



# AGENDA ITEM

## Public Utilities Commission

*City and County of San Francisco*



DEPARTMENT Wastewater Enterprise AGENDA NO. 11  
 MEETING DATE November 13, 2018

**Recommendation that the Board of Supervisors Adopt a Stormwater Flood Risk Disclosure Ordinance:** Regular Calendar  
**Project Manager:** Sarah Minick

**Recommend the Board of Supervisors Adopt a Stormwater Flood Risk Disclosure Ordinance**

|  |   |
|--|---|
| <p><b>Summary of Proposed Commission Action:</b></p> | <p><b>Adopt</b> a resolution recommending that the Board of Supervisors adopt an ordinance requiring sellers or landlords of real property in San Francisco to disclose to prospective buyers or tenants if the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission’s 100-Year Storm Flood Risk Map, and requiring the Department of Building Inspection’s Report of Residential Building Record to include a disclosure statement for property located within the flood risk zone.</p>  |
| <p><b>Background:</b></p>                            | <p><b>Development of 100-year Storm Flood Risk Map:</b><br/>         Following extensive community outreach and a public hearing on July 24, 2018, the San Francisco Public Utilities Commission (SFPUC) approved a 100-Year Storm Flood Risk Map (Map) at its regularly scheduled meeting on September 25, 2018, by Resolution No. 18-0159. The Map shows areas of San Francisco where significant flooding from storm runoff is highly likely to occur during a 100-year storm. The term "100-year storm" is used by climatologists, hydrologists, and civil engineers to refer to an intense storm event that statistically has a 1% chance of occurring in a given year. A 100-year storm event has a lower statistical likelihood of happening than the average storm, but such storms can and do happen, sometimes within just a few years of each other.</p> <p>To identify the 100-Year Storm Flood Risk Zones, the SFPUC used hydrologic and hydraulic (H&amp;H) computer modeling that simulates flooding occurring Citywide during a 100-year storm. This sophisticated computer model uses information about the SFPUC’s sewer collection system (drains, pipes, pump stations, and other</p> |

APPROVAL \_\_\_\_\_  
 COMMISSION SECRETARY \_\_\_\_\_

infrastructure), topography, and buildings to map where surface water and/or flooding is expected in storms of varying intensity. The model's calculations take into account how sea level rise caused by climate change impacts how the City's sewer system operates. The SFPUC uses the same model to plan sewer system capital infrastructure projects.

Parcels located within the 100-Year Storm Flood Risk Zones are highly likely to experience "deep and contiguous" flooding during a 100-year storm. "Deep and contiguous flooding" is defined for purposes of the Map as flooding that is at least six inches deep spanning an area at least the size of half an average City block.

There are about 2,140 parcels in the 100-Year Storm Flood Risk Zones shown on the Map (this figure represents 1% of parcels Citywide). Approximately half of these are residential parcels, while the rest are a combination of commercial, industrial, and public parcels. Many of the properties in the Flood Risk Zones are built along historical waterways that used to be creeks or wetlands.

**Purpose of 100-year Storm Flood Risk Map:**

The purpose of the Map is to inform existing and future property owners about flood risk on their properties, so they can take steps to protect their property from stormwater flood risk.

The SFPUC has worked with other City agencies and stakeholder groups to reduce flood risk that property owners face through infrastructure investments, targeted City services, and innovative new programs. In partnership with our residents, we are building a robust flood resilience strategy. Notifying property owners that they are within the 100-year Storm Flood Risk Zone via the Map is one of the tools we are employing.

Many San Francisco residents have already taken advantage of the SFPUC's various programs to help them prepare and better protect their properties from major rain events. San Francisco residents can:

- Purchase flood insurance through FEMA;
- Learn about our Floodwater Grant Program;
- Review the Flood Preparedness brochure and refer to the Floodwater Grant Program – Example Concepts brochure;
- Contact 311 to report issues such as flooding, clogged catch basins, sewer backups, and displaced manhole covers;
- Participate in Adopt a Drain SF;
- Monitor the weather reports carefully; and

Elevate belongings in their garages and any low-lying areas on their property. When it adopted the Map on September 25, 2018, the Commission also adopted "Rules and Criteria for the 100-year Storm Flood Risk Map Parcel Review Process," establishing the process by which property owners can request SFPUC to perform an

|                                      |  |
|--------------------------------------|--|
|                                      | <p>individualized assessment of their parcel. If the parcel meets certain designated criteria, staff may remove the parcel from the Flood Risk Zone. For additional information on this process and the review criteria, please see the attached Rules.</p> <p><b>Proposed Disclosure Ordinance:</b><br/> It is in the public interest to ensure that people are aware of stormwater flood risks before buying or renting real property. Mandatory disclosure of flood risk at the point of sale, or before signing a lease, is an effective tool for ensuring that buyers and tenants of real property in San Francisco have access to this information prior to an acquisition.</p> <p>The SFPUC has developed the attached proposed ordinance which would amend the San Francisco Police Code to require owners and landlords of real property located within the 100 Year Flood Risk Zone delineated on the Map to disclose in writing such fact to prospective buyers or tenants before the sale or lease of the property (“Ordinance”). The Ordinance would also amend the Housing Code to require the Department of Building Inspection (DBI) to include a disclosure statement for properties located within the flood risk zone on DBI’s Report of Residential Building Records (also known as the “3R Report”). Please see the attached draft Ordinance for additional detail on these requirements.</p> |
|                                      |  |
| <p><b>Description of Action:</b></p> | <p>SFPUC staff propose that the Commission recommend that the Board of Supervisors adopt the Stormwater Flood Risk Disclosure Ordinance in substantially the same form as attached hereto.</p>   |
|                                      |  |
| <p><b>Schedule:</b></p>              | <p>If recommended, the SFPUC intends to introduce the Ordinance at the regularly scheduled meeting of the Board of Supervisors on November 27, 2018.</p>   |
|                                      |  |
| <p><b>Recommendation:</b></p>        | <p>SFPUC staff recommend that the Commission adopt the attached resolution recommending that the Board of Supervisors adopt the Stormwater Flood Risk Disclosure Ordinance in substantially the same form as attached hereto.</p>  |
|                                      |  |
| <p><b>Attachments:</b></p>           | <ol style="list-style-type: none"> <li>1. Draft Stormwater Flood Risk Disclosure Ordinance</li> <li>2. 100-Year Storm Flood Risk Map</li> <li>3. Rules and Criteria for the 100-year Storm Flood Risk Map Parcel Review Process</li> </ol>   |

# **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. \_\_\_\_\_

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed a 100-Year Storm Flood Risk Map (Map) that shows the areas of San Francisco where significant flooding from storm runoff is highly likely to occur during a 100-year storm, which is a storm that has a 1% chance of occurring in any given year; and

WHEREAS, The SFPUC used hydrologic and hydraulic computer modeling that simulates flooding occurring Citywide under a 100-year storm to identify the 100-Year Storm Flood Risk Zones depicted on the Map; and

WHEREAS, Parcels within the 100-Year Storm Flood Risk Zones are highly likely to experience “deep and contiguous” flooding during a 100-year storm, which means flooding that is at least six inches deep spanning an area at least the size of half an average City block; and

WHEREAS, The purpose of the Map is to inform existing and future property owners about flood risk on their properties so that property owners may take steps to protect their property from stormwater flood risk; and

WHEREAS, In May 2018, SFPUC sent a letter to every owner of parcels located in the 100-Year Storm Flood Risk Zones which included the draft Map, flood insurance information, web links to SFPUC resources, and information on public availability sessions; and

WHEREAS, In June 2018, the SFPUC hosted several public availability sessions to engage with the public, answer questions, and provide information on flood resiliency, and on July 25, 2018, this Commission held a public hearing to discuss the draft version of the Map; and

WHEREAS, On September 25, 2018, by Resolution No. 18-0159, this Commission adopted the Map and adopted the Rules and Criteria for the 100-year Storm Flood Risk Map Parcel Review Process governing the process by which, upon request from a property owner, SFPUC staff will review individual parcels to determine the accuracy of parcel’s inclusion in the Flood Risk Zone and, if justified, remove parcels from the 100-Year Storm Flood Risk Zones shown on the Map; and

WHEREAS, It is in the public interest to ensure that prospective buyers and tenants are aware of stormwater flood risks before buying or renting real property in San Francisco, and mandatory written disclosure of flood risk at the point of sale, or before signing a lease, is an effective tool for ensuring that buyers and tenants of real property in San Francisco have access to this information prior to an acquisition or tenancy; now, therefore, be it

RESOLVED, That this Commission hereby recommends that the Board of Supervisors adopt an ordinance, in substantially the same form as on file with the Commission Secretary and attached hereto, requiring sellers and lessors of real property in San Francisco to disclose in writing to prospective buyers and tenants if a property is located within the 100-Year Storm Flood Risk Zone depicted on the SFPUC 100-Year Storm Flood Risk Map.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of November 13, 2018.*

---

*Secretary, Public Utilities Commission*

1 [Police, Housing Codes - Required Disclosure of Storm Flood Risks] **DRAFT 10-26-18**

2  
3 **Ordinance amending the Police Code to require sellers or landlords of real property in**  
4 **San Francisco to disclose to buyers or tenants that the property is located within the**  
5 **flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year**  
6 **Storm Flood Risk Map, and amending the Housing Code to require that the Department**  
7 **of Building Inspection's Report of Residential Building Record include a disclosure**  
8 **statement for property located within the flood risk zone; and affirming the Planning**  
9 **Department's determination under the California Environmental Quality Act.**

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

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

18 Section 1. Environmental Findings.

19 The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board affirms  
23 this determination.

24 Section 2. The Police Code is hereby amended by adding Article 51, consisting of  
25 Sections 5100 through 5104, to read as follows:

1 **ARTICLE 51. STORMWATER FLOOD RISK DISCLOSURE**

2 **SEC. 5100. FINDINGS AND PURPOSE.**

3 (a) As San Francisco has grown, its hilly topography has been paved over, and naturally  
4 formed historic waterways have been incorporated into the City's combined sewer and stormwater  
5 collection system that routes both overland runoff and sanitary sewage to the City's treatment plants.

6 (b) During intense storms, when there is more rain than the collection system is designed to  
7 handle, certain areas of the City are subject to flood risk from stormwater. The location of these flood-  
8 prone areas generally aligns with the City's historic waterways and areas that are built on landfill.

9 (c) Flooding in these areas can result in property damage which negatively impacts affected  
10 residents and businesses.

11 (d) The San Francisco Public Utilities Commission performed a technical analysis to develop a  
12 100-Year Storm Flood Risk Map that identifies those parcels in San Francisco that are at risk of deep  
13 and contiguous flooding during a storm with a 100-year return period, meaning a storm having a 1%  
14 chance of occurring in a given year.

15 (e) It is in the public interest to ensure that owners of real property at risk of deep and  
16 contiguous flooding from stormwater have accurate information about the flood risk so they can take  
17 steps to mitigate the risk.

18 (f) For that reason, and also to ensure fairness in real property transactions, it is also in the  
19 public interest to ensure that people are aware of stormwater flood risks before buying or renting real  
20 property. Mandatory disclosure at the point of sale, or before signing a lease, is an effective tool for  
21 ensuring that buyers and tenants of real property have access to this information.

22 **SEC. 5101. DEFINITIONS.**

23 "100-Year Storm" means a storm that has a 1% probability of occurring at a particular  
24 location in a given year.

25

1 “100-Year Storm Flood Risk Map” means the map approved by the San Francisco Public  
2 Utilities Commission at a public hearing identifying Flood Risk Parcels in San Francisco, which map  
3 may be updated from time to time.

4 “Commission” means the San Francisco Public Utilities Commission.

5 “Deep and Contiguous Flooding” for purposes of the 100-Year Storm Flood Risk Map means  
6 flooding that (1) is at least six inches in depth and (2) covers a contiguous area the size of at least half  
7 a City block.

8 “Disclosure Statement” means the disclosure statement in Section 5102(b).

9 “Execution” means the making or acceptance of an offer.

10 “Flood Risk Parcel” means a parcel that has been identified as subject to Deep and Contiguous  
11 Flooding in a 100-Year Storm on the most recently published 100-Year Storm Flood Risk Map,  
12 including, without limitation, parcels that are used for residential, commercial, industrial, and other  
13 uses.

14 “Transfer” means the transfer, sale, grant, gift, exchange, lease, or sublease (regardless of  
15 duration of the Transfer) of all or part of a Flood Risk Parcel. A Transfer does not include those  
16 transfers listed in California Civil Code Section 1102.2, as amended from time to time. For purposes  
17 of this Article 51, a Transfer may be accomplished without or with a contract, including, but not limited  
18 to, a deed, a purchase and sale agreement, an installment land sale contract, a lease with an option to  
19 purchase, any other option to purchase, a ground lease coupled with improvements, or any other lease.

20 “Transferee” means a recipient of all or part of a Flood Risk Parcel in a Transfer, including,  
21 without limitation, a buyer, tenant, exchange, or grantee.

22 “Transferor” means a conveyor of all or part of a Flood Risk Parcel in a Transfer, including,  
23 without limitation, a seller, landlord, exchanger, or grantor.

24 **SEC. 5102. DISCLOSURE REQUIREMENT.**

25 **(a) Disclosure Mandate.**



1                   (1) **Conditions Precedent.** The disclosure requirement set forth in this subsection (a)  
2 shall apply after 30 days have elapsed from the Commission’s completing both of the following:

3                   (A) approval of a 100-Year Storm Flood Risk Map at a publicly noticed hearing  
4 and mailing notice after approval to all owners of Flood Risk Parcels that are located within the flood  
5 zone boundaries delineated on the Map; and

6                   (B) adoption of rules and criteria that allow an owner or landlord of a Flood  
7 Risk Parcel to request review of the designation of the parcel as a Flood Risk Parcel in the 100-Year  
8 Flood Risk Map based on specified technical grounds. Such rules and criteria shall provide that the  
9 filing of a request for review shall stay application of the disclosure requirement in this subsection (a)  
10 with respect to the applicable Flood Risk Parcel until the General Manager or his or her designee  
11 completes the review and issues a final determination as to whether the parcel shall be re-designated  
12 on the Map.

13                   If a Transferor wishes to Transfer its real property while the review and determination are  
14 pending, the Transferor must disclose that the real property has been designated a Flood Risk Parcel in  
15 accordance with this Article 51 but that a request for review has been filed and is pending.

16                   (2) **Disclosure Requirement.** The Transferor of a Flood Risk Parcel shall deliver to  
17 each prospective Transferee the Disclosure Statement, as follows:

18                   (A) If the Transfer is a sale, then as soon as practicable before transfer of title.

19                   (B) If the Transfer is a transfer by a real property sales contract, or by a lease  
20 with an option to purchase, or by a ground lease coupled with improvements, or by any other lease,  
21 then as soon as practicable before Execution of the contract or lease.

22                   (b) **Contents of Disclosure.** The Disclosure Statement shall be on a separate form and shall  
23 state the following, in the font size shown, the size of which shall make the Disclosure Statement easily  
24 readable. The Commission or Commission staff shall have authority to approve nonmaterial changes  
25 in the Disclosure Statement:

1 LOCAL OPTION

2 REAL ESTATE TRANSFER DISCLOSURE STATEMENT

3 THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE  
4 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS BLOCK  
5 \_\_\_\_\_ , LOT \_\_\_\_\_ , AT THE FOLLOWING STREET ADDRESS: \_\_\_\_\_ .

6 THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE-DESCRIBED  
7 PROPERTY IN COMPLIANCE WITH ORDINANCE NO. \_\_\_\_\_ , CODIFIED AS ARTICLE 51 OF  
8 THE SAN FRANCISCO POLICE CODE. IT IS NOT A WARRANTY OF ANY KIND BY THE  
9 TRANSFEROR(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS  
10 TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE  
11 PRINCIPAL(S) MAY WISH TO OBTAIN.

12 I

13 TRANSFEROR'S INFORMATION

14 The Transferor discloses the following information with the knowledge that even though this is  
15 not a warranty, prospective Transferees may rely on this information in deciding whether and on what  
16 terms to purchase, rent, or lease the subject property. Transferor hereby authorizes any agent(s)  
17 representing any principal(s) in this transaction to provide a copy of this statement to any person or  
18 entity in connection with any actual or anticipated transfer (including any sale or lease) of the  
19 property.

20 THE FOLLOWING ARE REPRESENTATIONS MADE BY THE TRANSFEROR(S) AS  
21 REQUIRED BY THE CITY AND COUNTY OF SAN FRANCISCO AND ARE NOT THE  
22 REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS  
23 NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE TRANSFEROR AND  
24 TRANSFeree.

1           The City and County of San Francisco recognizes that it is in the public interest to ensure that  
2 persons who own properties at risk of flooding have information about their flood risk so they can take  
3 steps to mitigate the risk, such as flood-proofing their property or purchasing flood insurance. It is  
4 also in the public interest to ensure that before persons purchase, rent, or lease real property they have  
5 notice regarding the stormwater flood risk to their property. Mandatory disclosure before sale, rent, or  
6 lease is an effective tool for ensuring that buyers and tenants of real property in San Francisco have  
7 access to this important information.

8           Accordingly, the San Francisco Public Utilities Commission has adopted the 100-Year Storm  
9 Flood Risk Map. Your property is located in a “100-year storm flood risk zone” as shown on the 100-  
10 Year Storm Flood Risk Map. Accordingly, your property may be subject to deep and contiguous  
11 flooding during a 100-year storm event due to stormwater flow and drainage, and you may  
12 experience inconveniences, costs, and governmental requirements related to that flooding.

13           A 100-year storm event means a storm that has a 1% probability of occurring at a particular  
14 location in a given year.

15           If your property is in a “100-year storm flood risk zone” as shown on the 100-Year Storm Flood  
16 Risk Map, that does not mean your property is subject to flooding only during a 100-year storm event.  
17 Your property may also flood at other times and from other causes.

18           The 100-Year Storm Flood Risk Map shows only areas subject to flood risk in a 100-year storm  
19 event due to precipitation and related stormwater runoff. It does not show all areas of San Francisco  
20 that are subject to flood risk due to inundation, storm surge, high tides, stormwater systems blockages,  
21 or other causes of flooding, and should not be relied upon to provide a complete assessment of a  
22 property’s risk of flooding.

23           The 100-Year Storm Flood Risk Map may be found at  
24 <https://www.sfwater.org/index.aspx?page=1229> and is on file with the San Francisco Public Utilities  
25 Commission at 525 Golden Gate Avenue, San Francisco, CA 94102. For additional information

1 pertaining to this disclosure and the 100-Year Storm Flood Risk Map, please contact the San Francisco  
2 Public Utilities Commission at RainReadySF@sfgwater.org or (415) 695-7326.

3 Transferor certifies that the information herein is true and correct to the best of the  
4 Transferor's knowledge as of the date signed by the Transferor.

5 Transferor \_\_\_\_\_ Date \_\_\_\_\_

6 Transferor \_\_\_\_\_ Date \_\_\_\_\_

7 II

8 TRANSFeree(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE  
9 AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE  
10 PROVISIONS IN A CONTRACT BETWEEN TRANSFeree(S) AND TRANSFEROR(S) WITH  
11 RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

12 I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

13 Transferor \_\_\_\_\_ Date \_\_\_\_\_ Transferee \_\_\_\_\_ Date \_\_\_\_\_

14 Transferor \_\_\_\_\_ Date \_\_\_\_\_ Transferee \_\_\_\_\_ Date \_\_\_\_\_

15 Agent (Broker Representing Seller) \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

16 (Please Print) (Associate Licensee or Broker-Signature)

17 Agent (Broker Obtaining the Offer) \_\_\_\_\_ By \_\_\_\_\_

18 Date \_\_\_\_\_ (Please Print) (Associate Licensee or Broker-Signature)

19 A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE  
20 LEGAL ADVICE, CONSULT YOUR ATTORNEY.

21 (c) Amendments to the Map. If, at any time after the Commission's initial adoption of the 100-  
22 Year Storm Flood Risk Map, the Commission amends the Map at a public hearing and provides mailed  
23 notice to the owners after the hearing of all parcels impacted by such amendment (i.e., any Flood Risk  
24 Parcels that were either added to or removed from the Map), the disclosure requirement in subsection  
25 (a) shall apply to the Flood Risk Parcels of such amended Map, after 30 days have elapsed from the

1 date of the Commission's mailing of the notice. An owner or landlord of a newly-designated Flood  
2 Risk Parcel shall have the same right to contest its property identification in the 100-Year Flood Risk  
3 Map as is stated in subsection (a)(1)(B).

4 **SEC. 5103. PRIVATE RIGHT OF ACTION.**

5 (a) Any Transferor who fails to provide the disclosure required in Section 5102 may be liable  
6 for a civil penalty of \$2,000 for each failure to provide the disclosure. This penalty may be assessed  
7 and recovered in a civil action brought by a Transferee in any court of competent jurisdiction. .. The  
8 civil penalty available under this subsection (a) shall be in addition to any other rights and remedies  
9 that may be available to the Transferee.

10 (b) This Article 51 shall not create any private right of action against the City. In enacting and  
11 implementing this Article, the City is assuming an undertaking only to promote the general welfare. It  
12 is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is  
13 liable in money damages to any person who claims that such breach proximately caused injury. The  
14 City shall have no duty or liability based on any failure to implement the disclosure required by this  
15 Article or based on the City's failure to prosecute or enforce this disclosure requirement.

16 **SEC. 5104. OTHER DISCLOSURE REQUIREMENTS.**

17 Nothing in this Article 51 is intended to alter or limit other disclosures that may be required by  
18 applicable law, including but not limited to any disclosure relating to actual flooding that may have  
19 occurred on a property.

20  
21 Section 3. Chapter 3.5 of the Housing Code is hereby amended by revising Section  
22 351, to read as follows:

23 \* \* \* \*

24 (c) **Contents of Report of Residential Building Record.** The Department of Building  
25 Inspection shall, upon application in the manner hereinafter provided, issue a Report of

1 Residential Building Record to the owner which shall contain, in respect to said residential  
2 building, the following information, insofar as ascertainable from City records:

3 \* \* \* \*

4 (11) (a) Is the building in the Mandatory Earthquake Retrofit of Wood-Frame  
5 Building Program?

6 Yes \_\_\_\_\_ No \_\_\_\_\_

7 (b) If yes, has the required upgrade work been completed?

8 Yes \_\_\_\_\_ No \_\_\_\_\_

9 (12) Is the building located within the flood risk zone boundaries delineated on the San  
10 Francisco Public Utilities Commission’s 100-Year Storm Flood Risk Map?

11 Yes \_\_\_\_\_ No \_\_\_\_\_

12 \* \* \* \*

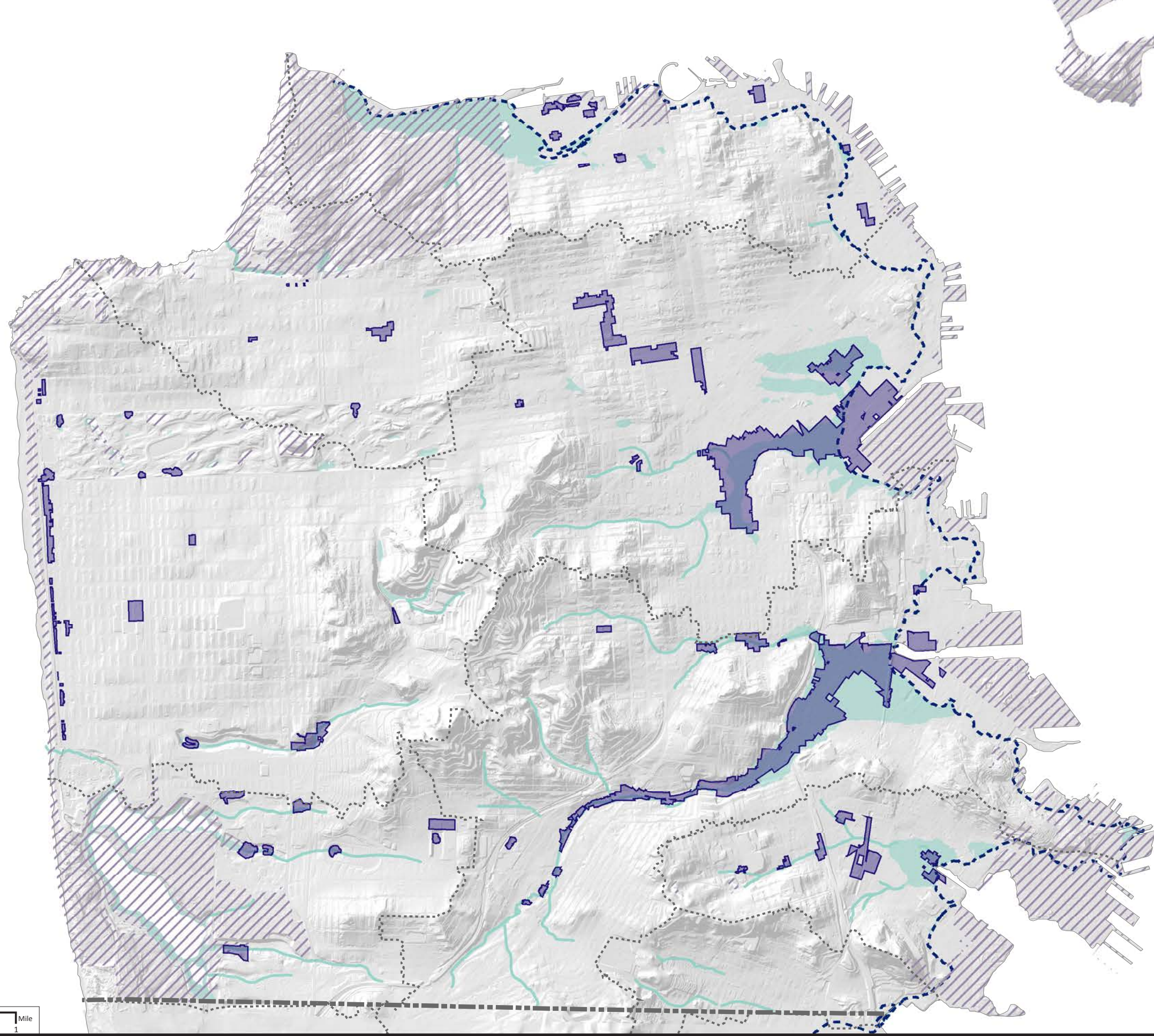
13  
14 Section 4. Effective Date. This ordinance shall become effective 30 days after  
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
17 of Supervisors overrides the Mayor’s veto of the ordinance.

18  
19 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
23 additions, and Board amendment deletions in accordance with the “Note” that appears under  
24 the official title of the ordinance.

1 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of  
2 this ordinance, or any application thereof to any person or circumstance, is held to be invalid  
3 or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not  
4 affect the validity of the remaining portions or applications of the ordinance. The Board of  
5 Supervisors hereby declares that it would have passed this ordinance and each and every  
6 section, subsection, sentence, clause, phrase, and word not declared invalid or  
7 unconstitutional without regard to whether any other portion of this ordinance or application  
8 thereof would be subsequently declared invalid or unconstitutional.

9  
10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12  
13 By: \_\_\_\_\_  
14 EILEEN CHAUVET  
15 Deputy City Attorney  
16 n:\legana\as2018\1800301\01246120.docx



**100-YEAR STORM FLOOD RISK MAP**

Adopted by the San Francisco Public Utilities Commission on September 25, 2018






This map is intended as an informational tool to illustrate the potential for flooding across San Francisco in a 100-year storm. There is a 1% chance of a 100-year storm occurring in a given year. The map shows parcels that are highly likely to experience "deep and contiguous" flooding during a 100-year storm. "Deep and contiguous flooding" means flooding at least 6-inches deep spanning an area at least the size of half an average City block. This map does not provide the exact depth of flooding at a given location. It also does not show areas in the City that may experience shallower and/or more localized flooding in a 100-year storm, or areas of the City that may flood in storms larger than a 100-year storm.

The map was created using a hydrologic and hydraulic computer model, utilizing a digital elevation model created from 2010 LIDAR data and information on existing City infrastructure. The model's calculations take into account projected sea level rise and storm surge causing elevated bay levels. The maps are based on model outputs and do not account for future conditions such as new construction, infrastructure upgrades, or other changes that may affect flooding. Although care was taken to capture relevant topographic features and structures in the City, site specific conditions may not be fully represented. The map will be updated as needed to reflect changes in the City's infrastructure and urban land uses.

The hatched areas on the map are not served by the SFPUC's combined sewer and stormwater collection system and were not part of the SFPUC's flood analysis. This map does not provide flood risk information for those areas.

Finally, this map shows flood risk from storm runoff only. It does not consider flood risk in San Francisco from other causes such as inundation from the San Francisco Bay or Pacific Ocean. For information on flood risk from other causes, please see the Sea Level Rise Vulnerability Zone Map (<http://onesanfran-cisco.org/sea-level-rise-guidance>) and the FEMA Preliminary Flood Insurance Rate Maps (<http://sfgsa.org/san-francisco-floodplain-management-program>).

**LEGEND**

-  100-Year Storm Flood Risk Zone
-  Areas not served by the combined sewer and stormwater collection system. Flood risk for these areas is not analyzed on these maps.
-  Watershed Boundaries
-  Historical Shoreline
-  Historical Creeks and Waterbodies



## San Francisco Public Utilities Commission Rules and Criteria for 100-year Storm Flood Risk Map Parcel Review Process

The 100-year Storm Flood Risk Map (Flood Map) shows areas of San Francisco where significant flooding from storm runoff is highly likely to occur during a 100-year storm. These areas are collectively designated as the 100-year Storm Flood Risk Zone. The purpose of the Map is to inform existing and future property owners about flood risk on their properties.

The (H&H) computer modeling that simulates flooding occurring Citywide under a 100-year storm is highly accurate and based on the best available Citywide datasets. Nonetheless, it is possible that the H&H computer model could have incomplete data with regard to the elevation of a particular parcel or may not reflect structures on a particular parcel, such as a solid fence or retaining wall, that could impact flooding.

Accordingly, a parcel owner may request review of the inclusion of his/her parcel in the 100-Year Flood Risk Zone if the parcel owner can establish that one or both of the following Removal Criteria apply to their parcel:

1. The parcel's ground elevation (not buildings or units) is entirely above the 100-year storm flood elevation; and/or
2. Barriers or structures (e.g. solid walls or solid fences) are located on the parcel which divert stormwater from the entire parcel, such that no part of the parcel is subject to deep and contiguous flooding during a 100-year storm

If the San Francisco Public Utilities Commission (SFPUC) determines that the parcel satisfies one or both of the Removal Criteria above, the parcel shall be removed from the 100-Year Flood Risk Zone on the Flood Map. There shall be no other bases for removing a parcel from the 100-Year Flood Risk Zone.

The process for reviewing and potentially removing a parcel from the 100-year Storm Flood Risk Zone is as follows:

1. A property owner submits a parcel review request to the SFPUC on a form specified by the SFPUC.
2. No later than 60 days after receipt of a complete parcel review request form, SFPUC staff will perform a preliminary desktop review and site visit to the parcel to determine if additional data is needed.

At the sole discretion of the SFPUC, SFPUC may determine that additional site assessment steps are required, including:

- Survey of parcel ground elevations or existing structures
- Incorporation of new or additional site data and re-processing of the H&H computer modeling

If additional review is required, SFPUC will endeavor to complete such review no later than 180 days from completion of the preliminary review described above. The parcel owner shall cooperate and assist SFPUC in such review efforts, including but not limited to, providing SFPUC with access to the parcel to conduct site inspections and/or surveys.

3. Following all necessary site assessment activities, SFPUC will determine whether one or more of the Removal Criteria have been satisfied. SFPUC will maintain all details related to the analysis and outcome of the review process in an official data file to be used as an input to the 100-year Storm Flood Risk Map.
4. SFPUC will send the parcel owner written notice of its parcel determination. SFPUC will maintain copies of all parcel determinations, and will publish and regularly update on its website a list of all parcels determined to be exempt under this review process.
5. The Flood Map will be updated on an annual basis, no later than July 1, to incorporate and reflect all property review determinations that have been made.

***Adopted by the Public Utilities Commission on September 25, 2018 by Resolution No. 18-0159***