

San Francisco Bay Conservation and Development Commission

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TO: Commissioner Pat Burt

FROM: Larry Goldzband, Executive Director
Michael Ng, Senior Staff Attorney
Ashley Tomerlin, Senior Bay Development Design Analyst

DATE: June 12 2023

RE: BCDC Guidance on Plant Selection

Commissioner Burt:

As you requested during last week's Commission meeting, we want to provide you with staff's thoughts about how the Commission encourages shoreline developments to use plants native to the region as part of a project's design and implementation.

First, as a general rule, site design, including the development of planting schedules and plans, is unique to each venue. As staff review project plans, our regulatory team (including the Bay Design analysts) apply many considerations regarding planting schedules, including the appropriateness of species selection. We do so while recognizing a project's individuality and the diverse opportunities it can accommodate along the Bay shoreline.

We believe that this process works because, while policies regarding native vegetation are not expressly set forth in the McAteer-Petris Act, various Bay Plan policies (as well as advisory guidance) regarding native vegetation have been adopted by the Commission. This is justified based on the Commission's regulatory authority with respect to protecting Bay resources and maximizing public access. The Bay Plan's Public Access policies, among other policies, address siting and design in context of project objectives and site conditions, including the physical environment and the need to engage appropriate professionals to ensure that site design is approached in a thoughtful and appropriate manner.

Some relevant examples of Bay Plan policies that specifically reference the concept of native vegetation include the following:

1. Water Quality Policy 6, in relevant part: To offset impacts from increased impervious areas and land disturbances, vegetated swales, permeable pavement materials, preservation of existing trees and vegetation, ***planting of native vegetation and other appropriate measures should be evaluated and implemented where appropriate.***

2. Water Quality Policy 7, in relevant part: Whenever practicable, ***native vegetation buffer areas should be provided*** as part of a project to control pollutants from entering the Bay.
3. Public Access Policy 4, in relevant part: Siting, design and management strategies should be employed to avoid or minimize adverse effects on wildlife, informed by the advisory principles in the Public Access Design Guidelines.
4. Public Access Policy 13, in relevant part: The Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project.

In addition, [the Public Access Design Guidelines](#) used by project proponents refers specifically to BCDC's "Shoreline Plants: A Landscape Guide for the San Francisco Bay." That guide specifically states: "***Use native plants that provide habitat for wildlife whenever possible and appropriate.***"

As you noted, local jurisdictions frequently have adopted planting standards. These include the Water Use Classification of Landscape Species (WUCOLS) and the California Invasive Plant Council (Cal-IPC) Inventory. These are frequently used to ensure planting design considers water conservation principles and ecological best practices. When reviewing planting schedules, BCDC staff take this guidance into account and will recommend alternative, frequently native, species if needed.

To summarize, staff can and do encourage using native plants on a case-by-case basis, which is based on the location and design of the project in question, but we do not have a blanket requirement regarding such planting. We believe that the Bay Plan policies and the Public Access Design Guidelines provide staff with a strong ability to advocate on behalf of plants that are native to the area as much as possible, given the design of a project. Rather than having the Commission be prescriptive and require specific native plant materials, staff recommend relying on appropriate design professionals to ensure that a site design is approached in a thoughtful and appropriate manner. The response provided by the landscape architect during the discussion surrounding native plants during last week's Commission meeting was typical of staff-to-staff discussions as development plans are reviewed.

Of course, we would be happy to discuss this with you at your convenience.