August 28, 2024

TO: Design Review Board Members

FROM: Lawrence J. Goldzband, Executive Director (415-352-3653;larry.goldzband@bcdc.ca.gov)

Ashley Tomerlin, Senior Bay Dev. Analyst (415-352-3657; ashley.tomerlin@bcdc.ca.gov)

SUBJECT: **Draft Summary of the June 10, 2024, BCDC Design Review Board (DRB) Meeting**

1. **Call to Order and Meeting Procedure Review.** Design Review Board (DRB) Chair Jacinta McCann called the hybrid meeting to order on Zoom, at approximately 5:00 p.m.

    a. **BCDC DRB Board Members**. Chair Jacinta McCann, Vice Chair Gary Strang, Bob Battalio, Tom Leader, and Stefan Pellegrini were present.

    b. **BCDC Staff**. Ashley Tomerlin, Yuriko Jewett, Dana Brechwald, and Jaclyn Perrin-Martinez were present in person.

2. **Approval of DRB Meeting Summary for March 13, 2024.**

    a. Jacinta McCann and Gary Strang identified edits and updates for the March Meeting Summary.

3. **Staff Update**. Ashley Tomerlin provided updates on newly opened public access at Mission Rock and Misson Bay in San Francisco. Our next meeting in will be in September and a discussion on updating the DRB staff reports.

4. **Public Comment for Items Not on the Agenda**. There was no public comment.

5. **Bay Adapt Regional Shoreline Adaptation Plan's Draft Adaptation Strategy and Pathways Standards (First Review)**. The Design Review Board held its first review of the Draft Adaptation Strategy and Pathway Standards, a section of BCDC's developing Regional Shoreline Adaptation Plan (RSAP). When finalized, the RSAP guidelines will be used by local jurisdictions for developing Subregional Implementation Plans, required by Senate Bill 272 (Laird 2023), that effectively address local and regional climate risks.

    a. **Staff Presentation**. Dana Brechwald and Jaclyn Perrin-Martinez, BCDC provided an overview of the planning process and proposed strategies with a slide presentation.

    b. **Board Clarifying Questions following staff presentation.**

        (1) Jacinta McCann inquired about the timeline observing there are local jurisdictions that have already initiated this planning effort, how do those efforts correlate with the RSAP timeline and these guidelines?

Staff stated they have been working closely with cities and counties and are aware who has started, and many of them have slowed their planning timelines to allow for the guidelines to be adopted. They do assume there are some efforts they're not aware of and will work with the local jurisdiction to reconcile the differences. Staff are designing a technical assistance program to support these planning efforts. Also, the final plans won't be due until 2034, so if they have a new current plan, there's a window for bringing it into compliance.

(2) Jacinta McCann requested more description of the funding framework for these planning efforts. What is the relationship between BCDC as a policy coordinator and identifying prioritized funding? Will BCDC be taking a role in seeking funding?

Staff stated there isn't a regional source that will cover all costs. BCDC does have a close relationship with the Ocean Protection Council (OPC) and SB1 funding program. They are working with the development of the funding programs on the criteria and priorities and aligning the grant program with the guidelines. OPC has committed to prioritizing RSAP-approved plans. BCDC has also signed on to a Memoranda of Understanding with other regional agencies on identifying regional funding priorities to reduce inter-Bay competition. The Coastal Conservancy (SCC) will take the lead on the multi-jurisdiction grant applications. In the future, there may be a regional bond measure to generate funding as well.

(3) Jacinta McCann asked for further discussion on private land ownership and how that is being integrated into planning efforts. When a plan is completed, there will be a lot of impacted private shoreline parcels that could be quite expensive for the private owner.

Staff stated that ensuring private landowners are involved in the planning is a first step, the second is establishing land use planning that will inform what development can happen in those shoreline areas. If the local landowner doesn't participate, it will take some effort to coordinate the adaption effort. Enacting the policies will take a while. Having all landowners signed on will not be a reason to deny a plan.

Jacinta observed that the last thing you want is to have a plan that is never done because local people don't buy in.

Staff stated that is why they're seeking feedback on the appropriate level of development to require in the plans and that by requiring updates, it will be iterative, and we can learn from plans and strategies that work and don't.

Jacinta stated that a partnering attitude and avoiding duplication of work are both key to success.

(4) Bob Battalio asked if the One Bay Vision is the suite of guiding principles, or will that be a Bay Plan map? How spatial is the Vision?

Staff stated that the Vision isn't spatial but goes beyond guiding principles. It does include more detailed bullets of the different priority areas. It doesn't get to specifying where things need to be but there are regionally significant assets that will be identified in the Regional Priorities section.

(5) Bob Battalio observed that the term "shoreline" is used a lot. Saying shoreline adaptation allows for the shoreline to move and it seems this is going more for planning for a coastal flood plain. Will that be discussed anywhere? He suggested it would be helpful to define and discuss *flood plains*. Is this really envisioned as a coastal floodplain adaptation plan?

Staff responded that yes, it is planning for the floodplain and many of the planning strategies go well beyond the shoreline. Staff are also trying to set the minimum requirements and encourage more advanced planning. The plans must include SLR, shallow groundwater rise, and storm surge, those are the three coastal hazards that are required. Staff are also looking to create data layers to facilitate open data across agencies. Staff have heard from stakeholders that data on other flood sources hasn't really been developed yet, so while they would be good, they aren't required. Fluvial flooding is really challenging to model.

(6) Bob Battalio asked about coordination with other Planning Elements like the state-required local hazard mitigation planning. From his professional experience, he hasn't seen those plans really fleshed out. Has the staff figured out how that is going to happen? Right now it seems there's funding for SLR and climate adaptation, but not for the other hazards - is funding and implementation for those also being considered?

Staff stated they encourage those plans to be coordinated, but they're two efforts being reviewed by different agencies. This planning effort could be wrapped up and covered by the Local Hazard Mitigation plans and be approvable by all agencies.

Bob observed it is not just the planning, but also the project implementation and suggested further exploration of how they be funded.

(7) Stefan Pellegrini asked about the limits and boundaries of the plans. What is meant by subregion? How were they identified?

Staff stated that *subregional* was defined by SB272. Cities and jurisdictions can self-identify what the breakdowns are. Counties and cities both need to be covered. Plans can extend beyond one county or jurisdiction as long as the plans are meeting all the requirements. At the most conceptual level, it is a county with sub-jurisdictions. Staff also noted that SB272 applies to any local government within BCDC jurisdiction and they will be required to have one of these plans. BCDC has identified all the cities currently in our jurisdiction as well as cities that are outside agency jurisdiction but subject to flooding and hazards. BCDC hasn't defined the upper inland limit of what needs to be included.

(8) Stefan Pellegrini requested further description of the relationship between areas identified in past planning efforts and how those efforts will relate to this current process? Is there a relationship between what is identified as regional priorities and where regional strategies are expected to emerge.

Staff stated that some of the regional priorities are relevant to Bay Plan priorities but many are not. Staff haven't worked out the details, where a priority does overlap with an existing Bay Plan policy it will be identified. Bay Plan Climate Chance policy 6 does include language of what adaptation strategies should entail and that informed what the regional priorities were ultimately identified.

(9) Stefan Pellegrini asked about the relationship between the policy establishment and the implementing actions. For example, public access is a regional priority, but there's more attention given to open space and resilience. How do you envision the relationship of how this plan approaches prioritization of the shoreline for public access with the continuing practice of establishing or continuing public access at the shoreline?

Staff stated they are in the process of comparing the plan with current policies and contemplating future policies. Staff have been working internally on how those intermesh with the current policies and regulatory practices. Staff are trying to elevate the existing policies that are in alignment with the guidelines, certain ones like public access, we probably don't have strong enough in our current draft of the guidelines. Anticipate the guidelines will trigger new policies and new regulatory tools, greater links between the projects in these plans, and how we prioritize our permitting. This plan will not recommend projects that cannot be permitted under BCDC policy but currently a project could be permitted by BCDC that is not consistent with the RSAP because our regulatory policies are not the same as these guidelines. There's a lot we're trying to work through and are still at the beginning of that conversation. There are places where SB272 asks the agency to look beyond our authority, permitting, and what is currently required by policies to address the issues of adaptation. Staff will continue to comb through the Bay Plan and expand those conversations on policy like on public access but also expanding those eight vision areas. There's also the issue of scale, where the Bay Plan policies are written more towards project scale and this guidance is at the regional planning scale.

(10) Gary Strang inquired about what mechanisms BCDC has to enforce these guidelines. Gary observed that he is focused on implementation and how costs really inform the project decisions. At the end of the day, it's easier to build a levee - how do you prevent one jurisdiction from choosing one decision that's not aligned to its neighbor. Adjacent jurisdictions have impacts and how can these guidelines address that? In terms of getting these implemented, the approach seems to be providing incentives in the form of funding as the carrot, but what happens if even then, the jurisdictions can't or don't comply?

Staff observed that that question is a lot of what they're facing right now. The guidelines are not a silver bullet, it shows that we really need to align our permitting policies with the guidelines for what can be approved. SLR is both urgent and long-term. This plan is setting up the framework and the process for what we regionally want to achieve. The plan is providing that platform and that guidance but staff doesn't think this can solve all those issues. There are some required plan components that require coordination across jurisdictions when there are shared impacts. It is also setting standards for timelines and how strategies will work. Use this as a public disclosure that can galvanize the communities.

c. **Public Comment.** There was no public comment.

d. **Board Discussion.** The Board discussed how the project responds to the seven objectives for public access found in the Public Access Design Guidelines, provided feedback on the proposed public access improvements in response to the Commission's policies on sea level rise and environmental justice and social equity, and addressed the staff questions listed below.

(1) **The seven objectives for public access are:**

   i.   Make public access PUBLIC.

   ii.   Make public access USABLE.

   iii. Provide, maintain, and enhance VISUAL ACCESS to the Bay and shoreline.

   iv.   Maintain and enhance the VISUAL QUALITY of the Bay, shoreline, and adjacent developments.

   v.   Provide CONNECTIONS to and CONTINUITY along the shoreline.

   vi.   Take advantage of the BAY SETTING.

   vii. Ensure that public access is COMPATIBLE WITH WILDLIFE through siting, design, and management strategies.

(2) **BCDC Staff have the following specific questions for the DRB's consideration:**

   i.   Are there any components of the adaptation strategy and pathways standards that are missing or that are too burdensome? Do the proposed alterations sufficiently maintain or enhance circulation and connectivity to and along the shoreline?

   ii.   Are we asking people to consider the right questions when identifying adaptation strategies?

   iii. How should people evaluate strategies to come up with preferred alternatives?

   iv.   How detailed should adaptation strategies be in this plan, and what are the key pieces of information people need to identify to get to implementation?

    e. **Summary of Key Issues and Board Comments**

    (1) **Overall Approach**

       i. Jacinta McCann stated the first seven strategies make sense and don't seem too onerous; it seems the right questions are being asked.

      ii. Jacinta McCann stated it would be helpful to give people guidance on how to balance competing priorities. For instance, if we're trying to accomplish A-2 with a nature-based solution, it may be contrary to A-6 that is reducing bay fill.

     iii. Jacinta McCann observed that biodiversity is an incredibly significant challenge right now and should be embedded as a regional priority. We've already lost a lot over the last few years and maybe using now as the baseline isn't appropriate, we should look back further.

     iv. Bob Battalio stated it would be good to have a spatial vision. He observed that mapping does add credibility and can be more user-friendly; it is also important to include infrastructure.

      v. Bob Battalio stated he liked the approach with the guidelines, they're not too burdensome, but need to work through how to balance the objectives of guidelines that don't align. It is important to recognize they won't all be met at 100%.

     vi. Jacinta McCann observed that simple, ecological mapping and prioritizing is helpful for the DRB when reviewing projects; it would be good to include with the staff reports similar to the Community Vulnerability Mapping. Make sure it's user-friendly.

    vii. Gary Strang suggested exploring incentives for retreats, identifying properties or structures that could be eliminated, and making funding available for buying them out.

   viii. Stefan Pellegrini observed that the DRB is always interested in the relationship between these planning efforts and the 100-ft shoreline band. Understanding that our ability to maximize public access in the shoreline band has incredibly varied results, and these guidelines could be identifying desirable project types in the band and identifying locations outside the band that could be used for those and other purposes. Understanding that for many reasons, it is of value not to develop within the shoreline band. The 100-foot dimension has little relation to landforms, floodplains, or sensitive habitat areas and it would be beneficial to many users to redefine what we mean by shoreline band.

     ix. Jacinta McCann observed that it would be helpful to think about or approach a shifting shoreline band over time and frame how local jurisdictions should think and plan for development there.

      x. Stefan Pellegrini observed that the Board reviews developments on a project-by-project basis, which removes some of the regional context and a regional strategy would allow them to push back when projects are maximizing development footprints to ensure there is sufficient buffer or spatial reserve, elevation, as well as other site improvements.

(2) **Adaptation Strategies A1 to A7**

   i.   Bob Battalio, on Strategy A-2, observed that ecology is hard to monetize, use mitigation costs for replacement. Also recommend including a no-action baseline to quantify and compare the cost for no action.

   ii. Jacinta McCann, on Strategy A-7, encouraging higher density outside of the coastal hazard area is an excellent approach but there is a correlation between increased density and major transit hubs. The higher priority may be increasing density near transit or transit hubs which may in turn contribute to less bay fill.

   iii. Bob Battalio, on Strategy A-7 and in general, stated the plan needs to define coastal floodplain in a way aligned with coastal floodplain management. Coordinate with county flood agencies. Connecting to building codes and flood plain guidance that speaks to modifying hydrology is how we get to applying standards at the project level. We need something that doesn't exist yet, it may make sense to have future hazard mapping, similar to FEMA. The FEMA maps don't cover hazards like SLR. There have been studies that suggest it would be good to adapt FEMA maps to include SLR and climate events. We need to agree on the hazards to get to agreement on solutions and strategies.

   iv. Bob Battalio on Strategy A-7, observed that adaptation of existing development is tough and will likely be one of the harder planning areas to address. He asked if staff have looked at areas of upzoning across jurisdictions where it's not possible/desirable within the jurisdiction.

   v.   Bob Battalio recommended exploring land use mechanisms like rolling easements for public access along the shore so if the shore moves. He expressed disappointment at locking in the shoreline protection and trails along the shoreline and recommended anticipating as the shore moves, planning for the public access to move too.

The Design Review Board stated they want to continue to receive updates on the project as it develops.

6. **Meeting Adjournment.** Board Member Strang moved to adjourn the meeting. Board Member Battalio seconded the motion. The meeting concluded at 7:15 p.m.