

BOARD of SUPERVISORS



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MEMORANDUM

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

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

DATE: June 10, 2020

SUBJECT: LEGISLATION INTRODUCED

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

File No. 200537

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

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

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

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

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

2

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

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

12

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

14

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

20

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

23

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

25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (4) Individually listed on a local inventory of historic places in communities with
25 historic preservation programs, including, but not limited to those structures that have been

1 certified either by an approved state program as determined by the Secretary of the Interior or
2 directly by the Secretary of the Interior in states with out approved programs.;

3 ~~(5)~~ Determined to be an historic resource in accordance with the ~~City and County of~~
4 ~~San Francisco~~ Planning Department's CEQA Review Procedures for Historic Resources.; or

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

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

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

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

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

20 ~~s.~~ **"One hundred year flood" or "100-year flood"** means a flood that has a ~~one percent~~
21 1% chance of being equaled or exceeded in any given year.

22 **"Recreational vehicle"** means a vehicle that is:

- 23 (1) Built on a single chassis;
- 24 (2) 400 square feet or less when measured at the largest horizontal projection;
- 25 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

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

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

7 ~~†~~ "Special flood hazard area" (SFHA) means an area in the floodplain subject to a
8 1% percent or greater chance of flooding in any given year that is shown on FIRM as Zone A,
9 AO, A1, A30, AE, A99, AH, V1, V30, VE, or V.

10 ~~†~~ "Start of construction" includes substantial improvement and other proposed new
11 development and means the date the building permit was issued, provided the actual start of
12 construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement
13 was within 180 days from the date of the permit. The actual start means either the first
14 placement of permanent construction of a structure on a site, such as the pouring of slab or
15 footings, the installation of piles, the construction of columns, the placement of a manufactured
16 home on a foundation, or any work beyond the stage of excavation. Permanent construction
17 does not include land preparation, such as clearing, grading, and filling; nor does it include the
18 installation of streets and/or walkways; nor does it include excavation for a basement,
19 footings, piers, or foundations or the erection of temporary forms; nor does it include the
20 installation on the property of accessory buildings, such as garages or sheds not occupied as
21 dwelling units or not part of the main structure. For a substantial improvement, the actual start
22 of construction means the first alteration of any wall, ceiling, floor, or other structural part of a
23 building, whether or not that alteration affects the external dimensions of the building.

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

1 ~~æ.~~ **"Substantial damage"** means damage of any origin sustained by a structure
2 whereby the cost of restoring the structure to its before damaged condition would equal or
3 exceed 50% percent of the market value of the structure before the damage occurred. The
4 term does not include any alteration of or exterior addition to a damaged "historic structure,"
5 provided that the alteration or addition will not preclude the structure's continued designation
6 as a "historic structure."

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

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

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

19 **SEC. 2A.282. ADMINISTRATION.**

20 ~~(a) **Floodplain Administrator.** *The City Administrator shall be the Floodplain*~~
21 ~~*Administrator, as defined by federal and state floodplain management laws and regulations, and for*~~
22 ~~*purposes of the City's participation in the National Flood Insurance Program administered by the*~~
23 ~~*United States Department of Homeland Security.*~~ The duties and responsibilities of the Floodplain
24 Administrator shall include, but not be limited to, providing oversight and guidance for the
25 administration of floodplain management requirements and policies; ~~and~~ providing floodplain

1 management reports and information as required by applicable federal, state, and local
2 requirements; for physical changes affecting flooding conditions and resulting in changes to flood
3 hazard data shown on the FIRM, notifying FEMA of the changes by submitting technical or scientific
4 data in accordance with the NFIP regulations within six months of the data becoming available; and
5 notifying neighboring communities of watercourse alterations or relocations, if any.

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

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

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

16 (2). ~~In addition, areas of special flood hazard identified by FEMA in its adopted final flood~~
17 ~~insurance studies, FIRMs, and FBFMs that are located outside San Francisco and contain City-owned~~
18 ~~and operated facilities, including but not limited to the "Flood Insurance Study (FIS) for the County of~~
19 ~~San Mateo," dated August 5, 1986, with accompanying FIRMs and FBFMs, dated July 5, 1984, and all~~
20 ~~subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of~~
21 ~~this ordinance. In addition, FEMA has prepared final flood insurance studies and FIRMs for~~
22 ~~communities that contain City-owned and operated facilities located in Alameda, Fresno, Kern, San~~
23 ~~Joaquin, San Mateo, Santa Clara, Stanislaus, and Tuolumne Counties. The SFHAs identified on the~~
24 ~~final Flood Insurance Studies and FIRMs for these counties, and all subsequent amendments and~~
25 ~~revisions, are adopted by reference and incorporated by reference into this Chapter XX, but only for~~

1 those portions of the studies and DIRMs covering City-owned and operated facilities and only to the
2 extent such facilities have been identified as being located within an SFHA on the applicable FIRM.

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

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

21 (e) As provided in Section 4.115 of the Charter, the Airport Commission has authority for the
22 management, supervision, maintenance, operation, and control of all Airport property and all
23 construction at the Airport. Pursuant to this authority, the Airport Commission has adopted building
24 standards that prescribe the codes, regulations, and design requirements that must be used for
25 construction and installation of development at the Airport, including compliance with the California

1 Building Code. The Airport's Building Inspection and Code Enforcement department issues all
2 development permits at the Airport, assures compliance with the Airport's building and design
3 standards, and will determine whether the standards of construction required under this ordinance
4 have been satisfied and whether all other required state and federal permits have been obtained.

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

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

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

20 (a)- **Permits.** A permit or other applicable approval shall be obtained for all proposed
21 ~~construction~~ development of buildings and structures located within a floodplain or flood prone
22 area designated in accordance with Section 2A.282(b), and shall be issued in accordance
23 with applicable procedures for authorizing such construction within the appropriate City
24 departments' jurisdiction. No building, structure, or land shall be constructed, located,
25 extended, converted, or altered within a floodplain or flood-prone area without full compliance

1 with the requirements of this ordinance and other applicable regulations. The requirements of
2 this ordinance and other applicable regulations shall take precedence over any less restrictive
3 conflicting local laws. The ~~City Administrator~~ appropriate City department shall maintain a record
4 of the elevation (in relation to NAVD88) of the lowest floor (including basement) of all new and
5 substantially improved structures; and, in all cases of floodproofing, the elevation (in relation to
6 NAVD88) to which ~~all the~~ structures ~~that were~~ was floodproofed in accordance with subSections
7 2A.283(b), (c), or (d) of this Article.

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

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

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

15 ~~—— B. Be constructed:~~

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

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

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

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

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

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

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

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

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

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

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

12 ~~e(b).~~ **Standards of Construction for Floodplain Areas designated pursuant to section**
13 **2A.282(b)(2) of this article. In addition to the standards of construction set forth in section 2A.283(b),**
14 **all**

15 (1) All-new construction and substantial improvements shall be designed and
16 constructed in accordance with the requirements of San Francisco Building Code §Section
17 1612, California Building Code Section 1612, or other comparable code requirements applicable to
18 the City agency or department implementing the standards of construction under this Article XX, as
19 any of the foregoing code requirements may be amended from time to time.

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

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

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

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

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

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

5 (B) Discharge from the systems into floodwaters.

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

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

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

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

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

20 ~~(c)~~ **VariANCES.**

21 (1)- A variance from the standards provided by ~~the~~ this Section 2A.283 may be
22 granted by the appropriate approval authority for a parcel of property with physical
23 characteristics so unusual that complying with the requirements of this ordinance would create
24 an exceptional hardship to the applicant or the surrounding property owners. Variances shall
25 be issued upon a determination that the variance is the minimum necessary, considering the

1 flood hazard, to afford relief. Variance determinations shall include a showing of good and
2 sufficient cause that:

3 ~~(A)~~ Failure to grant the variance would result in exceptional hardship to the
4 applicant; and

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

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

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

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

16 ~~(B)~~ New construction, substantial improvement, and other proposed new
17 development necessary for the conduct of a functionally dependent use, provided that the
18 structure or building is protected by methods that minimize flood damages, and that issuance
19 of the variance does not result in additional threats to public safety or create a public
20 nuisance.

21 **SEC. 2A.284. LIABILITY.**

22 The degree of flood protection required by this ordinance, Article XX, is considered
23 reasonable for regulatory purposes and is based on scientific and engineering considerations.
24 This ordinance shall not create liability on the part of the City and County of San Francisco,
25 any officer or employee thereof, the State of California, or the ~~Federal Insurance Administration,~~

1 Federal Emergency Management Agency, for any flood damages that result from reliance on
2 this ordinance or any administrative decision made hereunder.

3 **SEC. 2A.285. SEVERABILITY.**

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

9
10 Section 3. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor’s veto of the ordinance.

14
15 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the “Note” that appears under
20 the official title of the ordinance.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: /s/
25 JOHN RODDY
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Floodplain Management and Flood Insurance Requirements]

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

Existing Law

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

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

- Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- Be constructed:
 - With materials and utility equipment resistant to flood damage.
 - Using methods and practices that minimize flood damage.
- Include electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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

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

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

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

Amendments to Current Law

The proposed amendments include changes to reflect the completion and adoption by the Federal Emergency Management Agency (FEMA) of its final flood insurance risk map (FIRM) for San Francisco by adding and deleting language to accurately describe the current status of the FIRM. The amendments also clarify the applicability of specified building standards in the San Francisco Building Code that became applicable to development projects on adoption of the FIRM, which established special flood hazard areas for portions of San Francisco that are susceptible to flooding from open bodies of water, like the Bay and Ocean.

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

Background Information

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

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

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

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

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

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