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LEGISLATIVE DIGEST

Ordinance establishing a floodplain management program by adding Article XX, sections 2A.280 - 2A.285 to the San Francisco Administrative Code; designating the City Administrator as the floodplain administrator; and providing requirements for designating floodplains and for construction and development in floodplains.

Existing Law

The ordinance adopts new provisions. San Francisco currently has no unified floodplain management regulations.

Amendments to Current Law

The ordinance will establish a floodplain management program for the City and County of San Francisco, which is a requirement of the City's joining the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. 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.

The ordinance designates the City Administrator as the Floodplain Administrator, for purposes of the City's participation in the National Flood Insurance Program. The duties and responsibilities of the Floodplain Administrator 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.

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.

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

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- 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 ordinance 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.

The ordinance provides for the issuance of variances or exceptions for projects involving extraordinary hardship, historic preservation and, in the case of the Port, functionally dependent maritime uses.

The Chief Harbor Engineer of the Port of San Francisco and the Floodplain Administrator are required to consult and coordinate with FEMA to create appropriate building standards for developing any finger piers located in flood prone areas in Port jurisdiction. The Floodplain Administrator must report to the Board of Supervisors by October 1, 2008 on the status of creating such building standards.

Background Information

The Federal Emergency Management Agency (FEMA) is in the process of preparing a Flood Insurance Rate Map (FIRM) for the City and County of San Francisco. The map will provide flood risk information for flood insurance and floodplain management purposes under the National Flood Insurance Program (NFIP). FEMA has stated that it anticipates publishing the final FIRM in early 2009.

Flood insurance generally is not available in San Francisco. Under the NFIP, the Federal government 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 will enable businesses and residents within flood prone areas to obtain certain forms of loans and disaster assistance, as well as flood insurance.

To join the NFIP, the City must adopt a Floodplain Management Ordinance that would require new structures, substantial improvements and substantial damage repairs in designated flood

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prone areas be protected against flood damage at the time of initial construction, and prohibit certain uses that would increase flood hazards.

The City's joining the NFIP and adopting floodplain regulations at this time will 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. In addition, the following incentives encourage local communities to join the NFIP:

Federally-regulated lenders (including Fannie Mae and Freddie Mac) may not make, purchase, increase or extend any loan on an insurable structure in a flood-prone area unless the owner has flood insurance;

Federal agencies may not provide financial assistance for acquisition and construction purposes in flood-prone areas if the community does not join the NFIP; and

FEMA cannot provide flood-related disaster assistance in flood-prone areas to communities and individuals in communities that do not join the NFIP.

The floodplain management regulations in this ordinance are consistent with the NFIP requirements for communities like San Francisco, where FEMA is in the process of preparing, but has not completed a final FIRM. When FEMA issues a final FIRM designating special flood hazard areas in San Francisco, NFIP regulations require that the adopted floodplain management program be reviewed and modified by the City to ensure consistency with NFIP requirements applicable to FEMA-mapped communities.

FEMA's publication of a final FIRM for San Francisco may affect new development in San Francisco, especially renovation and reuse of finger piers. The ordinance urges the Port and FEMA to develop, before publication of final FIRM, long-term floodplain management controls that both address any flooding hazard risks and allow the City to implement Port land use plans, including the preservation of historic piers.

The floodplain management regulations adopted by this ordinance were developed by the City Administrator, in consultation with the Department of Building Inspection, the Planning Department, the Department of Public Works, the Public Utilities Commission, the Port of San Francisco, the San Francisco International Airport, the San Francisco Redevelopment Agency and the City Attorney's Office.