

File No. 231191

Committee Item No. 7

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: January 29, 2024

Board of Supervisors Meeting:

Date: _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract / DRAFT Mills Act Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI – November 22, 2023</u> |
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Prepared by: John Carroll

Date: January 25, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

[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

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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 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.

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BOARD of SUPERVISORS



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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.

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

From: [Board of Supervisors \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: Please support Ordinance # 231191- Implementation of Gashouse Cove Project
Date: Thursday, January 25, 2024 3:30:38 PM
Attachments: [pastedGraphic.png](#)

From: zrants <zrants@gmail.com>
Sent: Thursday, January 25, 2024 2:55 PM
To: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: Ronen, Hillary (BOS) <hillary.ronen@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; MandelmanStaff (BOS) <mandelmanstaff@sfgov.org>; Joel Engardio <jengardio@gmail.com>; StefaniStaff (BOS) <stefanistaff@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>
Subject: Please support Ordinance # 231191- Implementation of Gashouse Cove Project

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January 24, 2024

Mayor London Breed, Supervisors and Staff,

Re: Please support Ordinance # 231191- Implementation of Gashouse Cove Project - Marina Yacht Harbor and oppose the plans proposed by San Francisco Rec & Park.

Members of the East Mission Improvement Association (EMIA), along with many of your constituents in District 9, support Ordinance # 231191- Implementation of Gashouse Cove Project - Marina Yacht Harbor.

We oppose San Francisco Rec & Park plans to divert funds for remediation of the toxic site at G. to move the East Harbor slips in front of the Marina Green, and relocate the gas fuel tanks to a less stable area.

The settlement from PG&E was meant to cover the remediation of toxic deposits from the old

Manufactured Gas Plants in the East Harbor & Gashouse Cove.

Rec and Parks proposes to do only 15% of the cleanup and use the remaining funds to develop a new harbor in front of the Marina Green in which to relocate boat slips from the existing East Harbor marina so they may build a new harbor where the current one exists.

This will require building a very large breakwater at the level of the existing small one, that ends with Wave Organ and will leave 2/3rds of the East Harbor and Gashouse Cove to “silt over” at the location of a former toxic waste dump.

San Francisco Rec & Park developed this project and got it passed through the Planning Department without much public outreach, but, now that the public is aware of the plans there is mass outcry and calls for an alternative plan. That plan developed by multiple citizens groups and the boating community, puts a greater emphasis on the toxic cleanup (up to 42%) and rebuilding the existing boat slips that are presently in the East Harbor and Gashouse Cove.

The alternative plans:

1. Preserve the unobstructed public views of the water at the Marina Green that the public has enjoyed for decades.
2. Place significant emphasis on toxic remediation (42% vs 15%).
3. Reconstruct the boat slips in the East Harbor and Gashouse Cove that are presently in a state of severe disrepair.
4. Maintain the ideal location of the only fueling station for boats, including emergency vehicles, in its present location.

EMIA urges you to support Ordinance # 231191- Implementation of Gashouse Cove Project - Marina Yacht Harbor as it makes its way through committees to the full Board of Supervisors with recommendations to support the ordinance.

Sincerely,

Mari Eliza,
EMIA, and CSFN
zrants@gmail.com

From: [Board of Supervisors \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: I support Ordinance 231191, please protect the Marina
Date: Thursday, January 25, 2024 3:30:29 PM

-----Original Message-----

From: Alice Ryan <aliceryan123@yahoo.com>
Sent: Thursday, January 25, 2024 3:26 PM
To: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>
Subject: I support Ordinance 231191, please protect the Marina

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I am a District 2 resident, and know that many others who do not live in the district come to Marina Green to enjoy the natural and unobstructed beauty, that is hard to find along the SF Bay coastline.

I support the Ordinance 231191 and encourage you to consider my position when this comes under review at the January meeting. We concur that the greater Marina Green area, including both harbors, is an open space jewel, which deserves a better plan.

Money to fund this project would be better suited to clearing up SF streets so that tourism can come back to SF and we can enjoy a rejuvenated economic community.

Thank you,

Alice Ryan

From: [fogtownsf1](#)
To: [Breed, Mayor London \(MYR\)](#)
Cc: [Board of Supervisors \(BOS\)](#)
Subject: KEEP THE WATERFRONT OPEN
Date: Thursday, January 11, 2024 9:11:12 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please SUPPORT Gashouse Cove Project Ordinance 231191 proposed by Supervisors Safai, Peskin, and Chan concerning protecting the San Francisco Marina waterfront from development. The ordinance ensures public access to the waterfront for all San Francisco residents and visitors and reflects the diversity, equity, and Inclusion principles the city strives to achieve.

The Recreation and Parks Department (RPD) has plans to construct a new harbor and breakwater in what is currently open water rather than focusing on cleaning up and rebuilding the existing East Harbor marina as per the initial lawsuit with PG&E. The open water in front of Marina Green is the last remaining undeveloped waterfront in San Francisco. The park adjacent is enjoyed by millions of visitors from every corner of the city and the world each year. Its flat terrain, open space, parking, and easy access by Muni make it accessible to residents of every demographic and physical ability.

There are superior alternatives to satisfy RPD's Marina remediation project, such as reallocating funds to restore and maintain existing East Harbor facilities. Your support of the Gashouse Cove Project (BOS 231191) will be a pivotal step in ensuring no City funds are directed toward compromises to this iconic city asset.

susan wilpitz
1747 17th aven
san francisco ca. 94122

From: [Tony An, PhD](#)
To: [Board of Supervisors \(BOS\)](#)
Cc: [Peskin, Aaron \(BOS\)](#); [ChanStaff \(BOS\)](#); [DorseyStaff \(BOS\)](#); [EngardioStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Subject: Please keep the marina view open to the people, not boats
Date: Friday, January 12, 2024 7:59:57 AM

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It's absurd for the parks and rec department to propose a harbor at the marina green area and to block the view for millions of locals and visitors walking along the shore every year. Please pass the legislation by Supervisors Aaron Peskin, Ahsha Safai and Connie Chan to block such an ill-planned project, and keep the marina green open to the people of San Francisco, not a bunch of boats.

Thank you.

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):

Safai

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: []

