

# San Francisco Bay Area prepares to launch planning rules to cope with sea level rise

**Colin Sullivan, Environment & Energy Publishing, 8-26-11**

SAN FRANCISCO -- A leading-edge debate in California over how to factor sea-level rise into Bay Area shoreline development is poised to accelerate next week when a state commission meets to hash through changes to planning rules that haven't been revised in decades.

The state agency with jurisdiction over the San Francisco Bay and areas within 100 feet of the shore, the Bay Conservation and Development Commission (BCDC), will convene a meeting next Thursday in an attempt to move new regulations more than two years in the making to the finish line.

The so-called Bay Plan Amendment is important because it will govern how low-lying regions on the 240-square-mile bay, from San Francisco south to San Jose and north to Oakland and Richmond, adapt to sea level rise and climate change for years to come.

The regulations have been the subject of much controversy over the past two years as commission staff have produced four drafts in an attempt to satisfy developers and environmentalists, as well as conform to the state's Climate Adaptation Strategy, a policy pushed by Gov. Arnold Schwarzenegger's (R) administration that discouraged building along the shoreline and sought to restore wetlands.

The agency hasn't updated its contingency plans for sea level rise since 1989. Joseph LaClair, chief planner at the commission, said the new rules seek to incorporate scientific findings that indicate waters in the bay have risen by about 8 inches over the last century and could jump another 2 to 6 feet by 2100.

"Historically, we have tended to think of [development] projects and the shoreline as static, but now we're living in a dynamic estuary where the shoreline may move, so we have to change our approach," LaClair said.

The amendment would effectively force developers to assess risks associated with sea level rise and submit a risk assessment to the state for a given project. The builders would also have to draft their own blueprint for dealing with shifting conditions, whether that means building farther back from the shore, creating tidal marshes or erecting levees to keep out the water.

## **Developers lobby to change wording**

But the agency has run into well-funded opposition from Bay Area builders that want the freedom to access shoreline spots with new housing developments and other projects. Among the projects thought to be threatened by the rules is the massive Saltworks development to the south of the San Francisco International Airport in Redwood City, where DMB Associates wants to build thousands of new housing units.

The project, to be built atop salt ponds owned by agriculture giant Cargill Inc., has become a test case in how developers might respond to shoreline regulation. DMB Associates has spent more than \$300,000 in lobbying to change the rules even before they pass, a reality that doesn't sit well with environmentalists who would prefer the shore be restored to tidal marshes to provide a buffer for future floods.

DMB insists the site would address wetlands restoration by shifting much of the area into marshes while locating the housing units close to public transit. But David Lewis, executive director of Save the Bay, said the

company is running "a manufactured campaign of scare tactics" to intimidate the BCDC into watering down its product, which is set for a final vote in early October.

"There's really only one piece of sizable private property on the shoreline that does not yet have any development on it," he said, in reference to the salt ponds. "They're picking on a tiny agency."

Yet the lobbying appears to have paid off. Commission staff struck the word "retreat" from the plan in the most recent draft, in reference to the idea that sea level rise means a simple retreat from the shoreline is the best available response.

Scott Zengel, vice president of policy at the pro-business Bay Area Council, said the first and second drafts offered "a much more biased retreat strategy" that failed to take into account the reality that essential infrastructure -- including San Francisco International Airport and key regional highways -- is located close to the shoreline.

"There is a fine line between protecting the environment and doing things that would be best for the region," Zengel said, arguing that the latest draft represents a "more flexible" approach his group can support.

"They wanted to say, 'Let's go away from the water,'" he said. "You just can't do that."

### **'Many years and hurdles' to come**

As for Saltworks, Zengel refused to comment on the politics but pointed out it is not the only other major shoreside development project on the table. He cited the Bayview shipyard redevelopment and plans to build on Treasure Island, a former U.S. Navy installation in the middle of the bay between San Francisco and Oakland.

LaClair said the revisions are an attempt to approach the issue more broadly and not be as prescriptive about infill development or building in zones that have already been developed to some extent. He also pointed out that the commission's jurisdiction within the 100-foot band is limited to ensuring public access to the bay, so his agency is still grappling with how to best approach the convergence of land-use law and climate change.

"It's just one of those new issues that people are not familiar with, and they're not sure about the best way to deal with it," he said. "It will take some time for people to work out the wrinkles."

Lewis, for his part, appears to believe the effect of the revisions is overstated. He said Cargill and DMB "have many years and hurdles to get over" if they want to break ground on Saltworks, so he's not too worried about the BCDC process.

"They got a few words changed, but they really haven't changed the impact or purpose of the policies," he said, adding that he supports the latest draft because it backs goals set out in the Climate Adaptation Strategy.

"The policy says there shouldn't be development on undeveloped shoreline areas that have habitat or wildlife," he said. "It says it's a bad idea to do that."

He added: "The most important thing here is that an actual agency of the state is putting into its regulations guidance that was not yet regulation."