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## **Power grab threatens development**

**Bay commission, citing rising sea, seeks to expand turf**

San Francisco Business Times - by [J.K. Dineen](#)

A contentious plan to confront rising sea levels in the Bay Area is creating a political storm as developers and planning officials say the proposal could delay or kill billions of dollars of local urban development projects.

The San Francisco Bay Conservation and Development Commission is pushing a Bay plan amendment that sets guidelines and policies for 213,000 acres that could be vulnerable to a 55-inch sea level rise by the end of the century.

The vast majority of the land is outside the current purview of the commission, known as BCDC, which has jurisdiction within 100 feet of the Bay. But the BCDC documents are a comprehensive strategy for the entire “inundation zone,” and one that will likely become a powerful planning tool if adopted by the commission.

Opponents say the new policies amount to a BCDC power grab that will create new avenues for foes to challenge development at a time when construction has yet to bounce back from the recession. Critics ranging from developers to planners to labor contend the BCDC planning process lacked transparency and that the agency should scrap the document and start again.

BCDC Executive Director Will Travis says he is hoping the plan will be adopted by the end of the year.

The plan is opposed by officials from San Francisco, San Jose, Redwood City, Emeryville, Richmond and other cities. San Francisco Redevelopment Agency Director Fred Blackwell called on the BCDC to “withdraw the proposed amendments and work with affected stakeholders, including the Redevelopment Agency and other City departments, to develop a climate change plan that protects public safety and enhances the vitality of our communities.”

In an Oct. 7th letter to BCDC, Blackwell said the redevelopment agency “is undertaking a number of large-scale projects” that will become “subject to the amendments’ restrictions.”

“These projects will create new affordable housing, green space, commercial and educational centers and high-quality jobs,” Blackwell stated. “Yet, the amendments’

implications on these projects, which appear to be significant, have not been considered and appropriate coordination with the City and County of San Francisco has not occurred.”

The amendment could have an impact on major developments planned for Treasure Island, Hunters Point, Oak to Ninth in Oakland, as well as the Saltworks proposal in Redwood City, opponents argue. It could also hamper expansion plans by waterfront businesses like **Oracle**, which has opposed the amendments. In a letter to Travis, Oracle Vice President of Real Estate Randall Smith said the whole BCDC amendment process “needs a hard restart.”

“Our first concern is that we could be in the dark about something that so directly impacts the interests of our company and industry,” stated Smith.

He went on to say that the document “creates unnecessary hurdles to our ability in Redwood Shores, in San Mateo County, along the Peninsula and around the region to build the homes we need to house tomorrow’s workforce and to protect our neighborhoods, commercial areas, and industry from inundation and flooding under some of the scenarios that your agency says we should be preparing for today.”

Mark Kroll, principal at San Mateo-based developer Sares Regis Group, said the proposed BCDC changes “have the potential to induce so much uncertainty that they may stifle regional planning goals and economic investment in the Bay Area, not to mention the effect this would have on existing property owners within the zones of influence.”

“It’s all about process and this has not respected the process,” said Kroll. “It needs a lot more input from people affected.”

### **Fears misplaced**

Travis, executive director of the BCDC, called the criticism and fears about the commission seeking to expand its authority “quite wrong.” That would require an act of the legislature, and although BCDC has looked at legislation, it has no plans to introduce any, he said.

“We can’t vastly increase our jurisdiction — we have not asked for that change so it’s not happening,” he said. “We don’t have the authority to have a moratorium on development even if we wanted to.”

Travis said the agency supports development on closed military bases and other infill sites as long as sea level changes are taken into account.

“Rather than a moratorium we call for innovation,” he said.

But for developers much of the language in the proposed amendment is quite startling. The draft amendments suggest that all projects in the inundation zone should include a risk assessment plan that takes into account 100-year flood elevations. All projects should be “designed to be resilient to a mid-century sea level projection.” The draft amendment acknowledges that the plan may conflict with the “regional goal of encouraging infill

development at closed military basis and in concentrating development near jobs and transit.”

To minimize the conflict, the document suggests that “infill or redevelopment can be clustered on a portion of the property to reduce the area that must be protected.” The draft also suggests that flood-prone developed areas that are within the inundation zone should be looked at for “ecosystem restoration.”

“Some developed areas may be suitable for ecosystem restoration if existing development is removed to allow the Bay to migrate inland,” states the draft.

### **A cloud over development**

Thus far the Bay Area Council, the Bay Planning Coalition and the Building Industry Association of the Bay Area have taken the lead in trying to slow down the plan. Ellen Johnck of the Bay Planning Coalition, which mostly represents maritime groups, called the draft “worrisome.”

“Some of the language would preempt an open-minded consideration of many projects,” said Johnck. “It puts a cloud over what can happen and what can not and how much say BCDC has over what happens.”

Paul Campos, president of the Building Industry Association of the Bay Area, said the BCDC plan contradicts regional efforts to build tens of thousands of transit-oriented urban housing units as a way to reduce carbon emissions.

“There is a clear and obvious conflict between the proposed Bay plan amendment and sustainable communities strategies,” said Campos. “BCDC staff has made no serious effort to bring local government into a formal, structured process to analyze how these contradictory planning efforts interact and conflict.”

Campos said the planning process has been hijacked by anti-development environmental groups like Save The Bay.

“The most high-profile supporter is Save The Bay and (executive director) David Lewis, who represents a single-minded extreme end of the environmental movement,” said Campos. “The fact they are supporting the amendment is persuasive evidence that there are great reasons for concern.”

### **Environmentalists defend plan**

Save The Bay’s Lewis scoffed at the notion that the amended plan is radical. He said it’s consistent with Gov. Arnold Schwarzenegger’s 2009 California climate adaptation strategy, legislation that says already developed areas vulnerable to rising sea levels should be protected while undeveloped areas should not be built on.

“BCDC is taking a far more modest approach than we think is merited,” said Lewis. “What they are actually proposing in their policies is guidance that local cities and counties need about how they should approach these issues.”

Lewis blamed the backlash against the amendments on Cargill and DMB, which are trying to win approvals to build 8,000 units of housing on 1,400 acres of salt ponds in Redwood City. He said the opponents have been “whipped into a frenzy by misrepresentation from the Bay Planning Coalition.”

Travis said BCDC is not against infill development and that the plan allows for exceptions to accommodate infill projects so long as they take sea levels into account. But Campos said the document language puts all the burden on the city or company trying to build.

“The amendments place uncertainty, litigation risk, and unnecessary obstacles in the way of infill projects that smart growth principals suggest ought to be fast-tracked, not impeded,” said Campos.



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