

Worries over rising S.F. Bay spur shoreline development legislation

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With the potential of rising sea levels due to global climate change, an East Bay assemblyman wants to give a regional agency authority to create guidelines for development along Bay Area shorelines and flood zones.

The result could be future shoreline developments with higher foundations and banked grading designed to withstand a three-foot rise in sea levels, among other safeguards.

One thing the forthcoming legislation will not do is place a moratorium on shoreline development, said Will Travis, executive director of the San Francisco Bay Conservation and Development Commission, whose agency would gain a greater voice in setting land-use policies for potential flood zones in the Bay Area.

The bill that Assemblyman Mark DeSaulnier, D-Martinez, plans to introduce this month would give the commission the authority to deal with the effects that climate change might have on the San Francisco Bay and Suisun Marsh - something that was never considered when the agency was created by the state Legislature in 1965. Such authority would give it a vote on the four-agency committee that is developing a comprehensive regional strategy to deal with climate change, Travis said.

A March 2006 report by the California Environmental Protection Agency said atmospheric warming could cause water levels in the San Francisco Bay to rise from five inches to three feet by century's end, depending on the degree of warming. A three-foot rise in sea level, the worst-case scenario, could flood more than 200 square miles of land and development around the Bay - including the Oakland and San Francisco airports - and affect as much as \$100 billion in shoreline development, according to the BCDC and the Pacific Institute, a think tank that studies issues about development and the environment.

"Knowing what I know now, I wish I had that authority 10 years ago," Travis said.

The legislation would give the BCDC official voting status on the regional Joint Policy Committee, a coordinating council created by the Bay Area Air Quality Management District, the Metropolitan Transportation Commission and the Association of Bay Area Governments to address climate change. BCDC is currently a nonvoting member. Although the bill is still in development, it could also grant the BCDC the authority to form a plan that would accommodate projected sea level rise, which could have a big effect on developers.

"The legislation would at least say you should be studying this issue and you ought to be working with local government to help them figure out what to do" by providing information and assistance, Travis said. "It doesn't give us any more regulatory authority."

DeSaulnier's bill uses as a jumping-off point AB 1066, a bill introduced early last year that would have directed the state to include advice on how cities could address climate change and rising sea levels in its General Plan Guidelines. That bill also would have authorized BCDC to develop strategies, including a plan "that describes how to accommodate projected sea level rise, protect resources from erosion and inundation, and maintain, restore or enhance the productivity of coastal and bay environments." It died in committee.

Paul Campos, senior vice president of governmental affairs and general counsel of the Home Builders Association of Northern California in San Ramon, said DeSaulnier's office had not contacted his organization about the forthcoming legislation.

"There may be some merit having BCDC be a part of this joint working group and getting all the agencies in one place when addressing such an overarching topic," Campos said, noting that he has not seen any new legislation. But "we think it would be a big mistake and counterproductive to have yet another single-purpose agency that has no expertise in global warming and is understaffed to start analyzing rising sea levels and (the impacts on) all of the myriad economic activity around the Bay."

David Smith, director of regulatory affairs at DMB Associates Inc., an Arizona developer currently taking public comment on its redevelopment plans for the Redwood City Saltworks site, said that he also could not comment on the forthcoming bill as he had not seen it. But he did say that "we absolutely support and look forward to BCDC's continued leadership on issues related to climate change in the Bay."

What Travis would like to see is "no regrets planning," as he calls it, rather than a moratorium on building near the shoreline. That means foundations would have to be higher, or land graded or banked to accommodate a potential

three-foot rise in sea level, with costs amortized over the life of the building. Incorporating that kind of smarter planning is less costly than building a big development without those elements and then later having to build a levee around it to protect it from rising water, he said.

The forthcoming legislation appears to be far less sweeping than an eight-year strategic plan BCDC introduced that would extend its jurisdiction eastward to include all of the Bay and waterfront areas along the shoreline of Contra Costa and Solano counties, and eventually to encompass all areas the BCDC identifies as likely to be inundated by flooding over the next 50 years. Travis stressed that its proposed plan, A Climate Change Strategy for the San Francisco Bay Region, is just the beginning of a conversation. "We aren't using that as a measure of where we want to be going with this legislation."

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