

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Phil Ginsburg, General Manager, Recreation and Parks Department  
Rich Hillis, Director, Planning Department

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: November 22, 2023

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Safai on November 14, 2023.

**File No. 231191**

Ordinance prohibiting the Recreation and Park Department and Planning Department from performing environmental review of, or otherwise implementing, a project to clean up and reconstruct the Marina Yacht Harbor in a manner that would extend the West Harbor Marina by more than 150 feet from its current boundary.

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: [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

cc:

Offices of Chair Melgar and Supervisor Safai  
Sarah Madland, Recreation and Parks Department  
Beverly Ng, Recreation and Parks Department  
Dan Sider, Planning Department  
Corey Teague, Planning Department  
Tina Tam, Planning Department  
Lisa Gibson, Planning Department  
Devyani Jain, Planning Department  
Aaron Starr, Planning Department  
Josh Switzky, Planning Department  
Joy Navarrete, Planning Department  
Debra Dwyer, Planning Department  
Elizabeth Watty, Planning Department

[Implementation of Gashouse Cove Project - Marina Yacht Harbor]

**Ordinance prohibiting the Recreation and Park Department and Planning Department from performing environmental review of, or otherwise implementing, a project to clean up and reconstruct the Marina Yacht Harbor in a manner that would extend the West Harbor Marina by more than 150 feet from its current boundary.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background and Findings.

(a) In 2021, the Board of Supervisors adopted Resolution No. 93-21 to approve the settlement ("Settlement") of a lawsuit that the City filed against Pacific Gas and Electric Company ("PG&E") over the discovery of toxic chemical compounds at the East Harbor Marina, which is also known as Gashouse Cove. The Settlement requires PG&E to fund a project at the Marina Yacht Harbor, up to \$190 million, for the joint planning, outreach, design, environmental review, permitting, construction, and completion of a project to remediate the East Harbor and reconstruct the site.

(b) The Settlement does not approve a specific design for how the Marina Yacht Harbor would be reconstructed. It identifies several "potential" design elements, and states that these potential elements may change due to various factors, including, but not limited to "cost, feasibility, permit requirements schedule, public outreach and environmental review."

1 Likewise, Resolution No. 93-21 states that “the settlement does not obligate the City to  
2 approve a project at the Site, and any decision regarding a potential project shall be subject to  
3 environmental review under the California Environmental Quality Act and further regulatory  
4 and City approvals as required by law following completion of planning and design of plans for  
5 the Site.”

6 (c) After approval of the Settlement, the Recreation and Park Department began to  
7 perform public outreach on the project, including an option that would involve removing some  
8 boat slips from the East Harbor Marina and adding slips in the West Harbor Marina to the  
9 point that the eastern edge of the West Harbor Marina would extend far past its current  
10 boundary. The Recreation and Park Commission held a public hearing on the matter on  
11 October 19, 2023. The public testimony was overwhelmingly in favor of preserving the  
12 existing recreational uses of the Marina Green, which include picnics and fishing and walks  
13 along the waterfront, and strongly opposed to the idea of placing boats and other obstructions  
14 across the entire West Harbor that would interfere with those uses. The Board of Supervisors  
15 concurs, and, further, finds that pursuing such an option would needlessly divert attention and  
16 resources away from more feasible, superior alternatives.

17 (d) Accordingly, and consistent with the Settlement, the Board of Supervisors finds that  
18 it is necessary to focus on strategies to remediate and reconstruct the East Harbor Marina  
19 that will not unduly expand the eastern boundary of the West Harbor Marina. The Board does  
20 not intend by this ordinance or otherwise to delay or interfere with the remediation of the East  
21 Harbor that would need to occur before the reconstruction.

## 22 23 Section 2. Implementation of Gashouse Cove Project.

24 (a) The Recreation and Park Department and Planning Department may not expend  
25 any City funds, nor may the Recreation and Park Department authorize PG&E to use any of

1 the Settlement funds, to design, plan, perform environmental review of, or implement the  
2 potential project described in the Settlement in a manner that would extend the eastern  
3 boundary of the West Harbor Marina by more than approximately 150 feet from its current  
4 location. The Controller is hereby prohibited from transferring budgeted appropriations for this  
5 purpose without prior approval by ordinance.

6 (b) This ordinance shall not affect or impair the Settlement. The Recreation and Park  
7 Department is directed to implement this ordinance in a manner that is consistent with the  
8 Settlement. Further, this ordinance does not obligate the City to approve a project at the site,  
9 and any decision regarding a potential project shall be subject to environmental review under  
10 the California Environmental Quality Act and further regulatory and City approvals as required  
11 by law following completion of planning and design of plans for the site.

12  
13 Section 3. Effective Date.

14 This ordinance shall become effective 30 days after enactment. Enactment occurs  
15 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
16 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
17 Mayor's veto of the ordinance.

18  
19 APPROVED AS TO FORM:  
20 DAVID CHIU, City Attorney

21 By: /s/  
22 MANU PRADHAN  
Deputy City Attorney

23 n:\legana\as2023\2400161\01716020.docx  
24  
25

## **LEGISLATIVE DIGEST**

[Implementation of Gashouse Cove Project - Marina Yacht Harbor]

**Ordinance prohibiting the Recreation and Park Department and Planning Department from performing environmental review of, or otherwise implementing, a project to clean up and reconstruct the Marina Yacht Harbor in a manner that would extend the West Harbor Marina by more than 150 feet from its current boundary.**

### **Existing Law**

The Recreation and Park Department (“RPD”) has jurisdiction over the Marina Yacht Harbor, which has both a West Harbor and an East Harbor. The Planning Department is responsible for performing environmental review on City projects.

### **Amendments to Current Law**

The ordinance would prohibit RPD and the Planning Department from pursuing a project at Marina Yacht Harbor that would extend the eastern boundary of the West Harbor Marina by more than approximately 150 feet from its current location.

### **Background Information**

The City filed a lawsuit against PG&E in 2001 over PG&E’s obligation to remediate pollution found in the East Harbor. In 2021, the City and PG&E entered into a legal settlement that requires PG&E to fund provide funding for a joint project with RPD for the planning, outreach, design, environmental review, permitting, and completion of the environmental remediation and reconstruction of the Marina Yacht Harbor. (Resolution No. 93-21.) The settlement did not approve a specific design for the project. This ordinance limits the expansion of the West Harbor Marina but also does not not approve a specific design for the project. The next step under the settlement is for RPD and PG&E to seek environmental review of different design options for the potential project.

n:\legana\as2023\2400161\01716988.docx

## Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)  
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [ ] inquiries..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on [ ]

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission    ☐ Youth Commission    ☐ Ethics Commission
- ☐ Planning Commission    ☐ Building Inspection Commission    ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes    ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Safaí

Subject:

Implementation of Gashouse Cove Project - Marina Yacht Harbor

Long Title or text listed:

Ordinance prohibiting the Recreation and Park Department and Planning Department from performing environmental review of, or otherwise implementing, a project to clean up and reconstruct the Marina Yacht Harbor in a manner that would extend the West Harbor Marina by more than 150 feet from its current boundary

Signature of Sponsoring Supervisor: [ ]

