



OFFICE OF THE CITY ADMINISTRATOR



London N. Breed, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

TO: Mayor London N. Breed
Assessor-Recorder Carmen Chu
Honorable Members, San Francisco Board of Supervisors

THROUGH: City Administrator Naomi Kelly, *N. Kelly*
Floodplain Administrator for the City and County of San Francisco

FROM: Deputy City Administrator Jennifer Johnston *Jennifer Johnston*

SUBJECT: FEMA's Publication of the Final Flood Insurance Rate Map for San Francisco

DATE: November 26, 2019

The Federal Emergency Management Agency ("FEMA") is in the process of finalizing the Flood Insurance Rate Map ("FIRM") for San Francisco pursuant to the City and County of San Francisco's participation in the National Floodplain Insurance Program ("NFIP"). This memorandum outlines FEMA's process for map finalization and the steps that the City Administrator will take to ensure compliance with floodplain management requirements and flood mitigation policies.

San Francisco's Floodplain Management Ordinance

Under the NFIP, the Federal government makes flood insurance available at affordable rates to residents and businesses in the City. As a condition of participating in the NFIP, the City has adopted and enforces a Floodplain Management Ordinance,¹ which is intended to reduce the risk of damage from flooding in the City.

The Floodplain Management Ordinance governs construction in flood-prone areas and designates the City Administrator as the City's Floodplain Administrator. The Ordinance requires that new construction of, and substantial improvements to, buildings in designated flood hazard areas be built so that they are protected against flood damage; and it further also prohibits uses that would increase flood risks. The Board of Supervisors adopted the ordinance in 2008 and amended it in 2010.

The Flood Insurance Rate Map for San Francisco

To support the NFIP, FEMA publishes FIRMs for participating communities, which are used for

¹ Ordinance number 188-08 establishes the floodplain management program by adding Article XX, Sections 2A.280 through 2A.285 to the San Francisco Administrative Code. The Board of Supervisors approved ordinance number 56-10 to amend the floodplain management program.

flood insurance and floodplain management purposes. The FIRM designates Special Flood Hazard Areas (“SFHA”), which are defined as areas subject to inundation during a flood having a 1-percent chance of occurrence in any given year (also referred to as “the 100-year flood”). SFHA designations may have implications for development plans and insurance requirements in those areas.

FEMA initially released a preliminary FIRM for San Francisco on November 12, 2015. The preliminary FIRM designated portions of the Port’s jurisdiction, Mission Bay, areas along Islais Creek, Bayview-Hunters Point, the former Hunters Point Shipyard, Candlestick Point, Treasure Island, San Francisco International Airport (“SFIA”) and Ocean Beach in coastal SFHAs. City departments and agencies reviewed the preliminary FIRM and submitted comments and additional data to FEMA for incorporation into the FIRM during the FEMA appeal period in 2016. In addition, the Port of San Francisco, supported by the City Administrator, submitted an appeal of the data shown on the preliminary FIRM in order to change the way the FIRM represented flood hazard data for the Port’s waterfront piers.

Based on the additional data submissions and its further discussions with the Port and other agencies, FEMA released a revised preliminary version of the FIRM on May 31, 2019. Revisions of note include: 1) areas of Mission Bay were removed from designated SFHAs based on additional topographic data that was submitted during the appeal process; and, 2) the Port was able to collaborate with FEMA to ensure that the revised floodplain designations for the Port will enable continued management and development of the Port’s piers in accordance with the Port’s flood mitigation and sea-level rise standards. Although FEMA denied the SFIA’s request for a special designation on the FIRM, the SFIA continues to implement its Shoreline Protection Program and work with FEMA on a path forward to remove the SFIA from the SFHAs shown on the preliminary FIRM.

Appeal Period and Finalization of the Flood Insurance Rate Map

In accordance with Federal regulations, FEMA must allow a community the opportunity to appeal the flood hazard data presented in a preliminary FIRM. FEMA is currently preparing to open a 90-day appeal period for this purpose. FEMA will announce the appeal period by publishing a notice in the Federal Register and two notices in local newspapers (the San Francisco Chronicle and the San Francisco Examiner) in late November/early December. The appeal period officially begins upon publication of the second notice. During the appeal period, the City and others (such as property owners) may submit appeals of the flood hazard data based on technical analyses.

Because FEMA accepted appeals after the preliminary FIRM was issued in 2015 and revised the preliminary FIRM accordingly, the City Administrator does not anticipate any additional appeals on behalf of the City. However, should one or more appeals be submitted by other parties, FEMA will adjudicate the appeal(s) and revise the FIRM as appropriate.

Once the appeal period ends (projected for April 2020) and FEMA has resolved any appeals, FEMA will initiate the process of finalizing the FIRM. This process will begin with FEMA’s issuance of a Letter of Final Determination (“LFD”), projected for June or July 2020. The LFD will state that the flood hazard data shown on the FIRM are final, and that FEMA will not make further changes to the information. The LFD will also state that the FIRM will become “effective” six months from the

date of the LFD. During this six-month period, the City must amend the Floodplain Management Ordinance to incorporate the FIRM. The City may also begin using the FIRM as the basis for implementing the Ordinance.

On the date the FIRM becomes effective (projected for December 2020 or January 2021), insurance companies and lenders will begin using the FIRM for flood insurance purposes.

City Actions as Part of the Finalization of the Flood Insurance Rate Map

The City Administrator has been working with FEMA's Region IX Office in Oakland to revise the language of the City's Floodplain Management Ordinance to ensure that the ordinance meets the NFIP's requirements. This process is largely complete. The City Administrator plans to introduce the amended ordinance to the Board of Supervisors in April 2020, once the 90-day appeal period for the FIRM has concluded. As stated above, the Board of Supervisors must adopt the amended ordinance prior to the FIRM's effective date (projected for December 2020 or January 2021).

The City Administrator has been working with impacted City departments and agencies to prepare for the finalization of the FIRM. These departments/agencies include the Port, San Francisco International Airport, the Department of Building Inspection, the Planning Department, the Office of Community Investment and Infrastructure, and the San Francisco Public Utilities Commission ("SFPUC"). Next steps include collection of any comments on the revised preliminary FIRM, coordination of any comments with FEMA, assisting these departments/agencies with outreach to their respective constituencies and stakeholders, and development and adoption of procedures for implementing the Floodplain Management Ordinance citywide. The City Administrator will finalize the implementation procedures before the FIRM becomes effective.

Flood Insurance Implications

Federally-backed flood insurance is currently available to homeowners, tenants and business owners within San Francisco; but it is not currently required for any buildings in the City. Under Federal laws that govern the lending industry, flood insurance is required only for buildings in SFHAs that have mortgages from federally-backed or federally-regulated lenders, though insurance companies may also choose to require flood insurance as a condition of a private loan.

Once the FIRM becomes effective in late 2020 or early 2021, lenders may begin requiring flood insurance when issuing mortgages for buildings located in SFHAs. However, flood insurance purchase is otherwise voluntary. FEMA nonetheless encourages the purchase of flood insurance for buildings and contents in or near flood-prone areas, because general hazard insurance typically does not cover flood damage.

San Francisco Public Utilities Commission's Flood Resilience Program

The finalization of the FIRM and amendment of the City's Floodplain Management Ordinance are distinct from SFPUC's ongoing Flood Resilience Program. Under this program, the SFPUC developed and adopted the 100-Year Storm Flood Risk Map in 2018 that shows properties likely to experience deep and contiguous flooding from rainfall in a 100-year storm. This map is used for hazard notification purposes when a building is sold or leased. It is also being proposed as the basis for building code requirements, similar to FEMA's, for construction and renovation of buildings

located in the areas identified on the 100-year Flood Risk Map as prone to stormwater flooding.

As noted above, FEMA's FIRM only shows flood hazards associated with flooding from coastal tides and storm surge; it does not show any flooding from inland stormwater runoff. (There are a few locations, however, where the two sets of maps overlap.) The NFIP requirements, as expressed through the City's Floodplain Management Ordinance, do not apply in the areas mapped by SFPUC.

The City Administrator's Office is working closely with SFPUC to ensure that the Floodplain Management Ordinance and its implementation are aligned closely with SFPUC's Flood Resilience Program as that program develops.

Questions and Additional Information

If you would like additional information, or have any questions, please contact Deputy City Administrator Jennifer Johnston at 415-554-4572 or Jennifer.Johnston@sfgov.org.