

2019 Port of San Francisco Building Code

PORT CODE PROCEDURE

NO. PCP-17 :

DATE : **03/23/2010**

SUBJECT : **Permit Application Procedure for Flood Prone Areas**

TITLE : **Port Variance Procedure for Flood Prone Areas**

PURPOSE : To provide a procedure for processing building permit applications for proposed work in properties in designated flood prone areas.

REFERENCE : PBC Section 104A Organization and Enforcement
PBC Section 104A.1 Enforcement Agency
PBC Section 104A.2 General
PBC Section 104A.2.1.1 Floodplain Management
PBC Section 104A.2.1.2 Floodplain Variance
PBC Section 105A Port Building Code Review Board
PBC Section 109A.3 Certificate Issued
PBC Section 1612.6 Alternate Flood Provisions

DISCUSSION :

The Port Building Code (PBC) incorporates the City and County of San Francisco Floodplain Management Ordinance at Section 104A.2.1.1 and provides for engineering standards in Chapter 16. PBC Section 104A.2.1.2 permits variances from requirements for new construction and substantial improvements of existing facilities in identified flood prone areas. The Chief Harbor Engineer, per/ PBC Section 104A.2.2, has the authority to hear, review and determine, on a case by case basis, if a specific variance is to be granted for property located within the jurisdiction of the Port.

The variance criteria in this procedure apply only to parcels, buildings and structures located in flood prone areas per 1612.3. The need to protect persons and property from flooding requires that variance standards are strictly interpreted and enforced. Variances will be considered only in exceptional cases. The variance criteria will provide the Chief Harbor Engineer with information to determine whether an alternative other than a variance may be appropriate. The Chief Harbor Engineer will approve a variance only after detailed requirements are identified and incorporated into the design. The Chief Harbor Engineer will not issue a building permit for a substantial improvement requiring a variance from PBC Section 104A.1.3 or 1612 until after the variance is approved.

CRITERIA :

In the request for a variance, the applicant shall submit to the Chief Harbor Engineer for review:

1. Applicant's written analysis and conclusions regarding all technical aspects, evaluations, relevant factors, standards, engineering and construction options, and PBC requirements applicable to the proposed improvement;
2. A California licensed engineer's written analysis of: (a) whether the improvement is likely to cause any imminent or substantial danger that materials may be swept onto other lands due to

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3. flooding or erosion, whether the improvement causes any imminent or substantial danger to life and/or property due to flooding or erosion damage; and (c) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site and the expected effects of such forces or loads to the proposed improvement or facility;
4. The significance of the proposed improvement or facility in providing important services or public benefits to the community;
5. The necessity of a waterfront location to the structure;
6. The ability of the proposed improvement or facility to ensure continuous safe access to the site for vehicles (emergency and non-emergency) in time of flood; and
7. A detailed cost analysis of providing governmental services to the site during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas electrical, and water systems, and streets and bridges.

ISSUANCE :

- A. Variances shall only be issued if the Chief Harbor Engineer's determines, based upon required submittals, that:
 1. The applicant has demonstrated good and sufficient reason for the requested variance;
 2. Failure to grant the variance would result in exceptional hardship to the applicant; and
 3. Granting the requested variance would not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

In furtherance of the purpose of PBC Section 104A.2.1.1, Section 104A.2.1.2, Chapter 16 and this Port Code

Procedure, the Chief Harbor Engineer may attach additional conditions when granting variances.

CONSIDERATIONS :

- A. Generally, variances may be issued for structures in flood prone areas, including facilities located seaward of the reach of mean high tide, providing that the structure is adequately connected to the pier deck, the pier deck is above the Base (100-year) Flood Elevation noted in the PBC, if denial would cause other hardships, such as re-use of existing pier-supported facilities located over the water where structural elements may protrude below FEMA/ASCE 24-05 prescribed elevations but are determined sound and compliant with PBC Flood Load provisions through engineering analysis reviewed and approved through the Port Plan Check review process.
- B. Variances shall only be issued upon the Chief Harbor Engineer's determination that the variance is the minimum necessary to afford relief. "Minimum necessary" means a minimum of deviation from the PBC requirements.

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- C. Any variance granted under this procedure will be evidenced by a written document signed by the Chief Harbor Engineer.

APPEALS :

Appeals from the Chief Harbor Engineer's determination concerning any variance shall be heard and decided by the Port Building Code Review Board in accordance with Port Building Code Section 105A.

Rod Iwashita
Chief Harbor Engineer
Port of San Francisco

Date

