

# San Francisco Bay Conservation and Development Commission

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October 26, 2018

**TO:** Environmental Justice Commissioner Working Group

**FROM:** Steve Goldbeck, Chief Deputy Director (415/352-3611; [steve.goldbeck@bcdc.ca.gov](mailto:steve.goldbeck@bcdc.ca.gov))  
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**SUBJECT: Draft Meeting Summary of October 4, 2018, Environmental Justice Commissioner Working Group Meeting**

1. **Roll Call, Introductions, and Approval of Agenda.** The meeting was called to order at the Bay Area Metro Center, 375 Beale Street, Claremont Room, First Floor, San Francisco, California, at 11:04 a.m. Commissioner Vasquez moved approval of the agenda, seconded by Commissioner Showalter. The motion passed with no objections or abstentions. Working Group members in attendance included Chair Teresa Alvarado (via teleconference), Commissioner Sheri Pemberton (via teleconference), Commissioner Pat Showalter (via teleconference), Commissioner John Vasquez (via teleconference), and Commissioner Eddie Ahn. Staff in attendance included Planning Manager Shannon Fiala, Planner Clesi Bennett, Planner Megan Hall, Planner Elizabeth Felter, Chief of Enforcement Adrienne Klein, Enforcement Analyst Matthew Trujillo, Permit Analyst Walt Deppe, Planning Director Jessica Fain, Chief Deputy Director Steve Goldbeck, Chief of Federal Consistency and Permits Erik Buehmann, Permit analyst Morgan Chow. Also in attendance was Brianne Riley of Bay Planning Coalition and Shelby Nacino of Brightline Defense.

2. **Approval of the September 6, 2018 Environmental Justice Commissioner Working Group Meeting Summary.** Commissioner Showalter moved approval of the September 6, 2018 meeting minutes, seconded by Commissioner Pemberton. The motion passed with no objections or abstentions.

3. **Environmental Justice and Social Equity Bay Plan Amendment Timeline Update.** Planner Clesi Bennett presented the following: We are still aiming for our next summer date. We have been emphasizing speaking with the local governments around the Bay Area. We have been speaking with the county and city planning departments and learning a lot about different general plan updates, climate action updates and how folks are thinking about environmental justice.

**ENVIRONMENTAL JUSTICE COMMISSIONER GROUP SUMMARY**  
**October 4, 2018**



That has been quite interesting, and we have had 15 to 20 calls at this point. Hopefully we will be able to report to you on this by the next meeting.

In terms of the timeline we are hoping to have some workshops with the full Commission early next year. We are hoping to continue to speak internally with our regulatory staff that will be using these policies.

Chair Alvarado commented: What would be helpful is a list of all the outreach meetings. You have done a significant amount of outreach. Do you have a compilation of all of those outreach activities?

Ms. Bennett replied: Yes. I could go back through my calendar and make sure that they are all captured. I have been to a lot of workshops lately and have all of that captured. I can provide you with a list of those events that we have attended.

Chair Alvarado added: I think it would be compelling. You have done a tremendous amount of work. When we do present it to the full Commission I think it is something that people will appreciate.

Planning Manager Fiala commented: We were able to connect with staff from the Environmental Justice Coalition for Water this morning regarding different sources of money that we were hoping could be used to facilitate the environmental justice Bay Plan amendment. There is still a bit of uncertainty as to who would take a lead on that grant money. We are still in a holding pattern while we wait for the parties involved to figure that out.

Our intention over the next three meetings, starting with this one, is to dive into the three policy areas that are identified for amending. On July 17<sup>th</sup>, 2017, the Commission identified public access, shoreline protection and mitigation as the three policy areas that we would be amending.

Over the next three meetings we will be taking a deeper dive into those three topics with the hope that by December we would be ready to start preparing for a workshop on the third Thursday of January at a Commission meeting.

Depending on how that goes we could perhaps have another public workshop at the third Thursday Commission meeting in March.

In order to get to a public hearing on the amendment by May we would need to have published our staff report in April or we might even want to give interested parties more time. We may want to publish the staff report as early as March to give more time to stakeholders. The State Lands Commission and the Coastal Commission actually gave a 90-day, comment period.

Chief Deputy Director Steve Goldbeck commented: As a clarification when we hold the public hearing we don't have to close the public hearing and the comment period at that meeting; we could hold several more if the Commission wants to and we could also keep that public, comment period open while they are discussing that matter. This is an option that we have.

Commissioner Showalter commented on the timeline for the draft policy: A 90-day, review period is a long review period. If we could get together a good, fact sheet or two and put out some save-the-date information – that could be helpful too. A lot of times people don't read the whole report anyway. They do want to be aware that it is coming so that is another way to get the information out.

Ms. Fiala replied: We have a project information sheet and that is a wonderful idea to update that with the timeline as we understand it today.

**4. Discussion on BCDC's Bay Plan Policies Regarding Public Access.** Ms. Bennett continued: The Commission has identified several policy areas to amend to incorporate environmental justice and social equity into the Bay Plan. And one of the sections identified was public access so we are starting with that one today. And we will get into the others in the coming months.

As a reminder, our project goal is to amend the San Francisco Bay Plan to incorporate principles of environmental justice and social equity in the planning, design and permitting of shoreline projects and in and along the San Francisco Bay.

Today we will talk a bit about what our actual policies are. We are going to run through what the McAteer-Petris Act, our organic statute, says around public access as well as getting some of our public access guiding documents. And then we will talk about some issues of environmental justice and equity in terms of public access but not necessarily specific to BCDC and our policies.

I would also like to get some input about some of the policies of other agencies and jurisdictions. We would like to hear from some of our regulatory staff members who are attending today about how they actually use some of these policies. We will then have some questions and discussions on these ideas.

So, what is public access? At BCDC, we are talking about physical and visual access to and along the San Francisco Bay. We are typically talking about non-motorized forms of movement. This is usually in the areas of pedestrian traffic and bicycle paths. This may also include other non-movement uses such as fishing, boating and nature viewing.

Some examples of public-access amenities may be things like trails or parks, fishing piers and viewing corridors and platforms.

This slide is from the McAteer-Petris Act, Chapter 1 which is the findings and declarations. This paragraph addresses things that the Legislature found. One of the things that they found was that, at the time, we had inadequate shoreline access and that with proposed projects we would require maximum feasible public access.

Further, in our Powers and Duties chapter, for permits within that 100-foot shoreline band of our jurisdiction, we can deny an application if it fails to provide maximum feasible public access.

The Bay Plan policies around public access explain how to interpret the McAteer-Petris Act. The first policy explains that public access should be provided to the maximum extent feasible. The second one provides that the access should be safe and consistent with the land use and if it is not then we can do in-lieu public access instead. The third one states that we should be working with the other appropriate agencies. The fourth one states that we should be preventing any significant adverse effects on wildlife. The fifth policy also takes into consideration sea level rise and flooding when designing public access amenities. The sixth policy talks about that the public access needs to be permanently guaranteed so that we know it will be public into the future and that it won't be privatized later on. The seventh policy talks about how the use needs to be consistent with the physical environment and that it should allow for a diversity of activities and be barrier-free for those who have disabilities. The eighth policy explains that a small amount of fill may be allowed to build public access as long as it is the minimum amount required. Policy number nine talks about the connection of public parking and transit to these public access amenities. Number ten talks about roads near the water and how they should be scenic parkways. Policy 11 expounds upon the cooperation among the different levels of government. Policy 12 refers to the public access design guidelines and the Design Review Board which we will talk about a little bit later. Policy 13 talks about the integration of the public access design process early on in habitat restoration projects. And policy 14 provides that we are to study the impacts that public access may have on wildlife going forward.

There are two other chapters of the Bay Plan that are used to help BCDC staff implement work around public access. And these are the recreation policies and the appearance design and scenic views policies.

We may also find that these chapters of the Bay Plan may be appropriate for amending for environmental justice as well. However, at this time, the Commission has decided to look at the public access chapter.

The Design Review Board is expounded upon in our regulations. Within the regulations, it talks about the makeup of the Design Review Board and it also explains the role of the DRB.

Our Bay Plan policies also refer to our public access design guidelines. These guidelines are divided into three different pamphlets. They are shoreline spaces, shoreline signs, and the shoreline plants. They provide guidance for project proponents when designing public access amenities.

These guidelines are getting a bit outdated now and could use updates as well. They may also provide places for us to think about incorporating equity and environmental justice into public access as well.

Chair Alvarado chimed in: Before you move on; that is an important point because we are not scheduled to go in depth into reviewing those policies. What is the right process to hear more about those specifically and make recommendations?

Ms. Bennett answered: I would assume that through this process we may identify other BCDC documents where we think that environmental justice could be incorporated and then we would start the process of working with staff to do that after we do the Bay Plan Amendment.

Ms. Fiala added: I think we can explore those ideas through this process. I would add that updates to the design guidelines were captured in our Strategic Plan. It is on the horizon for staff but it is limited by staff resources and staff capacity.

Mr. Goldbeck commented: The finding of the Commission that you want to update the design guidelines would be a nice argument for talking with the new Administration about the need for additional staff resources.

Ms. Bennett continued: Slide 14 comes from the shoreline spaces guidance. These are the objectives of public access that have been identified. I would be interested in hearing about regulatory staff's opinion on how we try to implement some of these objectives.

I would ask the regulatory staff present to comment on what is not captured here that we don't see and may not be explained in the policies.

Chief of Permits Erik Buehmann commented: The public access that we require as a condition of the permit we look at to make sure it is reasonable and that there is a nexus between the condition and the project impacts. We have to determine what is maximum feasible public access consistent with the project.

We are looking at things like, how many people are you bringing to the shoreline? How many residents do you have? Do you have offices or stores? How many people are going to be working there? How much parking are you imposing on the shoreline? Any time you are building on the shoreline you are imposing impacts on the shoreline. There needs to be public access to meet that demand that is going to come.

We need to consider the size of the buildings going in. We need to be aware of cutting people off from the shoreline. Are you imposing burdens on the existing public access requirements? What kinds of existing uses are there today?

In the process we prefer to take large projects to the Design Review Board although they have reviewed some minor permits. We like to take this to review early on in the process. We want to get that design feedback in before things get solidified.

We are usually making these changes through the pre-application stage going to the DRB. The DRB is looking at the design of the access or the connectivity from adjacent areas. They are looking at aesthetic designs. Is it a pleasing place that you are creating? The DRB critiques the applicant's design and gives input about potential changes to the plans.

Many of the large, redevelopment projects where they are building large tracts of houses; public access can be designed around that development and how it will be used and not necessarily adjacent areas but as public access for everyone in the Bay Area.

Permit Analyst Walt Deppe commented: When staff is preparing for Design Review Board meetings we also prepare staff reports. In those staff reports we summarize the existing conditions of the project and what we propose the project will include in the public-access design. We also ask some targeted questions to the DRB linked to certain policies, and ask the DRB whether the project as it is proposed is satisfying those policies and what can be improved upon to make it satisfy those policies.

One of the things that they look at when they are considering the maximum feasible public access is whether the design is inviting to the public. This is especially so in some of the multi-use developments.

Permit Analyst Morgan Chow commented: Before any major project there is a pre-application meeting with the applicant. In that meeting our staff tries to bring up any of these considerations that they would foresee the DRB as having. These conversations happen before they get to the DRB meeting.

Ms. Bennett continued: I would like to dive into some of the issues around public access and environmental justice. These issues aren't necessarily specific to BCDC. Some of these issues may be out of our authority and out of our control.

There have been a number of efforts in different parks and recreation departments to try and figure out what is called, park equity. A lot of what they are looking at is the distribution of parks and community access to parks. This is something the San Francisco Department of Parks and Recreation has looked at. They are mapping out where there are vulnerable or disadvantaged communities and are asking if these communities lack public and open spaces more so than more affluent communities. Also, what is the quality of these parks?

There are a couple more issues that have been brought up that the Coastal Commission and the State Coastal Conservancy are doing some research around. Some communities have expressed concern about these issues as well.

One of these issues is physical barriers where public access is unnecessarily fenced off or locked when it shouldn't be. The cost of transportation to get to an open space is also an issue for some communities.

Another issue may be the availability of public transit to a specific open space or shoreline space or the availability of parking.

Another barrier may be unsafe conditions for pedestrians or cyclists. We may have public access but there may not be a safe way besides walking across a freeway or a construction site to get to the public access.

Another issue that has come up in some community meetings is the feeling of being welcomed and comfortable at the shoreline. and that they are made to feel they do not belong in some of these shoreline spaces especially as areas may be gentrified.

The last issue deals with gentrification. As we improve spaces and redevelop the waterfront there may be the unintended consequence of gentrification which may lead to reduced use or non-use as certain folks may feel that they are no longer welcomed in these spaces despite the fact that these spaces may actually be physically open and available.

Some of these we have already tried to address in our policies and some of them are out of our scope. I wanted to give you an idea of what folks are thinking about broadly.

Ms. Fiala stated: It would certainly be interesting to hear the Working Group's creative ideas on the intersection between public access and environmental justice.

Commissioner Showalter commented: The city of Mountain View put together a park plan submitted by the Parks and Recreation Commission. A huge component of it was identifying areas that were park-deficient. They went through a very, comprehensive exercise to do that.

Our idea is to meet the Quimby standard which is three acres of park for every thousand residents. The other standard we have is to make everybody within a five or ten minute walk of a park.

If you haven't had a chance to look at some of those plans they might be a source of interesting write-ups about this.

Ms. Bennett added: I've dug in a bit to the city and county of San Francisco's work around this as they have tried to build equity into their work in the creation and maintenance of their parks system. It has been really helpful thus far but I will definitely check out the one in Mountain View.

Commissioner Showalter continued: Another one that we worry about too is age issues. We need to make sure that there are activities that are culturally appropriate for different groups but are appropriate for different ages.

Chair Alvarado had a question: Given that BCDC is not a land-use organization – we aren't siting new parks. What can our role be with regard to park development? A lot of our issues are more reactive and responsive to projects that come before us. Do we have a role in promoting public-space and open-space development?

Ms. Bennett answered: One way that we could potentially go about doing this is trying to coordinate and work with local governments on their zoning in trying to provide guidance or encourage them to incorporate more open space.

Mr. Goldbeck chimed in: The Commission's basic mission is to minimize fill to that which needs to be in the Bay for water-oriented uses and to maximize public access to the shoreline and also to try to have more uses on the shoreline that use the Bay as a design asset and increase the public's enjoyment of the Bay.

In that role we certainly can be encouraging these kinds of regional parks. You are entirely correct that we can only implement that through the projects that come to us though we could do some kinds of studies which we have done in the past on various aspects of park placement so that when permits are coming to us we already have in our back pocket some ideas about what would be maximum feasible public access.

We are often working with permit applicants to help perfect their project so that it can meet the Commission's laws and policies and also often just helping them make a better project.

Mr. Buehmann added: In the shoreline band, in the upland BCDC can only deny a project if it doesn't provide maximum feasible public access or if it is not consistent with the priority use that is designated in the Bay Plan.

These are usually based on local zoning. There are port priority uses and there are also waterfront park priority uses. And those haven't been updated in a long time. There is an opportunity to designate certain areas as parks.

Ms. Bennett continued: Some potential next steps that we have brainstormed internally regarding public access would be to amend our current public access policies, or to add a policy or multiple policies to the public access section regarding environmental justice.

The other next step would be recommendations for future changes to better incorporate environmental justice and the public access. This would be an amendment to the regulations about the Design Review Board, perhaps who sits on it and adding a person and perhaps updating these guidelines.

We may decide that we want to look at some of the other policy sections in the Bay Plan to amend.

We have a few questions for folks and these have come out through our internal discussions about how we do public access as well as some of the intersections between public access and environmental justice.

I wanted to ask if you had any thoughts or comments about some of the example policies that I provided from the Coastal Commission, the State Lands, the city of Richmond, the city of Vallejo as well as the Environmental Justice Working Group's recommendation to the State Lands Commission.

Commissioner Pemberton commented: I can speak for our draft policy in which public access is referenced in it as a core priority and one the goals of the environmental justice policy. We don't have a definition or any additional detail about what we mean by public access.

As we go through the next few weeks in finalizing our policy we are looking at adding definitions on many fronts and possibly for public access. Because our authority and mandate is a little different and broader we decided to keep it more general on public access.

In the outreach that we have done in the many, many months that we have been working on this we hear a lot of concern and a lot of interest in public access for everybody and how important that is.

We are also building out an implementation plan. We expect to have more substance about what we mean by public access in our implementation plan.

We haven't set out an official timeline for our implementation plan. We will propose that in our staff report to the Commission at our December meeting and then we are hoping to get feedback from our commission.

We have an implementation outline that will be the framework for the plan. The actual timeline is yet to be established.

We would love to have a letter of support that we can provide to our Commissioners or whatever feedback or comments that BCDC or members of this Working Group would like to provide. We are hoping that there will be a lot of support for the policy and expressions about how important environmental justice is in California and for state agencies like ours to be looking forward to how to incorporate it into work and also about working with our sister agencies and collaborating with other agencies like we are with BCDC and the Coastal Commission and how important and beneficial that is.

I can keep everyone posted as things shape up ahead of the December meeting.

Chair Alvarado had a question for Mr. Goldbeck: Steve can you explain what you think the process would be for us to either approve that or get it fulfilled?

Mr. Goldbeck requested clarification: Do you mean the Commission itself?

Chair Alvarado replied: The Commission or our Committee.

Mr. Goldbeck explained: The Commission usually does not take positions on those kinds of things. Let me think about that and get back to you. I will talk to Larry about it.

Ms. Fiala added: BCDC staff could prepare a comment letter that is supportive.

Ms. Bennett continued: At this point if we don't have any other thoughts about some of the example policies we can jump into the second question which is particularly interesting. I would like staff's input on this. How does BCDC balance its role as a regional agency with the localized needs of communities and neighborhoods as we attempt to try to make policy around environmental justice and equity which speaks prioritizing the needs of historically and currently vulnerable and marginalized communities?

Ms. Fiala commented: One example that comes to mind is the recently completed Candlestick State Park. It is a new campground on the Bay that is adjacent to a community that has been historically burdened with a lot of environmental justice issues.

I would like to know whether it has been explored and whether it was possible to explore it. I wonder if it would be possible for the neighbors of that campground to have some sort of priority access to campground reservations or something like that.

Ms. Bennett added: And perhaps trying to weigh the recreation desires of everyone who uses the Bay to what the preferences are of a specific community who may be adjacent to a specific area of the Bay. How do we think about balancing those two different interests as sometimes they may not be the same?

Enforcement Analyst Matthew Trujillo commented: There is a lot to explore around access to affordable lodgings and how that relates to environmental justice. This could be appealing to members of EJ communities who are looking to recreate or stay near the Bay.

Ms. Bennett stated: That is interesting and something for us to dig into. In the Coastal Commission's draft on environmental justice policy they have a list of principles and one of them is coastal access. A lot of what they speak about in that section are these low-cost overnight accommodations along the coast.

Chair Alvarado commented: We identified vulnerable communities during this process. Adding to that this analysis of park deficit areas and doing an analysis of the land uses where there is a need and overlaying that with vulnerable communities and pinpointing areas where we think it is important for BCDC to pay special attention to; and as we move forward beyond this first round of Bay Plan amendments to really updating the signage and design guidelines really being sensitive to the areas that have special needs – I am not really sure that happens but this idea of balancing us as a regional agency with localized needs.

Commissioner Showalter spoke: I think we should add to list the parks that we expect to be subject to sea level rise who are the soonest because it does take a long time to get public-works projects done. Identifying places where we think that is going to be a problem and people should be looking at; that would also be a good part of this story.

Commissioner Ahn inquired: You said you looked at San Francisco's rec and park equity policies. By your estimation, throughout the Bay Area how many similar, equity policies are there with local departments?

Ms. Bennett replied: That is one of my hopes is to try to capture that through these conversations that we have been trying to have with the local planning departments. Hopefully by the next meeting I could have a percentage on that. A lot of people are starting to think about that but there may not be an official program or an official department that has taken that on yet.

It seems to be that everyone who we have talked to who is not doing it yet tells us they are thinking about it and they want to get there and they are waiting for resources or they tell us that in their next plan update they are definitely going to do that.

It is something that is on the minds of many planning departments we have spoken to. I can't give you a specific percentage yet.

Commissioner Ahn continued: If deference to local infrastructure is warranted if there isn't an equity plan by a relevant department you are looking at – at the same time I don't want BCDC to reinvent the wheel or have to stretch way beyond its capacity to try to do this research into the localized needs of communities.

Ms. Bennett added: The city of San Francisco calls their areas equity zones. These are specific communities that they found through a various number of indicators such as income and race. They mapped them with their ability to access the local parks. I don't know how many other local governments have done that mapping already.

Ms. Fiala stated: On this coming Sunday when we are having our Day on the Bay event we are going to try to collect data from people who we talk to on their preferences around public access on the Bay. We will talk to them about their preferred future uses on the Bay. We will ask what they would like to see more of.

We can report on that in our November meeting in terms of what we find.

Commissioner Ahn chimed in: In tackling this question I also want to focus on one policy issue in particular which is mentioned occasionally and that is language access. We might be talking about reshaping signage depending on the needs of a particular community. We need to make sure that EJ communities realize they are in a shared open space.

Mr. Trujillo inquired: My question is when it comes to surveying to find out what they want to see; how are we going to be able to reach out to limited-English proficient communities to get that information?

Ms. Bennett answered: One way that we are trying to do it this weekend is by having it be all visual, so they will be able to put a dot or a mark next to a symbol.

Mr. Goldbeck added: We are interested in trying to make all our signage much more visual so that you don't need to translate it because you just look at the sign and you see what it means. But we can't always do this.

Ms. Bennett asked: Any other thoughts about balancing our role as a regional agency with local community needs? I'm wondering if you all deal with that when you are writing your staff reports or your conditions and how that plays out in permitting.

Mr. Buehmann commented: I think about the procedural role that we play, and you alluded to it in the third question which is, is process too late in the design process? BCDC can't file an application complete until local discretionary approvals are completed. We try to do a lot of pre-application work early in the process before the local process is complete to ensure that applicants understand the issues under the Bay Plan and identify issues for them and we go through the DRB process early.

Historically and procedurally we defer to local government prerogatives about projects. This is especially true when our purview is only related to public access.

The assumption has been that these local communities' needs are being met at the local process. This might not be true, but this is how the process plays out normally.

Ms. Fiala added: The city of San Francisco's Entertainment Commission is updating their special events guidelines. They do require applicants for a special events permit to check in with the neighborhood to make sure that the neighborhood knows that the event is going to be happening. They want to have some form of feedback from the neighborhood around the neighborhood's concerns and demonstrating an attempt to address those concerns.

How effective this is remains to be seen. At least it is an attempt at addressing some neighborhood concerns associated with special events. That might serve as a model for potential engagement through our permit process.

Mr. Beuhmann explained: When we receive a permit as part of the permit process we provide to the applicant a notice that is posted on the site.

If the project requires a vote from the Commission we compile a list of interested parties and neighbors within a certain radius that is pretty small – perhaps 100 feet. Those people are mailed a notice of the DRB meeting which is a public meeting and the Commission meeting.

Commissioner Showalter noted: Elected officials always get into trouble on the amount of notification. No matter how much you do there is going to be somebody who didn't get the word.

Commissioner Vasquez commented: I would like to concur with that. We did a 1500-foot-from-a-project notice and Monday night I got criticized for not letting anybody know. (Laughter) As much public notice as you can do - I say, do it.

Ms. Bennett continued: Is coming to BCDC too late for some of these projects? Has the design already been approved and we are just the last check? I have heard from staff that some projects are coming in enough early on in the process for the pre-application that we do have some room where in others it is pretty much done.

Mr. Beuhmann offered an observation: A lot of that has to do with the fact that there is no formal way to engage us in a pre-application process. If we see that an applicant doesn't know that they have to come to us for a permit we try to write a comment letter that says, we are here, and you should meet with us and we should talk about this stuff.

Sometimes communities just know to come to us early in the process and engage with us really early. It is sort of an ad hoc situation.

Sometimes a project is very far along, and they realize they have to come to us after most major decisions have been made and this is unfortunate. They come to us then because they don't realize that it would have been better to come to us to in a pre-application way when they are already kind of wrapped up.

Mr. Goldbeck added: There have been times when we have talked to the local cities and counties to encourage their planning section and permit desk that when people come in for a shoreline project to say, you should be talking to BCDC. We have had varying success with that.

Mr. Buehmann stated: And then you get staff turnover at local governments and the new staff doesn't know about us and this creates problems as well.

Commissioner Showalter commented: I would think that the BRRIT might be an opportunity for that to help.

Mr. Buehmann added: The BRRIT is nice idea of this efficient, pre-application process that is built-in coordination among the agencies.

Mr. Goldbeck offered the following: And Senator Beall has a bill that is on the governor's desk unless it has already been acted on. The number is 1301 that sets up an early engagement process for flood control and dam projects. This provides a process for staff from the respective permit agencies to work with the applicants and provides funds that would finance that because part of our problem is that we are short staffed.

Commissioner Pemberton stated: The governor acted on all the bills this past weekend. I don't see it here and I am looking for it.

Ms. Bennett continued: Teresa you were mentioning the last question as you all read the public access design guidelines, the shoreline spaces, and the shoreline signs – as we were talking about the DRB process; do you think that these are areas that we could potentially make a case for integrating environmental justice and equity into following this Bay Plan amendment?

Chair Alvarado has mentioned language of signage that you did not see. Any thoughts around that from staff or our Working Group?

Commissioner Pemberton chimed in: Unfortunately, it looks like the governor did not approve 1301.

Mr. Goldbeck agreed: Yes. The governor vetoed it. That is interesting – I will have to go see why. I thought the Commission's endorsement would have guaranteed it. (Laughter)

Ms. Fiala continued: I would be curious to hear whether there are any projects in recent memory that you recall where the DRB significantly altered the design of public access on the project.

Mr. Buehmann responded: In my experience big changes to the designs have usually come from the community. Brooklyn Basin is a good example of this. There was a requirement in this project to build a park along the Oakland Estuary and the developer came with one kind of design which was a big, open park and the community really didn't like it. They voiced this to the city of Oakland.

This really did not get brought up in our DRB process and it flew through the DRB. After the DRB process the community stated that they did not like this design and they wanted more activities and echoing of the historic use of this place. There was a lot of feedback from the community and they completely redesigned it.

It is actually a better park now but that usually happens that way. Most of the DRB comments have made small improvements especially dealing with connectivity but they haven't resulted in a major overhaul of the project design.

Ms. Fiala asked: In the Brooklyn Basin Project at what point in the process did the community have the opportunity to try to change the design? Was this after the BCDC permit process or was it during the process?

Mr. Buehmann replied: Well that is an interesting one because any time that the development is a huge project and it is multi-phased – so any time they move to a new phase and come in with a park design pursuant to their agreements with the city they have to come back for another review and approval for the park design itself.

That is where this change took place. It is interesting that we didn't have much engagement with the DRB process. I am not sure why that happened the way it did.

Ms. Bennett continued: It seems to me that folks have an understanding of their local governments but not necessarily the regional and state actors and processes as much.

Ms. Brienne Riley commented: I am from the Bay Planning Coalition and we don't have a lot of builders as part of our membership. A lot of the other business-oriented organizations do. I think they have a lot to say about that.

The more communication you can do with that sort of the community the better. I am surprised that there aren't more organizations like ours. We are also very small. I am glad to be here today and hear what your thinking is on this.

At the very least we need more communication on that to the affected communities and the developers. You might get some feedback that really helps you develop a better policy.

Mr. Trujillo inquired: What are some of your ideas about how to change the DRB regulations to focus on or recommend environmental justice?

Ms. Bennett replied: At this point we haven't identified any specific changes. One thing that has come up is perhaps having someone on the DRB who has an equity or justice background or works with communities. Once we have the policies in place it will probably be a little bit easier for them to ask how the projects are in accordance with the policies.

That is one thing that I thought about with the DRB specifically. As far as the design guidelines there is a decent amount we could do perhaps around language access and around community engagement.

Mr. Goldbeck mentioned a different perspective: Looking at it from another way it might be interesting to have a discussion with the Design Review Board because my guess is that they have engaged in their own practices around these topics and probably have some really, good advice for us.

Chair Alvarado agreed: That is a really good idea.

Permit Analyst Morgan Chow commented: The idea of site context is really interesting. I don't know where that would fall in terms of policy changes and who would be more responsible, but the design guidelines mention it at the beginning and it also ties back to the conversation about how we are regional agencies but then we have these very specific sites that have these different impacts and different levels of cultural appropriateness for public access.

Maybe it is a combination of better collaboration with the local government and the developer having to have a more robust engagement. Maybe when it comes to the Design Review Board it is part of the staff report or integrating the local government is like presenting more about the cultural perspective of the community.

I am not sure how much of that is part of our information to the DRB. So even if there is someone on the DRB that has environmental justice background, if they don't have information about the local site then it is harder for them to integrate that into their recommendations. That could be an interesting component of this.

Mr. Trujillo agreed: I echo that. Having some sort of a comment period that is specifically dedicated towards engaging those local EJ communities would be useful and then having that reported back to the DRB would be helpful.

Chair Alvarado continued: At the beginning of the meeting you were talking about a workshop at the second meeting in January at BCDC. Is that our first check-in with them?

Ms. Fiala spoke: One milestone that we will need to put through before then will be the revision of the hearing date. As you may recall the hearing date for the first hearing for this amendment is November 15<sup>th</sup>. This is as a result for wanting to try to accommodate the Environmental Justice Coalition for Water and the Resource Legacy Fund financed process we have tried to get an extension on our NOAA grant.

We will provide an opportunity for a potential check-in with the Commission. We could provide a staff briefing if you think that would be more helpful than just the brief updates that you have been providing.

Chair Alvarado chimed in: It would be good to hear any concerns or any good feedback from Commissioners before we try to start closing it off and finalizing the document.

Commissioner Showalter added: I think that is a good idea especially going over what the definition of environmental justice is that we have decided on to use and maybe sharing a couple of those maps. I think that would make a wonderful presentation. This would kind of keep it in people's minds.

This would be particularly good if there were any comments from the DRB on this. I thought it was a very good idea to ask them how it works.

Mr. Goldbeck stated: We will do that through Andrea who is the staff liaison to the DRB and let her lead the charge on that.

Chair Alvarado announced: We should move on to Public Comment.

**5. Public Comment.** Chair Alvarado asked: Anyone in the room there have any thoughts to share with us? (No comments were voiced) Anything else from staff?

Mr. Goldbeck mentioned: We are going to talk in-house and think about for some of these meetings where there is no Commission meeting that day that maybe we should set these up intentionally as a webinar. We will think about that and how that works because we definitely want to have the conversation as well, so we need to set it up in a way that we could still hear from you folks.

**6. Adjournment.** There being no further business, Chair Alvarado adjourned the meeting at 12:25 p.m.