



October 18, 2024

Public comments transmitted via:
publiccomment@bcdcc.ca.gov

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, CA 94105

**RE: Draft Regional Shoreline Adaptation Plan (RSAP): Sea Level Rise Planning
Guidance (SB 272) – Public Comments**

Dear San Francisco Bay Conservation and Development Commissioners and Staff:

On behalf of the League of California Cities (Cal Cities), thank you for the opportunity to provide comments on the Public Draft of the Regional Shoreline Adaptation Plan (Draft RSAP), now including sea level rise planning guidance, as required by SB 272 (Chapter 384, Statutes of 2023). Cal Cities advocates on behalf of California's 483 towns and cities, including the 44 cities, lying in whole or in part, in the San Francisco Bay. Cal Cities prioritizes planning efforts to strengthen climate change resilience and disaster preparedness as a core local government function and recognize the state's role in providing guidance to support coordinated approaches among local governments to achieve statewide climate goals. We are appreciative of the San Francisco Bay Conservation and Development Commission (BCDC) staff for organizing a meeting with Cal Cities and for engaging our members to provide an overview of the Draft RSAP on October 7, 2024. We recognize BCDC's long-standing engagement and your continued commitment to working with local governments.

This letter is submitted as public comment to BCDC by the October 18, 2024 deadline. Specifically, we offer the following comments on the Draft RSAP:

1) The Draft RSAP must adhere to the statutory requirements identified in SB 272, including that local governments within BCDC's jurisdiction must complete their sea level rise plans as part of a Subregional Shoreline Resiliency Plan by January 1, 2034.

As stated in SB 272, statute specifically identifies the requirements local governments must meet by the specified deadline. SB 272 requires a local government in the coastal zone or within the San Francisco Bay to 1) develop a sea level rise plan as part of either a local coastal program or a subregional San Francisco Bay shoreline resiliency plan (subregional plan) that includes certain information, including sea level rise adaptation strategies and recommended projects, 2) requires local governments to comply by January 1, 2034, and 3) prioritizes funding for implementation of sea level rise adaptation strategies in approved plans. In our meeting with BCDC on October 7, 2024,



it was encouraged that each city individually submit their own sea level rise plan or be part of a multi-jurisdictional plan. SB 272 does not require each individual local jurisdiction to develop and submit a sea level rise plan for approval by BCDC. SB 272 requires that a local government in the San Francisco Bay develop a sea level rise plan as part of a subregional plan and submit the subregional plan to BCDC by January 1, 2034. Subregional plans are the planning documents that are subject to approval by BCDC. This is critically important to the successful implementation of SB 272 because cities and other local governments have limited resources, both funding, staff, and resources, to develop their own sea level rise plans. Rather, where cities can partner with their neighboring cities and counties, to leverage resources, data, and information to support this planning effort. Additionally, this is why SB 272 provided 10 years for local governments to coordinate and develop these multi-jurisdictional sea level rise plans as part of the subregional plans. The Draft RSAP must maintain its description of subregional plans and SB 272 requirements, which accurately articulates these requirements (subsections 1.2.2 and 1.3). However, on page 167 of the Draft RSAP, the description of the role of cities must be clarified to include the following language to ensure that the statutory requirements on SB 272 are clearly articulated:

"Cities that lie, in whole or part, within BCDC's jurisdiction ~~are required to~~ ~~may~~ ~~either~~ prepare a ~~sea level rise plan as part of a subregional plan~~ that covers only their jurisdiction or participate in a multijurisdictional plan. In either case, cities ~~must comply with~~ ~~should review the~~ Guidelines to ensure any necessary ~~around~~ coordination with their county as well as other cities ~~is met~~. Required roles for cities include:

- Developing a ~~sea level rise plan as part of a local plan~~ (Subregional Plan) that covers the jurisdictions of ~~the~~ a city or town ~~lying within the San Francisco Bay~~.*
- Adoption of the ~~subregional~~ plan by the local council prior to submittal of the plan."*

2) The Draft RSAP must remove the inaccurate requirements that Subregional Plans must be updated or amended routinely on a 5-year and 10-year schedule.

While SB 272 does require local governments in the San Francisco Bay to develop sea level rise plans as part of a subregional plan, there are no required amendments or updates to the subregional plans that must be met per statute. The Draft RSAP must change the language in 'Section 3.4.3 Updating Plans' to be permissive, rather than require these updates routinely on the 5-year and 10-year. This is not statutorily required and is therefore an overreach of what is required of local governments. Section 3.4.3 in the Draft RSAP must be revised to encourage local governments to perform routine updates or amendments, but not require them. As currently written, by deeming the subregional plans "out of compliance" for failing to submit a 5-year or 10-year update is beyond the requirements of SB 272 and punitive on local governments who need time, funding, and resources to implement the plans they will have just developed.



3) The Draft RSAP should include recognition that for SB 272 to be considered operative, there must be available funding.

In 2022, SB 867 (the legislation prior to SB 272) was vetoed by the Governor based on not having available funding to support the implementation of the requirements in the bill. To address this issue, SB 272 included the specific provision in Public Resources Code Section 30985.6 that states:

"The operation of this division is contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute."

The Draft RSAP should include a reference in Section 1.3 to this provision of the bill showing the contingency this places on the overall operative nature and implementation efforts of the bill. Funding made available in the annual budget or another statute could support both the state and local governments to meet the intent of SB 272, which is to develop local sea level rise plans. We commend BCDC for including a funding strategy as part of the subregional plans; however, funding must be made available to local governments to meet the planning efforts required under SB 272, as well as future implementation efforts of the subregional plans once developed.

We respectfully submit these comments on behalf of the San Francisco Bay cities and towns. Please contact Melissa Sparks-Kranz, Cal Cities Legislative Representative, at msparkskranz@calcities.org or 916-658-8232 should you have any questions regarding our public comments.

Sincerely,

A handwritten signature in blue ink that reads "Melissa J. Sparks-Kranz".

Melissa Sparks-Kranz
Legislative Representative
League of California Cities