the sea levels rise. In 2050, the storm drains are going to have to be redone. This is not the place to locate housing or particularly affordable housing. Thank you.

Ken Chan commented: Good afternoon, members of the San Francisco Bay Conservation and Development Commission. My name is Ken Chan, and I am the Senior Organizer with the Housing Leadership Council (HLC) of San Mateo County. We work with communities and their leaders to produce and preserve quality affordable homes.

I first would like to extend our appreciation to staff for their hard work on today's presentation and report.

On behalf of HLC, and as stated in our letter, I would like to express our support for the 505 East Bayshore townhome project by Regis Homes Bay Area. As you all may already know, creating ownership affordable homes in our state is extremely difficult because of the lack of available funding.

The proposal before you today is a really good example of how one of your cities can help accommodate the creation of these 100% affordable homes for ownership through mixed-use development. This is why we support the 8 affordable, two- to four-bedroom and 48 market rate for-sale homes that the growing families in the city of Redwood City desperately need.

More importantly, 8 of our lower income families will finally get the

stability that they need to thrive in their community, where they will no longer need to worry about finding access to quality affordable homes and also be able to finally live near their places of work.

This reduces the stress on the Bay Area's existing infrastructure and decreases both their and your time on the road, leaving more time for health, family and community. Thank you for your continued leadership and we urge you to approve the 505 East Bayshore townhome proposal. Thank you so much.

Ms. Peterson noted: Thank you. Chair Wasserman, there is no more public comment.

Chair Wasserman stated: I would entertain a motion to close the public hearing.

MOTION: Commissioner Eklund moved to close the public hearing, seconded by Commissioner Nelson. The motion carried by a voice vote with no abstentions or objections.

Chair Wasserman continued: Commissioner questions and comments?

Commissioner Kishimoto was recognized: I was just going to ask if either staff or the applicant would like to comment on the 100-foot setback and just give us a little bit more context about that.

Mr. DeHaan fielded this inquiry: Happy to. Hopefully you can hear me. Katharine, I actually thought that slide 14 was really helpful for this subject and I am happy to comment on that. The short answer is, this is a really small site. Putting a 100-foot setback through it would make this undevelopable, and

that is just the fact.

We have been working with staff for many years to try and maximize the amount of public access that we can offer through the site, understanding that we cannot get to that full 100 feet.

I would also mention, look at the other developments in the area, if we can get the slide up here. If you look at The Villas, Blue Harbor, One Marina, none of them have a 100-foot setback. In fact, some of those developments have a very similar seawall with a much smaller sidewalk.

As I mentioned, our trail section is 14-feet plus the landscaping setback here. I went out to Blue Harbor and The Villas and I measured 8-foot and 10-foot sidewalks, so this is a huge increase compared to those much larger sites. I hope that is helpful context.

Again, I think it is helpful to look around. The 557, East Bayshore site next to us is significantly larger. It is a 480-unit apartment complex with two buildings and a new fitness club and basically a Bay Club. So, you are talking about a development that is an order of magnitude larger that can support that much more public benefits like this. If you look to the top right here again you can see those developments that I am talking about. If you squint, particularly One Marina, very, very limited setback. Ours is much larger and we are proud of that.

Ms. Pan added: I also want to just clarify, BCDC's jurisdiction is the 100-foot shoreline band. That just means that we have permitting authority within

that area. It is not a setback. It does not preclude this type of development in it. I just want to clarify the difference between our permitting jurisdiction and the concept of a setback. I do not know if you have anything else to add.

Commissioner Kishimoto continued: Yes. Well, that is helpful. So, are the One Shoreline and the other policies that we have, so they recommend up to the 100-foot setback or maximum setback, but they leave it up to BCDC discretion, is that right?

Chair Wasserman asked: Can we get clarification either from Katharine or from legal on what our jurisdictional authority is within the 100-foot shoreline band?

Commissioner Kishimoto added: And policy recommendations, yes.

Mr. Scharff explained: We do not have any policy recommendations about not building within the 100-foot band. Our authority basically under 66632.4 is basically public access. It says basically, the Commission may deny an application for a permit or a proposed project only on the grounds that the project fails to provide maximum feasible public access within that shoreline band. In fact, our regulations envision that we will build within that shoreline band. That is pretty clear.

Chair Wasserman continued: Thank you. Go ahead, Commissioner Kishimoto.

Commissioner Kishimoto responded: Okay, well, let me think about that. I guess the only other question I would have is lighting. Is there any lighting

that would be planned for either that walkway or adding lighting to that area?

Mr. DeHaan answered: Of course, yes. There is low bollard lighting all along it. We do have conditions of approval from the City related to their Dark Sky Ordinance. But the pathway will be lit. I think that is your question.

Commissioner Kishimoto replied: Yes, okay. Okay. Well, I am surprised. I would think that we would want to minimize lighting because of wildlife issues, but that is not within our set of recommendations or guidelines either?

Ms. Pan responded: We did not include within the Staff Recommendation any conditions related to lighting. I do not know if our Bay Development Design Analysts have any comments on this. But with lighting I know that sometimes, especially with public access, as it gets later into the evening, there is also a safety concern related to lighting.

I do not know if within the EIR or anything like that that there was any sort of specification as to the intensity of the lighting that was allowed. But I will let the Applicant speak to that.

Mr. DeHaan added: Not that I recall. And I just wanted to add, I think lighting for walkways might actually be a building code issue as well so I am not sure that you cannot light a pathway in a situation like this, but we have low lighting to try and mitigate it. I hope that is helpful.

Commissioner Kishimoto stated: Low lighting is better than too much lighting, but yes. I would hope that BCDC looks at that lighting issue, because I would imagine that it would have some impact on the habitat and wildlife. I

guess that is the comment I will make at this point. Thank you very much. I do appreciate all the other sustainability features and such, but it is at a sensitive location so appreciate that. Thank you.

Commissioner Zepeda was recognized: Would staff be able to put up the slide again? The one that is looking at the next-door property, the property that has already been approved. I have a question on this one, thank you.

Just history and for me to learn more to be consistent in our responses within the property. The property right next door, I see the 100-foot line. I am imagining the line there based on one of the other slides that that drew the line in there on the yellow square. The property next door that was already approved by BCDC, I am assuming, in prior months or years, I am not sure when it was approved. But if staff is able to tell us how the decision for having that green area be greater than what we are requesting this project. If there is a rhyme or reason why one of them would have it, the other one would not, other than the space is smaller and everything is needed to build more housing.

Ms. Pan explained: For the 557 East Bayshore Project that was approved by the Commission about this time last year, it really does come down probably to size. The question for us, or the question for the Commission is, is this maximum feasible public access consistent with the project.

For that project, as you can see, it is significantly larger. We worked with them to ensure that as much of that shoreline band could be dedicated public access as possible. It was something that they were able to

accommodate based on their project. You can see pretty much where that green space ends. Part of their apartment building does cross over into the shoreline band, but that pretty much just corresponds to the shoreline band.

If you continue across onto this site, you would see that that pretty much cuts this site in half. I think in terms of feasibility, that is more for the project proponent to speak to the details of that.

But the question is, for a project to move forward, what is the maximum feasible public access that they are able to provide? In this case we did do a comparison with some other projects within the staff recommendation, and it is in the ballpark of percentages of the site. But, of course, that is a question before the Commission.

Commissioner Zepeda asked: Do we have a minimum amount? I know that we have 100 feet that is BCDC jurisdiction, but do we have a minimum amount that has to be given to public access?

Because here the 100-line, there is another slide, I think it was the second to the last slide that has the BCDC jurisdiction line, which I believe is right where the homes. I think it is this one. The purple line I believe is the BCDC line. Like you were saying, it is pretty much half of the property. For consistency purposes, and I am sure this will not be the only property that we are going to be reviewing in the next couple of years because we need more housing, what is the minimum requirement within the 100 feet? And is it based on what they are telling us that they can give us or based on a number that we

have that says, in our 100 feet, we must have a minimum of X?

Ms. Pan explained: We do not have a minimum amount, whether that is in total acreage or square footage or a percentage of a site that is required by law or policy to be dedicated or improved as public access.

In the staff report this is one of the reasons why we take such great pains with that section of Findings to go through with comparisons with past Commission decisions. And then looking at, of course, the way that the public access area is actually presented and improved. How usable is it? What actual public benefits is it providing? What is the connectivity? How accessible is it? All of those aspects are detailed in our policies.

We do want public access to be usable, we want it to be accessible, we want it to serve a wide range of populations, et cetera. So those are the sorts of things that we look at, or that we looked at in the Staff Recommendation.

But as for the actual amount, that is one of the things that the policies and laws do not provide. That's, that is the discretionary part of this approval.

Commissioner Zepeda replied: Thank you. Do we happen to know, out of all the other projects that we have approved in the past, which one is the one that has the least amount of public access? This one has a 14-foot trail. Do we know if we have any with less? Just trying to figure it out because with every vote we set new precedents and I just want to see how we are setting it.

Ms. Pan replied: Without taking the slide down and opening up the Staff Recommendation I could not tell you specifically. But what Chris was saying

about the Blue Harbor development, for example, that trail is smaller.

Initially, I think this project came in with a similarly sort of narrow trail area that ended up becoming expanded as we talked through the process with them, or as they made their way through the process.

There are certainly projects within the Commission's jurisdiction with less public access, but I would not be able to immediately point those out to you and I would not necessarily. Every project should be considered on its own merits and so that is the other reason why the comparison is difficult.

Just because another project has less does not necessarily mean that this is better. It is on a project-by-project basis, so I would encourage you to look at it that way.

Commissioner Zepeda acknowledged: Thank you.

Mr. Smith stated: Could I add a piece of information? This is Jeff Smith with the Applicant, Regis.

Chair Wasserman permitted comments: Go ahead.

Mr. Smith stated: Thank you. Sorry about that. Just two pieces of information, if you could go back to the slide that shows the general area. I know this because we worked very closely with 557 on their design. In fact, we have the same civil engineer, we have the same landscape engineer, we have the same environmental consultants, and even we know the architect.

The 557 property, if you remember back, it was the old theater. When they built that theater, they actually gave BCDC an easement, a 50-foot

easement back in the day. I do not even know how old it is, it is over 50 years old. That was the primary reason they decided to orient the site as they did. That is why this site looks a little different, in addition to the fact that it is seven times bigger.

But I also want to point out the Blue Harbor Project, which is in the upper righthand corner, which does have a BCDC permit with a smaller walk.

We did push our buildings back to maintain the desired walkway and setback that BCDC staff asked us to. That just gives a little context of the three projects in the area.

Commissioner Zepeda acknowledged and continued: Thank you, Mr. Smith.

My last question is, do we require some kind of signage that says this is public access?

Ms. Pan replied: We do. That is part of making it usable, making it welcoming, and so there is within the Staff Recommendation at least some requirements around wayfinding and signage. There is a standard public shore access sign that you see around the Bay Area and that is a consistent branding that we require.

Commissioner Zepeda finished his inquiry: Thank you so much. No more questions. Thank you.

Commissioner Addiego commented: I understand where the 100 feet puts it within the project, but are we starting at the slough or are we starting

at the ditch when we measure out the 100 feet?

Ms. Pan explained: This starts at the ditch. That tidal ditch, it is tidally influenced. This is something that we even discussed with the 557 Applicant. That is the Bay, that tidally-influenced water body. Also, because there is marsh vegetation within the ditch that changes how we would normally say, the Bay shoreline is mean high water. But in areas of tidal marsh that makes it the edge of tidal marsh up to five feet above mean sea level. So that is the line that they are going from as the Bay shoreline. It is that marsh vegetation, five feet above mean sea level mark.

Commissioner Addiego continued: It is just interesting. It is called a ditch. I assume at one point it was called maybe a drainage ditch when it was all commercial properties and then became part of the marsh over time. Maybe because someone did not maintain the ditch and the flow of water offsite.

Ms. Pan responded: Yes. My understanding is that there once was a tidal gate in that area, but that at some point in the past it malfunctioned. According to our regulations, it turned that area back into Bay.

Commissioner Addiego acknowledged: Okay, thank you.

Chair Wasserman asked: Jeff, did you want to say something?

Mr. Smith replied: Well, just for context, yes. Again, I feel like I have been working on this so long and just for little history. That is exactly the case, Commissioner Addiego. There is one small pipe, a 12-inch pipe that connects

the ditch to the slough. It was a drainage ditch that allowed water to go out, but it did not allow water to get back in. Unfortunately, at some point someone failed to maintain that and made the connection.

But just for everyone's kind of in their minds, not that we are asking to move the line. But if you did have to move the line back to the slough, that would move the line north 60 to 70 feet.

That was an initial discussion we had. We said, rather than fight over the line, let's all work together. This was six years ago, and we have been working for that much time with BCDC staff and, and the Commissioners, so appreciate that.

Commissioner Kishimoto stated: Yes, I just have one follow-up question which is, since the argument is that it is such a relatively narrow parcel or small parcel, so I am just going back to, I do not know what the history of the parcel was or when it was sold. If it was subdivided or when it was sold, it was sold with that 100-foot jurisdiction line in mind, is that correct? Or is that something that BCDC has or the City gives any consideration to?

Ms. Pan sought clarification: Sorry, would you mind rephrasing that question. I am not sure if I understood it.

Commissioner Kishimoto rephrased her inquiry: Yes, well, it is looking at the viability of that parcel as a commercial parcel for either housing or commercial use. If you acknowledge that there is that important 100-foot jurisdictional area, would they have subdivided it or sold it with that full

understanding? If the argument is that the parcel is too narrow to give the full consideration for public access.

Ms. Pan replied: That history is not something that I am aware of. I will say our jurisdiction has had the same description since the McAteer-Petris Act was passed and so anyone doing due diligence on property along the Bayfront should become aware that their property is subject to BCDC permitting authority.

What I will say, though, just to give whoever originally subdivided that area the benefit of the doubt is, as Jeff was saying, at some point that area actually was not subject to BCDC jurisdiction in the same way because that ditch did not, was not always part of our Bay jurisdiction.

Mr. Scharff reiterated the following: Commissioners, I think I want to be really clear. Our jurisdiction here is maximum feasible public access in our shoreline band.

Executive Director Goldzband added: Consistent with the project.

Mr. Scharff continued: Yes, consistent with the project. What staff does as a process is they look at the project and they determine what is maximum feasible public access. That is what we are called upon to do here.

There is no 100-foot setback. That is a misnomer, that is nothing, it does not exist. So, when people buy a piece of property that is in our shoreline band, it is not that they expect to move the property 100 feet off. This is not an easement for public access.

What we do is, we determine what is maximum feasible public access consistent with the project that is there.

I want to be real clear about that because I feel like we are we are getting off on a tangent here and misunderstanding what the process is. The process is simply, is this the maximum feasible public access given with this project, given the constraints of the site? We are given a particular site, and we have to decide what are the constraints of the site, how do you provide maximum feasible public access?

There are many projects that have come before BCDC and a lot of those are like single-family home projects. If someone has a single-family home project we say, what is the maximum feasible public access? Which may be zero with a single-family home, because you do not want people wandering into the single-family home, so there is no public access in the shoreline band on that. It may very well happen. Or it may be that there is ability to provide some stairs down there or something. But we look at each project and make a case-by-case determination.

There is no setback. It just does not exist as a concept within our regulations. I think it is important that we understand that.

The Commission can approve or deny the project, but it has got to be based on maximum feasible public access. And staff has provided, consistent with the project. Yes, Larry keeps saying, consistent with the project. He is correct. We look at the project.

So, what your job here today is look at the project, look at the Staff Recommendation and say, has the applicant provided maximal feasible public access. If staff believes they have given the constraints of the project, the question is, do you think they have, and that is what you are voting on. Really nothing else on that. The city of Redwood City has gone into the other issues. That is our jurisdiction. That is our job today.

Commissioner Kishimoto replied: Yes, okay, point taken, I understand that. The only point I would make is perhaps beyond today's discussion is, in the longer term when cities do look at zoning for areas along the shoreline, we hope that they allow, zone with sea level rise, et cetera, as one of their considerations. Thank you.

Chair Wasserman commented: I have a couple of questions and a request/suggestion. I just want to reemphasize what Greg said. The 100-foot shoreline band is within our jurisdiction under state law under the McAteer-Petris Act for purposes of maximum feasible public access within the constraints of the project.

There is a separate overline piece, which I think we will get to in the future, coming from our guidelines to jurisdictions under SB 272, of how to respond, that may have some effect on the activities within the 100-foot shoreline. But the primary jurisdiction over what goes there, except for public access, is up to the local jurisdiction, not this agency.

My suggestion/request is whether we can have a condition that the

conditions and the existence of the permit is recorded. We have had occasional discussions about this. I know there is a condition in this that homeowners be given notice.

But it seems to me the way the way to do that notice is recording the permit so that it shows up in the record. It is particularly apt for this project, which is a for-sale project, so that the individual owners and successor buyers would then clearly have notice, because it would be in the record and be in their title report. I pose that to staff. And then assuming that is okay, will pose to see whether it is acceptable to the Applicant.

Ms. Pan explained: Just quickly, that is already one of the conditions within the permit. In addition to the notice to buyers there is a special condition. Especially anytime we have a dedication condition with a permit, this is typical where we would require recording as well.

The timing on this one is slightly different in that it is required at the time of close of sale of the property because the permittee currently does not actually own the property, they have an option to purchase. But it is in there that at that time when they are ready to move forward with the project, that it will be recorded. I think at this point it is not.

Chair Wasserman acknowledged: I appreciate that under these circumstances you cannot record the permit until it comes into the Applicant's hands, that makes perfect sense. I just want to make sure staff is satisfied that we are fully protected. No disrespect at all to the Applicant, that that will be

done. So, if it is there, that is fine, I am satisfied. If there are no other comments, then Staff Recommendation please.

Ms. Pan read the following into the record: This Staff Recommendation was mailed to you on May 10, 2024. Here I would like to take a moment actually to recognize that a lot of the hard work on the staff analysis and recommendation was actually completed by Jessica Finkel, one of our excellent permit analysts who recently went on a plan leave and so she could not be here to present this item to you today. But I did just want to express my appreciation for her efforts because it made it possible for us to carry it the rest of the way.

With that, staff recommends that the Commission approve the permit application with several conditions. Among them are:

Dedication of the onsite public access area.

Improvements within the total public access area, including in the Caltrans and Redwood City rights of way.

A preliminary plan review process to ensure feasibility and consistency of the final designs.

Submitting property interests for work on lands that are not currently owned by the permittee prior to beginning that work.

Submitting all applicable water quality certifications or waste discharge requirements from the Water Board prior to beginning any work.

Documenting completion of the onsite and offsite remediation prior to

beginning work on any of the habitable spaces.

Implementing measures to protect Bay resources and compensatory mitigation for the habitat impacts of new Bay fill.

Conducting sea level rise monitoring and adaptation planning to ensure the continued viability of the public access areas.

And noticing future homebuyers about the responsibilities under the permit, including requirements to maintain and adapt the public access areas.

As conditioned, staff believes that the project is consistent with the Commission's laws and policies and recommends that you adopt the Recommendation for approval.

Chair Wasserman called for a motion: Is there a motion on this matter?

MOTION: Commissioner Addiego moved approval of the Staff Recommendation, seconded by Commissioner Eklund.

VOTE: The motion carried with a vote of 14-0-1 with Commissioners Addiego, Eklund, Gilmore, Gorin, Gunther, Kishimoto, Lefkovits, Moulton-Peters, Nelson, Pemberton, Pine, Randolph, Zepeda and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Kimball voting "ABSTAIN".

Chair Wasserman announced: The motion passes. Thank all of you for your hard work and thank the Commission for its thoughtful questions.

11. Commission Authorization of an Interagency Flooding and Sea Level Rise Memorandum of Understanding. Chair Wasserman: That brings us to Item 11. We will receive a briefing and consider authorizing our Executive

Director to enter into a Memorandum of Understanding (MOU) among BCDC and the member agencies of the Bay Area Regional Collaborative, BARC. The purpose of the MOU is to coordinate efforts to address the threats of flooding and sea level rise in the San Francisco Bay Area.

Jessica Fain, our Planning Director, will introduce the issue and then introduce Allison Brooks, BARC's Executive Director, the leader of this effort to draft and adopt the MOU.

Planning Director Fain introduced this agenda item: Thank you, Chair Wasserman. Good afternoon, Commissioners. I am pleased to be here at the end of today's meeting with you to present and seek your authorization for our Executive Director to enter into an interagency Memorandum of Understanding on flooding and sea level rise.

I am joined today by Allison Brooks, the Executive Director of the Bay Area Regional Collaborative, who has really helped spearhead this effort and is going to be co-presenting with me today.

The Commission is well aware that sea level rise is happening, and that as a region it will fundamentally change the way that we will live, work and recreate along our Bay shoreline.

It will also cost a lot of money. Here is a slide from a recent report that BCDC and MTC/ABAG released last summer that maps out the \$110 billion that it is estimated that it will cost the region to adapt to rising sea level by midcentury. When you look at this \$110 billion estimate, about half those

costs are based on what we know or are planned projects. If you look at the map on the right, those are those blue spaces. As well as what we call placeholder projects. Those are those green lines where there is no project that exists, but we know that something will have to happen there.

While this is a lot of money, it pales in comparison to the estimated \$231 billion in anticipated damages should we do nothing. These \$230 billion are based on only assessed property values as well as some transportation assets.

The report also indicated that there is considerable unevenness across the region in terms of the projects, the project types, how far along places are, as well as the ability of local governments and other places to raise funds. So, there's real equity implications to this work as we look across the region as we try to adapt as a region.

Additionally, it is worth noting that there's a really wide range of activities that are needed, both the restoration of our Bay wetlands and other nature-based strategies. But we also know that a variety of gray infrastructure strategies are needed in other places.

While a lot of the work that a lot of our regional and state agencies are focused on right now, rightly so, are focused on accelerating those nature-based strategies. There is not a similar analogue for the gray infrastructure where nature-based strategies are not feasible, and we know that both of these types of solutions are required.

This report, as well as BCDC's work through our Bay Adapt Program, have

really identified the need to not just identify this big funding gap, but that we need to work better together to identify how we can identify leads who can really spearhead and help fill the gaps with some of these funding holes.

The Bay Adapt Joint Platform, for example, calls for a Revenue Generation and Distribution Plan and an accompanying governance structure to really raise and distribute funds.

This report that we released last year likewise calls for establishing and developing better lead roles for who can help organize and how we fund this work.

In response to this call to action, over the last nine months leaders from the agencies within the Bay Area Regional Collaborative have really rolled up their sleeves to develop this sea Level Rise MOU. It is attached in your meeting package for today, Attachment A, and I will turn it over to Allison to talk us through it.

Ms. Brooks addressed the Commission: Just a quick recap of what is the Bay Area Regional Collaborative. It was created through state statute. We have four member agencies written into the legislation, the top four there, including BCDC. We have the executive officers of three agencies that participate regularly in our efforts, and they are signatories of this MOU as well.

We are making our way through getting their approval, each agency's approval, to have the executive directors or officers sign the MOU. Each are

approaching it in their own way, but you are the first one. You are the first entity that we are bringing forward to so that is exciting.

What is in the MOU? What is the MOU, if you have not had a chance to pore over it quite yet? Well, its purpose is to align efforts, expertise and core functions across those seven agencies to accomplish some key goals, accelerate project implementation, increase the Bay Area's competitiveness for funding. So, how can we work together to go after increasingly more scarce resources at the state level and at the federal level to support some of our big adaptation projects we want to move forward around the region.

Another goal is to establish structures for coordination and project prioritization. Support multi-jurisdictional partnerships and support cities and counties and work with you all to expand your capacity to fund and implement adaptation projects at the local level, because we know that is really where the rubber hits the road.

So, I will quickly give a brief summary of each of the five topic areas which are seen on the slide here that are covered in the MOU. These core functional areas where we have identified leads as much as possible.

On the Planning side, preparing for sea level rise and flooding risks. That focuses on plans, policies and project priorities to foster an enabling environment for wide-scale advancement of equitable multi-benefit climate adaptation projects. The first main items included in that are BCDC developing your Regional Shoreline Adaptation Plan for Senate Bill 272, which is off and

running.

The second is to develop a sea level rise funding and investment strategy that is going to be led by BCDC and MTC/ABAG to really prioritize projects and funding strategies which will then be included in Plan Bay Area. We have made great strides working together over the years to really start to integrate these efforts and I think it is showing up here really nicely.

On the Fund Management side, it describes how the agencies will collaborate to seek, secure and distribute funding to support the delivery of projects that we have identified.

The State Coastal Conservancy is the lead for funding proposals to federal agencies. The State Coastal Conservancy with BARC staff will track and coordinate funding proposals. There are also roles in there for San Francisco Estuary Partnership, MTC/ABAG and Caltrans to raise funds, align and distribute funding, as well as coordinate on legislative advocacy and regional funding measures.

The section on Technical Assistance focuses on how regional agencies can best support project development and delivery through a regional Technical Assistance Program. This is intended to augment the capacity of local governments, special districts and local government organizations.

Of course, really bringing this to the scale I think we all would benefit from and really what we need is going to need more funding. But there is a lot to start with and many agencies are already involved in this space. We are

working together to focus on how we can organize ourselves and potentially expand and meet the needs of the region by providing technical assistance.

The Regulatory Alignment section is fairly short but recommits the agencies to work together and with the regulated community to continually improve the permitting process to facilitate multi-benefit climate adaptation project delivery, while maintaining important environmental protections.

Finally, the Coordination section on structures for collaborative decision-making describes the processes and forums for collaboration and decision-making.

It is worth noting things change, we know things. There is a lot of change in the world. The MOU does not supersede or change any authorities or jurisdictions of individual agencies. It does not lock us into this relationship moving forward. It allows for changes to occur. But it is exciting in that the agencies are committing to figure out how to sync up and align efforts around these functions.

Here is a quick Roles at a Glance summary sheet that we have prepared that identifies who those prime entities are for the different functional areas. The core agency is responsible for them and essentially everybody is involved in everything on this.

So, what does this mean and why does this matter? Well, we have never done something like this before. It is introducing a Coordinated Regional Strategy to Fund and Deliver Projects, which really has not been undertaken. It

is significant and there is a lot of work to do to really operationalize this, but it is outlining roles and responsibilities across functional areas to achieve these shared goals.

I like to think, and I think we all that have been working on this, think that this is a pretty big deal. I will hand it over to Jessica now. We have one more slide.

Ms. Fain continued: In case this sounds somewhat familiar to you or any of these concepts, it really should. Much of this really comes directly from the Bay Adapt Joint Platform, the consensus-driven roadmap for regional sea level rise adaptation led by BCDC and adopted in 2021. In fact, the MOU specifically calls out, for example, some of our Bay Adapt groups like the Implement Bay Adapt Implementation Coordinating Group, our Leadership Group, to be a forum that is going to help us move that MOU forward. It really relies on things like the Regional Shoreline Adaptation Plan and the backbone support that BCDC is providing to help move it forward as well.

Lastly, the MOU advances several of BCDC's Strategic Plan goals, namely Goal 1 on leading regional planning efforts that result in successful and equitable adaptation. Goal 2 on improving our regulatory and planning function in a unified regional scale approach. And Goal 3 on embedding equity initiatives and practices throughout our programs.

Our Next Steps. As Allison mentioned, each of the agencies is working this through their own system. We get to be first, like we like to be always

with everything sea level rise, really paving the way.

Then the idea is at the BARC Governing Board meeting in July hopefully the full Board will approve this.

Then the hard work begins as we start to really dive into the work plan that we are developing and moving these pieces forward.

I will just read the Staff Recommendation and then perhaps we can open it up for discussion. We were asking you today to authorize the Executive Director to enter into a Memorandum of Understanding among the San Francisco Bay Conservation Development Commission and the Association of Bay Area Governments who also hosts the San Francisco Estuary Partnership, the Bay Area Air Quality Management District, the Bay Area Regional Collaborative, the California State Coastal Conservancy, the California Department of Transportation District 4, the Metropolitan Transportation Commission, and the California Regional Water Quality Control Board San Francisco Bay Region, to coordinate efforts to address the threats of flooding and sea level rise in the San Francisco Bay Area.

Chair Wasserman asked: We thank all of the presenters. I will have some remarks in a bit. Do we have any public comment?

Ms. Peterson noted: None in person and no hands raised, Chair Wasserman.

Chair Wasserman acknowledged: Thank you.

Comments or questions from the Commission?

Commissioner John-Baptiste commented: Thanks, Chair Wasserman; and thanks to Allison and staff for the presentation. Just want to congratulate you all on getting to this point. I know it can be really complex to figure out how to work across so many different agencies. But actually, having a shared understanding of who is doing what and what the purpose is, is incredibly helpful and I think this is going to be a really valuable tool. So, congratulations for that.

I had one specific question that maybe Allison can speak to. I noted in the writeup that you have a lead identified for seeking and securing federal funding. I did not see any reference to the same thing on this state level but that is, I assume, a pathway that we will need to pursue as well. I wondered if you could just speak to the approach that is planted there?

Ms. Brooks replied: Yes, thank you, that is a great question. It is part of the coordination that we are doing where we are having a subcommittee of the key agencies around the fundraising.

We are going to have a list and identify all the active funding opportunities that are coming forward. Through our work together and coordination will identify who the appropriate lead is for specific grant opportunities as they come forward, based on who is best positioned to go after it.

And then through that we will identify opportunities for joint proposals that may come forward. But really, I think it is helpful to just say, we are going

to start with the Coastal Conservancy as the main entity, but there will be opportunities, which we recognize, for state grants and others where another applicant is probably better suited to go after it. So that is really where the coordination and the system we are setting up to regularly be on top of these opportunities will kick in for sure.

Commissioner Nelson asked: A question about finance. I am really pleased to see the discussion of the investment strategy in the planning under Number 1, but under Number 2 I have a question. A lot of the discussion, as staff was just talking about, is about a lot of language in the years about seeking funding from state grants, federal grants and even regional sources. We have talked many times about the potential for a regional ballot measure like Measure AA, Son of Measure AA, that would be substantially larger, to help finance adaptation.

I noticed that 2h discusses that, discusses that potential, but it says “lead and structure to be determined” for that item. That idea is a critical one and there may be other analogous ideas that are just not quite that but something else creative along those lines.

So, I wanted to ask why 2h is left unresolved and whether this MOU adequately captures other potential creative funding mechanisms, because we are going to have to come up with those kinds of funding mechanisms.

Ms. Fain responded: I could try to answer it and then maybe Chair Wasserman even has some thoughts to add on this topic. I do not think anyone

is jumping to lead a regional funding measure at this point, and certain of the agencies and not/would not be well suited to. BCDC is not going to lead a regional funding measure, for example.

MTC and ABAG are very occupied right now with other ballot measures, including on housing and transportation, which have resiliency components as well, but are not specifically on this topic.

So, I think for now we thought it was important to include this as a concept. We do not want to lose it, we know it is important, it has been discussed for a long time, and it is something that we are committing to. But I think there is just more work to be done in terms of figuring out exactly the right lead, and how to move that forward.

Chair Wasserman added: One of the difficulties is this MOU really is aimed at these government agencies. While government agencies were involved in AA, they were not the lead and that may be the case again. But we will certainly be very involved in not only thinking about it but making sure it stays at the top of everybody's attention.

Commissioner Moulton-Peters was recognized: I want to thank Jessica and Allison and all the agencies. I have been following this and very gratified to see all the progress it has made.

I want to offer a further thought along the lines of what Commissioner Nelson just offered and that is, while I know the focus here is on coordinating grant applications for federal and state funding. I think it is also important to

realize that the private and nonprofit sectors will play a role in funding the kind of mitigation activities that we are looking for.

And so, while it does not totally fit within the grid and table that we saw, I think the agencies and BARC want to consider in the future how we would incorporate the private and NGO sectors who will inevitably get into the picture and how we leverage those dollars, along with the state and federal funding. Just wanted to throw that in the pot for future consideration. Thank you.

Chair Wasserman offered kudos: I want to join in thanking everybody. I was involved in a number of the discussions leading up to this MOU. There was initially a lot of skepticism, not about doing it, but how difficult it would be or not, and how quickly we could do it.

I think we are beating people's expectations. I share Jessica's pride in our being the first agency to approve it. I think it will move along with all of the agencies, in part because this clearly was a cooperative effort. Not always willingly. But everybody understands the importance of doing this and taking this approach. A lot of the focus is on financing, but the MOU goes beyond that and talks about technical assistance and moving towards implementation.

So, I would, if there are no further questions, welcome someone making the motion to approve the Staff Recommendation.

MOTION: Commissioner Eklund moved approval of the Staff

Recommendation, seconded by Commissioner Gunther.

VOTE: The motion carried with a vote of 15-0-1 with Commissioners Addiego, Eklund, Gilmore, Gorin, Gunther, Kimball, Kishimoto, Lefkovits, Moulton-Peters, Nelson, Pemberton, Pine, Randolph, Zepeda and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Beach voting "ABSTAIN".

Chair Wasserman moved to Adjournment: Thank you all very much. I appreciate this. I appreciate your attention and efforts as always.

12. Adjournment. There being no further business, upon motion by Commissioner Eklund, seconded by Commissioner Nelson, the Commission meeting was adjourned at 3:52 p.m.