

LEGISLATIVE DIGEST

Ordinance amending the floodplain management program established by Chapter 2A, Article XX, sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

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.

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

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Amendments to Current Law

The proposed amendments will provide a second tier of specific floodplain management requirements, applicable to areas under the control of the City that are designated as special flood hazard areas in the Federal Emergency Management Agency's (FEMA) official Floodplain Insurance Rate Maps (FIRMs). (Sec. 2A.282(b)(2)). The amendments incorporate references to the FIRMs for counties outside of the City where the City owns property and/or facilities and enforces the City's floodplain management regulations, based on the flood hazards shown on those maps.

The amendments incorporate specific floodplain management construction standards and definitions for areas where FIRMs establish Base Flood Elevations that are more stringent than the standards that apply to areas without official FIRMs. These more restrictive elements include, for example, elevation of new or substantially improved structures above the Base Flood Elevations. The new amendments are based on, and implement the current San Francisco Building Code, which contains the flood design standards published in American Society of Civil Engineers (ASCE) 24. (Sec. 2A.283(c)).

With adoption of the amendments, the City's floodplain management program will be fully consistent with FEMA's National Flood Insurance Program (NFIP) participation requirements.

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.

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 floodplain management regulations that 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 City, through the City Administrator's Office, has developed interim floodplain management maps for the City's floodplain management program. The Federal Emergency Management Agency (FEMA) is in the process of preparing a FIRM for the City. The map will provide flood risk information for flood insurance and floodplain management purposes under the NFIP. FEMA has stated that it anticipates publishing the final FIRM in early 2011.

The requirements of the current ordinance is based on the fact that FEMA has not published a FIRM for areas located within the City. The amendments will address the fact that the San Francisco International Airport is shown on the official FEMA-issued FIRM for San Mateo County, and that the appropriate standards will be applicable to Airport activities.

The floodplain management regulations in this ordinance will ensure consistency with NFIP requirements applicable to FEMA-mapped communities, which will facilitate FEMA's approval of the City's application to join the NFIP.

The floodplain management requirements 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.