

APPENDIX O

BAY PLAN CONSISTENCY TABLE

TABLE 1
BAY PLAN CONSISTENCY

Bay Plan Policy	Modified Project Consistent with Bay Plan Policy	Consistency Analysis
AESTHETICS – Part IV (Appearance, Design, and Scenic Views)		
<p>Appearance, Design, and Scenic Views: No. 1 – To enhance the visual quality of development around the Bay and to take maximum advantage of the attractive setting it provides, the shores of the Bay should be developed in accordance with the Public Access Design Guidelines.</p>	<p align="center">Yes</p>	<p>There are seven public access objectives provided in the Public Access Design Guidelines: (1) make public access public, (2) make public access usable, (3) provide, maintain, and enhance visual access to the [San Francisco Bay] Bay and shoreline, (4) maintain and enhance the visual quality of the Bay, shoreline, and adjacent development, (5) provide connections to and continuity along the shoreline, (6) take advantage of the Bay setting, and (7) ensure that public access is compatible with wildlife through siting, design, and management strategies. The Modified Project design follows these objectives. The Modified Project’s public access routes to the shoreline would be clearly marked and visible from Stenmark Drive, the only road into the Project Site. The Modified Project would make improvements to existing public access routes that would make it more user friendly, including improving the public parking lot, adding benches and waste receptacles, adding way-finding signs, and creating new public access points to the shoreline. The Modified Project would result in the opening of Stenmark Drive to the public, and would maintain existing views from Stenmark Drive (which is not closed within the Project Site) to the Bay. The Modified Project also would enhance the visual quality of the shoreline by completing the San Francisco Bay Trail (Bay Trail), adding amenities, such as benches, and rehabilitating the historic Winehaven buildings that are visible from the Bay and are currently in disrepair. The Modified Project would provide connections from rehabilitated and proposed development to the shoreline and would provide continuity along the shoreline by extending the Bay Trail along the Modified Project’s Bay frontage. The Modified Project would take advantage of its Bay setting by orienting new development towards the Bay,</p>

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		<p>including commercial uses that would enhance the Bay Trail experience, such as coffee shops and cafes, and including trails that lead to the Bay. Public access points to the Bay would be designed to avoid sensitive habitat areas and signs would be included to prevent human incursions into sensitive areas.</p> <p>Regarding the proposed shoreline park, which would be within the Bay Conservation and Development Commission's (BCDC) jurisdiction, as described in Section 3.4.2, this park could include large vegetated areas for walking and enjoying the shoreline, vista overlook, public art and cultural exhibits, picnic areas (both open and reserved), park recreation facilities (play areas, equipment rental, etc.), a designated paddle sport launch area, interpretive center, and restrooms facilities. Additionally, the shoreline park would include the development of an approximately 1.5-mile segment of the Bay Trail. These facilities would enhance the visual quality of the shoreline and take maximum advantage of the setting. Winehaven Legacy LLC (the Applicant) would be required to apply to BCDC for a permit prior to commencement of work within BCDC's jurisdiction; the permit review process would ensure that project design is consistent with Public Access Design Guidelines.</p>
<p>Appearance, Design, and Scenic Views: No. 2 – All Bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore. To this end, planning of waterfront development should include participation by professionals who are knowledgeable of the Commission's [BCDC] concerns, such as landscape architects, urban designers, or architects, working in conjunction with engineers and professionals in other fields.</p>	<p>Yes</p>	<p>As discussed within Section 3.0, the Modified Project would include a fully accessible shoreline park that would have vista overlooks and viewpoints of the Bay and could include public art and cultural exhibits that would further enhance the aesthetic quality. The Modified Project would complete a 1.5-mile segment of the Bay Trail through the Project Site to provide increased public access and views of the shoreline. The Modified Project also would enhance the existing beach park. The Modified Project design included input from</p>

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		professionals who are knowledgeable of the BCDC's concerns and preserves views of the Bay from Stenmark Drive.
<p>Appearance, Design, and Scenic Views: No. 4 – Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline. In particular, parking areas should be located away from the shoreline. However, some small parking areas for fishing access and Bay viewing may be allowed in exposed locations.</p>	Yes	As discussed in Section 4.1 , buildings would be designed and constructed to blend in with the environment and not obstruct scenic resources, such as views of the shoreline. Parking areas would not be located in the immediate vicinity of the shoreline except as required in order to access recreational activities offered from the shoreline park and Bay Trail segment through the Project Site and the ferry service.
<p>Appearance, Design, and Scenic Views: No. 8 – Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay. Developments along the shores of tributary waterways should be Bay-related and should be designed to preserve and enhance views along the waterway, so as to provide maximum visual contact with the Bay.¹</p>	Yes	Most of the Modified Project development would occur on the eastern side of Stenmark Drive. Planning Areas D, E, and H would be to the west of Stenmark Drive. The buildings in the development areas located between the Bay and Stenmark Drive are clustered to preserve views from Stenmark Drive and the proposed new public access along Stenmark Drive, as well as from the proposed trails through the now inaccessible upland areas.
<p>Appearance, Design, and Scenic Views: No. 14 – Views of the Bay from vista points and from roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water. In this regard, particular attention should be given to all waterfront locations, areas below vista points, and areas along roads that provide good views of the Bay for travelers, particularly areas below roads coming over ridges and providing a "first view" of the Bay.</p>	Yes	As discussed in Section 4.1 , the Modified Project would be developed in a manner that would maintain the viewpoints of the Bay. Development would be designed to blend in with the surrounding landscape or at least be designed and/arranged as to not detract from the Bay viewpoints.
AESTHETICS – Part IV (Public Access)		
<p>Public Access: No. 13 – The Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise the Commission [BCDC] regarding the adequacy of the public access proposed. The Design Review Board should encourage diverse public access to meet the needs of a</p>	Yes	As discussed above, the siting and design of the public access to the waterfront is being done by professionals familiar with the Public Access Design Guidelines, and is being designed to be consistent with the seven public access objectives of the

¹ Policy No. 14 has been revised above and does not reflect the exact language included in the Bay Plan. Policy No. 14 within the Bay Plan includes a reference to Bay Plan Map No. 8, Natural Resources of the Bay. This map was removed from the Bay Plan, but a few references to Map No. 8 erroneously remain within the Bay Plan text (BCDC, 2020b). For that reason, Map No. 8 is no longer relevant to the Bay Plan and has therefore been excluded from the analysis presented in this SEIR.

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growing and diversifying population. Public access should be well distributed around the Bay and designed or improved to accommodate a broad range of activities for people of all races, cultures, ages, income levels, and abilities.		Public Access Design Guidelines. The Applicant would be required to apply to the BCDC for a permit prior to commencement of work within BCDC's jurisdiction; the permit review process would confirm that Modified Project design is indeed consistent with Public Access Design Guidelines. The Modified Project would increase public access to the Bay in the City of Richmond (City), which is home to a diverse population. The public Bay amenities provided by the Modified Project (enhanced waterfront park and new section of the Bay Trail) would be free and open to the public.
AESTHETICS – Part IV (Recreation)		
<p>Recreation: No. 4-c – To assure optimum use of the Bay for recreation, the following facilities should be encouraged in waterfront parks and wildlife refuges.</p> <p>a. Historic Buildings in waterfront parks and wildlife refuges should be developed and managed for recreation uses to the maximum practicable extent consistent with the Bay Plan Map policies and all of the following.</p> <ol style="list-style-type: none"> 1. Physical and visual access corridors between inland public areas, vista points, and the shoreline should be created, preserved, or enhanced. Corridors for Bay-related wildlife should also be created, preserved, and enhanced where needed and feasible. 2. Historic structures and districts listed on the National Register of Historic Places or California Registered Historic Landmarks should be preserved consistent with applicable state and federal Historic Preservation law and should be used consistent with the Bay Plan recreation policies. Public access to the exterior of these structures should be provided. Public access to the interiors of these structures should be provided where appropriate. <p>To assist in generating the revenue needed to preserve historic structures and develop, operate, and maintain park improvements and to achieve other important public objectives, uses other than water-oriented recreation, commercial recreation and public assembly facilities may be authorized only if they would: (a) not diminish recreational opportunities or the park-like</p>	Yes	The Project Site includes historic buildings, but only a small corner of one of these buildings is within BCDC's jurisdiction; while none of the buildings are located within the proposed waterfront park or Bay Trail extension, some would be visible from those locations. The Modified Project would rehabilitate the historic buildings within the Project Site and the public would be able to view the exteriors of the buildings. The Modified Project does not propose a wildlife refuge.

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<p>character of the site; (b) preserve historic buildings where present for compatible new uses; and (c) not significantly, adversely affect the site's fish, other aquatic life and wildlife and their habitats.</p>		
CLIMATE CHANGE – PART IV (Climate Change)		
<p>Climate Change: No. 3 – To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects, and infill projects within existing urbanized areas—should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century.</p>	Yes	<p>As discussed in Section 4.3, Bay is expected to experience rising sea levels. Some edges of the Project Site would start to experience a risk from rising sea levels only if the rise is 52 inches (4.3 feet) or greater, which is unlikely to occur until the end of the century (year 2100). Therefore, the Modified Project would not be affected by mid-century sea level rise and therefore does not require sea level-rise adaptations in the immediate future. In addition, based on the NOAA Sea Level Rise tool, only the very edges of the Project Site would be impacted by an 8-foot sea level rise, which is the extreme sea-level rise scenario by 2100. Under the intermediate sea-level rise scenario (3.2 feet), the impacts of sea-level rise to the Project Site appear too small to measure. The Coastal Erosion Assessment prepared for the Bay Trail environmental document concluded that the lowest elevation of the trail is to be +14.6 NAVD88 and the 2050 projected water surface elevations due to sea level rise with wind wave run-up or an extreme tsunami are below this value by 0.6 foot or more. Therefore, the portion of the Bay Trail running through the Project Site would not be impacted by mid-century sea level rise.</p>
<p>Climate Change: No. 4 – To address the regional adverse impacts of climate change, undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species, or possess conditions that make the areas especially suitable for ecosystem enhancement, should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes.</p>	Yes	<p>As discussed in Section 4.3, the Bay is expected to experience rising sea levels. The Project Site would only start to experience a risk from rising sea levels if the rise is 52 inches or more, which could occur at the end of the century, and even then only the very edges of the Project Site are expected to be lost to the Bay. These areas do not sustain significant non-aquatic habitat or species. Furthermore, due to archaeological resources and contamination from U.S. Navy (Navy) uses, these areas are not suitable for ecosystem enhancement.</p>

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		<p>As for on-site habitats, the Project Site has sensitive habitat and habitat suitable for special-status species in the upland areas that would be unaffected by sea-level rise in 2100, even under the extreme scenario. The Modified Project retains approximately 70 percent of the Project Site as open-space, including all areas with sensitive riparian habitat and large portions of the areas suitable for special status species. For impacts determined to be potentially significant to these habitat types, the Modified Project includes mitigation in the form of habitat preservation and enhancement (restoration or creation exceeding a 1:1 ratio, which would reduce impacts to less than significant). Restoration areas are to be primarily within the upland open space areas and would be managed through an Open Space Plan to ensure the success of mitigation. Furthermore, the eelgrass beds in the off-shore areas of the Project Site are not put at risk from sea-level rise. The Modified Project preserves the eelgrass in place and includes mitigation measures to ensure eelgrass would not be harmed by indirect impacts.</p>
<p>Climate Change: No. 5 – Wherever feasible and appropriate, effective, innovative sea level rise adaptation approaches should be encouraged.</p>	<p>Yes</p>	<p>As discussed in Section 4.3, the Project Site would only start to experience a risk from rising sea levels if the rise is at least 52 inches, which could occur at the end of the century, and even with such a rise, no Project Site improvements would be adversely affected. Therefore, innovative sea level rise adaptation approaches are not appropriate for the Project Site.</p>
<p>BIOLOGICAL RESOURCES – Part III (Fish, Other Aquatic Organisms and Wildlife)</p>		
<p>Fish, Other Aquatic Organisms and Wildlife: No. 1 – To assure the benefits of fish, other aquatic organisms, and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored, and increased.</p>	<p>Yes</p>	<p>As discussed in Section 4.3, the Project Site has sensitive habitat, including tidal marshes and a subtidal zone. Tidal flats were not observed on the Project Site. Tidal marshes are outside of the development footprint and would be protected with a setback area during construction. With this protection, the Modified Project would not impact tidal marshes, tidal flats, or other subtidal habitat. Development on other wetland types would be minimized and subject to permitting requirements.</p>

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<p>Fish, Other Aquatic Organisms, and Wildlife: No. 2 – Specific habitats that are needed to conserve, increase, or prevent the extinction of any native species, species threatened or endangered, species that the California Department of Fish and Game has determined are candidates for listing as endangered or threatened under the California Endangered Species Act, or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes.</p>	Yes	<p>The eelgrass beds off the shore of the Project Site may support special-status species and would be entirely preserved as no new development is proposed in the Bay (the existing pier would be fixed, but the work would not require in-water construction). As required by Mitigation Measure 4.3-4, long-term monitoring of the eelgrass beds would occur to ensure that any potential indirect impacts to eelgrass are avoided. Tidal marshes capable of supporting special-status plants and birds would be avoided and protected with setbacks during the construction phase. Development on other wetland types would be minimalized and subject to permitting requirements. For habitats with the potential to support special-status species that could potentially be significantly impacted by the Modified Project, as described in detail in Section 4.3 of this Supplemental Environmental Impact Report (SEIR), mitigation is proposed at a ratio exceeding 1:1 and includes preservation, creation, or restoration of in-kind habitat.</p>
<p>Fish, Other Aquatic Organisms and Wildlife: No. 4 – The Commission [BCDC] should:</p> <ol style="list-style-type: none"> a. consult with the California Department of Fish and Game and the U.S. Fish & Wildlife Service or the National Marine Fisheries Service whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species; b. not authorize projects that would result in the "taking" of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal endangered species acts, or the federal Marine Mammal Protection Act, or species that are candidates for listing under the California Endangered Species Act, unless the project applicant has obtained the appropriate "take" authorization from the U.S. Fish & Wildlife Service, National Marine Fisheries Service, or the California Department of Fish and Game; and c. give appropriate consideration to the recommendations of the California Department of Fish and Game, the National Marine Fisheries Service or the U.S. Fish & Wildlife Service in order to avoid 	Yes	<p>As discussed in Section 4.3, special-status species would be protected on the Project Site. Furthermore, habitat suitable for special-status species has been evaluated and mitigation proposed for potentially significant impacts in instances where avoidance was not feasible. All known locations of special-status plants have been avoided. With incorporation of mitigation presented in Section 4.3, there is no anticipated take of special-status species. Mitigation additionally stipulates that, should unforeseen circumstances during construction present the possibility of "take," that the appropriate authorization would be required prior to those activities for which "take" may result. Mitigation presented in Section 4.3 to reduce impacts to special-status species and their habitat to less than significant consider guiding agency documents such as recovery plans and recommended mitigation protocols.</p>

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possible adverse effects of a proposed project on fish, other aquatic organisms, and wildlife habitat.		
BIOLOGICAL RESOURCES – Part III (Tidal Marshes and Tidal Flats)		
Tidal Marshes and Tidal Flats: No. 3 – Projects should be sited and designed to avoid, or if avoidance is infeasible, minimize adverse impacts on any transition zone present between tidal and upland habitats. Where a transition zone does not exist and it is feasible and ecologically appropriate, shoreline projects should be designed to provide a transition zone between tidal and upland habitats.	Yes	The totality of tidal marsh habitat is outside of the development area and would be protected during construction with a setback. Following construction, signs would be posted to educate visitors on the presence of sensitive habitat and how to preserve its quality. Transitional beach strand habitat is avoided in development plans and would be subject only to minor updates to park infrastructure consistent with its current use as a public-access destination. Due to the Project Site's topography and the existence of historic buildings near the shoreline, it is not appropriate to create new transition zones between tidal and upland areas.
BIOLOGICAL RESOURCES – Part IV (Public Access)		
Public Access: No. 3 – Public access to some natural areas should be provided to permit study and enjoyment of these areas. However, some wildlife are sensitive to human intrusion. For this reason, projects in such areas should be carefully evaluated in consultation with appropriate agencies to determine the appropriate location and type of access to be provided.	Yes	As discussed in Section 3.0 , the Modified Project would provide public access to natural areas with the inclusion of a shoreline park, Bay trail extension, and open-space area with trails. The SEIR carefully evaluates the Project Site's natural areas. As discussed in Section 4.3 , an Open Space Plan and Vegetation Management Plan would be developed to guide habitat restoration efforts on the Project Site; that plan would include specific management actions that would prevent the spread of invasive vegetation and disturbance of sensitive biological resources in sensitive habitats within BCDC's jurisdiction.
Public Access: No. 4 – Public access should be sited, designed, and managed to prevent significant adverse effects on wildlife. To the extent necessary to understand the potential effects of public access on wildlife, information on the species and habitats of a proposed project site should be provided, and the likely human use of the access area analyzed. In determining the potential for significant adverse effects (such as impacts on endangered species, impacts on breeding and foraging areas, or fragmentation of wildlife corridors), site-specific information provided by the project applicant, the best available scientific evidence, and expert advice	Yes	This SEIR analyzes the Modified Project's impact on wildlife, using information from the Applicant about the Modified Project, qualified City biological consultants, and best available science. Specifically, as discussed in Section 4.3 , the Project Site is a relatively biologically isolated land mass that is bounded on all sides by either the Bay or major highways and development. It is not recognized as an Essential Connectivity

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<p>should be used. In addition, the determination of significant adverse effects may also be considered within a regional context. Siting, design, and management strategies should be employed to avoid or minimize adverse effects on wildlife, informed by the advisory principles in the Public Access Design Guidelines. If significant adverse effects cannot be avoided or reduced to a level below significance through siting, design, and management strategies, then in lieu public access should be provided, consistent with the project and providing public access benefits equivalent to those that would have been achieved from on-site access. Where appropriate, effects of public access on wildlife should be monitored over time to determine whether revisions of management strategies are needed.</p>		<p>Area (Spencer et al., 2010). While nests have been observed on the Project Site and wildlife likely use the site for rearing of young, there are no know nursery sites or other wildlife congregating areas used for social gatherings such as leks, rookeries, or colonial birthing.</p> <p>However, the Modified Project provides suitable habitat for special-status fish, reptile, birds, and bats. The Modified Project's proposed public access has been sited, designed, and would be managed to prevent adverse effects on wildlife, including special-status species. Mitigation Measure 4.3-13 requires signs to be posted at the shoreline park to educate visitors on the importance of these wildlife species and how to prevent disturbance of them. Mitigation Measure 4.3-9 requires regular maintenance to be performed to promptly address litter and other management issues. With these mitigation measures, the Modified Project would have a less-than-significant impact on wildlife from the construction/improvement of public access to the Bay.</p>
<p>Public Access: No. 13 – The Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise the Commission [BCDC] regarding the adequacy of the public access proposed. The Design Review Board should encourage diverse public access to meet the needs of a growing and diversifying population. Public access should be well distributed around the Bay and designed or improved to accommodate a broad range of activities for people of all races, cultures, ages, income levels, and abilities.</p>	Yes	<p>As discussed above, the Modified Project's Bay access has been sited and designed in a manner that is consistent with the Public Access Design Guidelines, and would provide additional Bay access to the City's diverse community.</p>
<p>Public Access: No. 14 – Public access should be integrated early in the planning and design of Bay habitat restoration projects to maximize public access opportunities and to avoid significant adverse effects on wildlife.</p>	Not Applicable	<p>The Modified Project is not a Bay habitat restoration project and would not create impacts that would require Bay habitat restoration.</p>
<p>GEOLOGY, SOILS, & MINERAL RESOURCES - Part IV (Safety of Fills)</p>		
<p>Safety of Fills: Finding a – To reduce risk of life and damage to property, special consideration must be given to construction on filled lands in San Francisco Bay. (Similar hazards exist on the poor soils throughout the Bay</p>	Yes	<p>The Modified Project does not include the filling of the Bay or construction on filled lands.</p>

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Area, including soft natural soils, steep slopes, earthquake fault zones, and extensively graded areas.)		
Safety of Fills: No. 2 Even if the Bay Plan indicates that a fill may be permissible, no fill or building should be constructed if hazards cannot be overcome adequately for the intended use in accordance with the criteria prescribed by the Engineering Criteria Review Board.	Yes	The Modified Project does not include the filling of the Bay. Therefore, there would be no risk associated with it.
Safety of Fills: No. 3 – To provide vitally needed information on the effects of earthquakes on all kinds of soils, installation of strong-motion seismographs should be required on all future major land fills. In addition, the Commission [BCDC] encourages installation of strong-motion seismographs in other developments on problem soils, and in other areas recommended by the U.S. Geological Survey, for purposes of data comparison and evaluation.	Not Applicable	The Modified Project does not include the filling of the Bay and does not proposed the construction of buildings on problem soils within BCDC’s jurisdiction.
Safety of Fills: No. 4 – Adequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project. The Commission [BCDC] may approve fill that is needed to provide flood protection for existing projects and uses. New projects on fill or near the shoreline should either be set back from the edge of the shore so that the project will not be subject to dynamic wave energy, be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project, be specifically designed to tolerate periodic flooding, or employ other effective means of addressing the impacts of future sea level rise and storm activity. Rights-of-way for levees or other structures protecting inland areas from tidal flooding should be sufficiently wide on the upland side to allow for future levee widening to support additional levee height so that no fill for levee widening is placed in the Bay.	Yes	As discussed in Section 4.3 , the Bay is expected to experience rising sea levels. Some edges of the Project Site would start to experience a risk from rising sea levels only if the rise is 52 inches (4.3 feet) or greater, which is unlikely to occur until the end of the century (year 2100). Therefore, the Project Site would not be affected by mid-century sea level rise and would not require sea level-rise adaptations in the immediate future. In addition, based on the NOAA Sea Level Rise tool, only the very edges of the Project Site would be impacted by an 8-foot sea level rise, which is the extreme sea-level rise scenario by 2100. Under the intermediate sea-level rise scenario (3.2 feet), the impacts of sea-level rise to the Project Site appear too small to measure. The Coastal Erosion Assessment prepared for the Bay Trail environmental document concluded that the lowest elevation of the trail is to be +14.6 NAVD88 and the 2050 projected water surface elevations due to sea level rise with wind wave run-up or an extreme tsunami are below this value by 0.6 foot or more.
HYDROLOGY & WATER QUALITY – Part III (Water Quality)		
Water Quality: No. 1 – Bay water pollution should be prevented to the greatest extent feasible. The Bay’s tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay	Yes	As discussed in Section 3.5.2 , the Project Site would undergo an extensive remediation process in compliance with San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) Order No. R2-2011-0087 before development

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<p>should be maintained at a level adequate to protect Bay resources and beneficial uses.</p>		<p>could commence. Furthermore, the Modified Project would comply with all applicable federal, State, and local regulations concerning hazardous materials and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) to prevent Bay water pollution from erosion and stormwater runoff. As discussed in Section 4.3, tidal marsh and Bay waters occur within the Project Site, but outside of the development area. Tidal marsh would be protected via a setback buffer during the construction phase. Following construction, signs would be posted to educate visitors and residents on the importance and sensitivity of this habitat type and how they can avoid disturbing it and the wildlife it supports. As further discussed in Section 4.8, the quality of runoff into the Bay would be monitored and maintained throughout construction under the appropriate SWPPP, which would require best management practices (BMP) throughout construction to avoid impairing runoff quality. The SWPPP would additionally require stabilization of all soil prior to construction closeout to address prevent soil runoff and erosion. As required by Mitigation Measure 4.8-2, the Modified Project must develop and implement a Demolition and Containment Plan that would protect Bay waters during work to make the existing pier suitable for ferry service. The Modified Project would comply with its C.3 requirements during operation to ensure stormwater is treated onsite through low-impact design features and that that Modified Project would not increase stormwater quantity from existing conditions.</p>
<p>Water Quality: No. 2 – Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the SFBRWQCB’s <i>Water Quality Control Plan, San Francisco Bay Basin</i> and should be protected from all harmful or potentially harmful pollutants. The policies, recommendations, decisions, advice, and authority of the State Water Resources Control Board and the Regional Board, should be the basis for carrying out the Commission’s [BCDC] water quality responsibilities.</p>	<p>Yes</p>	<p>The Modified Project would comply with all applicable federal, State, and local regulations pertaining to maintaining acceptable water quality and preventing pollution, including following the Water Quality Control Plan by the SFBRWQCB.</p>

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<p>Water Quality: No. 3 – New projects should be sited, designed, constructed, and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain nonpolluting materials; and (c) applying appropriate, accepted, and effective best management practices [BMPs], especially where water dispersion is poor and near shellfish beds and other significant biotic resources.</p>	Yes	<p>The Modified Project would comply with all applicable federal, State, and local regulations concerning hazardous materials, including those for construction, in order to prevent discharge of pollutants into the Bay. Furthermore, as discussed in Section 4.3 and Section 4.8, a SWPPP would be prepared in compliance with the Clean Water Act. This SWPPP would include BMPs for preventing erosion, which is a pollutant source, during the construction of the Modified Project. An erosion control and stormwater management plan would be prepared in compliance with the Bay Plan to further prevent pollution. The Modified Project would comply with C.3 requirements that maintain water quality of runoff, including the incorporation of low impact development features to prevent increases in runoff and pollutant discharges from projects. The Modified Project does not propose construction within BCDC's jurisdiction with the exception of the Bay Trail, which construction was analyzed in a 2018 California Environmental Quality Act document. The Modified Project would comply with all mitigation measures applicable to Bay Trail construction intended to protect water quality.</p>
<p>Water Quality: No. 4 – When approving a project in an area polluted with toxic or hazardous substances, the Commission [BCDC] should coordinate with appropriate local, State, and federal agencies to ensure that the project will not cause harm to the public, to Bay resources, or to the beneficial uses of the Bay.</p>	Yes	<p>As discussed in Section 3.0, the Project Site has contaminated areas within BCDC's jurisdiction. The Modified Project would remediate these areas prior to constructing the Bay Trail in compliance with SFBRWQCB Order No. R2-2011-0087. This remediation would be done under the oversight of the SFBRWQCB and in compliance with its remediation Order and applicable Health and Safety Codes, which would ensure that the remediation would not harm the public, Bay resources, or beneficial uses of the Bay.</p>
<p>Water Quality: No. 6 – To protect the Bay and its tributaries from the water quality impacts of non-point source pollution, new development should be sited and designed consistent with standards in municipal stormwater permits and State and regional stormwater management guidelines, where applicable, and with the protection of Bay resources. To offset impacts from increased impervious areas and land disturbances, vegetated swales, permeable</p>	Yes	<p>The Modified Project would comply with all federal, State, and local regulations, including complying with the general municipal stormwater permit and regional stormwater management guidelines. The Modified Project would include low impact development features, including vegetated swales,</p>

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pavement materials, preservation of existing trees and vegetation, planting native vegetation, and other appropriate measures should be evaluated and implemented where appropriate.		that would treat stormwater onsite, encourage percolation, and prevent excessive runoff. The Modified Project also proposes areas with permeable pavement materials, preservation of many of the Project Site's trees, and the planting of native vegetation. Furthermore, the Modified Project would comply with the mitigation measures in Section 4.8 that reduce the potential impacts from stormwater runoff to less-than-significant levels.
Water Quality: No. 7 – Whenever practicable, native vegetation buffer areas should be provided as part of a project to control pollutants from entering the Bay, and vegetation should be substituted for rock riprap, concrete, or other hard surface shoreline and bank erosion control methods where appropriate and practicable.	Yes	The Modified Project does not propose any new development within the shoreline band other than extending the Bay Trail, which does not require riprap, concrete, or other bank erosion control measures. The Modified Project would use permeable pavers on part of the Bay Trail to allow emergency vehicle access during emergencies while minimizing runoff potential. To enhance public areas along the shoreline, the Modified Project would preserve existing plants, and where needed, add native vegetation that also could act as a buffer between the shoreline areas and upland areas.
HYDROLOGY & WATER QUALITY – Part III (Water Surface Area and Volume)		
Water Surface Area and Volume: No. 1 – The surface area of the Bay and the total volume of water should be kept as large as possible in order to maximize active oxygen interchange, vigorous circulation, and effective tidal action. Filling and diking that reduce surface area and water volume should therefore be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative.	Yes	The Modified Project does not propose fill or other changes, such as dikes, that would decrease the Bay's surface area.
Water Surface Area and Volume: No. 2 – Water circulation in the Bay should be maintained and improved as much as possible. Any proposed fills, dikes, or piers should be thoroughly evaluated to determine their effects upon water circulation and then modified as necessary to improve circulation or at least to minimize any harmful effects.	Yes	As discussed in Section 3.0 , the Modified Project does not propose fill, dikes, or any new piers. Therefore, the Modified Project would not physically affect the circulation within the Bay.
Water Surface Area and Volume: No. 3 – Because further study is needed before any barrier proposal to improve water circulation can be considered acceptable, the Bay Plan does not include any barriers. Before any proposal for a barrier is adopted in the future, the Commission [BCDC] will be required to replan all of the affected shoreline and water area.	Yes	As discussed in Section 3.0 , the Modified Project does not propose any barriers in the Bay. Therefore, the Modified Project would not physically affect the circulation via a barrier.

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HYDROLOGY & WATER QUALITY – Part IV (Public Access)		
<p>Public Access: No. 6 – Public access should be sited, designed, managed, and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding.</p>	Yes	<p>As discussed in Section 4.3, the Bay is expected to experience rising sea levels. Some edges of the Project Site would start to experience a risk from rising sea levels only if the rise is 52 inches (4.3 feet) or greater, which is unlikely to occur until the end of the century (year 2100). Therefore, the Project Site would not be affected by mid-century sea level rise and does not require sea level-rise adaptations in the immediate future. In addition, based on the NOAA Sea Level Rise tool, only the very edges of the Project Site would be impacted by an 8-foot sea level rise, which is the extreme sea-level rise scenario by 2100. Under the intermediate sea-level rise scenario (3.2 feet), the impacts of sea-level rise to the Project Site appear too small to measure. The Coastal Erosion Assessment prepared for the Bay Trail environmental document concluded that the lowest elevation of the trail is to be +14.6 NAVD88 and the 2050 projected water surface elevations due to sea level rise with wind wave run-up or an extreme tsunami are below this value by 0.6 foot or more. Furthermore, as discussed in Section 4.8, the Project Site is not located within a tsunami or seiche zone, and therefore is not susceptible to shoreline flooding.</p>
LAND USE & PLANNING – Part IV (Recreation)		
<p>Recreation: No. 4-a – To assure optimum use of the Bay for recreation, the following facilities should be encouraged in waterfront parks and wildlife refuges.</p> <p>a. In waterfront parks. (1) Where possible, parks should provide some camping facilities accessible only by boat, and docking and picnic facilities for boaters. (2) To capitalize on the attractiveness of their Bayfront location, parks should emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical and cultural education and interpretation, viewpoints, beaches, and fishing facilities. Recreational facilities that do not need a waterfront location, e.g., golf courses and playing fields, should generally be placed inland, but may be permitted in shoreline areas if they are part of a park complex that is primarily devoted to water-oriented uses, or are designed to provide for passive use and enjoyment of the Bay when</p>	Yes	<p>As described in Section 3.0, the shoreline of the Project Site is planned to include a segment of the Bay Trail as well as a public access waterfront park. The public access waterfront park would be located on the southern portion of the Point Molate shoreline and would include beach access, swimming, and park improvements, such as new multi-use trails; picnic facilities; environmental and cultural interpretive panels; and areas for contemplating the Bay. The area within BCDC’s jurisdiction is not proposed for recreational facilities, such as soccer and baseball fields, that do not require a waterfront location. In addition, due to the location of eelgrass, no boat slips are proposed, but the Modified Project may include a</p>

Bay Plan Policy	Modified Project Consistent with Bay Plan Policy	Consistency Analysis
<p>not being used for sports. (3) Where shoreline open space includes areas used for hunting waterbirds, public areas for launching non-motorized small boats should be provided so long as they do not result in overuse of the hunting area. (4) Public launching facilities for a variety of boats and other water-oriented recreational craft, such as kayaks, canoes, and sailboards, should be provided in waterfront parks where feasible. (5) Except as may be approved pursuant to Recreation Policy 4-b, limited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay. Limited commercial development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary. (6) Trails that can be used as components of the Bay Trail, the Bay Area Ridge Trail or links between them should be developed in waterfront parks. Bay Trail segments should be located near the shoreline unless that alignment would have significant adverse effects on Bay resources; in this case, an alignment as near to the shore as possible, consistent with Bay resource protection, should be provided. Bay Area Ridge Trail segments should be developed in waterfront parks where the ridgeline is close to the Bay shoreline. (7) Bus stops, kiosks and other facilities to accommodate public transit should be provided in waterfront parks to the maximum extent feasible. Public parking should be provided in a manner that does not diminish the park-like character of the site. Traffic demand management strategies and alternative transportation systems should be developed where appropriate to minimize the need for large parking lots and to ensure parking for recreation uses is sufficient. (8) Interpretive information describing natural, historical and cultural resources should be provided in waterfront parks where feasible. (9) In waterfront parks that serve as gateways to wildlife refuges, interpretive materials and programs that inform visitors about the wildlife and habitat values present in the park and wildlife refuges should be provided. Instructional materials should include information about the potential for adverse impacts on wildlife, plant and habitat resources from certain activities. (10) The Commission [BCDC] may permit the placement of public utilities and services, such as underground sewer lines and power cables, in recreational facilities provided they would</p>		<p>small kayaking facility designed to avoid the eelgrass. The parking lot serving the beach park and Bay Trail would be accessible to buses should AC Transit desire to add a stop. In addition, the Modified Project proposes running a shuttle from the Bay Area Rapid Transit (BART) station as part of its Transportation Demand Management Plan and may include ferry service from the existing pier.</p>

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be unobtrusive, would not permanently disrupt use of the site for recreation, and would not detract from the visual character of the site.		
<p>Recreation: No. 4-b – To assure optimum use of the Bay for recreation, the following facilities should be encouraged in waterfront parks and wildlife refuges.</p> <p>a. Historic Buildings in waterfront parks and wildlife refuges should be developed and managed for recreation uses to the maximum practicable extent consistent with the Bay Plan Map policies and all of the following.</p> <ol style="list-style-type: none"> 1. Physical and visual access corridors between inland public areas, vista points, and the shoreline should be created, preserved, or enhanced. Corridors for Bay-related wildlife should also be created, preserved, and enhanced where needed and feasible. 2. Historic structures and districts listed on the National Register of Historic Places or California Registered Historic Landmarks should be preserved consistent with applicable state and federal historic preservation law and should be used consistent with the Bay Plan recreation policies. Public access to the exterior of these structures should be provided. Public access to the interiors of these structures should be provided where appropriate. 3. To assist in generating the revenue needed to preserve historic structures and develop, operate, and maintain park improvements and to achieve other important public objectives, uses other than water-oriented recreation, commercial recreation and public assembly facilities may be authorized only if they would: (a) not diminish recreational opportunities or the park-like character of the site; (b) preserve historic buildings where present for compatible new uses; and (c) not significantly, adversely affect the site's fish, other aquatic life, and wildlife and their habitats. 	Yes	See response, above, under Aesthetics, Recreation: No. 4-b.
LAND USE & PLANNING – Part IV (Public Trust)		
<p>Public Trust: No. 1 – When the Commission [BCDC] takes any action affecting lands subject to the public trust, it should assure that the action is consistent with the public trust needs for the area and, in case of lands subject to legislative grants, should also assure that the terms of the grant are satisfied and the project is in furtherance of State-wide purposes.</p>	Yes	The Modified Project does not propose development within tidelands and the BCDC's action would not affect lands subject to the public trust

Bay Plan Policy	Modified Project Consistent with Bay Plan Policy	Consistency Analysis
PUBLIC SERVICES AND RECREATION – Part IV (Recreation)		
<p>Recreation: No. 1 – Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages, and income levels. Periodic assessments of water-oriented recreational needs that forecast demand into the future and reflect changing recreational preferences should be made to ensure that sufficient, appropriate water-oriented recreational facilities are provided around the Bay. Because there is no practical estimate of the acreage needed on the shoreline of the Bay, waterfront parks should be provided wherever possible.</p>	Yes	<p>As discussed within Section 3.0, the Modified Project would improve an existing, fully accessible shoreline park that would have large, vegetated areas for walking and enjoying the shoreline, signs about the ecological and cultural significance of the area, picnic areas, and vista overlooks, and could have public art and cultural exhibits, park recreation facilities (play areas, equipment rental, etc.), and a kayak launch area. Furthermore, the Modified Project would construct a 1.5-mile segment of the Bay Trail to connect shoreline trails and therefore increase access for the City’s diverse community.</p>
<p>Recreation: No. 2 – Waterfront land needed for parks and beaches to meet future needs should be reserved now, because delay may mean that needed shoreline land could otherwise be preempted for other uses. However, recreational facilities need not be built all at once; their development can proceed over time. Interim use of a waterfront park priority use area prior to its development as a park should be permitted, unless the use would prevent the site from being converted to park use or would involve investment in improvements that would preclude the future use of the site as a park.</p>	Yes	<p>As discussed within Section 3.0, the Modified Project reserves waterfront land for improving and expanding an existing public shoreline park. Additionally, the Modified Project would construct an approved 1.5-mile segment of the Bay Trail that traverses through the Project Site and connects to an existing shoreline trail. Therefore, the Modified Project would increase access to the City’s shoreline.</p>
<p>Recreation: No. 3 – Recreational facilities, such as waterfront parks, trails, marinas, live-aboard boats, non-motorized small boat access, fishing piers, launching lanes, and beaches, should be encouraged and allowed by the Commission [BCDC], provided they are located, improved, and managed consistent with the following standards.</p> <p>a. General Recreational facilities should:</p> <ol style="list-style-type: none"> 1. be well distributed around the shores of the Bay to the extent consistent with the more specific criteria below. Any concentrations of facilities should be as close to major population centers as is feasible; 2. not pre-empt land or water area needed for other priority uses, but efforts should be made to integrate recreation into such facilities to the extent that they are compatible; 3. be feasible from an engineering viewpoint; and 4. be consistent with the public access policies that address wildlife compatibility and disturbance. <p>In addition:</p>	Yes	<p>As discussed within Section 3.0, the Modified Project improves and expands an existing shoreline park and constructs a 1.5-mile segment of the Bay Trail that would traverse through the Project Site and connect to an existing shoreline trail.</p> <p>The improvement and expansion of the waterfront park and construction of the Bay Trail adds recreational facilities to an area of the Bay that lacks good waterfront access due to existing industrial uses and in an area within the City, which is one of the larger northern East Bay cities.</p> <p>The proposed waterfront improvements would not preempt land or water needed for other priority uses. The waterfront improvements would avoid the sensitive eelgrass habitat</p>

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<p>5. Different types of compatible public and commercial recreation facilities should be clustered to the extent feasible to permit joint use of ancillary facilities and provide a greater range of choices for users.</p> <p>6. Sites, features, or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses, consistent with natural and cultural resource preservation.</p> <p>7. Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails.</p> <p>8. To reduce the human health risk posed by consumption of contaminated fish, projects that create or improve fishing access to the Bay at water-oriented recreational facilities, such as fishing piers, beaches, and marinas, should include signage that informs the public of consumption advisories for the species of Bay fish that have been identified as having potentially unsafe levels of contaminants.</p> <p>9. Complete segments of the Bay and Ridge Trails where appropriate, consistent with Recreation Policy 4-a-6.</p> <p>b. Marinas. (1) Marinas should be allowed at any suitable site on the Bay. Unsuitable sites are those that tend to fill up rapidly with sediment and require frequent dredging; have insufficient upland; contain valuable tidal marsh, or tidal flat, or important subtidal areas; or are needed for other water-oriented priority uses. At suitable sites, the Commission [BCDC] should encourage new marinas, particularly those that result in the creation of new open water through the excavation of areas not part of the Bay and not containing valuable wetlands. (2) Fill should be permitted for marina facilities that must be in or over the Bay, such as breakwaters, shoreline protection, boat berths, ramps, launching facilities, pumpout and fuel docks, and short-term unloading areas. Fill for marina support facilities may be permitted at sites with difficult land configurations provided that the fill in the Bay is the minimum necessary and any unavoidable loss of Bay habitat, surface area, or volume is offset to the maximum amount feasible, preferably at or near the site. (3) No new marina or expansion of any existing marina should be approved unless water</p>		<p>located just off of the Project Site's shoreline and the Modified Project would include mitigation measures to ensure eelgrass is not impacted from waterfront or other activities.</p> <p>The waterfront improvements are feasible from an engineering perspective. There are no difficult engineering issues related to park or trail development.</p> <p>The waterfront improvements also are consistent with public access policies that address wildlife compatibility and disturbance. The improvements would not disrupt critical habitat or migration corridors.</p> <p>The Modified Project would locate a commercial kayak facility with the public waterfront park beach area. This allows users of the waterfront park to engage in additional recreational activities beyond swimming and walking trails.</p> <p>The Modified Project preserves and enhances the existing waterfront park on the Property. This enhancement is consistent with natural and cultural resource preservation. As discussed in Sections 4.3 and 4.4, the waterfront improvements would be subject to mitigation measures that, among other things, protect the adjacent, sensitive eelgrass habitat and require interpretative signs to educate the public about nearby sensitive habitat and cultural resources.</p> <p>The Modified Project would include way-finding signs to make it easy for the public to find the beach, kayak facility, and trail heads. These waterfront recreational amenities would be accessible from a public parking lot and connected by trails to a public street.</p>

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<p>quality and circulation will be adequately protected and, if possible, improved, and an adequate number of vessel sewage pumpout facilities that are convenient in location and time of operation to recreational boat users should be provided free of charge or at a reasonable fee, as well as receptacles to dispose of waste oil. (4) In addition, marinas should include public amenities, such as viewing areas, restrooms, public mooring docks or floats, and moorages for transient recreational boaters, non-motorized small boat launching facilities, public parking; substantial physical and visual access; and maintenance for all facilities.</p> <p>c. Live-aboard boats. Live-aboard boats should be allowed only in marinas and only if: (1) The number would not exceed 10 percent of the total authorized boat berths unless the applicant can demonstrate clearly that a greater number of live-aboard boats is necessary to provide security or other use incidental to the marina use; (2) The boats would promote and further the recreational boating use of the marina (for example, providing a degree of security), and are located within the marina consistent with such purpose; (3) The marina would provide, on land, sufficient and conveniently located restrooms, showers, garbage disposal facilities, and parking adequate to serve live-aboard boat occupants and guests; (4) The marina would provide and maintain an adequate number of vessel sewage pumpout facilities in locations that are convenient in location and time of operation to all boats in the marina, particularly live-aboard boats, and would provide the service free of charge or at a reasonable fee; and (5) There would be adequate tidal circulation in the marina to mix, dilute, and carry away any possible wastewater discharge. Live-aboard boats moored in a marina on July 1, 1985, but unauthorized by the Commission [BCDC], should be allowed to remain in the marina provided the tests of (2), (3), (4), and (5) above are met. Where existing live-aboard boats in a marina exceed ten percent of the authorized berths, or a greater number is demonstrated to be clearly necessary to provide security or other use incidental to the marina use, no new live-aboard boats should be authorized until the number is reduced below that number and then only if the project is in conformance with tests (1), (2), (3), (4), and (5) above.</p> <p>d. Launching Lanes. (1) Launching lanes should be placed where wind and water conditions would be most favorable for smaller boats. (2) Some launching lanes should be located near prime fishing areas and others near calm, clear water suitable for waterskiing.</p>		<p>The Modified Project does not propose fishing activities due to the sensitive nature of the nearby aquatic habitat.</p> <p>The Modified Project would construct a 1.5-mile segment of the Bay Trail, consistent with Recreation Policy 4-a-6.</p> <p>The Project Site's waterfront is not a suitable site for a marina, live-aboard boats, boat ramps/launching facilities, or other boating activities due to sensitive eelgrass habitat. The Modified Project would include a kayak facility, as kayak use would not damage the Bay habitat like boats. The Modified Project would preserve and enhance the existing sandy beach for recreational uses, such as swimming. Swimming areas would be clearly demarcated and avoid sensitive Bay habitat. The Modified Project also would improve the existing pier, which reaches out into the Bay beyond the eelgrass habitat for use by ferries. To enhance the waterfront experience, the Modified Project also would provide visitor-serving commercial uses (restaurants, cafes, etc.) in areas accessible from the waterfront but outside of BCDC's jurisdiction.</p>

Bay Plan Policy	Modified Project Consistent with Bay Plan Policy	Consistency Analysis
<p>(3) Additional launching facilities should be located around the Bay shoreline, especially where there are few existing facilities. These facilities should be available free or at moderate cost. Launching facilities should include adequate car and trailer parking, restrooms, and public access. (4) In marinas, launching facilities should be encouraged where there is adequate upland to provide needed support facilities. (5) New ramps and improvements to existing ramps should provide for use by a wide variety of boats, including power boats and non-motorized small boats. (6) Fill for ramps into the water, docks, and similar facilities should be permitted. Other fill should not be permitted.</p> <p>e. Non-Motorized Small Boats. (1) Where practicable, access facilities for non-motorized small boats should be incorporated into waterfront parks, marinas, launching ramps and beaches, especially near popular waterfront destinations. (2) Access points should be located, improved, and managed to avoid significant adverse effects on wildlife and their habitats, should not interfere with commercial navigation, or security and exclusion zones or pose a danger to recreational boaters from commercial shipping operations, and should provide for diverse water-accessible overnight accommodations, including camping, where acceptable to park operators. (3) Sufficient, convenient parking that accommodates expected use should be provided at sites improved for launching non-motorized small boats. Where feasible, overnight parking should be provided. (4) Site improvements, such as landing and launching facilities, restrooms, rigging areas, equipment storage and concessions, and educational programs that address navigational safety, security, and wildlife compatibility and disturbance should be provided, consistent with use of the site. (5) Facilities for boating organizations that provide training and stewardship, operate concessions, provide storage or boathouses should be allowed in recreational facilities where appropriate. (6) Design standards for non-motorized small boat launching access should be developed to guide the improvement of these facilities. Launching facilities should be accessible and designed to ensure that boaters can easily launch their watercraft. Facilities should be durable to minimize maintenance and replacement cost.</p> <p>f. Fishing Piers. Fishing piers should not block navigation channels, nor interfere with normal tidal flow.</p>		

Bay Plan Policy	Modified Project Consistent with Bay Plan Policy	Consistency Analysis
<p>g. Beaches. Sandy beaches should be preserved, enhanced, or restored for recreational use, such as swimming, consistent with wildlife protection. New beaches should be permitted if the site conditions are suitable for sustaining a beach without excessive beach nourishment.</p> <p>h. Water-oriented commercial-recreation. Water-oriented commercial recreational establishments, such as restaurants, specialty shops, private boatels, recreational equipment concessions, and amusements, should be encouraged in urban areas adjacent to the Bay. Public docks, floats, or moorages for visiting boaters should be encouraged at these establishments where adequate shoreline facilities can be provided. Effort should be made to link commercial-recreation centers and waterfront parks by ferry or water taxi.</p>		
<p>Recreation: No. 4-a, b – To assure optimum use of the Bay for recreation, the following facilities should be encouraged in waterfront parks and wildlife refuges.</p> <p>a. In waterfront parks. (1) Where possible, parks should provide some camping facilities accessible only by boat, and docking and picnic facilities for boaters. (2) To capitalize on the attractiveness of their Bayfront location, parks should emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical and cultural education and interpretation, viewpoints, beaches, and fishing facilities. Recreational facilities that do not need a waterfront location, e.g., golf courses and playing fields, should generally be placed inland, but may be permitted in shoreline areas if they are part of a park complex that is primarily devoted to water-oriented uses, or are designed to provide for passive use and enjoyment of the Bay when not being used for sports. (3) Where shoreline open space includes areas used for hunting waterbirds, public areas for launching non-motorized small boats should be provided so long as they do not result in overuse of the hunting area. (4) Public launching facilities for a variety of boats and other water-oriented recreational craft, such as kayaks, canoes, and sailboards, should be provided in waterfront parks where feasible. (5) Except as may be approved pursuant to Recreation Policy 4-b, limited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay. Limited commercial</p>	Yes	<p>a. No camping facilities accessible only by boat are proposed for the waterfront park. Boating is not proposed due to its ability to adversely affect the eelgrass beds that are just off the shoreline. The waterfront park and/or Bay Trail would include trails for hiking and cycling, picnic areas, swimming, signs educating the public about the Project Site's environmental and cultural resources, Bay viewing areas, and beach area. Mitigation Measure 4.3-4 identified in this SEIR would provide protections for eelgrass while allowing use of the pier. A small kayaking facility is proposed, however, and kayaks would be launched from an area that would not impact eelgrass. No commercial development other than the kayak facility is proposed in the waterfront park. However, trails from the park would connect it to upland, visitor-serving commercial uses, such as cafes and restaurants. The Modified Project would construct a 1.5-mile segment of the Bay Trail, which would run close to the shoreline and enhance Bay access. The waterfront park would be served by a parking lot, which would be landscaped with native plants to avoid detracting from the Bay setting. AC Transit may choose to serve this area in the future. In addition, the Modified Project would provide shuttle service to Richmond's BART station and may provide ferry service to San Francisco, making the waterfront accessible by mass transit. Interpretive signs about the Site's environmental and cultural resources would be posted in key areas throughout</p>

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<p>development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary. (6) Trails that can be used as components of the Bay Trail, the Bay Area Ridge Trail or links between them should be developed in waterfront parks. Bay Trail segments should be located near the shoreline unless that alignment would have significant adverse effects on Bay resources; in this case, an alignment as near to the shore as possible, consistent with Bay resource protection, should be provided. Bay Area Ridge Trail segments should be developed in waterfront parks where the ridgeline is close to the Bay shoreline. (7) Bus stops, kiosks and other facilities to accommodate public transit should be provided in waterfront parks to the maximum extent feasible. Public parking should be provided in a manner that does not diminish the park-like character of the site. Traffic demand management strategies and alternative transportation systems should be developed where appropriate to minimize the need for large parking lots and to ensure parking for recreation uses is sufficient. (8) Interpretive information describing natural, historical, and cultural resources should be provided in waterfront parks where feasible. (9) In waterfront parks that serve as gateways to wildlife refuges, interpretive materials and programs that inform visitors about the wildlife and habitat values present in the park and wildlife refuges should be provided. Instructional materials should include information about the potential for adverse impacts on wildlife, plant, and habitat resources from certain activities. (10) The Commission [BCDC] may permit the placement of public utilities and services, such as underground sewer lines and power cables, in recreational facilities provided they would be unobtrusive, would not permanently disrupt use of the site for recreation, and would not detract from the visual character of the site.</p> <p>b. In waterfront parks and wildlife refuges with historic buildings.</p>		<p>the waterfront park. The waterfront park does not serve a gateway to a wildlife refuge. The Modified Project would underground the utilities needed to support the waterfront park, including the sewer line for public toilets and electrical lines for maintenance buildings and other needs. These utilities would not be visible after construction and would not interfere with users access to or enjoyment of the Bay.</p>
<p>Recreation: No. 5 – Bay resources in waterfront parks and, where appropriate, wildlife refuges should be described with interpretive signs. Where feasible and appropriate, waterfront parks and wildlife refuges should provide diverse environmental education programs, facilities, and community service opportunities, such as classrooms and interpretive and volunteer programs.</p>	<p>Yes</p>	<p>As discussed within Sections 3.4.1, 4.3, and 4.4, the Modified Project would include a fully accessible shoreline park that would include signs about the areas environmental and cultural resources. The waterfront park could be owned and operated by the City or another party, which may run educational programs and provide community service opportunities, such as beach cleanup days and educational hikes.</p>

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Population and Housing – Part IV (Environmental Justice and Social Equity)		
<p>Environmental Justice and Social Equity: No. 3 – Equitable, culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities, and such outreach and engagement should continue throughout the Commission [BCDC] review and permitting processes. Evidence of how community concerns were addressed should be provided. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission [BCDC] action.</p>		<p>There has been years of community outreach regarding the waterfront facilities that should be developed at the Project Site. The Navy began the public outreach process in the 1990s, when it decided to close the Project Site, which was the home of a Naval Fuel Depot. The City continued the public outreach process in the early 2000s, when it explored a casino project on the Project Site. In response to community concerns, the City ultimately rejected the casino project. The public outreach process was restarted in 2019, with this SEIR and related community meetings and public hearings about the Modified Project, which does not include a casino and responds to community concerns about waterfront access by enhancing and improving the waterfront park and constructing a segment of the Bay Trail. The Final SEIR will include responses to written comments on the Draft SEIR and provide additional information about how the waterfront improvements respond to community concerns.</p>
<p>Environmental Justice and Social Equity: No. 4 – If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission [BCDC] should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.</p>		<p>The Modified Project, including its waterfront improvements, is not located within an existing community and the adjacent land use is primarily industrial. Thus, there would be no impacts to an existing underrepresented, vulnerable, or disadvantaged community</p>
Public Services and Recreation – Part IV (Public Access)		
<p>Public Access: No. 2 – In addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, wildlife area, or other use, except in cases where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflicts, including unavoidable, significant adverse effects on</p>	Yes	<p>As discussed within Section 3.0, the Modified Project does not propose fill or new development in the Bay or within the 100-foot shoreline band. As discussed within Sections 3.0, 4.3, and 4.4, the Modified Project would include a fully accessible shoreline park that would include signs about the area’s environmental and cultural resources. The waterfront park could be owned and operated by the City or another</p>

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<p>Bay natural resources. In these cases, in lieu access at another location preferably near the project should be provided. If in lieu public access is required and cannot be provided near the project site, the required access should be located preferably near identified vulnerable or disadvantaged communities lacking well-maintained and convenient public access in order to foster more equitable public access around the Bay Area.</p>		<p>party, which may run educational programs and provide community service opportunities, such as beach cleanup days and educational hikes.</p> <p>Only about 30 percent of the shoreline is currently publicly accessible at the existing City shoreline park. The Modified Project would allow the shoreline to be 100 percent publicly accessible.</p>
<p>Public Access: No. 5 – Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission [BCDC] action.</p>	Yes	<p>As discussed above, the Modified Project does not propose public access that would substantially change the use or character of the waterfront park or Point Molate shoreline. The Modified Project would improve and enhance the existing shoreline access.</p>
<p>Public Access: No. 13 – The Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise the Commission [BCDC] regarding the adequacy of the public access proposed. The Design Review Board should encourage diverse public access to meet the needs of a growing and diversifying population. Public access should be well distributed around the Bay and designed or improved to accommodate a broad range of activities for people of all races, cultures, ages, income levels, and abilities.</p>	Yes	<p>See response, above, under Aesthetics, Public Access: No. 13.</p>
TRANSPORTATION – Part IV (Public Access)		
<p>Public Access: No. 10 – Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat.</p>	Yes	<p>The Modified Project would provide additional access to and along the waterfront that would be connected by trails from a public parking lot and the closest public road, which would have angled parking. Specifically, the Bay Trail would provide pedestrian and bike access to the shoreline throughout the Project Site. The trails would offer diverse and interesting experiences, such openings that provide views of the Bay and interpretative signs about local cultural and the environmental resources, to access the shoreline. The trails would also contain signs encouraging users to stay on marked paths to avoid adverse effects on wildlife and natural habitats. The Bay</p>

Bay Plan Policy	Modified Project Consistent with Bay Plan Policy	Consistency Analysis
		Trail would provide pedestrian and bike access to the shoreline throughout the Project Site.
<p>Public Access: No. 13 – The Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise the Commission [BCDC] regarding the adequacy of the public access proposed. The Design Review Board should encourage diverse public access to meet the needs of a growing and diversifying population. Public access should be well distributed around the Bay and designed or improved to accommodate a broad range of activities for people of all races, cultures, ages, income levels, and abilities.</p>	Yes	See response, above, under Aesthetics, Public Access: No. 13.