

# Bay Conservation and Development Commission

## Report to North Bay Cities<sup>1</sup>

March 2022

### EXECUTIVE SUMMARY:

- 1) **Howard Terminal Bay Plan Amendment 2-19:** The Seaport Planning Committee (a BCDC established committee) voted 5-4 to recommend to the San Francisco Bay Conservation and Development Commission (BCDC) denial of the Oakland Athletics request to amend the Bay Plan and Seaport Plan to remove the Port Priority Use designation at Howard Terminal (BPA 2-19). BCDC will be briefed on the Cargo Forecast in April and conduct public hearings on the application in May and June.
- 2) **Suisun Marsh Local Protection Program Amendments:** BCDC approved the proposed Suisun Resource Conservation District (SRCD) Local Protection Plan amendment to update the 124 new management plans for individual managed wetland duck clubs.
- 3) **Beneficial Reuse of Dredge Material:** The US Environmental Protection Agency awarded a \$284,718 grant to BCDC to address beneficial reuse of dredged material.
- 4) **Legislation:** BCDC voted to support AB 1733 (Quirk) that would amend the Bagley-Keene Open Meeting Act for State bodies. The bill would allow convening “hybrid” BCDC public meetings with both physical and remote participation, by removing the requirement that a teleconference location used by a Commissioner for remote participation be accessible to the public. The bill is also an urgency act that would take effect immediately.

---

**Howard Terminal Bay Plan Amendment 2-19:** On March 16, 2022, the Seaport Planning Committee voted 5-4 to recommend to the San Francisco Bay Conservation and Development Commission (BCDC) denial of the Oakland Athletics request to amend the Bay Plan and Seaport Plan to remove the Port Priority Use designation at Howard Terminal (BPA 2-19). BCDC will be briefed on the Cargo Forecast in April and conduct public hearings on the applications in May and June. BPA 2-19 will not involve consideration of the Oakland Waterfront Ballpark District Project itself. However, if BCDC does approve the request to amend the Bay Plan and Seaport Plan; and, the Oakland Athletics continue to move forward with the Waterfront Ballpark District Project as currently proposed, then the Project will be required to obtain a BCDC Major Permit.



The Waterfront Ballpark District Project as currently proposed by the Oakland Athletics provides for the following (as described in the Draft EIR):

- 1.2M square ft ballpark with 35,000 seats;
- 2,000 parking spaces for the ballpark;
- 400 Room Hotel totaling 280,000 sq ft
- 3,000 residential units
- 1.5M sq ft of office and commercial space
- 270,000 sq ft of retail space
- 18.3 acres of parks and open space
- 12 acres of streets and roadways

---

<sup>1</sup> Pat Eklund, Councilmember, City of Novato is the BCDC representative for the North Bay cities in Marin, Napa, Solano and Sonoma Counties. If you have questions, contact Pat Eklund at 415-883-9116 or via email at: [pateklund@comcast.net](mailto:pateklund@comcast.net).

In 2019, the State Legislature adopted AB 1191 that requires BCDC to determine, “whether the Howard Terminal property (55 acres) and adjacent areas designated for port priority use, or portions of them, are no longer required for port priority use and shall be deemed free of the port priority use area designation for purposes of the Oakland Sports and Mixed-Use Project, or whether these areas are needed for port priority use and should continue in port priority use designation.” BCDC is required to make this determination within 140 days of certification of the City of Oakland’s Final Environmental Impact Report for the Oakland Waterfront Ballpark District. If BCDC approves the their request to remove the Port Priority Use by approving the Bay Plan Amendment 2-19, then the project will be required to obtain a BCDC Major Permit. If the A’s don’t enter a binding agreement by 2025, the Port Priority Use designation is automatically reinstated.

Under the Moderate Growth scenario, Bay Area seaports are expected to be at or near capacity by 2050, and the Bay Area would need to activate 327 acres of additional space to meet demand. There are approximately 323 underutilized or dormant acres identified in the Cargo Forecast that could be used to meet demand, including Howard Terminal, leaving an estimated 4-acre deficit. Under slow cargo growth assumptions, the Bay Area will need about 98 acres more active terminal space by 2050, and under strong growth assumptions, the Bay Area will need substantially more seaport terminal space, about 753 more acres. A deficit in space available to accommodate growing regional cargo needs could increase pressure for Bay fill, even without the removal of the Port Priority Use area from Howard Terminal.

BCDC will conduct at least two public hearings in May and June on whether these 55 acres remains a port priority use area. The statutory deadline for BCDC’s determination is July 5, 2022.

#### **Suisun Marsh Local Protection Program Amendments:**

On March 17, 2022, BCDC approved the proposed Suisun Resource Conservation District (SRCD) Local Protection Plan amendment that updates 124 new Individual Ownership Adaptive Habitat Management Plans for each managed wetland in private ownership within the boundaries of the Commission’s Suisun Marsh Primary Management Area Jurisdiction. The amendment conforms to the Suisun Marsh Preservation Act, the McAteer-Petris Act, the Suisun Marsh Protection Plan, and the San Francisco Bay Plan. The Commission also adopted Resolution No. 2022-01 that conditionally certifies the proposed Suisun Resource Conservation District Local Protection Plan amendment to update the management plans for individual managed wetland duck clubs.

#### **Beneficial Reuse of Dredge Material:**

The US Environmental Protection Agency (USEPA) awarded a \$284,718 grant to BCDC to address beneficial reuse of dredged material. BCDC’s proposal was selected through a competitive process to develop and implement a project that will increase BCDC’s and the region’s ability to expand sediment and soil use to make wetlands and shorelines more resilient to rising sea levels. The total grant proposal is \$379,624, of which

USEPA will provide 75 percent (\$284,718) and BCDC will provide 25 percent (\$94,906) through in-kind staff work. Staff is seeking up to \$150,000 of additional funds from other sources to fully fund this project at \$529,624.



#### **The Need for this Work**



**Legislation:** On March 17, 2022, BCDC voted to support AB 1733 (Quirk) that would amend the Bagley-Keene Open Meeting Act for State bodies. The bill would allow convening “hybrid” public meetings with both physical and remote participation, by removing the requirement that a teleconference location used by a Commissioner for remote participation be accessible to the public. The bill is also an urgency act that would take effect immediately. The bill allow for use of teleconference for closed sessions and would authorize the members of a state body to participate remotely or at designated physical locations but clarifies that physical presence by a member is not a requirement to be deemed present at the meeting.

#### **UPCOMING BCDC MEETINGS:**

BCDC Commission meets at 1:00 pm on the following dates: April 7, 21; May 5, 19; June 2, 16; July 7, 21; August 4, 18; September 1, 15; October 6, 20; November 3, 17; and December 1, 15, 2022.

BCDC Enforcement Committee meets at 9:30 am on the following dates: March 23; April 14, 27; May 12, 25; June 9, 22; July 14, 27; August 11, 24; September 8, 21; October 13, 26; November 3, 16; and December 8, 21, 2022.

BCDC Design Review Board meets at 5:00 pm on the following dates: April 11; may 9; June 13; July 11; August 15; September 12; October 17; November 14; and, December 12, 2022.