

From: [Art Thompson](#)
To: [Peskin, Aaron \(BOS\)](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: Floodplain Ordinance - BOS File #200537, Additional Information
Date: Wednesday, November 4, 2020 10:40:34 AM
Attachments: [image002.png](#)
[image004.png](#)

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Supervisor Aaron Peskin:

Thank you for receiving my two letters, including them in the public record for new Floodplain Ordinance, BOS File #200537, and sharing them with your fellow Supervisors. I hope you had the time to digest and consider the data.

For your information, I would like to add two additional recent observations.

1. *San Francisco Floodplain Ordinance, Waterfront Resiliency, Piers 38 & 40*

With respect to the new San Francisco Floodplain Ordinance, in general, and the recent redevelopment proposal for Piers 38 & 40, specifically, I noticed the City released new [waterfront resiliency program information](#) on November 2, 2020. Notably, none of this new resiliency information references the NFIP criteria or conformance with prevailing FEMA requirements, as required under the new ordinance. These requirements would typically include FEMA codes, standards, certifications, and best practices.

Importantly, and as just one of the many subarea story examples, the City's [South Beach Flood Risk Profile](#) does not reference the new, governing FEMA FIRM Base Flood Elevation (BFE) of 14' for the subarea. FEMA has already established this BFE as the governing flood risk profile in South Beach for today. More importantly, this existing FEMA BFE of 14' already exceeds the elevations of the existing, FEMA-nonconforming seawall and existing pier decks in the South Beach subarea now, which have an average elevation of 12.6'. In other words, when the current FEMA FIRM-projected base flood hits, the South Beach waterfront subarea will be underwater by 1.4'.

Finally, this BFE of 14' for the South Beach subarea excludes any future, projected sea level rise (SLR), which the City must confirm and should then add to the current BFE. That SLR projection would likely correspond to the State of California sea level rise guidance of 3.4' to 6.9' by 2100. Please see our [EPX2 Resiliency Model](#) for additional details.

2. *Building Heights, \$150M Cross Subsidy, Piers 30-32*

With respect to the redevelopment proposal for Piers 30-32, and in addition to the violation of San Francisco Administrative Code Sec. 61.5.1. Waterfront Height Limit Right to Vote Requirement. (Proposition B), our findings indicate a violation of the Burton Act and its associated amendments. Specifically, the proposal requires a cross subsidy of \$147,575,678

from Seawall Lot 330 to Piers 30-32. All revenues or “other proceeds” generated from a nontrust lease (SWL 330) must be deposited in a separate account in the harbor fund to be expended for the preservation of historic piers and historic structures, or for the construction of waterfront plazas and open space. Piers 30-32 are not historic piers or historic structures, and their use is not a waterfront plaza or open space under the Waterfront Land Use Plan or as proposed.

Thank you for your ongoing consideration.

I would be happy to discuss this information with you further if you would like to do so.

About Us

Earthprise, Sares Regis, Heatherwick Studio and its EPX2 team have researched and developed its EPX2 Resiliency Model, a platform for The Cove at Piers 30-32 and the Embarcadero Historic District. Our Model serves as a solution to the accelerating flooding, seismic, and climate change emergency in San Francisco, with potential applicability to other global waterfronts. Our EPX2 team Model and urban design solutions are research-based, grounded in data, science, and facts, including the latest in prevailing FEMA design codes, standards, best practices, and the soon-to-be-adopted City of San Francisco FEMA FIRMs. Our complete, transparent story is available at www.pier30.com.

Best regards,

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