

the lowest floor or the elevation to which the building is floodproofed, if applicable, certified by a registered surveyor or professional engineer, as appropriate.

To ensure consistency with NFIP requirements, CCSF uses the FEMA elevation certificate (FEMA Form 81-31) and the FEMA floodproofing certificate (FEMA Form 81-65). These forms are presented in Appendix F.<sup>16</sup> The agency/department with jurisdiction for the project in question may work with the County Surveyor or other appropriate agencies/departments to obtain the appropriate certification from the property owner following completion of construction, and submits the certification to the County Surveyor for recordkeeping purposes.

## 6.11 Certificate of Occupancy

After the project passes final inspection, the appropriate authority issues a certificate of occupancy. This certificate allows the owner or CCSF agency to occupy the newly constructed building or addition. Usually, a new building cannot be sold until the seller has obtained this certificate.

## 7. Procedures for Specific Project Types and Agencies/Departments

This section provides a general discussion of the procedures used for specific types of projects and for various CCSF agencies/departments. The CCSF agencies/departments with jurisdiction for these projects are responsible for developing more detailed, internal procedures for ensuring that the floodplain management ordinance is properly implemented.

### 7.1 Individual Buildings and Complexes

DBI, the Planning Department, and SFRA (where applicable) are responsible for review, permitting, and inspection of buildings and complexes (except for Port, Airport, and SFPUC projects, as described below). The process, which is generally outlined in **Figure 1** above, consists of the following steps:

- The property owner submits plans for construction to DBI and the Planning Department or SFRA (if applicable).
- DBI, the Planning Department, SFRA (if applicable), and the County Surveyor determine whether the project is located in an identified flood hazard area.
- The Planning Department enters the project location into the Planning Information Database, which lists zoning information and all parcels located in identified flood hazard areas.<sup>17</sup> If the project is located in an identified flood hazard area, the Planning Department flags the project within the database. This indicates that the project will require an Interdepartmental Project Review.

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<sup>16</sup> The elevation certificate (FEMA Form 81-31) can also be obtained from the FEMA website at <http://www.fema.gov/library/viewRecord.do?id=1383>; and the floodproofing certificate (FEMA Form 81-65) can be obtained at <http://www.fema.gov/library/viewRecord.do?id=1600>.

<sup>17</sup> The Planning Department Property Information Map is available for a variety of useful property data, zoning and project information at <http://propertymap.sfplanning.org>.

- If the project is located in an identified flood hazard area, DPW works with the project sponsor to prepare a BFE. If the project is greater than 50 lots or 5 acres, the developer prepares the BFE with the approval of DPW.
- For improvements/repairs to existing buildings, DBI determines whether the project constitutes a substantial improvement/repair using procedures developed by DBI. The Planning Department or SFRA is notified of substantial improvements involving lateral or vertical additions to residential and non-residential buildings. The Planning Department does not need to be notified of projects involving substantial repair, with the exception of those involving repairs to the exterior of historic structures. Certain historical structures may be exempt from substantial improvement/repair requirements.
- For projects in which compliance with the ordinance causes an exceptional hardship due to the unusual physical characteristics of the property, or for certain historical structures and functionally dependent uses, DBI determines whether a variance should be granted. The project sponsor may appeal variance decisions through the Board of Supervisors if necessary. The Planning Department and SFRA are not primarily responsible for determining and issuing variances related to compliance with the floodplain management ordinance. However, the Planning Department and SFRA may grant variances on a project-by-project basis.
- DBI identifies design requirements necessary to ensure compliance with the floodplain management ordinance.
- DBI forwards the application to the Planning Department or SFRA to ensure that the additional construction details comply with other planning code requirements.
- The Planning Department or SFRA conducts an IPR in collaboration with DBI, DPW, and the San Francisco Fire Department prior to new construction. The IPR is mandatory for new construction projects that propose buildings eight stories or more, and new construction on parcels identified as seismic hazard zones. This review will be extended to those projects located in an identified flood hazard area.
- For projects involving Conditional Use Authorizations, the Planning Department conducts a review of the application through its Environmental Planning Division. In addition to review of the proposed uses of the project, the Environmental Planning Division of the San Francisco Planning Department flags the application if the project is located in an identified flood hazard area. The Environmental Planning Division forwards the Conditional Use Authorization application to the Planning Commission for final approval. The Planning Commission determines issuance of the conditional use. The project sponsor may appeal the decision to the Board of Supervisors, if necessary.
- Upon passing the IPR, successful incorporation of all requirements into the project plans, and approval of Conditional Use (if applicable), DBI issues a building permit to the property owner. The building permit becomes the official authorization from the community, allowing the applicant to proceed with construction.
- DBI conducts an inspection once construction is complete. DBI will identify building compliance requirements for flood-prone properties as a special inspection item during field inspections. Special inspection items are requirements such as satisfaction of

concrete testing and appropriate welding for certain projects. DBI instructs the property owner to correct construction violations if applicable.

- The County Surveyor prepares the elevation/floodproofing certificate, as appropriate, for the completed project.
- DBI issues a certificate of occupancy once all requirements have been met.
- DBI tracks substantial improvement/repair, variance, and permit information through the Permit Tracking System. DBI submits a summary report of variance, permit, and elevation/floodproofing certificate information to the City Administrator's Office for record-keeping every 6 months, in January and July.

## **7.2 Treasure Island Development Authority**

All projects on the former naval base at Treasure and Yerba Buena islands, including new construction and alterations of existing buildings, must follow the Design Review and Document Approval Procedure (Procedure) established for the islands. The Procedure incorporates applicable CCSF code requirements. Plans for new construction and alterations of existing buildings must be approved by the TIDA Board and applicable CCSF agencies/departments, pursuant to the Procedure.

Currently, OEWD is overseeing the development of plans for infrastructure that will reduce or eliminate most flood hazards on Treasure Island. This infrastructure will include placement of fill to increase the elevation of building lots above flood elevations, and construction of perimeter facilities to eliminate potential hazards associated with wave action. The elevation of building lots will occur through a phased process, with sub-phases involving design of two- to three-block areas. Once building lots are elevated, structure-by-structure compliance with the floodplain management ordinance on these lots is not anticipated. If FEMA publishes a FIRM showing flood hazard areas on Treasure Island, OEWD will work with the City Administrator's Office and the County Surveyor to request map revisions from FEMA based on the proposed or actual elevations of the elevated lots as planning and design for sub-phases are completed (see Section 8 below for discussion of the map revision process).

It is possible that several structures located in or near proposed open space on Treasure Island will not be elevated using fill through the process described in the preceding paragraph. In such cases, OEWD will follow the Procedure to ensure that substantial improvement of existing buildings or construction of new buildings complies with the floodplain management ordinance.

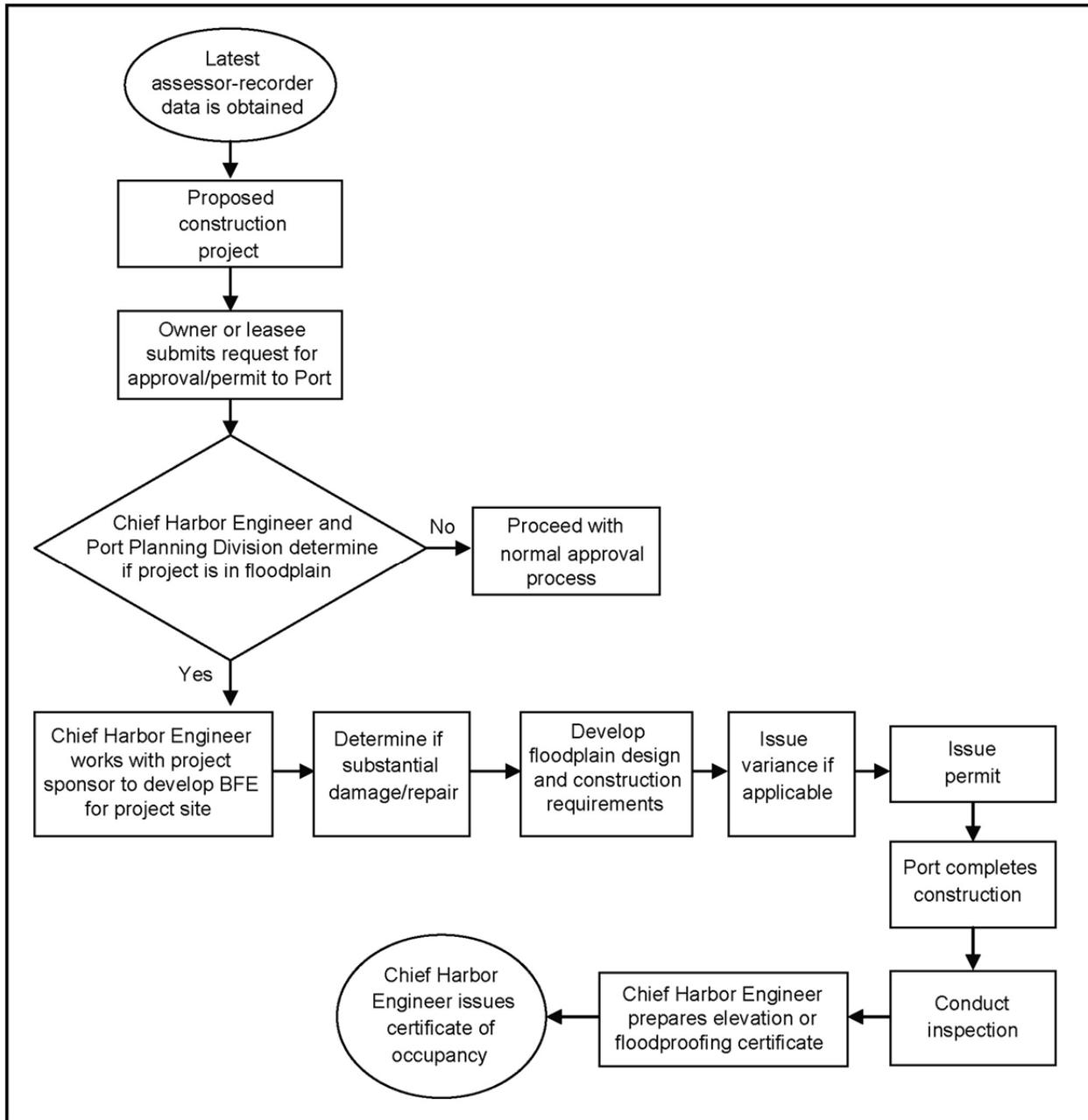
TIDA submits a summary report of variance, permit, and elevation/floodproofing certificate information to the City Administrator's Office for recordkeeping every 6 months, in January and July.

## **7.3 Port of San Francisco**

The Port has jurisdiction over projects located on piers and on-shore property owned by the Port, including projects implemented by the Port, other CCSF agencies/departments, and lessees of Port property. Port projects must comply with the current Port of San Francisco Building Code.

**Figure 2** shows the general process for ordinance implementation for the Port.

Figure 2: General Process for Ordinance Implementation – Port of San Francisco



### The Port:

- Coordinates with the City Administrator's Office for all map revision requests and communication with FEMA regarding the NFIP
- Reviews the proposed project to determine whether it is located in an identified flood hazard area
- Determines the BFE for the project site by preparing the appropriate calculations; or requires the developer to determine the BFE
- Determines whether the project constitutes a substantial improvement/repair for improvements/repairs to existing buildings
- Determines whether a variance should be granted, per Section 017 of the current Port Code Procedures, for projects in which compliance with the ordinance causes an exceptional hardship due to the unusual physical characteristics of the property, or for certain historical structures and functionally dependent uses
- Prepares plans with design details ensuring compliance with the floodplain management ordinance and the current Port of San Francisco Building Code; or requires the developer to prepare these plans
- Reviews the plans and determines if all other required state and Federal permits have been obtained
- Issues a permit for construction to owner or leasee, upon approval by the Chief Harbor Engineer
- Issues certificates of completion and occupancy, upon inspection by the Chief Harbor Engineer
- Prepares (or requires the developer to prepare) the elevation/floodproofing certificate, as appropriate, for the completed project
- Submits a summary report of variance, permit, and elevation/floodproofing certificate information to the City Administrator's Office every 6 months, in January and July.

### **7.4 San Francisco International Airport**

The Airport's Building Inspection and Code Enforcement (BICE) office is responsible for approval of construction projects involving buildings on airport property, including projects proposed by tenants. Airport projects must comply with the current California Building Code and the San Francisco International Airport Tenants Improvement Guide. DBI does not review, permit, or inspect Airport projects.

### The Airport:

- Coordinates with the City Administrator's Office for all map revision requests and communication with FEMA regarding the NFIP
- Reviews the proposed project to determine whether it is located in an identified flood hazard area. Projects in flood hazard areas are flagged on the permit checklist, indicating that additional floodplain requirements must be met
- Determines the BFE for the project site by preparing the appropriate calculations, or requires the applicant to determine the BFE
- Determines whether the project constitutes a substantial improvement/repair, for improvements/repairs to existing buildings. The Airport will develop procedures for this purpose
- Determines whether a variance should be granted for projects in which compliance with the ordinance causes an exceptional hardship due to the unusual physical characteristics of the property, or for certain historical structures and functionally dependent uses
- Prepares plans with design details ensuring compliance with the floodplain management ordinance; or requires the applicant to prepare these plans
- Reviews the plans and determines if all other required state and Federal permits have been obtained
- Issues a permit for construction upon approval by BICE
- Issues certificates of completion and occupancy upon inspection by BICE and the Airport Fire Marshal
- Prepares (or requires the applicant to prepare) the elevation certificate or floodproofing certificate, as appropriate, for the completed project
- Submits substantial improvement/repair, variance, permit, and elevation/floodproofing certificate information to the City Administrator's Office every 6 months, in January and July.

### **7.5 San Francisco Public Utilities Commission**

SFPUC is responsible for ensuring that SFPUC projects and lessees comply with the floodplain management ordinance, including projects located outside San Francisco. DBI does not review, permit, or inspect SFPUC projects unless SFPUC requests a courtesy review.

#### SFPUC:

- Coordinates with the City Administrator's Office for all map revision requests and communication with FEMA regarding the NFIP

- Coordinates internally with all SFPUC divisions, including the Bureau of Engineering, Water Supply & Treatment Division, Real Estate Services, Hetch Hetchy Water and Power, and Power Enterprise to ensure compliance with the floodplain management ordinance
- Reviews proposed projects involving new SFPUC-sponsored buildings<sup>18</sup> to determine whether they are located in identified flood hazard areas in the community in which the projects are located. In accordance with SFPUC Infrastructure Division procedures, floodplain determinations are required for SFPUC capital projects during the planning stage of design. For projects involving new lessee-sponsored buildings, the Bureau of Environmental Management (BEM) performs floodplain determinations during California Environmental Quality Act reviews
- Determines the BFE for the project site by checking the FIRM for the community in which the project is located; or by preparing the appropriate calculations. SFPUC may work with DPW to determine the BFE for projects located within CCSF limits
- Determines whether the project constitutes a substantial improvement/repair for improvements/repairs to existing SFPUC-sponsored buildings in identified flood hazard areas. SFPUC will develop procedures for this purpose. If the project constitutes a substantial improvement/repair, SFPUC will ensure compliance with the floodplain ordinance, or apply to BEM to obtain a variance. For projects involving improvements/repairs to existing lessee-sponsored buildings in identified flood hazard areas, SFPUC will ensure the lessee complies with the floodplain ordinance, or applies to BEM to obtain a variance
- Determines, through BEM, whether a variance should be granted for projects in which compliance with the ordinance causes an exception hardship due to the unusual physical characteristics of the property, or for certain historical structures and functionally dependent uses;
- Prepares plans with design details ensuring compliance with the floodplain management ordinance and the San Francisco Building Code; and approves plans for projects involving new construction and substantial improvement/repairs to SFPUC-sponsored buildings
- Ensures that the local building jurisdiction has reviewed and approved projects involving lessee-sponsored buildings for compliance with the floodplain ordinance and the local building code
- Determines if all other required state and Federal permits have been obtained through review by BEM

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<sup>18</sup> SFPUC-sponsored building is a structure that is owned, planned, developed, built, and maintained by SFPUC either on land owned or leased by SFPUC.

- Prepares the elevation/floodproofing certificate, as appropriate, upon completion of the project for new construction and substantial improvement/repairs to SFPUC-sponsored buildings. SFPUC may work with the County Surveyor to prepare the elevation certificate/floodproofing certificate for projects located within CCSF limits
- Submits substantial improvement/repair, variance, approval, and elevation/floodproofing certificate information to the City Administrator's Office every 6 months, in January and July.

## 7.6 San Francisco Redevelopment Agency

SFRA oversees redevelopment projects in areas designated by the Board of Supervisors, which are located primarily in the central and eastern waterfront areas of San Francisco.<sup>19</sup> SFRA is responsible for design review of private development projects proposed for:

- Hunters Point Shipyard Phase 1 and 2
- Mission Bay
- Rincon Point-South Beach
- Zone 1 Area of Bayview-Hunters Point (Candlestick Point area)
- Zone 1 Area of Transbay (former freeway parcels)
- Zone 1 Area of Visitacion Valley (Schlage Lock site)

SFRA also provides local funding for the development of affordable housing throughout CCSF. DBI conducts review, permitting, and inspection of all SFRA projects.

SFRA:

- Reviews the proposed project to determine whether it is located in an identified flood hazard area
- Determines the BFE for the project site by preparing the appropriate calculations; or requires the developer or lessee to determine the BFE. SFRA may work with the DPW to determine the BFE for projects located within CCSF limits
- Determines whether the project constitutes a substantial improvement/repair using procedures developed by DBI for improvements/repairs to existing buildings
- Determines whether a variance should be granted for projects in which compliance with the ordinance causes an exceptional hardship due to the unusual physical characteristics of the property, or for certain historical structures and functionally dependent uses
- Prepares plans with design details ensuring compliance with the floodplain management ordinance; or requires the developer to prepare these plans

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<sup>19</sup> A map of redevelopment project areas is shown on the SFRA website at <http://www.sfredevelopment.org/index.aspx?page=3>.

- Determines if all other required state and Federal permits have been obtained
- Refers the project to DBI for permitting
- Refers the project to DBI for final inspection
- Prepares (or requires the developer or lessee to prepare) the elevation/floodproofing certificate, as appropriate, for the completed project. SFRA may work with the County Surveyor to prepare the elevation/floodproofing certificate for projects located within CCSF limits
- Submits substantial improvement/repair, variance, permit, and elevation/floodproofing certificate information to the City Administrator's Office every 6 months, in January and July.

Currently, SFRA is overseeing the development of plans for infrastructure that will reduce or eliminate flood hazards in several of the project areas. SFRA does not anticipate construction of new buildings and improvements until this infrastructure is complete. Once this infrastructure is complete, structure-by-structure compliance with the floodplain management ordinance will not be required if the flood hazards in these areas are eliminated and the flood hazard designations are removed either from the CCSF Interim Floodplain Map or from the effective FIRM, after FEMA publishes it. If this infrastructure affects flood hazard data shown on the effective FIRM, SFRA and the developers will work with the City Administrator's Office and the County Surveyor to request map revisions from FEMA (see Section 8 below for discussion of the map revision process).

## 8. Map Revisions and Amendments

As described above, FEMA has not published a FIRM for CCSF (other than the Airport, which is shown on the FIRM for San Mateo County). Once FEMA publishes a FIRM, both property owners and CCSF may request revisions and amendments to the FIRM. The City Administrator's Office and the County Surveyor will coordinate requests to FEMA for map revisions and amendments. Types of map revision and amendment requests, which FEMA refers to collectively as Letters of Map Change (LOMCs), are summarized below.

- Letter of Map Revision (LOMR): CCSF may request a revision to the FIRM based on more detailed technical data regarding existing floodplain conditions. Additionally, Federal regulations at 44 CFR Section 65.3 require CCSF to submit a request for a revision to the FIRM within 6 months of completion of any physical modifications to the floodplain that affect flood hazard data shown on the FIRM.

Map revision requests must be accompanied by supporting technical data, as described in FEMA's MT-2 application package.<sup>20</sup> FEMA reviews the requests and technical data and, once any issues regarding the data are resolved, issues a LOMR that constitutes an official revision to the FIRM. CCSF may then use the updated flood hazard data

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<sup>20</sup> The MT-2 package is available on the FEMA website at <http://www.fema.gov/library/viewRecord.do?id=1493>.

presented in the LOMR for floodplain management purposes, and lenders and insurance companies use the LOMR for flood insurance purposes.

In general, the CCSF agency/department with jurisdiction for the area or modifications in question prepares the data required for the map revision request. The agency/department (or the developer in question, if applicable) is responsible for any fees that FEMA charges for processing the request. The City Administrator's Office, in cooperation with the County Surveyor, submits the map revision request to FEMA and coordinates with the agency/department in question regarding any issues that FEMA has with the request. Once FEMA issues the LOMR, the City Administrator's Office and the County Surveyor each maintain a copy.

- **Letter of Map Amendment (LOMA):** An individual property owner may request that FEMA issue a LOMA when a building or property is shown to be in or near an SFHA on the FIRM, but is actually outside the SFHA. The property owner may request a LOMA directly from FEMA without going through CCSF. The property owner must compile the required technical data supporting the LOMA request using FEMA's MT-1 application package.<sup>21</sup> To request a LOMA for a single lot, the property owner may use FEMA's MT-EZ application package,<sup>22</sup> a shorter and simpler application than MT-1. There is no fee for requesting a LOMA.
- **LOMR Based on Fill (LOMR-F):** An individual property owner may request that FEMA issue a LOMR for a property that has been removed from the SFHA through the placement of structural fill. The property owner must prepare the required technical data using FEMA's MT-1 application package, and submit the request through the City Administrator's Office and the County Surveyor. To request a LOMR-F for a single lot, the property owner may use FEMA's MT-EZ application package, a shorter and simpler application than MT-1. The property owner is responsible for any fees that FEMA charges for processing the request.

Any of these LOMCs may be requested on a conditional basis; that is, FEMA may review LOMC requests based on proposed projects. The MT-1 and MT-2 packages describe the data and fees that must accompany conditional LOMC requests. The City Administrator's Office and the County Surveyor have the same responsibilities for conditional LOMC requests as it does for regular LOMC requests.

## **9. Record-Keeping and Reports to FEMA**

The City Administrator's Office, as Floodplain Administrator under the floodplain management ordinance, is responsible for maintaining records documenting CCSF's compliance and reporting to FEMA as required.

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<sup>21</sup> The MT-1 package is available on the FEMA website at <http://www.fema.gov/library/viewRecord.do?id=1492>.

<sup>22</sup> The MT-EZ package is available on the FEMA website at <http://www.fema.gov/library/viewRecord.do?id=2328>.

## 9.1 CCSF Records

The City Administrator's Office, with the help of DBI, the Planning Department, SFRA, DPW, the Airport, SFPUC, and the Port, maintains all records pertaining to CCSF's participation in the NFIP and implementation of the floodplain management ordinance. Applicable records include:

- San Francisco Floodplain Management Ordinance
- Approval letter regarding eligibility of CCSF to participate in the NFIP
- Adoption letter regarding the FIRM, once FEMA publishes a FIRM for CCSF
- Copies of all permits and decisions regarding new construction and substantial improvements/repairs of buildings located in identified flood hazard areas. For each applicable property, the appropriate department maintains documentation of compliance with the floodplain management ordinance (i.e., elevation or floodproofing certificate).
- Copies of all certificates of occupancy/compliance where applicable
- Any variances issued for development in identified flood hazard areas
- Copies of reports submitted to FEMA (see Section 9.2 below)
- LOMC requests and LOMCs issued by FEMA.

## 9.2 Reports to FEMA

On a regular basis, FEMA collects data from communities participating in the NFIP. This process provides communities such as San Francisco with an opportunity to identify floodplain mapping needs, and request assistance in implementing floodplain management programs. It also provides FEMA with information on a community's floodplain management program and changes in its flood hazard areas.

FEMA is currently revising its process for collecting this information. Previously, FEMA sent a Biennial Report to each community participating in the NFIP to gather the required information. FEMA has not yet developed a replacement for this tool. In anticipation of FEMA's renewal of this process, the City Administrator's Office should keep track of the following:

- Changes in community boundaries (with help from the County Surveyor)
- Physical or topographical changes that affect flood hazard areas (with help from the County Surveyor)
- Amendments to the floodplain management ordinance
- Number of building permits issued in identified flood hazard areas
- Number of variances issued

- Number of people and number of buildings in identified flood hazard areas.

Assuming FEMA uses a process similar to that used for the Biennial Report, FEMA will notify the City Administrator's Office, as Floodplain Administrator, of the requirement to submit the required information and will provide the appropriate tool for submittal. The City Administrator's Office will prepare the information, submit it to FEMA, and maintain a copy.

### **9.3 Community Assistance Visits**

The CAV is a visit to a community by FEMA or DWR (on behalf of FEMA) that serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of flood hazard areas, an inspection of community permit files, and meetings with the community Floodplain Administrator and other local officials. If FEMA (or DWR) identifies any administrative problems, or potential violations are identified during a CAV, FEMA notifies the community and gives the community the opportunity to correct those administrative procedures and remedy the violations to the maximum extent possible within established deadlines. FEMA or DWR will work with the community to help them bring their program into compliance with NFIP requirements. In extreme cases where the community does not take action to bring itself into compliance, FEMA may initiate an enforcement action against the community. FEMA conducts CAVs approximately every 5 years, or more frequently if requested by the community or required by circumstances.

For CCSF, either FEMA or DWR will contact the City Administrator's Office to arrange the CAV. The City Administrator's Office will provide documentation for review and will coordinate meetings with other CCSF agencies and departments as required.

## **10. Training**

The City Administrator's Office will deliver training to CCSF agencies/ and departments after consultation with the departments, and following completion of CAVs by FEMA or DWR.

## **Appendix A: San Francisco Floodplain Management Ordinance**

1 [Floodplain Management Program]

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

7  
8 NOTE: Additions are single-underline italics Times New Roman;  
9 deletions are ~~strike-through italics Times New Roman~~.  
10 Board amendment additions are double-underlined;  
11 Board amendment deletions are ~~strike-through normal~~.

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

13 Section 1. Environmental Findings. The Planning Department has determined that the  
14 actions contemplated in this Ordinance are in compliance with the California Environmental  
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is  
16 on file with the Clerk of the Board of Supervisors in File No. 100136 and is  
17 incorporated herein by reference.

18 Section 2. Chapter 2A, Article XX, Sections 2A.280 – 2A.285, of the San Francisco  
19 Administrative Code is hereby amended, to read as follows:

20 Sec. 2A.280. FINDINGS AND PURPOSE

21 a. The Federal Emergency Management Agency (FEMA) is in the process of  
22 preparing a Flood Insurance Rate Map (FIRM) for the City and County of San Francisco. The  
23 map will provide flood risk information for flood insurance and floodplain management  
24 purposes under the National Flood Insurance Program (NFIP). FEMA has stated that it  
25 anticipates publishing the final FIRM in early 2009-2011.

1           b. Under the NFIP, the Federal government provides financial backing to enable  
2 residents and businesses in the community to obtain affordable flood insurance in exchange  
3 for the adoption of floodplain management regulations by the community participating in the  
4 program. Participation in the NFIP will enable businesses and residents within flood prone  
5 areas to obtain certain forms of loans and disaster assistance.

6           c. To join the NFIP, the City must adopt a Floodplain Management Ordinance that  
7 would require new structures, substantial improvements and substantial damage repairs in  
8 designated flood prone areas be protected against flood damage at the time of initial  
9 construction, and prohibit certain uses that would increase flood hazards.

10          d. The City's joining the NFIP and adopting floodplain regulations at this time will  
11 provide all City residents the opportunity to obtain flood insurance that will cover damages  
12 resulting from storm-caused flooding.

13          e. The floodplain management regulations in this ordinance are consistent with the  
14 NFIP requirements for communities, such as San Francisco, for which FEMA is in the process  
15 of preparing but has not completed a final FIRM. When FEMA issues a final FIRM  
16 designating special flood hazard areas in San Francisco, NFIP regulations require that the  
17 adopted floodplain management program be reviewed and modified by authorized community  
18 representatives as necessary to ensure consistency with NFIP requirements applicable to  
19 communities for which FEMA has published a final FIRM.

20          f. FEMA's publication of a final FIRM for San Francisco may affect new *development*  
21 *construction and substantial improvements* in San Francisco, especially renovation and reuse of  
22 finger piers. This Board finds that new construction *and substantially improving facilities* on the  
23 San Francisco waterfront ~~is an~~ *are* important local and state concerns. The San Francisco  
24 waterfront, transferred by the State of California to San Francisco in 1969, is a valuable public  
25 trust asset of the State that provides special maritime, navigational, recreational, cultural and

1 historical benefits to the people of the region and the State. New development, including  
2 rehabilitation of historic structures, on land that is seaward of the reach of mean high tide can  
3 be reasonably safe from flooding, provided that adequate building controls are in place. In  
4 1997, the Port of San Francisco adopted a Waterfront Land Use Plan to guide development  
5 and use of the Port's waterfront property consistent with its trust obligations, and in 2006 the  
6 Port created a Capital Plan identifying public facilities necessary to maintaining a viable San  
7 Francisco waterfront. This Board urges the Port of San Francisco and FEMA to develop,  
8 before publication of final FIRM, long-term floodplain management controls that both address  
9 any flooding hazard risks and allow the City to implement the Waterfront Land Use Plan and  
10 the Capital Plan, as they may be amended, and achieve the goals of that Plan, including the  
11 preservation of historic piers.

12 g. The floodplain management regulations adopted by this ordinance were developed  
13 by the City Administrator, in consultation with the Department of Building Inspection, the  
14 Planning Department, the Department of Public Works, the Office of Economic and Workforce  
15 Development, the Public Utilities Commission, the Port of San Francisco, the San Francisco  
16 International Airport, the San Francisco Redevelopment Agency, the Treasure Island  
17 Development Authority, and the City Attorney's Office.

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

1 i. The purpose of this ordinance is to promote the public health, safety, and general  
2 welfare, and minimize public and private losses due to flood conditions in specific areas by  
3 imposing provisions designed to:

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

19 Sec. 2A.281. DEFINITIONS

20 a. "Accessory structure" means a structure that is either solely for the parking of no more than  
21 2 cars, or a small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

22 b. "Accessory use" means a use which is incidental and subordinate to the principal use of the  
23 parcel of land on which it is located.

24 a. "Area of special flood hazard" means the land in the floodplain within a community subject  
25 to a one percent or greater chance of flooding in any given year.

1           bc. "Base flood" means a flood that has a one percent chance of being equaled or  
2 exceeded in any given year (also called the "100 year flood").

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

6           ee. "Building" - see "Structure."

7           df. "Flood" or "flooding" means:

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

12                   2. The collapse or subsidence of land along the shore of a lake or other body of  
13 water as a result of erosion or undermining caused by waves or currents of water exceeding  
14 anticipated cyclical levels or suddenly caused by an unusual and unforeseeable event which  
15 results in flooding as defined in this definition.

16           eg. "Floodplain or flood prone area" means any land area designated by the City  
17 Administrator as susceptible to being inundated by 100-year flood.

18           fh. "Floodplain Administrator" is the City Administrator.

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

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

1            k. "Flood Insurance Study" means the official report provided by the Federal Insurance  
2 Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and  
3 Floodway Map, and the water surface elevation of the base flood.

4            gl. "Floodplain management" means the operation of a program of corrective and  
5 preventive measures for reducing flood damage and preserving and enhancing, where  
6 possible, natural resources in the floodplain; including but not limited to emergency  
7 preparedness plans, flood control works, floodplain management regulations, and open space  
8 plans.

9            hm. "Floodplain management regulations" means this ordinance and other zoning  
10 ordinances, subdivision regulations, building codes, health regulations, special purpose  
11 ordinances (such as grading and erosion control) and other application of police power which  
12 control development in flood prone areas. This term includes applicable federal, state or local  
13 regulations that provide standards for preventing and reducing flood loss and damage.

14            n. "Floodproofing" means any combination of structural and nonstructural additions, changes,  
15 or adjustments to structures which reduce or eliminate flood damage to real estate or improved real  
16 property, water and sanitary facilities, structures, and their contents.

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

20            pi. "Functionally dependent use" means a use that cannot perform its intended  
21 purpose unless it is located or carried out in close proximity to water. The term includes, but  
22 is not limited to, docking facilities, port facilities that are necessary for the loading and  
23 unloading of cargo or passengers, facilities that provide waterfront public access, and ship  
24 building and ship repair facilities,

25            qj. "Historic structure" means any structure that is

1           1. Listed individually in the National Register of Historic Places or preliminarily  
2 determined by the Secretary of the Interior as meeting the requirements for individual listing  
3 on the National Register;

4           2. Certified or preliminarily determined by the Secretary of the Interior as  
5 contributing to the historical significance of a registered historic district or a district  
6 preliminarily determined by the Secretary to qualify as a registered historic district;

7           3. Individually listed on a state inventory of historic places in states with historic  
8 preservation programs which have been approved by the Secretary of Interior; or

9           4. Individually listed on a local inventory of historic places in communities with  
10 historic preservation programs, including, but not limited to those structures that have been  
11 certified either by an approved state program as determined by the Secretary of the Interior or  
12 directly by the Secretary of the Interior in states with approved programs.

13           5. Determined to be an historic resource in accordance with the City and  
14 County of San Francisco Planning Department's CEQA Review Procedures for Historic  
15 Resources.

16           6. In an historic district that is listed in the National Register of Historic Places.

17       *r.k.* "New construction" means structures for which the "start of construction"  
18 commenced on or after the effective date of floodplain management regulations adopted  
19 pursuant to this ordinance, and includes any substantial improvements to such structures.

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

22       *t.* "Regulatory floodway" means the channel of a river or other watercourse and the adjacent  
23 land areas that must be reserved in order to discharge the base flood without cumulatively increasing  
24 the water surface elevation more than one foot. Also referred to as "floodway."

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

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

18 viii. "Structure" means a walled and roofed building that is principally above ground;  
19 this includes a gas or liquid storage tank or a manufactured home.

20 ix. "Substantial damage" means damage of any origin sustained by a structure  
21 whereby the cost of restoring the structure to its before damaged condition would equal or  
22 exceed 50 percent of the market value of the structure before the damage occurred. The term  
23 does not include any alteration of or exterior addition to a damaged "historic structure,"  
24 provided that the alteration or addition will not preclude the structure's continued designation  
25 as a "historic structure."