

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

Agenda Item #10

October 1, 2010

TO: Commissioners and Alternates
FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
Joseph LaClair, Chief Planner (415/352-3656 joel@bcdc.ca.gov)
SUBJECT: Comment Letters Received on Proposed Bay Plan Amendment No. 1-08
(For Commission consideration on October 7, 2010)

Comment Letters

Attached are comment letters from the public on proposed Bay Plan Amendment No. 1-08 concerning Climate Change. These letters were received following the September 3, 2009 mailing of the staff's revised preliminary recommendation.



Making San Francisco Bay Better

TREASURE ISLAND DEVELOPMENT AUTHORITY
RICH HILLIS, PROJECT DIRECTOR



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

RECEIVED
SEP 27 2010

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Mr. Sean Randolph
Chair
Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

September 22, 2010

RE: Staff Report and Revised Preliminary Recommendations for Proposed Bay Plan
Amendment 1-08 Concerning Climate Change (For Commission consideration on
October 7, 2010)

Dear Chairman Randolph:

On behalf of the Treasure Island Development Authority and the Mayor's Office of Economic and Workforce Development, City and County of San Francisco, I want to thank you and the Bay Conservation and Development Commission (BCDC) staff for sharing the Staff Report and Revised Preliminary Recommendations for Proposed Bay Plan Amendment 1-08 Concerning Climate Change with us.

We believe that the BCDC's work, and that of the other agencies who you so capably have collaborated with on the issue of global warming and sea level rise, in recognizing and proactively establishing policies to address sea level rise within the critical jurisdictional boundaries of BCDC is timely, well thought out and important.

As you know, current estimates from the United Nations Intergovernmental Panel on Climate Change (IPCC) are that global warming is expected to result in sea level rise in San Francisco Bay of 16 inches by mid-century and possibly as much as 55 inches by the end of the century. The IPCC estimates are based on the best scientific data available as to potential outcomes associated with global warming impacts on sea level rise over the next 50 and 100 years. These estimates will continue to be revised to reflect additional data as it becomes available, including actual measurements of sea level rise. Notwithstanding the uncertainties associated with estimating potential future conditions, BCDC's leadership in addressing global warming and its impact on sea level rise by presenting findings and policies in the Revised Preliminary Recommendations for Proposed Bay Plan Amendment 1-08 Concerning Climate Change allows for Bay Area stakeholders to plan for adaptive management measures to address climate change.

The Staff Report and Revised Preliminary Recommendations carefully consider the interests of the multiple stakeholders in this process, and is supportable, feasible and appropriate. We would like to offer several comments for your consideration. Proposed additions in language are shown as underlined, while proposed language deletions are shown as ~~struck through~~.

Comment No. 1 - Climate Change Finding c. (pages 8-9)

"Therefore, to minimize flood risk, it is prudent to rely on scientifically based higher projections when establishing in the a reasonable range of possible future sea level rise."

Rationale: This proposed change reflects BCDC staff's approach that global warming and sea level rise policies should be directed by the best scientific data available, as reflected in the other portions of Finding c.

Comment No. 2 - Climate Change Finding o. (page 12)

"Approaches for ensuring public safety in developed vulnerable shoreline areas require adaptive management strategies that include: (1) protecting existing development; (2) accommodating flooding by building structures or infrastructure systems that are resilient and adaptable over time; (3) discouraging permanent new development when adaptive management strategies cannot protect public safety in vulnerable shoreline areas; (4) allowing only interim and permanent new uses that can be adapted to protect public safety in vulnerable shoreline areas, or that can be removed or phased out if adaptive management strategies are not available as inundation threats increase; and (5) removing existing development that does not ensure public safety in vulnerable shoreline areas through adaptive management strategies."

Rationale: These proposed changes reflect BCDC staff's recognition of the myriad number of approaches that the Commission should consider to ensure public safety in developed vulnerable shoreline areas, including implementation of adaptive management strategies ranging from the protection of existing development to discouraging permanent new development that cannot protect public safety in vulnerable shoreline areas through implementable adaptive management strategies.

Comment No. 3 - Climate Change Finding r. (page 13)

"... and a permanent financial strategy can be developed to guarantee that the general public will not be burdened with the cost of protecting the project from any sea level rise or storm damage caused by sea level rise in the future."

(NOTE: Also recommend same change under Policy 6.d. (page 18) regarding "redevelopment that will remediate existing environmental degradation or contamination, particularly on closed military bases".)

Rationale: This change ties the effects of sea level on storm damage to a project, and not solely the storm damage to a project that may be caused absent the effect of sea level rise. Storm damage mitigation measures are covered elsewhere in BCDC policies and by local government and agency ordinances.

Comment No. 4 - Climate Change--Policy 1 (page 15)

"When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared, based on the estimated 100-year flood elevations that take future sea level rise into account. A reasonable range of sea level rise projections for mid-century and end of century, including at least one high estimate, that is based on the best science-based projections currently available scientific data available, should be used in the risk assessment.

(NOTE: Considering revising references to "mid-century and end of century" to actual time horizons associated with life of project; i.e. 50 years and 100 years from then current date at time of risk assessment.

Rationale: This proposed change reflects BCDC staff's approach that global warming and sea level rise policies should be directed by the best scientific data available, as reflected in Finding c.

Comment No. 5 - Climate Change--Policy 2 (page 15)

"To protect public safety and ecosystem services within areas vulnerable to future shoreline flooding, all projects--other than minor repairs of existing facilities, small projects that do not increase risks to public safety, interim projects, and infill projects within existing urbanized areas, and Priority Development Areas as designated by the Association of Bay Area Governments FOCUS study that likely will be protected whether or not the infill takes place--should be designed to be resilient to a mid-century or a minimum of 50 year sea level rise projection, whichever is longer, based upon a risk assessment conducted for the project....."

Rationale: This comment acknowledges and respects the regional planning processes that have preceded this Proposed Bay Plan Amendment (and their regional importance) and ensures that designs should be implemented for either the mid-century point or 50 years, whichever is longer.

Comment No. 6 - Climate Change--Policy 5 (page 16)

"The Commission, in collaboration with the Joint Policy Committee, other regional, state and federal agencies, local governments, and the general public, should formulate a regional sea level rise adaption strategy for protecting critical developed shoreline areas, Priority Development Areas as designated by the ABAG FOCUS study, and natural ecosystems, enhancing the resilience of Bay and shoreline systems and increasing their adaptive capacity."

Rationale: See Above.

Comment No. 7 - Climate Change--Policy 5a. (page 16)

"advance regional public safety and prosperity by protecting most existing shoreline development and Priority Development Areas as designated by the ABAG FOCUS study, especially development that provides regionally significant benefits..."

Rationale: See Above

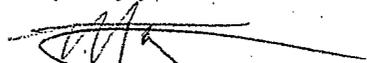
Comment No. 8 - Shoreline Protection--Policy 1. (page 24)

"New shoreline protection projects and the maintenance or reconstruction of existing projects should be authorized if: (a) the project is necessary to protect existing shoreline development and Priority Development Areas as designated by the ABAG FOCUS study from flooding or erosion...."

Rationale: See Above.

Thank you again for BCDC's significant efforts on this important issue and for providing us with an opportunity to provide comment for the Commission's consideration.

Very truly yours,



Michael Tymoff

Deputy Director, Treasure Island Redevelopment Project

Richmond Development Company, LLC

September 27, 2010

Joe LaClair
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Re: Proposed Bay Plan Amendment No. 1-08
Revisions to San Francisco Bay Plan to Address Climate Change

Dear Mr. LaClair:

My partners and I own about 24 acres on Richmond's north shoreline. That land is designated and zoned for light industrial, research and development and flexible uses, and represents a tremendous opportunity for future development that would bring jobs and tax revenues to Richmond, as well as further development of the Bay Trail and access to nearby Regional Parks. Of course, our land is color-coded pink on the Bay Area Inundation (sic) and Political Map that accompanies the proposed Bay Plan Amendment, meaning possibly that all such hopes of development would be crushed.

We first learned about these proposed revisions to the San Francisco Bay Plan only about one week ago. Although we have no reason to doubt that all proper legal notices of prior public meetings were given, the BCDC should have taken extraordinary measures to notify potentially impacted property owners and other stakeholders about these dramatic proposals. I note, for example, that the Commission staff held three workshops in various locations around the Bay Area, but that notice of those workshops was given only to public agencies, not to nearby property owners.

We cannot review the proposals, perform necessary research and prepare to address the issues raised in the proposed Amendment in only a couple of weeks. We request, therefore, that the Commission postpone any action on the proposed Amendment until after yet another public hearing, at least 90 days in the future, at which we and other affected property owners may present our issues thoroughly and cogently.

Very truly yours,

Joshua Genser

Joshua Genser, Manager

From: "Auletta, Al" <AAuletta@oaklandnet.com>

Date: Wed, 29 Sep 2010 14:53:43 -0700

To: Joe LaClair <joel@bcdc.ca.gov>

Cc: "Cohen, Walter" <WCohen@oaklandnet.com>

Subject: Potential Impact of new Climate Change findings on Oakland Army Base development project

Hi Joseph,

We recently became aware of the new Climate Change findings published September 3, 2010. I am the Oakland Army Base Redevelopment Area Manager working, among other things, on planning the development of the former Oakland Army Base site in partnership with the Port of Oakland and AMB Property Corporation/California Capital Group. To cut to the chase:

- What should we be concerned about regarding the new findings and the policies that may arise from them as related to developing property around the Port of Oakland?
- Does language in Section 6, parts c and d (pages 17 and 18) provide protection for a major infill and military base redevelopment project such as the former Oakland Army Base?
- Is there anything our private investors need to be concerned about going forward? Investors demand certainty, so we want to make sure we are interpreting these potential policy changes correctly.

Thank you in advance, Joseph, for you insights on these findings and how policies stemming from them may or may not impact our Army Base development project.

Al

Al Auletta

Redevelopment Area Manager

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<http://www.oaklandnet.com>

<http://www.business2oakland.com/main/oaklandarmybase.htm>

<http://www.business2oakland.com/main/oakknoll.htm>

----- End of Forwarded Message

ORACLE

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September 30, 2010

Will Travis
Executive Director
R. Sean Randolph
Chairman
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Re: Bay Plan Climate Change Amendments

Dear Director Travis and Chairman Randolph:

As a major Bay Area employer in our technology industry, Oracle has an acute interest in regional land-use planning that promotes robust residential infill development in and near our major employment centers. We see the closing of the housing-to-jobs gap on the peninsula and around the region as critical to the future of the Bay Area's innovation economy, as well as to reversing the old development patterns that have exacerbated global warming and climate change.

As I am sure you are aware, given the location of our headquarters at Redwood Shores, we view the predictions of global-warming-induced sea level rise as a major concern—but one we believe our company, local government, and Bay Area leadership are more than capable of preparing for and responding to collectively in ways that protect and foster our natural and human environments.

It is in that vein that I wish to commend your agency for the proactive attention you are giving to the issue of sea level rise and to preparing our region to adapt to its mighty challenges.

However, I must also express serious concerns over the approach that I have come to learn BCDC is taking in drafting land-use policies for areas that are vulnerable to the rising of the seas. It came to our attention only through private channels that the agency had recently published an extensive BCDC Bay Plan amendment on climate change; that the amendment is intended control, guide or influence land-use decisions over areas susceptible to sea level rise; and that those amendments are to be taken up at a public hearing on October 7 and possibly adopted by commission vote in November.

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

Our second concern relates to the substance of the document—that its orientation, direction and priorities might, at a minimum, create 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

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neighborhoods, commercial areas and industry from inundation and flooding under some of the sea-level-rise scenarios that your agency says we should be preparing for today.

I am confident that you and your staff feel they have done their level best to inform the public. But from this stakeholder's perspective, the process needs a hard restart. We advise and request that you postpone further deliberations intended to set the stages for adoption of the Bay Plan amendment before you.

We ask that you instead reach out around the region and begin a dialogue that is reflective of both the threat and opportunity presented by climate change, and looks to leverage the collected talent, capability, passions, wherewithal and genius of the San Francisco Bay Area.

If you would like to discuss this matter further, please don't hesitate to call at 650-506-7000.

Sincerely,



Randall W. Smith
VP Real Estate & Facilities