

1 [Board Response - Civil Grand Jury Report - Rising Sea Levels...At Our Doorstep]

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3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2013-2014 Civil Grand Jury Report, entitled**
5 **“Rising Sea Levels...At Our Doorstep;” and urging the Mayor to cause the**
6 **implementation of accepted findings and recommendations through his/her**
7 **department heads and through the development of the annual budget.**
8

9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, The 2013-2014 Civil Grand Jury Report, entitled “Rising Sea Levels...At
19 Our Doorstep” is on file with the Clerk of the Board of Supervisors in File No. 140940, which is
20 hereby declared to be a part of this resolution as if set forth fully herein; and

21 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
22 to Finding Nos. 1, 2, 3, 5, 11, and 12, as well as Recommendation Nos. 1a, 1b, 1c, 1d, 2a, 2b,
23 3, 5, 11a, 11b, 11c, 11d, 12a, and 12b contained in the subject Civil Grand Jury report; and

24 WHEREAS, Finding No. 1 states: “The City does not have a citywide comprehensive
25 plan that addresses the rising sea level issue;” and

1 WHEREAS, Finding No. 2 states: "The City's Planning Code has no provisions
2 addressing the impacts associated with rising sea levels. Without appropriate provisions
3 within the City's Planning Code, there are no effective means to insure sustainable
4 development on land vulnerable to rising sea levels;" and

5 WHEREAS, Finding No. 3 states: "The City's Building Code and the Port's Building
6 Code have no provisions addressing the impacts associated with rising sea levels. Without
7 appropriate provisions within the city's Building Code and the Port's Building Code, there are
8 no effective means to control construction methods that would insure a project's resistance to
9 the impacts of rising sea levels;" and

10 WHEREAS, Finding No. 5 states: "A comprehensive risk assessment of Ocean Beach,
11 with mitigation recommendations made to the City regarding rising sea levels, was completed
12 by SPUR, with City, State of California and U.S Corps of Engineers involvement, resulting in
13 the Ocean Beach Master Plan, dated May, 2012;" and

14 WHEREAS, Finding No. 11 states: "The City has not set aside funds for the cost of
15 adaptation to sea level rise;" and

16 WHEREAS, Finding No. 12 states: "Rising sea levels is a regional problem. What one
17 community does to protect its shorelines may have a negative impact on a neighboring
18 community. This has been successfully accomplished by four counties on the east coast of
19 Florida, as an example;" and

20 WHEREAS, Recommendation No. 1a states: "The City should prepare and adopt a
21 risk assessment in preparation for developing its comprehensive plan regarding the rising sea
22 level issue;" and

23 WHEREAS, Recommendation No. 1b states: "The City should adopt a citywide
24 comprehensive plan for adaptation to rising sea levels, especially along its shores and its
25 floodplains. Said plan should include the provision that construction projects' approval should

1 take into account the anticipated lifespan of each project and the risks faced as outlined in
2 said plan. Special consideration should be given to those anticipated to survive for more than
3 30 years. Said plan should include a provision that the plan be reviewed and reassessed
4 every 5 years;" and

5 WHEREAS, Recommendation No. 1c states: "The City should build infrastructure
6 systems that are resilient and adaptable to rising sea levels. That the City, through its
7 planning and building departments, require that any construction project vulnerable to future
8 shoreline or floodplain flooding be designed to be resilient to sea level rise at the 2050
9 projection, e.g., 16 inches if the construction is not expected to last longer than 2050. For
10 construction intended to last longer than 2050, that the City require that the project be
11 designed to address sea level rise projections for the longer term;" and

12 WHEREAS, Recommendation No. 1d states: "That City departments that would
13 necessarily be involved in adaptation to rising sea levels, such as Department of Public
14 Works, Public Utilities Commission, Municipal Transportation Agency, the Port, coordinate
15 their projects with each other and with utility companies, such as PG&E, Comcast, and AT&T,
16 to minimize inconvenience to the public, and to businesses, and to further avoid repetition of
17 efforts and inefficient use of funds, labor, and time;" and

18 WHEREAS, Recommendation No. 2a states: "The Planning Code should be amended
19 to include maps showing the areas in the City that are most at risk from the impacts of sea
20 level rise. The Planning Code should be amended to prohibit development in said at-risk
21 areas unless there is compliance with the provisions of the City's Building Code and the Port's
22 Building Code (if applicable to the project) outlined in Recommendations 3a and 3b. The
23 Planning Code should include a provision that the amended sections of the Code regarding
24 the impact of rising sea levels be reviewed and reassessed every 5 years;" and
25

1 WHEREAS, Recommendation No. 2b states: “The Planning Code should be amended
2 to discourage permanent development in at risk areas where public safety cannot be
3 protected;” and

4 WHEREAS, Recommendation No. 3 states: “The City’s Building Code and the Port’s
5 Building Code should be amended to include: (1) provisions addressing the impacts
6 associated with sea level rise, especially when combined with storm surges and king tides; (2)
7 construction methods that would ensure a project’s resistance to and protection from the
8 impacts of rising sea levels, especially when combined with sudden storm surges and king
9 tides; (3) amendments written to protect the most vulnerable systems, including but not
10 necessarily limited to, electrical, telecommunications, and fire protection systems; (4)
11 provisions relating to rising sea levels be reviewed and reassessed every five years;” and

12 WHEREAS, Recommendation No. 5 states: “The City should consider implementation
13 of recommendations that are most pertinent to the City, as set forth in the Ocean Beach
14 Master Plan of May 2012;” and

15 WHEREAS, Recommendation No. 11a states: “The City should start a reserve fund for
16 adaptation for rising sea levels, a portion of which could be obtained from a surcharge on
17 development planned for areas vulnerable to said eventuality;” and

18 WHEREAS, Recommendation No. 11b states: “The City should assess costs of both
19 implementation of adaptation strategies and potential losses from failing to do so;” and

20 WHEREAS, Recommendation No. 11c states: “The City should explore applying for
21 grants offered by Congress’ Pre-Disaster Mitigation Program. Receipt of grants is based upon
22 risk assessments that indicate that potential savings exceed the cost of implementation. The
23 City should explore available matching funds from the Army Corps of Engineers and other
24 federal sources;” and
25

1 WHEREAS, Recommendation No. 11d states: "The City should request an insurance
2 premium estimate from FEMA and then compare that estimate with the funding it could
3 acquire from FEMA for mitigation and adaptation against future flooding;" and

4 WHEREAS, Recommendation No. 12a states: "The City, through its Mayor and Board
5 of Supervisors, should coordinate its efforts with other cities and organizations in the bay area
6 by establishing a regional working group to address the impact of rising sea levels;" and

7 WHEREAS, Recommendation No. 12b states: "The City should create a local working
8 group of community citizens and stakeholders to feed into the regional group;" and

9 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on Finding Nos. 1, 2, 3, 5, 11, and 12, as well as Recommendation Nos. 1a, 1b, 1c, 1d,
12 2a, 2b, 3, 5, 11a, 11b, 11c, 11d, 12a, and 12b contained in the subject Civil Grand Jury report;
13 now, therefore, be it

14 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
15 Superior Court that _____ with Finding No. 1 for reasons as follows: _____; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
17 Finding No. 2 for reasons as follows: _____; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
19 Finding No. 3 for reasons as follows: _____; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
21 Finding No. 5 for reasons as follows: _____; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
23 Finding No. 11 for reasons as follows: _____; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
25 Finding No. 12 for reasons as follows: _____; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
2 Recommendation No. 1a for reasons as follows: _____; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
4 Recommendation No. 1b for reasons as follows: _____; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
6 Recommendation No. 1c for reasons as follows: _____; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
8 Recommendation No. 1d for reasons as follows: _____; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
10 Recommendation No. 2a for reasons as follows: _____; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
12 Recommendation No. 2b for reasons as follows: _____; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
14 Recommendation No. 3 for reasons as follows: _____; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
16 Recommendation No. 5 for reasons as follows: _____; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
18 Recommendation No. 11a for reasons as follows: _____; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
20 Recommendation No. 11b for reasons as follows: _____; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
22 Recommendation No. 11c for reasons as follows: _____; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
24 Recommendation No. 11d for reasons as follows: _____; and, be it
25

1 FURTHER RESOLVED, That the Board of Supervisors reports hat _____ with
2 Recommendation No. 12a for reasons as follows: _____; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors reports that _____ with
4 Recommendation No. 12b for reasons as follows: _____; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
6 implementation of the accepted findings and recommendations through his/her department
7 heads and through the development of the annual budget.