

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Deborah Raphael, Director, Department of the Environment  
Phil Ginsburg, General Manager, Recreation and Parks Department  
Robert P. Beck, Treasure Island Director, Treasure Island Development Authority

FROM: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

DATE: April 11, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on April 3, 2018:

**File No. 180331**

**Resolution responding to the recent proposal to expand the private marina located in Clipper Cove at Treasure Island; and reaffirming San Francisco's commitment to public recreation, public education, environmental protection, preservation of public open space, and social equity.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org).

c: Peter Gallotta, Department of the Environment  
Anthony Valdez, Department of the Environment  
Sarah Madland, Recreation and Parks Department  
Kate Austin, Treasure Island Development Authority  
Nikki Ivey, Treasure Island Development Authority

1 [Affirming the Board of Supervisors Commitment to the Environmental Protection, Public  
2 Recreation, and Youth Education in Clipper Cove]

3 **Resolution responding to the recent proposal to expand the private marina located in**  
4 **Clipper Cove at Treasure Island; and reaffirming San Francisco’s commitment to public**  
5 **recreation, public education, environmental protection, preservation of public open**  
6 **space, and social equity.**

7  
8 WHEREAS, Redevelopment of Clipper Cove raises critical issues of financial liability,  
9 public access, social equity and environmental protection; and

10 WHEREAS, Clipper Cove at Treasure Island is the largest protected open-water cove  
11 in the City and County of San Francisco and offers a geography of calm water and moderated  
12 winds removed from strong tidal currents thus providing a uniquely safe environment for youth  
13 learning to sail; and

14 WHEREAS, The waters of Clipper Cove are held in trust for the public benefit of the  
15 people of California; and

16 WHERAS, Clipper Cove is an important resource for public recreation, particularly  
17 small boat recreation, and is home to the only community sailing center in San Francisco; and

18 WHEREAS, Clipper Cove is the site of youth public education programs, including a  
19 STEM program that serves each year over 1,500 students from public elementary schools in  
20 San Francisco, many of whom are from low-income communities and would otherwise have  
21 no opportunity to experience the Bay in this manner: and further as public recreation and  
22 public education on Clipper Cove have expanded dramatically in the 13 years since the  
23 certification of the environmental impact analysis on land use for the proposed project; and

24 WHEREAS, Clipper Cove hosts beds of eelgrass, a critically important keystone  
25 species in the San Francisco Bay and one of the rarest habitats in California (per National

1 Marine Fisheries Service’s (NMFS) California Eelgrass Mitigation Policy (2014), section I(B));  
2 and further as the National Marine Fisheries California Eelgrass Mitigation Policy calls for no  
3 net loss of eelgrass habitat function in California; and

4 WHEREAS, A marina redevelopment proposal has been put forward that calls upon  
5 the City of San Francisco to enter into a 66-year lease with a private marina development and  
6 to provide \$6 million in rent credits to the development; and further as the aforesaid  
7 redevelopment proposal would demolish the existing marina in Clipper Cove that is dedicated  
8 almost exclusively to small craft; and further as the footprint of the marina would be expanded  
9 several fold across the inner portion of the Cove where protection for small boat recreation is  
10 most available; and further as the proposed marina would provide berthing sized solely for  
11 large and very large craft (per Slip Mix chart, TIDA presentation, February 15, 2017, Treasure  
12 Island Enterprises); and further as the proposed redevelopment would provide live-aboard  
13 housing exclusively at luxury rates (per Treasure Island Marina Feasibility Report, California  
14 Division of Boating and Waterways, page 10, April 5, 2017); and

15 WHEREAS, The State of California has published a feasibility study that has identified  
16 significant potential shortfalls in the proposed financing for this project including potential over-  
17 estimation of revenue and potential underestimation of expenses; (per Treasure Island Marina  
18 Feasibility Report, California Division of Boating and Waterways, April 5, 2017); and as the  
19 State of California notes that the redevelopment as proposed and the inclusion of a wave  
20 attenuator in particular typically results in the deposition of silt (per Treasure Island Marina,  
21 DBW staff presentation notes, California Division of Boating and Waterways Commission  
22 Hearing, April 12, 2017, California Department of Boating and Waterways slide 8/page 8); and  
23 further as the State of California had identified the necessity to budget significant annual  
24 expenses to provide for maintenance dredging to address that siltation (per Treasure Island  
25 Marina Feasibility Report, California Department of Boating and Waterways, page 12, April 5,

1 2017); and as unanticipated siltation in the wake of the redevelopment of the West basin of  
2 San Francisco Marina and elsewhere in the San Francisco Bay Area has recently created  
3 significant financial dredging liabilities (per Treasure Island Marina Feasibility Report,  
4 California Division of Boating and Waterways, page 10, April 5, 2017, page 12; Treasure  
5 Island Marina, DBW staff presentation notes, California Division of Boating and Waterways  
6 Commission Hearing, April 12, 2017, California Department of Boating and Waterways slide  
7 8/page 8); and as the proposed lease for the marina redevelopment does not provide for  
8 maintenance dredging for areas in the Cove outside of the proposed marina and marina  
9 entrance channel (that will also be threatened by increased sedimentation), thus creating a  
10 potential threat to the Cove and new financial liability for the City of San Francisco; and

11 WHEREAS, The proposed redevelopment plan does not evaluate the likelihood or the  
12 impact of such siltation and maintenance dredging; and further as the environmental impact  
13 analysis for the proposed project did not evaluate the impact of the project's proposed wave  
14 attenuator (per San Francisco Planning Department July 5, 2017 Memorandum, Table 1); and  
15 further as professional biological expert opinion has identified both new sedimentation and  
16 maintenance dredging stemming from wave attenuation as a potentially significant and  
17 unmitigated threat to eelgrass beds in the Cove (per Treasure Island Marina Development  
18 and Eelgrass Habitat Issues, October 10, 2017, Keith Merkel, Merkel and Associates); and

19 WHEREAS, The environmental impact analysis does not recognize the significant  
20 increase in public use of Clipper Cove over the last decade since the certification of the  
21 environmental impact report in 2005; and further as the environmental impact analysis  
22 conducted in 2005 did not address the impact of the proposed project on views of the new  
23 and iconic eastern span of the Bay Bridge; now, therefore, be it

1 RESOLVED, That the San Francisco Board of Supervisors affirms the principle that  
2 marina redevelopment in Clipper Cove should not diminish the character or range of existing  
3 public recreation and public education on Clipper Cove, including interim uses; and, be it

4 FURTHER RESOLVED, Marina redevelopment should not harm the existing  
5 environmental resources of Clipper Cove, particularly the critically important eelgrass beds in  
6 the Cove; and, be it

7 FURTHER RESOLVED, Marina redevelopment in Clipper Cove should not result in  
8 diminished water depth in Clipper Cove, and should provide financing for all required  
9 maintenance dredging to preserve water depth throughout the Cove; and, be it

10 FURTHER RESOLVED, Marina redevelopment should not reduce the current  
11 availability of berthing in Clipper Cove sized for small craft; and, be it

12 FURTHER RESOLVED, Marina redevelopment should preserve existing views of  
13 important visual resources, including views of the eastern span of the Bay Bridge from the  
14 southern shore of Treasure Island as well as the beach on the western end of Clipper Cove;  
15 and, be it

16 FURTHER RESOLVED, The Board of Supervisors calls for an analysis and  
17 assessment of the impacts of proposed marina redevelopment on public access to the San  
18 Francisco Bay and the impact on all current public use of Clipper Cove, including interim uses,  
19 prior to any further action; and further the Board calls for assessment of the compatibility with  
20 the policies of the current San Francisco Bay Plan; and, be it

21 FURTHER RESOLVED, the Board of Supervisors calls for an analysis and assessment  
22 of the impact of the proposed marina redevelopment on eelgrass beds in Clipper Cove, prior  
23 to any further action, including the impact of projected changes in sedimentation and the  
24 impact of requisite maintenance dredging to maintain current water depth throughout the  
25 Cove; and, be it

1           FURTHER RESOLVED, The Board of Supervisors calls for a financial analysis to  
2 assess proposed financing, projected revenue, and projected expenses for the proposed  
3 marina development to assess the risk of default at each stage of the proposed project and  
4 the ensuing liability and losses for the city, including the net loss of public recreation and any  
5 financial liabilities that may accrue to the city of San Francisco due to potential changes in  
6 sedimentation in Clipper Cove, particularly sedimentation that would necessitate maintenance  
7 dredging to preserve current public recreation and education in Clipper Cove.

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