

BCDC'S Design Review Board: What It Is, How It Works

This pamphlet provides information about the Commission's design review process and describes the materials needed to present a project at a Design Review Board meeting.



DRB REVIEW PROCESS

WHAT IS THE DESIGN REVIEW BOARD?

The Design Review Board is an advisory board that assists the San Francisco Bay Conservation and Development Commission in evaluating the design aspects of projects that require Commission permits. The Board is made up of seven members nominated by the Commission's Chair and approved by the Commission. The Board members are renowned experts in the fields of architecture, landscape architecture, urban design, planning and engineering with experience in designing waterfronts around the world. The members volunteer their time and expertise to advise the Commission and project sponsors to ensure that public access to and along the San Francisco Bay shoreline is enjoyable and works for the public and project users. The Bay Design Analyst, a permanent BCDC staff member, serves as secretary to the Board.

UNDER WHAT AUTHORITY DOES THE DESIGN REVIEW BOARD OPERATE?

- **State Law and Regulations.** Sections 66632(f) and 66633(b) of the McAtter-Petris Act, the Commission's enabling law, authorize the Commission to "adopt, after public hearing, regulations it deems reasonable and necessary to enable it to carry out its functions efficiently and equitably and appoint advisory committees from other interested public and private group." Commission Regulation Section 10270 sets out in general terms the role of the Design Review Board, stating that the "Board shall advise the Commission and the staff on the appearance and design of projects for which a Commission permit or consistency determination is needed, particularly as the project affects public access to the Bay and shoreline."
- **Bay Plan Policies.** The San Francisco Bay Plan was prepared by the Commission to refine the general policies of the McAtter Petris Act. The California Legislature incorporated the Plan into law to make the plan policies legally enforceable. The Bay Plan states that "[t]he Design Review Board was formed to advise the Commission on the adequacy of public access proposed as part of projects in the Commission's Bay and 100-foot shoreline band jurisdictions."

In order to achieve a high level of design quality in waterfront development, the Board advises the Commission on a project's impact on appearance, design and scenic views in accordance with the relevant Bay Plan policies and the Commission's Public Access Design Guidelines. The Commission's and the Design Review Board's authority regarding appearance and design is advisory only and is not grounds for denying a permit application. However, since views are a form of public access, the Commission may deny a permit that adversely affects public views of the Bay and fails to offset this impact. The Commission relies on the Board's advice in assessing a project's impacts on public views.

If a permit applicant proposes to use Bay fill to improve shoreline appearance, the Design Review Board reviews the proposal to advise the Commission whether the existing shoreline needs improvement and whether the proposal would actually improve shoreline appearance, relying on the Bay Plan Policies on Appearance, Design and Scenic Views.

WHAT ROLE DOES THE BOARD PLAY IN THE COMMISSION'S PERMIT PROCESS?

The McAteer-Petris Act requires that "maximum feasible public access, consistent with a proposed project" must be provided in each waterfront project approved by the Commission on fill or along the shoreline. The Board's job is to advise the Commission on whether the projects requiring a BCDC permit provide adequate access that is well designed, useful and attractive. The staff and the Commission rely heavily on the Board's advice and recommendations. The Design Review Board conclusions are included in the staff summary of a major permit application on which BCDC holds a public hearing. The Board's recommendations usually address:

- Whether the proposed public access is adequate, in accordance with the Bay Plan policies on Public Access;
- How a project might be changed to improve public access; and
- The appropriateness and need for Bay fill proposed for public access or for improving the appearance of the shoreline.

HOW DOES THE COMMISSION USE THE DESIGN REVIEW BOARD'S ADVICE?

When the Commission considers a permit application, it must weigh and balance many competing interests in deciding whether to authorize the project. The Design Review Board's advice is an important part of the Commission's consideration of the matter. In some cases, however, the Commission may determine that following the Board's advice on access or design may not properly balance all competing interests. In these cases, the Commission may approve a permit, which is inconsistent with the Design Review Board's advice.

IS DESIGN REVIEW REQUIRED?

An applicant can choose to forgo design review by the Board and present a completed, filed application to the Commission. However, this may leave the Commission without the analysis and information needed to make legally required findings on the adequacy of a project's design and public access. Therefore, the Commission prefers to use its design review process to facilitate more successful public access designs which, in turn, typically lead to more successful projects overall. Moreover, bypassing the design review process could lead to ad hoc design review during the Commission meeting.

WHAT IS PUBLIC ACCESS?

Public access required by the Commission usually consists of physical access and visual access (views) to and along the shoreline of San Francisco Bay. It may include improvements, such as public parking, plazas, landscaping and site furnishings, and it may accommodate additional uses such as bicycling, fishing, picnicking and nature education. Public access areas are generally open to the sky, not covered by overhangs or decks.

Whenever public access to the Bay is provided as a condition in a BCDC permit, the access must be permanently guaranteed. This can be accomplished by dedication of fee title, recording a property easement or by offering to transfer ownership to a public agency at no cost in much the same manner that streets, park sites, and school sites are dedicated to the public as part of the subdivision process in cities and counties.

WHAT PROJECTS ARE REVIEWED BY THE DESIGN REVIEW BOARD?

The Board generally reviews all major permit applications and some administrative permit applications for public access or park projects. Exceptions are sometimes made when the BCDC staff handles design review and determines that a project clearly provides maximum feasible access.

WHEN DO PROJECTS GO TO THE BOARD?

Generally, design projects should be reviewed as early as possible. It is best not to wait for local permits or until a Bay Commission permit application is submitted or filed to seek Board review of a project. Projects are usually presented to the Design Review Board when:

- The level of design detail is sufficient to allow complete and thorough evaluation;
- An environmental document is about to be prepared on the project; and
- Details are known regarding the height, location, use, dimensions, materials, textures, and colors of all aspects of the project.

The Board formulates a conclusion about the adequacy of the public access and evaluates design aspects of the project as they relate to public access and shoreline appearance. The amount of access needed is greatly influenced by the size and type of the proposed development, the number and kind of potential users and type of shoreline (beach, marsh, or bluff). The Board may request that projects return for further review if the Board cannot come to a conclusion because inadequate information is provided.

Large projects requiring approvals by many jurisdictions should be presented to the Board at a preliminary design stage to prevent significant investments in project designs that may be inconsistent with the Commission's public access policies.

In addition, very large or complex projects should be presented to the Board for preliminary evaluation of the site plan prior to the design of individual buildings. This consultation allows the Board to give advice about amount, location, and usability of public access in the context of a preliminary review. During preliminary review, the Board makes general suggestions about design and public access, but does not come to any final conclusions. Projects brought for consultation at an early stage must be designed to the extent that location and use of all structures, the area and general design of public access, and the area and system for pedestrian and vehicle circulation and parking are known. Projects presented for conceptual design review usually return at a later date for final review.

WHAT DOES THE DESIGN REVIEW BOARD LOOK FOR?

In evaluating projects, the Board uses: (1) the Bay Plan policies on public access, recreation, and appearance, design and scenic views; (2) the Commission's Public Access Design Guidelines; (3) the Commission's regulations on fill for public access and shoreline appearance; and (4) an analysis of natural factors, including wind, sun, shade, soils, and topography. Specific information on these criteria is available from the staff.

In addition, the Board members rely on their experience and expertise to evaluate design issues raised by proposed projects. The Board's focus is on quality, quantity, and usefulness of the public access areas and amenities as part of the overall project. In addition, the Board looks for quality of design, longevity of construction, and cost of maintenance.

The Design Review Board also examines the physical characteristics of the project site to evaluate opportunities for and constraints to public access, such as areas with special views or safety and security concerns, areas with high suitability for recreational fishing, swimming or boating, and areas with high wildlife habitat values. The type and design of public access should reflect these site characteristics in order to provide maximum feasible public access consistent with the project.

WHAT HAPPENS AT DESIGN REVIEW BOARD MEETINGS?

The BCDC staff member assigned to a project will briefly describe the project and the issues or design questions raised by the project. The project developer or representative then has about 20 minutes to present slides describing the site and the project, drawings, including aerial photographs, site plans, elevations, cross sections, video, etc. Following the project presentation, the Board members ask questions about the project. Next, the public has an opportunity to ask questions and comment on the project. Then the Board discusses the project and Board members offer comments and advice that are forwarded to the Commission. Although no formal action is taken, the Board chair summarizes the Board's comments regarding whether the project provides adequate public access. The project representatives are then given an opportunity to respond to the Design Review Board's recommendations and advice. Design review of each project takes about one hour. Typically, no more than three projects are reviewed at a meeting.

If the Board concludes that the project does not provide adequate public access, the chair will outline the modifications desired and either ask the applicant to return for a subsequent review or ask the staff to review revised plans showing the changes to confirm that the changes meet the Board's recommendations. Minutes of each meeting are prepared and sent to each applicant, interested members of the public and the Board for review.

The Design Review Board chair attempts to reach a consensus of views from the Board members on a project's public access elements. However, on occasion, consensus is not possible and applicants must assess and weigh the various opinions as they are summarized, recognizing that the Board's opinion is advisory only and will be treated as such by the Commission.

The staff and the Design Review Board strive to complete design review of a project at one meeting. In cases where the Board requests that the applicant present recommended modifications or additional information at a subsequent meeting, the applicant is not required to return to the Board. However, if the Board is unable to reach a conclusion because the applicant did not provide sufficient information, the applicant may choose to present additional information or revisions to the Board in order to complete the design review process and move forward to the Commission with the Board's advice on the project. As stated above, the Commission and most applicants prefer to complete the design review process in order to avoid an ad hoc design review of projects before the Commission.

WHEN AND WHERE ARE THE MEETINGS?

The Design Review Board meets once a month, usually the Monday following the first Thursday of each month. The meetings begin at 6:30 p.m., usually in the conference room at BCDC's offices in downtown San Francisco. Meetings are occasionally held elsewhere.

WHAT IS REQUIRED FOR REVIEW?

- **Staff Review.** Prior to review, an applicant should meet with the assigned permit analyst and the Bay Design Analyst for staff review. The staff independently analyzes the project using McAteer-Petris Act and many of the same Bay Plan policies and Public Access Design Guidelines the DRB uses. The staff also evaluates the application status of the project and recommends when the project should go to the Board.

Several weeks before the meeting, the applicant must submit the following material prior to the meeting:

- **Written Description of the Proposed Project.** The written description should include: (a) the project site, including site acreage, length of shoreline, square footage of 100-foot shoreline band, existing structures and other improvements, ownership, topographic and vegetation features and other distinguishing site characteristics; (b) the proposed uses, dimensions of all proposed structures (total square feet and heights) and status of project in the local government approval process; (c) existing and proposed public access, including square footage of public access and details of how this will be improved with pathways, site furnishings, view corridors, landscaping, etc.; and (d) any fill for public access or for improving shoreline appearance, including solid fill, riprap, pile supported or floating fill in cubic yards and square feet.
- **Exhibits.** An 8-1/2- by 11-inch or 11- by 17-inch set of plans for the project, including sections and elevations. The reduced exhibits must be legible and reproducible. They should include the same information required for the meeting exhibits described below.

A full size set of the same plans, preferably at a scale of one inch equals 20 feet.

- **Mailing List.** A list of all adjacent property owners to the project site and others interested in the project, including the property owner of the project site, the project designer and other project representatives, members of the public who have commented on or expressed interest in the project and staff members of local, regional, state and federal agencies involved in reviewing the project. This list must include the names and addresses for each interested party.

Failure to produce necessary material by the schedule deadlines could result in the project being dropped from the Board's agenda.

Ten days prior to the meeting, a meeting notice is mailed to the Board, interested parties and members of the public. The meeting notice provides a description of the proposed project and the issues to be discussed at the meeting.

- **Meeting Exhibits.** The following exhibits should be presented at the meeting. They should be readable from 20 feet. A copy of the presentation should be submitted at the meeting. These exhibits become part of the permit application file and cannot be returned to the applicant. The precise list of required exhibits is determined in consultation with the Bay Design Analyst. All projects must provide, at a minimum, a vicinity map, a site plan and cross sections, as described below.

The following additional drawings and exhibits may be required by the staff to adequately describe the project for the Board, the public and the Commission.

- **Vicinity Map** (or aerial photograph). Regional and local scale vicinity maps should be provided. The regional vicinity map should show the location of the project site in a map of the entire Bay. The local vicinity map should show the site in a partial view of the city it lies in and should include:
 - a. North arrow;
 - b. Scale;
 - c. Adjacent buildings, streets, sidewalks, and curbside parking;
 - d. Adjacent public access areas and paths and public parks or other public facilities;
 - e. The character of the shoreline (enclosed inlet, open Bay, peninsula, etc.);
 - f. Major physical features such as marshes, salt ponds, and wildlife areas;
 - g. Adjacent land uses; including general plan designation and zoning; and
 - h. The location of the Bay Trail¹ route in the vicinity of the project.
- **Site Plan**
 - a. Date;
 - b. North arrow;
 - c. Scale;
 - d. Shoreline;²
 - e. 100-foot shoreline band;

¹ The Bay Trail Project, established in 1988, is a private and publicly funded project to implement a trail around the edge of the San Francisco Bay. The alignment of the trail in the vicinity of a project can be obtained by contacting the Bay Trail Project at its offices in the Association of Bay Area Governments (ABAG) at (510) 464-7915 or at www.baytrail.abag.ca.gov.

² The shoreline in open water areas is conterminous with the mean high tide line (often called the mean high water line), and in marshes the shoreline begins at a contour line that is five feet above mean sea level (littoral Development Company v. S.F.B.C.D.C., (1994) 24 CA4th 1050, 29 CR2d 518).

- f. Top of bank, with elevation;
 - g. Parcel lines, with dimensions;
 - h. Any adjacent parcels owned by the applicant;
 - i. Areas of fill in the Bay (this includes bulkheads, piers, docks, decks, pipes, outfalls, etc.);
 - j. Riprap, with elevations;
 - k. Areas of dredging;
 - l. Footprint of all existing buildings to be removed; existing buildings to remain; and proposed buildings;
 - m. Service areas (delivery, storage, garbage, etc.);
 - n. Fences (with material and height);
 - o. All on-site driveways, streets, drop-off areas, and parking;
 - p. Pedestrian circulation, including sidewalks and paths;
 - q. Public access areas, including paths, plazas and landscaped areas;
 - r. Existing trees and vegetation;
 - s. Areas of marsh or wetland vegetation;
 - t. Existing and proposed public improvements such as sidewalks, utility poles, storm and drainage outfalls, fire hydrants, utility boxes;
 - u. Existing and proposed contours (may be a separate exhibit);
 - v. Any easements across the site; and
 - w. Tabulation of basic statistics, including: area of land; area of water; area of shoreline band; area of fill; area of building coverage including eaves or awnings; area of parking; total number of parking spaces; area of public access (in shoreline band); and area of landscaping.
- **If a Marina is Included in the Project**
 - a. Berthing layout;
 - b. Dimensions and material for docks and ramps and indicate if on pilings or floating;
 - c. Drop-off areas;
 - d. Security gates;
 - e. Garage facilities;
 - f. Gear storage areas;
 - g. Harbormaster office;
 - h. Restrooms;
 - i. Distance from furthest berth to restrooms;
 - j. Showers;
 - k. Gas dock;

- l. Pump out facility;
 - m. Oily waste disposal facility;
 - n. Launch ramp or hoist;
 - o. Trailer parking;
 - p. Fences;
 - q. Dimensions of fairways; and
 - r. Guest berthing;
- **Public Access Detail Plan**
 - a. Date;
 - b. North arrow;
 - c. Scale;
 - d. Shoreline;
 - e. 100-foot shoreline band;
 - f. Top of bank (with elevation);
 - g. Parcel Lines;
 - h. Areas of fill for public access;
 - i. Paths, with typical elevations and widths;
 - j. Seating areas, with typical elevations;
 - k. Irrigated landscaped areas (identify trees, tall shrubs, low shrubs, groundcover, and lawn);
 - l. Non-irrigated landscaped areas (identify trees, tall shrubs, low shrubs, and groundcover);
 - m. Location and height of any berms or mounds;
 - n. Lighting;
 - o. Restrooms;
 - p. Paving materials;
 - q. Public access parking (number of spaces and location);
 - r. Location of public access signs;
 - s. Fences with heights;
 - t. Connections to adjacent public areas and sidewalks;
 - u. View corridors;
 - v. Seasonal wind directions;
 - w. Areas of mid-day shadow cast by structures on the longest and shortest days of the year; and

- x. Dimensions of minimum, maximum, and average widths of overall public access areas.
- **Cross Sections (at least two)**
 - a. One cross section should clearly illustrate the relationship between the Bay (at the shoreline), top of bank, public access areas, and existing and/or proposed structures. The sections should indicate the location of the shoreline, top of bank, public access path, floor of structures, and top of building. Section should also include scale and date.

- b. Additional sections from the public access areas to all buildings should be prepared and should include floor elevations; height of exterior wall and overall building height; and type and color of wall and roof materials.
- **Elevations.** At least once elevation, from the Bay to the project on the shoreline, should be prepared. In addition, elevations of each building should be prepared.
- **Phasing Plan.** If the project is to be built in phases, prepare a plan showing these phases.