

San Francisco Bay Conservation and Development Commission

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July 14, 2023

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Reylina Ruiz, Director, Administrative & Technology Services (415/352-3638; reylina.ruiz@bcdc.ca.gov)

SUBJECT: Approved Minutes of June 15, 2023 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Acting Chair Eisen at 1:06 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference. Instructions for public participation were played.

Acting Chair Eisen opened the meeting: Good afternoon. Welcome to our hybrid BCDC Commission meeting. My name is Rebecca Eisen; I am the Vice-Chair of BCDC. Our esteemed Chair Zack Wasserman cannot be here today. Larry and I were reminded of the famous Yogi Berra comment that if you can't imitate them, don't try to copy them, so I am not going to try to copy him today.

Before we get started, I do want to note that Item 9 on the agenda has been taken off. It regards pending legislation. It has been cancelled for the day.

I also want to thank prior Chair Randolph for offering to step in if I were not able to do this today. Thank you so much.

Acting Chair Eisen gave instructions to all attendees on procedures for participating in the meeting. She asked Ms. Ruiz to proceed with Agenda Item 2, Roll Call.

2. **Roll Call.** Present were: Acting Chair Eisen, Commissioners Addiego, Ahn, Arreguin, Beach, Burt, Eklund, Gioia, Gunther, Hasz, Lee (represented by Alternate Kishimoto), Lucchesi (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez), Moulton-Peters (joined after roll call), Peskin, Pine, Ranchod (represented by Alternate Nelson), Randolph, Showalter and Tam (represented by Alternate Gilmore).

Acting Chair Eisen announced that a quorum was present.

Not present were Commissioners: Department of Finance (Almy), U.S. Environmental Protection Agency (Blake), Department of Natural Resources (Eckerle), Department of Business Transportation & Housing (El-Tawansy), Sonoma County (Gorin), Governor (Wasserman), Napa County (Ramos)



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

Acting Chair Eisen gave instructions for participating in the hybrid meeting. She emphasized the following: Commissioners must have their cameras on, instruction for public attendees was given, those in attendance at 375 Beale Street were socially distanced, comments must be focused and respectful and emails received were noted.

Mr. Marc Zeppetello commented: Thank you. Good afternoon, Commissioners; my name is Marc Zeppetello. I submitted written comments and photos concerning the Bay Area Council's ongoing violations of the public access requirements of the Commission's permit for the Klamath.

Last year the Commission adopted a comprehensive set of amendments to its enforcement regulations to promote transparency, consistency and fairness and provide standards for the exercises of enforcement discretion. One amendment defines the term significant harm to the Bay's resources for existing or future public access as determined based on both the context and intensity of violations. Considering those factors, the Council's continuing violations are causing significant harm to public access.

The context is that the violations are occurring in one of the most highly visible and frequently used locations along the entire shoreline. Hundreds or more pedestrians pass by the Klamath every day. But due to the Council's failure to install any public access signage, or required amenities on Pier 9, the public has no way to know that public access exists.

As to the intensity of the violations, for nine months the Council has failed to provide public access for improvements on the main deck or the upper deck, public access improvements on Pier 9, or any public access or way-finding signage. For six months the Council failed to provide public access to the roof deck. These violations have precluded the public's ability to use required public access, and if encompassed, all or large portions of required public access.

Where violations have caused significant harm to public access, the Commission's regulations state that the Executive Director shall commence Commission enforcement proceedings by issuing a violation report and complaint for administrative civil liability.

I know that the Council has not necessarily gotten a pass on enforcement, but with a violator that has knowingly disregarded permit requirements for nine months and has been recalcitrant in responding to staff, simply allowing more time is a recipe for more excuses and arguments that staff will have to respond to, further delay and piecemeal compliance.

A lesson that I learned in serving as BCDC's chief counsel, and Larry knows this, is that the best way to resolve an enforcement investigation is for the Executive Director to issue a violation report and complaint and bring the matter to the Enforcement Committee and the Commission. There is nothing like it to provide incentive for a violator to work constructively with staff and the matter will be fully and finally resolved relatively quickly under the time restraints established by the regulations.

Thank you for your consideration and I urge the Commissioners to review the staff's excellent June 12 letter which discusses the violations in addition to those presented in my materials. Thank you.

Ms. Lucia Lachmayr spoke: I am a resident at Oyster Cove Marina and I wanted to bring up the fact that that many of us have gone to many of the meetings that the Kilroy Company provided and we were never apprised of anything happening with Oyster Cove Marina until we received eviction notices.

And we had asked multiple times if there would be any kind of movement or anything and they said, don't worry, there is nothing. Repeatedly we were told, there's nothing to worry about and it's not, it's not on the radar, just don't worry about it.

We even went to South City Planning Commission and we were told not to worry, from them as well.

So essentially, we were brushed aside. And I do know that they have an item on the agenda.

The equity meeting that you had several months ago just rings in my ears still because this is an equity issue if there ever was one.

There are so many people there that are elderly, displaced in so many ways. One of our residents is now in a homeless shelter and has been for the last several months. We have mostly older people, people of color. People who live on the margins and don't have, you know, educations, who are differently abled and don't have the skills to get high paying jobs in the Bay Area. They had homes, they had great homes, and those homes are now effectively washed away.

And I know that some of their rationale for building some of the things that they're going to be building in that space that is Oyster Cove Marina is that they will be possibly digging up and putting pylons in from what I saw from one of the plans.

Previously Tideline Marine Group reported that the water there was way too contaminated to be messed with. So, if it was too contaminated to dredge the three docks that we were on, why is it now okay for them to go building things there? And I'm just, I am still highly upset about it because it just seems so wrong, you know, to take away people's homes like that, and with minimal care and effort.

The City of South San Francisco did a lot. But the property managers and owners themselves didn't do anything. They did the bare minimum if that. They did what they were compelled to do.

And they're going to put in something pretty. But again, this is capitalism run amok and it is distressing and disheartening. And I hope that you have some, you can say something to address some of those things that that come up. Thank you very much.

Acting Chair Eisen acknowledged: Thank you. There is an agenda item later that people will have a chance to comment on. But are there any more comments regarding items that are not on our agenda today?

Ms. Ruiz noted: There is one additional comment from Matt Klein. Please unmute yourself.

Mr. Matt Klein commented: Yes. Hello. I just heard Lucia, one of the other activists here, trying to place people who were displaced by Kilroy.

I want to restate what she said. We were deceived. We had an agreement with Greenland Corporation. Is this something that I should be later commenting on? I don't think so, on the item on the agenda. It was just stop Greenland Corporation who had previously owned this was agreeing with us that we would not be displaced.

And as Lucia said, we were completely brushed aside. We weren't answered. We were deceived so that we would not be active. We were told it was okay.

The City of South San Francisco was at the original meeting with Greenland and told us everything was going to be fine. Where they had worked to ensure that we were not going to be displaced. Then the individual that was at that meeting, now he won't talk to us.

There has been a lot of real good hard work done by Commissioner Pine and members of the City Council of South San Francisco. But, you know, this is, it is just really unsatisfactory, and I want you to keep that in mind in your dealings with Kilroy. Thank you.

Acting Chair Eisen reiterated: Thank you. Again, we do have an item later on the agenda that there will be an opportunity to comment on. Are there any further comments about items that are not on the agenda?

Ms. Ruiz stated: No further public comment.

Acting Chair Eisen acknowledged: Thank you and we will move to Approval of the Minutes.

4. Approval of Minutes of the June 1, 2023 Meeting. Acting Chair Eisen asked for a motion and a second to adopt the minutes of June 1, 2023.

MOTION: Commissioner Randolph moved approval of the Minutes, seconded by Commissioner Ahn.

The motion carried by a voice vote with no opposition and Commissioners Gunther and Peskin voting "ABSTAIN".

5. Report of the Chair. Acting Chair Eisen reported on the following:

a. Rising Sea Levels Working Group. I want to remind the Commissioners and the public that we shall hold a virtual meeting of the Rising Sea Levels Working Group on the morning of July 20th, which is the same day as our regularly scheduled Commission meeting.

The agenda for that working group meeting will center on how our Regulatory Program will become more aligned with our Planning and with our Bay Adapt programs, among other issues, and I am sure that Chair Wasserman is also going to touch on issues of authority and jurisdiction as well.

Executive Director Goldzband has let me know that he will be describing, in general terms, the logistics of our Commission meetings starting next month as the Bagley-Keene requirements are now returning to pre-pandemic status.

b. **Next BCDC Meeting.** Our next BCDC meeting is not going to be held on July 6. That meeting has been cancelled. Our next meeting will be held on July 20. It will be a regular hybrid meeting, as we now understand that term, and I along with our Chair encourage all of the Commissioners to attend that meeting on July 20 in person if you can.

There will be new noticing requirements for those Commissioners who attend virtually. Larry is going to describe them for us. At that July 20 meeting the agenda may contain some or all of the following matters:

- (1) Consideration of legislative positions, and possible votes thereon;
- (2) Consideration of a permit application for a project at 777 Airport Boulevard in Burlingame;
- (3) Consideration of a contract for a facilitator to assist with our EPA Sediment Grant;
- (4) A briefing on the recent U.S. Supreme Court wetlands ruling, which we heard a little bit about at our last meeting; and,
- (5) A briefing on compliance at the Oyster Point Marina in South San Francisco.

c. **Ex Parte Communications** That brings us to ex parte communications. If, Commissioners, you have inadvertently forgotten to provide staff with a report on any written or oral ex parte communication Commissioners may do so now by raising your hand and unmuting yourself.

I do not see any hands in the room. Reyliana, is anybody on the screen?

Ms. Ruiz replied: No.

Acting Chair Eisen continued: Seeing none we will now turn to the Executive Director's report.

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

Although our spring weather hasn't been terribly warm, that has not diminished the Bay Area's demand for ice cream. Whether you are a fan of the artisan products that promote new and innovative flavors, or if you are like I am and consistently order a hot fudge sundae with vanilla ice cream whenever possible, we all need to thank Jacob Fussell of Baltimore.

Fussell was a dairy farmer who found himself with a surfeit of cream in the spring of 1851. So, on this day, 182 years ago, he started the first commercial ice cream factory and distribution system. And, for those of you who prefer your frozen dessert in a cone, nobody said it better than Charles Schulz who once wrote that "Life is like an ice-cream cone; you have to lick it one day at a time."

As promised, our five undergraduate interns started this week and I see at least a few of them in the audience. In many respects they are a very diverse crew, but I should note that our cohort is made up entirely of women. You each received a memo from me last week listing them, but just in case you missed it let me introduce you to them. And as I call your name please do stand up.

BCDC's diverse undergraduate interns are Olivia Reid of Richmond, an Orange from Syracuse University, working with Angela Noble, BCDC's Records Manager. Taleen Cochrane of Fresno, a California Golden Bear, is working with Todd Hallenbeck in our GIS program. And Ava Hawkins of Anacortes, Washington, also from Cal, is working with BCDC's Environmental Justice staff. The California State University COAST Internship Program is providing us with Roxanne Wilkerson of Petaluma, who is a Sea Wolf from Sonoma State University, and is working with our Adapting to Rising Tides Program and the GIS program. Last but not least, Alessandra Mohar of Oakland is a Cardinal from Stanford. She is working with our EJ program as well.

And, yes, they will make a presentation to you in August about their experiences at BCDC. They are certainly concerned about that but they will before then likely participate in various meetings with Commissioners.

Speaking of future presentations, Sean Williamson, our relatively new head of our financial services group, will give you a rundown of BCDC's budget situation in early fall, as we usually do.

For now, I will tell you that the larger-than-expected staff turnover and vacant positions has provided BCDC with an extra-large buffer of funding this year, more on that a little bit later.

Speaking of good budget news, the National Oceanic and Atmospheric Administration has just announced its plans to distribute almost \$3 billion over the next few years to build "Climate-Ready Coasts" under the Bipartisan Infrastructure Law.

These grants are designed to increase resilience through landscape-scale habitat restoration in coastal ecosystems and promote coastal resilience in underserved coastal communities.

BCDC will receive a portion of these monies in a non-competitive award that we shall use to increase our own capacity to move those types of projects forward along the Bay shoreline.

In addition, we and senior Coastal Commission and Coastal Conservancy staff have started to discuss how the California Coastal Zone Management Program overall will apply for the competitive portion of those grants.

NOAA will launch a separate program with other federal funds that will be made available to non-coastal zone management agencies, as well.

It was only a year or so ago that the Commission considered the Bay Plan Amendment proposed by the Oakland Athletics to enable the team to build a new ballpark and mixed-used development on Howard Terminal. And may I say, we all know how that went. How time flies.

Meanwhile, as promised then, BCDC is in the process this week of distributing its Draft Seaport Plan Update. We have scheduled a meeting of the Seaport Plan Advisory Committee, chaired by Vice-Chair Eisen and including Commissioner Hasz, for the last week of July. I encourage you all to take a look at the draft and see how Cory Mann and Erik Buehmann of our staff have adapted the many lessons that we learned while working on the Athletics' proposal to the existing Seaport Planning process.

After both internal and external discussions, our staff is proposing a host of changes to the current processes and structure, and we look forward to the SPAC's review and suggestions.

In addition, I have a meeting with the Bay Area's five port directors at the end of this month so I will likely get a preview of their thoughts.

Just as Peggy Atwell retired, BCDC staff completed working with the Department of General Services to earn our purchasing accreditation for the next three years. The DGS analysts are concluding their review right now, actually. We have submitted an improvement plan to their Procurement Office of Small Business and Disabled Veteran Business Enterprise Services (OSDS) to increase our procurement from such organizations and will take advantage of various outreach programs to do so.

The progress of this review is due to the efforts of Reggie Abad and Cheneé Williams over the last four months. BCDC looks forward to directing increasing amounts of funds to disadvantaged business enterprises in alignment with its strategic equity goals.

Last Thursday, BCDC was notified by the U.S. Fish and Wildlife Service that at least one geofoam block the size of a small recreational vehicle had floated up to the surface and rotated along Highway 37 close to the Service's Cullinan Restoration Project.

Geofoam blocks were placed below the roadway as a lightweight fill to keep the highway from settling on unstable soils when the restoration project was undertaken by Fish and Wildlife. To ensure that the relatively small portion of the embankment could be restored quickly prior to other portions of the geofoam embankment substructure failing, because they are all connected, Chair Wasserman approved an emergency permit that allowed placement of additional rock on top of the restored embankment.

Now for the information for which you all have been waiting. Starting on July 1st, public access requirements for public meetings held by BCDC will revert back to pre-pandemic Bagley-Keene requirements. This means that Commission meetings and various advisory boards, but not for Commissioner working groups, must include at least one Commissioner present at 375 Beale Street. And, while Commissioners can continue to participate virtually via Zoom during such meetings, the venue from which they are participating must be open to the public, be accessible, and its address publicly noticed as part of the BCDC agenda no less than 10 days prior to the meeting.

Our working groups, because they are less formal and not quasi-adjudicatory, will continue to be held virtually.

And, when we have solid information regarding how we along with MTC/ABAG and the Air District plan to create publicly available venues in a few different locations around the Bay Area you will be the first to know.

We shall distribute a memo to Commissioners and Alternates next week detailing the requirements that BCDC will follow. It is almost in final form right here and I am happy to answer any questions.

Finally, Acting Chair Eisen, I have some very good news to report on a BCDC partner. Perhaps the greatest legacy of any coastal zone management leader is that of Margaret A. Davidson. Margaret founded NOAA's Office for Coastal Management. She initiated NOAA's climate adaptation work and was a driving force behind countless other endeavors.

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The Association of State Floodplain Managers recently created the Margaret A. Davidson Award for Excellence in Climate Change Adaptation and has awarded that first honor to Janelle Kellman of the Sausalito City Council.

Ms. Kellman, who was elected to the Council in 2020, recognized when she took office that Sausalito needed to create a comprehensive climate program, but also discovered that many if not most other elected officials and local decisionmakers in smaller cities and towns around the U.S. faced the same challenge.

So, she founded the Center for Sea Rise Solutions, a nonprofit focused on helping these officials develop and implement coastal resilience plans. Janelle is also a strong champion of engaging women and people of color in coastal resilience.

BCDC is proud to recognize City Council Member Kellman and looks forward to continuing to work with her and Marin County Supervisor Stephanie Moulton-Peters as we create a regional shoreline adaptation plan.

That completes my report, Acting Chair Eisen. I am happy to answer any questions. I see that Commissioner Gioia already has his hand up.

Commissioner Gioia commented: One one of my favorite subjects, remote participation. As a number of Commissioners here know who serve on regional bodies, there are already established some subregional public locations, including by various elected officials themselves or other agencies. I would strongly recommend, and it sounds like you are doing it, that BCDC reach out and determine those locations because there is a great interest by regional board members and commissioners to not have to always go into San Francisco.

I know there has been a location in the North Bay. There have been several in the East Bay, including my office, there has been South Bay, West Bay, and I think we should have those in place and options available for people to sometimes not have to duplicate and set up new ones. It sounds like you are exploring that and I'm glad to have my office continue to be an East Bay location.

Executive Director Goldzband stated: Reylina has already started discussing this with the MTC/ABAG and Air District folks and so we hope to have some solid information to you within the next couple of weeks, certainly well prior to the July 20 meeting.

Commissioner Eklund informed the Commissioners: I have been using our Novato Administrative Building. We have a conference room that is accessible to the public. It is all ADA, as all buildings are now, government buildings. I would be very interested in talking with the Executive Director about using Novato or some someplace in Marin because I think that we need to have another location.

It also saves greenhouse gas emissions. I have been really trying to encourage somebody to try to keep track of it at least, maybe BCDC could be the first. Because I think that's really important for us. Also, the benefit to the environment by everybody not driving in twice a month. Larry, if we could have a chat that would be great.

Executive Director Goldzband replied: Happy.

Acting Chair Eisen asked: Any other comments or questions for our Executive Director?

(No further comments were voiced.)

Acting Chair Eisen continued: Thank you and welcome to all the interns. Thank you for showing up today. It is very nice to see faces with names, really appreciate it. Good luck to you.

7. Consideration of Administrative Matters. Acting Chair Eisen stated: The next item on our agenda is Consideration of Administrative Matters. Deputy Executive Director Steve Goldbeck is available if any of you have any questions regarding the administrative listing mailed on June 9.

Any questions or comments for Deputy Executive Director Steve Goldbeck?

(No questions or comments were voiced.)

8. Public Hearing and Possible Vote on Kilroy Oyster Point Life Sciences Complex, in the City of South San Francisco, San Mateo County; BCDC Permit Application No. 2022.003.00.

Acting Chair Eisen announced: We move to Item 8 on our agenda, Commission Consideration of a Permit Application at 385 Oyster Point Boulevard in South San Francisco. Ethan Lavine, who is our Assistant Regulatory Director for Climate Adaptation and also our former manager of our Bay Shoreline Development Team is going to introduce the item to us.

Assistant Regulatory Director for Climate Adaptation Lavine addressed the Commission: Thank you, Acting Chair Eisen and Commissioners.

On June 2 you were mailed a summary of an application by KR Oyster Point III, LLC for a 27-acre Life Science Office Campus.

The project redevelops what is currently a low-rise office park originally developed under BCDC Permit 1982.004B. That permit also authorized the Oyster Cove Marina, which is the marina visible to the left of the red outline on the screen. Oyster Cove Marina is also owned by the applicants and is in the process of being closed. The applicants are reconsidering the future of the Marina and they indicate they will bring forward a proposal to BCDC as part of a separate application.

Therefore, this matter concerns only the redevelopment of the upland portion of the site within the Commission's shoreline band and beyond the Commission's permanent jurisdiction.

The project is located at Oyster Point in the city of South San Francisco. You can see Oyster Point called out in blue on the far left of the image above. As this map is oriented with the south to the left and the north to the right, I just want to point out we are seeing an unusual view of the Bay.

Here is a plan view of Oyster Point. The area outlined in red is the extent of the Kilroy Oyster Point Life Science Office Campus. It represents Phases 2 through 4 of a master planned waterfront district for Oyster Point.

The Commission previously approved the earlier phase of the Oyster Point Waterfront District in 2018 as part of BCDC Permit 2017.007. That phase included an office development, a hotel, and a waterfront park adjacent to the Oyster Point Marina, which is the other marina visible on the screen.

The project site today includes an approximately 3.79-acre public access area which was constructed in association with the BCDC permit for the existing low-rise office development on this site.

This area would be entirely redesigned as part of the proposed project to accommodate a wider minimum 20-foot-wide Bay Trail segment flanked by a mix of improvements compatible with a waterfront park including open lawn areas, picnic areas, terrace seating, a perched beach, which is a sandy beach-like area that unlike a natural beach does not touch the water, 15 public shore parking access parking spaces, and other public access facilities. Overall, the original 3.79-acre public access area will be expanded by 12 percent to 4.25 acres.

It is worth noting that a portion of the shoreline carries a Bay Plan Priority Use Area designated as a Waterfront Park. Only use compatible with a waterfront park are proposed within the Priority Use Area and all the office campus-oriented areas are located outside of the Waterfront Park Priority Use Area.

Turning potential flood risk. The project would raise the grade of the majority of the site to an elevation at or above 13 feet NAVD88. As projected by the medium-high risk aversion scenario in the state of California's Sea Level Rise Guidance, most of the major elements in the waterfront park would avoid anticipated flooding for the life of the project through 2075.

One exception is a small area on the shoreline that is built lower so that it will intentionally flood over time and become an area where wetland habitat can be established.

While not anticipated to be necessary during the life of the project, adaptive measures could be incorporated to extend the life of the public access to 2100 or beyond, such as by building a protective device along the edge of the Bay Trail or project shoreline, as illustrated in the cross sections here.

The Commission's community vulnerability mapping tool shows the project site is within an area of moderate social vulnerability.

The applicant conducted outreach that included approximately 41 public meetings between May 2017 and summer of 2021. These included in-person events at an office established near the project site prior to the pandemic, and online meetings in the time since the onset of the pandemic.

Feedback received in these meetings helped to inform aspects of the waterfront park design such as introducing phasing that reduces disruptions to the Bay Trail during construction.

The applicant informs us the only requests from the community that were not incorporated relate to marina facilities, which are outside of the scope of the project.

And with that I am actually going to hand it over to the applicant team to present a more detailed overview of the project. So, just give me a second while I switch slide presentations.

Ms. Rivera presented the following: Good afternoon, everyone, excited to be here at this stage of the project. My name is Veronica Rivera. I am with James Corner Field Operations. We are the landscape architects on the project working with Kilroy Realty. I am here with Jillian Blanchard and Phil Tate with Kilroy Realty in case there are any additional questions at the end of the presentation.

You already saw this but to orient you, Oyster Point is the last peninsula, basically, that reaches out into the Bay enough to see the skyline of the City. Many consider it to be a hidden gem. When you are driving down the highway you do not really know that that this little cove is down there.

But as Ethan mentioned, even though there are these beautiful pockets of nature and cluster of trees, the majority of it is single-story buildings and parking lot. So, we have worked the design to celebrate the good things that are on the site but obviously enhance it to make it a more diverse and accessible waterfront park.

As you all know, it is part of a full master plan of which Phase 1C and 1D have already been built and Phase 2 is under construction. Today we will be reviewing the waterfront park that connects Phase 3 and 4 of the master plan vision.

So here we are today. The design and documentation, of course, of Phase 3 is ongoing, well on its way. And we hope to commence construction of Phase 3 in quarter four of 2024.

Our concept from the beginning was to bring oysters back to Oyster Point. Making a nod to the historic qualities and oysters that used to be on the site.

Inspired by the arcs and beards and barnacles of oysters we established a strategy to unify the full peninsula using those arc, beards and barnacles as inspirations for a framework of trails, canopies and park features.

Not only in plan but also three dimensionally we were inspired by the geometries of oysters and nature, creating therefore, a playful mix of points and flats. So high points to get to get a better view of the waterfront and flats of program and activity and play adjacent to the Bay Trail that meanders through the waterfront park.

This is transforming the waterfront park edge that is there today. As you saw on the existing aerial, it is rather thin and framed by parking lots. Expanding it, deepening it, increasing the waterfront by more than 55 percent. And, of course, incorporating over 12 new amenities along this edge of the peninsula.

Looking at the existing plan of the Phase 3 and 4 design I am going to be walking you basically south to north, taking you along the series of amenities.

Starting with the East West link, which is this promenade that you see right here. That promenade connects the existing Phase 1C park that has already been built to this western side of the peninsula.

Just to summarize some of the project highlights, as I said. It increases the publicly accessible waterfront park by 55 percent, increasing the dedicated public access by 12 percent. Of course, all construction is outside of the mean high high water line. All of the private structures are outside of the BCDC jurisdiction.

And we are looking at approximately \$16 million in waterfront and public improvements for these phases of the project.

As Ethan mentioned, Kilroy has hosted a series of public meetings since May 4, 2018. We have been working with them since 2016 on this waterfront park and we have incorporated the comments not only from the community but also the feedback of the BCDC staff that has been working with us throughout this process to enrich the experience throughout the waterfront.

So again, this is the view on that east-west link. It is an ample 20-foot-wide promenade that connects the east and the west edges of the peninsula and that aligns you at its end with views through the San Bruno Hill.

This promenade connects you to the Bay Trail which meanders through the waterfront from south to north connecting a series of spaces, the first of which is the wetland terraces overlook. We wanted to celebrate a corner of wetlands that exists there today and also create spaces where as sea level rises we can retain some of that ecology and quality.

We continue walking north and there is a necklace of coastal gardens, obviously drought tolerant plantings, that are there to celebrate the windy conditions of the site, because it is rather windy, with clusters of trees to create protection from these winds.

Obviously, places for recreation.

Enjoying the view, these are the Marina steps so now we are right in front of Phase 3. A series of boulders will enhance that edge so you can sit and look out into the Bay and San Bruno Hill.

Places for leisure. Open, flexible lawns where you can throw a blanket, have a picnic, fly a kite, because the winds are definitely amazing for that at Oyster Point.

But also places for picnicking in larger groups and families.

All the way to the north we have the beach that Ethan mentioned earlier. As Ethan mentioned, contrasting with the Phase 1C beach, which is a natural beach, this is elevated from the water's edge. It is almost like a hidden gem, right? You find it within clusters of trees and plantings that protect you from that breeze coming off of the San Bruno Hill.

This is the series of spaces that encompasses the access and open space. As you can see, everything that is blue is the publicly accessible spaces along Phase 3 and 4. Then in yellow, the campus-oriented spaces, which have a very similar look and feel but sit slightly elevated from the BCDC trail and waterfront park.

Going a little bit into the math of things, I won't dive into too much detail. But the park and development is all raised for sea level rise. As I mentioned, initially the strategy was to, of course, raise everything for sea level rise, but still celebrate the existing wetlands that are in the edge.

There is no flooding, truly, to the park throughout 2070. The only area that would flood is the wetland terraces in the bottom left side of the screen and that is purposeful, that is part of the design, a series of terraces that will receive that sea level rise as it comes up.

This would be 2100. You start seeing some flooding at the very edge of the park and, of course, the adjacent properties, which I am sure at some point will be developed and addressed but outside of our property line.

But when that time comes towards 2100, we did do a sea level rise assessment and came up with a series of strategies where we still try to incorporate that coastal feel, the materiality of the project, using rustic edges and boulders to hide any sort of parapet or wall that might be necessary to respond to the rising sea level rise elevations. But as you can see, the Bay Trail and development and the majority of the park is above that elevation.

This is a full matrix because there's, obviously, more spaces along the full waterfront so we wanted to give you a full mosaic of the mix of spaces, places for play, places for leisure, places for relaxation. But all in the idea of celebrating that coastal kind of hidden gem experience that exists on the site today. That would be all.

Acting Chair Eisen acknowledged: Thank you. Thank you, Ms. Rivera, and thank you, Ethan.

I imagine there will be some questions but before we get to that I would like to open the public hearing. Any member of the public who would like to make a public comment either line up at the podium if there is anybody in the room or otherwise raise your hand in Zoom.

Reylina, I am not seeing anybody in the room. Do you have folks on Zoom?

Ms. Ruiz answered: I have one public comment from Alison Madden.

Acting Chair Eisen recognized the speaker: Go ahead. Three minutes to speak.

Ms. Alison Madden commented: So, I did try to raise my hand at the general public comments because I did advise my clients that the Marina itself is not on the agenda here and that is acknowledged in the line item and it was acknowledged in the presentation.

And I am pretty agnostic on the upland, you know, I am a fan of development. And I am sure it is going to be lovely. But I did want to speak to the Commission about a couple items respecting the Marina. And right now, you know, with sea level, the impact with the crisis that we are in with the climate, we are having a lot of more frequent storms and really severe storms. And Treasure Island Marina was pretty much devastated, Fifth Avenue as well.

And what is going on here at Oyster Cove is it is a protected marina. It is deep water. It is a sailor's marina. It is absolutely solid and well maintained and it really shouldn't go away. And so that's what we were advocating for in general public comments is, you know, this is state public trust land. It is not private title that they own. Yes, they did build that Marina. And now our understanding is they want to rip out the Marina or retain some of it and have a water taxi or a private ferry. Right now the WETA ferry is really (indiscernible).

There has been a loss of marinas in Redwood City, Dog Town in the outer harbor at Pete's and, you know, there's just a dearth of marinas south of San Francisco and we really need to keep them.

The McAteer-Petris Act speaks of desired fill, and docks wharves, ports, airports, marinas are all in there. So, under the McAteer-Petris Act marinas are desired. They are not undesirable, and they are few and far between. And when they are ripped out and damaged now it is not easy to bring them back. You know, when a lot of these were built it was a long time ago. It was easier to build them, and this one is in pristine shape.

And I'd also like to say that we have a motion for summary judgment pending. Mr. Klein is defending his unlawful detainer. And on Friday the judge will rule whether the Tenant Protection Act applies to boaters living on their boats in marinas and that is of statewide importance and, you know, an issue of first impression.

Either way that it goes, you know, as often happens with litigation and legal issues, either side might appeal depending what the judge's ruling is. But Mr. Klein has stayed there on principle.

We appreciate what you have done before with Oyster Point, you know, having the safe harbor over there. And Mr. Klein really feels that he deserves Tenant Protection Act notice because they have to state the specific reason for just cause and that is what we have been seeking all along. So, I wanted to mention that.

And, you know, we really think that you should advocate to keep the Marina. Thank you.

Acting Chair Eisen stated: May I just add that the public comment should be addressed to this agenda item. I know there is some overlap in folks' minds, but this agenda item, specifically, is what we are talking about at this moment.

Ms. Lucia Lachmayr commented: Thank you very much. And I am sorry, if I was off base with talking earlier. I wanted to point out that with the concept of sea level rise, the whole east side of Oyster Point, if you go walk along there, you will see humongous chunks of that grassy area that have just been completely washed away and that is nothing compared to what will happen in the future. So that entire land, it is all fill, will become more and more unstable and it is something to consider when you are thinking about approving new buildings on this swath of land.

And the other thing I wanted to point out was in the comments, the young lady went by really quickly on what public comments were with the little bubbles. I just quickly was able to see one of them said, need area for boating. And we do and that is something that if they are taking that into consideration then they need places and spaces for people to keep their boats as so many marinas have been closed. So again, just something to point out.

I really appreciate how beautiful it is and I like that they said they are bringing oysters back, but not, you know, the visuals of it are nice but it is kind of like that, you know, Potemkin Village of what is happening here. It is not really bringing oysters back. It is doing something pretty and superficial. And you know, that is, I get it, it is progress, but it is not. It's not in the service of the humans that live here and have lived here for decades and have been displaced. Thank you so much.

Ms. Ruiz noted: There is no additional public comment.

Acting Chair Eisen asked the Commission to move the closing of the public hearing: Thank you very much.

If there is no one else who would like to comment I would welcome a motion and second to close the public hearing.

MOTION: Commissioner Moulton-Peters moved to close the public hearing, seconded by Commissioner Eklund. The motion carried by a show of hands with no abstentions or objections.

Chair Eisen acknowledged: Thank you. The motion carries by a raising of hands vote.

We will now entertain Commission questions, comments discussion regarding this item. I do not see any raised hands in the room. Reylina, will you call on the Commissioners who have raised their hands on Zoom?

Commissioner Nelson commented: A question for staff. In light of the testimony we received in this public hearing and during the public comment period I am hoping staff can talk about the relationship between the Marina and this project and the connection, if any, between the Marina and our authority over public access in the project that is before us.

Mr. Lavine chimed in: Yes, thanks, Commissioner Nelson. The project before us today is really limited to the upland areas of the site, so within the Commission's 100-foot shoreline band.

The Marina in question has the same ownership, or at least the same parent company, as the applicants who are seeking to redevelop the office campus. But they have not applied to make any changes to BCDC to the permit that governs that Marina.

They have told us that they are considering its future and they will bring a proposal to us in the future. But the application before us today is just within the 100-foot shoreline band.

Commissioner Nelson continued: It does strike me that if we found there to be something inadequate in the public access proposal in this project and we are pushing the applicant to put more on the table, maybe there was some sort of a nexus there. But absent that connection, there is no connection between this permit before us today and that project, right?

Mr. Lavine affirmed: Yes. I think the way to think about it is that the Marina itself is permitted under an existing BCDC permit already.

Commissioner Nelson acknowledged: Thank you.

Commissioner Showalter was recognized: I wanted to ask a little bit about the wetland section and what is the status of that and what restoration efforts are planned, if any?

Ms. Rivera explained: The project is all within mean high water line. So, we are not touching the existing wetland. But therefore, because we know once sea level rises that wetland is likely to be lost. We are creating a series of terraces going into the property, inland, that will basically help migrate that ecology upland as the sea level rises.

We are not preserving what is there today. We are not touching anything outside of the mean high water line, but we are creating terraces to kind of allow that ecology to migrate upland as the sea level rises.

Commissioner Showalter continued: So, when you look at that wetland now, there are not things that you see that you could do like plantings to fortify it, it is in good shape?

Ms. Rivera opined: It is in fairly good shape and it would be a different permitted area because it is outside of our property line to work within the water.

Commissioner Showalter stated: Okay. You know, we see little pockets of possible restoration projects sometimes when we look at these other development projects and this is certainly one that seems to me that might be good for some restoration attention. I just wanted to mention that, thank you.

Commissioner Gunther chimed in: It is great to see sea level rise adaptation being integrated by landscape professionals. I really wanted to thank you for demonstrating that so we can see how you are thinking about it.

The question I have relates to the Marina. I am a little confused. We saw lots of pictures of the project and the Marina is in different stages of being sort of grayed out and I am not clear. Is it there or is it not there as you are looking at the construction of this project a year from now?

Ms. Rivera explained: The Marina is there today and that is in all of the representations in this set show it. As the team has shared, what is the status of the Marina within a year, I can have the team members speak to. That timeline is not clear. That design has not occurred.

So, that is why in all of the visuals that you see on screen the Marina is there. And we have designed this project to be able to accommodate if it stays but also accommodate any changes that might happen in the future when it comes to grading and those type of considerations.

Commissioner Gunther acknowledged: Okay. So, whether the Marina is there or not, your project, your design accommodates that.

Ms. Rivera agreed: Exactly. We have designed that because the design of the Marina is in flux and getting going, basically.

We have designed the waterfront park to be able to be agnostic, basically, of it staying or not when it comes to grading, access, points of connection and so forth.

Commissioner Gunther acknowledged: Thank you.

Acting Chair Eisen spoke: I have one question about the hidden gem aspect of the project. Is there any effort that is going to be made to make it less hidden to the public so that they know how to access it or they know about its availability?

Ms. Rivera replied: Yes, of course. There is a signage strategy, meeting all of the BCDC requirements of highlighting connections and access points to the Bay, including also public parking, and, of course, additional tenants.

But there's already some users. There is always a gentleman swimming in the beach in Phase 1C. I would love to see more people there so hopefully as people kind of know that there's a new park, we will see more community members come out and enjoy it. I am specifically talking about Phase 1C, which is already built. But, of course, the increase in tenants will therefore increase the use of it and start marking it in people's mind as a location to go enjoy.

Chair Eisen acknowledged: Okay, good.

Mr. Lavine chimed in: Acting Chair Eisen, may I add just a comment on the overall signage plan? The BCDC permit that we recommended approval for today includes the condition requiring the applicants to submit a comprehensive signage program. It is just something I would like to draw some attention to because it is a similar condition that we have included in a number of recent permits over the last year trying to be responsive, particularly to our environmental justice and social equity policies.

What we have been doing over the last year with a number of projects is trying to increase the number of user groups that are served by our signage programs by requiring English and Spanish, and in many cases an assessment of the nearby community needs for multilingual signage; and also incorporating elements of universal design, which could include Braille, tactile elements or others.

With a lot of the major permits that are coming before you we are having continued staff involvement after their issuance to come up with a signage program which we think is really going to elevate the state of the art compared to what we have been doing over the last 50 years.

Acting Chair Eisen acknowledged: That is fantastic. A lot of these areas, and I noticed that Heron Head is not very far from the site that we are talking about, if you try to go into your GPS and say Heron Head or Oyster Point or something, unless they have some specific designation you cannot really find them. They are really hard to get to.

I know Heron Head is a huge birding area. So, birders all know about it, but it is also a lovely spot and it looks like it is just around the bend from this project.

I do not know if we have any capability of asking that it have a designation that could be located on GPS that would help people find it and know that there is essentially a public access area there.

Any other questions or comments?

Commissioner Kishimoto commented: I just wanted to say that I also found this a little bit confusing with the relationship between this and the Marina and also Commissioner Showalter's question about the wetlands. To me it feels a little bit like it is segmenting a project.

Ms. Rivera explained: This is Phase 3 through 4, so basically the western waterfront section of a full master plan. So, we did the master plan to make sure there was there was cohesiveness in design and continuity and detailing and aesthetics and experiences and also building up the array of public offerings throughout the peninsula.

That said, everything within that master plan is upland, right. The work that has been performed is within the mean high water line, both in phase 1C and in this project before you.

So, that is why there is a kind of divide not only in property but in phasing and in projects between the upland work, which is what we are working on, and the Marina, the east coast marina.

Commissioner Kishimoto continued: So, the Marina decision can and will be made completely separately?

Ms. Rivera affirmed: Yes, that is correct.

Commissioner Kishimoto asked: And that is allowed under the master plan that was already approved?

Ms. Rivera replied: No. The Marina project is separate to the original master plan vision and it has a separate design and timeline to it.

Commissioner Kishimoto also asked: Who would that be reviewed by?

Ms. Rivera answered: You all at some point in the future.

Commissioner Kishimoto continued her inquiry: I see, okay. Okay, okay, it is going to come back to us, okay.

Ms. Rivera agreed: Yes, yes.

Commissioner Kishimoto acknowledged: I see. I guess that is what I needed to know. All right. Thank you.

Acting Chair Eisen recognized Mr. Lavine: Ethan, did you want to add something to that? I know you have already said that that's permitted.

Mr. Lavine added: Yes, there is a permit that covers the existing Marina that is still in effect. The previous statement was correct, that if there is an action that requires a BCDC permit or permit amendment that affects the Marina going forward, that we would have to review that separately.

Acting Chair Eisen asked: And we do not have that application currently?

Mr. Lavine responded: Correct.

Acting Chair Eisen asked: Is that okay, Commissioner Kishimoto? Did you have follow-up?

Commissioner Kishimoto replied: No, thank you. Thank you.

Commissioner Addiego commented: I wanted to speak to the hidden gem aspect. As one of the 68,000 people that call South San Francisco home, it is my preferred place to walk because I like to keep an eye on the Bay. It is not so hidden when it comes to people that live locally and also the 30,000 or so people that work in the bio and fintech industry.

So, during the week you will see a lot of people with their name tags taking a little walk in the middle of the day; and on the weekend it can get quite crowded. It is windy, but we like to think when you are walking that wind is refreshing and tends to motivate you to cover more area. (laughter)

Ms. Rivera added: Speed it up and keep it warm.

Commissioner Addiego continued: Yes. As mentioned, this area was developed in the very early 1980s. So, it is it's already 40 years old and really the Bay Trail is a little undersized and a little worn out around the edges compared to some of the other areas as you move back towards the 101 Freeway.

It is something that came faster than any of the locals thought as far as our planning. We thought that might be one of the last areas to be developed for the industry and it is just exciting to think of what is going to be there. Most interested in the local people enjoying their hidden gem but you are welcome to, Acting Chair Eisen.

Acting Chair Eisen added some levity: And the birders. You are not keeping us out, are you?

Commissioner Addiego answered: No, there is plenty for all.

Acting Chair Eisen asked: Any other Commissioner questions, comments?

Ethan, would you present the Staff Recommendation to us.

Mr. Lavine read the following into the record: Yes. Last Friday you were emailed a Staff Recommendation that recommends that you approve the Staff Recommendation with the conditions which include dedicating 4.25 acres of public access and requiring a sea level rise adaptation plan in the future should one be necessary, as well as other conditions that are included in the Recommendation. I do have a slide but it is going to take me about a minute to pull it back up. So, I thought I would just forgo it.

Acting Chair Eisen acknowledged: Okay, Ethan is going to pull up the slide that shows us the Staff Recommendation. But if any Commissioner feels confident that they, it was in our packet, so if you want to move and second this particular Staff Recommendation this is a good time to do it.

Commissioner Addiego moved the item: Chair Eisen, it would be my pleasure to make the motion to approve this application with the conditions.

Acting Chair Eisen acknowledged: Commissioner Addiego moves.

Commissioner Randolph seconded the motion: Second.

Acting Chair Eisen acknowledged: Commissioner Randolph seconds.

The applicant's representative, can you affirm that you have reviewed the Staff Recommendation and agree with it?

Ms. Blanchard replied: Hello, Commissioners, Jillian Blanchard with Rutter Law Group. I represent Kilroy and we have read the Staff Recommendation and fully support it.

Acting Chair Eisen acknowledged and called for roll call vote: Thank you. Reylina, please call the roll.

MOTION: Commissioner Addiego moved approval of the staff recommendation, seconded by Commissioner Randolph.

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Addiego, Ahn, Arreguin, Burt, Eklund, Gioia, Gunther, Hasz, Moulton-Peters, Peskin, Pine, Randolph, Showalter, Kishimoto, Pemberton, Vasquez, Nelson, Gilmore and Chair Eisen voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Acting Chair Eisen acknowledged: Thank you, the motion passes.

9. A Discussion of, and Possible Votes Concerning, Legislative Activity in Sacramento, Including SB 273. Item 9 was cancelled.

10. Briefing on BCDC Hiring/Reorganizing. Acting Chair Eisen stated: We move to our last item, Agenda Item 10, a Briefing on BCDC Hiring and HR issues. Our Human Resources Analyst Anu Ragnathan will provide the briefing.

Executive Director Goldzband interjected: Before Anu starts, I want to let the Commission know what we are about to do, which is now for something completely different, as Monty Python would say.

I have been here for a little over ten years and we have never briefed the Commission on the HR strategy and how we actually operate. And that is because, candidly, you all don't really need to know that. Because we handle it. We handle it well. And if we ever have an HR problem that requires Commission work we work in the way that we are supposed to and most of you do not even know about it anyway. And that doesn't happen because it is a great staff. At least not very, very often.

But, it has become clear to me as Executive Director, it has become clear to my peers as Executive Directors of the Coastal Commission and the State Lands Commission and other places in state government, that life has changed over the last four years with regard to human resources and staffing and people and needs and what is going on.

I have made it a consistent question whenever I talk with other people who lead nonprofit organizations or for-profit organizations about how their workforce is doing and how they are doing with their workforces.

Many of you are part of leaderships of very, very large public organizations and some private and nonprofit, and my bet is that you have faced challenges over the past few years, and they are coming home to roost in a number of different ways.

So, what Peggy and I thought about two months ago is that we should provide you with an overview of BCDC's HR organization and staffing and what we are now facing and how we view what we are facing so that you have some information about that.

We provided this as a rough draft on Monday to Chair Wasserman who had a number of really good questions, whose answers we have incorporated into this, Anu has done a great job. And he predicted that a few of you will have some questions as well.

So, that is why we are doing this. As far as I know, this is really the first time that this has really happened at BCDC. We do a budget one every year. And I do not know if we are going to do this every year, but I hope it provokes discussion from you all as you all think about what we are facing and what you all are facing as leaders of your organizations. So, with that, I will hand it off to Anu.

Human Resources Analyst Anu Ragunathan presented the following: Thank you, Larry. Good afternoon, Acting Chair, Commissioners, and everyone. Thank you for joining me today and welcome to my presentation on BCDC's HR review for the past 10 years. I am happy to be doing this presentation, the first ever HR overview, like Larry mentioned.

In this presentation I will share comprehensive HR-related information on various aspects of HR and provide an overview of how BCDC has evolved from the HR front.

In light of time, I have put together some slides with HR information by departments. I do have a question-and-answer slide at the end so looking forward to answering questions you may have. I would like to keep it simple and stay within the scheduled time - so moving on.

This is an overview of topics that we are going to be discussing today. The positions at BCDC.

Since this is a 10-year HR review we have the positions starting at 2012 to the current year. We have actually broken it down into the different units within our departments like the Regulatory, Planning, Legal and Administration.

How we did with hiring during pandemic.

How the composition of our staff fared with regard to tenure.

Also, demographic and ethnicity data of our staff in 2023.

Of course, the recruitment challenges that we have faced.

And how or what the accomplishments are so far and our ongoing objectives.

Last but not least, we do have a takeaway slide for the Commission and we are looking for some input, guidance and feedback.

So BCDC in 2012, we started with 40 of our positions; in 2016, 47; and in 2023 with the OPC/SCC and the EPA grants, including limited term positions, we are at a total headcount of 61 currently.

This is actually a breakdown of the headcounts as per the different units that we have in BCDC. I am going to be getting into the details of specifics of each department in the upcoming slides but this one to gives a statistical and also pictorial representation of how the headcount in Regulatory, Planning, Legal, Administration and Executive Staff looks like.

So, in the Regulatory department we started with 17 permanent positions in 2012. In 2016 we were at 18 permanent positions and 1 limited term. Between 2022 to 2023 we have the Enforcement unit with 4 positions which moved into the Legal unit. And yet, in 2023 we have 16 permanent positions, 1 limited term and 2 positions that we received through the OPC/SCC Grant.

Even though here between 2016 and 2023 the numbers appear to be the same, but even with the move of the Enforcement unit into the Legal we were still at 19, which means we gained or we had increased positions from between 2016 to 2023.

In the Planning unit we were at 9 in 2012; in 2016, 11; and 2023, we were at 17 positions. Again, these 17 positions, we are at 11 permanent, 1 limited term, 1 position even though it is a two-year limited term through the EPA Grant and 4 positions on the OPC/SCC Grant, which are for three years.

In the Legal unit, there is a spike. From 2012 and 2016 we were at the same numbers but there is a big leap between 2016 to 2023. This was due to the Enforcement unit, which moved from the Regulatory into the Legal department. Also, in 2023 we had 2 of the compliance positions which were added, and also 2 Enforcement Attorney and Manager positions, which were part of the 10 headcount on the existing three permanent positions that the Enforcement unit previously had. So, that brings us to a total of 10.

Administration Department. We have actually lost a position between 2016 through 2023. This is the OT or the Office Technician position which was reclassified into the Associate Government Program Analyst position. Even though we lost one, we still are able to manage and get things done for our extra headcount and the growing numbers with the hiring that we have at BCDC.

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Executive Staff. This department has remained consistent and is comprised of our Executive Director, one Deputy Director and the allocated Executive Secretary staff, which leads to the total of 3. There are no changes that have happened from 2012 to 2023.

This slide is to give a summary of the total hirings that we did during the pandemic, which is from 2020 to 2023. To break it down, not only did we do new hires, but those 19 positions are 7 internal promotions, which is close to 40 percent of the hiring. That leads us to the 19 new hires that we did during the pandemic.

So, this table here, I just wanted to shed some light on the total tenure of our current staff at BCDC. At less than five years there are about 28, which includes me, which is less than five years.

Also, with all the attrition and the retirements and the backfill of positions and the transfers that happened, the new hires, so that is the reason for the highest in less than five years, the 28 employees headcount that we have here. Five years and above is 13. Ten years and above, we have staff who have been with BCDC for over 12 years.

I wanted to leave a note that, of course, as the footnote says on my slide, this does not count the 8 vacant positions that we have currently, and we are in the process of hiring.

Here we wanted to give some information about the total demographics of the different classifications that we have in BCDC and to put some extra spotlight on the last two rows, where the BCDC permanent staff is about 49 percent Millennials.

That is because of our new hires who are Millennials; 34 percent are Generation X and Baby Boomers 17 percent. We are closer to the state's employee percentages, which is 36 percent Millennials, 41 percent Generation X and Baby Boomers 23 percent. And a quick pictorial representation or a bar chart on the side representing the table.

Ethnicity Data. There are about 59 percent women in BCDC and 41 percent constitutes the men population, which is closer to the Bay Area's total percentage of women and men. Also, to compare it with the state percentages, it is not too much of a difference but we are closer to representing the Bay Area's representation of women and men.

Also, I thought it might be helpful to give a little breakdown of the different ethnicity data with respect to our staff at BCDC.

This is actually a very interesting slide. The challenges are ongoing and these are just the top eight that we wanted to share for today's presentation which is something that we have been hearing from the applicants or the challenges that we have been facing during the hiring process.

So low pay scale, the bureaucratic process that we have with the state and the hiring procedures, the competencies, skills that we are looking for when it comes to our specific classifications and the hiring, knowledge transfer, professional development, and succession planning and examination process are some that we thought we would use it for today's presentation.

Even though faced with all those challenges we do have our accomplishments. One of the greatest accomplishments that has been ongoing for many years but finally accomplished between 2022 to 2023 is having the Coastal Program Analyst examination series online. Just not that, but we were also able to get the approvals from CalHR regarding the increase in salary for the CPA series, which is the Coastal Program Analyst series. Because as you know, there are different levels in the CPA series.

Also, our leadership development plans and the hybrid working culture that we are, trying to make it a selling point for our new applicants.

Document successes and goal achievements.

Cultivate growth mindset.

Also improve employee morale and lower the attrition rate.

Even though we have accomplished all of this, we have also been faced with ongoing objectives and we wanted to address that in every part of the hiring process. We wanted to have the recruitment based more on increasing diversity and also that would enable us to increase and strengthen the retention rates.

This is the slide that I wanted to present to the Commission specifically here where we are looking for some help from all of you to advocate for us to increase the positions at BCDC.

Also, to spread the word for hard-to-fill positions.

And to create more awareness in the public for all the meaningful work we do at BCDC. “We” meaning, I am representing all the staff here at BCDC and all of your tireless efforts in the Commission.

These are our current vacancies right now. We have about 8 vacant positions. I just wanted to give an idea as to how long we have been posting these positions and how we are faced with all these challenges and to give you a fair idea about the midpoint salary.

Like I mentioned in my previous slide, in the challenges, the low pay scale and the process in the hiring in state service. Our hiring process is one of the biggest challenges. So just to give some information about the vacant positions and also why we are looking for the support from all of you to spread the word and help us with filling these positions.

That brings us to the final slide, and I am open for any questions that you may have.

Acting Chair Eisen acknowledged: Thank you so much, Anu, that was a really full-bodied presentation and I know there are going to be lots of questions.

But before we get to that, I would like to invite anyone from the public who would like to make a public comment regarding this item to come to the podium or to raise their hand in Zoom. I see nobody in the room. Reylina?

Ms. Ruiz stated: No public comment online.

Acting Chair Eisen: That then brings us to the Commissioners. Who would like to make a comment, ask a question?

Commissioner Randolph commented: When you have lost candidates, Anu, to other opportunities, have you been able to have kind of like an exit interview? Do you know where they went, what the competition was?

I am thinking a little bit about federal positions in particular. I remember many years ago when I had been in federal service, there was a gap, worked for the state. I was really struck with how abysmal state pay was compared to federal. Does the Commission tend to lose potential staff to federal agencies in particular or what are you competing with?

Ms. Ragunathan replied: Thank you, Commissioner, for your question. Yes, we do have exit interviews conducted at the time when the candidate gives us the notice. One challenge or one of those repetitive reasons for people transferring or moving out of the position has been the lower pay scale and the benefits part. Because benefits in state service, in the long run it is definitely a yes. But people are looking for currently the higher base salary.

That is one of the reasons, the primary reasons, people move out. We have been addressing that within and trying to have them stay. We would not be able to do anything with the salary structure because that has to go through the CalHR process. But we have been accommodative, and they have actually shared that the hybrid working was one of those advantages where other departments or all companies offer like one day, right, currently that we do right now. So that is one of those. The lower pay scale and the long process, the hiring process, is one of the reasons that we hear most often.

Commissioner Randolph continued: But just as a follow-up, for the category of positions that you hire for, what other agencies or entities are you typically competing with? If we lose them at BCDC do you have an idea where they actually end up going?

Ms. Ragunathan answered: It is outside of the state service. So, it is private and public sector firms and companies, the majority.

Executive Director Goldzband chimed in: And if I can add to that, local governments and regional governments totally destroy BCDC and state government in terms of salary.

Ethan, was it you who a few years ago put together the schedule comparison between local government pay scales and the state? I am trying to remember who did it. I want to say you were part of it or at least you and I looked it over.

Mr. Lavine replied: Yes, we did collect job postings for the course of about a year or so and compared them to local salaries and even other positions within the state; and that is absolutely correct.

Executive Director Goldzband continued: Basically, the difference was upwards of 30 to 50 percent and so we have lost over the past ten years numerous people to different counties, special districts and the like. Not as much to the federal government but certainly to locals and so on.

In addition, one of the things that has reduced some turnover recently has been the ability to have upward mobility. The fact that we have the Coastal Conservancy and OPC grants, which then opened up a very senior type of position, has allowed our people to move up into those and we are backfilling now with less experienced people. Because we know that one of the reasons people leave is they essentially max out.

I will name one right now and that is Anniken Lydon who was the manager, you will remember, of the Bay Resources section. Anniken had moved south and didn't want to come up once a week or twice a week or whatever it would end up being and she found a marvelous position in the private sector down in San Diego and is making an awful lot more money down there than she ever would up here in the public sector.

And she had decided, ultimately, that she was not going to try to become the Regulatory Director, so she was not interested in moving up in the state service. That is just one example.

Erik has faced that more than once, as Erik nods his head, as head of long-term planning, when he was also a permit manager.

Commissioner Gilmore chimed in: Mine is just more of a comment. I have seen this, particularly right now, at the county level. It is not only the low pay, but it is the length of time that the process takes to hire somebody.

You have people leaving for all sorts of different reasons and you do not have enough staff to basically do your day-to-day business. If somebody walks in the door tomorrow and applies, at least in some counties, it can take eight months to almost a year just to go through the process. I do not know what BCDC's hiring process is like or how long it takes, but I am wondering if that is also part of the difficulty?

Ms. Ragunathan replied: Thank you, Commissioner Gilmore. That is also one of the reasons, but it is not specific to BCDC, it is just the state in general.

The hiring process is tedious, it is long and it takes various steps. The applicants are impatient when it comes to waiting a month, month and a half, before the entire process gets completed and a final offer is made. So yes, that is also one of the reasons and the challenges, as stated in one of the slides.

Executive Director Goldzband added: If I can add to that, and I do not know how this works on the county level but I would love to find out, or the city level. If Joe Schmo decides to apply to two different BCDC positions, he/she/they has to do that twice separately. There is no way that you can actually apply for a position that Erik has open and then basically create what we would argue would be an Indeed account and then be able to transfer all that information with a stroke of a pen or the stroke of a keyboard key to the other position. Instead, you have to go back to the beginning and apply once again with everything else you have got to do.

Candidly, if I have the choice between doing that or going on Indeed and doing it once, I know where I am going to go. It is a really difficult process.

And that six week to eight week period that Anu is talking about is not from the time that you start. It is from after the interview. If you have interviewed and Erik or Ethan or Jessica or whomever wants to hire you, you have to go through a process that CalHR has. Of course, everybody has to check references and all that. But if they are coming in from outside, then you are probably they are probably going to ask for a higher rate of pay than what we would ordinarily do because it is the Bay Area, which means you have to go through an entire CalHR process on that. And then you have to go through the hiring process itself, which is not terribly, how should we say, speedy. So just getting that offer letter out to somebody as part of our process and CalHR takes an awful long time.

I also want to point out a couple of different things that Anu talked about that I think are really important. The first is that about a third of the people now working at BCDC are in positions they were not in three or four years ago.

That is something really to think about. We have a young staff compared to the state. And you saw the tenure of less than five years, basically half the folks at BCDC. That has huge ramifications for our managers and our senior staff. I am sure you are starting to see that other places as well.

We mirror to a great extent the Bay Area in terms of demographic information, which is really, really interesting in terms of the ethnicity and the like, but it is not candidly uniform.

And certainly, when you have yours truly and Steve as the Executive Director and Deputy Director, who are, and I will say this proudly, in our 60s and white males, that then also contributes to the idea that it is not an even process or it is not evenly distributed or the ethnicity is not evenly distributed throughout the way BCDC works. And that is, candidly, because historically, environmental protection, green has been white.

And only really in the past 10 to 20 years has there been a real effort to try to diversify that movement. We thankfully are working hard at that, but it is going to take a while to really move it through the system. That also is something that I want to make sure that that people notice.

Commissioner Showalter commented: I have to say I got a little chuckle out of you saying white males and working for diversity and racial diversity because I was part of a cadre of people who tried to just work on gender diversity. If you look around this room you can see we have done pretty well, actually, in that, although there is always room for improvement.

Anyway, I wanted to ask, you mentioned the need for advocacy. We always need to know what to ask for. I wondered if you have a number of positions you think we should be lobbying for?

Generally, it seems to me the other take home message is that the state process for hiring is too cumbersome and long, and it needs to be streamlined. Are those the two messages we are supposed to have gotten and what is the number?

Executive Director Goldzband fielded this question: I will take that one, Anu, as we had discussed. BCDC has historically worked within the administration, we will continue to do so. We are not going to ask you to go out and lobby the halls of the state assembly to ask for more people. That is not what BCDC does and I do not think it's what BCDC should do.

But as we move forward, and I think the great example is you will start hearing in the next couple of months about the mission-based review (MBR) that the Department of Finance is doing on the permitting side.

One thing that Anu did not mention but Ethan is probably simmering about a little bit now, is that while you saw there has been a little bit of growth in the regulatory side, the permit staff has not grown over the past X number of years except for one person, which is the BRRT person. And yet the number, the demand for permits, the complexity of permits, that has grown.

So, one of the things we hope the mission-based review will help us do is figure out how to do permitting better. And it may well be that the Department of Finance looks at us and says, maybe you do need a few more people. We do not know but that is why you have an MBR process.

So, we will keep you informed of that. With regard to the actual number. Well, sure, I would like some more people on the regulatory side. But we will see, again, what the MBR process does.

What was the second question, Commissioner Showalter? I forgot.

Commissioner Showalter stated: The cumbersomeness, that we need to streamline the state hiring process.

Executive Director Goldzband continued: The minute you want to try to take on the state government civil service process I will be behind you in massive amounts of armor, all seven percent. Because that is controlled, and this is a really interesting thing. The Coastal Commission and the Coastal Conservancy and we feel this a lot. That is controlled in Sacramento, by Sacramento people, because that is where state government is.

We are really fortunate to get Reylina. In addition to her being really nice and good, one of the really great things about having Reylina is she has worked within that system and so she has learned within that larger context of Sacramento how to get things done.

It is different than working in the Bay Area where you are essentially satellite from Sacramento; and so that will help. But it is the civil service system and all of its great stuff that we all really think is really marvelous, and I do not mean that in any snarky way, it is marvelous, that also has with it its cumbersome nature. That's the issue.

Commissioner Showalter continued: Well, I bring it up because in local government we are facing these issues quite severely as well. And one of the things that we are doing, of course we have more control over our own civil service requirements, is trying to modernize them, which hopefully will streamline them.

I do not have any desire to talk to my legislators about a grand scale redo of the state's civil service system.

On the other hand, in the umbrella of improving state processes, thinking about hiring processes and talking about how that is something they should worry about as well, is something that I certainly can see as a reasonable thing to bring up.

Acting Chair Eisen asked: Any other comments or questions? I have just a couple. I have asked Larry to just tell those of us who are not intimately familiar with it a little bit about the terms of these OPC/SCC grants.

My second question is really a follow-up to Commissioner Showalter's. It sounds as if there are many barriers, there are many difficulties, and virtually none of them are within our control. If there are some that are within our control, and I think maybe as you were saying, Anu, put the word out about positions that we are recruiting for. If there are others very specific like that, I am sure that the Commissioners will be happy to help in the ways that we can help, but it sounds to me like those ways are fairly limited.

Executive Director Goldzband added: I think the structural ones probably are. So, two responses. Thank you, Acting Chair Eisen.

First, you will remember that the Ocean Protection Council and State Coastal Conservancy grants that were awarded to us are upwards of between two and a half and three and a half years depending upon how long they go or how many, and so on. Those are providing us with, I am looking at Jessica, six new positions, which we have all filled at this point, I am pretty sure. We have five out of the six? I am trying to remember. Go ahead, Jessica.

Ms. Fain stated: We have hired five out of the six and maybe six out of the six, depending on whether an offer that was made yesterday was accepted.

Executive Director Goldzband continued: That is what I was wondering and I had not received word. So, it is either five out of six or six out of six. The great thing about that is that many of those have been filled by existing BCDC staff, which has allowed for new staff to come in and that upward mobility.

Acting Chair Eisen asked: But they expire?

Executive Director Goldzband replied: But they will expire. So, we will be working with the Department of Finance and CNRA to make sure that they do not expire. That is on us, and we will do so. We certainly hope that because rising sea level is not going to stop that support will not stop.

We have never sent around to Commissioners a list of open positions saying, please spread these around to your people. At least we do not do it very, very often. We are happy to do so. But at the same time, I am cognizant that you as 13 local elected officials do not want us poaching your people, as Commissioner Addiego shakes his head. So, we have not done that.

But what I will say that we will do is we will certainly consider sending you, for example, a few that we think are key, especially on the senior side that you may be interested in seeing and sending off to folks.

Of course, we do use the LinkedIn and all of the different ways that we can get people. Anu is working closely with an HR recruiter for the Regulatory Director position. So, we are paying extra for that and we do that on certain occasions for the senior positions just so the word can get out there even more.

Acting Chair Eisen acknowledged: Okay, good, that was a wonderful briefing. We all appreciate it very much. We do not have to take any action with respect to that today.

11. Adjournment. Upon motion by Commissioner Ahn, seconded by Commissioner Addiego, the Commission meeting was adjourned at 2:54 p.m.