

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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Agenda Item #10

September 7, 2007

TO: Commissioners and Alternates

FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
Ellen Sampson, Staff Counsel (415/352-3610 ellens@bcdc.ca.gov)

SUBJECT: Staff Report on Proposed Changes to BCDC's Permit Application Form
(For Commission consideration on September 20, 2007)

Summary

BCDC's permit application form and related regulations specify the information and documents that must be provided in order to complete a permit application. On September 20, 2007, the Commission will hold a public hearing to consider proposed revisions to the form that would: (1) reflect changes in Commission policies that have been made since the application form was last revised in 2000; (2) implement changes that the Commission agreed to make in 2006 as a result of stakeholder meetings; (3) clarify and supplement the questions to capture information needed by the staff to process applications; and (4) make other non-substantive changes.

Staff Report

The application form and related regulations specify the information and documents that applicants must submit in order to file a complete permit application. On July 6, 2007, the Commission staff held a public workshop to review the proposed changes to the application form and related regulations. On August 3, 2007, the Commission published a Notice of Proposed Rulemaking along with the text of the regulatory changes and an Initial Statement of Reasons for the changes. The text of the regulations is attached to this report.

The types of proposed changes have several sources. First, on February 16, 2006, the Commission approved a staff report and recommendation for 19 measures that would address concerns about the Commission's regulatory process that had been raised by stakeholders. Two of the measures require changes to the permit application filing requirements: the submittal of results of any consultation on special status species that is required by federal or state endangered species acts and any approvals by the Regional Water Quality Control Board. These changes are included in the proposed regulations.



Making San Francisco Bay Better

Second, the Commission has amended its *San Francisco Bay Plan* since 2000, when the application form was last revised. Many of the proposed changes would capture the relevant information so that the Commission can evaluate a project under the updated policies. For example, a 2003 Bay Plan amendment requires that “New projects should be sited, designed, constructed and maintained to prevent or...minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain non-polluting materials; and (c) applying appropriate, accepted and effective best management practices....” Therefore, Box 4 (Total Project and Site Information) would be revised to require an applicant to describe how the proposed project has been designed and would be constructed and maintained to prevent or minimize the discharge of pollutants into the Bay.

Experience with the form over the past seven years has shown that additional information could assist the staff in processing an application and, therefore, some questions have been added. For example, the proposed application form would require the Assessor’s Parcel Number for the property. This information allows the staff to more precisely identify the project location, determine whether a permit had previously been authorized, and determine whether any easements or other property rights exist on the parcel.

Finally, the changes would make several non-substantive changes. For example, some of the narrative-style questions have been re-organized to a fill-in-the-blank format, which would save applicants’ time by requiring only measurements, rather than by providing written descriptions. Further, some sections of the form have been re-organized to make the form more streamlined and less duplicative. For instance, the question about campaign contributions would be included with the applicant’s information. Other changes would assist applicants, for instance by referring them to the Commission’s digital library on its website where the current, relevant laws and the *San Francisco Bay Plan* maps and policies can be found.