

U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052



FEMA

December 19, 2009

Ms. Beth Pollard
City Administrator, City of Albany, California
405 Kains Avenue
Albany, CA 94706

CITY OF ALBANY
DEC 27 2008
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Ms. Pollard:

Thank you for the courtesy extended by City staff during the recent Community Assistance Visit on December 9, 2008. The purpose of the meeting was to provide your staff with the most current information on the National Flood Insurance Program (NFIP), give them an opportunity to discuss concerns they might have had, and assess the city's enforcement of the local floodplain management ordinance that was adopted to meet requirements of the NFIP.

FEMA's evaluation of Albany's floodplain management program indicates that the City is appropriately and effectively enforcing floodplain requirements. The City's administrative practices and procedures should effectively ensure compliance with NFIP construction standards. There is, however one serious deficiency in Albany's Flood Prevention Ordinance which requires a follow-up action. The ordinance must be changed to reflect the correct Flood Insurance Study (FIS) date. FEMA must have a signed and dated copy of the ordinance, with the correct FIS date, by April 17, 2009. If the City does not submit this to FEMA by the time the digital Flood Insurance Rate maps are effective for Alameda County (approximately August 2009), Albany will be immediately suspended from the NFIP.

Currently, there are 34 flood insurance policies in effect in Albany, totaling \$9,428,200 in coverage. Since joining the NFIP, there have been no paid losses and no structures have appeared on the repetitive loss report.

If you have any questions, or if I can be of any assistance, please call 510-627-7050.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Owen".

Sarah Owen
Community Compliance
National Flood Insurance Program

Cc: Ms. Ann Chaney, Community Development Director, City of Albany
Mr. Ray Lee, CA Department of Water Resources

FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY ASSISTANCE VISIT REPORT

SECTION I

1. NAME OF COMMUNITY Albany	2. STATE CA	3. COMMUNITY ID NUMBER 060003	4. COUNTY Alameda
5. VISIT CONDUCTED BY Sarah Owen		6. AGENCY FEMA	7. DATE OF VISIT December 9, 2008

SECTION II

8. NAME OF LOCAL OFFICIAL Ann Chaney, Floodplain Administrator	9. TELEPHONE NUMBER (510) 528-5760
10. ADDRESS OF LOCAL OFFICIAL 979 San Pablo Ave., Albany, CA 94706	

SECTION III – FINDINGS

PART A

QUESTIONS – Select appropriate response	RESPONSE		
	Serious	Minor	None
1. Are there problems with the community's floodplain management regulations?	X		
2. Are there problems with the community's administrative/enforcement procedures?			X
3. Are there engineering or other problems with the maps or Flood Insurance Study?			X
4. Are there any other problems in the community's floodplain management program?			X
5. Are there problems with the Biennial Report data?	___ YES <u>X</u> NO		
6. Are there any programmatic issues or problems identified?	___ YES <u>X</u> NO		

7. Are there any potential violations of the community's floodplain management regulations?

___ A potential violation or violations has/have been identified.

X No violations have been identified.

___ Actions are being taken on the part of the community to remedy the violation(s) identified during the CAV.

LIST OF ATTENDEES

Sarah Owen – FEMA
Ann Chaney – Community Development Director/Floodplain Administrator
Randy Leptien – City Engineer
Jeff Bond – Planning and Building Manager
Amber Curl – Associate Planner

BACKGROUND

Albany first entered the Emergency Program and the Regular Program phases of the National Flood Insurance Program (NFIP) on March 11, 1980. The City's initial Flood Insurance Rate Maps (FIRMS) were issued on February 1, 1980. Currently, there are 34 flood insurance policies in effect in Albany, totaling \$9,428,200 in coverage. Since joining the NFIP, there have been no paid losses and no structures have appeared on the repetitive loss report. The City has very little SFHA, and what little exists is mostly developed.

FLOODPLAIN MANAGEMENT REGULATIONS

The City's floodplain management ordinance regulations are found in Chapter 20, Section 52. There is a serious deficiency and a few minor deficiencies with this ordinance.

The serious deficiency is that Albany has the wrong date for the Flood Insurance Study (FIS). It reads November 1978 and should read August 1, 1978. FEMA must have a copy of the signed and dated ordinance, with correct FIS date, before the dFIRMS become effective in August 2009 or else Albany will be immediately suspended from the NFIP.

There are a few recommended, but not required, changes for the City's ordinance. A checklist showing the deficiencies is attached. Language for the suggested changes can be found in the attached State Model Ordinance.

ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Prior to developing (new construction and improvements) in the SFHA, the applicant files a permit application with the Building Division for smaller projects and with the Planning and Zoning Commission if the project is larger. In either case, during the design review, staff check the FIRMS to see whether or not the project is in the special flood hazard area (SFHA). Albany has overlaid the SFHAs onto parcel maps for more accurate determination. If the proposed project is in the SFHA, then ordinance provisions of Chapter 20 are followed. Albany also requires, by ordinance 20.24.030, a 20 foot set back from all creeks for new development. All departments must approve of conditions before the Certificate of Occupancy is issued.

The SFHA in Albany is very small and mostly completely built out. It is very rare that construction happens in the SFHA. The City is aware that substantial improvements require bringing the entire structure into compliance with modern codes and current FIRMS. Construction of a basement in the SFHA was recently denied. The one developable area left in Albany is located in an AO 2'

zone and the developer will be seeking a LOMR, as Target did a few years ago. FEMA suggests, but doesn't necessarily require a CLOMR in this situation. The reasons for requiring CLOMRs were discussed during the CAV.

OTHER PROBLEMS WITH THE COMMUNITY'S PROGRAM

There are none.

PROGRAMMATIC ISSUES OR PROBLEMS IDENTIFIED

There are none.

FLOOD MITIGATION PROJECTS, ISSUES OR CONCERNS

There are creek restoration projects going on in Albany, in cooperation with the City of Berkeley and the Urban Creeks Council. The City has new technical data for these creeks. Since this new technical data might be incorporated into the new dFIRMs, the City should contact Eric Simmons about it as soon as possible. His number is 510-627-7029.

FIELD REVIEW

A drive of the SFHA in November 2008 produced some questions regarding structures built in the floodplain. A list of properties was submitted to the City and building permits, elevation data, dates of construction, LOMRs, etc. were requested. After a review of various data during the Community Assistance Visit (CAV) meeting on December 9, 2008, City staff provided information to resolve all issues with these structures.

1100 Tevlin appears to be slab on grade, post-FIRM residential structure built in a SFHA. This structure was built in the SFHA 1985 and elevation data shows lowest floor elevation 5 feet above highest adjacent grade. No further action needed.

1086 Peralta Ave. appears to be slab on grade, post-FIRM residential structure built in a SFHA. This structure was determined not to be located in the SFHA. No further action needed.

ENGINEERING FLOOD MAPS AND STUDY

Flood Insurance Rate Maps were first issued on February 1, 1980; the current index is dated the same. Digital FIRMs (dFIRMs) and Map Modernization were discussed with City staff. The dFIRMs are tentatively scheduled for release in August 2009. City staff is advised to review the preliminary maps and communicate any errors to the engineers at FEMA Region IX. Eric

Simmons, FEMA Engineer for Alameda County, has been notified that some AO areas of Albany now may have some base flood elevation data determined from the restoration work the Urban Creeks Council has done. The City was asked to coordinate any new data with Eric so that, if possible, it can be incorporated into the new dFIRMs.

BIENNIAL REPORT

A 2005 Biennial Report has been filled out by the City and entered into CIS. The results show that there were two structures permitted and no variances approved in the SFHA during the previous year. The Biennial Report showed that there were changes to the base data on the City's FIRMs and new material that may be incorporated into the FIRMS. There were no changes in flooding characteristics reported to warrant a floodplain restudy. According to the Biennial Report, there were no significant man-made changes affecting SFHAs; no change to the City's floodplain management ordinance and no need for assistance in improving local floodplain management.

COMMUNITY ACTION NEEDED

The City is required change the FIS date on its ordinance and provide FEMA with a signed and dated copy of the updated ordinance by April 17, 2009. If the updated ordinance is not adopted and effective by the day the new dFIRMs become effective, the City will be suspended from the NFIP. It is recommended that the City also correct the other minor deficiencies of the ordinance at this time.

REQUESTED INFORMATION

No information was requested during the CAV meeting. If any information is needed in regards to compliance with the NFIP, please contact Sarah Owen at (510) 627-7050. If any information is needed in regards to technical questions about mapping, please contact Eric Simmons at (510) 627-7029.

