

ORDINANCE NO. 2197

AN ORDINANCE OF THE CITY OF CHULA VISTA MODIFYING
CHAPTER 18.54 OF THE CHULA VISTA MUNICIPAL CODE
RELATING TO FLOOD PLAIN REGULATIONS


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

SECTION I: That Sections 18.54.030, 18.54.040,
18.54.050, 18.54.060, and 18.54.070 of Chapter 18.54 of the Chula
Vista Municipal Code be, and the same are hereby amended as shown
in Exhibit "A", attached hereto and incorporated herein by
reference as if set forth in full.

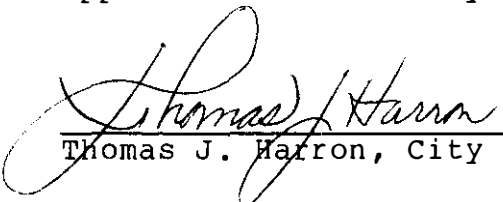
SECTION II: This ordinance shall take effect in be in
full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by



John P. Lippitt, Director of
Public Works/City Engineer



Thomas J. Harron, City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD March 17, 19 87, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD March 24,
19 87, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Nader, Moore, Cox
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : Malcolm, McCandliss

Gregory R. Cox
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ORDINANCE NO. 2197, and that the same has not been amended or repealed.

DATED _____

City Clerk



Chapter 18.54

FLOODPLAIN REGULATIONS

Sections:

- 18.54.010 Purpose and intent.
- 18.54.020 Official maps.
- 18.54.030 Definitions.
- 18.54.040 Floodplain development--Permits required.
- 18.54.050 Floodplain development--Review by city engineer.
- 18.54.060 Floodplain development--Review by director of building and housing.
- 18.54.070 Floodplain development--City engineer action.
- 18.54.080 New water and sewage systems.
- 18.54.090 Alteration or relocation of watercourses.
- 18.54.100 Exceptions granted by board of appeals.
- 18.54.110 Ordinance supersedes any conflicting statutes.

18.54.010 Purpose and intent.

In order to allow the city 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 floodplains 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 authorized and directed to enforce all the provisions of this chapter and all other ordinances of the city now in force or hereafter adopted, relating to zoning, subdivision, or building codes. (Ord. 2100 § 1 (part), 1985: Ord. 1842 § 1 (part), 1978.)

18.54.020 Official maps.

The city council designates flood insurance rate maps (FIRM) and flood boundary and floodway map, community panel numbers 065021 0001-0007 dated August 5, 1986, or any amendment thereof, as the official maps to be used in determining those areas of special flood hazard (Ord. 2170 § 1 1986: Ord. 2100 § 1 (part), 1985: Ord. 2039 § 1 (part), 1983: Ord. 1842 § 1 (part), 1978.)

18.54.030 Definitions.

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

- A. "Area 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 zones A, A1-30 and A0 on the official maps.

- B. "Development" means any manmade 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.
- C. "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.
- D. "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.
- E. YHABITABLE/FLOOR/MEANS/AS/USED/FOR/VIVIDG/WHICH/INCLUDES/WORKING/STREETING/BOATING/COOKING/ON/RECREATION/ON/ANY/COMMODITY/WHEREBY/IF/FLOOR/USED/ONLY/FOR/STORAGE/PURPOSES/IS/NOT/A/HABITABLE/FLOOR/
 "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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 that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.
- F. YMOBILE "Manufactured 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/TRAILER/Trailers/ For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- G. YMOBILE/HOME/SECTION "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land WHICH/HAS BEEN divided into two or more manufactured home lots for rent or sale AND/THE/PLACEMENT/OF/MOBILE/HOMES.
- H. "One-hundred-year flood" means the condition of flooding having a one percent chance of annual occurrence.
- I. "Regulatory flood elevation" means the water surface elevation of the one-hundred-year flood.
- J. "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 foot. The designated regulatory flood ways are the channels of the Sweetwater River and Telegraph Canyon Creek shown on the current flood boundary and floodway map, and the Otay River and Poggi Canyon Creek as shown on the county of San Diego floodway map.
- K. "Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair,

reconstruction, placement or other improvement was within 180 days of the permit date. 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 manufactured 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.

K/ L. "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.

K/ M. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement is started; or
2. 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 effects 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.

(Ord. 2100 § 1 (part), 1985; Ord. 2039 § 1 (part), 1983; Ord. 1842 § 1 (part), 1978.)

18.54.040 Floodplain 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~~ manufactured homes, to be done without first obtaining a building permit for each such action.
- B. To obtain such a building permit, the applicant shall first file an application therefor in writing with the director of building and housing on a form furnished for that purpose. Every such application shall:
 1. Identify and describe the work to be covered by the permit for which application is made;
 2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building of work;
 3. Indicate the use or occupancy for which the proposed work is intended;
 4. Be accompanied by necessary plans and specifications for the proposed construction;

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Be accompanied by elevations (in relation to sea level) of the lowest ~~HABITABLE~~ floor (including basement) or in the case of floodproofed (as defined in this chapter) nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the director of building and housing in other than A Zones except where base flood elevation data from sources other than Federal or State are utilized.
7. Be accompanied by a certification, submitted by a licensed civil engineer, structural engineer, or architect, that the plans and specifications for the proposed building or structure comply with the floodproofing requirements of the National Flood Insurance Program as revised. Said licensed civil engineer, structural engineer or architect, subsequent to construction of the proposed building or structure but prior to final approval for use or occupancy thereof, shall certify that such building or structure has been so floodproofed. He shall also specify the elevation to which such floodproofing is effective. This provision is not applicable to ~~mobile homes~~ manufactured homes.
8. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located as to prevent water from entering or accumulating within the components during conditions of flooding.

- ~~8/~~ 9. Give such other information as reasonably may be required by the director of building and housing.
- C. In the coastal zone, development in floodplains shall also be required to obtain a coastal development permit consistent with the applicable provisions of the certified Local Coastal Program.
(Ord. 2100 § 1 (part), 1985; Ord. 1842 § (part), 1978.)

18.54.050 Floodplain development--Review by city engineer.

The city engineer shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding, that all applicable requirements of the National Flood Insurance Program have been met, and that all necessary permits have been received as required by federal or state law. Copies of such permits shall be required part of permit applications. He shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new development of land meets the requirements of this Chapter. (Ord. 2100 § 1 (part), 1985; Ord. 2039 § 1 (part), 1983; Ord. 1842 § 1 (part), 1978.)

18.54.060 Floodplain development--Review by director of building and housing.

The director of building and housing, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement

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of mobile manufactured homes and other developments (as defined in this chapter) will obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the official map meet the following standards:

- A. Residential structures and substantial improvements of residential structures shall meet the following standards: The first floor elevation (to include basement) of new residential structures shall be elevated to a minimum of one foot above the regulatory flood elevation; except that in zone A0 the lowest floor (including basement) shall be the above the crown of the nearest street to or above the regulatory depth number.
- B. Nonresidential structures shall meet the following standards:
 - 1. 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; except that in zone A0 the lowest floor (including basement) shall be above the crown of the nearest street to or above the regulatory depth number or together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level 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;
 - 2. Require the use of construction materials and utility equipment that are resistant to floodwater damage;
 - 3. Require the use of construction methods and practices that will minimize flood damage;
 - 4. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding;
 - 5. Assure that in regard to mobile manufactured homes, specific anchoring requirements include:
 - a. 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 fifty feet long require only one additional tie per side,
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points. Mobile homes less than fifty feet long require only four additional ties per side.
 - c. Each required tie of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds.
 - d. Any additions to mobile homes shall be similarly anchored;
 - 6. All mobile manufactured homes to be placed or substantially improved within zones A1-30, but not in the mobile home park or mobile home subdivision have AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Chapter.

7. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- a/ STANDS/OF/LOTS/ELEVATED/ON/CONCRETE/PIERS/OF/OR/ON/PIERS/so/that/the/lowest/floor/of/the/mobile/home/will/be/one/foot/or/above/the/base/flood/level.
- b/ drainage/surface/drainage/and/access/are/provided/for/a/halter/and/
- c/ in/the/instant/of/elevation/lot/divisions/lots/are/raised/enough/to/permit/steps/alling/foundations/are/located/in/stable/soil/no/more/than/ten/feet/apart/and/raised/enough/as/provided/for/piers/more/than/six/feet/above/ground/level.
- 7/ mobile/homes,except/in/an/existing/mobile/home/park/or/mobile/home/subdivision,are/not/to/be/placed/with/a/regulatory/floodway/

(Ord. 2100 § 1 (part), 1985: Ord. 2039 § 1 (part), 1983: Ord. 1842 § 1 (part), 1978.)

18.54.070 Floodplain 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 of fifty lots, whichever is lesser, show on tentative parcels maps, tentative subdivision maps or site plans, regulatory flood elevation data for any included area designated zone A, zone A1-30 or zone A0;
- 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;
- F. An evacuation plan indicating alternate vehicular access and escape routes is filed with appropriate Disaster Preparedness Authorities for mobile manufactured home parks and mobile manufactured home subdivisions located within zone A, zones A1-30 and zone A0;
- G. Within zones A1-30, new mobile manufactured home parks and mobile manufactured home subdivisions, expansions to existing mobile manufactured home parks and mobile manufactured home subdivisions, and existing mobile manufactured home parks and mobile manufactured home subdivisions

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subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced have:

1. Stands or lots elevated on compacted fill or on pilings so that the lowest floor of the ~~mobile~~ manufactured home will be at least one foot above the base flood level,
 2. Adequate surface drainage and access for a hauler, and
 3. In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level;
- H. Any encroachments, including fill, new construction, substantial improvements, and other developments within the designated regulatory floodways that would result in any increase in flood levels during the occurrence of a one-hundred-year flood discharge are prohibited.

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I. In the coastal zone, the city engineer shall review all subdivision and land development permit applications and shall recommend to the City Council findings as to whether any proposed subdivision complies with the provisions of the certified Local Coastal Program and the standards of Subsections A-H, above.

(Ord. 2100 § 1 (part), 1985: Ord. 2039 § 1 (part), 1983: Ord. 1842 § 1 (part), 1978.)

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. (Ord. 2100 § 1 (part), 1985: Ord. 1842 § 1 (part), 1978.)

18.54.090 Alteration or relocation of watercourses.

The city engineer shall review all plans for alteration or relocation of any watercourse within the city to assure that the flood-carrying capacity of such watercourse is maintained. The city will notify, in riverine situations, affected communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, 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. In the coastal, any subdivision that involves the alteration or relocation of a stream shall also conform to the applicable provisions of the certified Local Coastal Program. (Ord. 2100 § 1 (part), 1985: Ord. 1842 § 1 (part), 1978.)

18.54.100 Exceptions granted by board of appeals.

A. The board of appeals and advisors of the city as established under Section 15.08.030 is authorized to grant exceptions to the provisions and requirements of this chapter. The board must make the following findings in each and every case, as a prerequisite to its granting of an exception:

1. The application of certain provisions or requirements of this chapter would cause practical difficulties, unnecessary hardships, and results which are inconsistent with the general purpose and intent of this chapter.
2. 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 this chapter.
3. 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.
4. The granting of the exception will not create nuisances, or cause fraud on, or the victimization of the public.
5. The granting of the exception will not result in the increase in flood levels during the base flood discharge.

6. The exception, under the circumstances, is the minimum ordinance deviation necessary to provide the applicant sufficient relief.
7. 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.
8. The city will retain an official record of all exceptions, and will report thereon in its annual report to the Federal Insurance Administrator.

B. This section shall not apply in the coastal zone.
(Ord. 2100 § 1 (part), 1985: Ord. 1984 § 1 (part), 1978.)

18.54.110 Ordinance supersedes any conflicting statutes.

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

In the coastal zone, where conflicts arise between this ordinance and the certified Local Coastal Program, the latter shall prevail. (Ord. 2100 § 1 (part), 1985: Ord. 1842 § 1 (part), 1978.)

TITLE 18 FOOTNOTES

1. For provisions of the statutory Subdivision Map Act, see Bus. and Prof. Code § 11500; for statutory authority for cities to regulate division of land which is not subdivision, see Bus. and Prof. Code § 11540.1; for statutory exclusions of land from subdivision, see Bus. and Prof. Code § 11700 et. seq.
2. For statutory provisions relating to tentative maps, see Bus. and Prof. Code § 11550 et. seq.
3. For statutory provisions regarding form and content of final maps, see Bus. and Prof. Code § 11567.
4. CROSS REFERENCE: Street plantings, see Ch. 12.32.
5. For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.
6. For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

CROSS REFERENCES: Excavations, see Ch. 15.04
Street obstructions, see Ch. 12.12

7. For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

CROSS REFERENCES: Open Space, see Ch. 17.08
Residential Construction Tax, see Ch. 3.32