San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

DRAFT MINUTES

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415-352-3653; larry.goldzband@bcdc.ca.gov)
Sierra Peterson, Executive & Commission Liaison (415-352-3608; sierra.peterson@bcdc.ca.gov)

SUBJECT: Draft Minutes of September 18, 2025 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 Chair of the Commission. I want to thank all the Commissioners who are here and the Commissioners who are participating virtually. I hope that you have all had a pleasant and safe Labor Day-long weekend.

Chair Wasserman asked Ms. Peterson to proceed with Agenda Item 2, Roll Call.

2. Roll Call. Present were Chair Wasserman, Acting Vice Chair Ahn, Commissioners: Dorsey, Eckerle (represented by Alternate Kimball), Eklund, Gauthier, Gioia, Gonzalez, Gunther, Hasz, Hermosillo, Kato (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez), Moulton-Peters (represented by Alternate Cox), Ramos, Showalter, Tam (represented by Alternate Gilmore), Taylor and VACANT (Nelson). Catherine Stefani, appointee of the Speaker of the Assembly (represented by Alternate Falzon, who joined after Roll Call) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego), USACE (Beach), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), Governor (Eisen, Randolph), Business, Transportation & Housing (El-Tawansy), Santa Clara County (Lee)

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

No members of the public addressed the Commission.

Chair Wasserman continued to the Report of the Chair.

4. Report of the Chair. Chair Wasserman reported on the following:

A. Commission Meeting Schedule: I want to remind Commissioners that we will not have a Commission meeting in two weeks, October 2 is Yom Kippur. We will resume our regularly scheduled twice-per-month meetings starting on October 16.

B. BCDC's Birthday: We did not bring a cake but yesterday was BCDC's birthday. September 17, 2025 was the 60th anniversary of the passage of the McAteer-Petris Act. Those of you who were on the Commission 10 years ago will remember that we had a very wonderful celebration at the Exploratorium to celebrate our Golden Anniversary.

And almost 10 years to the day, on this past Monday we held another celebration, again hosted by the Exploratorium. We celebrated *Rising Together: The Bay Adapt Summit* for the second consecutive year. We celebrated our successes and continue to learn with climate practitioners, scientists, advocates and community members how we can make our shorelines and our communities more resilient to rising sea levels.

We had a standing room only, sold out, 70 waiting list meeting, which I think is significant testimony to the level of interest in what we are about.

There were some excellent field trips. I took the one that showed virtual reality. We walked from the SPUR office on Mission Street to the Embarcadero, and at various places along the way we were able on our iPhone to pull up images of a little bit of what it had been like and a little bit of what it might be like if we become inundated. There were Venice-like boats on streets that were canals. It was an interesting show.

The panels were all engaging and the speakers on point. Alexis Madrigal gave the keynote speech, was which was excellent and will be posted on our website.

As part of the Summit BCDC presented the Bay Adapt Awards to recognize individuals who are leading the way with exemplary contributions and innovations addressing the critical challenges of sea level rise.

Earning those awards were Jeremy Lowe of the San Francisco Estuary Institute for his inspiring scientific work, Keta Price of the Hood Planning Group, commonly known as the Hood Planner, and Luiz Barata, who leads community engagement for the Waterfront Resilience Program at the Port of San Francisco. I encourage each of you to learn more about these award winners on our website.

C. Commentary: I want to shift briefly to a quite different topic. I am not a particular watcher of late-night TV and so I am not a follower of Jimmy Kimmel. But what is being done to him represents as significant a threat to our democracy and our freedoms as the administration's actions on a broad array of ranges that we have talked about here present a threat to the scientific underpinnings of all that we do here, and all that our society does that depends on solid, reliable science, which this administration does not appear to believe in.

The threats by the FCC Commissioner that led members of corporate America to pull Kimmel from the air, hopefully temporarily, are not the first steps. I am very much afraid they will not be the last steps. But we cannot kid ourselves. Among the next steps will be that anyone who dares to criticize the man who was legitimately elected as President of the United States, we dare to criticize him, we too may be silenced. We too may lose our jobs. We too may lose our freedom.

Again, there is not a lot we can do, but all of us could find petitions to sign and send letters to the corporations that made this decision for clearly self-interested economic reasons because they are trying to get federal approval. And this President has made very clear that if he does not like you or he does not like what you say or he does not like who you associate with, you may well not get perfectly legitimate and fair approval.

I understand their caving. It is wrong, it is dangerous, it is going to hurt all of us. So, I urge you in whatever way you feel comfortable with, protest. In this particular instance, protecting a comedian is protecting ourselves.

D. Environmental Justice Commissioner Working Group: Bringing it back more locally, I would like to ask Commissioner Ahn to provide us with an update on the workings of the EJ Commissioner Working Group.

Acting Vice Chair Ahn addressed the Commission: Thanks, Chair Wasserman. I have met with the EJ Advisors and staff on how to refocus the EJ Working Group. We have not met in some time due to a number of factors. With the EJ Advisors we brainstormed a number of potential future topics, discussed meeting frequency and membership of the group, and we are strategizing how to re-involve the Commissioners as well.

We are planning a November 20 meeting with a few action-oriented topics. I will be making some phone calls, sending some emails, and you can also encourage Working Group members to save the date and say generally we should be enthused about implementing, again, our Environmental Justice Social Equity Plan Amendment. And with that I will kick it back to you, Chair Wasserman.

Chair Wasserman continued:

E. Next meeting: Thank you. As I noted previously, our next meeting will take place in four weeks on October 16. We expect to hold a public hearing and a vote and discuss the ramifications of changes to CEQA on BCDC'S laws and policies. We expect the agenda to include:

A public hearing and possible vote on a restoration project at Eden Landing in Hayward.

A briefing on BCDC'S draft Strategy and Assessment that is required to be approved by NOAA every five years.

And a somewhat larger scale progress report on BCDC's Strategic Plan process.

F. Ex Parte Disclosures: That brings us to the time when Commissioners are asked to make oral ex parte disclosures of any discussions you have had about adjudicatory matters that are coming before us, if you have not already done so in writing. If you make it oral, you still do need to do it in writing. If anybody does now is the time to do it, but I ask you to do it fairly briefly. Do we have any ex parte disclosures to report?

I see no hands.

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

One historical date we know for certain is September 17, 1965. On that day the television situation comedy Hogan's Heroes debuted on CBS. Billie Jean Moffitt, a budding young tennis player, married Larry King on that day, not the same Larry King, changed her name, and later became a tennis star. I should note that her brother Randy Moffitt, a former San Francisco Giants relief pitcher, passed away just last month. The Beatles song *Help* was number one on the American pop charts, while the Rolling Stones' (*I Can't Get No Satisfaction)* topped the UK charts. And that was the day that the McAteer-Petris Act was enacted, thus creating BCDC.

As Chair Wasserman noted, some of you will remember that we celebrated our 50th anniversary with a big bang at the Exploratorium with NOAA's head of its Office of Coastal Management, who this morning announced his retirement at the end of the year after 30 years of dedicated service. I don't think that that is a coincidence. I am certainly hoping that BCDC will celebrate its 65th anniversary in five years with another celebration as it enters senior citizen status. Happy Birthday BCDC!

With regard to staffing as promised, we have a few notable promotions and new hires to announce.

First, Sam Fielding of our permitting staff, whom you will remember from the Cargill and Treasure Island Marina permitting discussions among other complex issues, has been promoted and will remain in our Bay Resources Permitting Unit. In so doing Sam will take on the new responsibility on the regulatory side of the house of helping local governments develop local shoreline adaptation plans in partnership with our planning and legal teams under the RSAP.

In addition, Anne Usher of our Enforcement Unit also has been promoted within that team. Anne is creative, resourceful, diligent and a pleasure to work with, although perhaps not as much if you are in the Enforcement Team's line of sight.

Our new Enforcement Manager, Isabel Chamberlain, along with interviewing for new staff members, is working with her colleagues to provide senior staff and the Enforcement Committee with an updated enforcement strategy during the upcoming few months, and we will certainly agendize that topic for a full Commission meeting.

Meanwhile, we also will be hiring a few new people unless we hear from you

otherwise. First, here are two for our Climate Adaptation Planning Team as part of the SB 272 hiring group.

We will welcome Juliette Chausson, if that is how you pronounce her name but it is my best guess at a French name, who most recently was Chief Scientist at EPA Region IX where she worked closely with government and industry stakeholders on coastal infrastructure development and resilience, championed beneficial reuse of dredged material for sea level rise protection, and she led the region's Oceanographic Monitoring Program.

Juliet earned her undergraduate degree in anthropology and biology at McGill University in Montreal, which makes her a Martlet, and earned her Master of Science degree in Marine Biology and Ecology at Australia's James Cook University. JCU's mascot is a new one to me – a Koalion, which is a mythical creature featuring a lion's head on a koala body. It looked pretty weird to me too.

Also joining the team will be Sabrina Lopez. Sabrina is a double Banana Slug, making our Chair smile, having earned her undergraduate degree in Molecular, Cell, and Development Biology and her master's degree in Coastal Science and Policy from U.C. Santa Cruz. As a Coastal Climate Resilience Fellow and Panetta Policy Institute Fellow at UCSC she worked with the city of Santa Cruz on equitable coastal resilience adaptation policy solutions, and before that worked for Santa Cruz County and interned at various NGOs and government agencies.

On the regulatory side of the house, Lia Bobay will join our Shoreline Development Permitting Team in October. After earning her undergraduate degree as an Indiana University Hoosier majoring in Environmental Science, Lia spent four years also at the U.S. EPA, she was a Life Scientist in the field of drinking water. Lia will join us directly from her internship at the San Francisco Department of Recreation and Parks having recently become a Golden Bear graduate, she earned her master's degree in City and Regional Planning this past May.

Now I would like Planning Director Jessica Fain to give us a short recap of the Bay Adapt Rising Together Summit on Monday that Chair Wasserman mentioned.

Planning Director Fain reported the following: Thanks, Larry, and good afternoon, Commissioners. I am not going to repeat everything Chair Wasserman shared, but what I thought I would do is just share some photos, because for those of you who were not there, photos speak louder than words.

As mentioned, on Monday we held the second Rising Together Summit at the Exploratorium. The event was sold out within days and over 300 people gathered to celebrate our region's achievements and progress on sea level rise adaptation.

Here you can see a photo of one of the pre-events. This is a tour taking place in San Rafael's Canal District hosted by the Canal Alliance. We also hosted tours with Sustainable Solano in Suisun City and the Port of San Francisco on the Embarcadero.

Some other pre-events included a solutions room where we partnered with BayCAN, the Bay Area Climate Adaptation Network, and an assortment of experts. And people could bring their problem to the room and walk around to different tables and meet with experts and try to get some solutions. There was also a Dungeons and Dragons-style role playing game on climate change hosted by the Mycelium Youth Network.

Here we are at the main event. Chair Wasserman kicked us off with some opening remarks as well as Exploratorium's leadership. Dana Brechwald from our staff kicked off a session on "What have we accomplished?" with highlights from the Bay Adapt Impact Report. And for those of you who are in the room, you have a copy of this impact report at your seat. For those of you who are not, we will share a link with you because it is also online.

The Bay Adapt award winners from last year, Violet Saena and Kris May shared their reflections on what we have really accomplished over the last year.

That was followed by a series of five different lively breakout discussions on a range of different topics. Pictured here is the funding and financing session, but there were also sessions on nature-based solutions, sea level rise education with Phoenix Armenta and others, and community engagement best practices. We even had one on permitting reform, which, you know, is not always the sexiest topic, but Harriet Ross from our Regulatory Team and Ethan Lavine made it really interesting.

As mentioned, KQED's Alexis Madrigal gave a really inspiring keynote address lauding BCDC as a pioneer of bio-regionalism and urging us all to connect both civically and viscerally with our fishing rods and sneakers and swimsuits with the Bay. I encourage you all to read his remarks, which are actually now posted on our website.

Perhaps one of the most fun parts of the day was a Shark Tank-style session where four brave souls pitched their big ideas to the whole audience. The highlight may have been when Coastal Conservancy's Executive Officer Amy Hutzel appeared in a full native Olympia oyster costume, pitching a publicity campaign for this overlooked but very important marine critter.

The day capped off with a reception celebrating the three award winners, as Chair Wasserman mentioned. Here they are. Again, it's Luiz Barata from the Port of San Francisco, Keta Price from Hood Planning, and Jeremy Lowe from SFEI.

So, I just want to give a big, big thanks to everyone who is involved with planning this spectacular event. Especially I want to thank Dana Brechwald from our team. This event is really her brainchild, her baby, and she made it happen. We were lucky to work with the Greenbelt Alliance, who really helped us organize this and the

Exploratorium, and many individuals and partners who made the event a success. And of course, the sponsorship from the Coastal Conservancy and the Bay Area Regional Collaborative, or BARC, also made it possible.

Four years ago, when we adopted, the Commission adopted the Bay Adapt Joint Platform, continuing to bring our region together around sea level rise adaptation was one of our top goals. Monday's events show how we have really achieved that and so much more. The sense of we can do this together in the room was palpable and inspiring. Perhaps most importantly, in a field like climate change where there is a lot of doom and gloom the event was actually really fun, it was a blast.

If you have ideas on how to make this event even better in the future, please do not hesitate to reach out. Thank you.

Executive Director Goldzband continued: Thank you, Jessica. It was an absolutely great event. And I do encourage you to download and read, or at least read online, Alexis Madrigal's keynote, which was without a doubt a real, real highlight.

Also, on Monday at that same time, that afternoon, State Senator Josh Becker held a press conference to which we were invited but obviously could not attend, at which he lauded the compromise reached by the Newsom Administration and the State Legislature that will direct some $173 million of the recently-approved Climate Bond toward coastal resilience. We know that a significant portion of that funding will head toward the Bay shoreline; and we look forward to working with the Coastal Conservancy on those projects.

Speaking of rising sea levels, Commissioners will remember that BCDC has created the Shoreline Adaptation Project Map or SAPMap, which is a regional database of adaptation and habitat restoration projects being used by BCDC as part of many projects. We are partnering with the San Francisco Bay Joint Venture and other organizations to request local jurisdictions and project managers to review our project data. So, local elected officials, members of your local planning staffs likely receive email requests this week and we hope to complete these updates by mid-October. Please make sure that your planning staffs feel free to reach out to us if they have any questions.

Finally, some fun news. First, BCDC crowned a great comeback in the Ferry Building Bocce League by winning the league championship. The team started as the playoff's lowest seed but kept on winning during the evening playoffs. This is BCDC's sixth league championship, which is a great story considering the pause in bocce during

the pandemic. Giants fans, take note of what is possible.

Second, Contra Costa County. The Contra Costa County Shoreline Leadership Academy Program will begin to take in applications this week and next week. Applications are available on our website. So, Commissioner Gioia, do take note. I love the raised hand. We will make sure that you get an email from Phoenix telling you how you can move this out.

Finally, I want to note that the State of California celebrated its own birthday last week. California is now 175 years old, which means that we are celebrating our state's Demisemiseptcentennial. That's right, a demisemiseptcentennial. Does anybody know what that means? Demi means half, semi means half, sept is seven, centennial is a hundred. Multiply it all together and you get 175. As my friend Loren Kaye noted last week in his Substack post, that is barely middle-age for states given how many joined the union prior to California in 1850. And, Folgers Coffee, American Express, and the automatic dishwasher were also created 175 years ago.

In 1850 our entire population was about 250,000 people, including 150,000 or so indigenous residents, prior to some amazing growth spurts in the 20th century. And we should note that from 1860 through 1920, and again from 1990 through today, immigrants from outside the U.S. contributed to more than 20 percent of that growth, which is usually greater than the national average by a factor of two or three. So, Happy Birthday California!

That completes my report, Chair Wasserman, and I'm happy to answer questions.

Chair Wasserman asked: Are there any questions for the Executive Director?

Commissioner Gunther chimed in: I just wanted to check in with Larry and Jessica about the Bay Adapt Summit in light of what you said when you opened the meeting, Mr. Chairman. If you haven't read or seen what Jimmy Kimmel actually said it is worth going and looking at it, because I think you will be as mystified as I am that this is not protected free speech. And this is part of an absolute onslaught of effort to simply alter what is true in America.

And I have personally been on the lookout in our region for people who are pushing actions, policies that are not evidence-based. And I have, to my great joy, found no evidence so far that this is occurring, despite the fact that we see these kind of things all the time now on the national level with people just making things up or ignoring long-established facts.

So, I just wanted to verify with you guys who are doing this full time that at our regional scale we are not seeing that. Because our ability to act regionally is going to be fundamental to our ability to adapt to sea level rise and to other impacts of climate change. And those folks who are not paying attention to science and other aspects of reality are going to suffer.

So, I wanted just to verify that neither of you have run across this in your professional work with people pushing ideas that just show a lack of understanding of the evidence that we have at hand to drive our policies.

Ms. Fain stated: I have not experienced that in our Bay Adapt work. Certainly, the impacts of what is going on federally are impacting our work, but we have not experienced what you are describing.

Commissioner Gunther acknowledged: Good. Thank you.

Chair Wasserman added: I want to add on a literally lighter note and further explanation of one of our Executive Director's comments. For those of you who do not know, as I certainly did not, a martlet, the mascot of McGill University, is a mythical bird without feet that never roosts from the moment of its birth until its death thrall. They are continuously on the wing. It is a compelling allegory for continuous effort, particularly given that they have to sleep while flying. Now, some of us do that, but we are in an airplane.

Commissioner Gauthier chimed in: I just wanted to say thank you for your comments. I so appreciate your stance and where you are, it makes a difference. I will be reaching out to support Jimmy Kimmel, I know we are under attack at this point.

And then I just wanted to thank Senator Becker again for his support of our climate resilience. I attended the press conference in East Palo Alto at Cooley Landing on Monday. The resources that he is going to put towards our region will help us tremendously.

We know that East Palo Alto and the Belhaven area are some of the areas that are going to be the hardest hit, and so again we thank Senator Becker for sending money our way. Again, thank you for bringing that up and bringing it to everyone's attention.

Chair Wasserman continued: Thank you. Am I missing any other hands?

6. Consent Calendar

a) Approval of Minutes for the September 4, 2025 Meeting

Chair Wasserman reviewed the items on the Consent Calendar and called for public comment.

(No members of the public addressed the Commission.)

Chair Wasserman asked for a motion and a second to adopt the Consent Calendar.

MOTION: Commissioner Cox moved approval of the Consent Calendar, seconded by Commissioner Eklund.

VOTE: The motion carried with a vote of 18-0-1 with Commissioners Cox, Dorsey, Eklund, Gauthier, Gioia, Gilmore, Gonzalez, Hasz, Hermosillo, Kimball, Nelson, Pemberton, Ramos, Showalter, Taylor, Vasquez, Acting Vice Chair Ahn and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Gunther voting "ABSTAIN".

7. Consideration of Administrative Matters. Chair Wasserman asked if there were any questions for Regulatory Director Harriet Ross regarding the Administrative Listing.

(No members of the public addressed the Commission.)

(No questions were posed to Ms. Ross.)

8. Public Hearing and Possible Vote to Consider Initiating Proposed San Francisco Bay Plan Amendment No. 1-25, a Cartographic Update to San Francisco Bay Plan Maps. Chair Wasserman announced: That brings us to Item 8, a public hearing and possible vote to consider initiating proposed San Francisco Bay Plan Amendment No. 1-25, a cartographic update to the San Francisco Bay Plan Maps.

The Commission will hold a public meeting today and possible vote to consider initiating an amendment to the San Francisco Bay Plan *Part V: The Plan Maps*, which would update maps and data citations, to improve clarity, accuracy and ADA accessibility. Todd Hallenbeck of our staff will make the presentation. Take it away.

GIS Specialist Lead Hallenbeck spoke: Thank you, Chair Wasserman. Good afternoon, Commissioners. Today I will be presenting an overview of our Bay Plan Amendment 1-25, an update of our cartography of the Bay Plan Maps. This is a limited Bay Plan Amendment. It is for cartographic purposes only and so it will not result in any policy changes to the Bay Plan.

The purpose of this presentation is to provide you with the information you need to determine if you would like to initiate this Bay Plan Amendment 1-25.

First, I will briefly summarize the scope of the proposed Bay Plan Amendment. Second, I will provide some background on our Bay Plan Maps and the goals for the updates to help provide context for the changes that are going to be made to the maps. Then I will go through some examples of those changes and finally provide a Staff Recommendation.

As Chair Wasserman said, today's vote is only to initiate the Bay Plan Amendment. If the Commission votes in favor of doing so, we anticipate holding a public hearing during the Commission's November 20 meeting to hear more from the public and the Commission on the merits of the proposed update.

As described in the McAteer-Petris Act, the San Francisco Bay Plan is a comprehensive plan containing statements and maps, and it shall constitute the plan for a Commission to use to establish policies for reviewing and acting on projects. The maps identify Bay Plan Designated Priority Use Areas and include enforceable geographic-specific Bay Plan Map Policies, as well as providing advisory notes and suggestions, and to a certain extent, assist in jurisdictional determinations.

The Priority Use Area (PUA) designations include Airport, Port, Water-Related Industry, Waterfront Park and Beach and Wildlife.

Priority Use Area boundaries are described in the Commission's Resolution 16, which was comprehensively reviewed and updated in 2023 to reflect current on-the-

ground conditions.

Following that update, we digitized the Priority Use Area boundaries in the geographic information system, or GIS.

In 2023 following the Commission's approval of those Resolution 16 updates, BCDC staff made the Priority Use Area data publicly available through an online mapping application to support the transparency of the Commission's laws and policies. This app has been viewed about 3500 times since we launched it, so it is out there and being used.

This Bay Plan Amendment represents the next natural step in these improvements for our printed and PDF versions of the Bay Plan. The goal of this Bay Plan Amendment is to improve those data sources, the cartography and accessibility of the Bay Plan maps and to bring these valuable resources up to current best practices.

This update also ensures that the boundaries of the maps are consistent with the boundaries in the online web mapping application as well as making sure that we can more efficiently update both of these resources when future Bay Plan-related map changes occur.

Finally, the improved maps will help us better communicate and clarify BCDC policy and jurisdiction.

As I will mention a couple of times, it is important to note that the cartographic updates that we are proposing will not modify any of the Bay Plan policies or the boundaries themselves of the Priority Use Areas.

The last major cartographic update occurred back in around 2006, so I want to highlight a few of the cartographic issues this update will address.

Example 1 is showing symbology that may be hard to see on the screen here but also unclear in the maps. In this situation the assets and resources representing Scenic Drives which are called out in the Bay Plan maps, are shown in the same color as the Waterfront Parks and Beach Priority Use Areas, making it hard to distinguish between those two separate and important assets that are mapped in the Bay Plan Maps.

Example B shows the San Francisco Bay Trail, which is not explained in the legend and is also from outdated sources and not showing current alignments of those segments of Bay Trails.

Example C shows labels that are obscured by symbology and not ADA compliant.

Example D shows where the maps inaccurately show jurisdictional information, which in this case should end at a line between Point Bonita and Point Lobos.

And then finally, since the current maps are basically illustrations in designed software, it has been difficult to ensure consistency and accuracy of updates to the Priority Use Areas when they are made through Bay Plan Amendments and ensure consistency with our GIS data and be able to update those things efficiently as the Commission considers future map changes.

Since this is a limited Bay Plan Amendment, I wanted to highlight the specific things being updated.

This update includes the best available data sources for our Priority Use Area boundaries as well as other regional resources. This does also include the recently released Baylands Habitat Map from SFEI, representing the extent of tidal marsh. The previous maps leveraged data sources from the mid-1990s to represent some of these assets.

We are updating the symbology of the Priority Use Areas and regional resources to comply with ADA best practices.

We have looked comprehensively at the place names identified in the Bay Plan and ensured that their labels are also included in the maps where appropriate.

And one of the exciting updates related to the data sources is the inclusion of a draft BCDC jurisdictional map that takes advantage of best available science related to tidal marshes, tide levels and other jurisdictional areas like our legal boundaries, certain waterways, salt ponds and managed wetlands. That is the map shown on the right.

It is important to clarify again that this Bay Plan Amendment does not include changes to the Priority Use Area boundaries, any of the associated Bay Plan Map policies, suggestions or notes, or any substantial changes to the categories of regional resources mapped in the Bay Plan Maps.

Now that we have talked a little bit about the changes, I will show an example of an existing map on the left and a draft of an updated map on the right. This is Plan Map 1 showing the San Pablo Bay. You can see changes to the symbology of, first and foremost, the Wildlife Priority Use Area symbology, these checkered red lines to green symbology. We can also see that there is inclusion of labels that represent some of our important jurisdictional areas like certain waterway jurisdiction associated with Tolay Creek, as well as the Priority Use Area numbers themselves, which help individuals reference those areas with some of the other information in Resolution 16. This is a sneak preview of the types of changes we are recommending, with a full set of draft maps to be sent out ahead of the hearing.

The draft, brief, Descriptive Notice and Staff Report that was mailed out on September 5 included a possible public hearing on November 6. However, we are still making final refinements to the maps and have determined we need some additional time. So, as a result we will modify our recommendation to include the November 20 public hearing date for the brief Descriptive Notice.

But if the Commission votes to initiate the Bay Plan Amendment today, Commission staff will, per regulations, circulate a Descriptive Notice with the revised public hearing date to interested parties.

On October 17, staff will circulate a preliminary Staff Recommendation, including

the full set of revised Bay Plan Maps to the Commission and the public at least 30 days in advance of the public hearing scheduled for November 20.

After the public hearing the Commission staff would make any needed revisions and address any public comments before circulating final materials ahead of a Commission final vote, likely on December 4, 2025. Since this is a map change, the McAteer-Petris Act states it can be approved with a majority vote, whereas most Bay Plan Amendments require 18 votes or two-thirds of the Commission for approval.

That concludes my presentation with the exception of the Staff Recommendation.

Chair Wasserman acknowledged: Thank you, Todd.

We will now open the public hearing. Do Commissioners have any clarifying questions? I have the full screen up, so at least I have a chance of seeing virtual hands raised but we will start with Commissioner Gunther.

Commissioner Gunther was recognized: Todd, when we say we are creating maps, we are actually, we are assembling these images from layers of data; is that right?

Mr. Hallenbeck replied: Correct.

Commissioner Gunther continued: Okay. Do we make those separate layers of data available to the public to use for whatever purposes they want, or do we only make available the composed, I don't know, the PDF for lack of a better word? How do we do that?

Mr. Hallenbeck explained: The current practice is that the static maps are the ones that are primarily available to the public. With the publishing of our Priority Use Area web mapping application, we have now made those interactive to the public and I think the goal will eventually be to make them available to the public to download if they would need to use them in their own GIS. Right now, those layers are not downloadable separately.

Commissioner Gunther asked: And we are using Arc info, I assume?

Mr. Hallenbeck answered: ArcGIS Pro.

Commissioner Gunther acknowledged: Yes, yes, okay. So then if we are improving any given layer here in our map. If we are improving these layers, other people need to know what the Priority Use Area boundaries are. I assume some of our applicants would need to know precisely, right? How does that happen?

Mr. Hallenbeck replied: That happens primarily through the interactive versions of those maps. The Priority Use Area web application is publicly available and accessible through our website so that they can zoom in to an area of interest, see where those boundaries are.

Commissioner Gunther continued: Okay. Where I am going with this is I am trying to make sure that if we proceed with this, that we are doing the best we can to have

everybody on the same page, right, and it is a little hard for me right now to understand.

Obviously, we are the ultimate interpreters of the Use Area boundaries. But as things get distributed, I am wondering about sort of like this turns into a game of telephone where it comes back to us and inadvertently, let's start there, it has been changed. So, I can see both the need for us to retain control of this, and yet having it as widespread as possible makes our job easier. I am describing this as a tension. Do I get this right or am I missing something?

Mr. Hallenbeck stated: It is absolutely correct. We want to make sure that the information that is published within the Bay Plan, within any of our interactive web resources, is consistent and accurate, and so this allows us to help achieve that goal.

Long-Range Planning Manager Buehmann chimed in: Can I hop in really quick? This is Erik Buehmann, Long-Range Planning Manager. One of the things Todd's GIS Team has been doing over the last few years has been trying to improve our mapping process so it is more consistent, so that it is easier for the public to access and make better decisions.

What you are describing where a map in the Bay Plan itself might deviate from the GIS mapping of the Priority Use Areas for example, that is the current situation to a certain extent because the maps are outdated in the Bay Plan.

And so, what Todd's team is trying to do is use the GIS system and the mapping that he has done to make them all cohesive so that they are actually more consistent across all the ways that you can look at them. So, you can look at them in the PDF, you can look at them in a printed document. You can go online and go to the web portal and look at them and they will be all as close together as possible.

Commissioner Gunther acknowledged: Okay.

Mr. Buehmann continued: Versus these old maps, which are probably from the early 2000s, maybe the 1990s, so they do not reflect that kind of GIS best practice in the process we make maps today.

Commissioner Gunther opined: Okay. This seems like a great idea. One other question. I was involved with a Bay-wide mapping exercise about 20 years ago to identify steelhead habitat in the Bay Area. And one of the things that turned out to be extraordinarily important was the actual esthetic beauty of the product. And I doubt we have budget for such a thing; and yet I do feel that that part of engaging people with this is things like the color ramps and the symbology. I only knew about this stuff because I had somebody who knew how to do it was telling me about it.

But I would encourage us to also, if we go forward, to be thinking about that aspect of creating a map as well, which is a real part of cartography, as opposed to GIS.

And I have an old colleague who still works at ESRI, I think, and I would be happy to put you in touch with him. But I think that would also be something that will allow

us, when we are going out to public meetings or creating posters and things, that we have a really just visually engaging representation of the information we want to share, not just its cartographic and geospatial accuracy. Thank you.

Commissioner Showalter was recognized: I have something much, much simpler to ask. That is, on these maps that will be subsets of the whole map, will there be a reference map on each one of those that shows a little kind of icon of the whole Bay Area and where that map comes from?

For instance, when you were showing that example of San Pablo Bay, in my head I was thinking, where exactly is that? So, I think those reference maps are an important attribute.

I also just want to say that as somebody who was initially attracted to geology because I thought the maps were so pretty, I have to agree with my colleague Commissioner Gunther. And also, to say that the staying power of maps is improved dramatically if they are easy to understand and attractive. So, both of these things that you are working on are really important and thank you for doing this work.

Commissioner Eklund commented: I support updating maps. Obviously, when I worked for the EPA, mapping was one of the biggest issues that we always had, and coordination between different organizations. And so, to that extent, to what degree are you going to be working with the other organizations, like the San Francisco Estuary Partnership, the cities and the counties, in coordinating and updating some of the material that we have on our maps with some of the stuff that they may have? They may have data that would be helpful. Are we going to be coordinating with outside organizations to update these or are we just going to be working internally? Which I do have a concern about if that is the case.

Mr. Hallenbeck replied: Thank you. For the purposes of updating some of the reference layers we will be identifying or have identified some of the best available information that are regional data layers. So that does include working with some of our partners like San Francisco Estuary Institute to include the data layers representing some of the Baylands habitats that are represented in the maps and have been represented in the previous maps, as well as partners like Caltrans and MTC for other data layers that represent transportation assets, for example. So that is primarily the extent of where we will be coordinating the use of regional data for representing these regional assets that are currently shown in the Bay Plan Maps.

Commissioner Eklund asked: So why are not we working closer with cities and counties? We have a whole GIS section just in Novato, and I know that other cities do as well as counties and they are pretty sophisticated. So, why aren't we trying to reach out to do some of those other updates while we are doing this? I am not quite sure. Because it takes a long time for these updates to occur. I am just kind of curious, why are we not engaging locals more in this?

Mr. Buehmann fielded Commissioner Eklund's question: It might help to clarify what these maps are used for and what they are. Currently, if you open up the Bay Plan, especially if you have a hard copy or if you look at the PDF, at the very back of the Bay Plan there are maps, and those maps identify Priority Use Areas.

What we are talking about here is updating those maps so that they are a little clearer. It is absolutely not changing any kind of policy, any kind of Priority Use Area. If we were to do that we would be going through a different process and we would be working with the local governments to do that, like really closely. Like we did with Howard Terminal, if you recall. For this - it is really about just making sure that we have the right assets, the right, where is the road, where is that stuff? And Todd has leveraged lots of different data sets to put that together, like he said, using our partnerships.

So, it is not the case of needing to go necessarily to a local government and saying, here is the map, coordination. Maybe I am missing what kind of coordination you would be envisioning we would do that would be missing.

Commissioner Eklund clarified: I am not suggesting that we change uses or whatever. It is just making sure that the roads are in the right location, and it is usually cities and counties that do the roads, for an example. I am just interested as to why the regional organizations would not work with the locals who actually do some of this stuff with their GIS systems. I am just interested in that.

Mr. Buehmann replied: I think it will help once we publish the draft maps for the public hearing to see the scale that these are at. What we are talking about are static maps, right. We are not talking about, like an online program where you can go in and see at a really close scale. And a lot of these local governments have really close scale of information that is not going to necessarily - I think it will make sense when you see them.

Commissioner Eklund acknowledged: Okay, I hope so. Okay, great. Thank you very much for answering my question.

Commissioner Cox commented: I was comparing the interactive PUI graphic with the updated map example, and it appears that the legends are different in the interactive versus the updated map which is planned for the existing Bay Plan Maps.

So, I am wondering if it is possible to render those legends more consistent so that if someone is looking at the Bay Plan Map and also looking at the interactive map they are not confused by the different coloration of these various areas within the legend.

Mr. Hallenbeck stated: That is absolutely the goal would be to make those the same in terms of symbology so that they could reference between the two as needed. The goal if we were to proceed with the updates to the maps would be to ensure that

they are then consistent with the symbology used in the interactive resources as well.

Commissioner Cox offered a suggestion: And then could I suggest for a future presentation that these graphics that you use in your presentation depict the precise same area and sizing so that as someone is scanning through it they can see, okay, yes, this is this area, this is that area, because, one is like the northern Sonoma area and the other focuses more on a southern-more area. I mean, this presentation just is such a graphic example of how much improved the updated maps are, but I think it would further benefit from being able to compare, here is how it looks interactively, here is how it looks currently, and here is how it would look in the future, using the same geographical area.

Mr. Hallenbeck acknowledged: Yes, thank you.

Chair Wasserman noted: I think that exhausts the clarifying questions. Sierra, do we have any public speakers?

(No members of the public addressed the Commission.)

Chair Wasserman asked: Do Commissioners have any further questions for staff?

If there are no further questions, a motion and second to close the public hearing, please.

MOTION: Commissioner Cox moved to close the public hearing, seconded by Acting Vice Chair Ahn. The motion carried by a voice vote with no abstentions or opposition.

Chair Wasserman continued: Thank you. The hearing is closed.

Todd, will you please present the Staff Recommendation?

Mr. Hallenbeck read the following into the record: Yes, Chair Wasserman. The staff recommends that the Commission:

1. Adopt the attached “Notice” to initiate the process to consider an amendment to the San Francisco Bay Plan to update the cartography of the Bay Plan maps and data citations to improve clarity, accuracy and ADA-accessibility; and
2. Schedule a public hearing to consider the proposed amendment for November 20, 2025.

Commissioner Cox chimed in: A point of clarification is that the notice attached references a hearing on November 6 and you had said the hearing is going to be on November 20, so you want us to approve an amended notice.

Mr. Hallenbeck agreed: Correct.

Chair Wasserman acknowledged: Thank you for the correction. This motion requires a majority of Commissioners voting. Federal representatives are permitted to vote on this matter.

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

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Cox, Dorsey, Eklund, Gauthier, Gioia, Gilmore, Gonzalez, Gunther, Hasz, Hermosillo, Kimball, Nelson, Pemberton, Ramos, Showalter, Taylor, Vasquez, Acting Vice Chair Ahn and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman acknowledged: Thank you.

9. Briefing on CEQA Changes. Chair Wasserman continued: That brings us to Item 9, BCDC's legal staff will brief the Commission on two housing bills approved by the State Legislature and signed by the Governor that reform the California Environmental Quality Act, which may indeed have significant implications for our laws and policies. Michael Ng and Amanda Boyd of our legal staff will provide the briefing.

Senior Staff Attorney Ng presented the following: Good afternoon, Chair Wasserman and Commissioners. My name is Michael Ng, and I am a Senior Staff Attorney at BCDC. Today, my colleague Amanda Boyd and I will discuss two recent significant CEQA bills which you may have heard of, AB 130 and SB 131.

Before we begin, I want to make a few preliminary points.

First, the intent of this briefing is not to speculate how these changes will be applied, but rather just to provide a general informational overview.

While I will relate a few specific examples, we have not undertaken a full-scale retrospective analysis of how these changes would have applied to past BCDC projects. Doing so would likely be of limited value, since past projects were not developed in response to the specific incentives established by these new bills.

I will re-summarize this at the end of the presentation, but the key takeaway points are that AB 130 establishes a new urban infill housing exemption, but I do not expect that BCDC would ever be the CEQA lead agency on a housing project.

BCDC acts as the lead agency on its own planning matters and for the first time in nearly 30 years, was the CEQA lead agency for a major permitting matter when the Commission approved the Cargill permit in June of this year. Usually, the Commission acts as a CEQA-responsible agency.

Second, these CEQA bills do not affect BCDC's McAteer-Petris Act authority. While we do retain our regulatory authority and jurisdiction, a consequence of these bills is that development of information for purposes of our permitting process may be slower without the benefit of the local agencies' CEQA documentation to rely upon.

With those points out of the way I will begin.

Both AB 130 and SB 131 were budget trailer bills signed by the Governor on June 30, 2025, and as a result took effect immediately. Both bills have key Bay Area

connections. The bill language of AB 130 was based on an earlier bill of Assembly Member Buffy Wicks and SB 131 was introduced by Senator Scott Wiener.

Generally speaking, the focus of these bills is CEQA reform to streamline the environmental review process. For each bill Amanda will provide an overview, and I will then opine on how that bill may relate to BCDC. After that we can then answer any questions the Commission may have. With that said let me turn it over to Amanda to discuss AB 130.

Staff Attorney Boyd spoke: Good afternoon, Chair Wasserman and Commissioners. My name is Amanda Boyd. I am a staff attorney here at BCDC.

As mentioned, the first bill I am going to cover with you today is AB 130. This bill does contain many different legislative changes, but my focus today is going to be on the key provisions of the bill which directly relate to CEQA or other closely related topics.

The first key provision which came out of AB 130 is the creation of an urban infill housing exemption, which exempts housing development projects from the CEQA environmental review process if they meet certain criteria.

First, the project must be a housing development project, which is defined as a use consisting of residential units or mixed-use development which reserves a certain amount of area for residential use or transitional or supportive housing, or finally, farm worker housing.

Additionally, the project site cannot be more than 20 acres, or 5 acres under certain circumstances.

The project must be located in an incorporated municipality or urban area as determined by the United States Census Bureau.

The area must also have been previously developed with an urban use or surrounded by at least 75% urban use.

The project must be consistent with an applicable plan and zoning ordinance or as appropriate, local coastal program.

And finally, the project must meet at least one-half of the applicable density for lower income housing requirements as specified in a different statute.

There are several carveouts to this exemption.

A project may not be located in certain coastal zone areas as defined in the Coastal Act, or located in wetlands, special flood hazard areas, or other areas as defined in statute.

Also, it may not require demolition of a historic structure.

And, cannot be designated for use as a hotel, motel or other lodging.

So, if a project does implicate one of these carveouts, the project likely will need to conduct environmental review under CEQA as usual.

For projects which do qualify for this urban infill housing exemption, AB 130 also

establishes requirements for requesting and conducting tribal consultations. Note, these requirements apply specifically to local governments. They relate primarily to the time periods in which local governments must notify Native American tribes of a project application, request the consultation, and as applicable, conduct the consultation.

There are also so-called shot clocks under the Permit Streamlining Act relating to when agencies must make final decisions on a permit application.

One of those new timelines relates to that tribal consultation process we just discussed. Specifically, a lead agency now has 30 days to approve or disapprove a permit application once the tribal consultation process is complete.

The second provision is that lead agencies have 60 days to approve or disapprove permit applications for housing development projects subject to ministerial review.

I do want to emphasize the main point about these time frames, which is that they apply only to lead agencies. As Michael mentioned, BCDC is rarely ever the lead agency on a permit project, so these new timeframes are unlikely to affect BCDC directly very often. Moreover, these timeframes, because they apply only to lead agencies, do not impact our timelines under the McAteer-Petris Act in terms of permit approval.

With that I will turn it back to Michael who will discuss the potential relevance of AB 130 to BCDC.

MR. NG continued: I will now discuss how the urban infill housing exemption may intersect with projects that require a BCDC permit. As Amanda noted, this exemption does not apply if the development is located on a site that is, among other things, in the Coastal Zone, as that term is defined in the Coastal Act, or within a special flood hazard area subject to 100-year flood as determined by FEMA map.

Regarding the coastal zone carveout, it is worth noting that BCDC does not have a similar carveout, but the Coastal Commission carveout is actually based on a reference in AB 130 to an existing statutory provision that itself was not affected by AB 130. Significant portions if not most all of the immediate Bay shoreline appears to be within a special flood hazard area subject to 100-year flood, as will be illustrated by example in my next slide.

I will now consider the urban infill housing exemption in relation to a housing project that the Commission considered and approved a permit for relatively recently. 557 East Bayshore Road in Redwood City was approved by the Commission under a permit at its June 1, 2023 meeting.

The BCDC permit stated that the project was a mixed-use development situated on 14 acres and comprised of two residential apartment buildings with a total of 480 units, including 85 affordable units. The project also included an athletic club and spa as well as a shoreline access area.

Amanda did not cover in full detail every specific requirement in order for a project to qualify for the new urban infill housing exemption, nor do I think it is necessary to identify each and every requirement either.

I also do not want to suggest that I am providing a definitive assessment of whether 557 East Bayshore Road would have qualified for the new urban infill housing exemption because, again, this project was not developed with these incentives in mind. With that said, I will discuss various aspects of the project in relation to requirements of the new urban infill housing exemption.

First, for multi-use developments the exemption establishes different scenarios of housing percentages as a function of total square footage. Assuming that this project qualified as a multi-use development as the BCDC permit indicated, it is not clear that the project would have necessarily met those percentage requirements.

Another key requirement of the exemption that this project does not appear to satisfy are certain indicators that the site constitutes, "urban infill." The project site was vacant at the time of Commission approval but was previously developed subject to BCDC permit as a movie theater complex. Furthermore, the project site is surrounded on two sides by urban uses. One side by U.S. Highway 101, and the side facing the Bay, which is named Smith Slough, abuts a tidal plane. Again, this is the requirement that may have been satisfied in this project.

The exemption requires that a project achieve a specified density for low-income housing pursuant to another statutory provision. Again, it is not clear that the project would have necessarily met those requirements.

Finally, the project site is within a special flood hazard area subject to a 100-year flood event as determined by FEMA maps. However, the site may meet minimum floodplain management criteria per FEMA such that its location in a special flood hazard area may not necessarily disqualify it from the exemption.

Note the bullet points I have highlighted in yellow, which are intended to flag those aspects of the project that raise questions as the consistency with the urban infill housing exemption requirements. I will revisit these on a later slide.

Even assuming for sake of discussion that 557 East Bayshore Road would have qualified for the new urban infill housing exemption, the question you may have is, how would this have affected BCDC's consideration of the project? My answer is, not significantly. This is because the CEQA exemption established by AB 130 does not exempt projects from BCDC's McAteer-Petris Act authority.

The primary substance of the BCDC permit pertains to public access, flooding and sea level rise. We could have addressed all of these topics even without the EIR for this project. While the development of relevant information for these topics may have been slower without full CEQA documentation to rely upon, this point just highlights the

importance of the preapplication process and maintaining strong communication with local governments and project applicants.

As Amanda pointed out, even for projects qualifying for the urban infill housing exemption, tribal consultation requirements still apply. It is worth pointing out that BCDC has its own interim Tribal Consultation Policy as of earlier this year.

Staff intends to update this policy following the update to CNRA's Tribal Consultation Policy; and BCDC's interim Tribal Consultation Policy states that BCDC staff will engage in tribal consultation early for our own agency actions, such as for permit applications.

I will now turn it back to Amanda to discuss SB 131.

Ms. Boyd continued: As previewed, SB 131 established several key new exemptions to the CEQA environmental review process including the "near miss" exemption and several additional exemptions.

First up is our "near miss" exemption. This provides that for housing development projects that would otherwise qualify for a different statutory exemption to CEQA but for one condition about the project, that project need only conduct environmental review as to the effects of that single condition. And by condition the statute is essentially referring to some aspect of that project which does not quite fit in a different statutory exemption. And that environmental review does not need to discuss alternatives for the project.

This exemption does not apply, however, to housing projects which are not similar in kind to projects listed in a statutory exemption, or where two or more conditions make the project ineligible, or projects which include a distribution center or oil and gas infrastructure, or are located on natural and protected lands.

SB 131 also includes an exemption for any rezoning which implements a schedule of actions of a local government's approved housing element. And again, distribution centers, oil and gas infrastructure, and construction on natural and protected lands are carved out expressly.

Finally, SB 131 contains quite a few new exemptions to the environmental review process. I listed those topics, the topics of those exemptions on this slide, though, each is going to have pretty specific criteria that must be met in order to qualify for the exemption; so, I would encourage anyone to consult the pertinent statute on that.

With that let me turn it back to Michael who will discuss the potential relevance of SB 131 to BCDC projects and provide some summary thoughts.

MR. NG continued: The "near miss" exemption, similar to the urban infill housing

exemption, does not apply if the development is located on, quote, "natural and protected lands." As defined, this includes, among other things, environmentally sensitive areas or ESA as defined under the Coastal Act, and within a 300-foot radius of a wetland, as defined by the US Fish and Wildlife Service.

Again, there is no corresponding carveout for BCDC as there is for the Coastal Commission here, however, admittedly, there is no corresponding concept to ESA within BCDC's shoreline band jurisdiction, except perhaps Priority Use Areas and the sense that they restrict allowable land uses.

Again, it is also possible that project sites within BCDC's jurisdiction are within 300 feet of a wetland, in which case the "near miss" exemption would not apply.

Revisiting the 557 East Bayshore Road project, we can get a sense of how the "near miss" exemption may apply. Recall the bullet points highlighted in yellow on Slide 9 regarding this project. Those indicated criteria for the urban infill housing exemption that may or may not have actually been satisfied for this past project. As previously mentioned, there were a few criteria in question, including whether the project had the requisite percentage of residential use square footage relative to the total project site for a multi-use development, whether the project had the requisite low-income housing density requirements, and acknowledging that the site was in a special flood hazard area, whether the site satisfied FEMA minimum floodplain management criteria.

Furthermore, the "near miss" exemption establishes another exception which is relevant to this project. The site is within 300 feet of a wetland, including a nearby drainage ditch, as well as Bair Island to the north. Assuming for the sake of discussion that only one of these factors may have prevented the project from qualifying for the urban infill housing exemption, the way that the "near miss" exemption would work is that CEQA analysis would be limited to the environmental effects caused by that single disqualifying condition.

Consider then how environmental analysis would look if, for example, the disqualifying condition was inadequate low-income housing density requirements as compared to if the disqualifying condition was because of proximity to a wetland. Presumably, the former would not result in significant environmental effects such that the initial study may lead to a negative determination. On the other hand, the latter may require analysis of environmental impacts pertaining to water quality, habitat, species, et cetera. Recall that the "near miss" exemption does not apply if there is more than one disqualifying condition. So, if all of the above factors resulted in 557 East Bayshore Road falling outside the scope of the urban infill housing exemption, the "near miss" exemption would not apply to save it from CEQA review.

Regarding the other new exemptions, most are generally not relevant to projects that BCDC typically sees within the shoreline band. However, two categories are worth highlighting, linear broadband deployment in a right of way, and advanced manufacturing facilities.

For linear broadband deployment in a right of way, it is worth pointing out that such projects are likely also already exempt from BCDC'S permitting requirement under the McAteer-Petris Act. Under SB 131 advanced manufacturing is defined to include industrial biotechnology. I only point this out because BCDC does see its fair share of biotechnology development proposals that are at least partially within the shoreline band. I will discuss a couple of these on the next slide.

This slide depicts a couple of recent projects involving biotechnology or research and development that could have possibly fit within the scope of the advanced manufacturing exemption. These projects were permitted close together in the summer of 2023. On the left is 777 Airport Boulevard in Burlingame, which was approved at the Commission's July 20, 2023 meeting. This permit relates to construction of a 13-story, 871,000 square foot life sciences building on a nearly four-acre site.

On the right is Oyster Point Phases 3 and 4, which was approved at the Commission's June 15, 2023 meeting. This permit relates to Phases 3 and 4 of a master planned Oyster Point Waterfront District and specifically four, new, six- to seven-story research and development buildings.

The question is whether the advanced manufacturing exemption could have applied to either of these projects.

Two important criteria of the advanced manufacturing exemption are that the project must be exclusively for advanced manufacturing and located on a site exclusively zoned for industrial use. It seems that neither of these projects would have necessarily satisfied both criteria. The local zoning for 777 Airport Boulevard was Bayfront Commercial, not Industrial. Furthermore, though the BCDC permit describes the building as for life sciences, other materials at the local entitlement stage suggest that the buildings may also have allowed for some unspecified office use.

The local zoning for Oyster Point Phases 3 and 4 is specific to the Oyster Point Specific Plan District, which does allow research and development use by right. However, this zoning district also allows other uses by right, so it seems that the zoning is not exclusively for industrial use.

Consider further how the "near miss" exemption potentially could apply to Oyster Point Phases 3 and 4 if only one condition was not satisfied, but perhaps not to 777 Airport Boulevard if more than one condition was not satisfied.

Finally, it is worth noting that both permits for these projects substantively focused on public access and flooding and sea level rise issues, similar to the permit

for 557 East Bayshore Road.

Now I will summarize how these bills may relate to BCDC and answer some questions that may have occurred to you over the course of this presentation.

In considering how these bills relate to BCDC, it is critical to keep in mind that the new exemptions apply to lead agencies, typically local governments which have primary responsibility for CEQA compliance. BCDC typically acts as a responsible agency in the CEQA process, which are agencies other than the lead agency which have discretionary approval authority for a project; typically specialized agencies such as BCDC, CDFW, the Water Board, et cetera. In other words, BCDC will not typically be in the position to make these new exemption determinations in the first instance, notwithstanding my efforts here to give you a rough idea of how these bills could apply to projects that BCDC sees.

So, what is BCDC role with respect to permitting a project that is exempt under AB 130 or SB 131?

For any project exempt from CEQA within our statutory jurisdiction, pursuant to our McAteer-Petris Act authority BCDC can still regulate Bay fill for protection of Bay resources and ensure maximum feasible public access consistent with the project to the Bay and along the shoreline. In other words, not much should practically change in terms of BCDC'S regulatory or permitting authority.

Next, what is the practical effect of the new exemptions on BCDC's workflow? BCDC may possibly see more projects for exempt categories of development with shorter lead up times to BCDC permit application submittal. In these cases, it is imperative that BCDC staff coordinate early with local government lead agency staff and project applicants to ensure that they know a BCDC permit may still be required, and to ensure a robust preapplication process to ensure that we receive the requisite information necessary to determine project consistency with our laws and policies, and to position staff to develop thorough and well-reasoned staff recommendations within the required 90 days of permit application filing under BCDC'S McAteer-Petris Act authority.

Finally, what if BCDC disagrees with the lead agency's determination? Generally speaking, under existing CEQA principles, responsible agencies are bound by a lead agency's determination as to the level of appropriate CEQA review undertaken, unless the responsible agency takes the lead agency to court or assumes the lead agency role.

The most significant new exemption, the urban infill housing exemption, seems largely defined by objective criteria, so hopefully application will be clear and not uncertain or subject to significant controversy. In any case, it seems a remote possibility that circumstances would be such that BCDC would challenge a lead agency's CEQA determination.

That is the end of the presentation. If any Commissioners have any questions I can answer those.

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

(No members of the public addressed the Commission.)

Chair Wasserman continued: Commissioner questions. I will start with Commissioner Ahn.

Acting Vice Chair Ahn asked: Just a quick question on the advanced manufacturing exemption. I know there are environmental justice concerns because this does involve industry to some degree in coastal sites. There has been talk that there is going to be further definition of that term. Is BCDC staff tracking this? The session is over, but probably next session?

Mr. Ng answered: I have not heard anything about that, but we certainly can.

Acting Vice Chair Ahn acknowledged: Just something to keep in mind.

Commissioner Gonzalez was recognized: One question focused on the shot clock. I am still a bit confused on the role of the responsible agency vis à vis the lead agency. The lead agency has certain requirements, 60 days, 30 days, et cetera, depending on facts and circumstances. Irrespective of what they are required to do, we could add 90 days, up to 90 days on top of that?

Mr. Ng replied: Yes, I do not think that the establishment of the new shot clock requirements on lead agencies changes our process at all. Under the McAteer-Petris Act the Commission has 90 days to act on a permit application after it has been deemed complete. Under the Permit Streamlining Act there is actually a baseline of 180 days for responsible agencies. And we are typically able to get to that if we need to, if we need longer than 90 days. I do not believe that these bills affect that.

Commissioner Gonzalez noted: So, the significance of the shot clock is purely on how quickly the lead agency gets the responsible agencies involved, to the extent that responsible agencies need to be involved.

Mr. Ng agreed: Yes, I think that is the consequence of it; I would not necessarily say that that's the purpose of it. I think it is to put on a shot clock, so to speak, and to expedite the lead agency's determination and resolution. And then just as a matter of CEQA process and the Permit Streamlining Act, after the lead agency is done, then the responsible agency follows.

Commissioner Gonzalez continued: Okay. And then my last question, just to elaborate on this stream. If I am a lead agency, I will do all of my work before going to the responsible agency, or may I choose to rely on the responsible agency in making my own determination as a lead agency?

Mr. Ng responded: That is a good question. I think under the existing CEQA process the CEQA framework envisions that responsible agencies will be consulted and

will consult with lead agencies as they go through the CEQA process. So ideally, and I think typically, when we see projects, our staff are involved with the local lead agency as they are doing what they need to do as lead agency so hopefully we are not blindsided or surprised by the time that gets to us. We have at least given a preview of the issues that matter to us and hopefully that percolates through the review process and changes made to the project well before it gets to us.

Chair Wasserman commented: I am going to do a little follow-up on that one before I go to the next Commissioner. The ability of a responsible agency to participate is, if I remember correctly, not sequential. It is within the lead agency's time frame. I am not talking about our time frame for our permitting, that is a different issue. This is participating in the CEQA process.

Mr. Ng agreed: Yes, I think that is correct.

Chair Wasserman continued: So for receiving our comments from CEQA as a responsible agency, if we are one, we are within the shot clock limits. Again, not our permitting. That is a separate issue. This is the CEQA response.

Mr. Ng acknowledged: Yes, I see the distinction that you are making. I think that makes sense.

Commissioner Eklund chimed in: You may not know the answer to my first question is that typically when CEQA is amended by the state, cities and counties update their CEQA guidance. I have not heard anything from our city attorney about this. Do you have any idea whether cities and counties are going to have to update their CEQA guidelines and how they process things in order to implement these two pieces of legislation?

Mr. Ng stated: I do not specifically know that.

Commissioner Eklund continued: Okay, that's fine, I understand. I am going to send an email right to our city attorney on this.

And then secondly, does BCDC monitor the local updates when we do update our CEQA guidelines? Do you monitor all the cities in around the Bay Area, or not?

Mr. Ng answered: I cannot say that we have a history of doing that, we could look into that. I was not previously aware of a requirement of local governments developing guidance as a legal matter. As a practical matter I could certainly understand and see that local governments would do that. But we could look into that.

Executive Director Goldzband chimed in: Commissioner Eklund, this is Larry Goldzband. Speaking simply off the top of my head, which has nothing on top of it and so there is nothing to filter, there is absolutely no way on God's green earth that our limited staff could possibly work on that in any kind of regularized way.

Commissioner Eklund replied: I thought so.

Executive Director Goldzband added: But it would be a great thing if we had a few more people and that might be one of the things that they would do. Under current circumstances there is no way that the legal team could possibly keep track of all that.

Commissioner Eklund agreed: Yes, there's too many of them.

Executive Director Goldzband noted: Yes. Remember, there are over 50 cities and counties that touch the Bay.

Commissioner Eklund acknowledged: Yes, definitely. Thank you very much for a great presentation and I forthwith am going to be sending an email to the city attorney asking if we are going to have to update our CEQA guidelines. Thank you.

Commissioner Nelson commented: A couple of big-picture comments. The idea behind this legislation is trying to streamline the CEQA process for projects that are seen as having no or very limited focused impacts.

Thanks for the briefing because it is helpful to note that there are concerns about how this legislation, which was moved through very rapidly, could have impacts on habitat and could have impacts with regard to advanced manufacturing. I am struck that if you were to analyze California's Superfund sites, you would find that an enormous number of those sites were what would have been called advanced manufacturing at the time. I am thinking of groundwater contamination in Silicon Valley and in Sacramento and other locations.

So, there are some projects that there is concern that could be unintentionally slipping into these trailer bills, into these budget bills unintentionally. And there is discussion of doing cleanup legislation next year, both on habitat and advanced manufacturing. Those might be things that the Commission staff should keep an eye on.

But I want to flag this process for two reasons. First is that there is a lot of pressure in Sacramento to continue expanding further and further these CEQA amendments to things that do not affect us so much like oil wells, but to extend the CEQA exemption process to projects that clearly have significant impacts.

I just wanted to flag that because CEQA has been in place for a long time. CEQA documents are big, unwieldy documents, but they are the foundation of our planning process. If this CEQA reform effort starts affecting more and more projects that are within our jurisdiction, we are going to have to think long and hard about what it means for us. It could mean we have to do much more work to make sure that the Commission gets the analysis we need for our permit process. We rely on CEQA for an enormous amount of that analysis now.

It could also mean real inconvenience for applicants who would have to have that same conversation, applicants who come to us who also go to the Regional Board, who also maybe go to other agencies, who also go to local government they are going to have to have that conversation. Even if they qualify for a CEQA exemption they are going to have that conversation at each one of those agency levels to make sure that each agency gets the analysis they need.

It is just worth keeping an eye on this process. And I say that largely focused not so much on the contents of these bills but where it might be headed. Thank you.

Commissioner Gauthier commented: I wanted to say thank you for bringing this forward. As I looked at the three examples, they are all in San Mateo County jurisdiction, so it was very interesting to me. Larry, I would like to know, what impact will this have on our Regional Shoreline Adaptation Plan if we are planning for projects that are near the shoreline?

Executive Director Goldzband answered: I think that is a great question. Let me answer it this way because I was actually going to raise my hand and say this. This is the first time in my knowledge, in my tenure here, that we have ever had a briefing on CEQA at BCDC. I look at Chair Wasserman, who is nodding his head. And it demonstrates that there is so much going on in Sacramento.

Even though in the first draft I was convinced by Michael and Amanda that this really is going to have very, very few ramifications for BCDC, if any; I decided without even talking about it that we would move forward with this to let you know that at least we are starting to track this stuff.

Rylan in Sacramento with our Legal department and probably some work by Harriet's staff, and Harriet has an awful lot of CEQA experience, will be tracking an awful lot more bills during the next session or two than they do now, because we really have not had to deal with this. Now we are going to end up starting to deal with it.

One of the things that Harriet and her staff, and if you will remember in my ED Report we promoted Sam Fielding, and Sam, who is just so good and so bright, one of his major roles, if not his major role, is going to be working with the planning folks on how we look at the RSAP, the local applications for their resilience plans.

And so, all this needs to somehow be integrated, all this analysis, to make sure that we candidly, A, we do not step in it. And more important, that our legislators from the Bay Area recognize that this is a big deal because these two bills and these three examples that Amanda and Michael talked about, I believe we are really heading toward the Coastal Commission with regard to the coastal zone management as opposed to BCDC. That is because everybody knows about the Coastal Commission, but BCDC is not in everybody's eyesight. And so, we need, and Rylan totally gets this, to expand our look at what is going on in Sacramento.

I apologize, Commissioner. I cannot answer that question except by saying we are going to put this into that meat grinder and make sure that we recognize what this means moving forward for local plans.

The second thing I would say, and I want to really thank Commissioner Nelson for this. Is that when Michael and Amanda started looking at this, the first thing I thought of, and certainly the first thing that Harriet thought of, is that the more exemptions that there are for CEQA processes, the less information BCDC permitting staff is going to have as permits come toward us in the pre-application process.

This is one of these examples of no good deed goes unpunished. That is, while the Legislature may well believe and should believe that it is important to do this, and I am not going to say yes or no on that. The unintended consequence, as it were, of this, is that there will be less analysis that BCDC can use to determine whether a project has some kind of material impact on BCDC's authority and jurisdiction.

Which means that we are going to end up looking at a developer or a local city or county and saying, okay, as lead agency, you did not have to do this in CEQA, but under McAteer-Petris you have got to. I see Mayor Cox nodding her head. Thank God I am not wrong in front of everybody. But it means that those initiators of those projects are going to have to do, ultimately, either more or different or both kinds of work in order to satisfy us, or CDFW or the Water Board.

So, it may well be that instead of simply streamlining something, you are streamlining something and then having to go outside of that to do more work. I do not know if that is going to be the case. It is just certainly, I think, a real possibility. So, with that, I will be quiet.

Commissioner Gauthier continued: I appreciate it because I am also on OneShoreline and we are looking at projects and trying to address the sea level rise and the adaptation plans, like these organizations or these projects would hopefully be on the hook for helping with the solution as well if they are planning to develop in those areas. But again, thank you for the opportunity.

Commissioner Showalter was recognized: Just in listening to this discussion it occurred to me that one thing we should be looking at is how this will change the prominence of NEPA evaluations in our area.

Typically, when we have something that needs permitting by NOAA and US Fish and Wildlife and that sort of thing we do a joint NEPA/CEQA process and the CEQA really takes the lead. But there may be many instances in the future where that is going to change. So, I think it should just be added to the list of things that we watch.

Chair Wasserman continued: Thank you. I do not see any other hands. I have a couple of comments, one following up on the discussion between Commissioner Gauthier and our Executive Director.

One of the things that CEQA has done is require significant outreach. It is not aimed at community outreach, but community outreach is a consequence of its requirements. We have noted previously in the adoption and occasional discussion of our requirements for outreach, for purposes of environmental justice and social equity, that those are independent of CEQA, although typically similar and covered by CEQA.

So, the point needs to be emphasized, both internally for our staff and externally for applicants who are in a position to benefit from this important streamlining. And I want to be very clear, I am a supporter of the streamlining, we need to do this. But these pieces of legislation went very fast and there are unintended consequences, some of which I will get to or others in a moment. So, we just need to be very clear with both local planning staff as well as applicants that where our requirements might have been covered by their CEQA outreach, if they are exempt, they are going to have to meet our requirements anyway, and they are a lot better meeting them early than later.

Similarly, I want to follow up on one of the points on your slides about coordinating better with local planning departments. This actually emphasizes something that we started talking about in other contexts, particularly in the RSAP context. We as an agency are absolutely going to have to up our efforts in coordinating with local staff. In particular because often I think our contacts are at a fairly high level with planning departments and that is not where the rubber hits the road for most applicants. It hits the road at the counter guy or gal. It hits the road at the project person. And for many cities, there is a fair amount of turnover in those positions. So, we need to pay attention that cities are standardizing their processes to include what we require if the projects touch the Bay.

My third point is something you did not address, so you may not be in a position to address it. But one of the provisions in these acts, I think it is only in one of them and I cannot remember which one, is the freezing of building code changes for six years. There is an exception in the law, and I do not know the full nature of it in the bill, for fire hardening. So, there was recognition that wildfires needed perhaps something different. There was no recognition within the Bay that rising sea level may also require changes in building codes in the next six years.

Rylan and staff and I and Commissioner Nelson have been working on starting to reach out for the trailer bills that will happen, that we know will happen, to address that. But that is a very important piece that we need to keep our eye on. It does not affect our current jurisdiction, it does not affect our current permitting, it absolutely affects our planning responsibility and effort.

And then the last point I will get to is I just want to recognize or responding a bit to Larry's differentiation between the Coastal Commission and BCDC. Historically, BCDC has institutionally quite liked the fact that it was mostly below the radar. I want to be very clear to everybody, those days are over. And we are, we need to, and we will become more apparent. Not in a harsh way, not in a discriminatory way, not in a way to further scare developers. There were a lot of developers who knew about us and were certainly scared and we are working on overcoming that. But just as they made an exception for the Coastal Commission, they need to have had in their thoughts and I hope that they will have as we move forward, that they need to make those same kinds of exceptions within the Bay where the majority of damage throughout the state will occur if sea level rise is not mitigated through adaptation. And I do not want you to think that I feel strongly about this at all. (group laughter)

Commissioner Cox was recognized: I also wanted to make a couple of comments, if that's all right. A concern I have with AB 130, while I believe its purpose is laudable, is that its explicit purpose is to promote affordable housing, and I do not believe the legislation does enough to ensure that the housing it is promoting is affordable.

So, yes. It only requires that a project's density be at least 50% of the Mullin Density. That is not nearly enough to actually assure that housing is affordable, especially in small coastal towns such as Sausalito.

So, what will occur as an unintended consequence is that certain landowners will benefit from the exceptions, the exemptions, the CEQA exemption of AB 130, without actually providing the affordable housing that the bill is intended to promote. So that is a concern that I have.

And then I also just wanted to expand on what you said, Chair Wasserman, that at the state level there are some exemptions to the freeze on building standards, including emergency health and safety as well as conservation-related activities. So that is important for purposes of our jurisdiction. Thank you.

Executive Director Goldzband chimed in: A couple of things. With regard to the outreach, one of the probably top three or four items on Harriet's list during the next year or so as we bulk up the permitting staff, is to do more outreach with the planning departments. I am looking at Harriet now and she is nodding her head because she recognized early on that we do not do enough of that. And we have never had enough people to do any of that, but I think we will have enough bodies to be able to do that both from an organizational standpoint as well as from an outreach standpoint.

Second, just to make it clear, and Harriet, I am forgetting the exact number, but I remember that when Rylan spoke with members of the Legislature and staff about permits that have been approved that included housing, the number of housing units was well into the hundreds. And most important, none were denied. So, when we see housing come to multi-purpose developments, different types of developments along the shoreline, BCDC has certainly not disapproved of any.

And third with regard, Chair Wasserman, to your thought and about how we talk about climate change with regard to this, Rylan already has it on his radar to work with you and Commissioner Nelson and members of the Legislature to ensure that as they discuss exemptions to exemptions, is that how we might want to think about it, that climate change certainly and rising sea level are part of that.

Chair Wasserman asked: Any other comments or questions?

Seeing none I think that concludes this. I thank you very much for the presentation and the work, it is an important topic.

10. Briefing on Annual Report. Chair Wasserman stated: That brings us to Item 10, our BCDC Annual Report briefing.

Executive Director Goldzband reported the following: Thank you, Chair Wasserman. I want to spend a couple of minutes to make sure that members of the Commission see and have viewed or will view the 2024 Annual Report of BCDC, which I am holding up in my hand now. I have in my hand the 2024 Annual Report. It is online, it is available for viewing. It is available for downloading, and we are more than happy to seek options from anyone who would like to put it on the silver screen.

I want to commend Rylan and Victoria for putting this together; and I want to once again thank Jessica for her work last year in helping to create this in a way that is far more accessible. I want to only really go to four or five pages. And the first page I want to go to is page 7, which starts with 2024 HIGHLIGHTS.

I want you to take a look at the at the bottom three charts, the historical trends from 1970 to 2024. You can see that we continue to move north, which is a good thing, but at different rates. That is to be expected as more and more of the Bay shoreline is developed. Less and less parcels, or I should say smaller and smaller parcels are developed. And so, the rate of change may well have decreased but we are still moving up, which I think is the important thing.

If you take a look at public access from both open space and trails you can see that it continues to move up.

But I want you to really look at the rate and keep that in mind, because it looks like it is 45 degrees, right? Sort of to the northeast corner. So, I just want you to keep that in mind.

I want you to go two more pages to STRATEGIC MILESTONES. In one month, and I am raising my hand here although nobody on Zoom can see it, you will hear from almost the entirety of senior staff for more than just a few minutes on progress made in the Strategic Plan over the past two and a half years. Usually, we give you snapshots of things that are happening. In a month you are going to have to sit through something more than that. And we want you to pay attention, and there will be a spreadsheet, and there will be a quiz following. The most important thing to think about is that you will hear a lot about what has occurred, what has occurred well, and what is still occurring.

And what we did with this Annual Report, and you see this in the STRATEGIC MILESTONES, is to organize the Annual Report very much like the Strategic Plan. Because we think that should happen because the Annual Report and the Strategic Plan should reflect each other.

Of course, the first thing that you see in 2024 on this page is the Commission adopted the Regional Shoreline Adaptation Plan. I know that is shocking that that would be number one.

But if you continue to look through and if you go now to page 15, which is part of the Regulatory Program, you will see that we as part of the Regulatory Program helped to restore more habitats in the Bay and you can see a couple of different pictures. I picked out page 15 because I love these two pictures. I love the before picture and the after picture. And when you see the Annual Report, you will see the difference. And I think that an Annual Report ought to be visual and demonstrate what has actually occurred and we are trying to do that. So please take a look at page 15.

Now I want you to go to page 21 and we will end toward this. Just as 2024 was in so many respects the year of the RSAP as we look at what happened in BCDC internally, 2024 was also a year of permitting, and 2025 is even larger in terms of permitting.

The major permitting activities that you saw last year included things like the Chipps Island Program, the Piers 39-43½ that Commissioner Dorsey is very familiar with, and we got PG&E to work with us and create a brand new Programmatic Maintenance Permit for the entire Bay. That is remarkable. This year we did the same thing with Cargill. Those are two huge, huge permits.

And if you go to page 23, because every presentation has to have a chart that no one can read, here you go. On page 23 and 24 in the Annual Report is the historical chart of the summary of all the permits that we did. Now you will remember, as Chair Wasserman says, BCDC prior to about 10 years ago was primarily known as a regulatory agency with a small planning arm and we are now clearly both.

So, if you then head to the next page and the last page, which is page 24, I will tell you that last year, BCDC completed somewhere around 170 Major, Minor, Administrative, Permit Amendments, you name it, all put together with about seven people who are permit analysts, plus their managers, which is a pretty remarkable statistic.

And the other thing I want you to look at is that middle graph of that page. You can see that in the dot-com boom, 2000, there was an uptick and then it went back to what it used to be.

And then after the Great Recession of the late 2000s there was a small uptick.

Well, look what happened in 2015 and look where we have been since then. This is demonstrating that pressure to develop along the Bay shoreline not only does not stop, all it seems to do over time is to increase, and that is what our permitting and planning units face on a daily basis, which is why the RSAP implementation is so important in a larger scale and why Harriet's Permitting crew and the Enforcement and Compliance crew never lack work, because there are simply so many different organizations that want to develop along the Bay shoreline. And to think that in 2024 the permits that BCDC did approve created some $800 million in value is a pretty amazing thing.

So, with that, Chair Wasserman, I am happy to answer any questions. The Annual Report is available on our website. Rylan made sure that members of the Legislature and members of the Administration received it. And we will do, of course, another Annual Report next year. But I did want to demonstrate, I wanted to make sure you all understood the connection between the Annual Report and the Strategic Plan. You will remember that in a month when we have you back. Thank you.

Chair Wasserman asked: Do we have any public comments?

(No members of the public addressed the Commission.)

Chair Wasserman continued: Do we have any questions or comments from Commissioners?

Commissioner Showalter chimed in: I was very interested by that permit graph, and I also wondered if the uptick in permits along the shoreline after 2015 has something to do with the passage of Measure AA and the Restoration Authority work?

Executive Director Goldzband responded: It is a great question. I do not know the exact numbers, but I am sure it does, because when there is more money available for restoration there can be more projects.

That being said, what we see, and this is why the Permitting Team has three different units, right. We have the shoreline development folks who are in the shoreline band. We have the Bay resources folks who are in-Bay. And we have the Sediment Team which actually does both planning and permitting in a lot of ways. And that is why we try to develop, and we have developed some real specialties, which I

think is really, really important.

In addition, Ethan Levine had and Jessica Finkel have worked really hard, as did Britton Clifton when she was with us, to educate all of our permit analysts about nature-based solutions.

So, my gut tells me that yes, that does have some effect. I do not know how much. But actually, it is probably not a bad thing. I am sure we can get you information that would delineate those two, so we will do so.

Commissioner Showalter noted: I think we should be aware of how things like that have impacts, and that may be one of them. I know another one in Santa Clara County a while back, we passed a billion-dollar bond measure that has been just incredibly effective from a policy point of view in producing affordable housing but has not been able to keep up with the need at all. But anyway, I just think it is good to recognize the impacts of our actions over time. Thank you so much.

Commissioner Gunther sought clarification: Larry, that graph was not in number of permits, but in the value of the projects themselves?

Executive Director Goldzband answered: Yes. It is the total annual project cost. Here is a little bit of information for the Commission that you may not know. Permit fees are actually based upon that project cost, and they are within our regulations. And you will remember that our permit fees were actually doubled in 2019 or 2018, I do not remember. And all of those permit fees go to the state of California General Fund, we do not keep any of those. So, if you have a large-scale project, you are going to pay a certain amount. And our permit fees have doubled since then. But as you can see, if you look at 2015 and beyond, it has certainly more than doubled in terms of how the project costs.

Commissioner Gunther asked: But you were not showing the value of the fee total?

Executive Director Goldzband answered: No, no, no, it is the project.

Commissioner Gunther continued: And if you normalize that graph for the number of projects, are projects getting bigger and more expensive? Is that what that means? Or more projects?

Executive Director Goldzband stated: They are certainly more expensive. Go ahead, Harriet.

Regulatory Director Ross added: And more. Our permitting numbers have increased.

Commissioner Gunther noted: It is both.

Ms. Ross agreed: Yes, but probably more skewed towards projects are becoming more expensive.

Commissioner Gunther continued: And is that because projects are considering the impacts of sea level rise? Is that driving costs, project costs?

Ms. Ross replied: I am sure that it does, but I would not know the scale of it.

Commissioner Gunther acknowledged: But you did not answer by saying, oh, absolutely, that is what I wanted to know, okay.

Executive Director Goldzband continued: And I will even expand on that. Years ago, when we introduced ourselves to the Bay Area Council in about 2014 or so after having a couple years of experience in permitting under the Climate Change Amendments - one of the things that I think it was the Chair of the Development Committee or Real Estate Committee looked at me and said, Larry, just give me a number. Just tell me how high I have to build up the lot in order to build.

So, I am not at all sure that the construction of the building itself has changed based upon rising sea level, but I am pretty sure that underneath that frame has changed, which has cost more money for people to actually build. But it would be a really, really interesting question if there were someone we could find to answer that.

Commissioner Gunther continued: Right. Because to me it says a couple things. One, it says that it could be an indicator of how our community is investing in the future, preparing for it, which I think would be really valuable.

Executive Director Goldzband interjected: Can I say one more thing in response to that? Remember that when you see one of Harriet's Permit Analysts up here asking you to approve a permit, the work that has gone in on that from the development side has been really pretty incredible, because they have to figure out how within that space, they are going to make that project resilient. Which is why you see also our Bay Design Analysts working to make sure that that Bay Trail segment is resilient. To make sure that that Bay Trail segment not only is resilient, but somehow can integrate with the Bay Trail segments on either side so that you are not simply going up and down hills.

You will remember that Alexis Madrigal in his keynote speech, said something which I thought was fascinating. He said, if you want to train for a marathon and you are in the Bay Area you run on the Bay Trail because it is flat, and it is the only place in the Bay Area that is flat.

So, projects to be resilient to rising sea level have, I am sure, increased their costs based upon the need to be resilient to rising sea level. But it may not be that the building itself has changed much.

Commissioner Gunther acknowledged: Yes, and there was also a question about overall like is that a major cause? Some of these projects are extraordinarily complex and take so long. But regardless, I just want to make sure I understood that.

Two other things. We indicate how many permits we approved. Do we set out a goal for ourselves each year to which we compare our performance?

Ms. Ross responded: I would love to if we had a digital database that I could query and had all of our information in one spot. That is the plan and that is the goal.

Commissioner Gunther continued: Okay. That is what we are doing now at the Water Board. And it is not like I think we are going to somehow, it is not an issue whether we make the grade or not. It is making that real, explicit, accountable statement, public. I am really, really happy to see us doing this report.

And my last thing was, I do not know how we do this, but the fact that there are only seven of you doing this work is not something that I think people understand. I have this conversation at the Water Board where we have, whatever, 400 Department of Defense contaminated sites and we have got three staff or whatever. Or Fish and Wildlife has 16,000 streams and three people, or whatever.

So, there is to me, and this relates to our strategic goals, that helping people understand how much we are doing with so little is really, I think, an important task for all of us. I am very proud of what this agency accomplishes, particularly given the complexity of its job. I feel the same way at the Water Board as well. And the fact that you tend to bring us everything just tied in a bow and all we have to do is check the box.

But I do not know how to do that without making it sound like we are whining about it, which is not the point. But I think it is a real accomplishment, and I hope that we can at least just point this out in a matter-of-fact way in our planning and our reporting documents so that people really understand the scale of what we have been tasked with and the resources that we are expected to utilize to make that happen. And so, my congratulations to everybody on a job well done in 2024.

Ms. Ross acknowledged: I was just going to say thank you so much for those kind words, really appreciate it.

But the things that we can control. We cannot control how many permits come in. And as Larry brought up or it came up today that the Permit Streamlining Act allows 180 days for permits to be approved and BCDC's permit time approval is 90. So, what we can actually improve upon that might not be the actual amount of time it takes to issue a permit. I just want to be clear because it is already so short.

So, we are just doing things to improve the process and make it easier for the project proponent. Hopefully it will lead to maybe shaving off a little bit here and there, but it is not going to be dramatic because it already is really short.

And projects are becoming more complex. So, what we are reviewing is more complex and it takes longer to and they are all new, they are things that we have not necessarily seen before. Just wanted to point those things out.

Executive Director Goldzband added: And just to put a finer point on it. Jaime Michaels, who was our head of permits for a number of years and worked before that for Bob Batha, used to say that being a permit analyst is like being in a pie eating contest. You are out there, and you are eating the pie and you are eating the pie and you are eating the pie, and you finish the pie, and what happens? Somebody puts another pie in front of you. There is no rest for the permit analyst because they always have anywhere between, I am going to guess, 20 and 35 different projects that are in fundamentally different stages of development, most of which have not really come to us in a preapplication way that is really meaningful, but a lot have, and so they are doing this juggling routine throughout the process.

Commissioner Gunther observed: Somebody just used that analogy of a pie eating contest to describe making partner in a law firm, too.

Chair Wasserman commented: Two quick comments on the graph. One, I do think in the future in addition to the dollar one, the number of permits graph would be useful information.

And the other, I do not think it is to people in this room or on the screen but perhaps some who are listening. If there is concern that we are approving more development, at least in dollars, I go back to what our former Executive Director Will Travis would very often say: the most important word in our title is Conservation AND Development. We do the balance, and we do it well.

I think that concludes this item. Thank you very much.

11. Adjournment. There being no further business, the Commission meeting was adjourned at 3:27 p.m.