

San Francisco Bay Conservation and Development Commission

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TO: Environmental Justice Commissioner Working Group Members

FROM Shannon Fiala, Planning Manager (415/352-3665; shannon.fiala@bcdc.ca.gov)
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SUBJECT: Consolidated Public Comments on the Environmental Justice and Social Equity Bay Plan Amendment (BPA 2-17)

Policy, Finding, or Topic	Synthesized comments
General Comments	
Questions and uncertainty around implementation	<ul style="list-style-type: none">• Requests for guidelines, criteria, toolkits, maps, case studies, and other resources especially related to community involvement and existing public access and recreation.• Identify a stepwise process as part of the adoption of these policies to help guide expectations for everyone involved.• How will BCDC "support, encourage, and expect"?• Work closely with local governments and communities to implement.• What is mandatory versus what is BCDC recommending or suggesting?
Community involvement	<ul style="list-style-type: none">• Trust-building is essential.• Use community-based organizations (CBOs) as the middleman to communities -- they have already built the trust and the capacity to do this.• Funding for CBOs/advocacy groups to participate in BCDC processes.• Go into the communities physically and speak the language they will understand.• Make it easier for applicant to know what groups/people to connect with in the communities. Post this on website?• Unsure of what the criteria around this is.• Encourage BCDC staff to research studies about the cost effectiveness of community engagement to make an economic argument for why it is important.

Policy, Finding, or Topic	Synthesized comments
	<ul style="list-style-type: none"> • In addition to “outreach and engagement,” agencies should offer support for independent technical assistance, so disadvantaged communities have the opportunity to influence decisions in their interests.
Need to collaborative and coordinate with local jurisdictions	<ul style="list-style-type: none"> • BCDC providing leadership in collaborating and coordinating with local governments and other agencies is key to implementation and essential to success.
California Environmental Quality Act (CEQA)	<ul style="list-style-type: none"> • Clarify BCDC’s authority to mitigate versus the local government under CEQA as both a lead and principle agency. • Are some of these amendments redundant with CEQA?
Business as usual	<ul style="list-style-type: none"> • Cannot continue with business as usual regarding timelines and budgets. Gradual, incremental development that includes community buy-in and participation in the planning process will ensure successful and sustainable projects.
Full adoption and enforcement	<ul style="list-style-type: none"> • Adopt policies as proposed in 5/31/19 staff recommendation. • Ensure the enforcement of these policies.
Guiding Principles	<ul style="list-style-type: none"> • All policy changes need to be run through the guiding principles (no contradictions between the principles and policies).
Comments on topics outside the scope of this amendment	
Include measures to ensure equity for individuals inhabiting vessels	<ul style="list-style-type: none"> • Contain provisions for a local agency to permit liveaboard vessels to address the social inequity currently contained in permitted residential uses of the Bay. • Include members of the liveaboard community in plans and regulations that affect their future. • Provide access to the shore from the water.
Adding other sections of the Bay Plan to this amendment	<ul style="list-style-type: none"> • There may be other Bay Plan sections that could or should be amended to include environmental justice and social equity, such as the Climate Change section.

Finding and Policy-Specific Comments	
Environmental Justice and Social Equity finding h	<ul style="list-style-type: none"> Consider whether there is some language we can add that if there is a region-wide definition, we do not have to go through a full amendment process to adopt that.
Environmental Justice and Social Equity finding j	<ul style="list-style-type: none"> Potential grammatical issue
Environmental Justice and Social Equity finding k	<ul style="list-style-type: none"> Mention IAP2 public participation spectrum and where these policies fall on the spectrum.
Environmental Justice and Social Equity Policy 2	<ul style="list-style-type: none"> BCDC does not have legal jurisdiction over local planning processes. Given audit results, BCDC does not have the capacity or resources to be a leader or collaborate on issues outside of carrying out its mandate. How is the Commission going to “support, encourage, and expect local governments” to do this? This needs more specificity. Are there requirements for amendments to these planning documents? Will the Commission provide template language? If so, that should be stated.
Environmental Justice and Social Equity Policy 3	<ul style="list-style-type: none"> Are there any criteria that will be proposed to describe how the Commission would determine whether equitable, culturally relevant outreach has been provided? Vague and subjective standard for community engagement which could be abused to infinitely delay critical shoreline protection projects. Who determines whether outreach is sufficient and by what standards? If clear guidelines are not provided on engagement then make the following changes: <ul style="list-style-type: none"> Policy should be changed to start with, "Local governments and project applicants are encouraged to..." Delete: “and expected”, "and such outreach and engagement should continue throughout the Commission review and permitting processes", and "If previous outreach and engagement were insufficient, further outreach and engagement should be conducted prior to Commission action." Is there a way to define impacted communities?

Environmental Justice and Social Equity Policy 4	<ul style="list-style-type: none"> • Request for criteria and guidelines to discuss and determine disproportionate impacts and build stronger, collaborative relationships. • Could add delay and costs to critical shoreline protection projects. • Redundant with CEQA. • Policies must have a direct nexus to the subjects that are within its purview under the McAteer-Petris Act. • Contains no mechanism for weighing benefits of projects against impacts. • Delete "burdens from". First sentence should read: "If a project is proposed within an identified vulnerable or disadvantaged community, potential disproportionate project impacts on shoreline public access should be identified with the potentially impacted communities." Delete: "and/or compensate for disproportionate adverse project"
Environmental Justice and Social Equity General	<ul style="list-style-type: none"> • Community pride and common resource protection will increase as you hire your workforce directly from the surrounding neighborhoods. And the culture will shift to one of respecting and protecting the commons, rather than seeing it as another project just dropped in by government to be destroyed or to be neglected in the future.
Public Access Finding c	<ul style="list-style-type: none"> • Include a clearer recognition of the unique characteristics of urban waterfront public access areas that can invite and foster diverse social interactions and strengthen community bonds through active gatherings and group activities that enliven public access areas. • Delete "free" so this does not conflict with allowing ticketed events. • Add "not limited to" before listing improvements.
Public Access Finding h	<ul style="list-style-type: none"> • Consider that uneven access around the Bay may be the result of requiring on-site public access instead of plan-based public access. • Broadening finding h to state that Special Area Plans provide opportunities to consider how a plan-based approach to providing public access could result in a more equitable distribution of public access

Public Access Policy 2	<ul style="list-style-type: none"> • Broaden Policy 2 to state that Special Area Plans provide opportunities to consider how a plan-based approach to providing public access could result in a more equitable distribution of public access.
Public Access Policy 5	<ul style="list-style-type: none"> • Request for criteria or guidance to develop a shared understanding of how local governments and residents can work together to develop stronger, collaborative community relationships.
Public Access Policy 8	<ul style="list-style-type: none"> • Include a provision for urban waterfronts that allows for active uses and designs, flexible spaces (including accessory commercial activities), and interactive designs with adjacent development to help create public access that is embraced by the community (contributing to the safety and security of urban waterfronts).
Public Access General	<ul style="list-style-type: none"> • To ensure that access is fully available to all comers, we fully support maintaining visual access to the water. • We also fully support maintaining public access for all while ensuring that ecologically sensitive areas are protected. Any new proposals should minimize adverse effects on wildlife by siting, designing, and managing public access in a thoughtful manner that minimizes adverse human and wildlife interactions, while creating access that is safe, convenient and well maintained.
Shoreline Protection Policy 1	<ul style="list-style-type: none"> • Current language could unduly halt critical shoreline projection projects or render projects financially infeasible due to compensatory mitigation. • Policies must have a direct nexus to the subjects that are within its purview under the McAteer-Petris Act. • Proposed language: "(f) adverse impacts on shoreline public access at to adjacent or nearby areas, such as increased flooding or accelerated erosion, are avoided or minimized." Delete: "If such impacts cannot be avoided or minimized, measures to compensate should be required."
Shoreline Protection General	<ul style="list-style-type: none"> • Several of the proposed policies could delay and add costs to critical shoreline protection projects. • BCDC cannot both declare a commitment to protecting our region from current and impending climate impacts while also allowing budgets and project timelines alone to dictate permitting procedures.

Mitigation Policy 3	<ul style="list-style-type: none"> • Request for criteria or guidance to develop a shared understanding of how local governments and residents can work together that would satisfy BCDC's standard. • Define "meaningful involvement," "insufficient," "appropriate minor projects" -- if not defined, then delete. • Is the policy referring to the stepwise definition of mitigation or specifically compensatory mitigation? • How will the community be involved in monitoring and programming? • Which community is involved – the one affected by the project impacts or receiving the mitigation?
Mitigation Policy 4	Request for criteria and guidance on determining location and design of compensatory mitigation.
Mitigation General	Policies should also recognize privately versus publicly-funded efforts differently regarding the level of mitigation required. Maintenance or repair projects could be left undone, threatening other aspects of community wellbeing if compensatory mitigation is required. It would certainly be a challenge for public agencies' budgets.