

File No. 200537 Committee Item No. 2
 Board Item No. 2

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 19, 2020
 Board of Supervisors Meeting Date November 3, 2020

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA 061020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 061020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination 070720</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ADM PPT 071320</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Updated ADM PPT 071320</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> |

Completed by: Erica Major Date October 15, 2020
 Completed by: Erica Major Date October 21, 2020

1 [Administrative Code - Floodplain Management and Flood Insurance Requirements]

2

3 **Ordinance amending the Administrative Code to update the City’s floodplain**
4 **management requirements to conform to current Federal floodplain management and**
5 **National Flood Insurance Program criteria; to remove obsolete provisions; and**
6 **affirming the Planning Department’s determination under the California Environmental**
7 **Quality Act.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

12

13 Be it ordained by the People of the City and County of San Francisco:

14

15 Section 1. The Planning Department has determined that the actions contemplated in
16 this ordinance comply with the California Environmental Quality Act (California Public
17 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
18 Board of Supervisors in File No. 200537 and is incorporated herein by reference. The Board
19 affirms this determination.

20

21 Section 2. Chapter 2A of the Administrative Code is amended by revising Article XX,
22 Sections 2A.280, 2A.281, 2A.282, 2A.283, 2A.284, and 2A.285, to read as follows:

23

24 **SEC. 2A.280. FINDINGS AND PURPOSE.**

25

1 (a)- The Federal Emergency Management Agency (FEMA) ~~is in the process of preparing~~
2 ~~has prepared~~ a Flood Insurance Rate Map (FIRM) for the City and County of San Francisco.
3 The ~~map will~~ FIRM provide~~s~~ flood risk information for flood insurance and floodplain
4 management purposes under the National Flood Insurance Program (NFIP). ~~FEMA has stated~~
5 ~~that it anticipates publishing the final FIRM in early 2011.~~

6 (b)- ~~Under~~ When a community participates in the NFIP, the Federal government provides
7 financial backing to enable residents and businesses in the community to obtain affordable
8 flood insurance; in exchange, ~~the community adopts for the adoption of~~ floodplain management
9 regulations that meet the minimum requirements of the NFIP and reduce the risk of damage during
10 ~~floods by the community participating in the program. The community's participation~~ Participation in
11 the NFIP ~~will enable~~ s businesses and residents within flood-prone areas to obtain ~~certain forms~~
12 ~~of loans from Federally backed and Federally regulated lenders~~ and enables the community to obtain
13 Federal disaster assistance following presidentially declared flooding disasters.

14 (c)- To ~~join~~ meet the minimum requirements of the NFIP, the community's floodplain
15 management ordinance must ~~City must adopt a Floodplain Management Ordinance that would~~ require
16 new development structures, and substantial improvements and substantial ~~damage~~ repairs of
17 damage to existing structures in designated flood-prone areas be protected against flood
18 damage at the time of initial construction; and must prohibit certain uses that would increase
19 flood hazards.

20 (d)- ~~The City's~~ By joining the NFIP and adopting a floodplain ordinance that meets the
21 minimum requirements of the NFIP, the City ~~regulations at this time will~~ provide~~s~~ all City residents
22 and businesses the opportunity to obtain Federally backed flood insurance that would provide
23 financial protection against ~~will cover~~ damages resulting from ~~storm-caused~~ flooding.

24 (e)- The floodplain management regulations in this ordinance, Article XX, are consistent
25 with the NFIP requirements ~~for communities, such as San Francisco, for which FEMA is in the~~

1 ~~process of preparing but has not completed a final FIRM. When FEMA issues a final FIRM designating~~
2 ~~special flood hazard areas in San Francisco, NFIP regulations require that the adopted floodplain~~
3 ~~management program be reviewed and modified by authorized community representatives as necessary~~
4 ~~to ensure consistency with NFIP requirements applicable to communities for which FEMA has~~
5 ~~published a final FIRM.~~

6 ~~f. FEMA's publication of a final FIRM for San Francisco may affect new construction and~~
7 ~~substantial improvements in San Francisco, especially renovation and reuse of finger piers. This Board~~
8 ~~finds that new construction and substantially improving facilities on the San Francisco waterfront are~~
9 ~~important local and state concerns. The San Francisco waterfront, transferred by the State of~~
10 ~~California to San Francisco in 1969, is a valuable public trust asset of the State that provides special~~
11 ~~maritime, navigational, recreational, cultural and historical benefits to the people of the region and the~~
12 ~~State. New development, including rehabilitation of historic structures, on land that is seaward of the~~
13 ~~reach of mean high tide can be reasonably safe from flooding, provided that adequate building controls~~
14 ~~are in place. In 1997, the Port of San Francisco adopted a Waterfront Land Use Plan to guide~~
15 ~~development and use of the Port's waterfront property consistent with its trust obligations, and in 2006~~
16 ~~the Port created a Capital Plan identifying public facilities necessary to maintaining a viable San~~
17 ~~Francisco waterfront. This Board urges the Port of San Francisco and FEMA to develop, before~~
18 ~~publication of final FIRM, long-term floodplain management controls that both address any flooding~~
19 ~~hazard risks and allow the City to implement the Waterfront Land Use Plan and the Capital Plan, as~~
20 ~~they may be amended, and achieve the goals of that Plan, including the preservation of historic piers.~~

21 ~~(f.g).~~ The floodplain management regulations adopted by this ordinance were
22 developed by the City Administrator, in consultation with the Department of Building
23 Inspection, the Planning Department, the Department of Public Works, the Office of Economic
24 and Workforce Development, the Public Utilities Commission, the Port of San Francisco, the
25

1 San Francisco International Airport, ~~the San Francisco Redevelopment Agency~~, the Treasure
2 Island Development Authority, and the City Attorney's Office.

3 ~~(gh)~~ The City and County of San Francisco adopts the following floodplain
4 management regulations under its authority to adopt regulations designed to promote the
5 public health, safety, and general welfare of its residents granted by Article II, sections 5 and 7
6 of the California Constitution. ~~Such regulations are intended to remain in effect until FEMA adopts a~~
7 ~~final FIRM, at which time the City and FEMA will need to review and revise these regulations under~~
8 ~~federal requirements consistent with the purposes of this ordinance.~~

9 ~~(hi)~~ The purpose of this ordinance is to promote the public health, safety, and general
10 welfare, and minimize public and private losses due to flood conditions in specific areas by
11 imposing provisions designed to:

- 12 ~~(1)~~ Protect human life and health;
- 13 ~~(2)~~ Minimize expenditure of public money for costly flood control projects;
- 14 ~~(3)~~ Minimize the need for rescue and relief efforts associated with flooding and
15 generally undertaken at the expense of the general public;
- 16 ~~(4)~~ Minimize prolonged business interruptions;
- 17 ~~(5)~~ Minimize damage to public facilities and utilities such as water and gas mains;
18 electric, telephone and sewer lines; and streets and bridges located in areas of special flood
19 hazard;
- 20 ~~(6)~~ Help maintain a stable tax base by providing for the sound use and
21 development of areas of special flood hazard so as to minimize future blighted areas caused
22 by flood damage;
- 23 ~~(7)~~ Ensure that potential buyers are notified that property is in an area of special
24 flood hazard; and

1 (8)- Ensure that those who occupy the areas of special flood hazard assume
2 responsibility for their actions.

3 **SEC. 2A.281. DEFINITIONS.**

4 a. "**Accessory structure**" means a structure that is either solely for the parking of no
5 more than two cars, or a small, low-cost shed for limited storage, less than 150 square feet
6 and \$1,500 in value.

7 b. ~~"Accessory use" means a use which is incidental and subordinate to the principal use of the~~
8 ~~parcel of land on which it is located.~~

9 c. "**Base flood**" means a flood that has a ~~one percent~~1% chance of being equaled or
10 exceeded in any given year (also called the "100 year flood").

11 d. "**Base flood elevation**" (BFE) means the elevation shown on the ~~Flood Insurance~~
12 ~~Rate Map~~FIRM for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface
13 elevation resulting from a flood that has a ~~1 percent~~1% or greater chance of being equaled or
14 exceeded in any given year.

15 e. "**Building**" - see "Structure."

16 ~~"Development" means any man-made change to improved or unimproved real estate, including~~
17 ~~but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation~~
18 ~~or drilling operations or storage of equipment or materials.~~

19 f. "**Flood**" or "**flooding**" means:

20 (1)- A general and temporary condition of partial or complete inundation of normally
21 dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation
22 or runoff of surface waters from any source; or mudslides (i.e., mudflows) ~~which~~ that are
23 proximately caused by flooding.

24 (2)- The collapse or subsidence of land along the shore of a lake or other body of
25 water as a result of erosion or undermining caused by waves or currents of water exceeding

1 anticipated cyclical levels or suddenly caused by an unusual and unforeseeable event which
2 results in flooding as defined in this definition.

3 ~~g- "Floodplain or flood-prone area" means any land area designated by the City
4 Administrator as susceptible to being inundated by 100-year flood.~~

5 ~~h- "Floodplain Administrator" is the City Administrator.~~

6 ~~i- "Flood Boundary and Floodway Map" (FBFM) means the official map on which the Federal
7 Emergency Management Agency or Federal Insurance Administration has delineated both the areas of
8 special flood hazards and the floodway.~~

9 ~~j- "Flood Insurance Rate Map" (FIRM) means the official map on which FEMA the
10 Federal Emergency Management Agency or Federal Insurance Administration has delineated both
11 the areas of special flood hazards and the risk premium zones applicable to the community.~~

12 ~~k- "Flood Insurance Study" means the official report provided by FEMA the Federal
13 Insurance Administration that includes flood profiles, the FIRM Flood Insurance Rate Map, the
14 Flood Boundary and Floodway Map, and the water surface elevations of the base flood.~~

15 "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by
16 water, as shown on the FIRM or as designated by the Floodplain Administrator.

17 "Floodplain Administrator" is the City Administrator or the City Administrator's designee.

18 ~~l- "Floodplain management" means the operation of a program of corrective and
19 preventive measures for reducing flood damage and preserving and enhancing, where
20 possible, natural resources in the floodplain, including but not limited to emergency
21 preparedness plans, flood control works, floodplain management regulations, and open space
22 plans.~~

23 ~~m- "Floodplain management regulations" means this ordinance and other zoning
24 ordinances, subdivision regulations, building codes, health regulations, special purpose
25 ordinances (such as grading and erosion control) and other application of police power which~~

1 control development in flood-prone areas. This term includes applicable federal, state, or local
2 regulations that provide standards for preventing and reducing flood loss and damage.

3 ~~h-~~ "**Floodproofing**" means any combination of structural and nonstructural additions,
4 changes, or adjustments to structures which reduce or eliminate flood damage to real estate
5 or improved real property, water and sanitary facilities, structures, and their contents.

6 ~~e-~~ "**Floodway**" or "regulatory floodway" means the channel of a river or other
7 watercourse and the adjacent land areas that must be reserved in order to discharge the base
8 flood without cumulatively increasing the water surface elevation more than one foot. Also
9 referred to as "regulatory floodway."

10 ~~p-~~ "**Functionally dependent use**" means a use that cannot perform its intended
11 purpose unless it is located or carried out in close proximity to water. The term includes, but is
12 not limited to, docking facilities, port facilities that are necessary for the loading and unloading
13 of cargo or passengers, facilities that provide waterfront public access, and ship-building and
14 ship repair facilities.

15 ~~q-~~ "**Historic structure**" means any structure that is

16 (1) ~~l-~~ Listed individually in the National Register of Historic Places or preliminarily
17 determined by the Secretary of the Interior as meeting the requirements for individual listing
18 on the National Register;

19 (2) ~~l-~~ Certified or preliminarily determined by the Secretary of the Interior as
20 contributing to the historical significance of a registered historic district or a district
21 preliminarily determined by the Secretary to qualify as a registered historic district;

22 (3) ~~l-~~ Individually listed on a state inventory of historic places in states with historic
23 preservation programs which have been approved by the Secretary of the Interior; ~~or~~

24 (4) ~~l-~~ Determined as contributing to the historical significance of a district listed on a
25 state inventory of historic places for a state program approved by the Secretary of Interior;

1 (5) Individually listed on a local inventory of historic places in communities with
2 historic preservation programs, including, but not limited to those structures that have been
3 certified either by an approved state program as determined by the Secretary of the Interior or
4 directly by the Secretary of the Interior in states without approved programs.;

5 (6) Determined as contributing to the historical significance of a district listed on a
6 local inventory of historic places, including, but not limited to those structures that have been
7 certified either by an approved state program or by the Secretary of the Interior; or

8 ~~(57).~~ Determined to be an historic resource in accordance with the *City and County*
9 *of San Francisco* Planning Department's CEQA Review Procedures for Historic Resources.;

10 ~~(6).~~ In an historic district that is listed in the National Register of Historic Places.

11 "Manufactured home" means a structure, transportable in one or more sections, which is
12 built on a permanent chassis and is designed for use with or without a permanent foundation when
13 attached to the required utilities. The term "manufactured home" does not include a "recreational
14 vehicle".

15 "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land
16 divided into two or more manufactured home lots for rent or sale.

17 ~~;~~ **"New construction"** means structures for which the "start of construction"
18 commenced on or after the effective date of floodplain management regulations adopted
19 pursuant to this ordinance, and includes any substantial improvements to such structures.

20 "New manufactured home park or subdivision" means a manufactured home park or
21 subdivision for which the construction of facilities for servicing the lots on which the manufactured
22 homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets,
23 and either final site grading or the pouring of concrete pads) is completed on or after the effective date
24 of the ordinance in Board File No. 200537 adding this definition to this Article XX.

1 s. "One hundred year flood" or "100-year flood" means a flood that has a ~~one percent~~
2 1% chance of being equaled or exceeded in any given year.

3 "Recreational vehicle" means a vehicle that is:

4 (1) Built on a single chassis;

5 (2) 400 square feet or less when measured at the largest horizontal projection;

6 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

7 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters
8 for recreational, camping, travel, or seasonal use.

9 t. "Regulatory floodway" or "floodway" means the channel of a river or other
10 ~~watercourse and the adjacent land areas that must be reserved in order to discharge the base~~
11 ~~flood without cumulatively increasing the water surface elevation more than one foot. Also~~
12 ~~referred to as "floodway."~~

13 u. "Special flood hazard area" (SFHA) means an area in the floodplain subject to a
14 1% percent or greater chance of flooding in any given year that is shown on FIRM as Zone A,
15 AO, A1, A30, AE, A99, AH, V1, V30, VE, or V.

16 v. "Start of construction" includes substantial improvement and other proposed new
17 development and means the date the building permit was issued, provided the actual start of
18 construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement
19 was within 180 days from the date of the permit. The actual start means either the first
20 placement of permanent construction of a structure on a site, such as the pouring of slab or
21 footings, the installation of piles, the construction of columns, the placement of a manufactured
22 home on a foundation, or any work beyond the stage of excavation. Permanent construction
23 does not include land preparation, such as clearing, grading, and filling; nor does it include the
24 installation of streets and/or walkways; nor does it include excavation for a basement,
25 footings, piers, or foundations or the erection of temporary forms; nor does it include the

1 installation on the property of accessory buildings, such as garages or sheds not occupied as
2 dwelling units or not part of the main structure. For a substantial improvement, the actual start
3 of construction means the first alteration of any wall, ceiling, floor, or other structural part of a
4 building, whether or not that alteration affects the external dimensions of the building.

5 ~~¶~~ "Structure" means a walled and roofed building that is principally above ground;
6 this includes a gas or liquid storage tank or a manufactured home.

7 ~~¶~~ "Substantial damage" means damage of any origin sustained by a structure
8 whereby the cost of restoring the structure to its before damaged condition would equal or
9 exceed 50% percent of the market value of the structure before the damage occurred. The
10 term does not include any alteration of or exterior addition to a damaged "historic structure,"
11 provided that the alteration or addition will not preclude the structure's continued designation
12 as a "historic structure."

13 ~~¶~~ "Substantial improvement" means any reconstruction, rehabilitation, addition, or
14 other proposed new development of a structure, the cost of which equals or exceeds 50%
15 ~~percent~~ of the market value of the structure before the "start of construction" of the
16 improvement. This term includes structures that have incurred "substantial damage";
17 regardless of the actual repair work performed. The term does not, ~~however,~~ include either:

18 (1) Any project for improvement of a structure to correct existing violations or state
19 or local health, sanitary, or safety code specifications which have been identified by the local
20 code enforcement official and which are the minimum necessary to assure safe living
21 conditions, or

22 (2) Any alteration of, or attached exterior addition to, an "historic structure,"
23 provided that the alteration or addition will not preclude the structure's continued designation
24 as an "historic structure."

25 **SEC. 2A.282. ADMINISTRATION.**

1 (a) **Floodplain Administrator.** ~~The City Administrator shall be the Floodplain~~
2 ~~Administrator, as defined by federal and state floodplain management laws and regulations, and for~~
3 ~~purposes of the City's participation in the National Flood Insurance Program administered by the~~
4 ~~United States Department of Homeland Security.~~ The duties and responsibilities of the Floodplain
5 Administrator shall include, but not be limited to, providing oversight and guidance for the
6 administration of floodplain management requirements and policies; ~~and~~ providing floodplain
7 management reports and information as required by applicable federal, state, and local
8 requirements; for physical changes affecting flooding conditions and resulting in changes to flood
9 hazard data shown on the FIRM, notifying FEMA of the changes by submitting technical or scientific
10 data in accordance with the NFIP regulations within six months of the data becoming available; and
11 notifying neighboring communities of watercourse alterations or relocations, if any.

12 ~~The City Administrator may delegate some or all of these duties and responsibilities to~~
13 ~~appropriate City staff.~~

14 (b) **Floodplain and flood-prone area maps.**

15 (1). ~~The Floodplain Administrator shall designate flood-prone areas within City~~
16 ~~jurisdiction by obtaining, reviewing, and reasonably using appropriate base flood data available from~~
17 ~~federal, state or other sources; and shall maintain and update flood-prone area maps in a form~~
18 ~~sufficient for public review and use.~~ The SFHAs identified by FEMA in the Flood Insurance Study for
19 the City and County of San Francisco, dated 2019, with accompanying FIRM, and all subsequent
20 amendments and revisions, are adopted by reference and incorporated by reference into this Chapter
21 XX.

22 (2). ~~In addition, areas of special flood hazard identified by FEMA in its adopted final flood~~
23 ~~insurance studies, FIRMs, and FBFMs that are located outside San Francisco and contain City-owned~~
24 ~~and operated facilities, including but not limited to the "Flood Insurance Study (FIS) for the County of~~
25 ~~San Mateo," dated August 5, 1986, with accompanying FIRMs and FBFMs, dated July 5, 1984, and all~~

1 ~~subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of~~
2 ~~this ordinance.~~ In addition, FEMA has prepared final flood insurance studies and FIRMs for
3 communities that contain City-owned and operated facilities located in Alameda, Fresno, Kern, San
4 Joaquin, San Mateo, Santa Clara, Stanislaus, and Tuolumne Counties. The SFHAs identified on the
5 final Flood Insurance Studies and FIRMs for these counties, and all subsequent amendments and
6 revisions, are adopted by reference and incorporated by reference into this Chapter XX, but only for
7 those portions of the studies and DIRMs covering City-owned and operated facilities and only to the
8 extent such facilities have been identified as being located within an SFHA on the applicable FIRM.

9 (c) As provided by Appendix D to the ~~San Francisco~~ Charter and in accordance with
10 Chapter 1A of the San Francisco Building Code, the Department of Building Inspection is
11 responsible for reviewing all development permit applications to determine whether the permit
12 requirements of this ordinance have been satisfied, whether all other required state and
13 federal permits have been obtained, and whether the site is reasonably safe from flooding.
14 This subsection (c) does not apply to projects undertaken by the Port of San Francisco, the San
15 Francisco Airport, or the San Francisco Public Utilities Commission, whether located within or outside
16 the boundaries of San Francisco.

17 (d) As provided by Section 4.114 of the ~~San Francisco~~ Charter, the ~~San Francisco~~ Port
18 Commission, acting by and through its Chief Harbor Engineer, is responsible for reviewing all
19 ~~development~~ permit applications for ~~buildings and structures~~ development within the Port
20 Commission's jurisdiction to determine whether the permit requirements of this ordinance
21 have been satisfied, whether all other required state and federal permits have been obtained,
22 and whether the site is reasonably safe from flooding. Under the Charter, the Port
23 Commission has ~~authority to~~ adopted building standards for construction in Port areas
24 designated by the City Administrator as flood-prone that are consistent with the requirements
25

1 of applicable federal and state floodplain management regulations, ~~which building standards~~
2 ~~shall become effective when adopted by the Port Commission.~~

3 (e) As provided in Section 4.115 of the Charter, the Airport Commission has authority for the
4 management, supervision, maintenance, operation, and control of all Airport property and all
5 construction at the Airport. Pursuant to this authority, the Airport Commission has adopted building
6 standards that prescribe the codes, regulations, and design requirements that must be used for
7 construction and installation of development at the Airport, including compliance with the California
8 Building Code. The Airport's Building Inspection and Code Enforcement department issues all
9 development permits at the Airport, assures compliance with the Airport's building and design
10 standards, and will determine whether the standards of construction required under this ordinance
11 have been satisfied and whether all other required state and federal permits have been obtained.

12 (f) As provided in Section 8B.121 of the Charter, the San Francisco Public Utilities Commission
13 has exclusive charge of the construction, management, supervision, maintenance, extension, expansion,
14 operation, use, and control of all water, clean water and energy supplies and utilities of the City.
15 Pursuant to this authority, the San Francisco Public Utilities Commission's General Manager assures
16 compliance with the San Francisco Building Code and will determine whether the standards of
17 construction required under this ordinance have been satisfied and whether all other required state and
18 federal permits have been obtained.

19 ~~e(g).~~ All building standards for construction on City-owned property located outside the
20 boundaries of the City and in areas designated by FEMA as flood-prone shall be consistent
21 with the requirements of this ordinance and applicable federal and state floodplain
22 management regulations. Each City department with jurisdiction over the ~~operations and~~
23 ~~maintenance~~ development of such property shall determine whether the ~~building standards~~
24 requirements of this ordinance have been satisfied, whether all other required state and
25 federal permits have been obtained; and whether the site is reasonably safe from flooding.

1 **SEC. 2A.283. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

2 (a)- **Permits.** A permit or other applicable approval shall be obtained for all proposed
3 ~~construction~~ development of buildings and structures located within a floodplain or flood prone
4 area designated in accordance with Section 2A.282(b), and shall be issued in accordance
5 with applicable procedures for authorizing such construction within the appropriate City
6 departments' jurisdiction. No building, structure, or land shall be constructed, located,
7 extended, converted, or altered within a floodplain or flood-prone area without full compliance
8 with the requirements of this ordinance and other applicable regulations. The requirements of
9 this ordinance and other applicable regulations shall take precedence over any less restrictive
10 conflicting local laws. The ~~City Administrator~~ appropriate City department shall maintain a record
11 of the elevation (in relation to NAVD88) of the lowest floor (including basement) of all new and
12 substantially improved structures; and, in all cases of floodproofing, the elevation (in relation to
13 NAVD88) to which ~~all the~~ structures that were was floodproofed in accordance with subSections
14 2A.283(b), (c), or (d) of this Article.

15 ~~b. Standards of Construction for flood prone areas designated pursuant to section 2A.282(b)(1)~~
16 ~~of this article.~~

17 ~~1. If a proposed building site is in a flood prone area, all new construction and substantial~~
18 ~~improvements shall:~~

19 ~~——— A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or~~
20 ~~lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the~~
21 ~~effects of buoyancy.~~

22 ~~——— B. Be constructed:~~

23 ~~—— i. With materials and utility equipment resistant to flood damage;~~

24 ~~——— ii. Using methods and practices that minimize flood damage;~~

1 ~~—— C. With electrical, heating, ventilation, plumbing and air conditioning equipment and~~
2 ~~other service facilities that are designed and/or located so as to prevent water from entering or~~
3 ~~accumulating within the components during conditions of flooding.~~

4 ~~2. The Chief Harbor Engineer of the Port of San Francisco and the Floodplain~~
5 ~~Administrator shall consult and coordinate with FEMA to create appropriate building standards for~~
6 ~~developing any finger piers located in flood prone areas in Port jurisdiction, before publication of~~
7 ~~FEMA's final FIRM for San Francisco.~~

8 ~~3. Standards For Subdivisions. If a subdivision proposal is in a flood prone area, any such~~
9 ~~proposals shall be reviewed to assure that:~~

10 ~~—— A. All such proposals are consistent with the need to minimize flood damage within the~~
11 ~~flood prone area;~~

12 ~~—— B. All public utilities and facilities such as sewer, gas, electrical, and water systems are~~
13 ~~located and constructed to minimize or eliminate flood damage; and~~

14 ~~—— C. Adequate drainage is provided to reduce exposure to flood hazards.~~

15 ~~4. Standards For Utilities. All new and replacement water supply and sanitary sewage~~
16 ~~systems shall be designed to minimize or eliminate:~~

17 ~~—— A. Infiltration of flood waters into the systems, and~~

18 ~~—— B. Discharge from the systems into floodwaters.~~

19 ~~e(b).~~ **Standards of Construction for Ffloodplain Aareas** ~~designated pursuant to section~~
20 ~~2A.282(b)(2) of this article. In addition to the standards of construction set forth in section 2A.283(b),~~
21 ~~all~~

22 (1) All-new construction and substantial improvements shall be designed and
23 constructed in accordance with the requirements of San Francisco Building Code sSection
24 1612, California Building Code Section 1612, or other comparable code requirements applicable to

1 the City agency or department implementing the standards of construction under this Article XX, as
2 any of the foregoing code requirements may be amended from time to time.

3 (2) Standards for Subdivisions. If a subdivision proposal is in a flood-prone area, any such
4 proposals shall be reviewed to assure that:

5 (A) All such proposals are consistent with the need to minimize flood damage within the
6 flood prone area;

7 (B) All public utilities and facilities such as sewer, gas, electrical, and water systems are
8 located and constructed to minimize or eliminate flood damage; and

9 (C) Adequate drainage is provided to reduce exposure to flood hazards.

10 (3) Standards For Utilities. All new and replacement water supply and sanitary sewage
11 systems shall be designed to minimize or eliminate:

12 (A) Infiltration of flood waters into the systems, and

13 (B) Discharge from the systems into floodwaters.

14 (4) Manufactured Homes. All manufactured homes that are placed or substantially
15 improved, on sites located in a new manufactured home park or subdivision within Zones A1-30, AH,
16 and AE on the community's Flood Insurance Rate Map, shall be elevated on a permanent foundation
17 such that the lowest floor of the manufactured home is elevated to or above the base flood elevation
18 and is securely fastened to an adequately anchored foundation system to resist flotation, collapse, and
19 lateral movement.

20 (5) Recreational Vehicles. All recreational vehicles placed in Zones A1-30, AH, and AE
21 shall either:

22 (1) Be on the site for fewer than 180 consecutive days; or

23 (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for
24 highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type
25 utilities and security devices, and has no permanently attached additions; or

1 (3) Meet the permit requirements of subsection (a) and the elevation and anchoring
2 requirements for manufactured homes in subsection (b)(4).

3 ~~(c)~~ **VariANCES.**

4 (1)- A variance from the standards provided by ~~the~~ this Section 2A.283 may be
5 granted by the appropriate approval authority for a parcel of property with physical
6 characteristics so unusual that complying with the requirements of this ordinance would create
7 an exceptional hardship to the applicant or the surrounding property owners. Variances shall
8 be issued upon a determination that the variance is the minimum necessary, considering the
9 flood hazard, to afford relief. Variance determinations shall include a showing of good and
10 sufficient cause that:

11 ~~(A)~~- Failure to grant the variance would result in exceptional hardship to the
12 applicant; and

13 ~~(B)~~- The granting of a variance will not result in increased flood heights, additional
14 threats to public safety, or extraordinary public expense, create a nuisance, cause fraud and
15 victimization of the public, or conflict with existing local laws or ordinances.

16 ~~(2)~~- Notwithstanding subsection ~~2A.283(d)(1)~~ above, variances may be issued for
17 new construction, substantial improvement, and other proposed new development to be
18 erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with
19 existing structures constructed below the base flood level.

20 ~~(3)~~- Notwithstanding subsection ~~2A.283(d)(1)~~ above, variances shall be issued for:

21 ~~(A)~~- The repair or rehabilitation of, or exterior addition to, historic structures
22 upon a determination that the proposed repair, rehabilitation, or addition will not preclude the
23 structure's continued designation as an historic structure.

24 ~~(B)~~- New construction, substantial improvement, and other proposed new
25 development necessary for the conduct of a functionally dependent use, provided that the

1 structure or building is protected by methods that minimize flood damages, and that issuance
2 of the variance does not result in additional threats to public safety or create a public
3 nuisance.

4 **SEC. 2A.284. LIABILITY.**

5 The degree of flood protection required by this ordinance, Article XX, is considered
6 reasonable for regulatory purposes and is based on scientific and engineering considerations.
7 This ordinance shall not create liability on the part of the City and County of San Francisco,
8 any officer or employee thereof, the State of California, or the ~~Federal Insurance Administration,~~
9 Federal Emergency Management Agency, for any flood damages that result from reliance on
10 this ordinance or any administrative decision made hereunder.

11 **SEC. 2A.285. SEVERABILITY.**

12 This ~~ordinance~~ Article XX and the various parts thereof are hereby declared to be
13 severable. Should any section or other part of this ordinance Article XX, or application thereof, be
14 declared by the courts to be unconstitutional or invalid, such decision shall not affect the
15 validity of ~~the ordinance~~ Article XX as a whole, or any portion or application thereof other than
16 the section, other part, or application so declared to be unconstitutional or invalid.

17
18 Section 3. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 10/19/2020)

[Administrative Code - Floodplain Management and Flood Insurance Requirements]

Ordinance amending the Administrative Code to update the City's floodplain management requirements to conform to current Federal floodplain management and National Flood Insurance Program criteria; to remove obsolete provisions; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Sections 2A.280 - 2A.285 of the San Francisco Administrative Code provide for the administration of the City's floodplain management program. The Code designates the City Administrator as the Floodplain Administrator, whose duties and responsibilities include providing oversight and guidance for the administration of floodplain management requirements and policies, designating flood prone areas within the City, maintaining and updating flood prone area maps for public review and use, and providing floodplain management reports and information as required by applicable federal, state and local requirements.

The Code requires that all new construction and substantial improvements in designated flood prone areas shall:

- Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- Be constructed:
 - So that the lowest floor, including basement, is elevated one foot above the design flood elevation; or (for non-residential structures) floodproofed to this level.
 - With materials and utility equipment resistant to flood damage.
 - Using methods and practices that minimize flood damage.
- Include electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

The Code also requires that subdivision proposals in flood-prone areas be reviewed to assure that:

- All such proposals are consistent with the need to minimize flood damage within the flood prone area;

- All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- Adequate drainage is provided to reduce exposure to flood hazards.

Variations or exceptions can be issued for projects involving extraordinary hardship, historic preservation and, in the case of the Port, functionally dependent maritime uses.

Amendments to Current Law

The proposed amendments include changes to reflect the completion by the Federal Emergency Management Agency (FEMA) of its final Flood Insurance Risk Map (FIRM) for San Francisco by adding and deleting language to accurately describe the current status of the FIRM. The amendments also clarify the applicability of specified building standards in the San Francisco Building Code that become applicable to development projects on the City's adoption of the FIRM, which establishes special flood hazard areas for portions of San Francisco that are susceptible to flooding from the Bay and Ocean.

The amendments add definitions for development, floodplains and flood prone areas, manufactured homes, and recreational vehicles. The amendments clarify the floodplain administration duties of the City Administrator. The amendments also describe the authority of the Airport and Public Utilities Commissions under the Charter to manage construction in accordance with the building standards applicable to each department's construction activities.

Background Information

The floodplain management program is primarily intended to protect human life and health, minimize expenditure of public money for costly flood control projects, ensure that property owners and residents are notified that property is in an area of special flood hazard, and ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Permits and approvals issued by appropriate City departments for buildings and structures in flood prone areas must ensure that compliance with the floodplain management standards provided by the ordinance are achieved. These standards will also apply to City projects located outside the boundaries of the City.

Under the National Flood Insurance Program (NFIP), FEMA provides financial backing to enable residents and businesses in the community to obtain affordable flood insurance in exchange for the adoption of floodplain management regulations by the community participating in the program. Participation in the NFIP enables businesses and residents

within flood prone areas to obtain certain forms of loans and disaster assistance, as well as flood insurance.

City participation in the NFIP and adoption of floodplain regulations at Sections 2A.280 - 2A.285 of the San Francisco Administrative Code provide all City residents, regardless of whether they are located in a designated flood-prone area, the opportunity to obtain flood insurance that will cover damages resulting from storm-caused flooding.

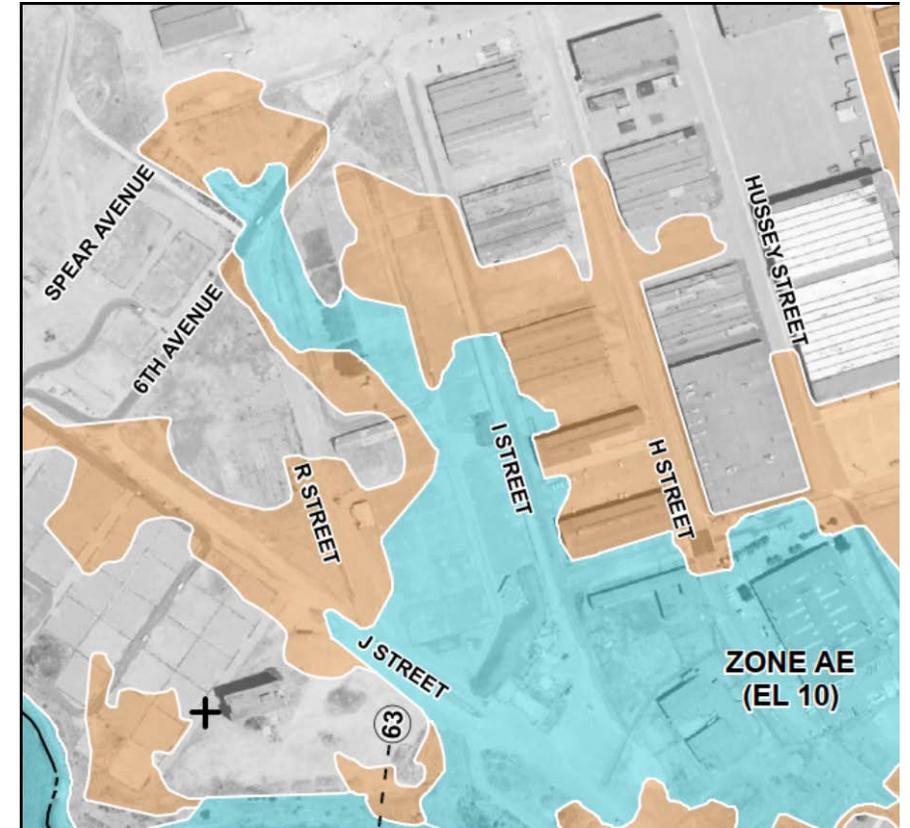
FEMA has prepared a FIRM for the City. The map provides flood risk information for flood insurance and floodplain management purposes under the NFIP. The amendments will update the current floodplain management program to reflect adoption of the FIRM and to delete obsolete provisions. The amendments will ensure consistency with NFIP requirements applicable to FEMA-mapped communities.

Floodplain Management Ordinance Amendment

Brian Strong, Chief Resilience Officer, Office of Resilience and Capital Planning
City and County of San Francisco
July 13, 2020

Overview

- City participates in National Flood Insurance Program (NFIP)
- FEMA is finalizing Flood Insurance Rate Map (FIRM)
- City must amend its Floodplain Management Ordinance to:
 - Adopt the new FIRM
 - Comply with NFIP requirements
- Amendment must be adopted before FIRM is effective – February 2021



2019 preliminary FIRM for San Francisco showing flood hazards at Hunters Point

National Flood Insurance Program



- Nationwide program managed by FEMA
 - Reasonably priced flood insurance
 - In exchange, community must adopt a floodplain management ordinance
 - Community can adopt requirements that are more restrictive than NFIP
 - Community participation is voluntary
- FEMA publishes FIRMs showing flood hazards
 - Insurance companies use FIRM data for flood insurance policy ratings
 - Communities must use FIRM for floodplain management

Past Actions Timeline

- **2007:** FEMA issues preliminary FIRM showing flood hazards; never finalized
- **2008:** City adopts Floodplain Management Ordinance and joins NFIP
- **2010:** City amends ordinance based on input from FEMA
- **2015:** FEMA completes analyses and issues new preliminary FIRM for review
- **2016:** City appeals preliminary FIRM based on analysis of waterfront piers
- **2019:** FEMA resolves appeal and issues revised preliminary FIRM
- **2020:** FEMA provides period to appeal revised preliminary FIRM; no appeals

Schedule Moving Forward

	2020						2021		
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
FEMA to deliver Letter of Final Determination (LFD) August 2020 target			█						
Maps Become Effective 6 months after LFD February 2021 target			█	█	█	█	█	█	█



Flood Insurance Rate Map

- Based on analyses of San Francisco Bay and Pacific Ocean
 - Shows coastal flood hazards only (does not consider SLR)
 - Does not show flood hazards from stormwater runoff (SFPUC has mapped these hazards separately)
- FIRM Shows flood hazards for the following areas:
 - Port of San Francisco
 - Redevelopment areas – Mission Bay, Hunters Point, Candlestick
 - Treasure Island
 - Ocean Beach
 - San Francisco International Airport

Flood Insurance Rate Map



FEMA FIRM: SPECIAL FLOOD HAZARD AREAS

COASTAL INUNDATION FROM BAY/OCEAN

>1 FOOT FLOODING
FROM 1% CHANCE/100-YEAR STORM



GOING INTO EFFECT 2021

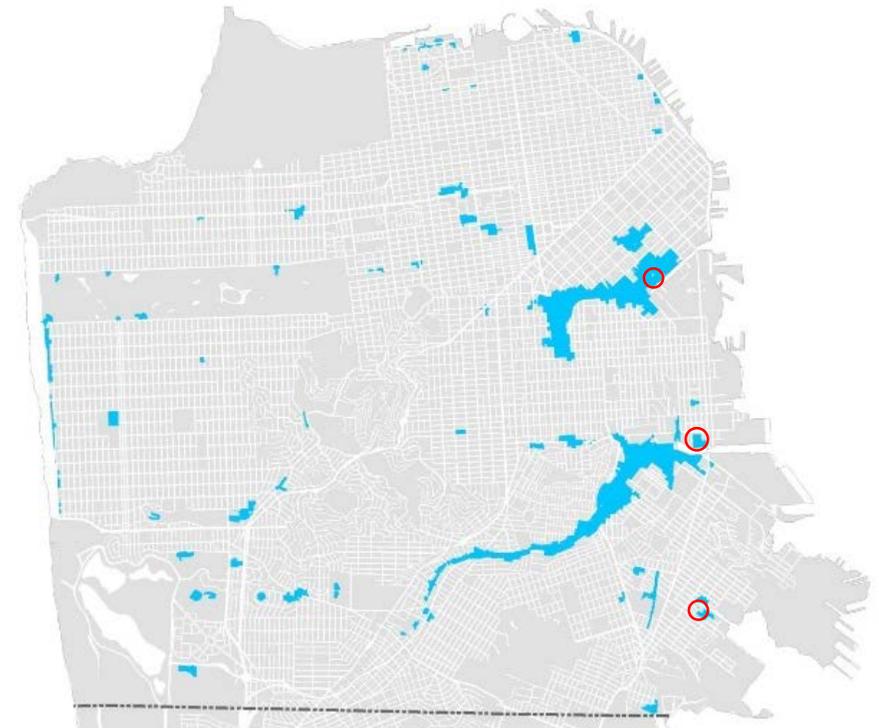
~ 200 PARCELS*/400 ACRES



SFPUC 100-YEAR STORM FLOOD RISK MAP

STORM RUNOFF ONLY

>6 INCH 'DEEP AND CONTIGUOUS' FLOODING
FROM 100-YEAR RAIN EVENT



ADOPTED 2018

~ 2100 PARCELS/920 ACRES

○ = OVERLAPS

Flood Hazard Zones

- Special Flood Hazard Areas (SFHAs)
 - Inundation due to 1% annual chance (i.e. “100-year”) flood
 - Represents coastal flooding with waves less than 3 feet high
 - Shown on FIRM as Zone AE
 - Shows Base Flood Elevation (BFE) – water level during 1% annual chance flood
 - Building construction/renovations in SFHAs must comply with flood provisions of building code
 - Flood insurance is only required for buildings in SFHAs that have federally backed/regulated mortgages
- Other flood hazard zones shown on the FIRM:
 - Zone VE: coastal high hazard areas with waves greater than 3 feet high; doesn’t extend inland of shoreline
 - Zone X (shaded): 0.2% annual chance (“500-year”) floodplain; informational purposes only
 - Zone X (unshaded): minimally flood prone areas
 - Insurance rates are lowest in Zone X, applies to the majority of San Francisco
 - Zone D areas:
 - Port waterfront piers only
 - Area of possible, but undetermined flood hazard
 - Floodplain management and insurance requirements do not apply
 - Insurance rates are higher than Zone X, lower than in Zone AE

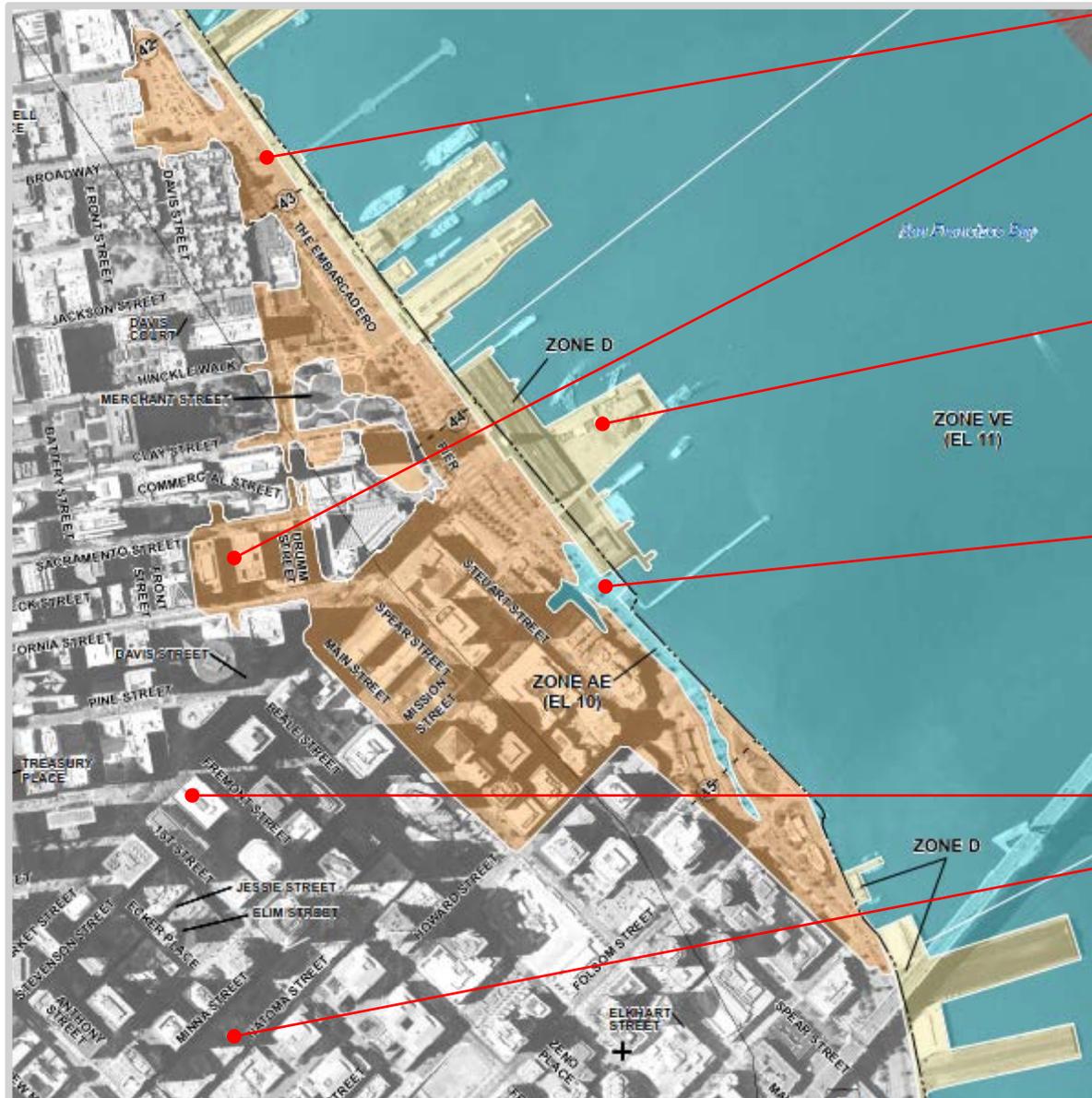
Downtown Waterfront Area

“Shaded” Zone X
2% annual chance (500-year) floodplain

Zone D
Possible but undetermined flood hazard
shown on piers only

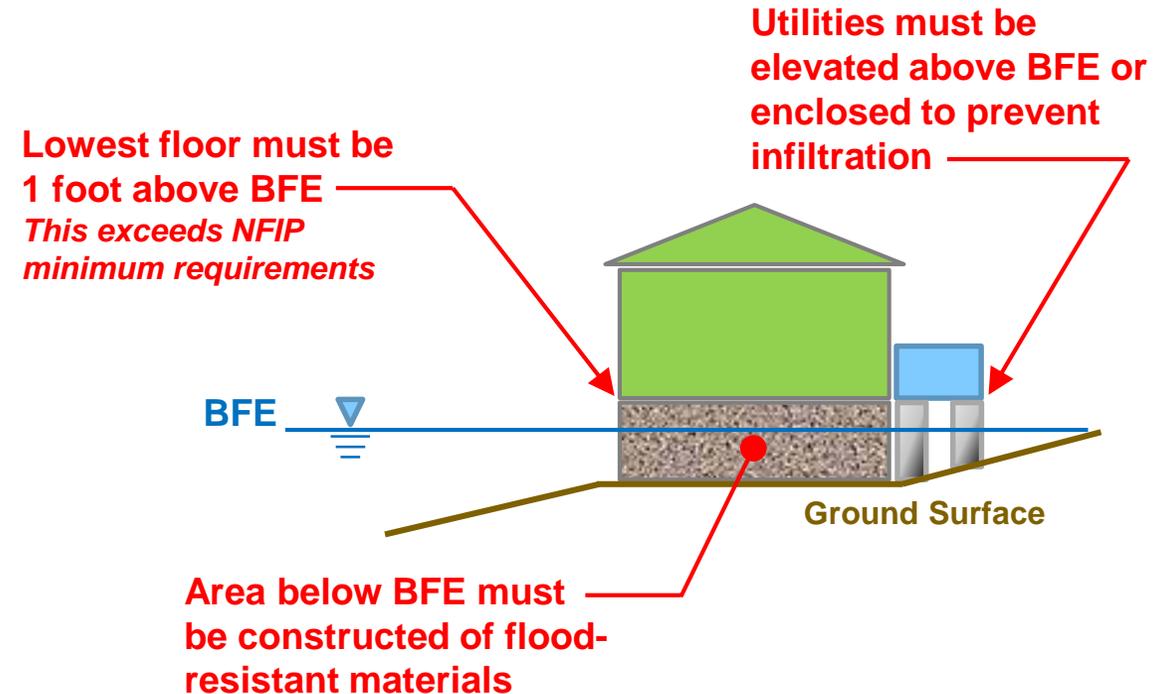
Zone AE
1% annual chance floodplain
Wave heights < 3 feet

“Unshaded” Zone X
Areas of minimal flood risk



Floodplain Management Ordinance

- Incorporates min. requirements of NFIP
- In SFHAs, requires flood-resistant construction for:
 - New buildings
 - Substantial improvements – renovation/repair for which cost exceeds 50% of market value of structure
- Incorporates San Francisco Building Code and California Building Code (CBC) by reference
- CBC includes flood-resistant construction provisions that exceed NFIP requirements
- Amendment does not change floodplain management requirements/CBC provisions



CBC Flood-Resistant Construction Provisions
(not comprehensive)

Questions?

Brian Strong, Chief Resilience Officer and Director
Office of Resilience and Capital Planning

Chris Barkley, West Region Market Sector Leader,
AECOM

Rebecca Benassini, Real Estate & Development
Port of San Francisco,

Ann-Ariel Veccio, Principal Planner and Consultant for Sewer System Improvement Program
Parsons

Sarah Minick, Utility Planning Division Manager
San Francisco Public Utilities Commission

Sandra Hamlat, Principal Resilience Analyst
Office of Resilience and Capital Planning

Northern Waterfront

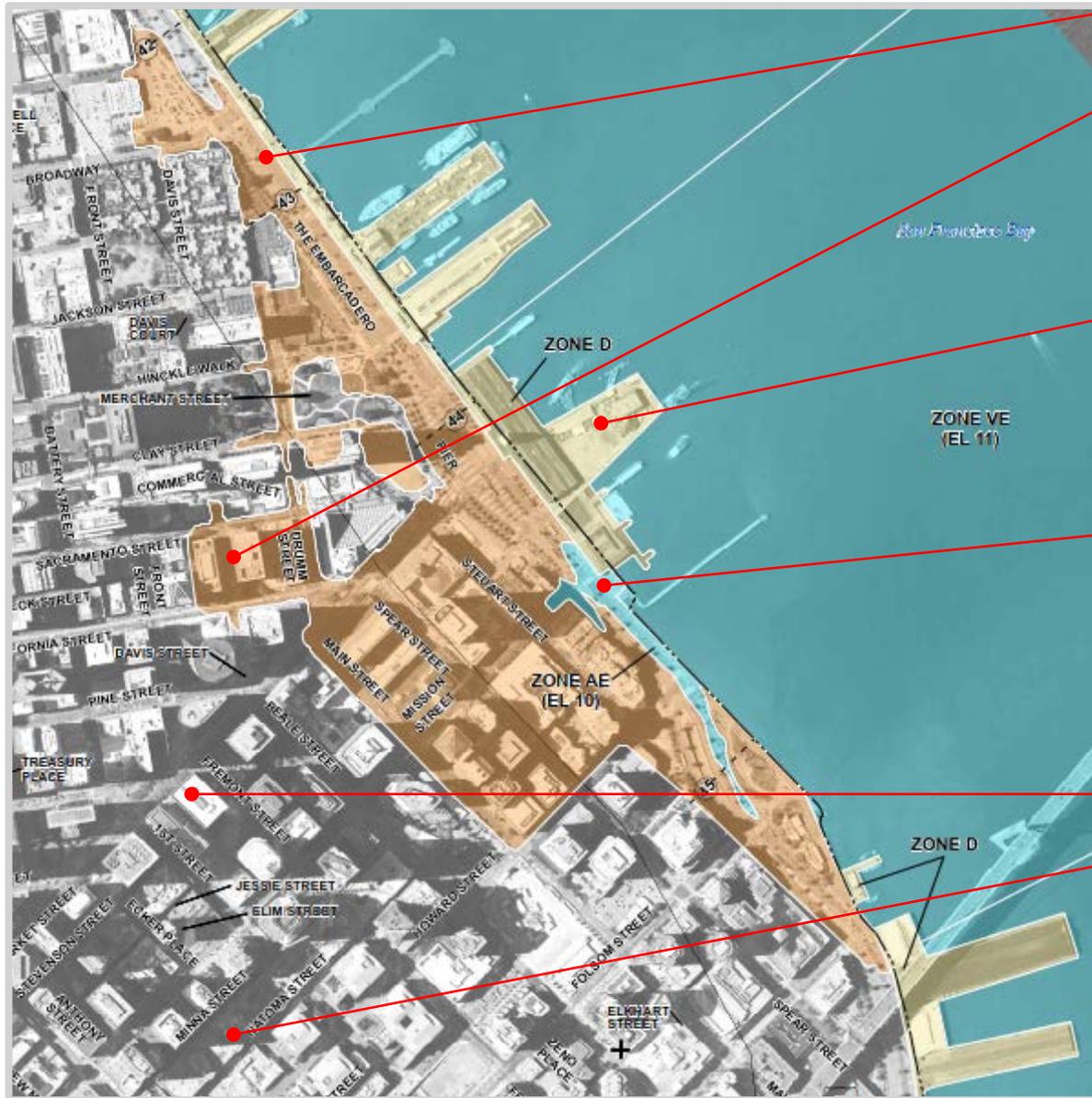
Zone VE
*Coastal flood hazards with waves > 3 feet
do not extend inland of shoreline*



Zone D
*Possible but undetermined flood hazard
shown on piers only*

“Unshaded” Zone X
Areas of minimal flood risk

Downtown Waterfront Area



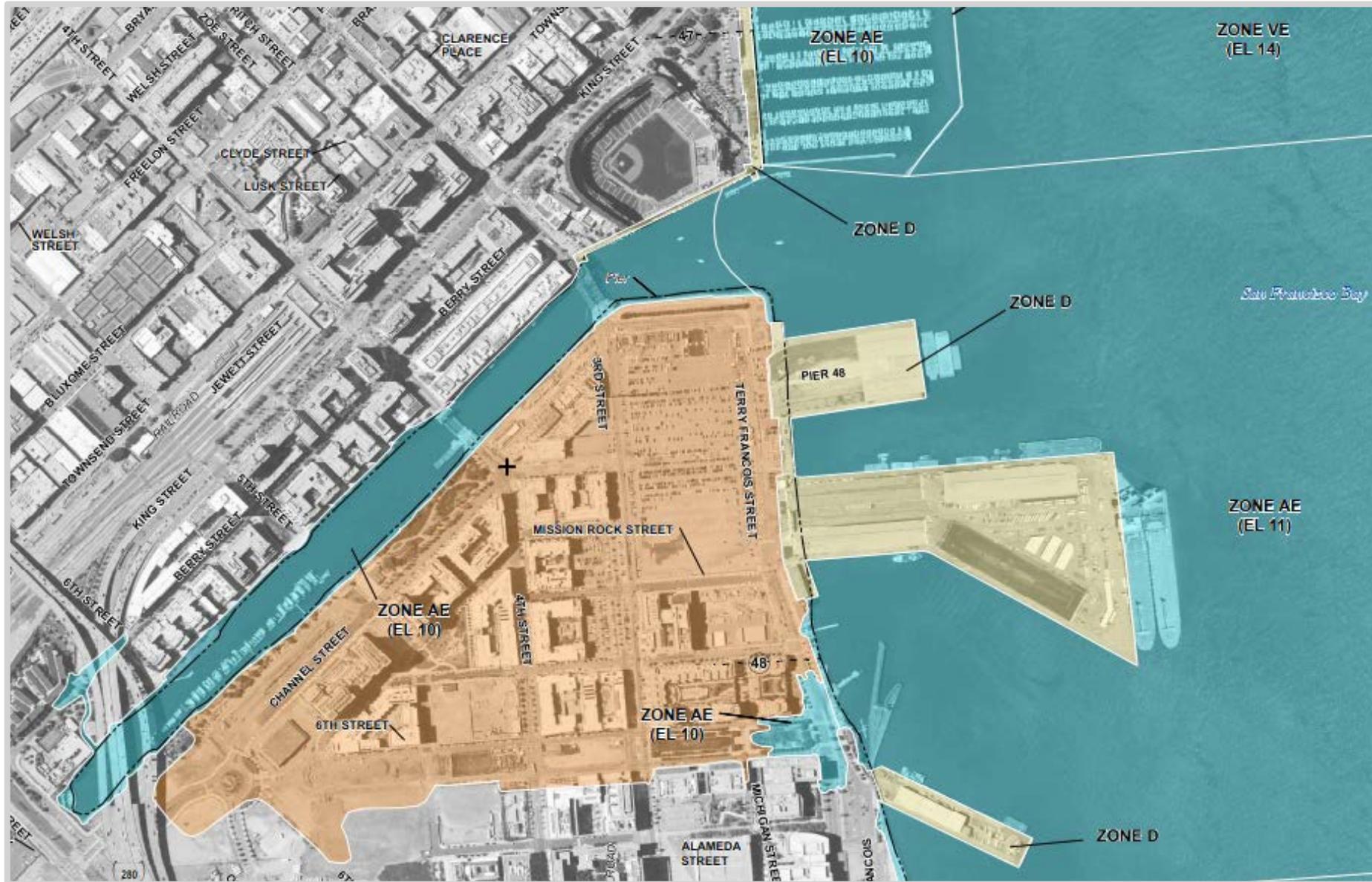
“Shaded” Zone X
2% annual chance (500-year) floodplain

Zone D
Possible but undetermined flood hazard
For CCSF, shown on piers only

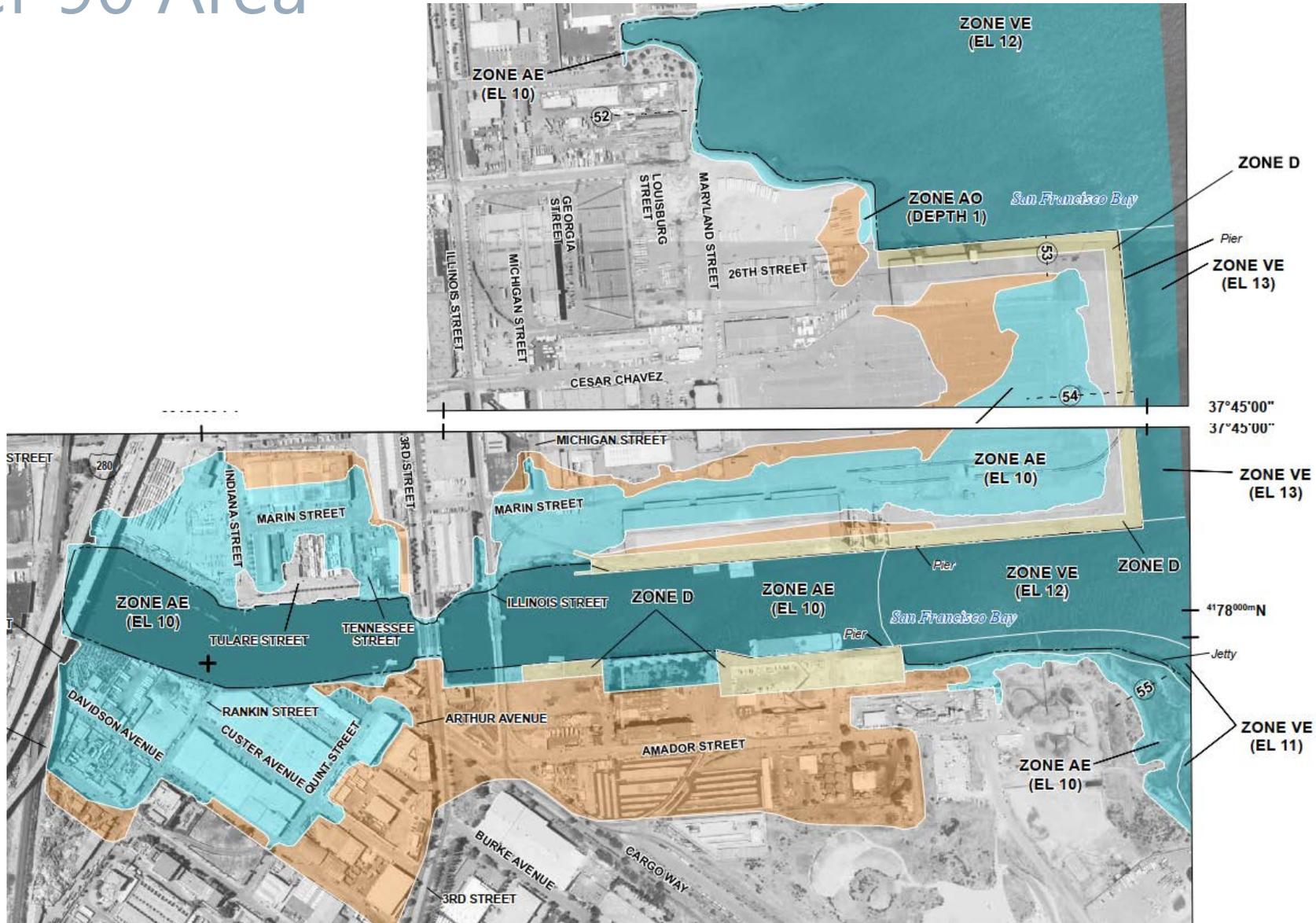
Zone AE
1% annual chance floodplain
Wave heights < 3 feet

“Unshaded” Zone X
Areas of minimal flood risk

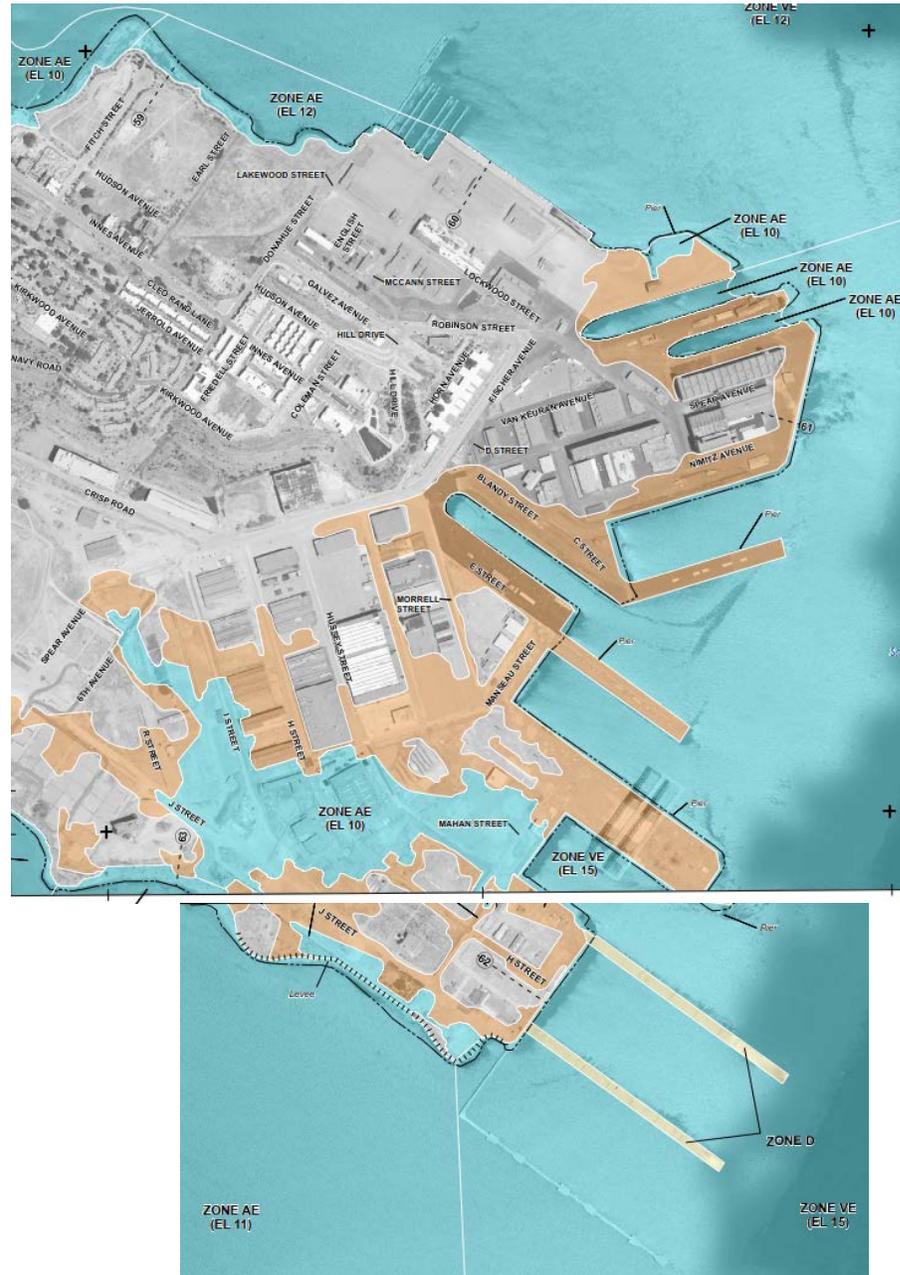
Mission Bay Area



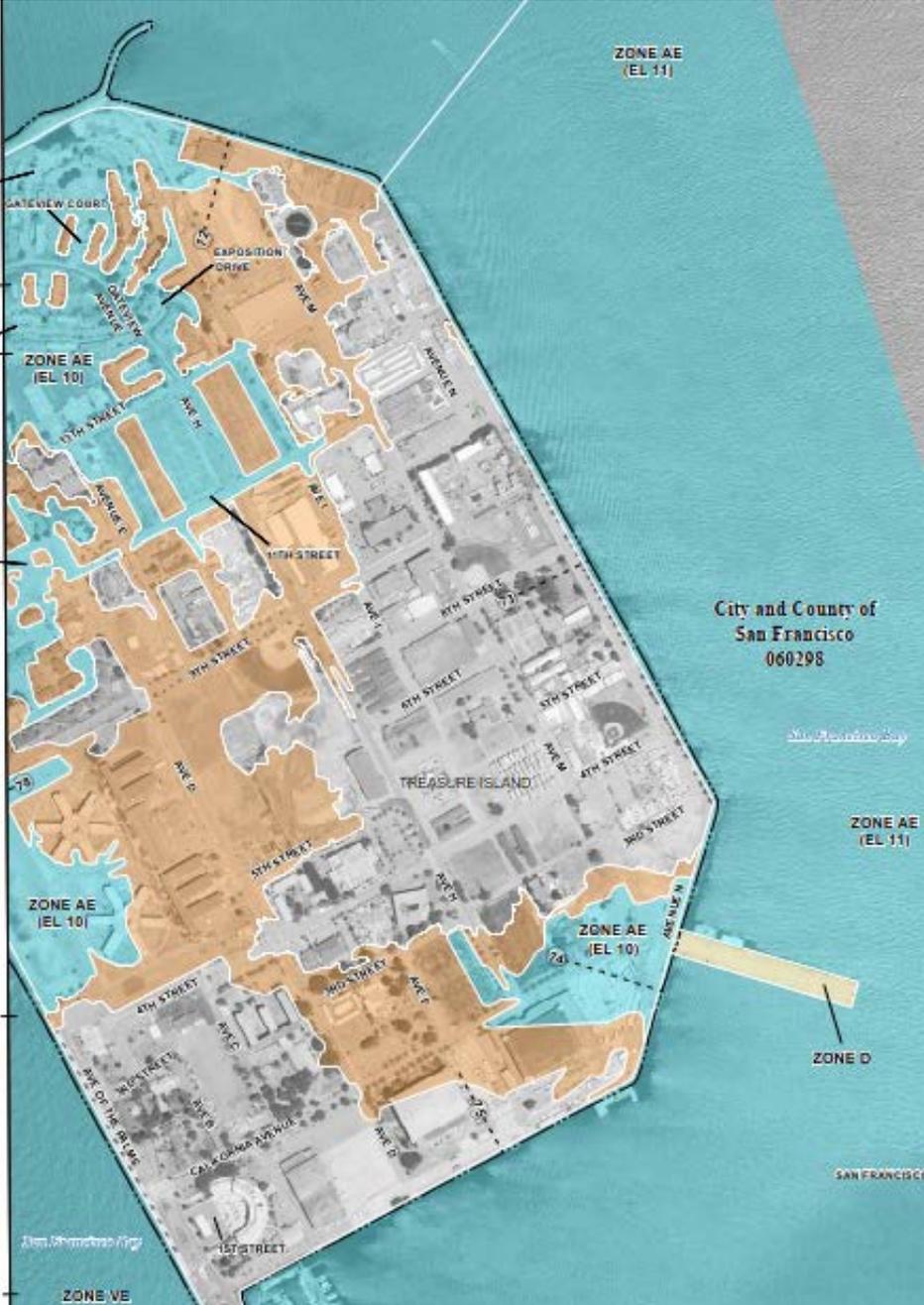
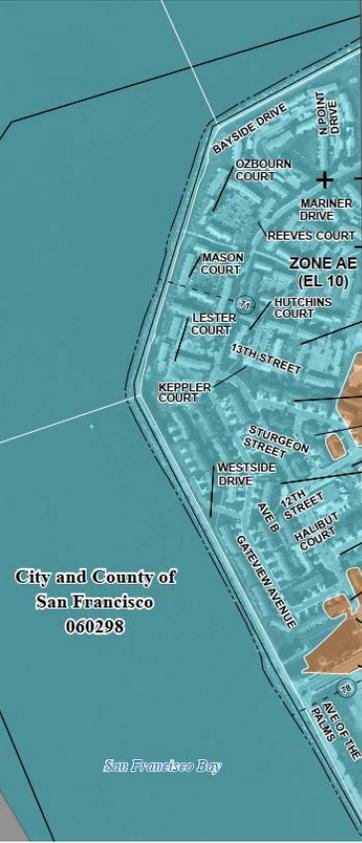
Pier 90 Area



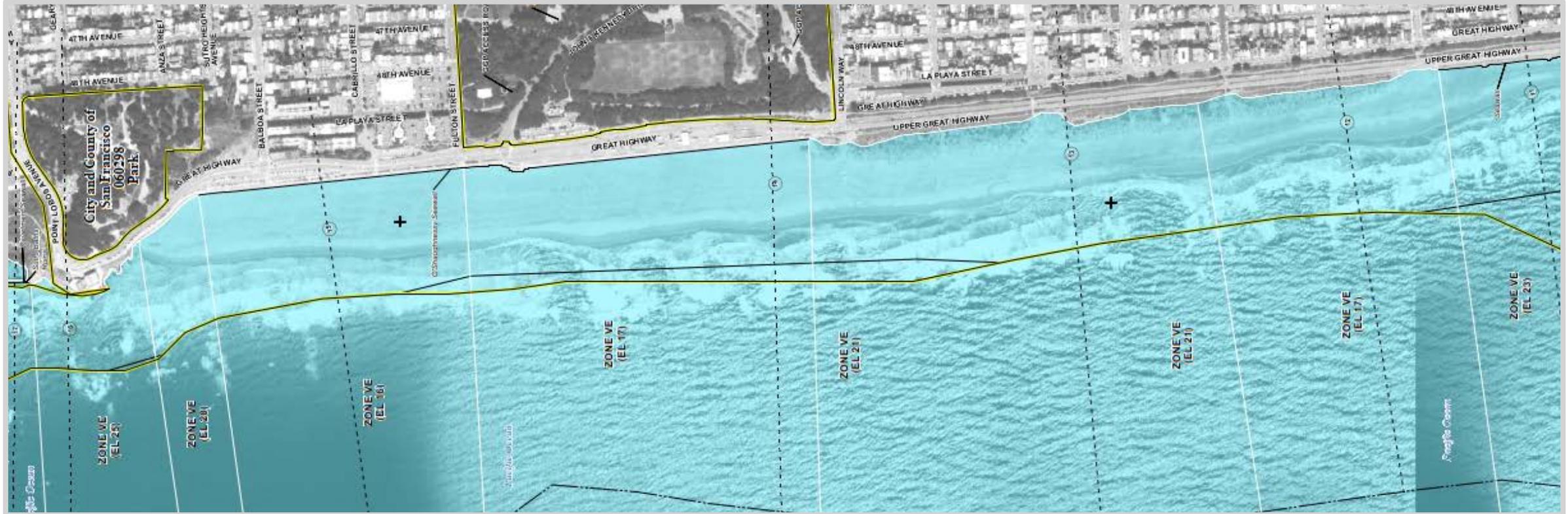
Hunters Point



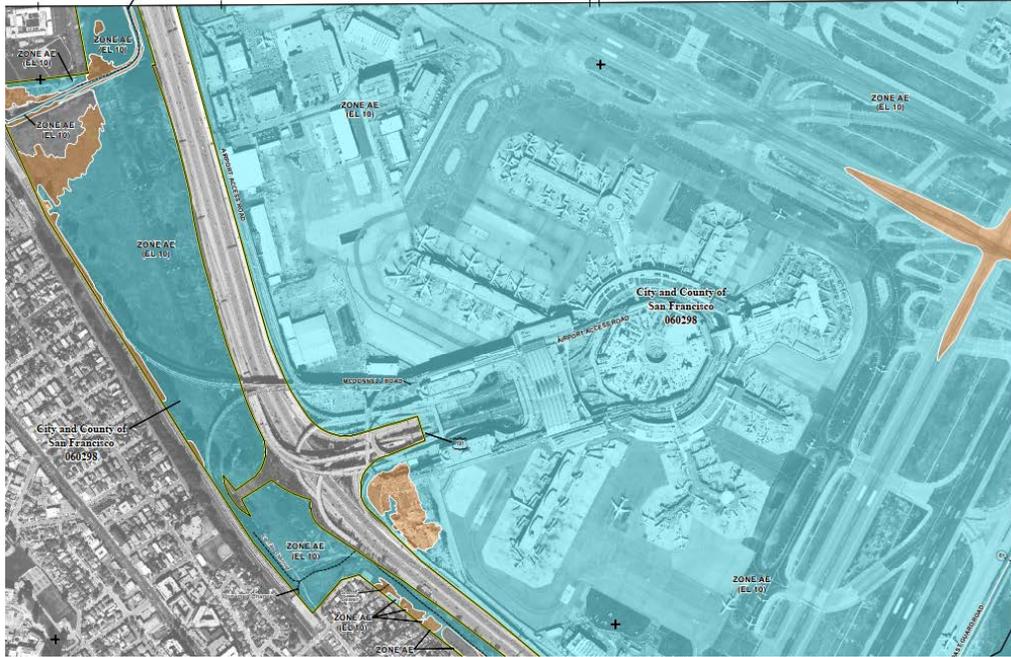
Treasure Island



Ocean Beach



Airport

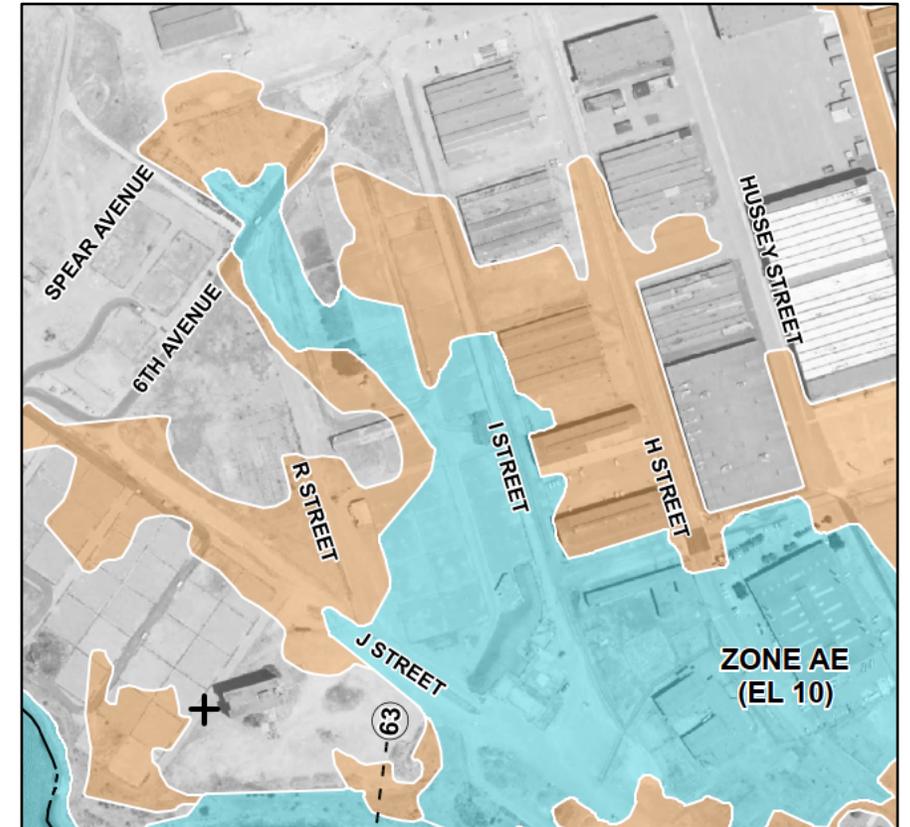


Floodplain Management Ordinance Amendment

Brian Strong, Chief Resilience Officer, Office of Resilience and Capital Planning
City and County of San Francisco
July 13, 2020

Overview

- Participation in National Flood Insurance Program (NFIP)
- FEMA is finalizing Flood Insurance Rate Map (FIRM)
- City must amend its Floodplain Management Ordinance to:
 - Adopt the new FIRM
 - Comply with NFIP requirements
- Amendment must be adopted before FIRM is effective – February 2021



2019 preliminary FIRM for San Francisco showing flood hazards at Hunters Point

National Flood Insurance Program



- Nationwide program managed by FEMA
 - Reasonably priced flood insurance
 - In exchange, community must adopt a floodplain management ordinance
 - Community can adopt requirements that are more restrictive than NFIP
 - Community participation is voluntary

- FEMA publishes FIRMs showing flood hazards
 - Insurance companies use FIRM data for flood insurance policy ratings
 - Communities must use FIRM for floodplain management

Past Actions Timeline

- **2007:** FEMA issues preliminary FIRM showing flood hazards; never finalized
- **2008:** City adopts Floodplain Management Ordinance and joins NFIP
- **2010:** City amends ordinance based on input from FEMA
- **2015:** FEMA completes analyses and issues new preliminary FIRM for review
- **2016:** City appeals preliminary FIRM based on analysis of waterfront piers
- **2019:** FEMA resolves appeal and issues revised preliminary FIRM
- **2020:** FEMA provides period to appeal revised preliminary FIRM; no appeals

Schedule Moving Forward

	2020						2021		
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
FEMA to deliver Letter of Final Determination (LFD) August 2020 target			█						
Maps Become Effective 6 months after LFD February 2021 target			█	█	█	█	█	█	█



Flood Insurance Rate Map

- Based on analyses of San Francisco Bay and Pacific Ocean
 - Shows coastal flood hazards only (does not consider SLR)
 - Does not show flood hazards from stormwater runoff (SFPUC has mapped these hazards separately)
- FIRM Shows flood hazards for the following areas:
 - Port of San Francisco
 - Redevelopment areas – Mission Bay, Hunters Point, Candlestick
 - Treasure Island
 - Ocean Beach
 - San Francisco International Airport

Flood Insurance Rate Map



FEMA FIRM: SPECIAL FLOOD HAZARD AREAS

COASTAL INUNDATION FROM BAY/OCEAN

>1 FOOT FLOODING
FROM 1% CHANCE/100-YEAR STORM



GOING INTO EFFECT 2021

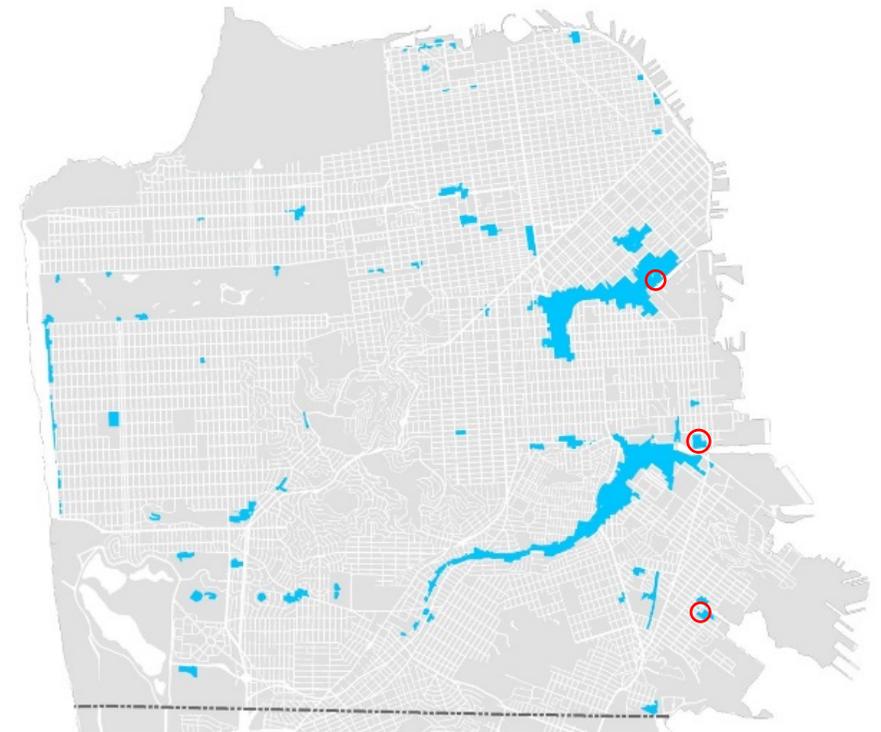
~ 200 PARCELS**/400 ACRES



SFPUC 100-YEAR STORM FLOOD RISK MAP

STORM RUNOFF ONLY

>6 INCH 'DEEP AND CONTIGUOUS' FLOODING
FROM 100-YEAR RAIN EVENT



ADOPTED 2018

~ 2100 PARCELS/920 ACRES

○ = OVERLAPS

Flood Hazard Zones

- Special Flood Hazard Areas (SFHAs)
 - Inundation due to 1% annual chance (i.e. “100-year”) flood
 - Represents coastal flooding with waves less than 3 feet high
 - Shown on FIRM as Zone AE
 - Shows Base Flood Elevation (BFE) – water level during 1% annual chance flood
 - Building construction/renovations in SFHAs must comply with flood provisions of building code
 - Flood insurance is only required for buildings in SFHAs that have federally backed/regulated mortgages
- Other flood hazard zones shown on the FIRM:
 - Zone VE: coastal high hazard areas with waves greater than 3 feet high; doesn’t extend inland of shoreline
 - Zone X (shaded): 0.2% annual chance (“500-year”) floodplain; informational purposes only
 - Zone X (unshaded): minimally flood prone areas
 - Insurance rates are lowest in Zone X, applies to the majority of San Francisco
 - Zone D areas:
 - Port waterfront piers only
 - Area of possible, but undetermined flood hazard
 - Floodplain management and insurance requirements do not apply
 - Insurance rates are higher than Zone X, lower than in Zone AE

Downtown Waterfront Area

“Shaded” Zone X
2% annual chance (500-year) floodplain

Zone D
Possible but undetermined flood hazard
shown on piers only

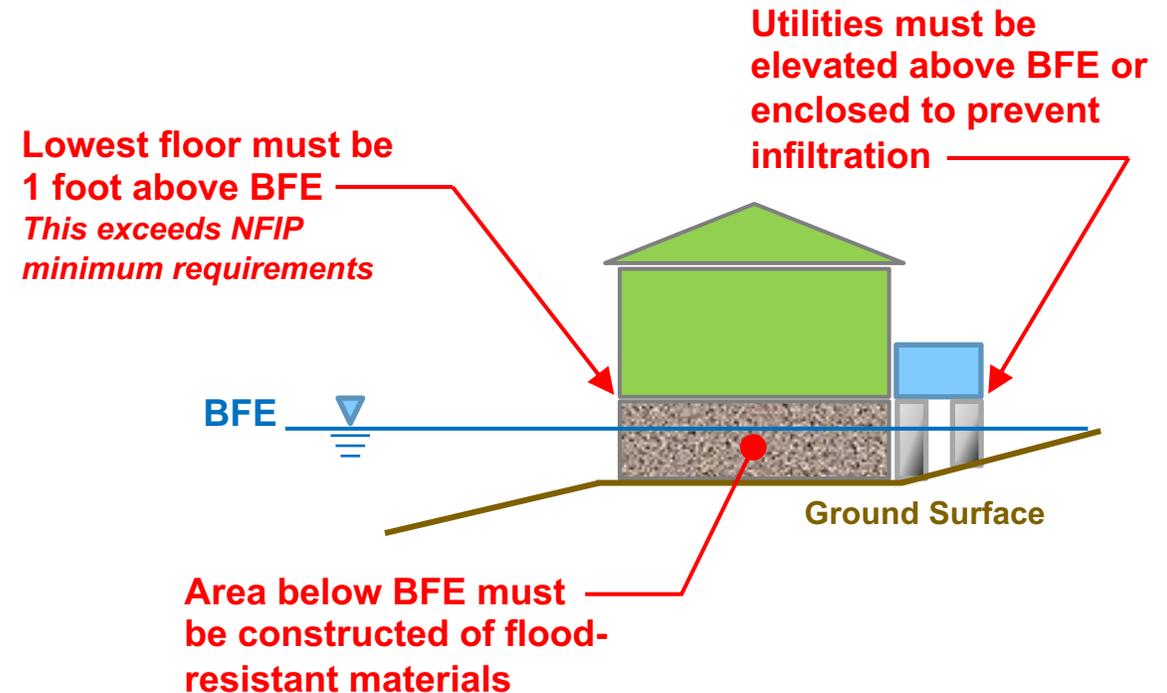
Zone AE
1% annual chance floodplain
Wave heights < 3 feet

“Unshaded” Zone X
Areas of minimal flood risk



Floodplain Management Ordinance

- Incorporates min. requirements of NFIP
- In SFHAs, requires flood-resistant construction for:
 - New buildings
 - Substantial improvements – renovation/repair for which cost exceeds 50% of market value of structure
- Incorporates San Francisco Building Code and California Building Code (CBC) by reference
- CBC includes flood-resistant construction provisions that exceed NFIP requirements
- Amendment does not change floodplain management requirements/CBC provisions



CBC Flood-Resistant Construction Provisions
(not comprehensive)



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
15P-A

September 23, 2020

The Honorable London Breed
Mayor, City of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
Room 200
San Francisco, California 94102

Community: City and County of San Francisco, California
Community No.: 060298
Map Panels Affected: See FIRM Index

Dear Mayor Breed:

This is to formally notify you of the final flood elevation determination for the City and County of San Francisco, California, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the state coordinating agency, and shall be published in the *Federal Register*.

On November 12, 2015, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided you with Preliminary copies of the FIS report and Flood Insurance Rate Map (FIRM) that identify the existing flood hazards in your community, including elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) and revised Preliminary copies of the FIS and FIRM on May 31, 2019. The proposed flood hazard determinations (FHDs) for your community were published in the *San Francisco Chronicle* on April 27, 2016 and May 4, 2016, and in the *Federal Register*, at Part 67, Volume 81, Pages 19231 to 19232, on April 4, 2016 and *San Francisco Chronicle* and *San Francisco Examiner* on November 29, 2019 December 6, 2019, and in the *Federal Register*, at Part 67, Volume 84, Pages 49747 to 49748, on September 23, 2019.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. The proposed FHDs for your community were appealed during that time. All technical data submitted in support of the appeal have been evaluated and the appeal has been resolved. Therefore, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIS report and FIRM will become effective on March 23, 2021. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-877-336-2627. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

Because the FIS establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to March 23, 2021, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the effective FIS and FIRM to which the regulations apply. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(e);
2. Adopting all the standards of Paragraph 60.3(e) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified Special Flood Hazard Areas, the areas subject to inundation by the base flood. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance. Also, on the effective date of the FIRM for your community, additional "second-layer" coverage will become available. First-layer coverage on existing structures built prior to the effective date of the FIRM will continue to be available at subsidized rates (unless substantial improvements are made); it will also be available at actuarial rates and can be purchased at whichever rate is lower.

If your community is encountering difficulties in enacting the necessary floodplain management measures, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Oakland, California at (510) 627-7100 for assistance. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations, Answers to Questions About the National Flood Insurance Program, Use of Flood Insurance Study (FIS) Data as Available Data, Frequently Asked*

Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures, and National Flood Insurance Program Elevation Certificate and Instructions, can be found on our website at <https://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627).

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', with a large, stylized flourish at the end.

Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

cc: Community Map Repository
Naomi Kelly, City Administrator, City and County of San Francisco

From: [Art Thompson](#)
To: [Major, Erica \(BOS\)](#)
Subject: Floodplain Ordinance - BOS File #200537 - Letter #2
Date: Friday, October 16, 2020 12:31:20 PM
Attachments: [image005.png](#)
[image006.png](#)
[SFBOS LUTC - Floodplain Ordinance - BOS File 200537 - 10162020.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Erica,

Attached please find our second informational letter on the San Francisco Floodplain Ordinance for Chair Aaron Peskin and the Land Use & Transportation Committee.

Thank you for distributing the letter to the Committee, on our behalf.

Have a nice weekend, best regards,

Art

Art Thompson
Executive Director



San Francisco, CA
+1.415.385.1100





EARTHRISE

WORKS FOR OUR WORLD

October 16, 2020

*Via e-mail to Erica Major
Clerk, Land Use & Transportation Committee
erica.major@sfgov.org*

Chair Aaron Peskin
Land Use & Transportation Committee
Board of Supervisors
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

**RE: City of San Francisco - Resiliency & Waterfront Development
Embarcadero Historic District
Board of Supervisors File #200537
Floodplain Management and Flood Insurance Requirements**

Chair Aaron Peskin, Members of the SFBOS Land Use & Transportation Committee:

As a follow up to our previous correspondence of October 8th, I am sharing with you and the Committee the attached letter regarding the recent Requests for Proposals for Piers 38 & 40 and Piers 30-32/Seawall Lot 330.

As we previously shared, Earthrise, Heatherwick Studio and our entire EPX2 team have researched and developed our EPX2 Resiliency Model, a proposed 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 resilient application potential to other global waterfronts.

Our EPX2 Model and complementary urban design solutions are research-based, grounded in data, science and facts, including the latest in prevailing USA 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.

In our opinion, and consistent with our Model, we wish to bring to your and the Committee's attention that the priorities for the development of our exquisite San Francisco waterfront appear to be out of order, inconsistent with their implementation, on a practical basis, and inconsistent with public needs and mandates, including the waterfront defense of our City.

Given the seismic and climate change emergency, and the age and condition of the existing Embarcadero Historic District infrastructure, moving forward, in our opinion, the order of priority for any waterfront development should be—(1) infrastructure first, the new seawall; immediately followed by, or in tandem with, (2) the piers second, saving and rebuilding them; and finally, (3) the landside seawall lots, dead last, which are not-at-risk and actually a non-priority item.

To reiterate, and not a surprise, the waterfront needs new, higher seawall infrastructure. It is the first priority for the development of our waterfront, and is deemed critical infrastructure, and supported by the voting public, under the Seawall Earthquake Safety Bond, Proposition A of November 2018. This critical infrastructure also serves as an interlocking platform for new higher, resilient pier substructures, too.

Saving, modernizing, and elevating the piers is the second priority for any of our Embarcadero Historic District waterfront development. The Seawall Earthquake Safety Bond, Proposition A of November 2018, deems the piers and bulkhead buildings as critical infrastructure too, confirming their priority position. Moreover, the piers and bulkhead buildings are candidates for funding under the bond.

Worth mentioning, the installation of the new seawall will be extraordinarily disruptive. Please see page 74 of our Resiliency Model for EPX2 teammate construction images of the Elliot Bay Seawall, downtown Seattle. The timing of any pier redevelopment should likely occur concurrently with the new, adjacent seawall construction to minimize waterfront disruption to a significant, one-time event and to allow for the alignment of these two components at the new, higher elevation.

Confirming their non-priority, waterfront development status, the seawall lots and coincidentally the pier sheds are not considered critical infrastructure and are not candidates for funding under the Seawall Earthquake Safety Bond.

We identified these development priorities and the pier development bond financing mechanism opportunity as part of our earlier knowledge share, as part of our Model and our solution for Piers 30-32, The Cove. Additionally, in further recognition of these priorities, we identified that \$60 million had already been earmarked for the seawall consulting agreement, which provides no economic benefit to the City. Please see the Economics section of The Cove solution, page 84.

Now, with specific respect to the potential development of Piers 30-32, and consistent with these waterfront development priorities, we wish to inform the Committee that two, standalone pier-only development solutions are available for Piers 30-32, including The Cove. These options were apparently not considered, in favor of an obtrusive, community-opposed, non-priority, Seawall Lot 330-centric solution.

That proposal is non-responsive to the RFP for Piers 30-32, specifically the City zoning and building height requirements, as further mandated under voter-approved Proposition B, San Francisco Administrative Code Section 61.5.1, Waterfront Height Limit Right to Vote Requirement.

Notably, under that proposal, the respondent highlighted its preference of developing only the non-priority Seawall Lot 330, signaling a disinterest in Piers 30-32, and even offered to double its proposed base rent from \$1.5 million annually to \$3 million to do so. This option was apparently not considered, too.

And now, with specific respect to the potential development of nearby Piers 38 and 40, that proposal is non-responsive to that RFP too, specifically the resiliency requirements, including the introduction and integration of a new, higher seawall, and the contemporary, prevailing FEMA codes, standards and best practices. The development solution for these historic piers is precedent setting for the District, overall, and will need to synchronize with the new San Francisco Floodplain Ordinance, still being drafted.

Moreover, with respect to the order of development priorities, we find it imprudent to spend \$383 million in redeveloping Piers 38 and 40 at their existing, too low elevation today, as proposed and budgeted, and in noncompliance with contemporary and prevailing FEMA codes, standards and best practices, especially when a new higher seawall, the first waterfront development priority, is still undetermined.

There has been no meaningful explanation why action has been taken to move these two, seriously non-responsive proposals forward, other than the proposals received the highest panel scores. Additional details and specific non-responsive proposal citation references are included in the attached correspondence to the San Francisco Port Commission of October 8, 2020.

We trust you will consider this information helpful, in the best interests of the City of San Francisco, and in the mutual support of our taking the critically important and appropriately strategic first step in creating a cohesive, high quality, potentially world-class, waterfront experience.

Thank you for your review and consideration of this important matter.

If you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Art'.

Art Thompson
Executive Director
art@earthprise.com
www.pier30.com



EARTHRISE

WORKS FOR OUR WORLD

October 8, 2020

President Kimberly Brandon
San Francisco Port Commission
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

*Via e-mail to Carl Nicita
Commission Secretary
carl.nicita@sfport.com*

**RE: Port of San Francisco
Piers 30-32, Piers 38 & 40 Requests for Proposals
REQUEST TO RESCIND RESOLUTIONS 20-37 & 20-45**

President Brandon:

Thank you for your letter of September 30th. I appreciate you taking the time to write, on behalf of the San Francisco Port Commission. I wrote to you not only as an RFP respondent, but as a San Francisco resident, a friend of the waterfront and the Port. Hopefully, my comments are welcome, and by now, you have had the opportunity to review our EPX2 Resiliency Model, the infrastructure platform for our proposed, research-based solution at Piers 30-32, The Cove.

I think we can agree that what we, the City, need are the best visions for our waterfront, and ones that are acceptable to our community, and are financially feasible, can be underwritten. Additionally, the Commission has indicated that they are open-minded, and specifically asked that developers share their creativity and best ideas in pier visioning and partnering, which we did. What solutions are in the best interests of the City by the Bay? At the end of the day, we want the best, enduring development solution(s) for our piers and the entire Embarcadero Historic District. The other RFP respondents (potential Port customers) agree.

Candidly, and with that goal in mind, and again, as a friend of the Port, reluctantly writing to you now, and wanting to be respectful of you, your and the Port's time, the relationship and the process, we were hoping for a more substantive response to our inquiry, rather than the continued defense of the Request for Proposal process, which we already understand. Unfortunately, it is not business as usual, and embracing (climate) change in 2020 is challenging for all of us. Regardless, RFP proposal processing and compliance questions do remain, especially with respect to the objective judgment and equitable determination of responsive vs. non-responsive proposals and Port of San Francisco and San Francisco Port Commission authority.

Importantly, based on our findings, the two Port-selected proposals, one for Piers 38 & 40 and the other for Piers 30-32, are not in compliance with RFP requirements, each in one, significant and material,

fundamental way. They were non-responsive, yet these two proposals advanced in the RFP process, for unknown reasons, and were ultimately recommended by Port staff and then selected by the Commission.

Each selected proposal includes a serious RFP design deficiency, which trigger substantially negative and material financial proposal consequences. We deemed that the selected proposal for Piers 38 & 40 is nonresponsive with respect to the RFP resiliency requirements. The proposal for Piers 30-32 is non-responsive with respect to the RFP zoning and building height requirements.

Again, these findings are material. The proposals missed on these key RFP fundamentals and are non-starters for the beginning of an honest and productive process, as the Port staff suggest. Decisions relative to these piers are precedent setting, with respect to the Embarcadero Historic District and the resilient waterfront defense of our City. We need to set the course right, and now. We have no time to waste, in our race against climate change and earthquake exposure.

These two fundamental deficiencies underpin the visions for each Port-selected proposal and unfairly skew the corresponding financial metrics and feasibility at a cost of tens, if not hundreds, of millions of dollars, much to the detriment of the City of San Francisco, Port of San Francisco, and South Beach community. Setting aside a myriad of other questionable RFP processing details, especially the hurry-up offense to approve and advance the two selected proposals, without ample community engagement or consideration, we share these two fundamental findings, in detail, for the Port's and the community's benefit below.

We trust you will consider our two major "fundamental non-responsive proposal findings" helpful, in the mutual support of creating a potentially high quality, world-class waterfront experience of iconic urban pier designs, as suggested by Commissioner Woo Ho.

PIERS 38 & 40

FUNDAMENTAL NON-RESPONSIVE PROPOSAL FINDING--RESILIENCY

Action Item 9.A. Port Commission Meeting, August 11, 2020. Resolution 20-37. Passed 4-0.

Why did the Port of San Francisco and the Port Commission take action to enter negotiations on Piers 38 & 40 when the selected proposal is clearly non-responsive and does not comply with the RFP resiliency requirements, which require an adaptation design, including a strategy that can accommodate the integration of a new, higher seawall?

The Port-selected proposal is non-responsive to the following specific and critical Request for Proposal resiliency requirements, excerpted below. The proposal does not comply with these requirements and cannot financially feasibly support these requirements, without major revisions, to the detriment of an equitable RFP process, the City, the Port, other respondents, interested developers and potential customers.

Request for Proposal, p. 10

The Flood Resiliency Study will examine flooding on a range of expected sea level rise curves. The Tentatively Selected Plan, if approved by Army Corps and funded by Congress, is expected to provide flood protection throughout its design life (i.e., until 2080) and to be adaptable to subsequent sea level rise. To achieve this performance, the Tentatively Selected Plan will require installation of flood management measures at a higher elevation (still to be determined) than the current Seawall. The potential location(s)

of these measures is still being studied; options that are being analyzed include locations bay-ward of the piers, in the near shore area, at the shoreline or along The Embarcadero.

Request for Proposal, p. 18

Seismic and Resilience

Managing risks for seismic events and climate change are among Port's highest priorities. The following factors, criteria and guidance may be helpful in understanding such risks and the Port's approach and will become required provisions of any project. The following criteria and guidance should be used in analyzing project feasibility. Guidance and potential tools that may help Respondents are included on the South Beach Piers website.

- *Seismic Performance* — Compliance with the Port's Building Code requires a demonstration that the marginal wharf substructure and bulkhead building will be designed to withstand anticipated lateral spreading and other seismic forces.
- *Adaptive Flood Management* — An adaptive management strategy for flood protection through the expected life of the project based on a range of sea level rise curves will be required in consultation with permitting agencies including BCDC and will be memorialized in the Lease. Flood elevations and design criteria guidance are provided at the South Beach Piers website.

Through the Flood Resiliency Study or the Port or the City's own flood management policies and plans, the Port and City may select a line of defense for urban flood protection that intersects with proposed project sites, which may result in design changes to proposed projects (or parts of projects), including changes in elevations.

- *Future Flood Protection Funding* — Consistent with other significant shoreline development projects approved by the Port Commission, the Port maintains the right to negotiate with lessees for ongoing funding to fund adaptive management for flood control, including a potential special tax.

Capital and ongoing maintenance and operations cost must be addressed in each Respondent's proposed project proforma.

Request for Proposal – ENA, LDDA & Form Lease, Various Pages

FEMA Disclosure Notice, As-Is with All Faults Condition, Pier Flood Protection Measures (Summary Below)

The Port requires proposal respondents to acknowledge the FEMA Disclosure Notice and first-time City of San Francisco FEMA Flood Insurance Rate Maps, accept the Piers in their "as is with all faults" condition, and assume all associated risks and costs to meet FEMA pier design and San Francisco Floodplain Ordinance requirements.

For additional information on resilient pier adaptation solutions, please see our EPX2 Resiliency Model. Governing and prevailing FEMA codes, standards, and best practices are the foundation of our practical EPX2 Resiliency Model and our Earthprise | EPX2 team proposal for The Cove at Piers 30-32. Section 16 of the Model specifically addresses the nonadaptational solution of the non-responsive, Port-selected proposal for Piers 38 & 40.

PIERS 30-32

FUNDAMENTAL NON-RESPONSIVE PROPOSAL FINDING—ZONING & BUILDING HEIGHTS

Action Item 11.B. Port Commission Meeting, September 22, 2020. Resolution 20-45. Passed 3-0.

Why did the Port of San Francisco and the Port Commission take action to enter negotiations on Piers 30-32 when the selected proposal is clearly non-responsive and does not comply with the RFP zoning and building height limit requirements, which requires a building height limit maximum of 105' on SWL 330. The selected proposal has a building height of 218' on SWL 330, over twice the allowable building height.

The Port-selected proposal is non-responsive to the following specific and critical Request for Proposal zoning and building height requirements, excerpted below. The proposal does not comply with these requirements and cannot financially feasibly support these requirements, without major revisions, to the detriment of an equitable RFP process, the City, the Port, other respondents, interested developers and potential customers.

Request for Proposal, p 6

Recognizing the extensive community process and the Port Commission endorsements of the Draft Waterfront Plan policies, this Request for Proposal calls for a response consistent with the Draft Waterfront Plan.

Request for Proposal, p 12

SWL 330 is within the South Beach Downtown Residential Mixed-Use District (SB-DTR) and is subject to the 65-105R height/bulk district. High-density residential uses and supporting commercial and institutional uses are allowed within certain density controls and allowances for other use consideration through the conditional use process. The height and bulk controls for this site include a podium (base) height limit of 65 feet that is generally unrestricted in bulk, with any tower(s) rising above the podium limited to 105 feet and restricted in bulk by plan and diagonal dimensions.

Draft Waterfront Plan, p 29

Zoning and Land Use Controls

The Port works in close coordination with the San Francisco Planning Department to align policy and design reviews, so that new Port projects and improvements enhance and create positive additions to the city and its urban setting. The San Francisco Planning Code and City Zoning Map define zoning classifications and building height and bulk limit requirements for Port properties and new proposals.

San Francisco Administrative Code

More important than the Request for Proposal requirements, the San Francisco Administrative Code prohibits the Port of San Francisco or the Port Commission to take action, ***any action and any other action***, on a project that exceeds the waterfront height limits, unless approved by the San Francisco voters. The Port-selected proposal did not include this required voter approval to enable the Port of San Francisco or the Port Commission to take action on it, which they (mistakenly) did on September 22, 2020. This action is especially troubling when all other proposals complied with the waterfront height limits, and two of the proposals even offered standalone, pier-only solutions. Specific Administrative Code citations follow.

Sec. 61.5.1. Waterfront Height Limit Right to Vote Requirement. (Proposition B)

- (a) No city agency or officer may take, or permit to be taken, any action to permit development located in whole or in part on the waterfront to exceed at any point the building and structure height limits in effect as of January 1, 2014, which are set forth in San Francisco Planning Code Article 2.5, unless a

height limit increase for the development has been approved by a vote of the electors of the City and County of San Francisco.

Sec. 61.6. Definitions.

- (a) "City agency or officer" means the Board of Supervisors, and all other city commissions, boards, officers, employees, departments or entities whose exercise of powers can be affected by initiative.
- (b) "Action" includes, but is not limited to:
 - (1) Amendments to the Planning Code and General Plan;
 - (2) Issuance of permits or entitlements for use by any City agency or officer;
 - (3) Approval, modification or reversal of decisions or actions by subordinate City agencies or officers;
 - (4) Approval of sales or leases pursuant to Sections 7.402 and 7.402-1 of the Charter of the City and County of San Francisco;
 - (5) Approval of or amendments to Redevelopment Plans; and
 - (6) Any other action, including but not limited to projects as defined in Public Resources Code Section 21065.

Public Resources Code

Division 13. Environmental Quality

Chapter 2.5 Definitions

Section 21065

"Project" means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

For Piers 30-32 and SWL 330, tall, massive, large-scale "commodity" real estate development on our waterfront is not the priority, nor what the citizens of San Francisco and the South Beach community have indicated that they want. They have indicated and they have directed the Port to enforce the building height limits. As Port Commissioner Adams declared, "I heard the public. We're in for a fight. This is going to be a fight." We agree, and it should not even start. The Port has already learned this painful zoning and building height lesson, more than once. Why repeat it, especially when the Port has limited resources and an infrastructure-first priority?

Moreover, if you were keeping score at the recent Commission meeting, a small preview of any potential main fight event, the public opposed the selected proposal 11 to 1. Meanwhile, given her preexisting consulting relationship with the respondent for the Port-selected proposal, Port Commissioner Gilman recused herself from the selection process, which should have occurred months earlier. She had already commented on the RFP strategy and the informational session for the selected proposal at previous Commission meetings.

REQUEST FOR SAN FRANCISCO PORT COMMISSION TO RESCIND RESOLUTIONS 20-37 & 20-45

In summary, with respect to both RFPs, any subsequent revisions to the Port-selected proposals to comply with the original RFP requirements, resiliency for Piers 38 & 40 and zoning & building heights for Piers 30-32, would be inconsistent with a fair and equitable RFP process, and a clear indication that the proposals

were indeed, originally non-responsive. Moreover, in the case of the Piers 30-32 and SWL 330 RFP, the Port of San Francisco and the San Francisco Port Commission already (mistakenly) took action on the selected proposal in direct violation of the San Francisco Administrative Code.

Respectfully, given these significant and material non-responsive findings for the Port-selected proposals, as enumerated herein, we request that the Port Commission rescind the previously adopted Resolutions 20-37 and 20-45. These proposals do not deliver positive and complete redevelopment solutions for the piers and seawall lot, do not authentically benefit the South Beach community, the Port of San Francisco, and the City of San Francisco, and do not comply with the Request for Proposals, Draft Waterfront Plan, and San Francisco Administrative Code.

Thank you for the opportunity to share these significant findings and our perspective with you and for your timely attention and consideration of this important matter. Our locally based, EPX2 expert team continues to look forward to building our relationship and partnering with you and the Port, while having the opportunity to enhance our urban waterfront built environment together, while preventing natural disasters to our beloved Embarcadero Historic District and our City.

Additional detailed information is available on our website for The Cove at www.pier30.com, including complete and transparent, downloadable files of our Resiliency Model and Vision. Let's get down to earth at The Cove. 🌍

If you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Art'.

Art Thompson
Executive Director
art@earthprise.com
www.pier30.com

From: [Art Thompson](#)
To: [Major, Erica \(BOS\)](#)
Subject: Floodplain Ordinance - BOS File #200537
Date: Thursday, October 8, 2020 6:40:34 PM
Attachments: [image002.png](#)
[image004.png](#)
[SFBOS LUTC - Floodplain Ordinance - BOS File 200537 - 10082020.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Erica,

Attached please find our informational letter on the San Francisco Floodplain Ordinance for Chair Aaron Peskin and the Land Use & Transportation Committee.

Thank you for distributing the letter to the Committee, on our behalf.

Have a nice weekend, best regards,

Art

Art Thompson
Executive Director



San Francisco, CA
+1.415.385.1100





EARTHRISE

WORKS FOR OUR WORLD

October 8, 2020

Chair Aaron Peskin
Land Use & Transportation Committee
Board of Supervisors
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

*Via e-mail to Erica Major
Clerk, Land Use & Transportation Committee
erica.major@sfgov.org*

**RE: City of San Francisco Resiliency
Embarcadero Historic District
Board of Supervisors File #200537
Floodplain Management and Flood Insurance Requirements**

Chair Aaron Peskin, Members of the SFBOS Land Use & Transportation Committee:

I understand this important Floodplain Management and Flood Insurance Requirements agenda item was “Continued to the Call of the Chair” on July 13, 2020 and remains open.

Coincidentally, in early September, and after over a year of substantial research and development, our San Francisco-based EPX2 team published our Resiliency Model for the Embarcadero Historic District, which we thought we would share with you today, as a matter of helpful information only. Governing and prevailing FEMA codes, standards, and best practices, and the soon-to-be-adopted City FIRMs, serve as the foundation of our practical EPX2 Resiliency Model, the infrastructure platform for our proposed, research-based solution at Piers 30-32, The Cove.

In our opinion, decisions relative to the seawall and piers, including the San Francisco Floodplain Ordinance, are precedent setting, especially with respect to the Embarcadero Historic District and the resilient waterfront defense of our City. If you are interested, you can learn more about our model, data and research-based project at www.pier30.com. Our website includes a complete, transparent knowledge share of our work, with the following shareable, downloadable links:

[Earthrise EPX2 Resiliency Model](#)

[Earthrise EPX2 Piers 30-32 Proposal - The Cove - Executive Summary Only](#)

[Earthrise EPX2 Piers 30-32 Proposal - The Cove - Complete](#)

As indicated in our Resiliency Model, our team recommends a holistic (district-wide), integrated (seawall, promenade and piers), infrastructure-first approach for the redevelopment of the Embarcadero piers— to ensure vital resiliency and historic rehabilitation consistency; to meet FEMA, NPS, and San Francisco Floodplain Management Ordinance requirements; and to provide greater pier redevelopment certainty. An infrastructure-first approach should be the priority for our waterfront.

With respect to the City’s new FEMA Floodplain Ordinance, my understanding is that the framework and language for this ordinance were developed in 2008 and 2010, and remain virtually unchanged in this draft, except for the addition of the new FEMA FIRMs. A lot has changed in the world since the original 2008-2010 drafting, especially with the added emphasis on climate change and sea level rise risk. The City has learned a lot about what might unfold along our waterfront in the future, too, to combat these risks, including the likelihood of a new seawall. Our impression is that these conditions are all new since the original ordinance was established.

We think we can agree that adaptation measures along the Embarcadero will be new and necessary, too, in some form. As a suggestion, it might be beneficial to have the new floodplain ordinance reflect and consider these new conditions – sea level rise, a higher seawall or similar, higher coastal armoring measure, accelerating extreme sea level events in a coastal zone, the need for freeboard, etc.—and that adaptation responses will be necessary, even prioritized, as a matter of public safety.

Additionally, new ordinance language could benefit the City by providing flexibility and streamlining of the decision-making process for new adaptation measures in the years ahead. Right now, the ordinance does not appear to acknowledge or contemplate these new conditions or adaptation responses, and provide any guidance, path, prioritization, or relief for them, or provide any consistent redevelopment standards for the Embarcadero Historic District, hence, any consistent development certainty, especially for the 100-year-old piers.

Alternatively, in the absence of any acknowledgement of these new conditions and public safety risks, the current ordinance appears to continue to prioritize and provide relief for historic preservation, likely at the risk of safety and property loss, including historic fabric loss, in the face of these accelerating, dynamic flood and sea level rise threats in our more hazardous coastal flood zones. While I am a huge proponent of historic preservation, we thought it important to bring these observations and suggestions, this ordinance-crafting opportunity, to your and the Committee’s attention.

Clearly, time is of the essence. The clock is ticking on mounting flood, climate change and earthquake risks. We believe our EPX2 solutions are innovative and “creative”, as recently requested by Port Commissioners, and add substantial value to the Embarcadero Historic District.

Thank you for the opportunity to share our ideas and perspective with you. Our locally based, EPX2 expert team continues to look forward to building our relationship and partnering with you and the City, while having the opportunity to enhance our urban waterfront built environment together, and preventing natural disasters to our beloved Embarcadero Historic District and our City.

Again, additional detailed information is available for The Cove at www.pier30.com, including complete and transparent, downloadable files of our Resiliency Model and Vision. Let’s get down to earth at The Cove. 🌍

If you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Art'.

Art Thompson
Executive Director
art@earthprise.com
www.pier30.com

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

June 10, 2020

File No. 200537

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On June 2, 2020, the City Administrator submitted the following legislation:

File No. 200537

Ordinance amending the Administrative Code to update the City's floodplain management requirements to conform to current Federal floodplain management and National Flood Insurance Program criteria; to remove obsolete provisions; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Rich Hillis, Director, Planning Department
Joaquin Torres, Director, Office of Economic and Workforce Development
Harlan Kelly, Jr., General Manager, Public Utilities Commission
Elaine Forbes, Executive Director, Port Department
Ivar C. Satero, Airport Director, Airport
Patrick O'Riordan, Director, Department of Building Inspection

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: June 10, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the City Administrator on June 2, 2020:

File No. 200537

Ordinance amending the Administrative Code to update the City's floodplain management requirements to conform to current Federal floodplain management and National Flood Insurance Program criteria; to remove obsolete provisions; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

Board of Supervisors
Land Use and Transportation Committee
Referral
Page 2

cc: Scott Sanchez, Planning Department
Corey Teague, Planning Department
Lisa Gibson, Planning Department
Devyani Jain, Planning Department
Adam Varat, Planning Department
AnMarie Rodgers, Planning Department
Dan Sider, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Laura Lynch, Planning Department
J'Wel Vaughn, Office of Economic and Workforce Development
Anne Taupier, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development

Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission
Boris Delepine, Port Department
Patty Lee, Department of Building Inspection
John Murray, Department of Building Inspection
Sonya Harris, Department of Building Inspection

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

June 10, 2020

File No. 200537

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On June 2, 2020, the City Administrator submitted the following legislation:

File No. 200537

Ordinance amending the Administrative Code to update the City's floodplain management requirements to conform to current Federal floodplain management and National Flood Insurance Program criteria; to remove obsolete provisions; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

07/07/2020

A handwritten signature in cursive script, appearing to read "Joy Navarrete".