

ORDINANCE NO. 1842

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 18 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING THERETO A NEW CHAPTER 18.54 ENTITLED "FLOOD PLAIN REGULATIONS", ALL RELATING TO REQUIREMENTS FOR REGULATIONS CONTROLLING THE DEVELOPMENT OF PROPERTY WITHIN IDENTIFIED FLOOD PLAINS, AND CERTIFYING THE NEGATIVE DECLARATION

The City Council of the City of Chula Vista finds as follows:

That in accordance with the attached Negative Declaration, IS-79-12 and the findings therein, the proposed amendments to the Chula Vista Municipal Code relating to flood plain regulations will not have a significant impact upon the environment, and the City Council hereby certifies that the Negative Declaration was prepared in accordance with the California Environmental Quality Act of 1970 as amended.

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Title 18 of the Chula Vista Municipal Code be, and the same is hereby amended by adding thereto a new Chapter 18.54 to read as follows:

CHAPTER 18.54 FLOOD PLAIN REGULATIONS

Sec. 18.54.010 Purpose and Intent.

In order to allow the City of Chula Vista to participate in the Federal Flood Insurance Program (National Flood Disaster Protection Act of 1973), it is required that the City adopt regulations controlling the development of property within identified flood plains pursuant to the direction of said Act. The City Council, therefore, assigns to the Director of Building and Housing and to the City Engineer certain added responsibilities and they are hereby authorized and directed to enforce all the provisions of this Flood Plain Regulation Ordinance and all other ordinances of the City of Chula Vista now in force or hereafter adopted, relating to zoning, subdivision or building codes.

Sec. 18.54.020 Official Maps.

The City Council of the City of Chula Vista hereby designates Flood Hazard Boundary Maps No. H01 through H11 dated April 8, 1977 and amendments on file in the office of the Director of Public Works, as the official maps to be used in determining those areas of special flood hazard.

Sec. 18.54.030 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage so as to give this ordinance its most reasonable application.

"Areas of Flood Hazard" means areas within the community subject to a one percent or greater chance of flooding in any given year. These areas are identified as Zone A on the official maps.

"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.

"Flood" means a temporary rise in a stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff or surface waters from any source.

"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.

"Habitable Floor" means a floor used for living which includes working, sleeping, eating, cooking or recreation or any combination thereof. A floor used only for storage purposes is not a "habitable floor".

"Mobile Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"Mobile Home Park (Subdivision)" means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

"Regulatory Flood Elevation" means the water surface elevation of the 100-year flood.

"Structure" means a walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.

"Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started; or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations, or structures listed in National or State Registers of historic places.

"100-Year Flood" means the condition of flooding having a one percent chance of annual occurrence.

Sec. 18.54.040 Flood Plain Development -
Permits Required.

A. No person, firm or corporation shall erect, construct, enlarge or improve any building or structure within Areas of Flood Hazard in the City or cause the same, including the placement of mobile homes, to be done without first obtaining a building permit for each such action.

The Director of Building and Housing, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other developments (as defined in this chapter) will:

- A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data from Federal, State or other sources until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:
1. The first floor elevation (to include basement) of new residential structures be elevated to a minimum of one foot above the regulatory flood elevation.
 2. a. The first floor elevation (to include basement) of nonresidential structures be elevated or floodproofed to a minimum of one foot above the regulatory flood elevation.
b. Require the use of construction materials and utility equipment that are resistant to flood water damage..
c. Require the use of construction methods and practices that will minimize flood damage.
d. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
e. Assure that in regard to mobile homes, specific anchoring requirements include:
 1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations. Mobile homes less than 50 feet long require only one additional tie per side.
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points. Mobile homes less than 50 feet long require only four additional ties per side.
 3. Each required tie of the anchoring system shall be capable of carrying a force of 4800 pounds.
 4. Any additions to mobile homes shall be similarly anchored.

Sec. 18.54.070 Flood Plain Development -
City Engineer Action.

The City Engineer shall review all subdivision and land development permit applications and shall make findings of fact and assure that:

- A. All such proposed developments are consistent with the need to minimize flood damage.
- B. Proposals for subdivisions and other new development incorporating more than five acres or fifty lots, whichever is lesser, show on Tentative Parcel Maps, Tentative Subdivision Maps or Site Plans, regulatory flood elevation data for any included area designated Zone A.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All public utilities and facilities are located so as to minimize or eliminate flood damage.
- E. The natural landscape of all designated floodways and major watercourses is substantially preserved.

Sec. 18.54.080 New Water and Sewage Systems.

New water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into, floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

Sec. 18.54.090 Alteration or Relocation of
Watercourses.

The City Engineer shall review all plans for alteration or relocation of any water course within the City to assure that the flood carrying capacity of such water course is maintained. The City will notify, in riverine situations, affected communities and the State Coordinating Office prior to any alteration or relocation of a water course, and submit copies of such notifications to the Administrator of the Federal Insurance Administration. Moreover, City officers will work with appropriate State and Federal agencies in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

Sec. 18.54.100 Exceptions Granted by Board of Appeals

The Board of Appeals and Advisors of the City of Chula Vista as established under Section 15.08.030 of the Municipal Code is hereby authorized to grant exceptions to the provisions and requirements of this ordinance. The Board must make the following findings in each and every case, as a prerequisite to its granting of an exception.

- A. The application of certain provisions or requirements of the ordinance would cause practical difficulties, unnecessary hardships, and results which are inconsistent with the general purpose and intent of the ordinance.

B. There are exceptional circumstances or conditions applicable to the property or the proposed development which do not apply generally to other properties or developments governed by the ordinance.

C. The granting of the exception will not be materially detrimental to the public welfare or injurious to property or improvements, and will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

D. The granting of the exception will not create nuisances, or cause fraud on, or the victimization of the public.

E. The granting of the exception will not result in the increase in flood levels during the base flood discharge.

F. The exception, under the circumstances, is the minimum ordinance deviation necessary to provide the applicant sufficient relief.

G. The applicant has been notified that the use of the exception could result in a substantial increase in flood insurance rates, and increased risk to life and property.

The City will retain an official record of all exceptions, and will report thereon in its annual report to the Federal Insurance Administrator.

Sec. 18.54.110 Ordinance Supersedes Any
Conflicting Statutes.

This ordinance shall take precedence over conflicting ordinances or parts of ordinances. The City Council of the City of Chula Vista may, from time to time, amend this ordinance to reflect any and all changes in the National Flood Insurance Program Regulations.

SECTION II: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by

W. J. Robens

George D. Lindberg

W. J. Robens, Director of
Public Works

George D. Lindberg, City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA; HELD November 7, 1978, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD November 14, 1978, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Scott, Cox, Hyde, Gillow
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : Egdahl

Will T. Hyde

Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. _____, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk