

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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December 18, 1997

TO: Commissioners and Interested Persons

FROM: Charles Damm, Deputy Director
Pam Emerson, Los Angeles County Area Supervisor
Charles Posner, Coastal Program Analyst

SUBJECT: Minor Amendment Request No. 1A-97 to the City of Long Beach Certified Local Coastal Program (for Commission concurrence at the January 12-16, 1998 meeting in San Luis Obispo).

Amendment Description

The City of Long Beach has requested to amend its certified Local Coastal Program (LCP) by revising the section of the City's zoning code which contains the flood damage prevention regulations (Exhibit #2). The flood damage prevention regulations apply to development in areas of special flood hazard that are identified by the Federal Insurance Administration (FIA) through the Federal Emergency Management Agency (FEMA). The flood damage prevention regulations require that development in the identified flood areas implement specific development standards which prevent or minimize the potential damage caused by flooding. The proposed LCP amendment makes several changes to the currently certified version of the City's flood damage prevention regulations.

Any change to the City's zoning regulations constitutes an amendment to the LCP because the City zoning regulations are the implementing ordinances (LIP) of the certified LCP. The proposed LCP amendment affects only the LIP portion of the LCP and does not propose any rezonings or land use changes in the coastal zone. The certified Land Use Plan (LUP) portion of the LCP is not affected by this amendment.

The proposed changes to the certified LCP are contained in Ordinance No. C-7507. Resolution No. C-26258 submits the LCP amendment request for certification by the Commission (Exhibit #1). The City Planning Commission held a public hearing for the proposed LCP amendment on September 18, 1997, and the City Council held a public hearing on October 7, 1997. The Long Beach City Council adopted Ordinance No. C-7507 October 14, 1997.

Procedures

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the California Code of Regulations, the Executive Director has determined that the proposed amendment is "minor" in nature. Section 13554(a) of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or

City of Long Beach
LCP Amendment No. 1A-97 (minor)
Page Two

other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The proposed LCP amendment is consistent with the certified LUP, makes the zoning regulations more specific, and does not change the kind, location, intensity, or density of use. Therefore, the Executive Director has determined that City of Long Beach LCP Amendment No. 1A-97 is a minor LCP amendment.

The proposed LCP amendment will become effective after report to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.

0004G:CP

RESOLUTION NO. C-26258

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH SUBMITTING AMENDMENTS OF
THE LONG BEACH ZONING REGULATIONS (FLOOD
DAMAGE PREVENTION) TO THE CALIFORNIA COASTAL
COMMISSION AS LOCAL COASTAL PROGRAM AMENDMENT

WHEREAS, the City Council of the City of Long Beach has
recently revised numerous provisions of the Long Beach Zoning
Regulations as set forth in Ordinance No. C-7507 of the City of
Long Beach. It is the desire of the City Council to submit the
documents to the California Coastal Commission for its review as
implementing ordinances of the Long Beach Local Coastal Program
(LCP); and

WHEREAS, the Planning Commission and City Council gave
full consideration to all facts and proposals respecting these
amendments to the Zoning Regulations at properly noticed and
advertised public hearings. The City Council approved the
proposed changes to the LCP by adopting the Zoning Regulations.
The proposed Zoning Regulation amendments are to be carried out
in a manner fully consistent with the Coastal Act and become
effective in the Coastal Zone immediately upon Coastal Commission
certification; and

WHEREAS, environmental documentation has been prepared,
certified, received and considered as required by law, and the
City Council hereby finds that the proposed changes will not
adversely affect the character, livability or appropriate

COASTAL COMMISSION

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City Attorney of Long Beach
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1 development of the surrounding properties and that the proposed
2 change is consistent with the goals, objectives and provisions of
3 the general plan;

4 NOW THEREFORE, the City Council of the City of Long
5 Beach resolves as follows:

6 Section 1. Amendments to the Long Beach Zoning
7 Regulations as adopted by Ordinance No. C-7507 of the Long Beach
8 City Council on October 14, 1997, a copy of which is attached
9 to and incorporated in this resolution as Exhibit "A", is hereby
10 submitted to the California Coastal Commission for its review as
11 to those parts of the ordinances that directly affect land use
12 matters in that portion of the California Coastal Zone within the
13 City of Long Beach.

14 Sec. 2. The Director of Planning and Building of the
15 City of Long Beach is hereby directed to submit a certified copy
16 of this resolution, together with appropriate supporting
17 materials, to the California Coastal Commission with a request
18 for its earliest action.

19 Sec. 3. This resolution shall take effect immediately
20 upon its adoption by the City Council, and the City Clerk shall
21 certify the vote adopting this resolution.

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COASTAL COMMISSION

EXHIBIT # 1
PAGE 2 OF 3

1 I certify that this resolution was adopted by the City
2 Council of the City of Long Beach at its meeting of

3 October 7, 1997, by the following vote:

4 Ayes: Councilmembers: Lowenthal, Drummond, Roosevelt,
5 Robbins, Donelon, Kellogg, Shultz.

6
7 Noes: Councilmembers: None.

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9 Absent: Councilmembers: Oropeza, Topsy-Elvord.
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13 City Clerk
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23 CERTIFIED AS A TRUE AND CORRECT COPY

24 
CITY CLERK OF THE CITY OF LONG BEACH

25 DATE: 10-22-97
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27 **COASTAL COMMISSION**

28 MJM:VMH
8/4/97
R9FLOOD.97

EXHIBIT # 1
PAGE 3 OF 3

CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING

PROPOSED AMENDMENTS TO MUNICIPAL CODE CHAPTER 21.62
RELATING TO FLOOD HAZARD REGULATIONS

1. Chapter 21.62 is amended by amending Section 21.62.010 to read as follows:

21.62.010 Findings of fact.

The City of Long Beach finds:

- A. The flood hazard areas of the city of Long Beach are subject to periodic inundation which results in loss of life and property; creation of 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 public health, safety and general welfare.
- B. ~~These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise unprotected from flood damage also contribute to flood losses.~~ These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

2. Chapter 21.62 is amended by amending items F, G and H of Section 21.62.020 to read as follows:

- F. To help maintain a stable tax base by providing for the ~~second~~ sound use and development of areas of special flood hazard so as to minimize future ~~blight~~ blighted areas caused by flood damage;
- G. To ~~insure~~ ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ~~insure~~ ensure that those who occupy special flood hazard areas assume responsibility for their actions.

3. Chapter 21.62 is amended by amending Section 21.62.040 to read as follows:

21.62.040 Definitions

Unless specifically defined below, words or phrases used in this Chapter 21.62 shall be interpreted so as

to give them the meaning they have in common usage and to give this chapter its most reasonable application. As used in this Chapter 21.62, the words and phrases listed in this section shall have the meaning given them as follows:

- A. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- B. "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.
- C. "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.
- ~~A- D.~~ "Appeal" means a request for a review of the ~~city manager's~~ Flood Administrator's interpretation of any provision of this title or a request for a variance.
- ~~B- E.~~ "Area of shallow flooding" means a designated AO or ~~VO~~ AH zone as shown on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- E. "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).
- ~~C- G.~~ "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as zones A, AO, AH, AI ~~CO~~ on the FIRM. See "Special flood hazard area."
- H. "Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).
- ~~D- I.~~ "Base flood" means the flood having 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.
- I. "Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.
- K. "Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which ~~are~~ is not part of the structural support of the building and which ~~are so~~ is designed as 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:

1. breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
2. 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.

L. "Building" - see "Structure"

M. "Coastal high hazard area" means the area subject to high velocity waters, including, but not limited to, coastal and tidal inundation or tsunamis. The area if shown on a FIRM is designated as zone V1-30. 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 V1-30, VE, or V.

N. "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 located within the area of special flood hazard or storage of equipment or materials.

H. "Development permit" means any permit issued by the city for any development.

O. "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.

P. "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 September 15, 1983, the effective date of the floodplain management regulations adopted by the City of Long Beach.

O. "Expansion to an existing manufactured home park or subdivision" means 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).

I. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. ~~The overflow of inland or tidal waters; and/or~~
2. ~~The unusual and rapid accumulation of runoff of surface waters from any source.~~

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

1. 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)--see "Mudslides"; and
2. the condition resulting from flood-related erosion - see "Flood-related erosion"

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

T. "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.

K-U "Floodway 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.

L-V "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

W. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding".

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

Y. "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.

Z. "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.

AA "Floodproofing" means any combination of structural and nonstructural additions, ~~changes~~ changes, or adjustments to ~~nonresidential~~ structures which reduce or eliminate flood damage to

real estate or improved ~~property~~ real property, water and sanitary facilities, structures, and their contents.

- ~~N-BB~~ "Flood related erosion" means ~~a condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a watercourse and that increases the possibility of loss due to erosion of the land area adjacent to the shoreline or watercourse~~ means the collapse or subsidence of land along the shore of a lake or other body of water as a result of 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 a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
- CC. "Flood-related erosion area" or "Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- DD. "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.
- ~~O-EE~~ "Floodway" means the channel of a river ~~ef~~ 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 floodway is delineated on the Flood Boundary Floodway Map. Also referred to as "Regulatory Floodway."~~
- FF. "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.
- GG. "Fraud and victimization" as related to Section 21.62.229 et. seq., of this ordinance, 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.
- HH. "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.

- II. "Governing body" is the City Council of the City of Long Beach that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
- JJ. "Hardship" as related to Section 21 62.229 et. seq. of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The City of Long Beach 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.
- P. "Hazard mitigation plan" means a plan that incorporates a processes whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to floodplain development community wide.
- Q KK. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.
- LL. "Historic structure" means any structure that is
1. 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;
 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 the California State Inventory of Historic Places; or
 4. individually listed on the Long Beach inventory of historic places.
- MM. "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.
- NN. "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.
- R-OO "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 nonelevation design requirements of this title. means the lowest floor of the lowest enclosed area, including basement (See "Basement" definition).

1. 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:

- a. The wet floodproofing standards in Section 21.62.180 C.3.
- b. The anchoring standards in Section 21.62.180 A
- c. The construction materials and methods standards in Section 21.62.180 B
- d. The standards for utilities in Section 21.62.190.

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

S PP "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 connected to the required utilities. ~~For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. The term "manufactured home" does not include a "recreational vehicle."~~

FQQ "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.

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

SS "Mudslide" (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

TT "Mudslide (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

U UU "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this section for floodplain management purposes, means structures for which the "start of construction" commenced on or after September 15, 1983, the effective date of floodplain

management regulations adopted by the City of Long Beach, and includes any subsequent improvements to such structures.

VV "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) is completed on or after September 15, 1983, the effective date of floodplain management regulations adopted by this community.

WW "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.

XX "One-hundred-year flood" or "100-year flood" - see "Base flood."

YY "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.

ZZ "Public safety and nuisance" as related to Section 21.62.229 et. seq. 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.

AB "Recreational vehicle" means 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.

AC "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.

AD "Remedy a violation" means to bring the structure or other development into compliance with

State or City 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 this chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

- AE "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- ✓ AE "Sand dunes" means naturally occurring accumulations of sand in ridges or ~~amounts~~ mounds landward of the beach.
- AG "Sheet flow area" -~~See~~ "Area of shallow flooding".
- AH "Special flood hazard area (SFHA)" means an area having special flood, mudslide (i.e. mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, E, M, V1-V30, VE or V.
- AI "Start of construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 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 one hundred eighty 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. 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 180 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 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. 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.
- ✗ AJ "Structure" means a walled and roofed building or manufactured home that is principally

above ground; this includes a gas or liquid storage tank or a manufactured home.

AK "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 50 percent of the market value of the structure before the damage occurred.

AL ~~"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 or repair 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 affects the external dimensions of the structure.~~

~~This term does not, however, include either:~~

~~a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or~~

~~b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 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

1. any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by a 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".

AM "V zone" - see "Coastal high hazard area"

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

AO "Violation" means the failure of a structure or other development to be fully compliant with this title. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this title is presumed to be in violation until such time as that documentation is provided.

AP "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, either in relation to the National Geodetic Vertical Datum and frequencies in the floodplains of coastal or riverine areas.

AO "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.

4. Chapter 21.62 is amended by amending Section 21.62.060 to read as follows:

21.62.060 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the Federal Insurance Administration (FIA), through the Federal Emergency Management Agency (FEMA), in a scientific and engineering report entitled "The Flood Insurance Study for the City of Long Beach", dated June 23, 1982, with an accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), and all subsequent amendments and/or revisions, is are hereby adopted by reference and declared to be a part of this chapter. This flood insurance study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The Flood Insurance Study, FIRMS and Flood Boundary and Floodway Maps are on file in the office of the Department of Public Works, 333 West Ocean Boulevard, Long Beach, California 90802.

5. Chapter 21.62 is amended by amending Section 21.62.070 to read as follows:

21.62.070 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. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City of Long Beach from taking such lawful action as is necessary to prevent or remedy any violations.

6. Chapter 21.62 is amended by amending Section 21.62.100 to read as follows:

21.62.100 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 occasion. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside 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 Long Beach, any officer

or employee thereof, the State of California, ~~or the Federal Insurance Administration, or the Federal Emergency Management Agency,~~ for any flood damages that result from reliance on this chapter or any administrative decision made ~~thereunder.~~ hereunder.

7. Chapter 21.62 is amended by adding Section 21.62.101 as follows:

21.62.101 Severability

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter 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.

8. Chapter 21.62 is amended by amending Section 21.62.110 to read as follows:

21.62.110 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 21.62.060. Application for a development permit shall be made on forms furnished by the ~~city manager or his/her designated representative~~ Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

A. Proposed elevation in relation to mean sea level, of the lowest ~~habitable floor~~, including basements, of all structures - in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

B. proposed elevation in relation to mean sea level ~~of any structure which will be floodproofed to which any nonresidential structure will be floodproofed, if required in Section 21.62.180 C.3; and~~

C. ~~Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria set forth in Section 21.62.180 C.3~~ all appropriate certifications listed in Section 21.62.160 of this chapter; and

D. description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

9. Chapter 21.62 is amended by amending Section 21.62.120 to read as follows:

21.62.120 Designation of the local administrator

The City Manager or his designated representative is hereby appointed Floodplain Administrator to administer and implement this chapter by granting or denying development ~~permit~~ applications permits in accordance with its provisions.

10. Chapter 21.62 is amended by amending Section 21.62.130 to read as follows:

21.62.130 Duties and responsibilities of the ~~city manager or his designated representative.~~ Floodplain Administrator.

The duties of the ~~city manager or his designated representative~~ Floodplain Administrator shall include but not be limited to the duties set forth in Sections 21.62.140 through ~~21.62.170~~ 21.62.175.

11. Chapter 21.62 is amended by amending Section 21.62.140 to read as follows:

21.62.140 Permit review

The ~~city manager or his designated representative~~ Floodplain Administrator shall:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- B. Review all development permits to determine ~~if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. that 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 title, "adversely affects" means that the cumulative effective 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;
- ~~C.~~ G. Review all proposals for the development of five parcels or more to assure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development;
- ~~D.~~ C. Review proposed development to assure that all required state and federal permits have been obtained;
- D. Review all development permits to determine that the site is reasonably safe from flooding.
- ~~E.~~ Notify adjacent communities and the Department of Water Resources prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration;
- ~~F.~~ Require that, until a regulatory floodway is designated, substantial improvements or other development, including fill, shall not be permitted within Zones A1-30 and AE unless it is demonstrated 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.

12. Chapter 21.62 is amended by amending Section 21.62.150 to read as follows:

21.62.150 Use of other base flood data

When base flood elevation data has not been provided in accordance with Section 21.62.060, ~~the city manager or his designated representative~~ Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 21.62.180. Any such information shall be submitted to the City Council for adoption.

13. Chapter 21.62 is amended by adding Section 21.62.155 as follows:

21.62.155 Notification of other agencies

Where there is an alteration or relocation of a watercourse, the Floodplain Administrator shall:

- A. Notify adjacent communities and the California Department of Water Resources prior to the alteration or relocation;
- B. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
- C. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

14. Chapter 21.62 is amended by amending Section 21.62.160 to read as follows:

21.62.160 Information to be obtained and maintained

~~The city manager or his/her designated representative~~ Floodplain Administrator shall obtain and maintain for public inspection and shall make available as needed for flood insurance policies:

- A. For residential uses, the certified elevation required in certification required by Section 21.62.180C.1 (lowest floor elevations),
- B. For nonresidential uses, the floodproofing certification required in certification required by Section 21.62.180C.2 (elevation or floodproofing of nonresidential structures),
- C. Certification required by Section 21.62.180C.3 (wet floodproofing standard),
- G-D. For subdivisions, the certified elevation required in certification of elevation required by Section 21.62.200B (subdivision standards),
- E. certification required by Section 21.62.216A (floodway encroachments),
- D E. For coastal developments, the coastal high hazard certification required in information

required by Section 21.62.220 (coastal construction standards), and

G. Reports required by Section 21.62.221 (mudflow standards).

15. Chapter 21.62 is amended by adding a new Section 21.62.175 as follows:

21.62.175 Remedial action

The Floodplain Administrator shall take action to remedy violations of this chapter as specified in Section 21.62.070.

16. Chapter 21.62 is amended by adding a new Section 21.62.176 as follows:

21.62.176 Appeals

The City Council shall hear and decide 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.

17. Chapter 21.62 is amended by amending Section 21.62.180 to read as follows:

21.62.180 Standards of construction

In all areas of special flood hazard, 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 Section 21.62.210.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall use methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. If within zones AH or AO, there shall be adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. (See definitions for "basement", "lowest floor", "new construction", "substantial damage" and "substantial improvement")

- ~~1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 21.62.180C.2. Upon completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor that elevation requirements have been met. Notification of compliance shall be recorded as set forth in Section 21.62.160A.~~

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

- a. 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 two feet above the highest adjacent grade if no depth number is specified.

- b. in an A zone, elevated to or above the base flood elevation, as determined by the City.

- c. in all other Zones, elevated to or above the base flood elevation.

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 building official to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction, new or substantial improvement, shall either be elevated in conformance with Section 21.62.180C.1 or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level below the elevation recommended under Section 21.62.180C.1 so that the structure is watertight with walls substantially impermeable to the passage of water; and

- 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 section (21.62.180C.2) are satisfied. Such certification shall be provided to the Floodplain Administrator.

~~A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section, and include a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the official set forth in Section 21.62.160B.~~

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 must meet or exceed the following minimum criteria:

- a. be certified by a registered professional engineer or architect; or
- b. have 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. 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 floodwater.

- ~~3.4. Manufactured homes shall meet the above standards and shall also meet the standards in Section 21.62.210.~~

- ~~4. Structures in coastal high hazard areas shall meet the requirements of Section 21.62.220.~~

- ~~5. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 must meet or exceed the following minimum criteria: 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. 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.~~

18. Chapter 21.62 is amended by amending Section 21.62.200 to read as follows:

21.62.200 Standards for subdivisions.

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

- B. All final subdivision plans shall provide the elevation of proposed structures and pads. 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, ~~official as set forth in Subsection 21.62.160B~~
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public facilities and utilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All ~~subdivision subdivisions~~ shall have provide adequate drainage to reduce exposure to flood ~~hazards~~, ~~damage as set forth in Section 21.61.140C~~. ~~Certification of compliance shall be required of the developer.~~

19. Chapter 21.62 is amended by amending Section 21.62.210 to read as follows:

21.62.210 Standards for manufactured homes and manufactured home parks and subdivisions

- ~~A. All manufactured homes and additions to manufactured homes shall be anchored to resist flotation, collapse, or lateral movement in a manner approved by the California Department of Housing and Community Development or such appropriate state agency. As set forth in Section 21.62.160E, certification meeting such standards is required of the installer or state agency responsible for regulating the placement, installation and anchoring of individual mobile homes and manufactured units.~~
- ~~B. All manufactured homes to be placed or substantially improved within Zones A1-30, 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 above provisions.~~
- ~~C. Certification of compliance is required of the developer responsible for the plan or state agency responsible for regulating manufactured home placement.~~
- A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, 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 on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall 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 anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 21.62.210A and Section 21.62.220.

C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 21.62.210A 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 36 inches in height above grade.

20. Chapter 21.62 is amended by adding Section 21.62.215 as follows:

21.62.215 Standards for recreational vehicles

A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

1. be on the site for fewer than 180 consecutive days, and 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

2. meet the permit requirements of Sections 21.62.110 through 21.62.175 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 21.62.210A.

B. Recreation vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 21.62.215A and Section 21.62.220.

21. Chapter 21.62 is amended by adding Section 21.62.216 as follows:

21.62.216 Floodways

Located within areas of special flood hazard established in Section 21.62.060 are areas designated as 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.

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided

demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

- B. If Section 21.62.216A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 21.62.180 through 21.62.225.

22. Chapter 21.62 is amended by amending Section 21.62.220 to read as follows:

21.62.220 Coastal high hazard area.

~~Coastal high hazard areas (V-Zones) are located within the areas of special flood hazards established in Section 21.62.060. These areas have additional flood hazards associated with high velocity waters from coastal and tidal inundation caused by tsunamis. Therefore, the following provisions shall apply:~~

~~A. Location of structures. All buildings or structures shall be located landward of the reach of the mean high tide. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.~~

~~B. Construction methods.~~

~~1. Elevation. All buildings or structures shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided in Section 21.62.220.B.3.b.~~

~~2. Structural support.~~

~~a. All buildings or structures shall be securely anchored on pilings or columns.~~

~~b. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Winds and water loading values shall each have a one percent chance of being equalled or exceeded in any given year (100 year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this paragraph.~~

~~c. There shall be no fill used for structural support.~~

3. ~~Certification. Compliance with all of the provisions of Section 21.62.220 shall be certified to by a registered engineer or architect and provided to the official as set forth in Section 21.62.160.D.~~

- a. ~~Any alteration, repair, reconstruction or improvement to a structure started after the enactment of the ordinance codified in this section shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.~~
- b. ~~Breakaway walls, open wood lattice work, or insect screening shall collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:~~
 - i. ~~breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and~~
 - ii. ~~the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equalled or exceeded in any given year (100 year mean recurrence interval).~~
- c. ~~If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage.~~
- d. ~~Prior to construction, plans for any structure that will have breakaway walls must be submitted to the city manager or his designated representative for approval.~~

Within coastal high hazard areas as established under Section 21.62.060, the following standards shall apply.

A. All new construction and substantial improvement 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 level. 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 mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 21.62.040. Such enclosed space shall not be used for human habitation and will be usable 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 architect that a proposed structure complies with Section 21.62.220A.

2. The elevation (in relation to mean sea level) 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.

23. Chapter 21.62 is amended by adding Section 21.62.221 as follows:

21.62.221 Mudslide (i.e. Mudflow) prone areas

A. The Floodplain Administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

B. Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the

1. type and quality of soils.

2. evidence of ground water or surface water problems.

3. depth and quality of any fill.

4. overall slope of the site, and

5. weight that any proposed development will impose on the slope.

C. Within areas which may have mudslide hazards, the Floodplain Administration shall require that

1. a site investigation and further review be made by persons qualified in geology and soils engineering;
2. the proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages;
3. the proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site or off-site disturbances; and
4. drainage, planting, watering, and maintenance not endanger slope stability.

24. Chapter 21.62 is amended by adding Section 21.62.222 as follows:

21.62.222 Flood-related erosion-prone areas

- A. The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.
- B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
- D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

25. Chapter 21.62 is amended by adding Section 21.62.229 as follows:

21.62.229 Nature of variances

The variance criteria set forth in this chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

26. Chapter 21.62 is amended by Section 21.62.230 to read as follows:

21.62.230 Variance procedure

- A. ~~The city manager or his designated representative~~ Floodplain Administrator shall hear and decide requests for variances from the requirements of this chapter.
- B. In passing upon ~~such applications~~ requests for variances, ~~the city manager or his designated representative~~ Floodplain Administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance. ~~He shall also consider: chapter, and;~~
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 existing individual owner and future owners of the property;
 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 comprehensive 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; and
 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 system, and streets and bridges.

- C. Any person aggrieved by the decision of the ~~city manager or his designated representative~~ Floodplain Administrator may, within ten days from the date the aggrieved party is notified in writing of the decision, appeal such decision to the city council by filing a written notice thereof with the city clerk. The city council's decision shall be reduced to writing and shall be served by mail on the aggrieved party within ten days after all evidence has been received by the city council. The decision of the city council shall be final.
- D. Generally, variances may be used 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, providing Items 1 through 11 in Subsection 21.62.230B and the procedures set forth in Sections 21.62.110 through 21.62.222 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Upon consideration of the factors of Subsection 21.62.230B and the purposes of this ordinance, the ~~city manager or his designated representative~~ Floodplain Administrator may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- F. The ~~city manager or his designated representative~~ Floodplain Administrator shall maintain the records of all appeal variance actions, including justification for their issuance, and report any variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency upon request.
- G. Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:
 - 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - 2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Los Angeles County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

27. Chapter 21.62 is amended by amending Section 21.62.240 to read as follows:

21.62.240 Conditions for variances

- A. Variances may be issued for the ~~reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.~~ repair or rehabilitation of "historic structures" (as defined in Section 21.62.040) upon a determination that the proposed

repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- B. Variances shall not be issued within any designated mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will provide relief and preserve the integrity of this chapter.
- D. Variances shall only be issued upon:
 - 1. ~~A showing of good and sufficient cause such as renovation, rehabilitation or reconstruction. Variances issued for economic considerations, aesthetics or because variances have been used in the past are not good and sufficient cause;~~
 - 2. A determination that failure to grant the variance would result in exceptional hardship (as defined in Section 21.62.040) to the applicant; and
 - 3. 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 (as defined in Section 21.62.040 - see "Public safety or nuisance"), cause fraud on or victimization (see Section 21.62.040) of the public, or conflict with existing local laws or ordinances
- ~~E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~
- E. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Section 21.62.240A through D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- F. Upon consideration of the factors of Section 21.62.230 and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

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