File No. 150026

Committee Item No. \_\_\_\_1 Board Item No. \_\_\_\_*14* 

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

 Date \_\_\_\_\_\_
 May 7, 2015

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$\mathbf{X}$	X	Introduction Form		
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	X	Board of Supervisors Motion No. M	15-002	
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[Follow-Up Board Response - 2013-2014 Civil Grand Jury Report - "Rising Sea Levels...At Our Doorstep"]

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

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

WHEREAS, The Board of Supervisors' Government Audit and Oversight Committee (GAO) conducted a public hearing to hear and respond to the Report on September 11, 2014, and the Board of Supervisors adopted Resolution No. 345-14 reflecting the GAO responses to the Report on September 16, 2014, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 140940; and

WHEREAS, GAO conducted an additional hearing on December 11, 2014, to receive an update from City departments on Recommendation Nos. 1a, 1b, 2a, 3, 11d, and 12b, and adopted Motion No. M15-002 reflecting the GAO responses to the Report on January 13, 2015, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 140792; and

WHEREAS, Recommendation No. 3 states: "The City's Building Code and the Port's Building Code should be amended to include: (1) provisions addressing the impacts associated with sea level rise, especially when combined with storm surges and king tides; (2) construction methods that would ensure a project's resistance to and protection from the impacts of rising sea levels, especially when combined with sudden storm surges and king

Government Audit and Oversight Committee BOARD OF SUPERVISORS

tides; (3) amendments written to protect the most vulnerable systems, including but not necessarily limited to, electrical, telecommunications, and fire protection systems; (4) provisions relating to rising sea levels be reviewed and reassessed every five years"; and

WHEREAS, The Board of Supervisors on September 16, 2014, responded by Resolution No. 345-14 that Recommendation No. 3 "requires further analysis, for reasons as follows: Future implementation of new Building Code provisions will require specific, prescriptive changes that account for flexibility. Further analysis and coordination between the scientific community and affected agencies must be performed to develop consistent, effective and practical policies, including Building or Planning Code changes, to address sea level rise. As such, the recommendation requires further analysis, and the Board of Supervisors will report back to the Grand Jury no later than six months from the date of the issuance of the report or by December 25, 2014"; and

WHEREAS, The Board of Supervisors on January 13, 2015, responded in Motion No. M15-002 that the Board of Supervisors reports that Recommendation No. 3 "will require further analysis, for reasons as follows: City departments are actively working with one another and with regional and state agencies to evaluate and develop consistent guidance and policies to address sea level rise"; and

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

WHEREAS, The Board of Supervisors on September 16, 2014, responded in Resolution No. 345-14 that Recommendation No. 12b "requires further analysis, for reasons as follows: The Board of Supervisors agrees that community and stakeholder involvement in the process of adapting to sea level rise is essential. The exact nature of the outreach and involvement has not yet been determined; as such, the recommendation requires further

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

WHEREAS, The Board of Supervisors on January 13, 2015, responded in Motion No. M15-002 that the Board of Supervisors reports that Recommendation No. 12b "will be implemented in the future, as follows: The proposed work program for developing a comprehensive citywide sea level rise adaptation plan would provide for robust outreach to and collaboration with local and regional community members and stakeholders"; and

WHEREAS, The City and County of San Francisco Civil Grand Jury requested that the Board of Supervisors provide a status update on the responses to Recommendation Nos. 3 and 12b; and

WHEREAS, GAO conducted an additional hearing on May 7, 2015, to receive an update from City departments on Recommendation Nos. 3, and 12b; now, therefore, be it

MOVED, That Recommendation No. 3 will not be implemented as the Sea Level Rise Coordinating and Technical Committees are already coordinating efforts to address these issues; and, be it

FURTHER MOVED, That Recommendation No. 12b will not be implemented as the Mayor's Office and City departments have already taken steps to address this issue by creating a Sea Level Rise Committee that seeks involvement from the community, private sector, and stakeholders, who will also need to note the regional nature of this requirement; and, be it

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

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OFFICE OF THE MAYOR SAN FRANCISCO



EDWIN M. LEE MAYOR

May 5, 2015

Angela Calvillo, Clerk of the Board of Supervisors Attn: Government Audit and Oversight Committee 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

Dear Ms. Calvillo,

Attached please find a summary of the status of recommendation updates for the following Civil Grand Jury recommendations:

• 2013-2014 Civil Grand Jury Report, *Rising Sea Levels...At Our Doorstep*, Recommendation 3 and 12b.

This status of recommendations report should be included in the official legislative file for consideration at the Government Audit and Oversight Committee.

Sincerely,

Kate Howard Mayor's Budget Director

Status of Recommendations: 2013-2014 Civil Grand Jury Report, Rising Sea Levels...At Our Doorstep, Recommendation 3 and 12b.

RECOMMENDATION	RESPONSE REQUIRED	ACTION PLAN	RESPONSE TEXT
3: The City's Building Code and the Port's Building Code should be amended to include: (1) provisions addressing the impacts associated with sea level rise, especially when combined with storm surges and king tides; (2) construction methods that would ensure a project's resistance to and protection from the impacts of rising sea levels, especially when combined with sudden storm surges and king tides; (3) amendments written to protect the most vulnerable systems, including but not necessarily limited to, electrical, telecommunications, and fire protection systems; (4) provisions relating to rising sea levels be reviewed and reassessed every five years.	Board of Supervisors Planning	Recommendation Will Not Be Implemented	Building standards for development in flood prone areas are already provided in the City's Floodplain Management Ordinance. The Floodplain Management Ordinance applies to new development and substantial improvements to existing development that is located within the City's 100- year Flood Hazard Zone. FEMA is currently in the process of developing new flood hazard maps for the City's western shoreline that account for projected sea level rise under a West Coast Sea Level Rise Pilot Study, and it is anticipated that future flood hazard maps will account for flood risks related to sea level rise. Within our current regulatory structure, the California Environmental Quality Act provides the City with sufficient authority to require projects to be designed to minimize and mitigate potential flooding hazards related to sea level rise. The best investment that the City can make at this time is to examine the issue; build upon the newly adopted "Guidance for Incorporating on Sea Level Rise Into Capital Planning"; and create an action plan for longer term solutions beyond a building-by-building approach that the Code changes would govern. While the interdepartmental Coordinating and Technical Committees on sea level rise described in detail in our response to 12b below may consider building code changes in the future, that work will require further research and public dialog. As such, the recommended building code amendments are not appropriate at this time.
12b: The City should create a local working group of community citizens and stakeholders to feed into the regional group.	Mayor Board of Supervisors Planning	Will Be Implemented in the Future	This year, Mayor Edwin M. Lee established two interdepartmental committees to manage the City's efforts on addressing sea level rise: the Sea Level Rise (SLR) Coordinating and SLR Technical Committees. The SLR Coordination Committee is a director-level committee co-chaired by Gil Kelley, Director of Citywide Planning at the Planning Department and Fuad Sweiss, City Engineer and Deputy Director at the Department of Public Works. SLR Coordination Committee members also include the Chief Resiliency Officer, and senior staff from the Mayor's Office, the City Administrator's Office, SFO, the Port of San Francisco, the SFPUC, SFMTA, DBI, OCII, OEWD, and the Capital Planning Committee. The responsibilities of the Coordination Committee are as follows:
			<ol> <li>Coordinate the efforts of city departments and advise the Mayor's Office on policies, strategies, initiatives, and resolutions to deal with and plan for potential impact on San Francisco from sea level rise;</li> </ol>



## Major, Erica (BOS)

From: Sent: To: Cc: Subject: Kim, Roger (MYR) Wednesday, May 06, 2015 9:54 AM Major, Erica (BOS) Kelley, Gil (CPC) Re: CGJ Response for Hearing

Yes - this is a consolidated response for all departments.

On May 6, 2015, at 9:52 AM, "Major, Erica (BOS)" < erica.major@sfgov.org > wrote:

Hey Roger,

So I had a question for recommendation 3--Planning and Board is listed in the response sheet attached but *DBI*, *Port*, and Planning were a part of the required response. Is this to be considered a consolidated response from all departments (Mayor, DBI, Port, and Planning)? If so, could I have that in writing? Just need a little clarity tracking-wise for our record retention.

Thank you for your continued support.

Best,

Erica Major Assistant Committee Clerk Board of Supervisors 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102 Phone: (415) 554-4441 | Fax: (415) 554-5163 Erica.Major@sfgov.org | www.sfbos.org

<image001.png> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Simi, Chris (MYR) Sent: Tuesday, May 05, 2015 8:15 PM To: Major, Erica (BOS) Cc: Kim, Roger (MYR); Wheaton, Nicole (MYR) Subject: CGJ Response for Hearing

Hi Erica,

Attached, please find City depts' responses to recommendations 3 and 12b of the Rising Sea Levels Civil Grand Jury report.

Best,

Chris Simi Fiscal and Policy Analyst Mayor's Office of Public Policy and Finance City and County of San Francisco (415) 554-4861

<May 5 2015 Response to CGJ.pdf>

## Major, Erica (BOS)

From:	Somera, Alisa (BOS)
Sent:	Monday, April 06, 2015 4:52 PM
То:	Moyer, Monique (PRT); Forbes, Elaine (PRT); Rahaim, John (CPC); Starr, Aaron (CPC);
	Rodgers, AnMarie (CPC); Hui, Tom (DBI); Strawn, William (DBI); Jayin, Carolyn (DBI); Simi,
	Chris (MYR)
Cc:	Major, Erica (BOS)
Subject:	RE: 5/7 GAO Hearing: Civil Grand Jury Report - Rising Sea Levels
-	

One additional item Supervisor Christensen asked to be included is how CEQA may already be providing authority, and what additional municipal code amendments would be proposed that are not currently addressed under CEQA.

## Alísa Somera

Assistant Clerk San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 415.554.4447 direct | 415.554.5163 fax <u>alisa.somera@sfgov.org</u>

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From: Somera, Alisa (BOS)
Sent: Monday, April 06, 2015 4:44 PM
To: Moyer, Monique (PRT); Forbes, Elaine (PRT); Rahaim, John (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Hui, Tom (DBI); Strawn, William (DBI); Jayin, Carolyn (DBI); Simi, Chris (MYR)
Cc: Major, Erica (BOS)
Subject: 5/7 GAO Hearing: Civil Grand Jury Report - Rising Sea Levels

Responding Department,

On May 7, 2015, the Government Audit and Oversight Committee will be holding a follow-up hearing on the 2013-2014 Civil Grand Jury Report, entitled "Rising Sea Levels," (report attached) to consider two remaining recommendations.

Supervisor Christensen has requested that the Port, Planning, and Department of Building Inspection provide an update on one of the recommendations and have a representative present at the hearing to answer questions.

Specifically, the Supervisor has asked the department(s) provide a written update on Recommendation No. 3. A onepage memo providing the status of the implementation of the recommendation, with steps that have already been taken, should be sufficient: <u>Recommendation No. 3</u>: "The City's Building Code and the Port's Building Code should be amended to include: (1) provisions addressing the impacts associated with sea level rise, especially when combined with storm surges and king tides; (2) construction methods that would ensure a project's resistance to and protection from the impacts of rising sea levels, especially when combined with sudden storm surges and king tides; (3) amendments written to protect the most vulnerable systems, including but not necessarily limited to, electrical, telecommunications ,and fire protection systems; (4) provisions relating to rising sea levels be reviewed and reassessed every five years."

The consolidated departments' responses, previously submitted on the dates indicated, are provided for your reference:

## Response - 09/11/2014

The recommendation requires further analysis. Although CEQA provides the City with sufficient authority to require projects to be designed to minimize and mitigate potential hazards related to sea level rise, City departments are working with one another and with regional and state agencies to evaluate and develop consistent guidance and policies to address sea level rise. This includes researching adaptation and resiliency measures implemented by other municipalities, including building and planning code changes; and considering incorporating similar changes to the City's codes. The sea level rise projections will continue to evolve as new science and prediction methods become available. Therefore, any future implementation of new building code provisions will require

ecific, prescriptive changes that account for flexibility. Further analysis and coordination between the scientific community and affected agencies must be performed to develop consistent, effective, and practical policies, including possibly building or planning code changes, to address sea level rise. Response = <u>12/11/2014</u>

### **Requires Further Analysis**

City departments are actively working with one a state agencies to evaluate and develop consisten address sea level rise. This includes researching a measures implemented by other municipalities, i code changes; and considering incorporating sim The Planning Department is currently seeking fur adaptation planning to its work program. The prc consideration and development of municipal cod implement the adaptation plan.

Please provide the written response no later than Wednesday, April 29<sup>th</sup>, for inclusion with the packet materials for this matter, and confirm a representative from your department will be in attendance at GAO on May 7<sup>th</sup> @ 10:30 a.m.

Thank you in advance.

## Alísa Somera

Assistant Clerk San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 415.554.4447 direct | 415.554.5163 fax alisa.somera@sfgov.org

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pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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## Major, Erica

rom: ⊸ent: To:	Major, Erica Wednesday, March 11, 2015 3:59 PM Simi, Chris (MYR); Kim, Roger (MYR); Wheaton, Nicole (MYR); Rahaim, John (CPC);
	Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Kern, Christopher (CPC); Hui, Tom (DBI);
	Strawn, William (DBI); Jayin, Carolyn (DBI); Moyer, Monique (PRT); Forbes, Elaine (PRT);
	Eisele, Lauren (PRT); Prasad, Uday (PRT)
Cc:	Somera, Alisa (BOS); Mormino, Matthias (BOS); Steeves, Asja (CON); Johnston, Conor
<b>•</b> • • •	(BOS); Quizon, Dyanna (BOS)
Subject:	TENTATIVE - 6 Month Follow Up - Government Audit and Oversight Committee - Civil Grand Jury Report - Rising Sea LevelsAt Our Doorstep

#### Greetings:

The anticipated hearing date to follow-up on the 2013-2014 Civil Grand Jury Report entitled, "Follow-Up Board Response - Civil Grand Jury Report - Rising Sea Levels...At Our Doorstep" is tentatively scheduled for May 7, 2015, at the Government Audit and Oversight Committee meeting in City Hall, Room 263 at 10:30 a.m. Please submit any updates or reports your department may have on the current status of Recommendation Nos. 3 and 12b of the Report for the Supervisors consideration during the hearing (see below for specifics on language and responding departments). As a reminder a department representative is required to attend and answer any questions raised. The hearing will be following up on the below recommendations:

Recommendation 3:	Board of Supervisors
The City's Building Code and the Port's	Department of Building Inspection
uilding Code should be amended to include:	Planning Department
(1) provisions addressing the impacts associated	Port
with sea level rise, especially when combined with	
storm surges and king tides;	
(2) construction methods that would ensure a	· · ·
project's resistance to and protection from the	
impacts of rising sea levels, especially when	
combined with sudden storm surges and king	
tides;	
(3) amendments written to protect the most	
vulnerable systems, including but not necessarily	
limited to, electrical, telecommunications, and fire	· · · · ·
protection systems;	
(4) provisions relating to rising sea levels be	
reviewed and reassessed every five years	
Recommendation 12b:	Board of Supervisors
The City should create a local working group of	Mayor
community citizens and stakeholders to feed into	Planning Department
the regional group	

If you have any questions please feel free to contact me.

Thank you in advance.

## Erica Major Assistant Committee Clerk

Board of Supervisors 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102 Phone: (415) 554-4441 | Fax: (415) 554-5163

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#### MOTION NO. M15-002

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

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

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

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

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

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

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

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

Government Audit and Oversight Committee BOARD OF SUPERVISORS

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

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

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

Government Audit and Oversight Committee BOARD OF SUPERVISORS of Supervisors, City staff are currently pursuing all available opportunities to work with the Federal Emergency Management Agency (FEMA) on sea level rise mitigation measures; as such, the recommendation requires further analysis, and the Board of Supervisors will report back to the Grand Jury no later than six months from the date of the issuance of the report or by December 25, 2014;" and

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

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

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

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

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

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

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

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

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

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

Government Audit and Oversight Committee BOARD OF SUPERVISORS



## City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

#### **Motion: M15-002**

File Number: 140792

Date Passed: January 13, 2015

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

September 11, 2014 Government Audit and Oversight Committee - HEARD AND TABLED

December 11, 2014 Government Audit and Oversight Committee - PREPARED IN COMMITTEE AS A MOTION

December 11, 2014 Government Audit and Oversight Committee - RECOMMENDED

January 13, 2015 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140792

I hereby certify that the foregoing Motion was APPROVED on 1/13/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

City and County of San Francisco

# AMENDED IN COMMITTEE 09/11/2014

FILE NO. 140940

RESOLUTION NO. 345-14

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

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

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

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

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

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

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

Government Audit and Oversight Committee BOARD OF SUPERVISORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Government Audit and Oversight Committee BOARD OF SUPERVISORS WHEREAS, Recommendation No. 11d states: "The City should request an insurance premium estimate from FEMA and then compare that estimate with the funding it could acquire from FEMA for mitigation and adaptation against future flooding;" and

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

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

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

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that the Board of Supervisors partially disagrees with Finding No. 1, for reasons as follows: The City formed in 2013 a Sea Level Rise Committee which addressed sea level rise. A draft plan was presented to the City Administrator, department heads and the Capital Planning Committee in May 2014 and is currently going through review by City agencies; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that the Board of Supervisors partially disagrees with Finding No. 2, for reasons as follows: While the Planning Code does not include provisions addressing impacts associated with sea level rise, the Planning Department evaluates whether proposed projects would expose people or structures to a significant risk of loss, injury or death due to flooding as a result of future sea level rise as

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part of the environmental review process required under the California Environmental Quality Act (CEQA); and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that the Board of Supervisors partially disagrees with Finding No. 3, for reasons as follows: While the Board of Supervisors does not have jurisdiction, the Board agrees that the City's Building Code and the Port's Building Code do not include provisions addressing impacts associated with sea level rise, the Planning Department does evaluate whether proposed projects would expose people or structures to a significant risk of loss, injury or death due to flooding as a result of future sea level rise as part of the environmental review process required under CEQA; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that the Board of Supervisors agrees with Finding No. 5; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that the Board of Supervisors agrees with Finding No. 11, for the reason as follows: While the Board of Supervisors have not specifically set aside funds for addressing adaptation to sea level rise, it is being addressed through the draft comprehensive plan that will be addressed when working with the Capitol Planning Committee on future budget allocations on an annual basis; and, be

it

FURTHER RESOLVED, That the Board of Supervisors reports that the Board of Supervisors agrees with Finding No. 12; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 1a has not been implemented but will be implemented in September 2014, as follows: The draft comprehensive plan referenced in Finding No. 1 was presented to the Capital Planning Committee in May 2014 and will be adopted in September 2014. The draft plan provides a framework that can be used in assessing risk associated with development along San Francisco's shoreline and in addressing that risk; and, be it

Government Audit and Oversight Committee BOARD OF SUPERVISORS FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 1b has not been implemented but will be implemented in September 2014, as follows: CEQA provides the Planning Department with the authority to require that projects be designed to minimize and mitigate potential hazards related to sea level rise and takes into account the asset life cycle in its evaluation; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 1c will not be implemented, for reasons as follows: While the Board of Supervisors agrees that the City should build infrastructure that are resilient and adaptable to rising sea levels, requiring that construction projects should be designed to be resilient to the existing 2050 projection does not take into account other factors that should influence projects, including exposure to storm surge or wave action, asset lifespan and location, and consequence of failure for a project; further, the draft comprehensive plan referenced in Finding No. 1 will address this issue; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 1d has been implemented, as follows: While this recommendation does not directly fall under the jurisdiction of the Board of Supervisors, City departments currently coordinate projects with each other and various utility companies according to procedures established many years ago; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 2a requires further analysis, for reasons as follows: While this recommendation does not directly fall under the jurisdiction of the Board of Supervisors, the San Francisco Public Utilities Commission (SFPUC) and Port have published maps depicting areas along San Francisco's bay and ocean shorelines that are potentially vulnerable to future flooding due to sea level rise through 2100, and the Planning Department considers these maps in evaluating the potential flood hazards for projects located in areas vulnerable to sea level rise under

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CEQA; as such, the recommended Planning Code amendments require further analysis, and the Board of Supervisors will report back to the Grand Jury no later than six months from the date of the issuance of the report or by December 25, 2014; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 2b will not be implemented, for reasons as follows: CEQA provides the Planning Department with the authority to require projects to be designed to minimize and mitigate potential hazards related to sea level rise; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 3 requires further analysis, for reasons as follows: Future implementation of new Building Code provisions will require specific, prescriptive changes that account for flexibility. Further analysis and coordination between the scientific community and affected agencies must be performed to develop consistent, effective and practical policies, including Building or Planning Code changes, to address sea level rise. As such, the recommendation requires further analysis, and the Board of Supervisors will report back to the Grand Jury no later than six months from the date of the issuance of the report or by December 25, 2014; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 5 has been implemented, as follows: SFPUC, MTA, Department of Public Works (DPW) and the Planning Department are actively working with SPUR, the California Coastal Commission, and other state and federal agencies and community stakeholders to implement the Ocean Beach Master Plan recommendations concerning coastal erosion, and this work is ongoing; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 11a will not be implemented, for reasons as follows: A reserve fund for sea level rise adaptation is unnecessary since the Mayor and the Board of Supervisors allocate capital

Government Audit and Oversight Committee BOARD OF SUPERVISORS

funds on an annual basis, and the City's 10-year Capital Plan can incorporate efforts to address sea level rise through its annual budgeting process; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 11b has been implemented, as follows: The City identified both natural and man hazards facing the City as part of the 2014 San Francisco Hazard Mitigation Plan; future versions of the Hazard Mitigation Plan will incorporate the more recent work of the Sea Level Rise Committee by updating the sea level rise hazard profile and by including a vulnerability analysis for sea level rise; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 11c has been implemented, as follows: While this recommendation does not fall directly under the jurisdiction of the Board of Supervisors, the City and its various agencies have taken the necessary steps to qualify for and receive federal funding. Although some efforts have yet to find success, City departments will continue to actively pursue these and other funding options; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 11d requires further analysis, for reasons as follows: While this recommendation does not fall directly under the jurisdiction of the Board of Supervisors, City staff are currently pursuing all available opportunities to work with the Federal Emergency Management Agency (FEMA) on sea level rise mitigation measures; as such, the recommendation requires further analysis, and the Board of Supervisors will report back to the Grand Jury no later than six months from the date of the issuance of the report or by December 25, 2014; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 12a has been implemented, for reasons as follows: The City's Sea Level Rise Committee reached out to a number of other jurisdictions to assess sea level rise strategies being pursued in other locations; and a working group including the Airport, San Mateo County, Bay

Government Audit and Oversight Committee BOARD OF SUPERVISORS

Conservation and Development Commission, California Coastal Conservancy, and other stakeholders began meeting in August 2014 to address impacts of sea levels on the peninsula and will continue to do so; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. 12b requires further analysis, for as follows: The Board of Supervisors agrees that community and stakeholder involvement in the process of adapting to sea level rise is essential. The exact nature of the outreach and involvement has not yet been determined; as such, the recommendation requires further analysis, and the Board of Supervisors will report back to the Grand Jury no later than six months from the date of the issuance of the report or by December 25, 2014; and, be it

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

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## City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Resolution

#### File Number: 140940

Date Passed: September 16, 2014

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

September 11, 2014 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 11, 2014 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

September 16, 2014 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

· File No. 140940

I hereby certify that the foregoing Resolution was ADOPTED on 9/16/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

Unsigned

#### Mayor

9/26/14

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo

Clerk of the Board

City and County of San Francisco

Printed at 9:55 am on 9/17/14

s. Prir	it Form	D. C. S. S. S. S. S.			
	<b>Introduction Form</b>	KEGENVED KRO (FISUPERVISED) SANFRATIOISCO			
	By a Member of the Board of Supervisors or the Mayor	5 JA 27 PM 1: 16			
I he	reby submit the following item for introduction (select only one):	Time stamp or meeting date			
	1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)				
	2. Request for next printed agenda Without Reference to Committee.				
$\boxtimes$	3. Request for hearing on a subject matter at Committee.				
	4. Request for letter beginning "Supervisor	inquires"			
	5. City Attorney request.				
	6. Call File No. from Committee.				
	7. Budget Analyst request (attach written motion).				
	8. Substitute Legislation File No.				
	9. Reactivate File No.	<i>.</i>			
	10. Question(s) submitted for Mayoral Appearance before the BOS on				
lease check the appropriate boxes. The proposed legislation should be forwarded to the following:					
•	Planning Commission Building Inspection Commission	nission			
	For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative	ative Form.			
	sor(s):				
Clerk	c of the Board				
Subje					
Follow-Up Board Response - Civil Grand Jury Report - Rising Sea LevelsAt Our Doorstep					
The text is listed below or attached:					
Hearing to receive updates from various City departments required to provide a response on the implementation of Recommendation Nos. 3 and 12b contained in the 2013-2014 Civil Grand Jury Report, entitled "Rising Sea Levels At Our Doorstep;" and respond to the Civil Grand Jury on the status of these implementations.					
Signature of Sponsoring Supervisor:					
For Clerk's Use Only:					

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