

1 [Follow-Up Board Response - 2013-2014 Civil Grand Jury Report - "Rising Sea Levels...At
2 Our Doorstep"]

3 **Motion responding to the Civil Grand Jury request to provide a status update on the**
4 **Board of Supervisors' responses to Recommendation Nos. 1a, 1b, 2a, 3, 11d, and 12b**
5 **contained in the 2013-2014 Civil Grand Jury Report, entitled "Rising Sea Levels...At**
6 **Our Doorstep;" and urging the Mayor to cause implementation of accepted findings**
7 **and recommendations through his/her department heads and through the development**
8 **of the annual budget.**

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10 WHEREAS, The 2013-2014 San Francisco Civil Grand Jury published a report, entitled
11 "Rising Sea Levels...At Our Doorstep" (Report) in June 2014; and

12 WHEREAS, The Board of Supervisors' Government Audit and Oversight Committee
13 (GAO) conducted a public hearing to hear and respond to the Report on September 11, 2014,
14 and the Board of Supervisors adopted Resolution No. 345-14 reflecting the GAO responses to
15 the Report on September 16, 2014; and

16 WHEREAS, Recommendation No.1a states: "The City should prepare and adopt a risk
17 assessment in preparation for developing its comprehensive plan regarding the rising sea
18 level issue" and the Board of Supervisors on September 16, 2014, responded in Resolution
19 No. 345-14 that Recommendation No. 1a "has not been implemented but will be implemented
20 in September 2014, as follows: The draft comprehensive plan referenced in Finding No. 1 was
21 presented to the Capital Planning Committee in May 2014 and will be adopted in September
22 2014. The draft plan provides a framework that can be used in assessing risk associated with
23 development along San Francisco's shoreline and in addressing that risk;" and

24 WHEREAS, Recommendation No. 1b states: "The City should adopt a citywide
25 comprehensive plan for adaptation to rising sea levels, especially along its shores and its

1 floodplains. Said plan should include the provision that construction projects approval should
2 take into account the anticipated lifespan of each project and the risks faced as outlined in
3 said plan. Special consideration should be given to those anticipated to survive for more than
4 30 years. Said plan should include a provision that the plan be reviewed and reassessed
5 every 5 years” and the Board of Supervisors on September 16, 2014, responded in Resolution
6 No. 345-14 that Recommendation No. 1b “has not been implemented but will be implemented
7 in September 2014, as follows: CEQA provides the Planning Department with the authority to
8 require that projects be designed to minimize and mitigate potential hazards related to sea
9 level rise and takes into account the asset life cycle in its evaluation;” and

10 WHEREAS, Recommendation No. 2a states: “The Planning Code should be amended
11 to include maps showing the areas in the City that are most at risk from the impacts of sea
12 level rise. The Planning Code should be amended to prohibit development in said at-risk
13 areas unless there is compliance with the provisions of the City’s Building Code and the Port’s
14 Building Code (if applicable to the project) outlined in Recommendations 3a and 3b. The
15 Planning Code should include a provision that the amended sections of the Code regarding
16 the impact of rising sea levels be reviewed and reassessed every 5 years” and the Board of
17 Supervisors on September 16, 2014, responded in Resolution No. 345-14 that
18 Recommendation No. 2a “requires further analysis, for reasons as follows: While this
19 recommendation does not directly fall under the jurisdiction of the Board of Supervisors, the
20 San Francisco Public Utilities Commission (SFPUC) and Port have published maps depicting
21 areas along San Francisco’s bay and ocean shorelines that are potentially vulnerable to future
22 flooding due to sea level rise through 2100, and the Planning Department considers these
23 maps in evaluating the potential flood hazards for projects located in areas vulnerable to sea
24 level rise under CEQA; as such, the recommended Planning Code amendments require
25

1 further analysis, and the Board of Supervisors will report back to the Grand Jury no later than
2 six months from the date of the issuance of the report or by December 25, 2014;” and

3 WHEREAS, Recommendation No. 3 states: “The City’s Building Code and the Port’s
4 Building Code should be amended to include: (1) provisions addressing the impacts
5 associated with sea level rise, especially when combined with storm surges and king tides; (2)
6 construction methods that would ensure a project’s resistance to and protection from the
7 impacts of rising sea levels, especially when combined with sudden storm surges and king
8 tides; (3) amendments written to protect the most vulnerable systems, including but not
9 necessarily limited to, electrical, telecommunications, and fire protection systems; (4)
10 provisions relating to rising sea levels be reviewed and reassessed every five years” and the
11 Board of Supervisors on September 16, 2014, responded in Resolution No. 345-14 that
12 Recommendation No. 3 “requires further analysis, for reasons as follows: Future
13 implementation of new Building Code provisions will require specific, prescriptive changes that
14 account for flexibility. Further analysis and coordination between the scientific community and
15 affected agencies must be performed to develop consistent, effective and practical policies,
16 including Building or Planning Code changes, to address sea level rise. As such, the
17 recommendation requires further analysis, and the Board of Supervisors will report back to the
18 Grand Jury no later than six months from the date of the issuance of the report or by
19 December 25, 2014;” and

20 WHEREAS, Recommendation No. 11d states: “The City should request an insurance
21 premium estimate from [Federal Emergency Management Agency (FEMA)] and then compare
22 that estimate with the funding it could acquire from FEMA for mitigation and adaptation
23 against future flooding” and the Board of Supervisors on September 16, 2014, responded in
24 Resolution No. 345-14 that Recommendation No. 11d “requires further analysis, for reasons
25 as follows: While this recommendation does not fall directly under the jurisdiction of the Board

1 of Supervisors, City staff are currently pursuing all available opportunities to work with the
2 Federal Emergency Management Agency (FEMA) on sea level rise mitigation measures; as
3 such, the recommendation requires further analysis, and the Board of Supervisors will report
4 back to the Grand Jury no later than six months from the date of the issuance of the report or
5 by December 25, 2014;” and

6 WHEREAS, Recommendation No. 12b states: “The City should create a local working
7 group of community citizens and stakeholders to feed into the regional group” and the Board
8 of Supervisors on September 16, 2014, responded in Resolution No. 345-14 that
9 Recommendation No. 12b “requires further analysis, for reasons as follows: The Board of
10 Supervisors agrees that community and stakeholder involvement in the process of adapting to
11 sea level rise is essential. The exact nature of the outreach and involvement has not yet been
12 determined; as such, the recommendation requires further analysis, and the Board of
13 Supervisors will report back to the Grand Jury no later than six months from the date of the
14 issuance of the report or by December 25, 2014;” and

15 WHEREAS, The 2013-2014 City and County of San Francisco Civil Grand Jury
16 requested that the Board of Supervisors provide a status update on the responses to
17 Recommendation Nos. 1a, 1b, 2a, 3, 11d, and 12b; and

18 WHEREAS, GAO conducted an additional hearing on December 11, 2014, to receive
19 an update from City departments on Recommendation Nos. 1a, 1b, 2a, 3, 11d, and 12b; now,
20 therefore, be it

21 MOVED, That Recommendation No. 1a has been implemented as reported by Mayoral
22 staff at the Government Audit and Oversight Committee meeting on December 11, 2014, as
23 follows: On September 22, 2014, the Capital Planning Committee adopted the “Guidance for
24 Incorporating Sea Level Rise Into Capital Planning in San Francisco: Assessing Vulnerability,
25 Risk to Support Adaptation;” and, be it

1 FURTHER MOVED, That Recommendation No. 1b has been implemented as reported
2 by Mayoral staff at the Government Audit and Oversight Committee meeting on December 11,
3 2014, as follows: On September 22, 2014, the Capital Planning Committee adopted the
4 “Guidance for Incorporating Sea Level Rise Into Capital Planning in San Francisco: Assessing
5 Vulnerability, Risk to Support Adaptation;” and, be it

6 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
7 2a will not be implemented, for reasons as follows: The San Francisco Public Utilities
8 Commission (SFPUC) and Port have published maps depicting areas along San Francisco's
9 bay and ocean shorelines that are potentially vulnerable to future flooding due to sea level rise
10 through 2100. Furthermore, CEQA provides the Planning Department with sufficient authority
11 to require projects to be designed to minimize and mitigate potential hazards related to
12 impacts from sea level rise and thus amendments to the Planning Code are not warranted;
13 and, be it

14 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
15 3 will require further analysis, for reasons as follows: City departments are actively working
16 with one another and with regional and state agencies to evaluate and develop consistent
17 guidance and policies to address sea level rise; and, be it

18 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
19 11d will not be implemented, for reasons as follows: FEMA's National Flood Insurance
20 Program (NFIP) does not offer flood coverage to municipalities; only to private property
21 owners in jurisdictions that participate in the program; and, be it

22 FURTHER MOVED, That the Board of Supervisors reports that Recommendation No.
23 12b will be implemented in the future, as follows: The proposed work program for developing
24 a comprehensive citywide sea level rise adaptation plan would provide for robust outreach to
25 and collaboration with local and regional community members and stakeholders; and, be it

1 FURTHER MOVED, That the Board of Supervisors urges the Mayor to cause the
2 implementation of accepted recommendations through his/her department heads and through
3 the development of the annual budget.