

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

April 14, 2020

TO: All Design Review Board Committee Members

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Andrea Gaffney, Bay Design Analyst (415/352-3643; andrea.gaffney@bcdc.ca.gov)

SUBJECT: Approved Minutes of the March 9, 2020, BCDC Design Review Board Meeting

1. **Call to Order and Safety Announcement.** Design Review Board (Board) Chair Karen Alschuler called the meeting to order at the Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, First Floor, San Francisco, California, at approximately 5:30 p.m., and asked everyone to introduce themselves.

Other Board Members in attendance included Board Vice Chair Gary Strang and Board Members Cheryl Barton, Bob Battalio, and Tom Leader. BCDC staff in attendance included Andrea Gaffney and Ashley Tomerlin.

2. **Other Announcements.** Andrea Gaffney, BCDC Senior Bay Development Design Analyst, reviewed the safety protocols, meeting protocols, and meeting agenda. She provided the announcements as follows:

- a. Board Members are required to submit their Form 700 paperwork by April 1st.
- b. Ashley Tomerlin, BCDC Associate Bay Development Design Analyst, began work on March 2nd in this newly-created position.
- c. Ms. Gaffney was promoted to BCDC Senior Bay Development Design Analyst, which is a supervisory role.
- d. The Commission approved the development of the Terminal One Waterfront Park Project last week. Ms. Gaffney showed images of the Terminal One permit public access exhibit. Key discussions at the Commission meeting included topics such as artificial versus natural turf on the fields and guarantees for the maintenance of the public access areas.

Ms. Barton asked about the end results of the discussion points.

Ms. Gaffney stated staff felt strongly that having natural turf was of greater benefit than artificial turf. She stated the permit conditions require that the project permittees explain why natural turf could not be used, if they had decided to use artificial turf.



**BCDC MINUTES
MARCH 9, 2020**

Ms. Alschuler asked if that decision pertained to everything denoted in green on the presentation slide.

Ms. Gaffney stated it only pertains to certain small areas, which she pointed out on the presentation slide. She gave the example, as a sense of scale, that they are smaller than the greens at the Jack London Square Project.

e. The new San Francisco Bay Trail segment at Sierra Point in Brisbane is now open to the public.

f. The Downtown San Francisco Ferry Terminal Expansion project will be open to public access soon. A ribbon cutting is tentatively scheduled for March 20th at the raised plaza.

g. The Hercules Development Project along the tidally-influenced Rodeo Creek, which was reviewed by the Board in June of 2017, is under construction and will soon be completed. Ms. Gaffney showed slides denoting the raised height of the public access trail, which will account for possible future flooding of the creek. Staff will continue to share photos of the progress of the construction at this site in future meetings.

Board Members thanked staff for showing progress photos of projects they had reviewed in past meetings.

3. Approval of Draft Minutes for February 10, 2020, Meeting. There were no changes to the draft minutes.

MOTION: Ms. Barton moved approval of the Minutes for the November 18, 2019, San Francisco Bay Conservation and Development Commission Design Review Board meeting as presented, seconded by Mr. Leader.

VOTE: The motion carried with a vote of 5 yes, 0 no, and 0 abstain with Board Chair Alschuler, Board Vice Chair Strang, and Board Members Barton, Battalio, and Leader voting approval with no abstentions.

4. Discussion on the Process for Selecting Design Review Board Members. Prior to the Board receiving a briefing on the process for selecting new Board Members, Chair Alschuler announced her desire to retire from the Board and become an Alternate.

Ms. Alschuler reflected on her time on the Board since 1994 and highlighted key projects including the Golden Gate Bridge Seismic Retrofit Construction Project, the Base Realignment and Closure Projects, and the creation of the San Francisco Bay Water Trail.

Ms. Alschuler provided thoughts on future considerations as follows:

- BCDC should exercise its jurisdiction along the tidally-influenced creeks.
- It is important to look at projects in context of the Bay.
- Multiple projects should be considered together.
- It is important to better define a longer timeline for future projects.
- Urban-edge issues should also be considered along with soft-edge issues.

Ms. Alschuler stated it is time for a new generation to be a part of the Board. She asked the Board to consider who that might be and what kind of perspectives and backgrounds are needed. She encouraged the inclusion of individuals on the Board who have worked on waterfronts and projects of scale and the subtleties of the edges.

a. **Staff Presentation.** Ms. Alschuler asked staff to present this agenda item.

Ms. Gaffney provided an overview, with a slide presentation, of the succession planning, purpose, Member makeup, previous discussions about new Members and regulation changes, staff recommendations, and next steps in the process of selecting new Board Members.

Ms. Gaffney stated the staff recommendations are to change the regulations to allow individuals to be appointed as Alternates and to limit the length and numbers of terms of service. She noted that changes made to the regulations may take until the end of the year to go into effect.

Ms. Gaffney suggested forming a special Committee made up of three Board Members to select new Board Members. This Committee would review the list of names compiled by staff, solicit interest of candidates, interview candidates, and make recommendations to the Board. The Board will then present their recommendations through a staff report to the Commission for approval. The goal is to secure Commission approval for the new Board Members by the end of summer.

b. **Board Questions.** Following the presentation, the Board asked a series of questions:

Mr. Battalio asked about the idea of bringing in new individuals as Alternates.

Ms. Gaffney stated the regulations currently stipulate that Alternates are made up of former Board Members. Former Board Members provide expertise and have knowledge about meetings and project review processes.

Mr. Battalio asked if the rules have changed or are being reinterpreted, since Alternates have been appointed in the past.

Ms. Gaffney stated, although she does not have first-hand knowledge, from reading past staff reports, there seemed to be a lack of understanding that the regulations require that Alternates be former Board Members.

Mr. Leader stated, out of the seven Board Members, two to three Board Members are not in attendance at every Board meeting. Staff struggles at almost every meeting to achieve a quorum; this affects business. Current regulations require that Alternates be former Board Members. At present, Ms. Alschuler would be the only Alternate. This will not work.

Ms. Barton also announced her desire to retire from the Board and become an Alternate. She suggested that Alternates should include both former Board Members as well as new individuals.

Mr. Leader stated he came in as an Alternate. He had difficulty understanding his duties. Sometimes he would receive an urgent phone call that his attendance was crucial, but then the next meeting he would be ready to go but he was not needed. There was a time when he was not needed for an entire year.

Mr. Leader suggested bringing in approximately five Alternates and using Board meetings as trainings to familiarize them with the meeting format and the review process.

Board Members agreed with the staff recommendation to change the regulations to allow individuals to be appointed as Alternates.

c. **Board Discussion.** The Board Members discussed the following:

Ms. Alschuler stated there are two items on the agenda. One is to consider ideas for the future, discuss, and maybe make recommendations to the Commission, and the other is to consider what should be done now since it will take a year to change the regulations.

Mr. Strang suggested appointing several new Board Members now instead of only replacing the Board Members who are retiring. This would solve the quorum problem.

Ms. Alschuler stated the regulations limit the Board to seven Members.

Mr. Strang suggested increasing the number of Board Members in the regulations.

Ms. Alschuler stated increasing the number of Board Members would only serve to increase the number necessary to achieve a quorum. She suggested instead to increase the number of Alternates.

Mr. Strang suggested that all Board Members be considered Alternates.

Mr. Battalio stated the need to appoint Alternates. The current process does not work; staff will continue to struggle to get enough Board Members for each meeting.

Ms. Alschuler asked if the Board can help expedite the process to change the regulations.

Ms. Gaffney stated she will ask legal counsel who is planning to submit a series of regulation reforms to the Commission.

Mr. Battalio asked if there has been an assessment as to why appointing Alternates is not desirable. Alternates have historically been appointed. He asked about the issue that caused the appointments of Alternates to cease.

Ms. Gaffney stated this regulation has not always been strictly followed in the past. The regulatory director has given staff clear direction that the regulations need to be followed.

Mr. Battalio suggested taking the opportunity to assess if appointing Alternates in the past was beneficial. He stated he was not suggesting to not follow the rules but to assess whether those rules need to change in order to better serve the public.

Ms. Alschuler suggested looking at each of the items in the Regulations for Discussion slide. She stated Board Members agree with the first item - to change the regulations to allow new members to be appointed as Alternates.

Mr. Strang stated he and Mr. Leader came in as Alternates. Since Alternates come in with no experience and are only needed two or three times per year, learning the process takes a long time. He asked if this is a good way to bring individuals in.

Ms. Alschuler suggested including trainings or requiring that Alternates sit in on a certain number of meetings prior to getting started.

Board Members agreed.

Mr. Strang agreed that bringing in an Alternate who is experienced would be more beneficial.

Ms. Alschuler stated there currently are no Alternates. It would be more beneficial to have an inexperienced Alternate pool at this point than none at all.

Ms. Alschuler stated the importance of including individuals in all relevant professions and expertise, such as access equity, in the Alternate pool to add value to the Board.

Mr. Strang suggested including a planner as part of the basic Board Member makeup, along with the required architect, landscape architect, and engineer.

Ms. Gaffney stated professions suggested in previous meetings were architectural historian, shoreline and benthic ecologist, sociologist, transportation planner, social scientist, social equity specialist, and designer focused on equity and environmental justice issues.

Mr. Battalio stated one of the topics that keeps coming up is envisioning how the shore changes over time - geomorphology. Coastal and river engineers have training in this. It is becoming more and more important and is recognized when looking at sea level rise because future conditions are different than existing conditions due to the ever-changing shoreline.

Ms. Barton agreed and added that geomorphology has been an important part of that.

Mr. Battalio stated he would like to see future discussions include more of this in terms of design. Including an expert on climate change as part of the Board may be useful.

Ms. Gaffney agreed that how engineering works and what it does has changed over time. Previously, the Board included rigorous structural engineers who addressed bridge and building structures. She asked for verification that Mr. Battalio is seeing a shift in engineering to include shoreline resilience.

Mr. Battalio stated he is seeing an increase in natural system engineers. Universities have changed their civil engineering programs to civil and environmental engineering programs, which is very different from structural engineering. He suggested including two types of engineers on the Board to identify that there is more of a range of engineering now.

Mr. Leader stated individuals often focus on more than one category. He used the example that there are probably sustainable and civil engineers who focus on tidal ecology. He stated it is more difficult to get an individual who is strictly an ecologist to engage the whole problem.

Ms. Barton agreed and added it is difficult to get ecologists to see the big picture since their focus is on the intimate system, the natural system, but not the human system.

Mr. Battalio stated new focuses are in restoration engineering and restoration ecology.

Ms. Alschuler suggested the term "shore evolution."

Mr. Battalio agreed that that is important because of the shoreline band, which essentially moves laterally with sea level rise. This is an important understanding.

Mr. Strang stated Alternates need to be more engaged than attending a meeting every few years.

Mr. Battalio suggested including multiple engineers in the Alternate pool.

Mr. Strang stated many important aspects of Managed Retreat has nothing to do with design, such as real estate, economics, and legal issues. It would be important for BCDC to understand if project proponents have considered all alternatives. He suggested Kristina Hill, a professor in the Department of Landscape Architecture and Environmental Planning at UC Berkeley, as an individual who could talk authoritatively about Managed Retreat.

Mr. Battalio agreed that this is an important topic. He stated he would support a more explicit treatment of Managed Retreat as a component within resilient design.

Ms. Gaffney stated the Board is predominantly tied to permitting actions of specific projects. The planning side of the BCDC is able to step beyond the permitting jurisdiction and can have much larger discussions. Those discussions will come more into focus as the BAY ADAPT: Regional Strategy for a Rising Bay initiative is implemented.

Ms. Gaffney stated staff brings planning briefings to the Board as well as proposed policy changes and guideline updates. Staff receives Board input on those types of issues.

Ms. Alschuler stated it is important that the Board better understand the questions to ask project proponents about the long-term view of projects and what that means, and also that the Board be provided with good examples of success to share with project proponents to better ensure the long-term success of future projects.

Ms. Alschuler noted the second item in the Regulations for Discussion slide - to establish the length and number of terms of service. She stated this may be an incentive for individuals to join the Board.

d. **Board Summary and Conclusions.** The Board made the following summary and conclusions:

(1) Seek to expedite the regulatory reform to modify the language to allow for new Board Members to be appointed as Alternates.

(2) Establish two 5-year terms of service with a possible third 5-year term of Alternate service for a 15-year limit.

(3) Form a Special Committee to fill the Board Member seats vacated by Ms. Alschuler and Ms. Barton.

Ms. Alschuler, Ms. Barton, and Mr. Strang volunteered to serve on the Special Committee to fill the two Board seats.

Ms. Gaffney stated the Committee will interview prospective Board Members and make recommendations at the May Board meeting. The Board will then make their recommendations through a staff report for Commission approval at the May or June Commission meeting and new Board Members will be in place by the June or July Board meetings.

Mr. Leader asked if the list of 15 potential Board Members will be interviewed by the Committee.

Ms. Gaffney stated the three required professions of architect, landscape architect, and engineer, are already filled by the remaining Board Members. The Committee will narrow the list of potential Board Members further, based on the variety of professions and expertise desired to make up the Board.

Mr. Leader stated he would like to submit additional names to the list of potential Board Members.

6. **Adjournment.** Ms. Alschuler asked for a motion to adjourn the meeting.

MOTION: Mr. Leader moved to adjourn the March 9, 2020, San Francisco Bay Conservation and Development Commission Design Review Board meeting, seconded by Ms. Barton.

VOTE: The motion carried with a vote of 5 yes, 0 no, and 0 abstain with Board Chair Alschuler, Board Vice Chair Strang, and Board Members Barton, Battalio, and Leader voting approval.

There being no further business, Ms. Alschuler adjourned the meeting at 7:00 p.m.

Respectfully submitted,

ANDREA GAFFNEY
Bay Design Analyst

Approved, as corrected at the
Design Review Board Meeting of June, 2020.

**BCDC MINUTES
MARCH 9, 2020**