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
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
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
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
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
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.
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

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