

ORDINANCE NO. 5832

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 22.24 OF THE SANTA BARBARA MUNICIPAL CODE REGARDING FLOODPLAIN MANAGEMENT REGULATIONS AND ADOPTING BY REFERENCE THE AMERICAN SOCIETY OF CIVIL ENGINEERS STANDARD ASCE 24.

**WHEREAS**, the Legislature of the State of California has conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Santa Barbara and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the City of Santa Barbara was accepted for participation in the National Flood Insurance Program (NFIP) on December 15, 1978 (FIRM Effective Date) and the Council of the City of Santa Barbara desires to continue to meet the requirements of Title 44 Code of Federal Regulations (CFR), Sections 59 and 60, necessary for continued participation in the NFIP; and

**WHEREAS**, the City of Santa Barbara is required to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas.

**WHEREAS**, the criteria set forth in the NFIP are minimum standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria of the NFIP by adopting more comprehensive flood plain management regulations. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of the NFIP. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in the NFIP are encouraged and shall take precedence.

**NOW, THEREFORE**, the City Council of the City of Santa Barbara does ordain as follows:

## **22.24.001 Citation of Statutory Authorization**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Santa Barbara does hereby adopt the following floodplain management regulations.

### **22.24.010 Findings of Fact.**

A. In order for the City of Santa Barbara to participate in the National Flood Insurance Program (NFIP), it is required to adopt and enforce a local ordinance which meets the minimum requirements of Title 44 Code of Federal Regulations (CFR) Parts 59-78 as well as the State Building Standards Codes. The NFIP regulations, FEMA Publications and FEMA Technical Bulletins shall be used as guidance for the interpretation of this Chapter.

B. The flood hazard areas of the City of Santa Barbara are subject to periodic inundation which has resulted in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

C. These flood losses are caused by the cumulative effect of:

1. Obstructions in areas of special flood hazards which increase flood heights and velocities; and
2. Inadequately anchored structures that damage uses in other areas when washed downstream; and Structures that are inadequately elevated, flood-proofed or otherwise protected from flood damage.

### **22.24.020 Statement of Purpose.**

It is the purpose of the chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land with flood prone, mudslide [i.e. mudflow] or flood related erosion areas. It is also the purpose of this chapter to ensure that the owners of buildings within a FEMA Special Flood Hazard Area can obtain flood insurance. These regulations are designed to:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **22.24.030 Methods of Reducing Flood Losses.**

In order to accomplish its purposes, this Chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood-plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### **22.24.040 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 its most reasonable application.

A. **500-YEAR FLOOD.** A flood having a 0.2 percent (0.2%) chance of being equaled or exceeded in any given year; or also referred to as the 0.2-percent-annual-chance flood.

B. **ALTERATION.** Any remodel, repair, replacement of elements, etc. to an existing building or non-substantial improvements.

C. APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

D. AREA OF SHALLOW FLOODING. An area designated AO, AH, AR/AO, AR/AH or VO Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual change of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

E. ASCE 24. American Society of Civil Engineers "Flood Resistant Design and Construction" Standards, currently 2014 edition, or later.

F. AREA OF SPECIAL FLOOD HAZARD. See "Special flood hazard area".

G. BASE FLOOD or 100 YEAR FLOOD. A flood having a one percent (1%) chance of being equaled or exceeded in any given year; or also referred to as the 1-percent annual chance flood.

H. BASE FLOOD ELEVATION (BFE). The elevation of the Base Flood, including wave height, relative to the North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

I. BASEMENT. An area of a building having its floor subgrade (below ground level) on all sides.

J. BREAKAWAY WALLS. Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which (i) is not part of the structural support of the building; (ii) is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building or to any buildings to which they might be carried by flood waters; (iii) has a safe design loading resistance of not less than ten and no more than twenty pounds per square foot; and (iv) has been certified for use in the building by a registered professional engineer or architect and meets the following standards:

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

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

K. CRITICAL FACILITY (AND ESSENTIAL FACILITY). Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the community at large in the event of failure, disruption of function, or damage by flooding. Facilities include:

1. Hospitals and health care facilities having surgery or emergency treatment facilities;
2. Fire, rescue, ambulance, and police stations and emergency vehicle garages;
3. Designated emergency shelters;
4. Designated emergency preparedness, communication, and operation centers and other facilities required for emergency response;
5. Power generating stations and other public utility facilities required in emergencies;
6. Critical aviation facilities such as control towers, air traffic control centers, and hangars for aircraft used in emergency response;
7. Ancillary structures such as communication towers, electrical substations, fuel or water storage tanks, or other structures necessary to allow continued functioning of a Flood Design Class 4 (ASCE-24) facility during and after an emergency; and
8. Buildings and other structures (including, but not limited to, facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, or hazardous waste) containing sufficient quantities of highly toxic substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released.

L. COASTAL HIGH HAZARD AREA. An area subject to high velocity wave action, including coastal and tidal inundation or tsunamis and designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, Ve or V.

M. DEPRECIATED MARKET VALUE. The replacement cost of the building reduced based on the age and condition. The County Assessor valuation of the building can be used or a licensed appraiser can be hired to make the determination based on Uniform Standards of Professional Practice. The "Income Capitalization Approach" is not acceptable for determining Depreciated Market Value because it is based on how the property is used and not the value of the structure alone.

N. DEVELOPED AREA. An area of a community that is:

1. A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure, including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and
  - a. Within which 75 percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or

b. It is a single parcel, tract, or lot in which 75 percent of the area contains existing commercial or industrial structures or uses; or

c. It is a subdivision developed at a density of at least two residential structures per acre within which 75 percent or more of the lots contain existing residential structures at the time the designation is adopted.

2. Undeveloped parcels, tracts, or lots, the combination of which is less than 20 acres and contiguous on at least 3 sides to areas meeting the criteria of paragraph (1) at the time the designation is adopted.

3. A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10 percent of the lots or remaining lots of a subdivision or 10 percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria in paragraph (1)(c).

O. DEVELOPMENT. Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

P. EXISTING CONSTRUCTION. For the purposes of determining rates, structures for which the "start of construction" commenced before December 15, 1975. "Existing construction" may also be referred to as "existing structures."

Q. FEMA. Federal Emergency Management Agency.

R. FIMA. Federal Insurance and Mitigation Administration (formerly Federal Insurance Administration).

S. FLOOD or FLOODING.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters;

b. The unusual and rapid accumulation or runoff of surface waters from any source;

or

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

T. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

U. FLOOD BOUNDARY AND FLOODWAY MAP. The official map on which FEMA or FIMA has delineated both the areas of flood hazard and the floodway.

V. FLOOD DESIGN CLASSES. ASCE 24 establishes elevations of lowest floors, flood-resistant materials, equipment, floodproofing and freeboard for Flood Design Class 4: Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the community at large in the event of failure. See "CRITICAL FACILITY AND ESSENTIAL FACILITY" definition above.

W. FLOOD HAZARD AREA. See "Special Flood Hazard Area".

X. FLOOD INSURANCE RATE MAP (FIRM). An official map on which FEMA or FIMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Y. FLOOD INSURANCE STUDY (FIS). An official report provided by FEMA or FIMA that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Z. FLOODPLAIN or FLOOD-PRONE AREA. Any land area susceptible to being inundated by water from any source (see definition of "flooding").

AA. FLOODPLAIN ADMINISTRATOR is the community official designated by title to administer and enforce the floodplain management regulations. The Chief Building Official is appointed to administer and implement this Chapter for the City of Santa Barbara.

AA. FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

BB. FLOODPLAIN MANAGEMENT REGULATIONS. Zoning ordinances, subdivision regulations, the California Building Code as adopted and amended by the City, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such federal, state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**CC.FLOODPROOFING.** 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.

**DD.FLOODWAY or REGULATORY FLOODWAY.** 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.

**EE. FREEBOARD.** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**FF. FUNCTIONALLY DEPENDENT USE.** 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, but does not include long-term storage or related manufacturing facilities.

**GG. HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HH. HISTORIC STRUCTURE.** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. 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;

3. 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

4. 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. (FEMA Publication P-467-2).

**II. LOWEST FLOOR.** 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 this chapter.

JJ. MANUFACTURED HOME. 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".

KK. MANUFACTURED HOME PARK or SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

LL. MANUFACTURED HOME PARK OR SUBDIVISION – (EXISTING) is an existing 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 December 15, 1978.

MM. MANUFACTURED HOME PARK OR SUBDIVISION – (EXPANSION TO AN EXISTING) is the preparation of additional sites 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).

NN. MANUFACTURED HOME PARK OR SUBDIVISION – (NEW) is 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 on or after May 4, 1978.

OO. NATIONAL FLOOD INSURANCE PROGRAM. NFIP

PP. NEW CONSTRUCTION. "New construction" is, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after December 15, 1978 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

QQ. ONE HUNDRED YEAR FLOOD. See "Base Flood".

RR. PERSON. An individual, firm, partnership, association or corporation, or agent of the foregoing, or this state or its agencies or political subdivisions.

SS. RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**TT. REGISTERED PROFESSIONAL ENGINEER.** A Civil Engineer licensed by the State of California. Civil engineers licensed prior to January 1, 1982, with a license number 33965 or before, are authorized to practice all land surveying. Civil engineers licensed after January 1, 1982 may only practice "engineering surveying" as defined in California Business and Professional Code 6731.1.

**UU. REMEDY A VIOLATION.** To bring a 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 by various means, including but not limited to, 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 federal financial exposure with regard to the structure or other development.

**VV. RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, or brook.

**WW. SAND DUNES.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**XX. SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "Special Flood Hazard Area" is synonymous in meaning with the phrase "Area of Special Flood Hazard".

**YY. START OF CONSTRUCTION.** "Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97348)), includes substantial improvement, 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 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 pursuant to a valid building permit. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets 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 as part of the main structure.

**ZZ. STRUCTURE.** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**AAA. SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the Depreciated Market Value of the structure before the damage occurred.

**BBB. SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, addition or improvement of a structure within any twenty four (24) month period, the cost of which equals or exceeds fifty percent (50%) of the Depreciated Market Value of the structure either before the improvement or repair is started or, 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 either:

1. Any project for improvement of a structure to correct existing violations of 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;

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

**CCC. VARIANCE.** A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

**DDD. VIOLATION.** The failure of a structure or other development to be in full compliance with this Chapter. 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 that documentation is provided.

#### **22.24.050 Lands to Which This Chapter Applies.**

This chapter shall apply to all areas of special flood hazards within the City of Santa Barbara.

#### **22.24.060 Basis for Establishing the Areas of Special Flood Hazard.**

"The Flood Insurance Study for The City of Santa Barbara", dated December 15, 1978 and all subsequent revisions and amendments by FEMA with accompanying FIS and FIRMs are hereby adopted by reference and declared to be a part of this Chapter. [CFR 60.2(h)] Copies of the Flood Insurance Study and maps referred to therein, shall be maintained on file at 630 Garden Street, Santa Barbara, California. The Flood Insurance Study establishes the areas of special flood hazard identified by FEMA or FIMA. These areas may be changed, or new areas may be designated, by the City Council following a recommendation thereon by the Floodplain Administrator.

**22.24.070 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

For all new structures, in addition to the compliance provisions of this Chapter, the City adopts the most recent editions of the national standard, ASCE 24 "Flood Resistant Design and Construction" in its entirety. When the requirements of elevation of flood protection in ASCE 24 conflict with other regulations, ASCE 24 will govern. The Floodplain Administrator may, on a case by case basis, consider, document and file an analysis of the provisions of Section 22.24.140.C, Items 1-11 to administratively reduce any of the requirements of ASCE 24.

**22.24.080 Abrogation and Greater Restrictions.**

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**22.24.090 Interpretation.**

In the interpretation and application of this Chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and, deemed neither to limit nor repeal any other powers granted under federal or state statutes.

**22.24.100 Warning and Disclaimer of Liability.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or

uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Santa Barbara, any officer or employee thereof, or FIMA, for any flood damages that result from reliance on this Chapter or any administrative decision made thereunder.

#### **22.24.101 Severability**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

#### **22.24.110 Establishment of Flood Development Permit.**

A flood development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a flood development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to:

A. Three sets of plans drawn to scale showing:

1. The nature, location, dimensions, and elevations of the proposed and existing structures, fill, storage of materials, and drainage facilities;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable; and
5. Base flood elevation information as specified in 22.24.060 or 22.24.130C.

B. The following information is required on an application:

1. Elevation (NAVD 1988) of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
2. Elevation in relation to NAVD 1988 to which any structure has been or will be flood-proofed;
3. All certifications required by Sections 22.24.130.C and 22.24.160; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## **22.24.120 Designation of the Floodplain Administrator.**

The Chief Building Official is hereby appointed as the Floodplain Administrator to administer and implement this Chapter by granting or denying flood development permit applications in accordance with its provisions.

## **22.24.130 Duties and Responsibilities of the Floodplain Administrator.**

Duties of the Floodplain Administrator shall include, but not be limited to:

### **A. Review of all flood development permits-applications to determine that:**

1. All permit requirements of this Chapter have been satisfied.
2. All necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. The site is reasonably safe from flooding.
4. If the proposed development adversely affects the flood carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated; then, 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 increase the water surface elevation of the base flood more than one foot at any point.
5. 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. Determination of Substantial Improvement based the Depreciated Market Value of the structure and the project cost.**

**C. Determination of Base Flood Elevations based on data in accordance with Section 22.24.060.**

**D. When base flood elevation data in accordance with Section 22.24.060 is unavailable, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 22.24.160 pertaining to specific standards for residential and nonresidential construction.**

**E. Maintain for public inspection all records pertaining to the provisions of this**

Chapter, including:

1. The certification required in Section 2.24.160.C.1 (floor elevations);
2. The certification required in Section 22.24.160.C.2 (elevations in areas of shallow flooding);
3. The certification required in Section 22.24.160.C.3 (elevation or flood-proofing of nonresidential structures);
4. The certification required in Section 22.24.160.C.3 (wet flood-proofing standard);
5. The certified elevation required in Section 22.24.160.E.2 (subdivision standards);
6. The certification required in Section 22.24.180.A (floodway encroachments); and
7. The information required in Section 22.24.170 (coastal construction standards).
8. A record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to FEMA.

F. Notification of Other Agencies, including:

1. Adjacent communities, the Santa Barbara County Flood Control and Water Conservation District, and the California Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA. Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

2. FEMA for 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.

G. FEMA for changes in corporate boundaries. Include a copy of a map of the

community clearly delineating the new corporate limits. Make interpretations as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The persons contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 22.24.140.

H. Take action to remedy violations of this Chapter as specified in Section 22.24.070.

#### **22.24.140 Variance and Appeal Procedure.**

A. The Building and Fire Code Board of Appeals of the City of Santa Barbara shall hear and decide appeals and requests for variances from the requirements of this Chapter. The decisions of the Building and Fire Code Board of Appeals on appeals or requests for variances shall be final.

B. The Applicant or any aggrieved person may appeal to the Building and Fire Code Board of Appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

C. In reviewing an application for a variance, the Building and Fire Code Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and each of the following:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the General Plan and Flood Plain Management Program for that area.



9. The safety of access to the property in times of flood for ordinary and emergency vehicles.

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

C. Upon consideration of the factors identified in Section 22.24.140.C and the purposes of this Chapter, the Building and Fire Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

D. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to FIMA upon request.

#### **22.24.150 Conditions for Variances.**

A. Variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level provided the considerations specified in Section 22.24.140.C have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided the provisions of Section 22.24.140.C are satisfied and that the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

2. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 22.24.140.C, or conflict

with existing local laws or ordinances.

F. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the Santa Barbara County Recorder in a manner so that it appears in the chain of title of the affected parcel of land.

#### **22.24.160 General Standards for Flood Hazard Reduction.**

In all areas of special flood hazards the following standards shall apply:

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

B. Construction Material and Methods.

1. All new construction and substantial improvements shall be constructed:

a. With materials and utility equipment resistant to flood damage.

b. Using methods and practices that minimize flood damage.

c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

The above regulations in section 22.24.160.B are advisory only and not mandatory for one- and two-family building additions or alterations that are not a substantial improvement.

2. Within Zones AH, AO or VO, the site is required to have adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. In "AE" and "AH" Zones, new construction and the substantial improvement of any structure shall have the lowest floor, including basement, elevated in accordance with ASCE 24.

2. In zones where there is no documented base flood elevation in a special flood hazard area the following means of determining the lowest finished floor elevation apply:

a. "AO" Zone: Elevated above the highest adjacent grade to a height equal to or

exceeding the depth number specified in feet on the FIRM plus the ASCE 24 freeboard elevation, or elevated at least 2 feet above the highest adjacent grade plus the ASCE 24 freeboard elevation if no depth number is specified.

b. "A" Zone without a base flood elevation specified on the FIRM: Elevated at least to the base flood elevation as determined under 22.24.130.C plus the ASCE 24 freeboard elevation.

3. All "V" Zones: Meet the standards as determined in 22.24.170.

4. All new construction and substantial improvements, with fully enclosed areas below the lowest floor 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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided in the enclosure. The bottom of all openings shall be no higher than one 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 floodwaters. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified to comply with a local flood-proofing standard approved by the

FIMA.

5. Critical Facilities (and Essential Facilities) shall also meet the standards in Section 22.24.160.F.

6. Manufactured homes shall also meet the standards in Section 22.24.160.G.

#### D. Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3. All new, repaired, altered or replaced electrical gear shall be elevated above the Base Flood Elevation or designed to minimize or eliminate infiltration of flood waters.

4. All new, repaired, altered or replaced mechanical equipment and ductwork shall be elevated above the Base Flood Elevation.

E. Subdivision Proposals.

1. All preliminary subdivision proposals shall identify the Special Flood Hazard Area (SFHA) and Base Flood Elevations (BFE).

2. All final subdivision plans shall provide for each proposed structure: lowest floor elevation, lowest adjacent grade, and pad elevation. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

5. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

F. Essential Facilities.

1. All new critical facilities shall not be located within a FEMA Special Flood Hazard Area unless necessary due to its function.

2. If a critical facility must be located in a floodplain, that critical facility (and essential facility) shall:

a. Meet the standards in 22.24.160.A through 22.24.160.E and

b. Meet the freeboard requirements of the State Building Code in effect at the time of permit application

G. Manufactured Homes. 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 meet the standards in 22.24.160.A through 22.24.160.E.

H. Recreational Vehicles.

1. All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE will either:

- a. Be on the site for fewer than 180 consecutive days; or
- b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the permit requirements of 22.24.110 and the elevation and anchoring requirements for manufactured homes in 22.24.160.G.

2. Recreational vehicles placed on sites within Zones V1-30, V, and VE and Coastal AE on the community's Flood Insurance Rate Map will meet the requirements of 22.24.160.H paragraph 1 and 22.24.170.

I. Basements. All basement levels, not legally permitted as habitable space, below the BFE shall be maintained only for use as storage, parking or access to the floor above; such spaces shall not contain any of the following:

1. Habitable space.
2. Plumbing fixtures.
3. Mechanical equipment or ductwork.
4. Electrical gear (service panel, sub-panel, switch gear, etc.).
5. Electrical circuits unless ground-fault circuit interrupter-protected (GFCI).

**22.24.170 Coastal High Hazard Areas.**

Within coastal high hazard areas, Zones V, V1-30, VE and Coastal AE as established pursuant to Section 22.24.060, the following standards shall apply:

A. All substantial improvements and all new construction, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation plus the ASCE 24 freeboard elevation, unless a higher elevation is required by the Floodplain Administrator. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of the mean high tide.

C. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 22.24.040. Such temporarily enclosed space shall not be used for human habitation and will be used solely for parking of vehicles, building access, or storage.

D. Fill shall not be used for structural support of buildings.

E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

F. The Floodplain Administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or surveyor that a proposed structure complies with Section 22.24.170.A above; and

2. The elevation (in relation to NAVD 1988) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

#### **22.24.180 Floodways.**

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply to floodways:

A. No encroachments, including fill, new construction, substantial improvements, and other development are permitted unless a registered professional engineer or architect certifies that the development will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Section 22.24.180.A above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 22.24.160 and 22.24.170.

C. No mobile homes may be placed in any floodway, except in a mobile home park or mobile home subdivision established prior to the effective date of this Chapter.

