

File No. 181108 Committee Item No. 2
 Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date February 4, 2019

Board of Supervisors Meeting Date _____

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Completed by: Erica Major Date February 1, 2019
 Completed by: Erica Major Date _____

1 [Police, Housing Codes - Required Disclosure of Storm Flood Risks]

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; amending the Housing Code to require that the Department of**
7 **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. 181108 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.

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, exchangee, or grantee.

22 "Transferor" means a conveyer of all or part of a Flood Risk Parcel in a Transfer, including,
23 without limitation, a seller, landlord, exchanger, or grantor, and including the City and County of San
24 Francisco.

1 **SEC. 5102. DISCLOSURE REQUIREMENT.**

2 **(a) Disclosure Mandate.**

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

5 **(A) approval of a 100-Year Storm Flood Risk Map at a publicly noticed hearing**
6 *and, after approval, the mailing of a notice to all owners of Flood Risk Parcels that are located within*
7 *the flood zone boundaries delineated on the Map that the Map has been approved and of the obligation*
8 *to comply with the disclosure requirement contained in this Article 51; and*

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

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

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

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

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

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

5 LOCAL OPTION

6 REAL ESTATE TRANSFER DISCLOSURE STATEMENT

7 THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE
8 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS BLOCK
9 _____, LOT _____, AT THE FOLLOWING STREET ADDRESS:_____.

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

16 I

17 TRANSFEROR'S INFORMATION

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

24 THE FOLLOWING ARE REPRESENTATIONS MADE BY THE TRANSFEROR(S) AS
25 REQUIRED BY THE CITY AND COUNTY OF SAN FRANCISCO AND ARE NOT THE

1 REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS
2 NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE TRANSFEROR AND
3 TRANSFeree.

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

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

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

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

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

1 The 100-Year Storm Flood Risk Map may be found at
2 https://www.sfwater.org/index.aspx?page=1229 and is on file with the San Francisco Public Utilities
3 Commission at 525 Golden Gate Avenue, San Francisco, CA 94102. For additional information
4 pertaining to this disclosure and the 100-Year Storm Flood Risk Map, please contact the San Francisco
5 Public Utilities Commission at RainReadySF@sfwater.org or (415) 695-7326.

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

8 Transferor _____ Date _____

9 Transferor _____ Date _____

10 II

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

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

16 Transferor _____ Date _____ Transferee _____ Date _____

17 Transferor _____ Date _____ Transferee _____ Date _____

18 Agent (Broker Representing Seller) _____ By _____ Date _____

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

20 Agent (Broker Obtaining the Offer) _____ By _____

21 Date _____ (Please Print) (Associate Licensee or Broker-Signature)

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

24 (c) Amendments to the Map. If, at any time after the Commission's initial adoption of the 100-
25 Year Storm Flood Risk Map, the Commission amends the Map at a public hearing and provides mailed

1 notice to the owners after the hearing of all parcels impacted by such amendment (i.e., any Flood Risk
2 Parcels that were either added to or removed from the Map), the disclosure requirement in subsection
3 (a) shall apply to the Flood Risk Parcels of such amended Map, after 30 days have elapsed from the
4 date of the Commission's mailing of the notice. An owner or landlord of a newly-designated Flood
5 Risk Parcel shall have the same right to contest its property identification in the 100-Year Flood Risk
6 Map as is stated in subsection (a)(1)(B).

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

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

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

19 **SEC. 5104. OTHER DISCLOSURE REQUIREMENTS.**

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

23
24 Section 3. Chapter 3.5 of the Housing Code is hereby amended by revising Section
25 351, to read as follows:

1 * * * *

2 (c) **Contents of Report of Residential Building Record.** The Department of Building
3 Inspection shall, upon application in the manner hereinafter provided, issue a Report of
4 Residential Building Record to the owner which shall contain, in respect to said residential
5 building, the following information, insofar as ascertainable from City records:

6 * * * *

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

9 Yes _____ No _____

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

11 Yes _____ No _____

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

14 Yes _____ No _____ Date of 100-Year Storm Flood Risk Map _____

15 * * * *

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

21
22 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15
16 By:



EILEEN CHAUVET
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 1/29/2019)

[Police, Housing Codes - Required Disclosure of Storm Flood Risks]

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

Existing Law

State law provides that certain disclosures be made upon the transfer of real property. One of those disclosure requirements is whether the real property is located in a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency. The Federal Emergency Management Agency has not completed flood mapping for the City and County of San Francisco. In addition, once completed, the Federal Emergency Management Agency maps may or may not show flooding from stormwater that affects property in San Francisco.

Amendments to Current Law

The San Francisco Public Utilities Commission performed a technical analysis to develop a 100-Year Storm Flood Risk Map, which shows areas of San Francisco that are at risk of "deep and contiguous" flooding in a 100-year storm. When the 100-Year Storm Flood Risk Map is approved at a public hearing, property owners whose real property is located in a storm flood risk area will be required to disclose to prospective transferees (including tenants) that the property is located in a flood risk area and the Department of Building Inspection's Report of Residential Building Record will include a disclosure statement for property located within the flood risk zone.

Background Information

The San Francisco Public Utilities Commission passed a resolution on November 13, 2018 recommending that the Board of Supervisors adopt the proposed 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.

FILE NO. 181108

The San Francisco Department of Building Inspection review the proposed ordinance through its Housing Subcommittee, Code Advisory Committee, and at the Building Inspection Commission on January 16, 2019. The Code Advisory Commission requested that the date of the 100-Year Storm Flood Risk Map be included in the Residential Building Record and that change was incorporated.

San Francisco Public Utilities Commission staff recommended that the ordinance be clarified that it will apply to City-owned property, and that change was incorporated.

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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

January 31, 2019

File No. 181108

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

Dear Ms. Gibson:

On January 29, 2019, the Supervisor Yee introduced the following substitute legislation:

File No. 181108-2

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; 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
Laura Lynch, Environmental Planning

Not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2019.01.31 14:43:48 -0800

BOARD of SUPERVISORS



City Hall
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TDD/TTY No. 554-5227

December 5, 2018

File No. 181108

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

Dear Ms. Gibson:

On November 27, 2018, the Public Utilities Commission introduced the following proposed legislation:

File No. 181108

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; 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
Laura Lynch, Environmental Planning

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

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2018.12.27 16:22:57 -08'00'



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection Voice (415) 558-6164 - Fax (415) 558-6509
1660 Mission Street, San Francisco, California 94103-2414

January 22, 2019

London N. Breed
Mayor

COMMISSION

Angus McCarthy
President

Debra Walker
Vice-President

Kevin Clinch
John Konstin
Frank Lee
Sam Moss
James Warshell

Sonya Harris
Secretary

Shirley Wong
Assistant
Secretary

Tom C. Hui
S.E.,
C.B.O., Director

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: File No. 181108

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

This amendment was heard at the Code Advisory Committee (CAC) meeting on December 12, 2018. The CAC recommended the adoption of ordinance File No. 181108 as written with one amendment, to provide a date stamp on the map used in answering question #12 "Is the building located within flood risk zone boundaries delineated on the San Francisco Public Utilities Commission's 100 – Year Storm Flood Risk Map?"

The Building Inspection Commission met and held a public hearing on January 16, 2019 regarding File No. 181108 on the proposed amendment to the San Francisco Police and Housing Codes referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance.

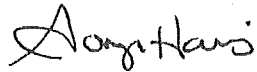
A few Commissioners also raised the following concerns:

- 1) Outreach should be done to brokerage firms, lender, and title companies as well as homeowners.
- 2) The question was asked how the flood risk information would be disclosed when a buyer buys a building, besides DBI's Report of Residential Building Record? The concern is that the information may be overlooked.

President McCarthy	Yes	Vice-President Walker	Yes
Commissioner Clinch	Yes	Commissioner Konstin	Yes
Commissioner Lee	Yes	Commissioner Moss	Excused
Commissioner Warshell	Yes		

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,



Sonya Harris
Commission Secretary

cc: Tom C. Hui, S.E., C.B.O., Director
Mayor London N. Breed
Board of Supervisors

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 18-0184

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

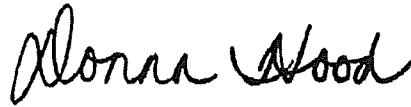
WHEREAS, In June 2018, the SFPUC hosted several public availability sessions to engage with the public, answer questions, and provide information on flood resiliency, and on July 25, 2018, this Commission held a public hearing to discuss the draft version of the Map; and

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.

A handwritten signature in black ink that reads "Alonza Wood". The signature is written in a cursive style with a large initial "A".

Secretary, Public Utilities Commission



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>Summary of Proposed Commission Action:</p>	<p>Adopt 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>Background:</p>	<p>Development of 100-year Storm Flood Risk Map: 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&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>Proposed Disclosure Ordinance: 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>
Description of Action:	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.
Schedule:	If recommended, the SFPUC intends to introduce the Ordinance at the regularly scheduled meeting of the Board of Supervisors on November 27, 2018.
Recommendation:	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.
Attachments:	<ol style="list-style-type: none"> 1. Draft Stormwater Flood Risk Disclosure Ordinance 2. 100-Year Storm Flood Risk Map 3. Rules and Criteria for the 100-year Storm Flood Risk Map Parcel Review Process

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 “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 conveyer 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.

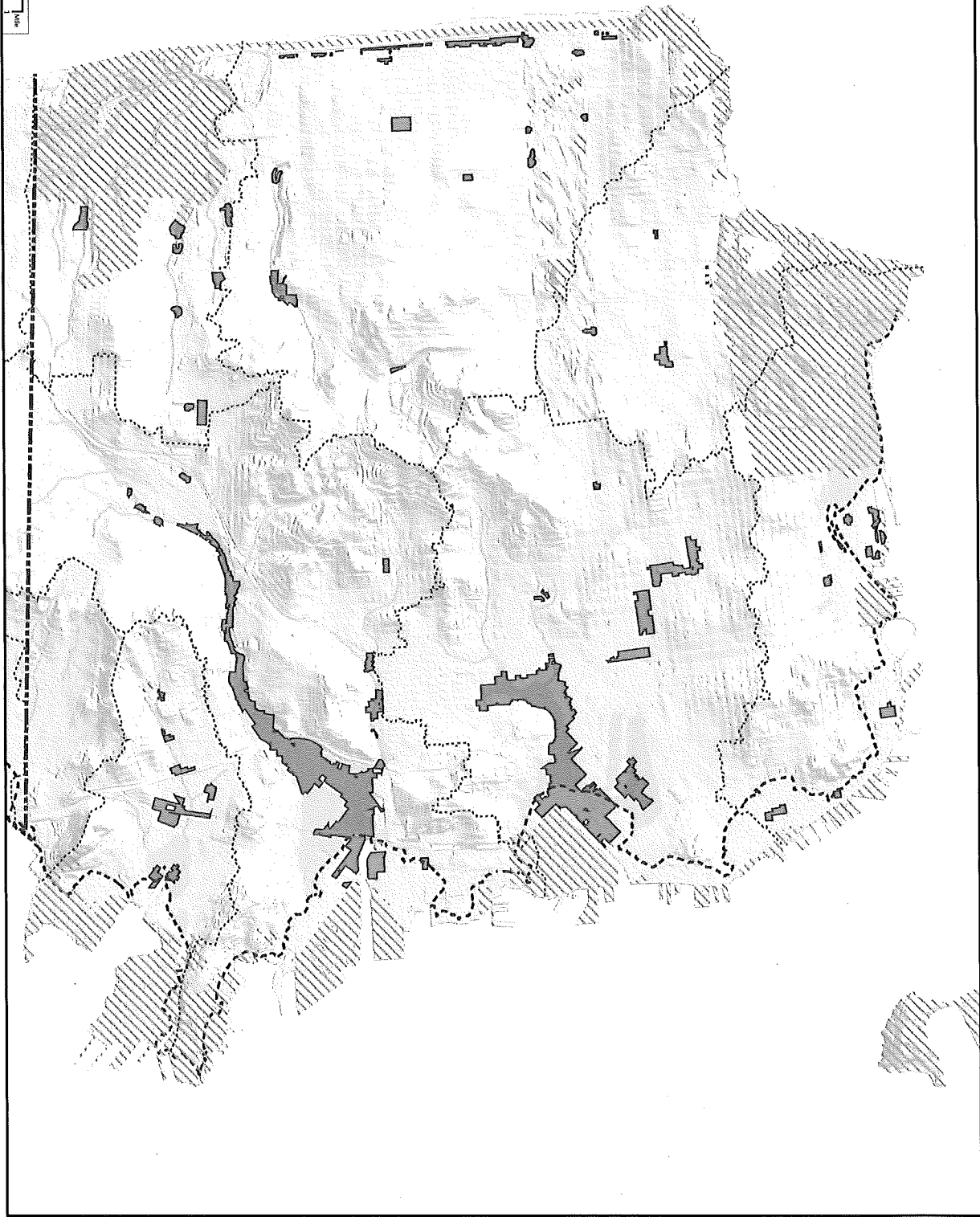
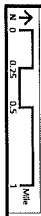
18
19 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly 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.

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

By: _____
EILEEN CHAUVET
Deputy City Attorney
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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://enr.sanfrancisco.org/sea-level-rise-guidance>) and the FEMA Preliminary Flood Risk Rate Maps (<http://sfcca.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

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 18-0159

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 (H&H) 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, The City is also considering introducing legislation at the Board of Supervisors which would require sellers and lessors to disclose to buyers and tenants if a property is located within the 100-Year Storm Flood Risk Zone; and

WHEREAS, In May 2018, SFPUC sent a letter to every owner of parcels located in the 100-Year Storm Flood Risk Zones along with a copy of the Draft Map, flood insurance information, web links to SFPUC resources, and information on SFPUC public availability sessions regarding the Draft Map; 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, SFPUC staff has developed Rules and Criteria for the 100-year Storm Flood Risk Map Parcel Review Process setting forth a process by which staff will review individual parcels and, if justified based on specified criteria, remove parcels from the 100-Year Storm Flood Risk Zones shown on the Map; now, therefore, be it

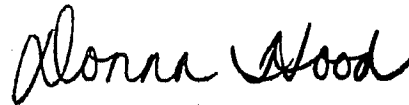
RESOLVED, That this Commission adopts the 100-Year Storm Flood Risk Map dated September 25, 2018, a copy of which is attached hereto; and be it

FURTHER RESOLVED, That this Commission adopts the Rules and Criteria for the 100-year Storm Flood Risk Map Parcel Review Process, a copy of which is attached hereto, and directs staff to publish, and periodically update, on the SFPUC website a list of any and all parcels that are removed from the Flood Risk Zone pursuant to this Review Process; and be it

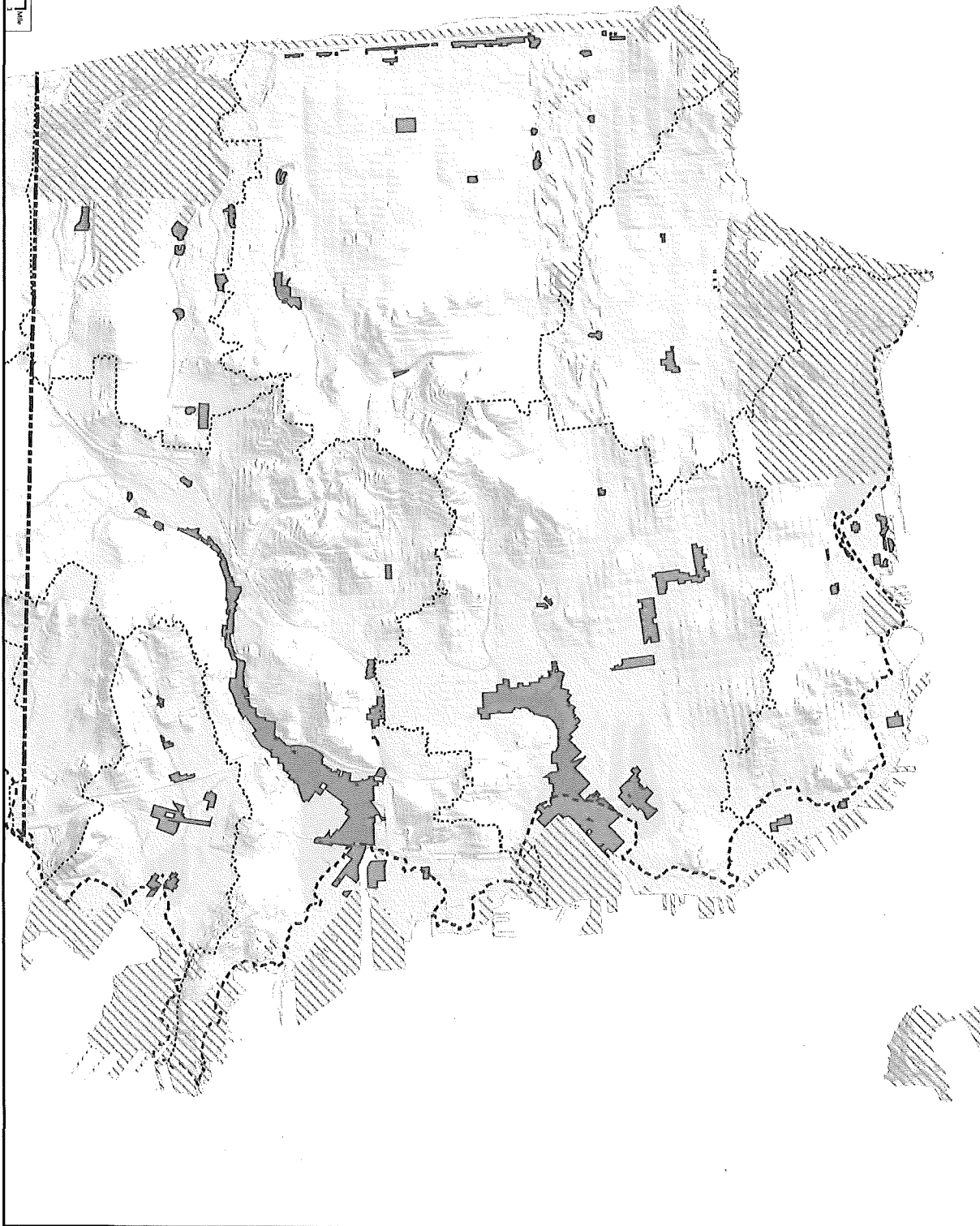
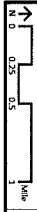
FURTHER RESOLVED, That this Commission delegates to the General Manager or his designee the authority to update the Map (1) on an annual basis no later than July 1st of each year to reflect the removal of any parcels from the Flood Risk Zone pursuant to the Parcel Review Process, and (2) on an as-needed basis to reflect updates to the hydrologic and hydraulic computer model, provided that staff shall provide written notice to any parcel owners impacted by such revisions to the Map; and be it

FURTHER RESOLVED, That this Commission requires the General Manager return to this Commission for approval of any other changes to the Map that are not otherwise delegated to the General Manager in the foregoing clause.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of September 25, 2018.



Secretary, Public Utilities Commission



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://onesanfrancisco.org/sea-level-rise-pujalanc>) and the FEMA Preliminary Flood Insurance Rate Maps (<http://sfema.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 



100-YEAR STORM FLOOD RISK MAP - Parkside

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

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LEGEND

100-Year Storm Flood Risk Zone

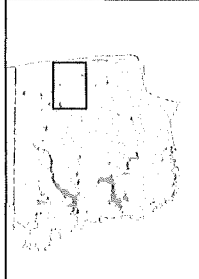
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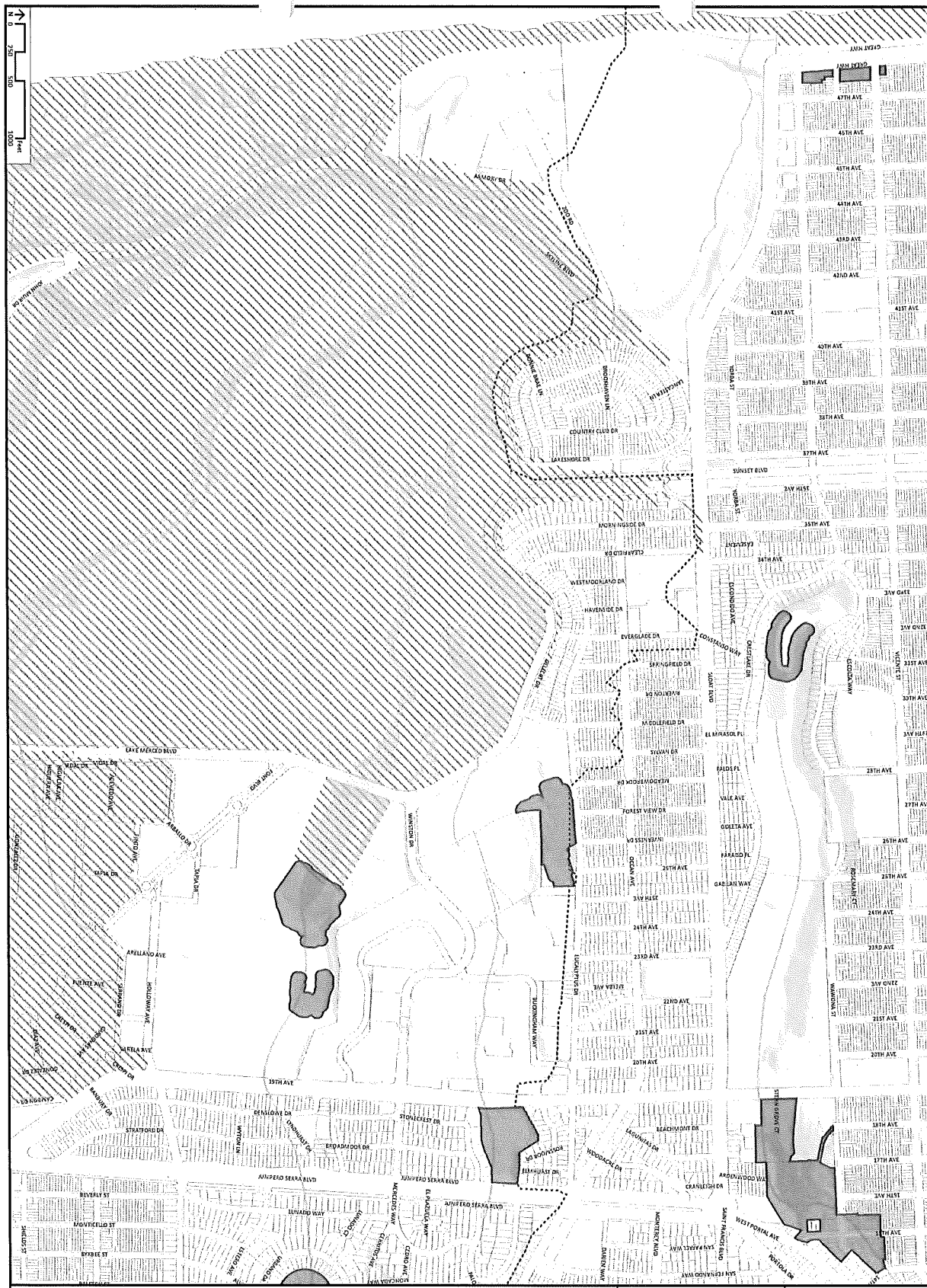
Watershed Boundaries

Historical Shoreline

Historical Creeks and Waterbodies

Parcels





100-YEAR STORM FLOOD RISK MAP - Lakeshore 1 of 2

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

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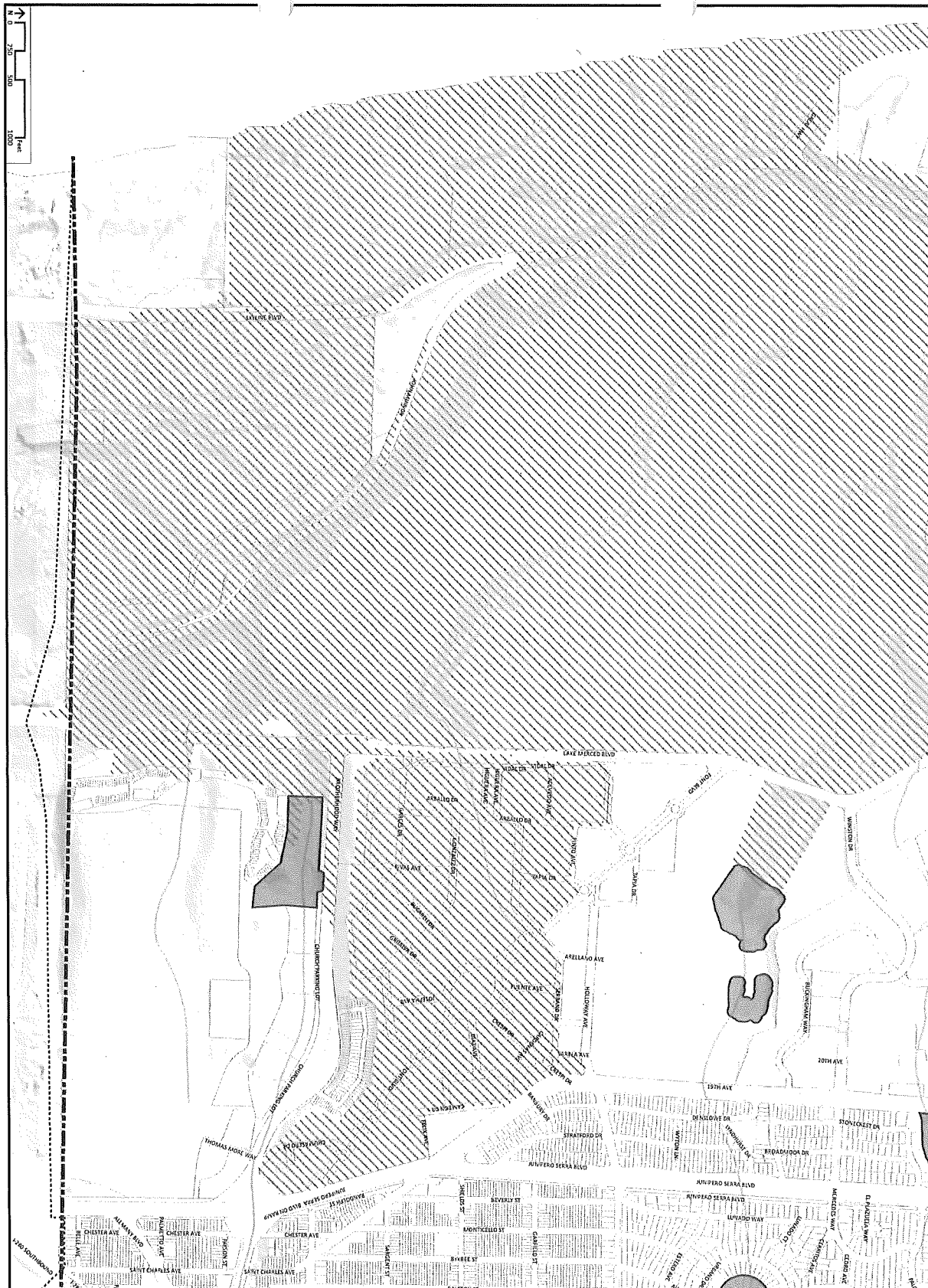
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LEGEND

- 100-Year Storm Flood Risk Zone
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- Watershed Boundaries
- Historical Shoreline
- Historical Creeks and Waterbodies
- Parcels





100-YEAR STORM FLOOD RISK MAP - Lakeshore 2 of 2

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







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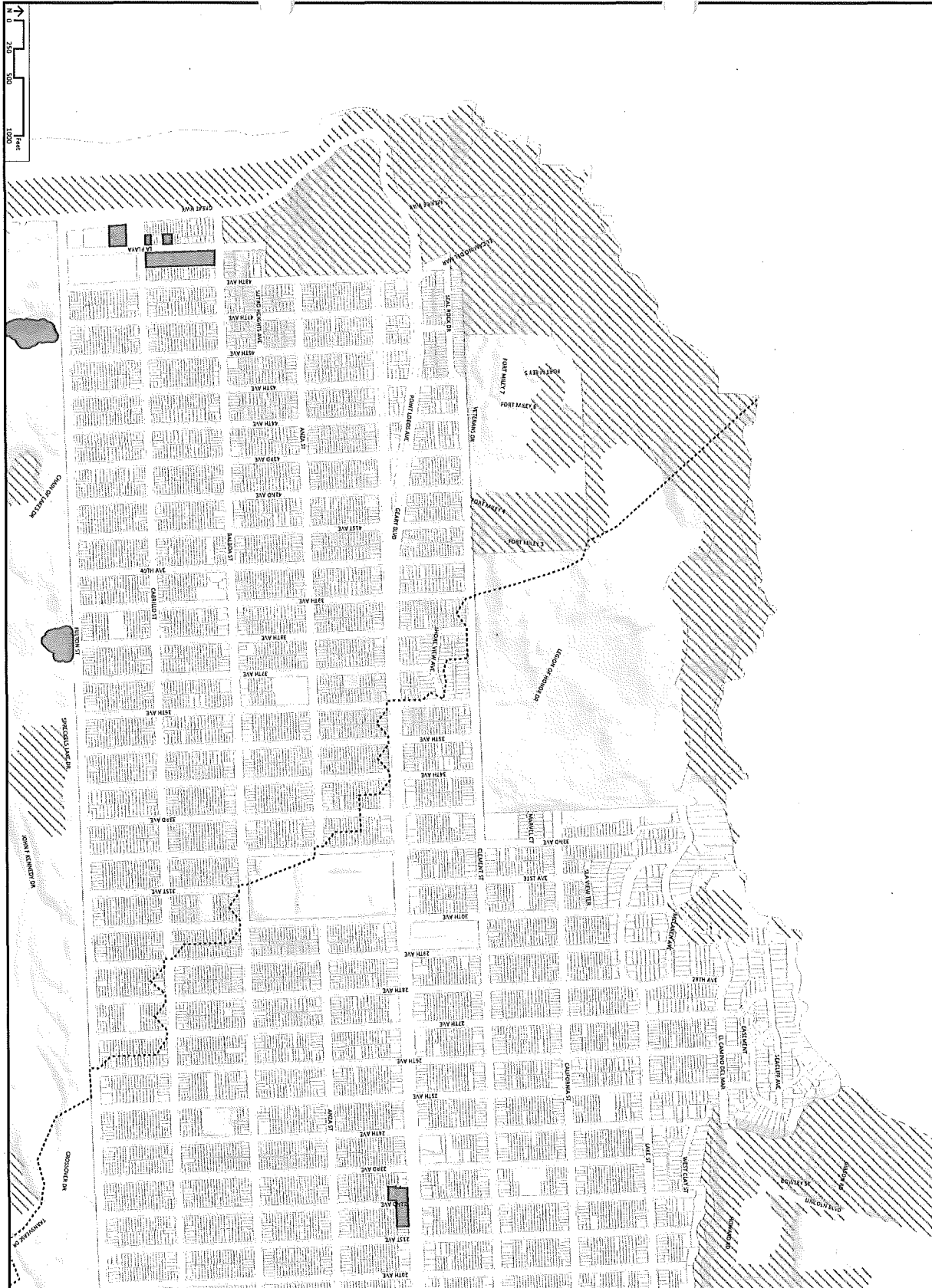
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LEGEND

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- Historical Shoreline 
- Historical Creeks and Waterbodies 
- Parcels 





100-YEAR STORM FLOOD RISK MAP - Outer Richmond, Seacliff

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

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LEGEND

100-Year Storm Flood Risk Zone

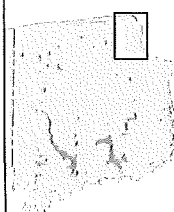
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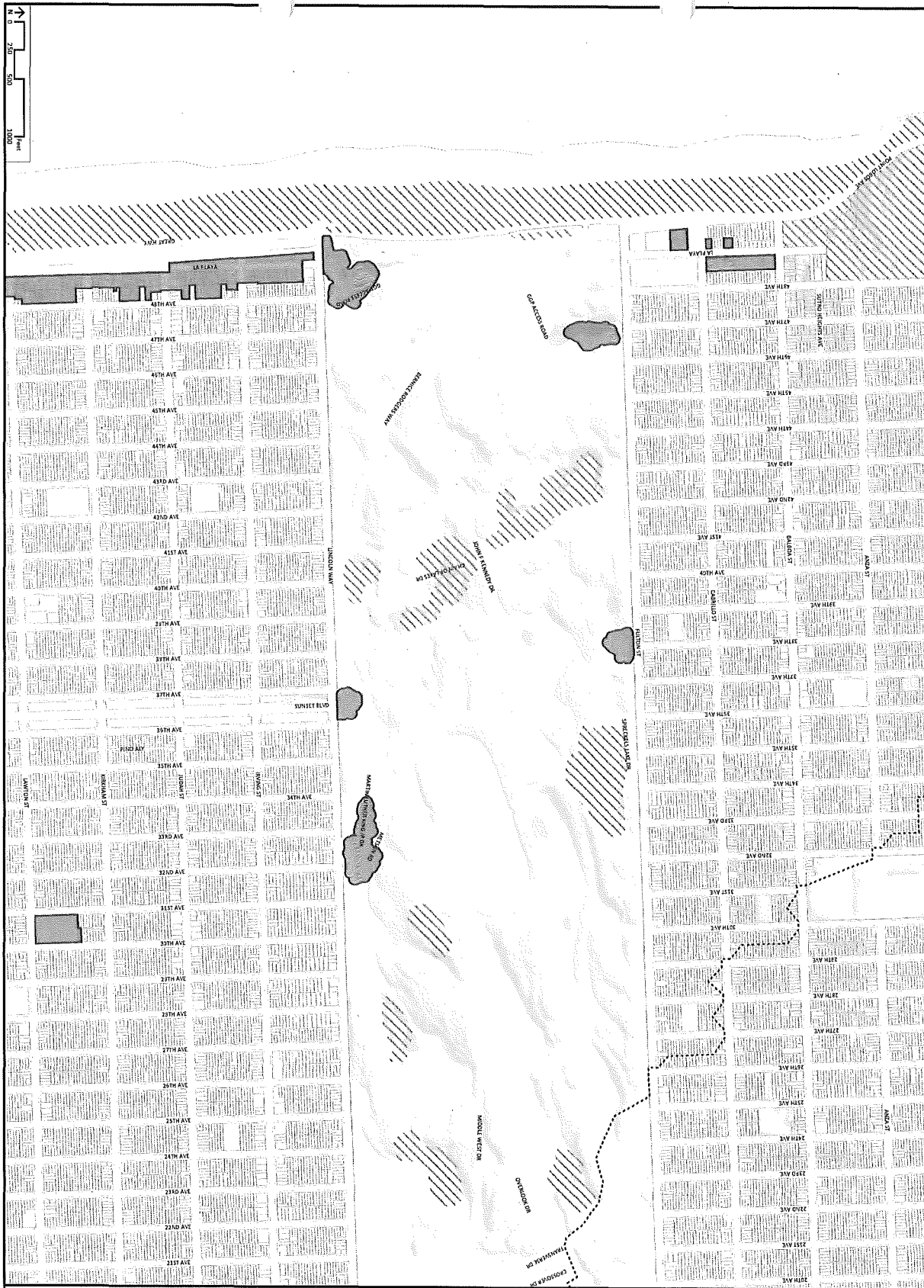
Watershed Boundaries

Historical Shoreline

Historical Creeks and Waterbodies

Parcels





100-YEAR STORM FLOOD RISK MAP - Golden Gate Park 1 of 2

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

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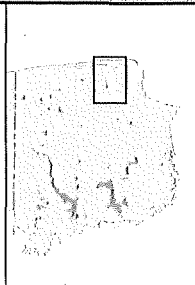
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LEGEND

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- Watershed Boundaries
- Historical Shoreline
- Historical Creeks and Waterbodies
- Parcels





100-YEAR STORM FLOOD RISK MAP - Golden Gate Park 2 of 2

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

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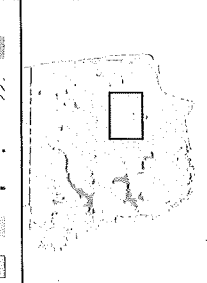
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LEGEND

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- Historical Shoreline
- Historical Creeks and Waterbodies
- Parcels





100-YEAR STORM FLOOD RISK MAP - Inner Richmond

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







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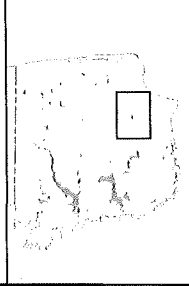
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LEGEND

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- Historical Shoreline 
- Historical Creeks and Waterbodies 
- Parcels 





100-YEAR STORM FLOOD RISK MAP - Marina

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

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LEGEND

100-Year Storm Flood Risk Zone



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Watershed Boundaries



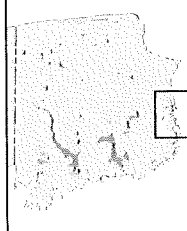
Historical Shoreline

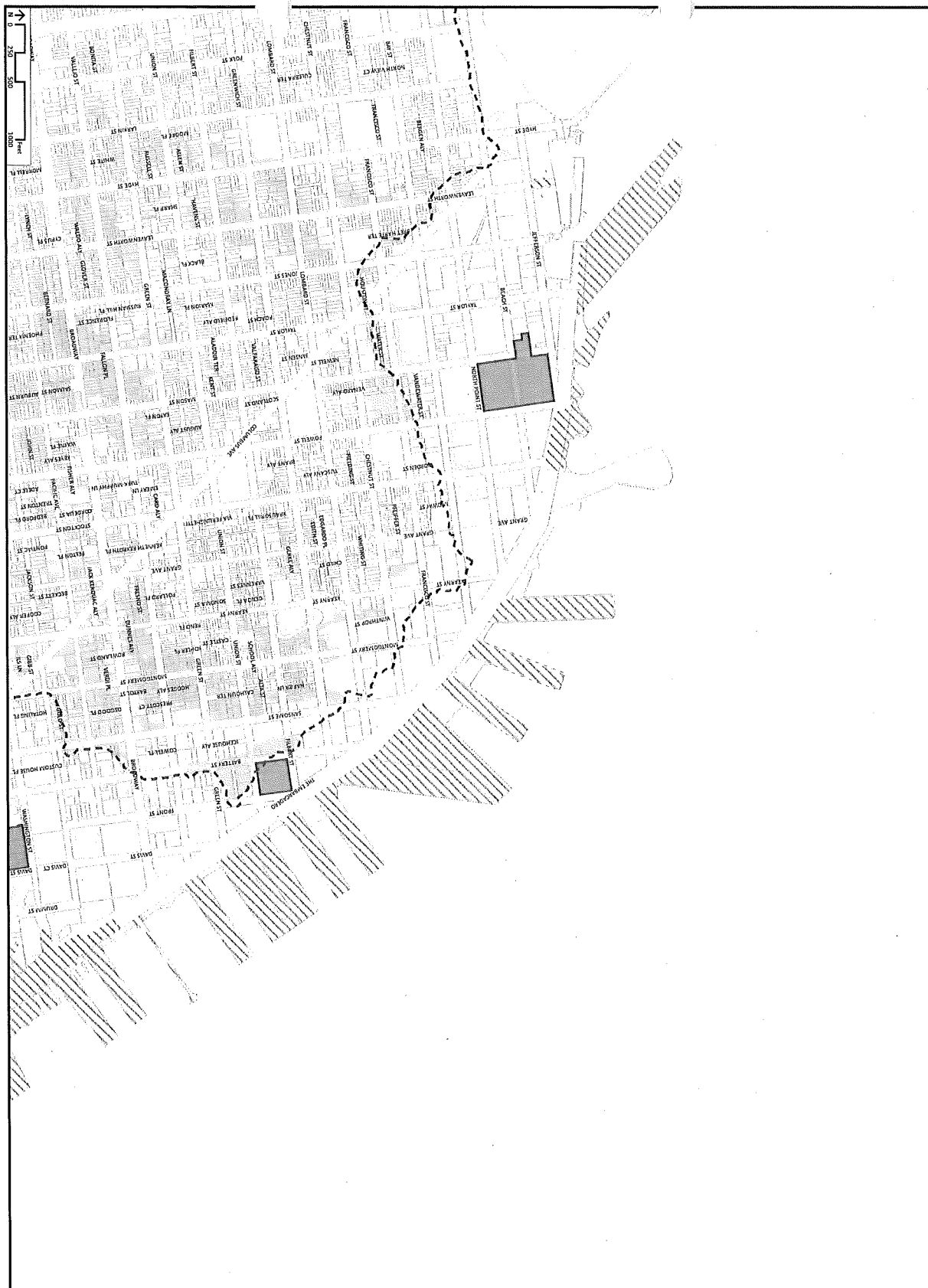


Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - North Beach

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

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LEGEND

100-Year Storm Flood Risk Zone



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Watershed Boundaries



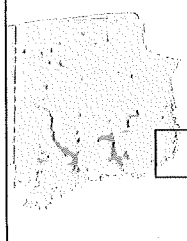
Historical Shoreline



Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Financial District

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

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LEGEND

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- Parcels





100-YEAR STORM FLOOD RISK MAP - Civic Center, Western Addition

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

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LEGEND

100 Year Storm Flood Risk Zone

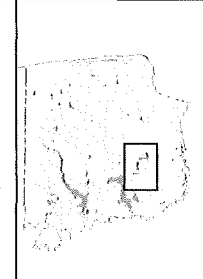
Areas not served by the combined sewer and stormwater collection system. Flood risk for these areas is not analyzed on these maps.

Watershed Boundaries

Historical Shoreline

Historical Creeks and Waterbodies

Parcels





100-YEAR STORM FLOOD RISK MAP - South of Market

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.

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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



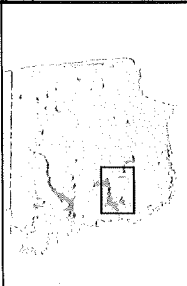
Historical Shoreline

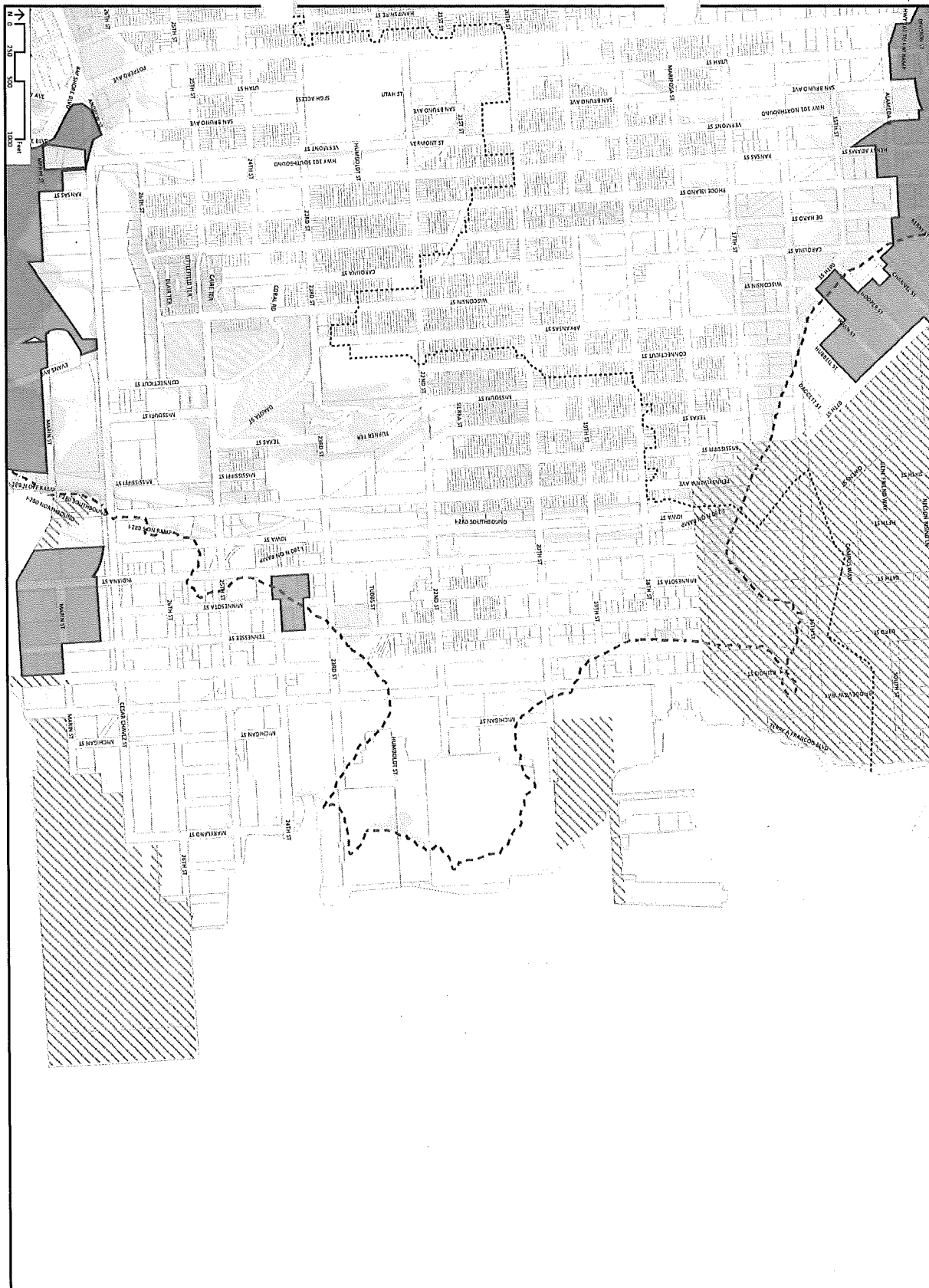


Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Potrero Hill

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

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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



Parcels





100-YEAR STORM FLOOD RISK MAP - Mission 1 of 2

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







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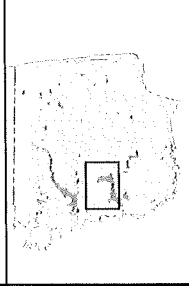
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LEGEND

- 100-Year Storm Flood Risk Zone 
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- Watershed Boundaries 
- Historical Shoreline 
- Historical Creeks and Waterbodies 
- Parcels 





100-YEAR STORM FLOOD RISK MAP - Mission 2 of 2

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

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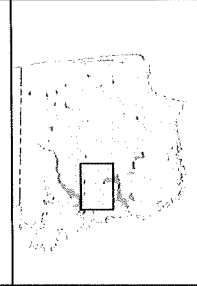
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LEGEND

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- Watershed Boundaries
- Historical Shoreline
- Historical Creeks and Waterbodies
- Parcels





100-YEAR STORM FLOOD RISK MAP - Haight Ashbury, Castro/Upper Market

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







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LEGEND

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- Historical Shoreline 
- Historical Creeks and Waterbodies 
- Parcels 





100-YEAR STORM FLOOD RISK MAP - Noe Valley

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

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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



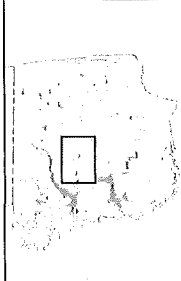
Historical Shoreline



Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Bayview 1 of 2

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

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LEGEND

100 Year Storm Flood Risk Zone



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Watershed Boundaries



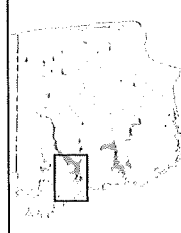
Historical Shoreline

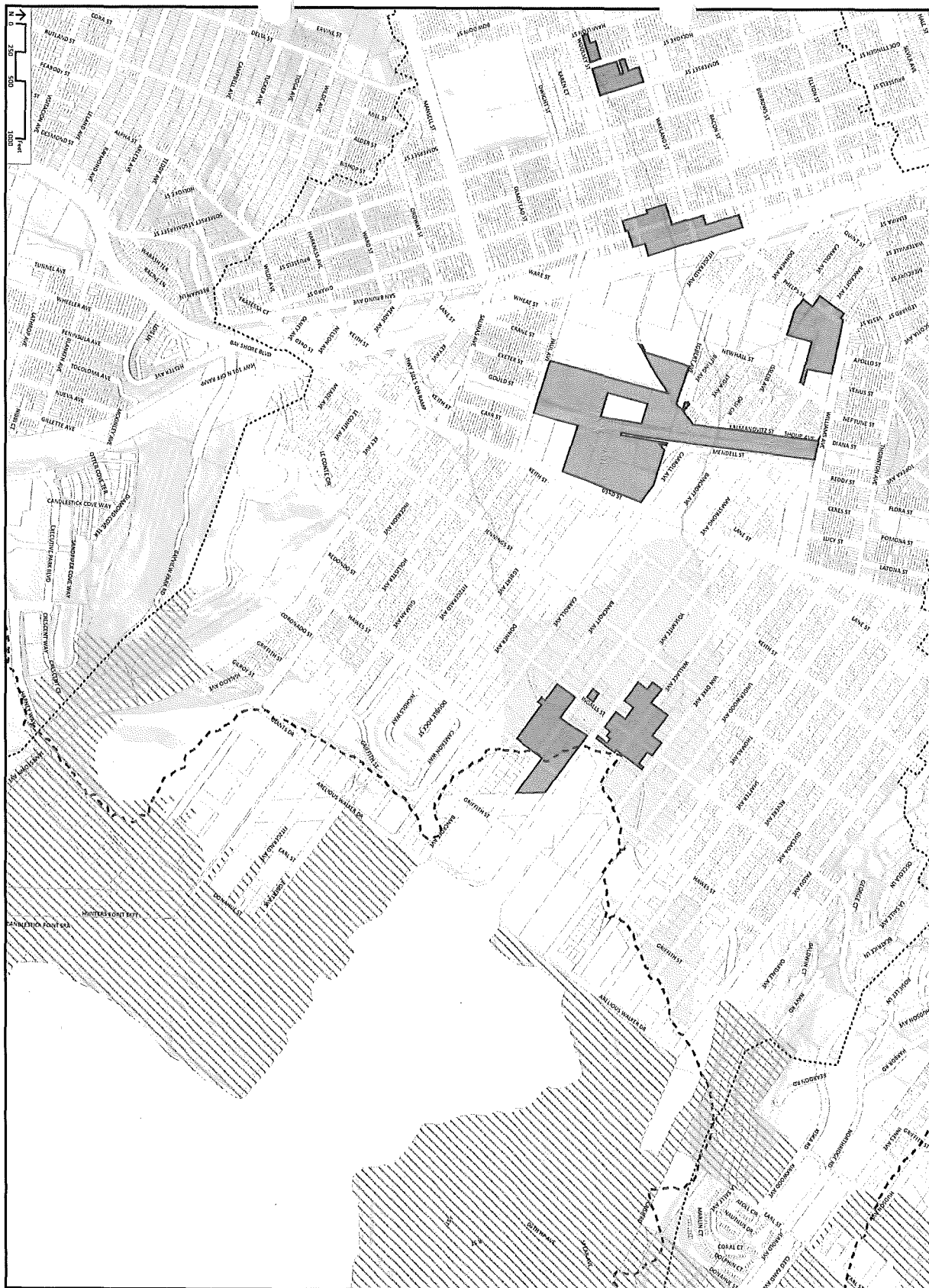


Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Bayview 2 of 2

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

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LEGEND

100-Year Storm Flood Risk Zone



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Watershed Boundaries



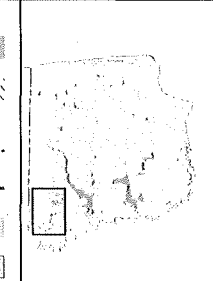
Historical Shoreline



Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Bernal Heights

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

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LEGEND

- 100-Year Storm Flood Risk Zone
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- Watershed Boundaries
- Historical Shoreline
- Historical Creeks and Waterbodies
- Parcels





100-YEAR STORM FLOOD RISK MAP - Excelsior/Portola

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

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LEGEND

100-Year Storm Flood Risk Zone



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Watershed Boundaries



Historical Shoreline



Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Outer Mission

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

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LEGEND

100-Year Storm Flood Risk Zone

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Watershed Boundaries

Historical Shoreline

Historical Creeks and Waterbodies

Parcels





100-YEAR STORM FLOOD RISK MAP - Ocean View

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

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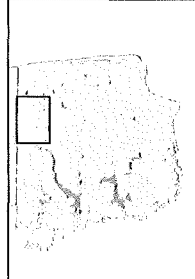
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LEGEND

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- Watershed Boundaries
- Historical Shoreline
- Historical Creeks and Waterbodies
- Parcels





100-YEAR STORM FLOOD RISK MAP - West of Twin Peaks 1 of 2

Adapted 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://onesanfrancisco.org/sea-level-rise-guidance>) and the FEMA Preliminary Flood Insurance Rate Maps (<http://sfwa.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

Parcels





100-YEAR STORM FLOOD RISK MAP - West of Twin Peaks 2 of 2

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.

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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



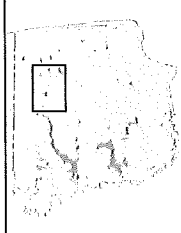
Historical Shoreline

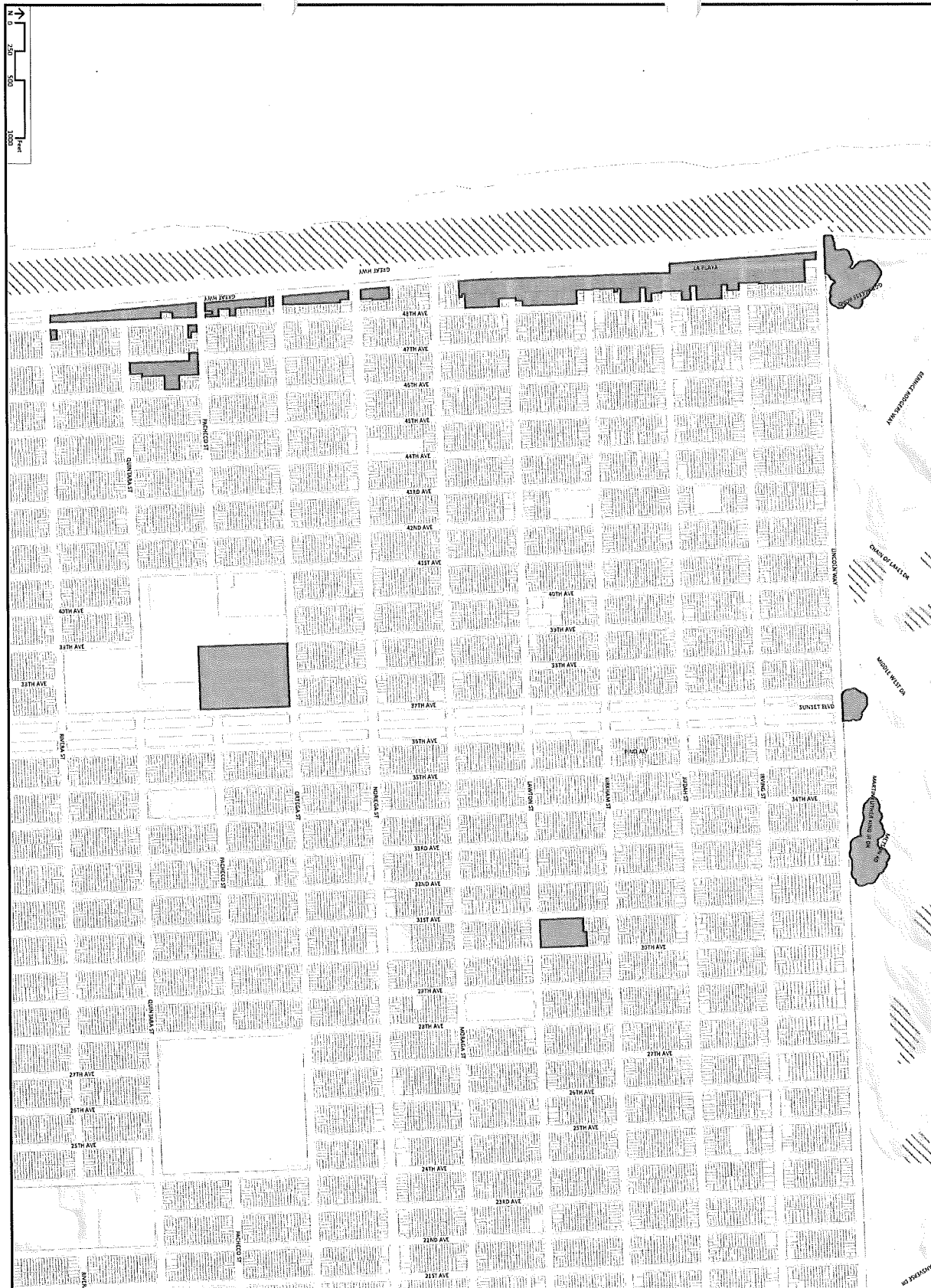


Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Outer Sunset

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.

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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://conservation.sisco.org/sea-level-rise-guidance>) and the FEMA Preliminary Flood Insurance Rate Maps (<http://fema.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



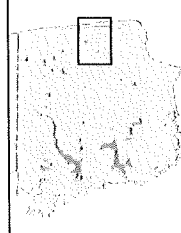
Historical Shoreline



Historical Creeks and Waterbodies



Parcels





100-YEAR STORM FLOOD RISK MAP - Inner Sunset

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







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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 
- Parcels 



100-year Storm Flood Risk Map Parcel Review Request Form

September 2018



The 100-year Storm Flood Risk Map (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 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 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:

- The parcel’s ground elevation (not buildings or units) is entirely above the 100-year storm flood elevation; and/or
- Barriers or structures (e.g. solid walls or solid fences) 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

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

1. Property owner submits this parcel review request form to the SFPUC.
2. SFPUC staff will perform a preliminary desktop review and site visit to the parcel to determine if additional data is needed.
3. 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.
4. Following all necessary site assessment activities, SFPUC will determine whether one or more of the Removal Criteria have been satisfied.
5. SFPUC will send the parcel owner written notice of its parcel determination.
6. The Map will be updated on an annual basis to incorporate and reflect all property review determinations that have been made.

Please send the following information to SFPUC and a staff member will contact you to discuss the request:

- **BY EMAIL:** RainReadySF@sfgwater.org
- **BY MAIL:** San Francisco Public Utilities Commission
Attn: SFPUC Communications
525 Golden Gate Ave, 6th Floor
San Francisco, CA 94102

(FILLABLE FORM BELOW. PLEASE USE REVERSE IF NEEDED.)

Name of Property Owner	
Email Address	
Phone Number	
Physical Address (of parcel requested for review)	
Brief description of basis for removing parcel from the 100-yr Storm Flood Risk Zone	

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

181108

From: Scarpulla, John <JScarpulla@sflower.org>
Sent: Monday, January 28, 2019 6:54 PM
To: Major, Erica (BOS)
Cc: 'Bruce Lehnert'
Subject: Comment for File 181108

Hi Erica,

Dr. Bruce Lehnert (cc'd), sent the following comment letter to me and asked that it be included in the official file for File 181108, which I believe is scheduled for the 2/4 Land Use Committee meeting.

Could you please include Mr. Lehnert's comment letter in the File for 181108?

Thanks,
John

“Please submit this comment on my behalf.

San Francisco Apartment Association leases require landlords to check boxes based on risk in the area rented. When you buy a house the disclosure packet ALWAYS contains flood risk information and sometimes even maps. Why are you creating an additional layer of bureaucracy that will cost landowners in San Francisco-most of who are families and mom & pop landlords not raking in the piles of cash people think, more money and time. We should be moving towards a more streamlined process. This legislation is antithetical. I bet this will either overload a person in a position already or create another cost burden to the city in terms of additional employees.

**Dr. Bruce Lehnert
Sports Orthopedics and Rehabilitation - S.O.A.R.
<http://www.soarmedical.com/physician/bruce-a-lehnert-dpm/>”**

181108

From: Mark Haley <haley1882@gmail.com>
Sent: Saturday, December 29, 2018 10:01 AM
To: Major, Erica (BOS)
Subject: File 181108

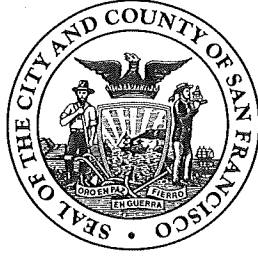
This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I would like to provide comments on File #181108...This is nonsense regulations and a waste of tax payer dollars.

Thanks,
Mark Haley
1882 Great Hwy SF

Sent from my iPhone

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

December 5, 2018

File No. 181108

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

Dear Ms. Gibson:

On November 27, 2018, the Public Utilities Commission introduced the following proposed legislation:

File No. 181108

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; 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
Laura Lynch, 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: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

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

DATE: December 5, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by the Public Utilities Commission on November 27, 2018:

File No. 181108

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

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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: William Scott, Police Chief, Police Department

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

DATE: December 5, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Public Utilities Commission on November 27, 2018:

File No. 181108

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; 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.

c: Rowena Carr, Police Department
Asja Steeves, Police Department
Sergeant Rachael Kilshaw, Police Department



San Francisco
Water Power Sewer

Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

TO: Angela Calvillo, Clerk of the Board
FROM: John Scarpulla, Policy and Government Affairs
DATE: November 16, 2018
SUBJECT: Required Disclosure of Storm Flood Risks

Attached please find an ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that 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 amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department's determination under the California Environmental Quality Act.

The following is a list of accompanying documents (2 sets):

1. Board of Supervisors Ordinance
2. Legislative Digest
3. SFPUC Reso 18-0184
4. SFPUC Staff Report for Reso 18-0184
5. SFPUC Reso 18-0159
6. 100-year Storm Flood Risk Map
7. 100-yr Flood Risk Map Parcel Review Request Form
8. 100-Year Flood Risk Map Parcel Review Process

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BOARD OF SUPERVISORS
SAN FRANCISCO
2018 NOV 16 PM 1:26
AK

Please contact John Scarpulla at (415) 934-5782 if you need any additional information on these items.

London N. Breed
Mayor

Vince Courtney
President

Ann Moller Caen
Vice President

Francesca Viotor
Commissioner

Anson Moran
Commissioner

Ike Kwon
Commissioner

Harlan L. Kelly, Jr.
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2019 JAN 29 PM 12:20
 Time stamp
 or meeting date
 BY *EB*

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [181108]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Yee

Subject:

Required Disclosure of Storm Flood Risks

The text is listed:

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that 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 amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: *[Signature]*

For Clerk's Use Only

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

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- 2. Request for next printed agenda Without Reference to Committee.
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- 5. City Attorney Request.
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- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

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- Planning Commission
- Building Inspection Commission

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Sponsor(s):

Yee

Subject:

Police, Housing Codes - Required Disclosure of Storm Flood Risks (File 181108)

The text is listed:

[]

Signature of Sponsoring Supervisor:



For Clerk's Use Only