



AS A STOPGAP, SMALL VILLAGES PROPOSED FOR THE HOMELESS
Popular in Pacific Northwest, but local officials cast wary eye on 'sanctioned' encampments
Page 11

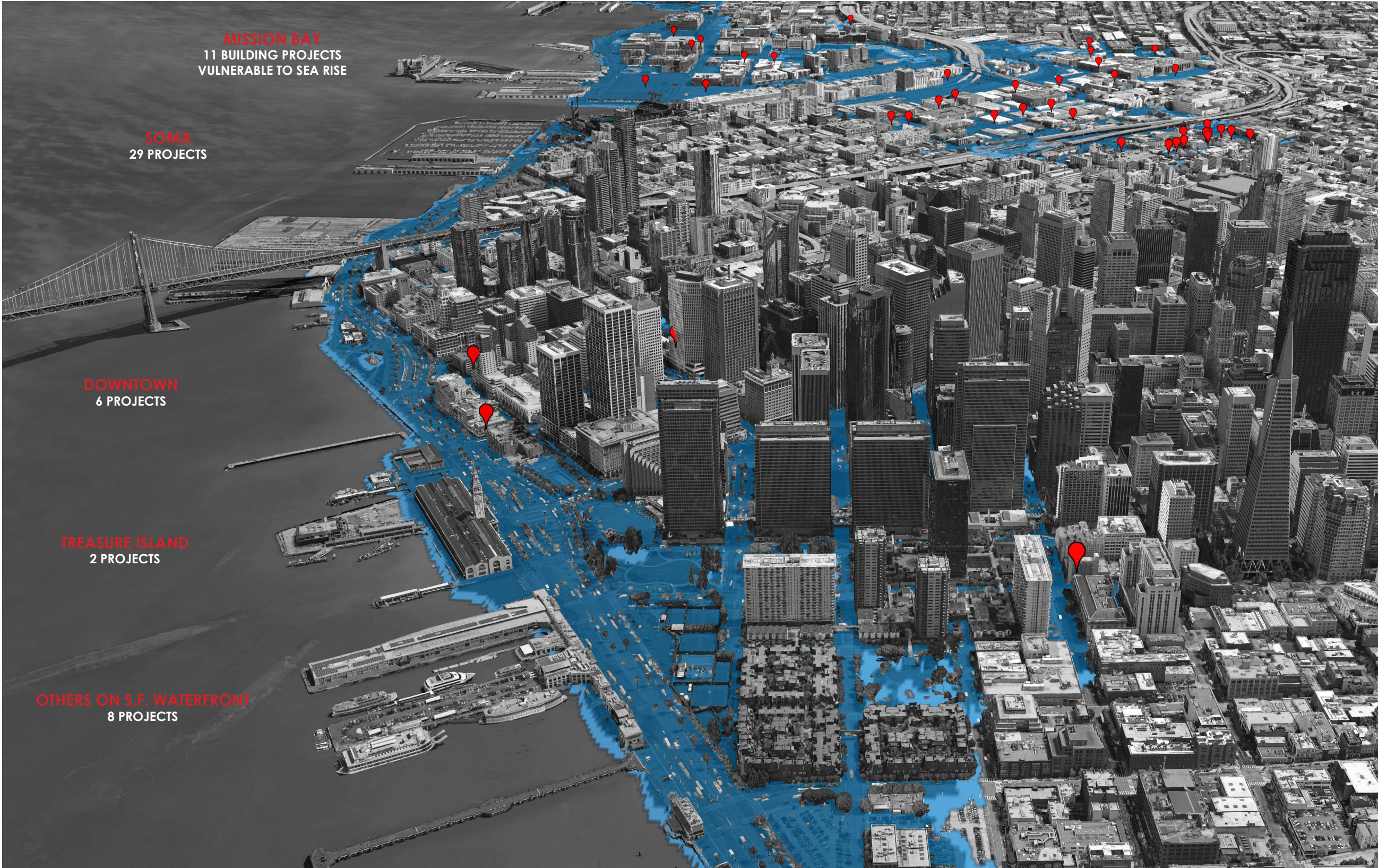
HEALTH CLINICS AID IMMIGRANTS
City concerned that federal agents will trail clients | Page 12

REALITY VS. TRUMP BORDER WALL
Results might not match campaign promises | Page 12

SEA LEVEL RISE: 2nd in a series

WILD WEST ON THE WATERFRONT

As state environmental rules come under attack, local leaders push to build new projects



Hundreds of acres in San Francisco could flood by 2100 if sea rise and storm surge reach 8 feet. Active building permits there exceed \$2.3 billion in construction costs. Illustration: Marcea Ennamorato and HyunJu Chappell // Public Press SOURCES: See Page 3

Warriors, Giants Benefit From Delay in Flood Study

Report calling for expensive sea rise protection at Mission Bay was not shared with key officials or voters before development decisions. | Page 3



Luminaries including Kevin Durant helped break ground for the Warriors' \$1 billion waterfront home in San Francisco. Photo by Anna Vignot // Public Press

Developers Use Courts to Undermine State Law, Weakening Sea Rise Protections for Bay Area Cities

By Kevin Stark // Public Press

California politicians expressed outrage in March when details of a White House budget proposal suggested President Trump would slash a \$1 billion environmental grant for restoring San Francisco Bay marshes. And they were apoplectic about the executive order revoking special status for wetlands considered until now to be “waters of the United States.”

But when it comes to weakening environmental protections, sometimes California's wounds are self-inflicted. For nearly a decade, the real estate and construction industries have pursued a legal strategy that has undermined the landmark 1970 state law that some cities had used to help protect their waterfronts from sea level rise, a Public Press review of thousands of pages of legal and planning documents shows.

After lower courts chipped away at the long-held interpretation of the California Environmental Quality Act, the state Supreme Court in 2015 overturned decades of land-use law by upholding lower court rulings that cities could no longer require developers to take into account the effects of climate change on their projects. The decision has unsettled public officials and planners, and critics say it will allow real estate interests to saddle taxpayers with a gigantic bill to defend against rising seas.

At the same time, the state Legislature, controlled by the Democrats, and Gov. Jerry Brown have neither proposed amending the law nor drafted new statutes to encompass the effects of climate change on coastal development. In January, Brown tasked scientists with reviewing the latest research on sea level rise, and preliminary

guidance is to be released this spring.

Local and regional governments also have been slow to respond with new regulations or funding measures.

Lawyers who specialize in compliance have circulated memos and held several meetings to share strategies for conforming to this interpretation of the law. Although many project plans do address sea level rise, public filings are now peppered with references to the 2015 case to inoculate developers from challenges by planning agencies or environmental groups.

State and local leaders are slow to address a ruling that shifts liability for climate adaptation from builders to taxpayers.

The development industry has a lot at stake. Scores of buildings are queued up for construction on prime waterfront land that scientists say could be intermittently or permanently underwater by the end of this century. These include big projects such as office parks, residential towers, hospitals and entertainment venues in which some of the largest development firms in the country have collectively invested tens of billions of dollars.

Local leaders have touted tax revenues and their own political legacies to advocate large-scale development along the water's edge — even amid warnings from climate researchers that many low-lying areas will require major public investment to be protected adequately.

The state's highest court has complicated governmental planning efforts.

CEQA continued on page 8

INSIDE: MORE ON SEA LEVEL RISE

BRACING FOR FLOODS, SEEING SOLUTIONS
Floating communities, barrier islands, wetlands — and financing to pay for it all | Page 5

8 NEW MEGADEVELOPMENTS MAPPED
They include a residential tower in S.F., a marina in Alameda, condos in Brisbane | Page 6

NEW SCIENCE FINDS ICE SHEETS IN PERIL
Antarctic melting could raise seas on North America's West Coast by 10 feet | Page 10

TIMELINE: ATTACKS ON STATE LAW | Page 8

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