

DOWNEY BRAND

Sea Level Rise and Shoreline Adaptation
Lessons from the Bay Area

AEP California State Conference
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Introductions

Moderator

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Panelists

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Rising Seas in California

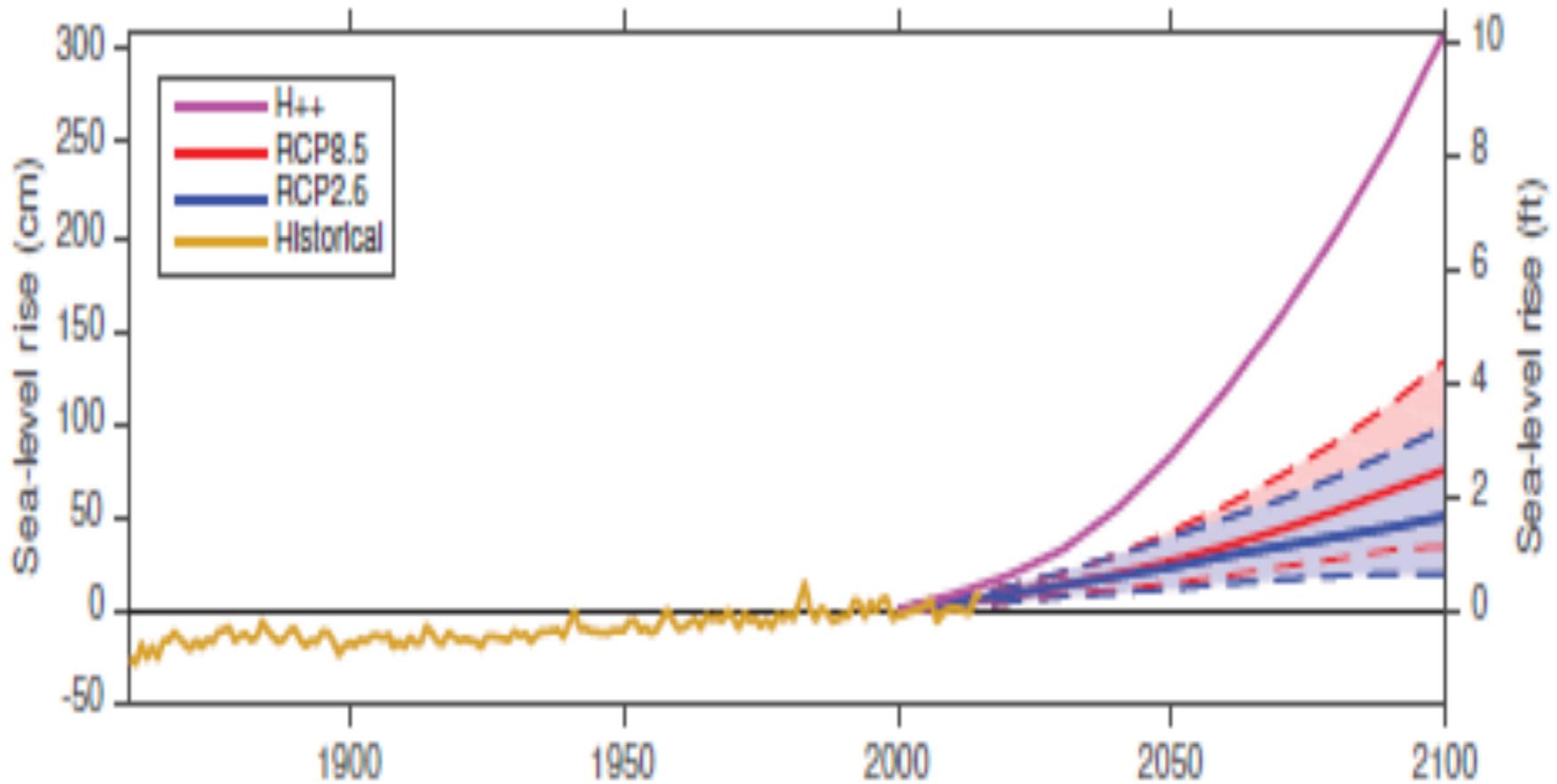
AN UPDATE ON SEA-LEVEL RISE SCIENCE

APRIL 2017

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(b) Relative sea level in San Francisco, California



(b) San Francisco, Golden Gate

<i>Feet above 1991-2009 mean</i>	MEDIAN	LIKELY RANGE	1-IN-20 CHANCE	1-IN-200 CHANCE
Year / Percentile	<i>50% probability SLR meets or exceeds...</i>	<i>67% proba- bility SLR is between...</i>	<i>5% probability SLR meets or exceeds...</i>	<i>0.5% probability SLR meets or exceeds...</i>
2030	0.4	0.3 – 0.5	0.6	0.8
2050	0.9	0.6 – 1.1	1.4	1.9
2100 (RCP 2.6)	1.6	1.0 – 2.4	3.2	5.7
2100 (RCP 4.5)	1.9	1.2 – 2.7	3.5	5.9
2100 (RCP 8.5)	2.5	1.6 – 3.4	4.4	6.9
2100 (H++)	10			
2150 (RCP 2.6)	2.4	1.3 – 3.8	5.5	11.0
2150 (RCP 4.5)	3.0	1.7 – 4.6	6.4	11.7
2150 (RCP 8.5)	4.1	2.8 – 5.8	7.7	13.0
2150 (H++)	22			

Sea Level Rise Under CEQA

Ballona Wetlands Land Trust v. City of Los Angeles

201 Cal.App.4th 455 (2d Dist. Ct. of Appeal 2011)

EIR not required to discuss impact of sea level rise on mixed use development project.

"We believe that identifying the environmental effects of attracting development and people to an area is consistent with CEQA's legislative purpose and statutory requirements, but identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes."

No "CEQA In Reverse"

Sea Level Rise Under CEQA

***California Building Industry Association (CBIA) v.
Bay Area Air Quality Management District
62 Cal.4th 369 (Cal. Supreme Ct. 2015)***

"[A]gencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But **when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users.** In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions."

Sea Level Rise Under CEQA

***California Building Industry Association (CBIA) v.
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However, "special CEQA requirements apply to certain airport, school, and housing construction projects. In such situations, CEQA requires agencies to evaluate a project site's environmental conditions regardless of whether the project risks exacerbating existing conditions."

Proposed Revisions to CEQA Guidelines § 15126.2 (October 2016)

.... The EIR shall also analyze any significant environmental effects the project might cause **or risk exacerbating** by bringing development and people into the area affected. For example, ~~an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly,~~ the EIR should evaluate any potentially significant **direct, indirect or cumulative environmental** impacts of locating development in ~~other~~ areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), **including both short-term and long-term conditions,** as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.

Questions?

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