AGENDA SECTION: OTHER BUSINESS
AGENDA ITEM # 6
REPORT # 12-123

STAFF REPORT
COUNCIL MEETING DATE:
October 8, 2012

ITEMS FOR COUNCIL CONSIDERATION:

Second Reading of Ordinance No. 658, amending Chapters 14.40 and 15.50 of the Carpinteria Municipal Code to update processes according to FEMA's Nation Flood Insurance Program Regulations

Report prepared by: Charles W. Ebeling, Director of Public Works
Department: Public Works

Signature

Reviewed by City Manager:

Signature

ACTION X NON-ACTION ___ **STAFF RECOMMENDATION:**

Recommendation: Adopt Ordinance No. 658, as read by title only and waive further reading

Sample Motion: I move to adopt Ordinance No. 658, an amendment to the Carpinteria Municipal Code, Chapters 14.40 and 15.50 to update processes according to FEMA's National Floodplain Insurance Program Regulations, as read by title only and waive further reading

I. BACKGROUND/DISCUSSION:

At its regular meeting of September 24, 2012, the City Council approved on first reading Ordinance No. 658, closed the public hearing and continued the matter to October 8, 2012 for its second reading. Ordinance 658 amends Chapters 14.50 and 15.50 of Carpinteria Municipal, updating the codes to ensure City compliance with Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). Compliance with the NFIP benefits the community in the following ways:

- Enables property owners with a designated floodplain to purchase federally insured flood insurance

- Reduce codes to property owners - Non NFIP flood insurance is often not available or is considerably more expensive

- Participation in the NFIP including implementation of improvement standards prevents or reduces property loss and enhances recovery

A summary of the specific areas of change to Carpinteria Municipal Code is presented below:

1. Definitions – Chapter 15.50.050
   Definitions pertaining to Accessory Structures, Recreation Vehicles, Mobile Home Parks/Subdivisions and Start of Construction were updated to be consistent with the current FEMA/NFIP definitions.

2. Duties and Responsibilities of the Floodplain Administrator – Chapter 14.40.030 and Chapter 15.50.150
   Currently, City Resolution No. 802 notes that the County Flood Control and Water Conservation District is the City's Floodplain Administrator. The City has since taken responsibility of the Floodplain Administrator. The duties and responsibilities section of the Municipal Code are proposed to be revised to reflect the current City processes and requirements.

3. Reporting Duties – Chapter 15.50.150 (c)(2)(b)
   FEMA requires submittal and notification of new technical floodplain data within six months of changes in the base flood elevation.

4. Residential Structures in any AO Zone – Chapter 15.50.160 (c)(1)
   Requires within any AO zone on the city's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).

5. Non-Residential Structures in any AO Zone – Chapter 15.50.160 (c)(2)
   Requires within any AO zone on the city's FIRM that all new construction and substantial improvements of non-residential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely flood-proofed to that level to meet the flood-proofing standard specified in 44 CFR Section 60.3(c)(3)(ii):

   > 44 CFR Section 60.3(c)(3)(ii) -Requires that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the city's FIRM together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

6. Drainage paths near structures – Chapter 15.50.160(B)(4)
   Requires within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

7. Manufactured Home Attachment and Finish Floor Elevations - Chapter 15.50.190 (A) Revised section clarifies the methods of attachment of manufactured home foundations and sets the finish floor height requirements.

The full text of these changes and the Ordinance are found in Attachment A.

III. POLICY:

As stated in the City's General Plan, Carpinteria desires to minimize the potential risks and reduce the loss of life, property and the economic and social dislocations that may result from flooding. Due to the unique topographic features of the Carpinteria Valley, flooding risks exist in the beach neighborhood and creek-adjacent areas. The Flood Insurance Rate Map (FIRM), a recently updated map from FEMA, clarifies what properties are in the flood zone and therefore required to obtain flood insurance and comply with minimum finish floor elevations to avoid flooding impacts to new developments. The City, through the permit review process, diligently works to meet or exceed anticipated flood levels to reduce risk and potential loss of life and structure due to flood hazards.

V. ATTACHMENTS:

Attachment A – Ordinance No. 658
Attachment B – California Environmental Quality Act Notice of Exemption

ATTACHMENT A

ORDINANCE NO. 658

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, MODIFYING CHAPTERS 14.40 AND 15.50 OF THE CARPINTERIA MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PROTECTION REGULATIONS

WHEREAS, the City of Carpinteria ("City") has adopted regulations designed to protect the public health, safety, and welfare of its citizens from the adverse effects of flooding and flood-related damage; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has enacted legislation to provide improved floodplain management regulations; and

WHEREAS, it is necessary to adopt updated floodplain regulations so the City can continue to comply with the National Flood Insurance Program ; and

WHEREAS, the City has taken the responsibility of the duties of the Floodplain Administrator; and

WHEREAS, the City Manager has designated the City Engineer as the Floodplain Administrator; and

WHEREAS, the Department of Public Works is placing Floodplain Management procedures into place in coordination with the Community Development Department; and

WHEREAS, the City wishes to release the County of Santa Barbara Flood Control District from the responsibilities given them by Resolution 802.

NOW, THEREFORE, the City Council of the City of Carpinteria does hereby ordain as follows:

SECTION 1. INCORPORATION OF RECITALS

The City Council finds and determines that the above recitals are incorporated herein and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. AMENDMENTS TO CHAPTER 14 AND CHAPTER 15

The Sections of Chapters 14 and 15 of the Carpinteria Municipal Code set forth below shall hereby be modified in their entirety and shall read as set forth below. All other provisions of Chapters 14 and 15 of the Carpinteria Municipal Code shall remain unchanged and in full force and effect.

14.40.030 - Processing.

All development subject to the provisions of this overlay district shall be referred to the City Floodplain Administrator. All new development, including construction, excavation, and grading, except for flood control projects and nonstructural agricultural uses, shall be prohibited in the floodway unless offsetting improvements are provided. All requirements or conditions imposed by City flood control shall be met.

15.50.050 - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

1. "Accessory structure" means a structure that is either:

    a. Solely for the parking of no more than 2 cars; or

    b. A small, low cost shed for limited storage, less than 150 square feet and $1,500 in value.

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

3. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

4. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

5. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

6. "Area of special flood hazard" (See "Special flood hazard area").

7. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

8. "Basement" means any area of the building having its floor subgrade—i.e., below ground level on all sides.

9. "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

    a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and

    b. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

10. "Building" (see "Structure").

11. "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

12. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading. paving,

excavation or drilling operations or storage of equipment or materials.

13. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

14. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

15. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites on or after July 7, 1978 by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

16. "Flood, flooding. or flood water" means:

    a. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

    b. The condition resulting from flood-related erosion.

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

18. "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

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

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

21. "Floodplain or floodprone area" means any land area susceptible to being inundated by water from any source (see "Flooding")

22. "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

23. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

24. "Floodplain management regulations" means this chapter and other zoning ordinances,

subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

25. "Floodproofing" means any combination of structural and nonstructural additions. changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)

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

27. "Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

28. "Fraud and victimization" as related to Chapter 15.50.240, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

29. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

30. "Governing body" is the local governing unit, i.e. county or municipality, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

31. "Hardship" as related to Chapter 15.50.240 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

32. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

33. "Historic structure" means any structure that is:

    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as

meeting the requirements for individual listing on the National Register;

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

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

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

34. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

35. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

36. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement").

a. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

i. The wet floodproofing standard in Chapter 15.50.160(C)(3);

ii. The anchoring standards in Chapter 15.50.160(A);

iii. The construction materials and methods standards in Chapter 15.50.160(B); and

iv. The standards for utilities in Chapter 15.50.170

b. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement"). This prohibition includes below-grade garages and storage areas.

37. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

38. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

39. "Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the

building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

40. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, as determined by the floodplain administrator, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

41. "New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by the city, and includes any subsequent improvements to such structures.

42. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after July7, 1978

43. "Obstruction" includes, but is not limited to, any dam, wall. wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

44. "One-hundred-year flood' or "100-year flood" (see "Base flood").

45. "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

46. "Public safety and nuisance" as related to Chapter 15.50.240 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

47. "Recreational vehicle" means a vehicle which is:

    a. Built on a single chassis;

    b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

    c. Designed to be self-propelled or permanently towable by a light-duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

48. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

49. "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

50. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

51. "Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

52. "Sheet flow area" (see "area of shallow flooding").

53. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, Al-A30, AE, A99, AM, VI -V30, VE or V.

54. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. This applies to all permit dates on or after July 7, 1978.

55. "Structure" means a walled and roofed building that is principally above ground. This includes a gas or liquid storage tank or a manufactured home.

56. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

57. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work

performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

58. "V zone" (see "coastal high hazard area").

59. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

60. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

61. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

62. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

15.50.150 - Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding; and

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City of Carpinteria.

5. All new development, including construction, excavation, and grading, except for flood control projects and nonstructural agricultural uses, shall be prohibited in the floodway unless offsetting improvements in accordance with this chapter are provided.

6. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Review, Use and Development of Other Base Flood Data.

1. When base flood elevation data has not been provided in accordance with Chapter 15.50.070, the floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Chapters 15.50.160 and 15.50.210. Any such information shall be submitted to the Carpinteria City Council for adoption; or

2. If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer Chapters 15.50.160 and 15.50.210

a. Simplified method.

i. One hundred (100) year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and

ii. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA: or

b. Detailed method.

i. One hundred (100) year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and

ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.

C. Notification of Other Agencies.

1. In alteration or relocation of a watercourse:
a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
b. Submit evidence of such notification to the Federal Emergency Management Agency; and
c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:
a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional

Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Chapter 15.50.160(C) (1) (lowest floor elevations);

2. Certification required by Chapter 15.50.160(C) (2) (elevation or floodproofing of nonresidential structures),

3. Certification required by Chapter 15.50.160(C) (3) (wet floodproofing standard);

4. Certification of elevation required by Chapter 15.50.180 (subdivision standards);

5. Certification required by Chapter 15.50.200 (floodway encroachments);

6. Information required by Chapter 15.50.210(F) (coastal construction standards); and

E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the action of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 15.50.230

F. Remedial Action. Take action to remedy violations of this chapter as specified by Chapter 15.50.080

15.50.160 - Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Chapter 15.50.190

B. Construction materials and methods. All new construction and substantial improvement shall be constructed:

1. With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage; and

3. With 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.

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures

C. Elevation and Floodproofing.

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone],elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in Chapter 15.50.150(B) of this chapter.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (A)(1) of this Chapter, or together with attendant utility and sanitary facilities:

a. Be floodproofed together with attendant utility and sanitary facilities, below the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:

a. Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

b. Be certified by a registered professional engineer or architect.

4. Manufactured homes shall also meet the standards in Chapter 15.50.190

15.50.190 - Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Chapter 15.50.210.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones Al-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 15.50.190(A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

SECTION 3. CEQA FINDINGS.

The adoption of this Ordinance is not subject to the California Environmental Quality Act, as this ordinance does not constitute a project, as defined by Public Resources Code Section 21065 and even if it is determined that the proposed action constitutes a project, the project would be exempt pursuant to CEQA Guidelines §§ 15307 [exemptions for actions to protect natural resources] , 15308 [exemptions for actions to protect the environment], or 15061(b)(3) [common sense exemption].

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the ordinance; and before the expiration of fifteen (15) days of its passage shall be published once with the

names of the City Council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 5. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed such section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared unconstitutional or invalid or ineffective.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2012, by the following called vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____
Mayor of the City of Carpinteria

ATTEST:

_____
City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held this __ day of _____, 2012.

_____
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

_____
City Attorney, City of Carpinteria

ATTACHMENT B

NOTICE OF EXEMPTION

September 24, 2012

*TO:*____ *Office of Planning and Research*
1400 Tenth Street
Sacramento, CA 95814
_X_ *Clerk of the Board*
County of Santa Barbara
105 E Anapamu Street, Rm. 407
Santa Barbara, CA 93101

FROM: City of Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013

Project Title: Ordinance No. 658, amending Chapters 14.40 and 15.50 of the Carpinteria Municipal Code: Flood Damage Protection

Project Location: City of Carpinteria

Description of Nature, Purpose and Beneficiaries of Project: This project updates Carpinteria Municipal Code to comply with federal regulations and benefits the City of Carpinteria by addressing potential impacts associated with flooding.

Name of Agency Approving Project: City of Carpinteria

Name of Person or Agency Carrying Out Project: City of Carpinteria

Exemption Status:
____ *Statutory [Article 18]*
____ *Declared Emergency §15269(a)]*
____ *Emergency Project [§15269 (b) and (c)]*
_X_ *Categorical* [§15307, §15308 and §15061(b)(3)]

Reasons why project is exempt: The City of Carpinteria finds the proposed ordinance to be exempt for the California Environmental Quality Act (CEQA) as this ordinance does not constitute a project, as defined by Public Resources Code Section 21065 and even if it is determined that the proposed action constitutes a project, the project would be exempt pursuant to CEQA Guidelines §15307 [exemptions for actions to protect natural resources], §15308 [exemptions for actions to protect the environment], or §15061(b)(3) [common sense exemption]. The proposed ordinance make only minor changes to existing Municipal Code pertaining to Flood Damage Protection Regulations. Changes to the Code include updated definitions, standards for construction and designation of Floodplain Administrator. The proposed ordinance is in compliance with federal code that regulates development within floodplains. The local regulations, in conformance with federal law, seek to minimize the potential risks and reduce loss of life, property damage and the economic and social dislocations that may result from flooding and protecting the public from potential health hazards. This ordinance has no potential to adversely affect the environment..

9/20/12

Erin Maker, Environmental Coordinator — Date
(805) 684-5405 ext. 415