

# San Francisco Bay Conservation and Development Commission

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## Approved Minutes

June 20, 2024

**TO:** All Commissioners and Alternates

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653;

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**SUBJECT: Approved Minutes of June 6, 2024, Hybrid Commission Meeting**

**1. Call to Order.** The hybrid meeting was called to order by Chair Wasserman at 1:05 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference.

Chair Wasserman stated: Good afternoon, all, and welcome to our hybrid BCDC Commission meeting. My name is Zack Wasserman, and I am the Chair of BCDC. Chair Wasserman asked Ms. Peterson to proceed with Agenda Item 2, Roll Call.

**2. Roll Call.** Present were Chair Wasserman, Vice Chair Eisen, Commissioners Addiego, Ahn, Beach, Burt, Eklund, El-Tawansy (represented by

Alternate Ambuehl), Gioia, Gunther, Hasz, Lucchesi (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez), Moulton-Peters, Peskin, Pine, Ramos, Ranchod (represented by Alternate Nelson), Randolph (joined after Roll Call), Showalter, Tam (represented by Alternate Gilmore) and Zepeda. Assembly Representative Ting (represented by Alternate John-Baptiste) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), Department of Natural Resources (Eckerle), Sonoma County (Gorin)

**3. Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

David Fielder commented: Thank you for this opportunity to speak. My name is David Fielder. I have lived in Berkeley for the past fifty-plus years.

I submitted an enforcement violation report via the BCDC website on March 25 of this year. My report detailed how the city of Berkeley continues to violate the terms of BCDC Permit Number 28-66.

That permit authorized the creation of the southernmost marina peninsula and specified its use for recreational purposes. It is the site of Hs Lordships restaurant on Seawall Drive. If my Zoom background photo was there you would see it over my shoulder.

Specifically, the city of Berkeley has created a corporation storage yard

and purportedly has leased out a portion of that area to a city contractor.

For years now, the public has been routinely prohibited from vehicular access to much of this area for recreational use, as required by the permit terms. I have tried repeatedly to work with city staff to rectify this unacceptable development, to no avail. Thus, I felt it necessary to bring this matter to your attention.

Subsequent to filing that violation report, I have had communications with BCDC staff members Phoenix Armenta and John Creech, the latter also CC'd Matthew Trujillo. I also informed Miss Sheri Pemberton of the California State Lands Commission, given Berkeley's existing Marina Tidelands Grant. However, to date, I have been unable to determine if an investigation is either ongoing or has resulted in an enforcement action being requested.

So today I am requesting clarification of the status of my permit violation report and also if the BCDC's Enforcement Committee has been made aware of this matter.

Thank you for your attention to this ongoing concern. If there was a way to show my video, I would show you the picture but doesn't seem to be. Thanks again.

Chair Wasserman acknowledged: Thank you, Mr. Fielding. As you may or may not know, because of the public notice requirements of the Bagley-Keene Act, we cannot really respond to you at this meeting.

Mr. Fielding replied: Right.

Chair Wasserman continued: But staff will take it up and you will receive a response; I thank you very much.

Mr. Fielding acknowledged: Thank you.

Camille Antinori was recognized: I just want to support Mr. Dave Fielder's comments were on the Berkeley waterfront. I am also a Berkeley resident and frequent the waterfront quite a bit and for a number of years now it started, I am not sure if it was the pandemic or even before then, that whole south part there of where Hs Lordships is has been blocked off and used as a corporation yard. I have seen it filled with recycling trash cans, a huge amount of them before we in Berkeley were due to get new cans; it was used as a big staging area for that. And then now it has got these huge, big concrete pipes set up there now. It has had piles of dirt and piles of sand and stuff like that. That lot has been used a lot for recreational visitors, either families going to picnic or to just go promenading along the waterfront there, the adventure playground, et cetera, et cetera.

The south lots too, by the way, are quite full. People are just being actually quite courteous but find very creative ways to double up and fill up those lots there, all for recreational purposes.

So, it would be a really big help if we could get to the bottom of this and maybe reclaim that space for recreation. And again too, I also have my own photos in case staff would like additional corroboration there. Thank you.

Chair Wasserman acknowledged: Thank you.

Chair Wasserman moved to Approval of the Minutes.

**4. Approval of Minutes for the May 16, 2024, Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of May 16, 2024, with two minor corrections, a misstated pronoun, and a misspelled word.

Commissioner Showalter stated: I did read the vast majority of it; it is 86 pages. I was not at this meeting, so it was really good to have this transcript to be able to read. But what I just wanted to comment on was Andy Gunther's comments about the value of the marsh restoration that we are undertaking right now.

From this body we often see this as a sea level rise protection activity, and it certainly is, but it is also a wonderful habitat restoration. I just wanted to second the comments that Commissioner Gunther made about how important it is for us to go forward with the marsh restoration that we are doing. Thank you. It sounded like it was a great meeting.

**MOTION:** Commissioner Eklund moved approval of the Minutes, seconded by Commissioner Nelson.

The motion carried by a voice vote with no abstentions.

**5. Report of the Chair.** Chair Wasserman reported on the following:

I want to start by talking about fear and hope. We had a couple of meetings ago a description of the revised scientific assessment on rising sea level in which the estimates were somewhat reduced. You may well have read over the last few weeks about a new study showing that the threat to the

Thwaites Glacier, often called the Doomsday Glacier, appear to be greater than they have been. That there is warm water, warmer water lapping at the base of the Thwaites Glacier that is likely to advance its melting. That glacier is critical to the maintenance of the ice sheet. As it melts faster, sea levels will rise faster and higher, and quite possibly higher than the revised estimates. So, we have reason to keep worrying and to keep working.

**SB 272 - Thank You to the State Legislature:** But we also have hope, in the sense that our efforts are proceeding and in certain respects are proceeding faster as well.

In particular, as Larry will describe in somewhat more detail, we are very pleased and want to thank both the Assembly and Senate Budget Committees, which approved full funding for SB 272 implementation as requested in the Governor's May Revise Budget.

In this very difficult budget year, as we know, we clearly want to publicly thank the legislature for doing so and for their commitment to shoreline resilience. This will allow us and the Coastal Commission and the local agencies, subject to the guidelines required by SB 272 the Laird Bill, to proceed with funding. I hesitate because we know we always need more. I mean, that is just the plain truth of it. Nonetheless, we appreciate this very much. We hope that we can have good news by June 30 when the final budget revisions need to be approved.

**Temporary Sand Mining Commissioner Working Group:** I also want to

report that I have created a temporary new Commissioner Working Group to study the issue of sand mining in the Bay. Those of you who were on the Commission in 2015 may remember that we approved a ten-year permit for the mining of sand in the Bay. And if you were not here and do not know, the sand in the Bay is actually a major source of sand for construction throughout the Bay Area.

You may also remember that the issues were very complex, and our discussions were both interesting and intense. BCDC's General Counsel Greg Scharff, who was a Commissioner at the time, listed a series of questions that he felt the Commission needed to ask and get answers to prior to the next sand mining permit discussions and potential approval.

As a result, our staff brought together the scientific and mining communities to engage in studies to answer those questions and used the large sum provided by the sand mining community to do so. As Larry will explain during his report, tomorrow, our staff will distribute a large amount of material including those studies, their results, and a number of discussion documents, including comment letters. Clearly the studies did provide a lot of information, but there are also some questions that remain unanswered.

Because of that, I have asked Commissioners Showalter, Nelson, and Gunther to meet publicly and discuss the information with our staff, the sand mining community, scientists, and the public to daylight the important issues that the Commission will need to consider next year during the sand mining

permitting process.

We expect that they will meet three times throughout the remainder of this year, and we will ask them to report back to the Commission during that period.

We will also schedule time, of course, for the Commission to hear from the participants as we prepare for the permitting process. Like all working groups, they will meet in public. All Commissioners are invited to participate if they wish by asking questions, and the discussions will be recorded so that they can be reviewed by those who otherwise cannot participate directly. And I thank those three for agreeing to that service.

Commissioner Pemberton asked: Just a clarifying question on what you just reported. There is a new Sand Mining Working Group that has been established that will meet three times this year and they will report back to BCDC and that is in preparation for considering the sand mining permits next year. But the Working Group is three members of BCDC.

Chair Wasserman confirmed: Correct.

Commissioner Pemberton asked additionally: And that is it?

Chair Wasserman replied: Correct.

Commissioner Pemberton acknowledged: Okay, thank you.

Chair Wasserman added: But other members of the Commission are certainly welcome to attend, to ask questions, to submit questions in advance.

Commissioner Gunther stated: I just wanted to call attention of my



fellow Commissioners to the fact that on June 3 in an interview with three representatives from Fox News, Ex-President Trump stated that seas will rise an eighth of an inch over the next 400 years. As all of you know, this is a total fabrication and it is supported with no evidence whatsoever, and the updated Sea Level Rise Guidance just released by the Ocean Protection Council makes that very clear. This is not the first time Trump has promulgated such a lie and it certainly will not be the last.

But I bring this to your attention because, and again this is no surprise, the three so-called journalists from Fox News to whom he was speaking just smiled and nodded and allowed the statement to go unchallenged.

Millions of Americans are exposed to and influenced by this continuous disinformation campaign. I think it is incumbent upon all of us who know better to continue to speak out about what is real and to challenge this dangerous disinformation when we see it or hear it and I hope you will join me in doing so. Thank you.

Chair Wasserman noted: Thank you, Andy. One of our challenges at BCDC in terms of our resources is our communication efforts. With limited resources we do a very good job communicating. We do not do anywhere near enough. We do hope that some administrative and budget changes that we may be able to make will improve that situation.

But your point is a very important one. We live in this age of disinformation from all kinds of sources, some with greater authority, some

with less, but it is pervasive. And you are absolutely right, we need to be vigilant and forthright in getting the accurate and truthful words and scientifically based information out.

**Environmental Justice Working Group Report:** I would ask Commissioner Ahn to review the Environmental justice Working Group that met yesterday.

Commissioner Ahn reported: A brief report. Yesterday was a very productive meeting of the Environmental Justice Working Group. Three things.

First, the Environmental Justice Team is hiring an assistant manager for environmental justice. Hopefully that link has been circulated by Phoenix Armenta of our staff.

Second, we also heard at length a presentation from our consultants at MIG Benchmark around the organizational development of the EJ Advisors Group. They also included recommendations on how EJ Advisors and staff could work better together, including each other in the work planning and enhancing our communication efforts.

Third and finally, the Environmental Justice Advisors also reported on their activities upcoming, including a toxic tour of the AstraZeneca site in Richmond. They are also planning an additional tour for Commissioners at that site in the next coming months, which I personally look forward to attending. With that I conclude my report.

Chair Wasserman acknowledged: Thank you very much.

Any questions for Commissioner Ahn? I see none.

**Thank You for Being at Metro Center Today:** I do want to thank all of you who are here today in-person. We have a couple of important reports where I think that personal interaction elevates the discussion, so I thank you very much for being here.

I do want to let you know that I will not be at the next meeting, I will be out of the country. Vice Chair Eisen will be here and will more than capably chair that meeting.

**Consent Calendar:** I also want to give you a heads up, we mentioned it last time, at the next meeting for the first time you will see a Consent Calendar as part of BCDC's agenda. That calendar may include minutes, settlement agreements and other issues that appear to be non-controversial. Simply speed up our process so we have more time to focus on the truly important issues. Any Commissioner may request any item on the Consent Calendar to be fully heard and you may do so at the meeting.

**Next Meeting:** Our next meeting will occur in two weeks on June 20. Once again, because the first floor of this building is still undergoing reconstruction, only one or two of us will be in the Temazcal Room and the rest will participate virtually. At that meeting you may take up the following matters:

- A presentation by BCDC staff previewing the sand mining permitting process that we just discussed a bit.

- A briefing on the sediment management workshops and the roadmap toward a Bay Plan amendment to address sediment management.
- A briefing on how BCDC staff will be interpreting and using the new California State Rising Sea Level Guidance.
- A briefing on the progress made by the Delta Stewardship Council's Delta Adapts Program.

Now is the time If anyone wishes to put on the record verbally an ex parte communication about an adjudicatory matter; or if you choose anything else, but that is the requirement. You do have to make it in writing through the portal. But if anyone wishes to do so now verbally. I see no hands.

That brings us to Item 6, the Report of the Executive Director.

**6. Report of the Executive Director.** Executive Director Goldzband reported: Thank you, Chair Wasserman.

It would be a sin for me not to recognize that today is the 80th anniversary of D-Day, a seminal event in military history that, thankfully, placed the Allies in a far stronger position in World War II and ultimately led to our victory. However, because there are so many celebrations and memorials of that event today, I want to focus on three other events that by themselves are not stratospheric but are very culturally significant.

On this day in 1962, the Beatles met George Martin. Exactly three years

later, The Rolling Stones released “Satisfaction,” as in “(I Can’t Get No) Satisfaction.” And on June 6, 1971, Ed Sullivan’s final Sunday night show was broadcast. We might not recognize modern music without these three events. And, most certainly, my aunt would not have left the movie theater with my brother and me in Westwood in 1968 after we all saw the Beatles’ “Yellow Submarine” and asked, “Now, what was that all about? I didn’t understand it at all!”

With regard to staffing and budget, unless we hear otherwise, we will hire Bella Castrodale as an attorney primarily focused on supporting our Enforcement and Compliance teams.

Bella comes to us after finishing her clerkship with the Honorable Administrative Law Judge Evan Nordby and after having graduated from Stanford Law School with a Pro Bono Distinction. Bella also worked for the Environment and Natural Resources Division of the U.S. Department of Justice in Washington D.C. Bella is a Cardinal-colored Golden Bear, having graduated Phi Beta Kappa from U.C. Berkeley.

Also, we have selected Lisa Herron to join the Shoreline Development Permitting Team. Lisa earned her master’s degrees in both City and Regional Planning and Public Health from Cal after earning her undergraduate degree from UC San Diego, Bears and Tritons. She joins us from the Michigan Department of Environment, Great Lakes, and Energy, where she has been leading an agency-wide strategic planning process to develop its first

community engagement and public participation strategy, including revising and updating its Public Participation Policy and Language Access Plan. Lisa has several years of experience examining the connection between public health and the built environment, including work on environmental justice and inclusive public spaces.

And now in our audience I want to introduce you to Alyssa Please, who today joined that same Shoreline Development Permitting Team and is a Cal grad. Stand up and wave so people can see you. We are very pleased to have her.

And it is June, so it is time to host interns. Like last year, BCDC is funding our own undergraduate intern program. We will be hosting a California State University COAST intern, and we will also have an undergraduate from Stanford's program.

We will introduce them formally in later June, here is the list: Ben Witek of Cal will develop our Bay Adapt regional metrics, Gabriella Chao from Cal will create special status species briefs for our permit teams, Olivia Lamb of Loyola Marymount will help develop metrics to evaluate the impacts of special events in public access areas, and Jasmine Cassidy from Cal Poly San Luis Obispo will be our COAST intern, she will support the GIS and ART programs in data analysis and tool development. More news on our Stanford intern when we get it. You will all meet the interns because, of course, they will be making a presentation to you at the end of the summer.

And I shall send to each of you a link to the job description we have posted in light of Steve Goldbeck's imminent departure.

We are creating a "Director of Legislative and External Affairs" position whose duties we hope will encompass both a part-time legislative advocate and a part-time public information officer.

The successful candidate will also be a point of contact for local government officials around the Bay and with federal officials at NOAA.

This is an experiment, to be sure, but I think that we shall be able to find somebody who fits at least most of the bill. And, of course, we will certainly welcome Steve back with open arms as a retired annuitant to help ease the transition.

Last week our staff were major participants in the annual State of the Estuary Conference hosted by the San Francisco Estuary Partnership. Our Bay Adapt staff led an almost two-hour session on the Regional Shoreline Adaptation Plan process that was very well attended and helped initiate a week of intense outreach efforts. Our team partnered with five separate community-based organizations located in East Palo Alto, North Richmond, Oakland, Suisun City, and San Rafael this past week and with various local officials and met with hundreds of community residents to talk about adaptation and resilience.

In two weeks, I will be presenting BCDC's RSAP process to the ABAG General Assembly.

Just a few hours later, I was part of a team of Caltrans, MTC, and Water

Board staff who presented to the conference on the future of Highway 37.

In addition, this morning many of us presented to the Highway 37 Policy Committee, which is composed of elected officials and various VIPs who are helping set the strategic direction of the Highway 37 program, including Commissioner Moulton-Peters.

From the feedback that we have received I think that our nascent partnership is demonstrating that as a group the combination of transportation, resources, and environmental justice staff can work together and begin to resolve what otherwise could be real sticking points. It is new and there is plenty of work to do but I remain very optimistic about our work and our future success.

Finally, to further Chair Wasserman's announcement establishing the temporary Commissioner Working Group on Sand Mining. Please be on the lookout tomorrow for a Sand Mining Studies Findings Report produced by the Sand Mining Independent Science Panel.

That panel is made up of five distinguished scientists with expertise in sediment transport, hydrology, oceanography, and modeling. They reviewed the questions raised by the Commission, raised the issues necessary to address those questions, reviewed existing and new information, and made certain findings. The main document is about 40 pages long, with several attachments.

As Chair Wasserman noted, we will provide a somewhat short briefing about how and why sand mining occurs and an overview of the report's findings



next time. After the temporary Working Group completes its work and it reports out, we anticipate that the sand mining companies will submit an application for a new mining permit that the Commission would consider in Spring 2025.

That completes my report, Chair Wasserman, I am happy to answer any questions.

Chair Wasserman asked: Any questions for the Executive Director? (No questions were voiced)

**7. Consideration of Administrative Matters.** Chair Wasserman stated: That brings us to Item 7, consideration of administrative matters. We have received a report, and members of our regulatory staff are here to answer any questions regarding the administrative listings.

Are there any public comments on this item?

Any questions from Commissioners?

Commissioner Gunther asked: Is there something that can be provided to me that the staff has already prepared that helps me understand when something is an administrative matter and when it comes before us as a permit?

Executive Director Goldzband replied: We actually are more than happy to discuss that and put it as part of the Executive Director's Report in two weeks if that would help you and announce it to all the Commissioners.

Commissioner Gunther stated: I was just thinking maybe I am the only

one who does not know. If not, that is fine, I would appreciate that.

Executive Director Goldzband stated: You just have the gumption and the courage to ask so we shall do so.

Commissioner Gunther added: Or the foolishness, okay.

Chair Wasserman asked: Any other questions? (No additional questions were voiced)

**8. Commission Consideration and Possible Vote on Authorization of Regional Shoreline Adaptation Plan Technical and Policy Assistance Program Development Contract.** Chair Wasserman announced Item 8:

That brings us to Item 8, consideration and possible vote on a contract for Regional Shoreline Adaptation Plan Technical and Policy Assistance Program, for a \$200,000 contract. Dana Brechwald, Assistant Planning Director for Climate Change, will make the presentation.

Assistant Planning Director for Climate Change Brechwald presented the following: Good afternoon, Commissioners. Today, as Chair Wasserman said, I am bringing you consideration of a contract to develop a Technical Assistance Program to support the implementation of the Shoreline Adaptation Plan.

You have seen this slide before so I will not read it, but you are well aware of the need for every community to work in coordination on the way local adaptation plans add up to regional goals. We know that there are lots of benefits to doing it this way in a regional manner and we know that each local government is really a key building block for not only creating resilience at the

local level within their own community, but for regionwide resilience across the entire Bay shoreline.

I also want to remind us that while all you have been hearing about this year is all the items that are to the left of the line here, the One Bay Vision that we brought you in February, the Plan Guidelines that we will be bringing you several times later this year; all of this needs to be completed by December 2024.

The real effort is really to set the table for the bulk of the work that will happen locally to create adaptation. That is the development, adoption and implementation of adaptation plans at the local level. These are the plans that will outline the critical land use changes and adaptation projects that will transform our shoreline and adapt to sea level rise over the coming decades, city by city and ultimately all around the region.

And while local governments do have a long runway to complete these plans, SB 272 does not mandate they be completed until January 2034, we also know that a lot of adaptation and planning and projects are already occurring, and local governments are primed to align with the Guidelines the minute they hit the ground in 2025.

We have been talking to cities and counties that have funding already lined up or have paused their existing efforts even in anticipation of the Guidelines. We need to support these communities right away and not hold them back from making local progress.

We are also well aware that the SB 1 Grant Program is already doling out funding and that these grants will only become more tightly aligned with the RSAP Guidelines. So, it is critical that we help cities access this funding early to support local plan development.

There is a lot that the RSAP will do to help advance local adaptation plans. In addition to setting guidelines and standards for the Plan, we also aim to help reduce uncertainty about how to do the plans, what the process is, facilitate integrated and aligned plans, elevate and prioritize our regional values, and support collaboration between jurisdictions.

But this won't happen alone. BCDC staff is gearing up to work closely with local jurisdictions to help them interpret and apply the Guidelines and create these local plans.

We will also learn firsthand from jurisdictions about what is working about the Guidelines and what we will need to improve on our next update. But we do not yet know how we are going to do this or what our Technical Assistance Program will really look like.

To help us in that task we have solicited for a consultant to assist us in developing a Technical Assistance Program Work Plan, which BCDC staff will execute beginning in 2025.

The tasks in this contract include a background research task to learn from other sectors on how they have done a successful Technical Assistance Program. We also want to build on existing Sea Level Rise Technical Assistance

Programs that we know are occurring in various agencies around the region and understand how this program fits into the broader context of sea level rise adaptation technical assistance.

We are really focusing on a narrow band right now creating these local adaptation plans, but there are so many other pieces of the puzzle that are essential to help local jurisdictions with.

There is also a stakeholder engagement task. We want to make sure that we are learning from the end user so we are talking to cities and counties and local staff and consultant teams who will doing these plans and understand what they think the biggest barriers will be.

We want to make sure that we are prioritizing equitable processes and outcomes in the Technical Assistance Program, and that we are engaging with other technical assistance (TA) partners who we might work with in collaboration.

The bulk of the work will be on the Technical Assistance Work Plan that is really aiming to maximize BCDC's, to be fair, limited capacity at the moment, although with the new budget to support SB 272 implementation we are hoping that we will have a little bit more capacity to help cities and counties.

We want to know what is going to be the most efficient and equitable way we can deliver technical assistance and really maximize the ability of local governments to apply these guidelines and create their plans.

Then lastly, we are asking for recommendations for a Technical

Assistance Toolkit. What are the job aids, the templates, what are the resources that we can provide? The consultant will help us identify those and develop up to three new resources to help local governments get started in 2025.

Through our selection process, which included a review panel and interviews, we have selected Arup as the consultant to assist us with this task. Arup brings over 75 years of experience with organizational design, strategic planning, sea level rise planning, project design, engineering, social equity, and project implementation. We believe this team really understands not only how to develop a work program for us but what the real on-the-ground challenges are for local governments in developing an adaptation plan that leads to real outcomes.

They are subcontracting with Atlas Planning Solutions who bring further technical expertise in resilience planning and firsthand experience working on many similar types of local plans.

Our selection panel believes this combined team brings the necessary policy and technical expertise to support BCDC in developing an effective, targeted, and reality-based technical assistance program for our next phase of work.

I will pause here.

Chair Wasserman asked: Thank you. Any questions?

Commissioner Nelson was recognized: A couple of questions, Dana. On

one of the slides, the slide where you were describing work plan, it says that our consultant will assist in providing up to three new tools to assist cities and counties. Can you give us just an example of what kind of tools those might be? I am not sure exactly what that means.

Ms. Brechwald replied: Yes. The first three tasks will actually help us define exactly what those tools might be. For example, jurisdictions have asked for worksheets that will help them fill out certain parts of the Guidelines, or they have asked for a template for a local adoption, or things like that. I call them job aids, but it is really any worksheet, how-to guides, two-pagers, those types of tools.

Commissioner Nelson continued: Okay. Am I right that those Guidelines, we discussed those at our last meeting, the initial draft, that those are coming back to us in August, September?

Ms. Brechwald stated: Yes. The public comment period will begin in September, and we will do a briefing prior to that. Then we will bring them back to you probably at least three times, beginning in August and then October and then we are aiming for final adoption of those Guidelines in December.

Commissioner Nelson also asked: Okay. And when would the consultant begin?

Ms. Brechwald answered: That is in my Staff Recommendation. I will get to that in the next slide.

Commissioner Nelson stated: Just lining up the urgency of the consultant with how rapidly the process itself is moving.

Ms. Brechwald added: Yes, it is all happening at once.

Chair Wasserman asked: Do we have any public comment?

(No members of the public addressed the Commission.)

Chair Wasserman continued: Please present the Staff Recommendation.

Ms. Brechwald stated: My Staff Recommendation today is to authorize the Executive Director to:

Enter into an up to \$200,000 contract with Arup to provide the Commission support for the development of a Regional Shoreline Adaptation Plan Technical and Policy Assistance Program over a period from June 17, 2024, or upon approval, through January 31, 2025.

And then amend the contract as necessary, including revising the amount or duration of the agreement, so long as the amendment does not involve substantial changes to the services provided.

**MOTION:** Commissioner Eklund moved approval of the Staff Recommendation, seconded by Commissioner Nelson.

**VOTE:** The motion carried with a vote of 21-0-2 with Commissioners Addiego, Ahn, Ambuehl, Burt, Eklund, Gilmore, Gioia, Gunther, Hasz, Moulton-Peters, Nelson, Pemberton, Peskin, Pine, Ramos, Randolph, Showalter, Vasquez, Zepeda, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and Commissioners Beach and Jean-Baptiste voting "ABSTAIN".



Chair Wasserman announced: The motion passes, thank you. We look forward to the results.

**9. Commission Strategic Plan Progress Report.** Chair Wasserman stated: That brings us to Item 9, an update on the Commission's Strategic Plan. Our Executive Director will begin the briefing.

Executive Director Goldzband introduced Item 9: Thank you, Chair Wasserman. As we promised, we bring this back to you, a progress report on the Strategic Plan, three or four times a year. It is turning out to be about three times because of different calendaring and scheduling issues. We had planned to do this in, I believe, either March or April and it just got shoved back because of calendaring, so this is through the first five months of the year.

We will, as always, go goal, by goal, by goal and then I will also finish it off. In addition, Raylena Ruiz is under the weather today so I will handle Goal 5.

You will remember the vision and the goals and the anticipated outcomes; you have seen this a number of times before. You will see each of the goals and anticipated outcomes when we do this, or at least each of the goals. The key here is the vision continues. That we will be proactive, responsible, equitable and collaborative, so that we can address the regulatory and planning challenges that we face.

Our core values, equitable and inclusive, science-based, and data-

driven, agile and proactive, collaborative and service-oriented, trusted and accountable. As we tell all of our stakeholders, please let us know if we are not being so.

Progress continues to be made. It is not as fast as anybody wants, but it is working. I will note that there are two delays in what we had planned. The first is that it is taking a little longer for Greg to integrate the Compliance Team with Permitting and Enforcement, but it will be done by the time of the next update.

That is actually because everybody is really interested in it and there are lots of competing viewpoints, which is actually a good thing. That is maybe lemonade out of lemons, but it is really good lemonade.

The second one deals with integrating SharePoint and Teams. That has been delayed. We are still doing it, but the progress has been delayed. That is what happens when you get good news as well, which is, you will hear from me in Goal 4 as well as in Goal 5, and I will explain it then.

Then we go to Jessica.

Director of Planning Fain addressed the Commission: Thanks, Larry. Good afternoon, Commissioners. I am pleased to share a little bit of updates around our planning goals in the Strategic Plan so I will highlight two strategic objectives for you today.

The first is 1.2, which is all about our Regional Shoreline Adaptation Plan. We have been talking a lot about this with you. But I just really want to say

that our team is really rocking and rolling on this right now. It is a really important and complex project.

I just want to give a shoutout to Jackie Mandoske, our program manager for this project and Dana Brechwald, but also the entire team. There is an army of staff who are really helping us advance this project and I just want to call them out.

Accomplishments since we last reported to you on this include you reviewing and giving the thumbs up to our One Bay Vision, which we completed in February.

We also have a draft of the Regional Shoreline Adaptation Plan Guidelines, our first draft of that, and it was out for our Advisory Group for review. We just got tons of feedback from our Advisory Group yesterday on it, so it is really exciting to see that moving along.

As Larry mentioned earlier, we have been doing five community workshops around the Bay in five days, it is like a big tour. Here is one from Saturday in East Oakland where we worked with Hood Planning and that is on the MLK shoreline near the airport in Oakland.

We have also been meeting with elected officials around the region. Another tour where we have been going to mayor's conferences, and other forums and many of you have assisted us in setting those up. Really getting the word out there as well as really developing the content and the meat of what is going to be in this Plan.

Our next challenge, of course, is getting this done by the end of the year.

The next objective I wanted to report on is 1.3, which we have not talked to you about before. The objective is to continue to support efforts to restore and enhance the Bay's natural resources and increase public access to the Bay. So, I am just going to spend a little bit of time sharing some of the things we are doing to advance this objective.

Planning staff are currently conducting a study on the Commission's existing public access policies to review issues related to balancing public access, wildlife restoration and rising sea level inequity.

As we know, rising sea level can intensify conflicts between public access and land uses by limiting what can happen in those spaces. As more restoration projects advance to meet our regional goals of restoring Baylands by 2030, it is really important to address some of these use conflicts that may arise.

Our team has been conducting internal interviews, reviewing literature, and collecting feedback from both external stakeholders through interviews and surveys right now. The goal is to complete this project by the end of June; and we look forward to sharing the findings and recommendations with the Commission.

I would just like to give a shoutout to Ujjayan Siddharth, Cory Mann, and Erik Buehmann on our Long-Range Planning Team, who are really leading this effort.

The state of California and the Ocean Protection Council released, and now adopted as of Tuesday, new California Sea Level Rise Guidance.

Our staff was involved behind the scenes in that process, both on our Adapting to Rising Tides Program as well as our regulatory staff, to really make sure that guidance meets the needs of the end-users and are as clear and applicable to our policies as possible since these Guidelines are really widely used and they are an important cornerstone to our sea level rise adaptation planning work as well as our Permitting Program. We will be sharing more with you on how we are integrating that into our work moving forward.

The next bullet is on the Science Consortium. You may recall that as part of the Bay Adapt Joint Platform one of the actions was to create a Science Consortium to really bridge between the incredible work that is going on in academia and the needs of policymakers and folks that are building and doing things on the shoreline. Our team has supported the development of a Science Consortium, which is being piloted right now out of San Francisco State University with funding from the Coastal Conservancy.

The focus right now in the Science Consortium is on selecting nature-based solutions. It is case studies to develop scientific guidance that can really help inform projects that enhance Bay resources.

And then lastly, one data set that we publish here at BCDC that is valuable to users around the Bay for a variety of reasons is our vulnerable community maps. Recently, we updated that social vulnerability tool with

newer data based on the American Community Survey and changed how we are presenting it online.

It really connects also to the goals of this to increase public access and connect with the state's Outdoor for All Initiative. Because this baseline data set really informs our work and how to think about equity and public access together along our shoreline.

Just wanted to give a shoutout to Cory Copeland, Todd Hallenbeck and Katie Fallon from our team who are really moving forward these important projects.

Coming up we will be sharing with you this public access study and what we can glean from it and use as we move forward with our work.

Also, as we now have the new California State Sea Level Rise Guidance, we will be taking that information and updating BCDC's own Sea Level Rise Policy Guidance as well to make sure our Guidance is really integrated with the newest and latest from the state. With that I will pass it over to Ethan.

Assistant Regulatory Director for Climate Adaptation Lavine presented the following: Good afternoon, Ethan Lavine, I am sitting in for Harriet Ross who is on vacation today.

But looking at Goal 2, just a reminder, the outcome we are working to accomplish with Goal 2 is to enlarge the focus of BCDC's regulatory program as our work is going to shift more and more towards permitting larger, more complex adaptation projects in line with the Regional Shoreline Adaptation

Plan's vision for the Bay Area that you have been hearing about.

We are looking ahead to these permitting challenges and launching a number of efforts to make sure that we are operating as efficiently and as effectively as possible and that leads us to the accomplishments you see here.

Our first accomplishment I will not say very much about because you are going to be hearing a longer presentation on it during the next item, and that is our coordination with the Department of Finance in a comprehensive mission-based review of BCDC's Permitting Program. In a few minutes, you will hear about the work program we are building around implementing the recommendations that are coming out of this plan.

We are also focused on increasing transparency of our regulatory program. We are just about to launch a new library of resources on our new BCDC website aimed at this and you can see an example of one of those pages up on the screen. The website is going to feature step-by-step instructions and guidance that walk applicants and the public through the BCDC permit process. The tools employ a user-friendly, plain language writing style, which you will hear a little bit more about with Goal 4 from Larry.

We expect they will reduce some of the common points of confusion that folks have had about what to expect during the permitting process. Please go to the website when it launches later this month and take a look at the Permits page.

Moving on to our Next Challenge. Now that we have conducted the

mission-based review, of course much of our upcoming work is going to be focused on implementing its recommendations. Again, that is the subject of the next item on your agenda.

Finally, we have also just started work on a project evaluating potential improvements to the Commission's Region-Wide Permit Program. That is a category of expedited permitting for small-scale projects that do not pose significant risks to the Bay. It is about making life easier for the folks who are doing smaller projects and shifting staff time away from administrative work and towards projects where their expertise as analysts really needs to be focused. We are working to make this program even more efficient and exploring how it can be expanded to include new project categories, including possibly small-scale restoration projects to help advance the state's efforts around cutting green tape for environmentally beneficial projects.

Senior Manager for Climate Equity and Community Engagement Armenta commented: Good afternoon, Commissioners. I am Phoenix Armenta, the Senior Manager for Climate Equity and Community Engagement.

We have made significant strides on Strategic Objective 3.1 since last we spoke. As Commissioner Ahn mentioned earlier, the organizational development assessment of the EJ Advisors Program was conducted by MIG and Benchmark Consulting and ended with an in-person workshop with the EJ Advisors and staff where we discussed MIG's findings and strategized on ways that we can all work together in more productive ways. MIG has submitted a



final report with their recommendations moving forward, which we plan on sharing with the Commission in the next months.

In April, I traveled to South Carolina to get matched with a NOAA fellow for our EJ and Permitting Project. We were lucky enough to get matched with our first choice, Nayré Herrera.

Nayré has just finished a Master's of Science in Natural Resources from Cal Poly Humboldt, where she wrote the master's thesis Incorporating Equity into Sea Level Rise Planning: Perspectives from Practitioners across California. Nayré brings a host of talents to the position and will be starting on August 12.

Next up we will be working on creating a work plan for her that includes developing a research methodology for analyzing our permits for environmental justice and reaching out to CBOs to gain their perspective on meaningful community engagement.

Finally, as Jessica and Larry mentioned, this week we are wrapping up a series of workshops where we partnered with local CBOs to discuss the RSAP Guidelines. We had an exciting turnout at each of the meetings and heard from community members that they would like to be engaged in ongoing discussions about sea level rise planning. We are currently discussing ways to keep them engaged and we will be coming up with a Community Engagement Plan for the next phase of the RSAP.

We just began working on Strategic Objective 3.5, collaborating with other government organizations to improve statewide policies that will result

in more equitable outcomes. This month, I joined a working group with the Coastal States Organization to develop their EJ policy. So far, we have had one meeting where we have started fleshing out an outline of what the EJ policy could be. We plan to have the policy completed by December of this year.

Executive Director Goldzband continued: Strategic Objective 4.1 is to engage with stakeholders in ways that are more accessible, increase awareness and foster successful dialogue.

We have an almost accomplishment by about a week. Next week, our new website will go live with much more plain language, along with the new ability to use lists more effectively to communicate with stakeholders. And soon, we hope, actually be able to accept credit card payments, of all things. It has been a tremendous amount of teamwork.

It has been led by Raylena and Elsa and Ethan. When you look at the website after it comes up, as Ethan noted, I think you will notice much plainer language. We have definitely worked on that.

Indeed, we found out a while ago that there is actually some kind of state policy/guidance with regard to plain language so that has also been incredibly useful. We will certainly tell you when it is up, and we are really looking forward to it.

I will mention one more thing about it and I specifically want to mention this to Commissioners who tend to be remote. We will have a new calendar format on the website that you can use, and it actually is in the form of an

honest-to-gosh calendar so that you can see what is happening on each day and with all the links.

In addition, as Jessica mentioned, we have been very successful in meeting with county supervisors and their city mayors and council members in their countywide meetings. We have either met with them all or we are scheduled to do so, along with our Local Electeds Officials Task Force members. We have been explaining the SB 272 mandate.

We have been, I think, very well received and I think it has been very, very gratifying for them to hear from us and to understand how we are moving forward. We have been able to make some really good headway. And even more to the point, I am not going to say good friends, but certainly good collaborators; so, I want to knock on wood.

The next challenge is to actually deploy the website successfully. We have to have our consultants press the right buttons and get it up there and make sure that it works. I am not betting a month's mortgage on it, just because it is technology.

We will continue to use new forms of existing technology to communicate with you. Sierra, as you know, has started using different ways to communicate with you. It is not just about 17 emails a week, and we will continue to be able to delve into the Microsoft world that we use and be able to communicate better.

There is not a lot of lemonade to be made out of the fact that Steve is

leaving us, but the lemonade that we are making is that we have actually approved, and this happened basically since I wrote this. We have been approved by CalHR to circulate the senior level BCDC Director of Legislative and External Affairs position, which is creating the legislative liaison, PIO, local government liaison and CZMA senior staff member.

It is filling Steve's CDA slot, though it is certainly not replacing Steve, and we are looking forward to getting an awful lot of really interesting résumés and applications back.

The next challenge of course is, because CalHR did approve this, getting those numerous qualified applicants.

We have also simultaneously been working with CalHR to approve Steve to become a retired annuitant at his leisure, so that he can start developing a formal BCDC training program. All of that bodes really well for BCDC. It is like having a twofer if Steve comes back as a retired annuitant and we are really looking forward to seeing how this works.

As I said in my Executive Director Report, it is something of an experiment. We had to work pretty closely and actually not easily with CalHR, because they are not used to the idea of having a senior person who might have two or three separate types of responsibilities. There does not seem to be a real precedent anywhere for having a person who would be external affairs. But it is certainly what I grew up with both from the mayor side as well as the Senate side as well as the private sector side. So, we are going to try it

here. We will go from there and let's hope that it works, and we will certainly keep you informed.

Because Reyline is under the weather I will handle 5. Recruiting, hiring, retaining staff. It is not easy, as you all know. I will say, however, that between Reyline and Anu and our Coastal Commission folks, we have continued to hire staff to fill vacancies. We are offering telework, of course, and flexible working hours, and we have had some success.

Katharine Pan whom you saw sitting over there with Alyssa before they left, just let me know that they have received, as I said today, an acceptance of another filled position that they put in. It is not easy to find people. There is a lot of competition out there for them. But we are doing our best and I think we are doing pretty well.

A Workforce Analysis is required of BCDC, which we finished, which was actually somewhat perfunctory.

More interesting, we are conducting a Language Survey because we need to be able to demonstrate to the state that we have the ability to communicate with our stakeholders. That is a new survey that we had to fill out, a new process we have to go through this fall, so we are surveying staff and figuring out how we are going to do that and how we do that.

Our next challenges? We have to find out what those results are.

We will be conducting an organizational health and racial equity survey later this year.

We will complete our Planning and Succession Planning, which we do every year.

Technological upgrades. Well, Andrew Chin has been working behind the scenes to make sure that we are plugging as many security vulnerabilities as we can based upon the audit that we had earlier. We have improved every time we have done the audit so kudos to Andrew.

We are replacing outdated IT equipment. We are implementing those kinds of solutions.

Of course, we have the website coming on, knock on wood.

The next challenge, of course, is to have our very small IT staff, meaning Andrew and Elsa, actually configure all the new equipment that is coming in and continue implementing things proactively.

One of the really interesting things that we are going to have to do, and again it is going to be Reylina, Elsa and Ethan leading the charge, is evaluating how the website is working. What kind of feedback are we getting? What is out there that we need to change? For all of you who have put in a new website, I think you all realize that it takes at least six months to a year to get it right; and we will be commenting on that and letting you know the progress as we move forward.

That is the end of that. I said that there were two issues that have been a little slower. One I told you was the integration of compliance. The other is dealing with SharePoint and Microsoft and all that. That has been delayed

primarily in large part because we are so busy working on the website, and we simply do not have the staff resources to do everything at once. So, with that we are happy to answer questions.

Chair Wasserman asked: Any questions or comments from the public?

(No members of the public addressed the Commission.)

Chair Wasserman continued: Questions from the Commission?

Commissioner Showalter stated: I had some questions on the Science Consortium. I am really glad to hear that is going forward. I think it is something that is sorely needed and will probably be needed forever because these issues are going to go on for a long, long time. But I wondered if you could talk a little bit more about that and also who is really involved? You mentioned that it was academic and consultants.

The other question I have is, is there an expectation that there will be some sort of a modeling group put together that will be available to model the impact over the whole Bay of any sea level rise protection projects that are put in?

Because the truth is the Bay waves propagate in a way that it is not obvious how they really work and we want all of these projects to be helpful at the place they are designed as well, as up at the Bay.

For instance, I know when I was working on a project in the South Bay, we had some modeling done and we found out that one of the things that we had been considering might raise the surface elevation in the North Bay, which

we did not want to do, so we mitigated the project. Is there anything along those lines in the works?

Ms. Fain fielded this inquiry: Great question. For the Science Consortium, the project right now is really a pilot that is being led through funding from the State Coastal Conservancy with SFSU. I honestly do not have the list of the folks that are involved. But it is very much focused on living shorelines and testing out living shoreline strategies and making sure that reef falls and other types of living shorelines, as we work on those types of strategies, we are really bringing the scientists in and monitoring them, understanding them.

So, it is kind of narrowly focused at this point, the vision for what a Science Consortium could be. It could be much, much broader than just that one topic. But this was a way to get this project started. If you are interested in more of the specifics on the folks involved, I can get that to you after this meeting.

Commissioner Showalter acknowledged: That would be great. My other follow-up question which is along those lines is, CHARG is an organization that has been going on off and on for about a decade at least. Is CHARG involved? Is CHARG involved in this?

Ms. Fain replied: With the Science Consortium? Good question. I am not 100 percent sure if some of the individual CHARG members are. I do not think CHARG as an entity is. CHARG is funny. They seem to have more and less



capacity based on staff and budgets and things like that. They are alive and working. We had a great meeting with them earlier this week on the Regional Shoreline Adaptation Plan, so they are certainly still doing a lot of stuff. We were actually just talking about how can we really utilize that as an entity moving forward.

So, to get to your second question, maybe on modeling. I think that is a really important topic. We do not have a group that is tasked with, whenever there is a project you send it to that group, and they will test whether from a modeling perspective what it means for the Bay as a whole. I think we are exploring that in different ways through the Regional Shoreline Adaptation Plan. The types of questions we are going to be asking cities as they develop those plans. I think standing up something like that would require a lot of resources and so it is something to certainly explore.

I will say another thing we are exploring right now with the Army Corps of Engineers is one of the issues that emerges a lot is how to integrate our different types of flood modeling together. How do we integrate riverine flooding with coastal flooding into models that everyone agrees on. Right now, we are trying to see if we can at least create some space to scope out what a really integrated Bay model would look like that could do that work together. That is going to require putting some technical minds together to really help us figure out what that is. So that is something we are working on right now, but it is in very early days.

Commissioner Showalter stated: Great. It is one of those things that I noticed was missing over the years and so I am going to continue to bring it up until I understand that we have taken care of that. But I am glad to hear that there is progress going forward. If there are things that we can do to advocate for that, I hope that you will let us know. Thank you.

Commissioner Pemberton was recognized: Thank you so much for this update on the Strategic Plan, it is really helpful. I loved how it was organized and how you went through each of the priority items. I have four very small questions.

For the new position, the Legislative Director and External Affairs, is there a timeframe for the job posting when it will close?

Executive Director Goldzband answered: Probably around two weeks from tomorrow if I remember correctly. You will all receive the link in the Commissioner meeting summary email today.

Commissioner Pemberton acknowledged: Thank you. Secondly, on the hiring component. I am sure you are looking at the proposed budget contemplates what they call sweeping vacant positions.

Executive Director Goldzband stated: Which is why we are hiring as fast as we can.

Commissioner Pemberton replied: Okay. Excellent. I thought so.

Executive Director Goldzband added: Who isn't, right?

Commissioner Pemberton posed an additional question: Get ahead of

that. Okay, great. Third question, on the succession planning, workforce planning, you mentioned that is updated every year. Is that a brand-new plan every year or is it an update to existing plans?

Executive Director Goldzband explained: It is an update to existing. Peggy Atwell, who was Reylna before Reylna, started us doing succession planning in a way that we can understand it and it can be useful, with a nine-square box, the whole deal. So, every year in the fall, we tend to go through the process. What Reylna decided to do is make sure that we do that while we are doing workforce planning, so it aligns.

Commissioner Pemberton asked: Thank you. My last question on the new website, which I think is really exciting. I am really happy to hear that there is a new website going live next week; and also, the emphasis on plain language because I love that, I think it is so helpful. Does BCDC, just on a technical/logistical standpoint, host the website or does the Department of Technology help and host it for BCDC?

Mr. Lavine stated: I am not the technical person, but it is through the Department of Technology in some way, shape, or form.

Executive Director Goldzband added: I should say that is new to us, because literally for 15 years or 20, however long we have had a website, it has been GoDaddy. That is how ancient our system is.

For the last six months we have been really learning about how you actually do a website that is structurally sound. You will note that the website,

because it is governed by the State of California rules, will look not unlike the State Lands Commission website or the Coastal Commission's website, there is just a limited amount that you can do. But it will be hosted by CDT.

Commissioner Gunther had questions: Two quick questions, one for Larry and one for Jessica.

Larry, the presentation has a slide that is Strategic Plan progress, and it has these numbers, but I do not know what is being counted here.

Executive Director Goldzband explained: Each objective has three separate components to it. If you look at the Strategic Plan, which I happen to have right here, I will hold it up people here can see, each of the objectives in the goal, and there are three to five objectives, has in itself three specific actions that need to take place for that objective to actually move and move forward. That is what we are measuring is those actions.

Commissioner Gunther acknowledged: These are actions.

Executive Director Goldzband replied: Specific actions, yes, to move forward that objective.

Commissioner Gunther continued: Okay. When we report our progress regularly it would be great to indicate what is being measured. Because this is a very valuable, a quick way to see how we are doing, but I will not remember from one time to the next what it is we are measuring.

Executive Director Goldzband stated: We do not take that personally.

Commissioner Gunther asked additionally: The other question for Jessica

has to do with the Science Consortium as well. Is the San Francisco Estuary Institute part of this?

Ms. Fain answered: I believe so but let me double-check that and I can get back to you.

Commissioner Gunther acknowledged: Okay. Thank you.

Vice Chair Eisen commented: I want to echo Commissioner Pemberton's comments about the Strategic Plan update, it was really well organized, easy to follow. I had a couple of also small questions.

Larry, you mentioned that we have been required to and have done a workforce analysis and also completed a language survey. Whose requirement is that? How often are we supposed to do that? What exactly are we analyzing?

Executive Director Goldzband stated: I am no expert in this because Reyline has really been doing it. But this is required by CalHR to measure part of our employee base, essentially, and how we deal with our employee base. The workforce analysis, and we can get you all the information you want, basically asks a series of questions about the workforce; and I am blanking on what those questions are because it was on Monday that I went through it with Reyline with four separate pages. Every organization has to do it but has to do it in different ways depending upon the size of the organization.

Vice Chair Eisen asked: Annually?

Executive Director Goldzband answered: Annually.

Vice Chair Eisen acknowledged: Annually. All right. And then, I am very curious about what a retired annuitant is.

Executive Director Goldzband explained: It is a good question. Steve is smiling because he is trying to figure that out too. A retired annuitant is a person who has retired from state service, but we bring back in a very part-time way and pay on a part-time basis to perform a specific task or two.

And two things about that. Number one, we have to make sure that person does not displace an actual state worker. And number two, we are limited in terms of how much we can use that person. We have one retired annuitant now who works with us, and that is Marc Zeppetello, our former Chief Counsel.

Vice Chair Eisen continued: One other question. We have been talking a lot about communication from Commissioner Gunther's comment in the beginning and throughout the meeting today. I have enjoyed the Instagram account and the information that is provided there, which I think is a fantastic tool for getting information out. But I feel like I have not really seen much of it recently, and that may be because I have been traveling, but are we making good use of our Instagram account?

Executive Director Goldzband replied: I think that is to a great extent based upon the resources that we have at the time. That is probably the easiest way to describe it.

This new person who we will hire will be in charge of the social media

program and will certainly help. You will remember that we had hired an intern from the California Conservation Corps who set up our Instagram account, and on the basis of a focus group of one, that is our son who is 20, he thought it was really good. We kept getting good feedback on it so we will continue it as much as we can.

Chair Wasserman stated: Phoenix, do you want to say something?

Ms. Armenta commented: I just wanted to say that we are getting a summer intern who is going to be working on that this summer, so it will be up again soon.

Commissioner Randolph was recognized: Can you remind me, Jessica, what is the definition of a vulnerable community? Is it purely an income measurement or are there other things in there too?

Ms. Fain replied: Our vulnerable community maps are based on an index of a bunch of different demographic characteristics that have to do with the typical things you might think about like income levels, but also other types of factors that we have identified as being important to identify socially vulnerable areas. Things like how rent burdened they are, access to car, language. There are a number of different factors that are included in this index that that we report on.

Commissioner Randolph suggested the following: It would be interesting to actually see the index one day just to understand it.

Ms. Fain acknowledged: Sure, I can send you the background report that

details out all of that.

Commissioner Moulton-Peters stated: I just want to complement our Executive Director and the whole team. I thought the Strategic Plan was excellent when you presented it. It is great to see the progress you have made. And it really is true, we cannot do everything all at once, so it is good that we have identified some areas we are going to move forward, and we are making progress.

I want to acknowledge, Jessica, that your team has really done a great job moving the regional Bay Area Guidelines forward and to thank Dana and her team for coming out to San Rafael with the RSAP Guidelines this week.

I am very interested in the vulnerable community maps as well, as well as your public access study draft.

I want to thank Ethan and tell you how excited I am about the permit work that the team is doing. Larry and I just talked last week that there are a number of Bay Area small businesses in my district that are trying to get their heads around permit requirements, and so anything we can do to make that more understandable to them is great.

And then finally, Phoenix, I definitely want to follow-up with you about the work you are doing and the work that Nayré Herrera will be doing with you.

I have an EJ community in my town that I am looking forward to working with more closely and providing more resources and I know you can point me in the right direction for these things. So anyway, hats off. Very informative for



me as a Commissioner.

Chair Wasserman continued: I see no further hands. Thank you all.

**10. Briefing on Mission-Based Review.** Chair Wasserman stated: That brings us to Item 10, a briefing and public discussion on the findings made by the Department of Finance during its Mission-Based Review of our permitting process.

Ethan Lavine, BCDC's Assistant Regulatory Director for Climate Adaptation will introduce members of the staff of the Department of Finance. Before that, however, our Executive Director would like to make a few remarks.

Executive Director Goldzband spoke: This morning at the Highway 37 Committee meeting, I believe it was Javier Fernandez from the Water Board who was talking about the regulatory program, and he looked around at all of the Commissioners and he said, this is really nerdy stuff, but it is really important. I want to echo that.

When I hear from Commissioners it is usually because of one of two reasons. The overriding reason is always hey, there is a person who is trying to get a permit from BCDC, and it may be stuck. Now, it is usually not stuck, and we know it is not stuck, but that is many times what you as elected officials hear about BCDC.

What we have done over the past six months is ask the Department of Finance to come in as an independent evaluator of BCDC's permitting process to give us recommendations about how it can be better.

Ethan has been on target on this. I want to make sure that everybody knows that we asked for this. This is not an audit of BCDC's permitting process that comes in from the Legislative Auditor like they did with the Enforcement Program five years ago. This is a review of how we do things that we asked for so that we can become better. It is constructive criticism. We take it as constructive criticism and it will end up being part of the regulatory roadmap. So, with that, I am going to hand it off to Ethan.

Assistant Regulatory Director for Climate Adaptation Lavine presented the following: For Commissioners who do not know, I am part of a small team here at BCDC that is focused on improving and permitting work, as Larry mentioned. In large part we are doing that so we can be ready to tackle the increasingly complex and time-consuming work of reviewing the major adaptation projects that the Commission is going to be considering in the years ahead.

Some of you will remember that last summer we actually came to you as we prepared to kick off this process for the mission-based review and we are going to hear the results today from Chris Locke and Aaron Edwards from the Department of Finance.

Through the review we have received an in-depth and independent evaluation of our permitting program. This is from the unit in the Department of Finance known as the Research and Analysis Unit and it is a crack team that provides expert analysis of the workings of state departments and programs to

see how they can do better.

Just as Larry mentioned, and we have come to learn, it is a little unusual for a state department to go out and actually seek this kind of review. But we felt it was absolutely invaluable as we work to improve our regulatory program and be better prepared to tackle these challenges that we are facing because of the changing circumstances facing the region.

Before we hear about the results of the Mission-Based Review, I am just going to do a very, very brief presentation to provide some context about how this fits in alongside some of the strategic planning goals that you just heard about.

The first question is really why are we doing this? Why are we focused on improving our permitting program at this point? It is no secret that all successful programs, of course, have to go through regular reevaluation and improvement.

But there is special urgency to this work and that urgency was identified in the 2021 Bay Adapt Joint Platform, the consensus-driven adaptation planning vision that the BCDC Planning Team led, and which involved many partners from all over the region.

The partners who took part in that effort have identified that one of the significant challenges facing the region is actually getting adaptation projects built on time and on budget, and that a complex regulatory environment is a contributing factor to this challenge.

The Joint Platform laid out a goal for us and other permitting agencies as well, saying that permitting should not slow projects down. Instead, we should be looking for opportunities to do permitting in a way that actually will accelerate the adoption of resilient shoreline projects that align with regional goals.

This sentiment was really echoed and fleshed out in the Commission's own Strategic Plan as we just covered, which included many strategies aimed at enhancing the efficiency, efficacy, and transparency of our permit program.

The team I lead has prepared a roadmap shown here, which we presented recently to the Rising Sea Levels Commissioner Working Group. That roadmap includes work priorities that reflect the goals of Bay Adapt, the Strategic Plan, and now the recommendations of the Mission-Based Review (MBR). Most importantly, it gives us direction for how we can meet the vision that the Bay Adapt Joint Platform and the Strategic Plan leaves out.

As you can see here, we start with Goal 1 in green, by working to make the process that guides our permitting program increasingly effective, efficient, and transparent. The Mission-Based Review gives us direction on how to prioritize our efforts. And the Mission-Based Review strategies really do in many cases reinforce and complement the Commission's own strategic planning goals.

While we talk about becoming more efficient, more effective, and more transparent, I just want to pause here and emphasize the word, more. We

think we are starting from a pretty good place. This is the staff trying to be more proactive and get ahead of tackling some of the issues where we know we can do better.

We need to do that because we feel we have a big challenge ahead of us in terms of the complexity and scale of the permitting issues we will be facing as we are presented with major adaptation projects on the shoreline coming down the pike.

And then with goal two, as we gain these efficiencies, we are looking to increasingly shift our focus to building capacity among our staff and as a team to tackle these emerging issues. We think that is going to include, just to give you some concrete examples, increasing the level of interagency coordination that occurs around implementing resilience projects, and building staff expertise on newer subject matter areas like emerging nature-based adaptation methods.

And then finally before I pass it off to Chris, I want to start by thanking Chris and Aaron for their extraordinary work. They have been colleagues we have been working with very, very closely over the last year. They have been tremendous to work with and unveiled a set of recommendations that we really think will help the program. So, we want to extend our sincere thanks to them for taking on this work.

I also want to let the Commissioners know that this been a group effort. Your regulatory staff, some of whom you see on the screen here, have devoted

a lot of time and energy into helping explain our program, where it works well, where it needs improvements, and to respond to myriad concepts that have been developed about how to make it better. So, it is a big outlay of time for a lot of very busy people on the staff here, so I want to thank them for lending their expertise.

And last but certainly not least, we want to say thanks and acknowledgement to the many other stakeholders outside of BCDC who submitted to interviews about their experiences working with BCDC and providing input on our program.

Chris and Aaron conducted many interviews with folks beyond the staff here to get a balanced and comprehensive view of our program. In fact, I know that a few members of the Commission were also stakeholders in this process, so we want to thank you as well.

With that, I am just going to switch presentations and I am going to pass it off to Chris.

Mr. Locke addressed the Commission: Good afternoon, members of the Commission. My name is Chris Locke, and I was the lead analyst on this Mission-Based Review. Also on the line is the Chief of our research team, Aaron Edwards, and he was also an invaluable part of this review in helping me take a look at BCDC's permitting process.

Today I will be presenting an update on our Mission-Based Review. You may remember Aaron and I gave an overview of our review back in September.

As Ethan mentioned, since then we have been working closely with the BCDC team to complete our report.

We are wrapping up the final report, we are planning to share it with the BCDC team very soon, but today I wanted to share some of our key analysis and recommendations.

Just a heads up, we are going to be going over a lot and I will not be able to go into too much detail into each recommendation. But my goal is really just to give you a flavor of what we will be sharing more in depth later with the BCDC staff. Feel free to ask any follow-up questions as well during the question-and-answer time after my presentation.

A quick refresher, who are we and what do we do? As Ethan mentioned, we are the Research and Analysis Unit (RAU) within the Department of Finance, and we were originally created to support our budget line staff when they encounter longstanding departmental issues. Budget line staff, they have a ton on their plate, they do not always have the bandwidth to get into the weeds with the departments and that is where we come in.

Like Ethan and Larry were mentioning, this is not an audit. We worked with BCDC on a previous MBR. Larry and his team reached out to us proactively to improve their permitting process and that is what we have sought to do over the last year or so, to dig in on how we can streamline and update the Commission's permit process.

We focused specifically on the major permit process because those

projects are the most complex, the most time-consuming. But we believe that any lessons learned about the major permit process could be applied to other types of permits.

For our Mission-Based Review we reviewed the literature on permitting challenges and best practices in the Bay Area. We interviewed a wide range of stakeholders, including applicants, consultants, staff from local and state agencies, even some members of the Commission. We coordinated extensively with BCDC staff. We talked with permit analysts, the technical staff, the executive staff, we also talked with staff on the planning and enforcement side as well.

For my presentation today I want to focus on three main areas which we zero in on in our report, the first being permit process improvements, the second being resource and regulatory improvements, and thirdly interagency coordination. In each of these three areas we have several sub-recommendations under, and we will expand on in our final report.

So, let's start with permit process improvements. Once an application is filed, BCDC is statutorily mandated to complete its review within 90 days. In reality, it is more like 50 to 65 days, because that typically allots time for two Commission meetings. So, in case the project is not heard in the first Commission meeting there is time to hear it in the next one.

These are very complex, high stakes, often controversial projects. So that review window, it is really not a lot of time to collect information, to



resolve issues. Getting these big projects, these important projects over the finish line puts a lot of pressure on both staff and applicants who have invested a lot into these projects.

Our big question that we considered in permit process improvements is how can we identify and work through issues as early as possible in the process before we get to this compressed review window?

So, one of our major recommendations is to standardize meetings with applicants, particularly in the pre-application phase. We took inspiration from the current BRRIT process. As most of you know, the BRRIT stands for the Bay Restoration Regulatory Integration Team, which was formed to improve the permitting process for these habitat restoration projects.

For the BRRIT applicants submit materials in advance, they hold a pre-application meeting with the BRRIT Team to go over the process, discuss expectations, so applicants know exactly what the next steps will look like. In our report we recommend that BCDC do something similar to have standardized pre-application meetings.

Beyond that, we also recommend establishing a set of key documents, which could be shared with applicants and updated throughout the process. We talked with staff about what is the key information that would be beneficial for staff to begin collecting early on in the process to really set them up so that by the time they get to the review window they are prepared, they know what needs to be resolved, and they can accomplish that. We settled on three main

documents to form the basis of these pre-application meetings.

First, we recommend that the staff and applicants establish a Target Schedule Document. This would be a tentative schedule of major milestones such as plan construction date or when the applicant might want to appear before the DRB and the ECRB or the Commission. This would not be a binding document, but our hope is that this document will help the applicant to see and understand that, hey, if I want my project to succeed it is really in my best interest to work with BCDC even before I file my application to hit some of these milestones, or to make progress towards these milestones.

The second document is an Applicable Policy List. We have heard from both staff and applicants that it is really challenging, even for experienced staff, to wrap their heads around or have a deep understanding of all of BCDC's requirements, especially in the Bay Plan. That is really a challenge for applicants. So, the point of this document would be for staff to maintain a running list of all relevant policies raised by a project and this list could be continually updated as the analyst learns more about a project and shared with the applicant. As the staff is building their understanding of a project, that same understanding could be communicated to the applicant, and they can be building their understanding as well.

And then finally is a Known Issue List. In this document we would list all issues which need to be further studied and resolved. The purpose of this document is really to bring as many issues to the forefront as early as possible,

so we can start working through them and not wait until the compressed review window.

A few more recommendations related to permit process improvements, and I will go through these quickly.

First, we recommend fostering early engagement on public access. Public access is one of those key issues which often results in stressful negotiations that go late into the process.

In our research we found that there is often a lot of discussion about the design of a public access space. In other words, how it will function, what are the features of the public access proposal. But it is less common to have clear and frank discussions about what areas of a project should be legally dedicated, or how a public access proposal will be permanently guaranteed.

This can result in misunderstandings and disagreements that can extend late into the process. Our recommendations explore how BCDC can establish a clear definition of public access early on in the process, particularly around legal dedication requirements.

We also recommend sharing relevant projects with applicants during the pre-application phase. Each project is unique, so you are not going to find an exact one-to-one precedent saying your project is exactly like this other project. But the goal is to have some reference points to have a productive conversation, so applicants know that it is not an arbitrary determination that BCDC is making but that it is based on past decisions. Combined with, of

course, the unique characteristics of a project.

Next, we recommended implementation of project management strategies. Something we heard from staff is it is really challenging for even the most experienced and organized staff to manage their workload. One of the ways the challenges were described is as a drought or flood problem. Meaning that workload is really unpredictable. It can go from manageable to completely overwhelming very quickly, especially once applications moved from the pre-application or the submission phase to the filing phase.

In our research we tried to take a look about are there any project management approaches that can handle this kind of drought or flood dynamic.

In our research we found that an agile framework seems to be a good fit for BCDC's needs. I do not have time to do a deep dive on agile principles, but at a very high level, this is a framework that is used in the private sector, particularly in software development. Agile emphasizes flexibility. It emphasizes helping staff to prioritize their most important work at any given moment, it emphasizes timely feedback.

And so, we believe that this can be helpful in both stages of the process, when a project is in pre-application, when the applications are being submitted, and when it needs to shift into that compressed, highly pressurized review window.

Lastly, we give recommendations about establishing metrics to assess service levels. That is really a crucial part of any kind of process improvement

is to regularly review and assess how things are working and what adjustments and improvements can be made.

The next set of recommendations is around resource and regulatory improvements. And the main question we wanted to answer with this set of recommendations is how helpful are BCDC's resources for applicants and staff to understand its laws and policies and how can they be improved?

Applicants need to understand BCDC's requirements to complete the application form and give the staff the information they need to review the project. Staff, obviously, need to understand BCDC's requirements to determine whether a project is consistent with BCDC's laws and policies and whether they are going to recommend approval.

We mainly focused on the application. We had a lot of discussions with Ethan and the staff about the application. We talked with applicants, what they thought about the application, whether it was doing its job. We consistently heard that the application, it needs updating. In many ways it is not working for what applicants need and what staff need. Applicants often find it confusing. They can have trouble discerning which questions and policies apply to them.

So, we really tried to think, how can we provide resources to help applicants fill out the application or even revise the application itself so that it is user friendly, and we can get staff the information they need.

In our recommendations we propose that BCDC publish application

instructions. BCDC actually has a set of instructions that have been worked on but never released. That is a good first step to helping applicants better understand how to fill out the current application form.

But in the long term we do recommend that BCDC revise its application. In our report we do not outline exactly how BCDC should revise its application, but we do give several options for BCDC to consider.

For example, the application has a lot of very detailed prescriptive questions, it has a lot of very specific tables. So, one of the things we asked BCDC to consider is possibly including more broad, open-ended questions, which could allow applicants to describe their projects using their own terms instead of this very rigid framework in the current application.

That is something that we heard recommended from applicants and staff. We have heard that sometimes some of the most polished applications come in this sort of format where they are describing their project in their own words.

When we looked at agencies that are similar to BCDC we found examples in other agencies' applications as well. But ultimately, we provided considerations for BCDC to take a look at its application and revise it.

BCDC will need to confer internally, figure out what the best approach is, work with the Commission, the stakeholders, and ultimately the Office of Administrative Law to update its regulations.

Next, we recommend that BCDC expand staff training. We know that BCDC is short-staffed, everyone is busy, and so we tried to really nail down

what is the most crucial thing in expanding staff training.

We recommend that BCDC focus on how it can foster critical thinking skills for new permit staff. That is really the hardest part about being a permit analyst and the hardest part to teach.

Just one example of our recommendations is to use past permits as case studies for new analysts at BCDC. They already have these past permits, so they do not need to develop anything new. But you could give a case study to a new analyst, have them analyze the facts, the characteristics of a project, and ask them, how would you apply BCDC's requirements in this situation? And they could go over their answers with their manager or a more experienced analyst or compare it back to the actual permit. This is giving them real scenarios for them to test their critical thinking skills.

Lastly, we recommend that BCDC consider regulatory updates. BCDC flagged a few instances where its policies can be ambiguous or confusing for staff and applicants. We recommend that BCDC identify opportunities to make their regulations and policies more comprehensible to applicants and the public. This really goes along with what Larry and Ethan were sharing earlier about plain language principles, how there is a big push in state government to make laws and policies more accessible to the public so that they can understand and implement it in their proposals.

The last area I will touch on briefly, but which we go into more detail in our final report, is how can we increase interagency coordination? A lot of our

recommendations focus on early engagement. That is one of the key themes throughout our report.

We recommend that BCDC collect interagency contact information earlier on in the process, flag cross-agency issues during the pre-application process, and coordinate early discussion of jurisdictional questions. Really, the big idea is that once an application is submitted and filed, then you are under a time crunch, and you are probably going to prioritize what is right in front of you and not prioritize communication with other agencies.

Our recommendation is to try to focus on how we can start these conversations with other agencies and flag cross-agency issues as early as possible when there is not as much time pressure.

Again, this is just a sampling from our report. We tried to pick out some of the main recommendations. But there are other recommendations dealing with everything from the permit intake process to coordination with the technical boards, to how BCDC can further incorporate environmental justice.

Again, we are finalizing our report, and we plan to share it with the BCDC Team so they can incorporate our recommendations into their future planning and the other policy initiatives that they are working on.

Before I go to questions, I want to say how appreciative Aaron and I are in just how cooperative, helpful, and engaged BCDC staff have been throughout the process. We work with different departments throughout the state and sometimes our reviews can feel like we are pulling teeth from departments, but



it really did not feel that way at all with BCDC.

We want to give an especially big thank you to Ethan, who is our main contact. He has really been invaluable in sharing his perspective, connecting us with different staff and making sure that we get everything that we need. Overall, we have been very impressed with BCDC staff. They are very hardworking; they want to improve their program. Again, a big thanks to BCDC. We have really enjoyed working with the BCDC Team. With that I will pause and take any questions.

Chair Wasserman asked: Sierra, do we have any public comment?

(No members of the public addressed the Commission.)

Chair Wasserman continued: Questions from Commissioners?

Commissioner Randolph commented: Thank you, that was very helpful. A question on the issue of public access and transparency. Where were the likely points of public or permittee frustration in the permit process?

I am certain that one of them has to do with what permittees may find they are expected to do under the umbrella of public access.

The question in my mind is, and this is not just transparency for the permittee but for staff as well, is there any definition or should there be a definition of what is core public access? What do you clearly have to do? Not to say the minimum, but what is it obvious that you have to do to provide public access? On top of which things become discretionary, maybe recommended subject to discussion together.

Because I believe that permittees may find that they say, okay, I am very happy to provide public access, and they may have an idea of what that involves. And then they may find that, oh, there's 15 other things that get added on top of things that they expected to do, which they could well argue are completely discretionary and unexpected and really not necessary to achieve the goal of public access.

I think that is a big frustration point. I am aware of some cases of that. So, is there discussion about or should there maybe be a discussion about, for staff as well as permittees, what really defines core public access, beyond which describe things that are desirable and subject to negotiation but not strictly required or necessary? Thanks.

Mr. Locke replied: Yes, that is a great question and something we talked a lot about with applicants and staff. The definition being maximum feasible public access consistent with the project. What does that mean?

I think applicants they want, like you were saying, they want a checklist, they want a formula so they can determine what exactly am I being asked to provide?

And from BCDC's side of things, it really is on a on a case-by-case basis. There is almost an inherent tension in how the statutory language is written that it is understandable that the applicants might feel frustrated that they are being squeezed for as much public access as possible and there is not maybe the transparency that they would want.

I think in our report how we tried to manage that balance is our recommendation that BCDC share comparable projects earlier on in the process. We know that this happens informally. In pre-application discussions staff might say, your project reminds me of this other project, and we did this in that case, but it is not really a standardized part of the process.

Yes, we recommend establishing past permits that have similarities to the current project and to use that as a reference point to discuss public access in the current project.

We understand that you are not going to find a one-to-one comparison so the applicant cannot necessarily say, well, you did it exactly this way in a previous project, so you need to do it this way. But it provides a shared foundation for discussion because then BCDC can say, okay, here is what we did in a past permit and here is why, based on the characteristics of your project it is a little different, we are going to ask you to do these different things and we believe that constitutes maximum feasible public access.

There is always going to be some gray. But by having a foundation of shared permits as references we think that it is a more transparent process.

Commissioner Randolph continued: Yes, I do think that is helpful. Of course, every project is unique and so I think that will get you some distance that maybe not very, very far. I do agree that is helpful.

But then again, if you flip it over on the transparency side or for the permittees, then I think it could be helpful in my mind to have some kind of

framing for BCDC staff, which I think would be transparent to the permittees, about what is really required for public access, again, as opposed to things you could essentially throw in. Because again I am going to the frustration points and things that may seem discretionary or unnecessary. Maybe they are desirable. But I think when you get into that zone of things that are maybe desirable but really not necessary, I think that is where some of the tension really comes from. Some kind of framing on that would be, I think, helpful.

Mr. Locke concurred: Yes, yes. We did talk with BCDC staff. I think it would be difficult to release a public, here is what is core, here is what is desirable.

But I think this is where staff training comes in, training on negotiation. Training on, as BCDC what do we think are the core principles? Where should we push? Where should staff push and when should we know that, hey, this is desirable, but it is not necessary, it is not crucial. So again, it is a delicate balance where we want consistent decisions, we want transparency, but it is difficult to release like a public variable.

Commissioner Randolph continued: No, I agree, I do not think it has to be public, per se. It is a little tricky, but if you could think about it. Thanks very much, that is helpful.

Commissioner Nelson stated: A couple of things. First, I saw the mission-based analysis of California Department of Fish and Wildlife that was done a couple of years ago and it was really helpful.

We tend to plan for our agencies on the basis of what we did last year and what we are doing here is not a zero-based budget approach, but it is a really helpful review of our permit program to think about how we can continue to improve that effort. I want to thank staff both at the Commission and Department of Finance and the stakeholders involved in the effort for their work in this effort. Really helpful suggestions.

Two specific questions. First, I do not know if we can go back to one of the slides, the fourth slide from the Department of Finance from Chris's presentation. If that is I can walk through it without it if that is too much hassle. That is the first slide with regard to improving the permit process.

It talks about standardized meetings with applicants setting up a standard pre-application meeting similar to the BRRIT. I just want to push back and ask a little bit about how that would work because the Commission handles very different kinds of projects. We handle individual homeowners on Richardson Bay, we handle big complex shoreline development projects, we handle enormous regional adaptation projects.

That word standard sticks in my craw a little bit and it just makes me ask. I like the idea of some sort of a consistent approach, but I am really wondering if it needs to be standardized or it needs to somehow reflect the scale and complexity of the projects that are coming before the Commission.

What would be totally appropriate for a really enormous development project might be really onerous for a small mom and pop project. Any thoughts

about that, either from the Department of Finance, from Chris, either from you or from Commission staff?

Mr. Lavine commented: Chris, I can start. It is a great question. One of the things about this recommendation is that we already have a very robust pre-application process, but I think the key word here is standardized. I think the phenomenon that we have discovered is that each time you are faced with a new project you are creating a process for it out of whole cloth.

I think one of the really great moves that the Department of Finance is recommending to us is to help bring some rigor in terms of just the actual mechanics of how we schedule the expectations that we set and getting follow-through and getting to decision points. This actually speaks a lot, I think, to the point that you are making, Commissioner Randolph as well.

We found that the problems, the issues, and tensions that we have between staff and applicants, oftentimes come when decision points are a little late. This is getting to the painful conversations a little earlier. I think that is one of the really great benefits of having a more standardized pre-application process. It helps us get to the tough conversations, to help bring you the recommendation we are all working toward.

Commissioner Nelson, to your question, what is the difference between the mom and pop and the big development. I think we are talking mostly about major projects. These recommendations were crafted around major projects that do just require a lot of pre-application work.

Our challenge is going to be at the staff level to scale these down to smaller projects. We do offer a lot of pre-application meetings for minor projects. But we have to standardize those as well. Give people resources to do a good job filling out their application. But we certainly do not want to overburden them or our own staff with too much. That is going to be our challenge in implementing this and is to right-size it.

Commissioner Nelson added: Then finally, and I am sure staff is going to get this, just interested in the timing about when we see the final report, when we start talking about how we can integrate some of this and operationalize it ourselves.

Executive Director Goldzband stated: One of the great things that Harriet has brought to the staff as now a relative newcomer having been here, I think about six months or so, is a renewed sense of the need to make sure that things are more standardized. She saw this from the beginning and so she has been very much a part of talking with Ethan about the MBR. She wants to make sure that this is put in, as Ethan described it, put in the larger picture of the whole regulatory roadmap and how we move forward with all of those projects. Harriet will no doubt be part of how this actually moves forward and is actually put into practice.

It is not going to be easy when you transition into new processes. Sierra knows this well because Sierra is new, and she is trying to do new things.

Whenever you try to do new processes, you have to figure out how to change

the old ones. You also have to figure out how to do all of that concurrently and you have to figure out how to do that without getting people upset who are used to the old process or in the middle of the old process and how you do the new process.

I am assuming that as we do this over the next six to nine months that I am going to get calls from applicants saying, hey, what is going on. And I am going to have a standard response saying, we are actually making this better in the long term so please stick with us on this, because it will be better in the long term.

Commissioner Eklund was recognized: Thank you very much. Great presentation. First of all, can I get a copy of the report, the actual report? Can that be sent out to the Commissioners?

Mr. Lavine replied: Commissioner, yes. We do not have the report yet, we are still awaiting the final draft, but we can distribute that to you, yes.

Commissioner Eklund acknowledged: Okay, great, I would like to get a copy of that and read it.

I want to premise my questions and my comments based on the fact that I was in charge of the NPDES Permitting Program at the US Environmental Protection Agency, Region 9, when 301(h) and 301(m) was passed by the legislature.

So, one of the things that I led was an effort to do a joint permit with the state agencies, including all the regional boards. That really was something I



pushed.

But I agree with some of the earlier comment that getting clear clarification on what it is that the applicant needs to do I think is really critical and you have talked about that. But I also agree as the discussion earlier is that it really also depends on the applicant. Because I think that the applicant is also going to drive the need for the clarity.

So, you get someone who is in business who has a professional that works with agencies all the time on what the permitting requirements are, that is going to be a little bit easier than a mom and pop as was mentioned earlier.

So, I think that it would be helpful for us to have a better understanding about how do we approach those different applicants. And you have to approach them differently, you cannot just approach them the same way, in my opinion. Do we currently approach everybody the same? I imagine we do not but can staff address that general comment or question first?

Mr. Lavine responded: Yes, thanks for the question. I think it is a really astute observation, and obviously in your previous work you have encountered this dynamic. We certainly have applicants coming to us, to Commissioner Nelson's point, who are from a really broad swath of folks represented in the Bay Area. Folks who are professionals whose job it is to obtain permits for the agencies they represent. They are trained professionals ready to take on exactly the challenge. To folks who, this is the first time they have ever heard about this BCDC and who are you again and how do we work with you?

I think that one of the great strengths on our staff is that we were talking about technical assistance earlier. I think we have a very engaged and personalized approach to permitting. We want to keep that, but we also want to bring some resources to make it more efficient and to make sure the outcomes are very consistent. I think that is really where the recommendations we got from the Department of Finance really shine.

Commissioner Eklund continued: Yes. I think that at some point you will probably end up doing different standardized lists of what you need to cover to make sure that you are handling those that are not sophisticated about the permitting process versus those that are.

But have folks thought of doing more online assistance, especially for those applicants that are not as knowledgeable about the process? I happened to have a recent experience with the Marin County Small Claims Division in the District Attorney's Office, and they have Zoom meetings where somebody, okay, what forms do I fill out? You sit in line online and when you come up on the queue you actually have a Zoom meeting where they can actually have the application on the screen and actually start filling it out and they actually send it to you on email at the beginning of it.

Especially for those that are just trying to explore it, is that something that we have done in the past or is that something that we might want to think about? How we could use the technology to make it easier, especially for those applicants that are not quite as sophisticated and then have to hire a

consultant.

Mr. Lavine answered: Yes, we are really excited about accelerating and changing the ways we use technology. We think there are a lot of common products that are really in wide use among local governments, among permitting agencies, other permitting agencies at the state, and we are very much exploring and looking for opportunities to bring those to BCDC.

Right now, we do a lot of consultation, of course, on the phone, via virtual meetings, but that sounds like a great opportunity for us to look into more.

Commissioner Eklund continued: Yes, I really encourage it. It is interesting how the DA's Office does it here in Marin is that you do not set up a meeting, it is just on the website on Monday, Wednesday, and Friday, for example, from 9:00 to 10:00 or whatever it is. You just get into a queue. It is very fascinating.

The other question I had is that has BCDC or even Department of Finance looked at possibility of issuing joint permits with other state agencies where there is commonality between them, like the Regional Water Quality Control Board and BCDC, or others, or even between state and federal agencies?

I know that has been explored over the years since I worked for EPA for as long as I did, 35 years, most in the Water Division. Have we explored that at all or was this looked at as part of this review?

Mr. Lavine explained: I do want to say that the recommendations do talk

about fostering increased levels of interagency coordination. We actually have a staff person who is out on parental leave right now but when she comes back is going to be really focused on those questions around how do we work together better as a whole ecosystem of regulators to tackle these problems more efficiently?

I think that is actually one of the key challenges folks face. It is not just BCDC, it is how do you approach a project collectively? It is a great idea, and it is something I think we should be looking at.

Commissioner Eklund addressed bureaucratic redundancy: One of the concerns that I have always had is that sometimes the different agencies ask for the same information, and it makes it more expensive for people and also takes more time.

The agencies pretty much I think know what the other agencies are requiring. If not, they should. I think it is really good for the agencies to be a little bit more coordinated. I know that they are working at it, I know we will never be done with it, but it happens at the federal level as well. It is something that I would like to see BCDC maybe even take the leadership on.

The other question I had was with the Department of Finance. I looked at your website before the meeting and I note that you did have a review of cities' permitting process, especially related to building.

Does the Department of Finance actually go into specific cities to find out how the permitting process can be improved? Is that something that the

Department of Finance does do?

Because I think any organization, whether it is city, county, state, federal or whatever, can always improve a permitting process. And sometimes it takes somebody that has an objective perspective, somebody from outside, to actually ask some of the questions that are so obvious sometimes. This question is for the Department of Finance.

Mr. Locke answered: Yes, I can take a first shot at it and then my manager Aaron can fill in anything I missed.

In terms of reviewing BCDC's permitting process, we tried to look at a broad array of examples. We looked at models at the federal level and we did talk to staff at local agencies, at cities, on their interactions with BCDC's permitting process and any lessons that we could learn from their own permitting process. In terms of bringing a wide range of different examples to inform our recommendations on BCDC's permitting process, we tried to do that as part of our research.

I am not sure if your question was, do we do reviews for cities?

Commissioner Eklund replied: Yes, that is my question.

Mr. Locke acknowledged: Okay. Okay.

Commissioner Eklund added: Because the Department of Finance did do that in relation to, I think, the building process, but I think you selected specific cities. But does the Department of Finance upon request by a city come in and do an evaluation and do you have that capability? Just kind of

curious.

Mr. Edwards stated: Hi, Commissioner Eklund, this is Aaron Edwards, I am the Chief of our Research and Analysis Unit here at the Department of Finance.

I am actually not familiar with the review that you are referencing from our website. I would be happy to take a look if you can send it maybe through Ethan to us. I can take a look and follow up and get you some more information on what that was. I am actually not aware of us ever providing any specific reviews related to the permitting process at the local level.

We are a big department, though, so I am not aware of everything going on within our department. I could certainly look more into it, but it is not something that I am aware of.

Commissioner Eklund stated: Yes, it is on your website at Department of Finance. But I know it is huge. Department of Finance in California is like even the federal government, so I understand.

But I was just kind of curious because you did do an audit of the building permitting process at local governments. Not you as an individual but the Department of Finance did, and it was pretty critical of cities, but everybody is different. So anyway, I just thought it was something standard that you might be doing.

But thank you very much for the great presentation. Really appreciate staff being open to looking at this. Because having worked being in charge of a

permitting department at the federal level, sometimes you get really protective of the process and sometimes you really have to force yourself to look at it and look at it differently from somebody else's set of shoes. Really appreciate the staff as well as the Department of Finance coming up with some recommendations and being open for change. Just thank you so much.

Commissioner Zepeda commented: Thank you for the presentation. A couple of questions piggybacking off of some of my fellow Commissioners' questions as well. Is there a process that we are using for shoreline properties that are port use?

In Richmond, and I am speaking predominantly for my city, we are going to be re-upping our port uses. So if we have a manufacturing plant right next door to the shoreline because they are using the port, when and how do the permits take into consideration that you might not have 100 feet or any feet from the shoreline for public access because you are manufacturing something on one side and you have to transport it into the ship, so you do not want people walking along there. Is there some kind of consideration for that type of access?

Mr. Lavine fielded this inquiry: I can take this question. We do, actually. We have a couple of sets of policies that help us engage with questions like that. We have a broad mandate to maximize public access in every place where it is feasible.

But we also have some policies specific to ports and the operations of

ports to make sure that they remain viable and there is not conflicts.

And then we also have some public access policies that speak to when we do encounter unavoidable conflict such around a public safety issue, how we can find an alternative that meets us in the middle. We oftentimes look at in-lieu public access opportunities. Try and find equivalent but meaningful experiences for the public nearby in that kind of conflict.

Commissioner Zepeda stated: Thank you for that. Thank you. I know you will be receiving a couple of applications from various people from Richmond because we are redoing our port so thank you for that.

The other in regard to staffing. Do we have a number that we have calculated of how much more staff we may need to help process? I am sure you get lots and lots of applications. But to make sure that we are giving everybody a work/life balance and that we are not overworking everybody. Do we have a number that says we should have these many individuals working the process of the applications so that we can turn them around promptly, but also that we are not overworking the people that are with us?

Executive Director Goldzband stated: I will take this one, Commissioner. The Mission-Based Review the Department of Finance specifically said we are not going to do a workforce study here.

However, what I want to do, based upon what our budget will be post-June 30 when we know what happens with the budget, is I am hoping that we will have enough budget to actually hire a consultant who does workforce



planning so that we can get a good idea of a basis for how many people we actually should have in comparison to, for example, local governments, and other folks who do permitting. Because that I think will provide us with a much better baseline.

Let me say this about staff who, of course on the permit side and pretty much everywhere at BCDC, are under tremendous pressure because there is just too much to do.

My favorite story about that and my favorite example of that comes from Jaime Michaels, who some of you may remember was Director of Permits a number of years ago. Jaime said that handling permits is like being in a pie-eating contest. You are so happy about finishing one and then someone puts the next one right in front of you. And it never seems to stop. We get that. And it does take a toll on people.

It is probably a little bit harder to actually have people apply or get people to apply to be permit analysts as opposed to other types of analysts. We get that and so we are going to do some studying next year, knock on wood we have the funds to do so.

Commissioner Zepeda acknowledged: Thank you for those answers, I appreciate it. Thank you so much. That is it for my questions, thank you.

Commissioner Gunther spoke: I have got a brief question. But first I just want to reiterate what Pat said and congratulate the staff and you and the Director to undergo this peer review process. This warms my scientific heart.

To hear the fact that, well gee, agencies do not usually do this, just underscores how important it is. I think not only will this obviously improve the efficiency and the effectiveness of what we do, but I think it completely ups the credibility and the legitimacy of our organization. I just cannot tell you enough how important I think this is and how it really improves BCDC's standing.

The question I have is for the Department of Finance staff. You guys said that you used the BRRIT as an inspiration and some of the recommendations are clearly built on that. I hope you will give us in the report what inspires you about the BRRIT, a little review of the BRRIT as well. Because it just would be very, very valuable for the region. Once you are here and you have got your sleeves rolled up and you are in this up to your elbows, to just give us your thoughts on that as well.

Mr. Locke stated: Yes, and we definitely go into more detail in the report. There was mention earlier about a joint application. In the report we reviewed the existing models for interagency coordination such as the BRRIT, such as the DMMO, such as the JARPA, which is the joint application.

We assessed all the current models, the ones that we think are more successful and not successful, and we used that to inform our recommendations. If you look at the final report, you will see a pretty thorough discussion about the BRRIT.

Commissioner Moulton-Peters noted the following: I just wanted to

make a quick observation. Those of us who are elected officials have seen in land use planning that also involves a lot of permitting, and that is the move to form-based codes and visual typologies so that we give applicants an idea of what we are looking for in visual form. It tends to set some of the expectations that Commissioner Randolph was talking about is what does it actually need to look like on the ground when you are going to do it?

I would just suggest to think in terms of that kind of visual guidance that may help for the small projects, the large ones I know are complex and probably need individual attention. But I think a lot can be accomplished with some good visuals of what the goal is, what it looks like.

Commissioner Ramos commented: Thank you, Commissioner Moulton-Peters, I was going to suggest the same thing. We do not necessarily have to reinvent the wheel here. We can say what enhanced public access looks like without actually changing definitions.

As a state commission we have our lanes that we need to sit in. But this is not dissimilar to other undertakings that we have had at various governmental levels, and I will give one example with ADUs, accessory dwelling units. Where online you can easily see at any jurisdiction now, here is an example of what we would like it to look like; this is small, this is medium, this is large.

I think definitely the recommendations of greater engagement from staff at a technical and early level can send that message of here is what a model

enhanced public access project looks like.

I think also looking at the Bay itself from a West Bay, a South Bay, an East Bay, and a North Bay standpoint can actually really inform applicants of what is ideal. A South Bay project is going to be very different from a North Bay project. Not just because I am from the North Bay and I think I am better, but because it is going to be different. The topography, the environmental concerns are definitely different from the South Bay to the North Bay.

I think that we have an opportunity here to take this information of how we can streamline and improve the application itself. But to really defer to our staff to be those technical experts, and certainly of which we can opine of what these model projects would look like.

It can even be based on gold stars and brownie points. Like this is the one we like the most, we know which ones do not work. I think also for the technical support staff to actually say, here are projects that have not done well before the Commission or have found themselves in enforcement actions, right.

I think that is where really envisioning what those expectations are but not necessarily to get ourselves into new language, because new language requires more pages, and more pages means a bigger application instead of a smaller application.

Executive Director Goldzband noted: This has been really helpful. Chris, I hope you have thought it has been helpful.

Mr. Locke replied: I do.

Executive Director Goldzband continued: I just want to set one bit of context before the Chair does this. BCDC's permitting practice, for lack of a better term, has been around for about a quarter century. As much as we have tinkered with it, really Bob Batha, the late Bob Batha, the late, great Bob Batha, who basically was in charge of the permitting process for probably upwards of two decades, trained folks in the Bob Batha method, which was great. Brad McCrea was part of that, who became Regulatory Director.

That has evolved, but it has not evolved as quickly as we need it to evolve, which is why we wanted to do this MBR. This MBR came about specifically because as Chris said, we had an Enforcement Mission-Based Review in 2019.

You will remember, that did not actually get finalized because of the pandemic in 2020, so there was never a full report. But we got what we needed out of it, which is the compliance effort.

We were able to, after the pandemic, go back to the Department of Finance and say, hey, what the report was going to say is all of this depends upon how you permit. So that is why the Department of Finance was able to come on in and say, okay, now we have to look at the permitting side because that is what comes to Enforcement and that is what comes to Compliance. So, that is really the context in which this was done.

We have figured out that the way we are doing it now, which was based

upon 1990s and 2000s essentially just is not working anymore as well as it needs to be. That is why we are really happy about the MBR and the process.

Chair Wasserman commented: I am going to start with a thank you. And then I have a couple of questions and I have a couple of comments. I will try not to ramble, but I do not promise.

I want to join in the comments that have been made, both certainly to Larry and to staff, but also to the Department Finance. Just want to re-emphasize; we asked for this. That I think is a large part of the basis for the level of cooperation that was commented on. We really do look forward to the full report and to implementing this.

There are some people around, even some sophisticated people, who remember the old days when BCDC was seen as a major obstacle to permitting. I think we have come a very long way from that, but that does not mean we do not need more improvement, as a couple of members have said, and as staff clearly recognizes.

The more specific questions. Does the report contain, is there some further thought on how we publicize our pre-application process and particularly as we start to standardize it?

Certainly, the sophisticated, the experienced developers or municipalities who have done stuff before knowing about what is available. Maybe not enough even those. But there are lots of developers out there, and I am not talking about the mom and pop, the individual houses, who actually

have not had experience. Does the report address some of those mechanisms of how to get the word out?

Mr. Locke answered: Yes, that is a great question. In the report we do, this goes back to a question earlier. We mainly focus on the major permitting process.

In terms of advertising, we do not delve into detail for the more mom and pop type projects. For the larger development projects, we do explore it some in the final report. We recommend using existing opportunities to promote this new pre-application process.

For example, BCDC already participates in the CEQA and the NEPA process and there's various regular standing meetings, one hosted by the US Army Corps, where projects that are coming through the pipeline that might be being reviewed by other agencies but have not quite come to BCDC. There are opportunities there to advertise for the new pre-application process.

And then I think one of the transition points that BCDC will need to make is that they already do engage in pre-application with a lot of these large projects. These projects already know to reach out to BCDC.

But the current process is very applicant driven. BCDC staff is providing technical assistance, they are helping answer the applicant's questions, but BCDC staff is not able to really direct the conversation to get the information that they need or to raise the issues that they want to resolve.

Yes, I think part of that will be messaging when these larger projects

reach out to BCDC. Say, hey, we are changing things up with our pre-application process. We are having a more standardized process where we are going to ask for some materials from you, or we are going to ask for your assistance and your coordination in developing some of these key documents that are really for your benefit. It helps us to learn more about your project, but it helps you to understand the process; and as we build our understanding, to share that understanding with you.

That is how we have thought about it. To take advantage of existing avenues. You are not just providing indiscriminate technical assistance, which can strain staff where you are putting in all this effort to help out the applicant and then the applicant comes and goes as they please. We are really making it a more mutually beneficial coordination.

Mr. Lavine stated: Chair Wasserman, when we revise the website in a week or two you will see a page that says, how to set up a pre-application meeting, taking some inspiration from the recommendation draft that we have previewed so far. Just clear and common-sense instructions about how an applicant can come ready to pitch their project to us in a way that will get us into a good conversation at that very first meeting. I think that is a great comment and we are trying to run with the spirit and make sure that folks know about it and know how to make it a success.

Executive Director Goldzband added: And to further that, the new person we will hire, who will have as one of their projects to be what I am



calling a local government liaison.

What I really mean by that is to work with the Compliance Team and the Permitting Team and the Enforcement Team to go to planning departments around the Bay with a clear piece of paper that probably has as a headline, if you are building or if your property is within 100 feet of the Bay, read this or else. It is the idea that we need to be able to get to the planning departments where these projects really need to start so that they know how to deal with BCDC. So, it goes beyond, or I should say below or before, the actual permitting process.

Chair Wasserman stated: Thank you. That is a good bridge to my next comment and some overlay with it. When we talk about better coordination with other agencies, it seems to me the largest area of those other agencies is in fact city planning departments. No question Water Board, occasionally Air Board, some of the other regional. But really the big coordination.

There is also an inherent tension, which I think good communication can overcome, because statutorily we are last in line for approvals. But a lot of the issues that applicants need to address in order to get our approval need to be baked in from the beginning. Including, oh by the way, that our public outreach requirements may well be different than cities' and more extensive, because they are not the same as the CEQA requirements for outreach.

So, the more that we can communicate that with the one or two pagers or whatever it is to the planning departments. I also think there may be some

allies in communicating with planning departments and others such as the local AIA chapters. Again, once we have got this farther along, suggesting to them to putting on some joint seminars about that. That I think might also advance some of our issues in encouraging people to think better about how they can do adaptation projects.

I think the point that has been made by several people, including Ethan, that to the extent we can have some models of what has been approved, categorized a bit so that they are more likely to be similar to what is coming forward. At the same time, each project is different. Not sure they are all unique, but they are certainly different. And the issue of maximum feasible public access is going to be different from place to place.

I also want to emphasize that it is maximum, it is not standard, certainly not minimum. It is maximum for that place that is feasible, consistent with the project being proposed.

So as much as we talk about models, each one needs to be looked at differently, and that again just makes this process tough. Better communication, as much transparency as possible, will certainly help.

As Larry said, having somebody on board whose focus is more on that communication will help a lot of this. This is not going to happen immediately, because we got to get some of these things in place before we are going to be able to have both the tools to communicate as well as the time to communicate. Because at the moment the time is being spent on figuring out

how to implement, how to make these changes. So, it is a process in progress, but it is a really important one.

So I guess I end up where I started, thanking everybody for the effort in doing this, because it becomes a very important part of not only making our agency more modern, more user-friendly, more helpful, but also making sure to the extent we can, that we are doing everything possible to expedite in a responsible way these major adaptation projects that have to move forward as quickly as possible.

I thank you for the comments. I thank you for the work and we look forward to the full report.

Executive Director Goldzband stated: Thank you, Aaron, and thank you, Chris.

**11. Adjournment.** There being no further business, upon motion by Commissioner Nelson, seconded by Commissioner Moulton-Peters, the Commission meeting was adjourned at 3:52 p.m.

Respectfully submitted,

*Larry Goldzband*

LAWRENCE J. GOLDZBAND Executive Director

Approved, with no corrections, at the  
San Francisco Bay Conservation and  
Development Commission Meeting  
of June 20, 2024.

*Rebecca Eisen*

R. ZACHARY WASSERMAN, Chair

REBECCA EISEN, (Vice Chair in Chairs Absence)