

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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**Th7a**

**Prepared June 29, 2005 (for July 14, 2005 hearing)**

**To:** Commissioners and Interested Persons  
**From:** Charles Lester, Deputy Director  
Diane Landry, District Manager  
Jonathan Bishop, Coastal Program Analyst

RECORD PACKET COPY

**Subject: County of San Luis Obispo LCP Major Amendment Number 1-04 Part 1 (Flood Hazard Ordinance Amendment)** Proposed major amendment to the County of San Luis Obispo certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's July 14, 2005 meeting to take place at the Catamaran Resort Hotel, 3999 Mission Blvd., San Diego.

**Summary**

The County of San Luis Obispo is proposing to amend the Flood Hazard (FH) Combining Designation section of its certified Local Coastal Program (LCP) Implementation Plan (IP), also known as the Coastal Zone Land Use Ordinance (CZLUO). The impetus of the amendment is a Federal Emergency Management Agency (FEMA) mandate, but additional clarifying changes are proposed to address local concerns. The amendment includes:

- 1) Changing each instance where "County Engineer" is referenced in the ordinance to "Director of Public Works".
- 2) Modifying the applicability of construction standards for developments within flood hazard areas to include new structures and any improvement/repair to an existing structure where the value proposed is more than 50% of the market value before the start of construction or damage that required the repair.
- 3) Providing additional construction standards for developments in Coastal High Hazard areas.
- 4) Modifying the definitions of "Breakaway Walls" and "Structure" to conform with federal law and replace the "County Engineer" definition with a definition of "Director of Public Works".

Staff has evaluated the proposed amendments to the Implementation Plan (IP) for conformance with the Land Use Plan (LUP) and found that the amendments do not effectively carry out the LUP due to the need to better address: general hazard avoidance; avoidance of future shoreline structures; requirements for technical studies in tsunami inundation zones; and expanded mapping of FH areas.

The primary issue raised by the amendment is that it attempts to respond to significant flood hazard risk with state-of-the-art construction techniques rather than avoid them as directed by the LUP. Instead of siting and designing new structures outside of flood hazard areas to minimize risk to life and property, the LCP flood hazard ordinance applies FEMA construction standards (e.g., raise structures one foot



**California Coastal Commission**  
**July 2005 Meeting in San Diego**

Staff: J.Bishop Approved by: *[Signature]*

above flood level; use flood-proof materials; anchoring piles or columns to resist collapse; etc.) to prevent structural damage in hazard zones. The use of these construction practices without standards for siting new development does not implement the requirement of LUP Hazard Policy 1, requiring new development to be located and designed to minimize risks from hazards. Coupled with continued reconstruction and renovation of the shorefront, the amendment's reliance upon construction standards rather than setbacks does not adequately avoid future shoreline protective devices as called for by the LUP.

To address these concerns, staff has recommended modifications to bring the flood hazard ordinance into compliance with the hazards policies of the LUP. The modifications include a general standard for hazard avoidance before FEMA construction standards are applied. In situations where hazard avoidance is not feasible, the suggested modifications require the implementation of FEMA construction standards and minimization of development within flood hazard areas. In addition, the suggested modifications call for a prohibition on subdivisions within hazard areas where the resultant parcel does not provide a building area outside of the designated hazard zone. For all development in coastal high hazard areas, the suggested modifications require that the applicant waive all rights to future shoreline devices intended to protect the new development from coastal hazards. The modifications further require additional studies in areas with tsunami inundation potential, as well as improved flood mapping of identified creeks. With these modifications, the implementation plan (IP), or zoning ordinance will be adequate to carry out the certified Land Use Plan (LUP).

#### Staff Note

The Commission previously extended the Coastal Act-mandated time frame for action on this LCP amendment until July 15, 2005. No further extensions are possible. Thus, pursuant to the timing requirements of the Act, the Commission must act on this LCP amendment at the July 2005 meeting. If the Commission does not act, then the amendment will be deemed approved as submitted.

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## **I. Staff Recommendation – Motions and Resolutions**

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make 2 motions in order to act on this recommendation.<sup>1</sup>

### **1. Denial of Implementation Plan Major Amendment Number 1-04 Part 1 as Submitted**

**MOTION:** *I move that the Commission reject Major Amendment 1-04 Part 1 to the San Luis Obispo County Local Coastal Program Implementation Plan as submitted by the County.*

#### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a YES vote. Passage of this motion will result in **denial** of Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby **denies** certification of Major Amendment No. 1-04 Part 1 to the Implementation Plan of the San Luis Obispo County Local Coastal Program, on grounds that the Implementation Plan as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

### **2. Approval of Implementation Plan Major Amendment Number 1-04 Part 1 as Modified**

**MOTION:** *I move that the Commission certify Major Amendment 1-04 Part 1 to the San Luis Obispo County Local Coastal Program Implementation Plan if modified according to the suggestions in this staff report.*

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

<sup>1</sup> Note that the motions and resolutions refer to "Part 1 of Major Amendment Number 1-04." The reason for this is that this amendment request is part 1 of a two-part LCP amendment submitted by the County of San Luis Obispo. Part 2 (Agricultural Preserve Map Amendment) was heard at the June 2005 Commission meeting in Long Beach.



The Commission hereby certifies Implementation Program Amendment No. 1-04 Part 1 for San Luis Obispo County if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications will meet the requirements of and be in conformity with the certified Land Use Plan. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## **II. Suggested Modifications**

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite consistency findings. If the County of San Luis Obispo accepts the suggested modifications within six months of Commission action (i.e., by January 14, 2006), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

### **1. CZLUO Section 23.07.065 - General Hazard Avoidance**

*Add a new CZLUO Section 23.07.065 – General Hazard Avoidance:*

#### **A: New Development on Vacant Lots**

Where feasible, new development on vacant lots shall be located outside of flood hazard areas. If it is not feasible to site development outside of flood hazard areas, development shall be minimized and constructed consistent with standards set forth in section 23.07.066(a) and/or 23.07.066(c) of this title.

#### **B: Improvement/Repair With Value Greater than 50% of Existing Structure**

Where feasible, any improvement/repair to an existing structure where the value proposed is greater than 50% of the market value of the existing structure shall locate the entire development outside of hazard areas. If it is not feasible to locate the entire development outside of the flood hazard area all development within hazard areas shall be minimized and constructed consistent with the standards set forth in section 23.07.066(a) and/or 23.07.066(c) of this title.

#### **C: Improvement/Repair With Value Less than 50% of Existing Structure**

Where feasible, any improvement/repair to an existing structures where the value proposed is less than 50% of the market value of that existing structure shall be located outside of hazard areas. If location outside of hazard areas is not feasible, the improvement/repair shall be constructed consistent with FEMA standards.



**D: Land Divisions in Flood Hazard Areas**

Land divisions, including lot line adjustments, are prohibited within hazard areas where the only buildable areas of the resulting lot configuration are within a hazard zone.

**2. CZLUO Section 23.07.066(c) –Coastal High Hazard Areas**

*Revise by inserting the following additional underlined subsection (f):*

**f. Waiver of Rights to Future Armoring.** Where applicants' geologic assessment/wave run-up studies determine that the new or improved development is sited such that it will not need a shoreline protective device for the life of the structure the applicants shall waive their rights to a future shoreline protective device.

**3. Tsunami Inundation Zones**

*Add a new section to the IP:*

**Tsunami Inundation Zone.** Where feasible, development shall be sited outside of potential tsunami inundation zones, even if not currently designated FH. A Registered Civil Engineer with coastal experience shall make a determination, through examination of the most current tsunami inundation and run-up maps or a wave run-up analysis, whether the site subject to inundation during a tsunami, pursuant to the criteria of Section 23.07.064b. If it is not feasible to site development outside of a tsunami inundation zone, new development shall be in conformance with all provisions set forth in Section 23.07.066(c).

**4. Update Flood Hazard (FH) Combining Designation Maps. Official Maps (Part III) of Land Use Element**

Apply FH Designation to include the flood plains of: Arroyo del Puerto, Oak Knoll, Little Pico, Villa Creek.

**III. Findings and Declarations**

The Commission finds and declares the following:

**A. Proposed LCP Amendment****1. Description of the Amendment**

The proposed amendment modifies the FH Combining Designation section of the Coastal Zone Land Use Ordinance (CZLUO) as follows. This section governs development in flood hazard areas, either subject to inundation from 100 year floods or subject to high velocity waves from tidal action or



tsunamis, that have been designated FH:

First, it changes each instance where "County Engineer" is referenced in the ordinance to "Director of Public Works. These changes modify certified LCP Section 23.07.060; 23.07.062(a) and (b); 23.07.064(b); 23.07.066(a)1; 23.07.066(e); and the definitions section of Chapter 11.

Second, it modifies Section 23.07.066 (Construction Standards) by changing the applicability of construction requirements for development within flood hazard areas from an increase of 65 percent in the square footage to a new criteria of 50% of the market value of the structure before the start of construction or damage that required the repair. The use of flood resistant materials up to one foot above base flood elevation has been added (23.07.066(12)).

Third, it modifies Section 23.07.066(c) (Coastal High Hazard Areas) by changing the applicability of construction requirements for development within coastal high hazard areas (those areas subject to high velocity waves) from a blanket requirement for all development to a new criteria of 50% of the market value of the structure before the start of construction or damage that required the repair. Additional construction requirements are added.

Lastly, it modifies the definition of "Breakaway Walls" in section of Chapter 11-Definitions of the CZLUO to include more current engineering detail.

See Exhibit A for the Board's resolution, Exhibit B for the Board of Supervisor's staff report, and Exhibit C for the proposed changes in cross-through and underline format.

## **2. Effect of Changes Proposed**

The amendment changes the circumstances under which FEMA construction standards are applied to development in mapped flood hazard areas. FEMA (Federal Emergency Management Agency) promulgates minimum standards that all local jurisdictions that participate in the federal flood hazard insurance program must follow. The current certified provisions of LCP Section 23.07.066 apply FEMA construction standards to new development or an increase in 65 percent in the square footage of any existing structure within a mapped flood hazard zone. The proposed amendment changes the applicability of construction standards to new structures or any improvement/repair to an existing structure where the value proposed is more than 50% of the market value before start of construction or damage that required the repair. This means that FEMA construction standards would not be applied for repairs or improvements with a value less than 50% of the existing structure. In Coastal High Hazard Areas (those areas subject to high velocity waves), the current certified provisions apply FEMA construction standards to all developments. The proposed amendment is less encompassing for development in these areas because construction standards would only be applied under limited circumstances.



## **B. LUP Consistency Analysis**

### **1. Standard of Review**

The standard of review for proposed modifications to the County's Land Use Plan (LUP) is consistency with the Coastal Act. The standard of review for proposed modifications to the County's Implementation Plan (IP), or zoning ordinance, is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning ordinance) standards then typically further refine LUP policies to provide guidance on a parcel by parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LUP.

### **2. LUP Consistency Requirement**

In order to approve an Implementation Plan (IP) or zoning amendment, it must be consistent with and adequate to carry out the Land Use Plan (LUP). Relevant LUP Hazard policies include:

#### ***Policy 1: New Development***

*All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development (with the exception of coastal-dependent uses or public recreation facilities) shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

#### ***Policy 2: Erosion and Geologic Stability***

*New development shall ensure structural stability while not creating or contributing to erosion or geological instability. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.07.086 OF THE CZLUO.]*

#### ***Policy 3: Development Review in Hazard Areas***

*The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. Residential, commercial and industrial development shall be prohibited within the 100 year floodplain (1% chance of inundation in any year) as delineated in the Flood Hazard combining designation except for those areas within an urban reserve line. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.082, 23.07.084, 23.07.062 AND 23.07.066 OF THE CZLUO.]*



***Policy 4: Limitations on the Construction of Shoreline Structures***

*Construction of shoreline structures that would substantially alter existing landforms shall be limited to projects necessary for:*

- a. protection of existing development (new development must ensure stability without depending upon shoreline protection devices);*
- b. public beaches and recreation areas in danger of erosion;*
- c. coastal dependent uses;*
- d. existing public roadway facilities to public beaches and recreation areas where no alternative routes are feasible.*

*These structures shall be permitted provided they are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, fish and wildlife provided that non-structural methods (e.g., artificial nourishment) have been proven to be infeasible or impracticable.*

*Shoreline structures include revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls and other such structures that alter natural shoreline processes. Retaining walls shall be permitted only where necessary to stabilize bluffs where no less environmentally damaging alternative exists or where necessary for those projects defined above. Where shoreline structures are necessary to serve the above, siting shall not preclude public access to and along the shore and shall be sited to minimize the visual impacts, erosive impacts on adjacent unprotected property, encroachment onto the beach and to provide public overlooks where feasible and safe. The area seaward of the protective devices shall be dedicated for lateral public access. The protective devices shall utilize materials which require minimum maintenance and shall specify within the plans the agencies or persons responsible for maintenance.*

*In addition to county review, most shoreline structures require review by federal and state agencies. These may include permits required by the federal Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Department of Fish and Wildlife, California Regional Water Quality Control Board, State Lands Commission, California Coastal Commission, etc. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Policy 5: Design and Construction of Shoreline Structures***

*Shoreline structures developed consistent with Policy 4 (including projects for maintenance and repair) shall be designed and constructed to mitigate or eliminate effects on local shoreline sand movement and supply. Construction activities shall be carefully managed to minimize unnecessary effects on natural landforms and shoreline processes. Upland grading and drainage shall be designed and constructed to avoid adverse impacts on bluff lines by channeling drainage away from the bluff where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.090 OF THE CZLUO.]*





**Policy 6: Bluff Setbacks**

*New development or expansion of existing uses on bluffs shall be designed and set back adequately to assure stability and structural integrity and to withstand bluff erosion and wave action for a period of 75 years without construction of shoreline protection structures which would require substantial alterations to the natural landforms along bluffs and cliffs. A site stability evaluation report shall be prepared and submitted by a certified engineering geologist based upon an on-site evaluation that indicates that the bluff setback is adequate to allow for bluff erosion over the 75 year period. Specific standards for the content of geologic reports are contained in the Coastal Zone Land Use Ordinance. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.118 OF THE CZLUO.]*

**3. Consistency Analysis**

The coastal zone of San Luis Obispo County is subject not only to flooding along streams and rivers, but also wave induced flooding along the coast. Inundation potential is greatest at the mouth of a stream or river where development may be subject to both river flooding and wave flooding during storms incurring heavy rain and large waves. Stream/river flooding is dependent on rainfall, whereas coastal wave inundation may occur through a variety of mechanisms (i.e. wind forcing, storm occurrence, or tsunami). When extreme tides coincide with large waves, the severity of wave inundation increases. Although flood hazard is usually associated with inundation and water damage, destruction to development may result from large debris and felled trees along wooded streams carried by flooding streams and ramming into structures. The same effect occurs along the shoreline with waves ramming debris into coastal structures.

LUP Hazards policies require that new development be sited and designed to minimize risk to life and property in hazard areas. Development is required to be sited and designed to ensure structural stability and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. New development proposed in identified hazard areas is required to follow detailed technical review. It should also be noted that the LUP makes a clear distinction between rural and urban areas when applying development standards in flood hazard areas. The LUP prohibits new development within the 100 year floodplain in the rural areas.

On the whole, these LUP policies recognize that development is generally not appropriate in hazard areas and structural stability cannot be guaranteed (without relying on engineering measures) and allows shoreline protection in only very specific and limited circumstances for already existing development.

**Minimizing Risk**

The proposed amendment does not adequately minimize the risk to life and property as required by the LUP. Rather, the proposed amendment responds to the risks of flooding through the application of state-of-the-art FEMA construction techniques instead of avoiding hazard areas. For example, in areas subject to flooding from a 100-year storm event, the submitted amendment calls for anchoring structures to prevent collapse, elevating the ground floor of structures one-foot above the 100-years storm flood



profile level, and the use of flood resistant materials. In areas subject to wave attack (i.e., Coastal High Hazard Areas), for example, the amendment prescribes elevating structures on anchored pilings or columns, or the use of "breakaway" walls for spaces below the lowest floor. These federal criteria are obviously important to apply in situations where development in the hazard area cannot be avoided. However, the amended ordinance is written to address flood hazards with additional structural development and does not first look to avoiding them as required by the LUP.

The amendment submittal does not carry out this requirement because it does not require any construction standards to be applied for repairs or improvements with a value less than 50% of the existing structure. This means that some additions or improvements can be built in flood hazard areas without following any construction standards. Furthermore, the amendment has no cumulative limit over time. Both permitted improvements and inflation will likely mean over time the value of a structure increases. Thus, the threshold for applying the policy increases, and more substantial improvements can occur without being subject to the policy. As such, the amendment as proposed does not ensure structural stability and is inconsistent with the LUP in this regard.

To address these concerns, modifications are necessary to bring the flood hazard ordinance into compliance with the hazards policies of the LUP. The siting and/or re-siting of new development to avoid exposure to hazards is critical. The modifications include a general standard for hazard avoidance before FEMA construction standards are applied. In situations where hazard avoidance is not feasible, the suggested modifications require the implementation of FEMA construction standards and minimization of development within flood hazard areas. In addition, the suggested modifications call for a prohibition on subdivisions within hazard areas where the resultant parcel does not provide a building area outside of the designated hazard zone. See page 5 #1 for modifications in this regard.

### **Shoreline Structures**

The proposed amendment does not ensure that new shoreline structures will not be installed, as required by the LUP in some instances. LUP Hazard Policies 4 and 5 require that construction that alters existing landforms and natural shoreline processes (like shoreline structures) be permitted only if that construction is required to (1) protect existing development without the need for shoreline protective devices; (2) protect public beaches; (3) serve coastal dependent uses; or (4) protect existing public roadway facilities to public beaches and recreation areas where no alternative routes are feasible. The LUP provides these limitations because such development can have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics.

The proposed amendment does not ensure that the natural shoreline will not be altered, as required by the LUP in some instances. The use of FEMA construction techniques and materials prescribed by the amendment has the ability to alter natural shoreline processes and the natural landform in a variety of ways. The most common natural shoreline process in coastal high hazard areas is ongoing shoreline erosion and natural beach creation/shaping. Applying FEMA construction standards to developments in these hazard areas could alter the natural landform, as well as halt and significantly diminish ongoing natural shoreline processes and backshore erosion. For example, construction of large fixed structures



like anchored pilings or columns on and adjacent to an eroding shoreline will adversely impact the ongoing natural processes that are critical to the creation and maintenance of sandy beach area.<sup>2</sup> Structures such as this would lead directly to an immediate loss of some beach landform, as well as a loss of more beach over time due to passive erosion. In addition, the bluff material would be stabilized and blocked from entering into the sand supply system limiting the amount of materials that could otherwise be available to promote sandy beach retention and formation. As such, the proposed amendment promotes the use of fixed structures that would alter natural shoreline processes and the natural landform inconsistent with the LUP.

Setbacks are the principal mechanism in the LCP to attempt to move development away from hazards (erosion, bluff retreat, flooding, etc.) and avoid shoreline armoring. While setbacks are called for in the LCP, the implementing actions of the amendment do not assure that future armoring will be avoided. In particular, the amendment's focus on the use of construction techniques rather than requiring siting and/or re-siting of development to avoid hazardous areas, will extend the lifespan of existing development within hazardous areas and thereby increase potential requests for future seawalls. In addition, there are some cases where the construction methods prescribed by the amendment (e.g. anchored pilings or columns) act as shoreline protective devices.

To address this concern, modifications are necessary to bring the flood hazard ordinance into compliance with the hazards policies of the LUP. Development should be sited and/or re-sited so that shoreline protective devices are not needed for the life of the structure. For all development in coastal high hazard areas, tsunami inundation zones, and floodplains mapped designated with a TH combining designation, the suggested modifications require that the applicant waive all rights to future shoreline protective devices. See page 5 #2 for modifications in this regard.

### **Tsunami Areas**

The proposed amendment does not adequately protect against tsunami hazards, as required by the LUP. The proposed amendment only covers areas with an overlay zoning designation of FH on Flood Insurance Rate Maps prepared by FEMA. However, mapping by the Governor's Office of Emergency Services indicates that the expected inundation zone of a worst-case tsunami may exceed the area designated FH, especially along coastal streams or areas exposed to ocean waves. These maps have been prepared for emergency response use only, and OES specifically indicates that they are not to be used for land use planning. Accordingly, structural development should be avoided in areas that could reasonably be expected to be subject to inundation during a tsunami. If avoidance is not feasible, it is necessary to mitigate for the possible effects of a tsunami, using engineering judgement and the FEMA V-zone construction standards as guidance for tsunami concerns. See page 5 #3 for modifications in this regard.

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<sup>2</sup> On an eroding shoreline fronted by a beach, the beach will be present as long as some sand is supplied to the shoreline and the beach is not submerged by sea level rise. As erosion proceeds, the beach also retreats. This process stops, however, when the retreating shoreline comes to a hard structure. While the shoreline on either side of the structure continues to retreat, shoreline retreat in front of the structure stops. Eventually, the shoreline fronting the structure protrudes into the water, with the mean high tide line fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the structure. These effects are also known as "passive erosion."



### **River Flood Plans**

The proposed amendment does not cover all potential river flood plains, as required by the LUP. The proposed amendment only covers areas with an overlay zoning designation of FH. However, in both the 1998 North Coast Area Plan Update and the 2001 Periodic Review of the San Luis Obispo County LCP, review has revealed that there are additional floodplains not zoned FH. Even though the hazard ordinance that prohibits development in the 100-year floodplain in rural areas is consistent with LUP policies, the recommended modifications require the FH Combining designation to be expanded to Arroyo del Puerto, Oak Knoll, Little Pico, and Villa Creeks. See page 5 #4 for modifications in this regard.

### **4. Conclusion**

Under the proposed implementation plan amendment, there is no provision to avoid the placement of structures and/or the improvement or repair of structures in flood hazard areas, including areas subject to wave attack. If approved, the amendment would promote additional structural development in these hazard areas inconsistent with the LUP directive to avoid risk to life and property. In addition, there are no provisions in the submitted ordinance to minimize development in flood hazard areas, including coastal high hazard areas, and assure that future shoreline protective devices will not be needed to protect such development. Furthermore, the amendment does not cover all tsunami run-up and river flood plains. Therefore, the proposed amendment to the implementation plan must be denied as being inadequate to carry out the land use plan.

There are modifications that can be made to address the identified shortcomings in the amendment. The amendment can be modified to include a general standard for hazard avoidance before FEMA construction standards are considered. The standard addresses 1) new development; 2) improvements or repairs valued at 50% or greater than the existing structure; 3) repairs and improvements valued less than 50% of the existing structure; and 4) subdivisions within flood hazard areas. Where hazard avoidance is not feasible, the suggested modifications require the implementation of FEMA construction standards and minimization of development within flood hazard areas. For all development in coastal high hazard areas, tsunami inundation zones, and floodplains mapped designated with a TH combining designation, the suggested modifications require that the applicant waive all rights to future shoreline protective devices. These modifications do not conflict with FEMA standards, rather they supplement them in order to be fully consistent with the LUP provisions.

If the submittal is amended according to the modifications on page 4, the IP amendment can be approved as being consistent with the LUP.

### **C. California Environmental Quality Act (CEQA)**

The Secretary of Resources has certified the Coastal Commission's review and development process for Local Coastal Programs and amendments as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the



local government has developed. In this case the County adopted a notice of exemption from CEQA requirements. Staff has identified additional measures that need to be incorporated into the amendment in order to avoid adverse environmental impacts. These measures are embodied in the suggested modifications to the County's amendment submittal. With these changes, approval of the amendment complies with the California Environmental Quality Act because as modified, the amendment will not have significant environmental effects for which feasible alternatives or mitigation measures have not been employed. The basis for this determination is documented in the findings of this report, which are incorporated by reference as if set forth herein in full.



K. Griffin

**PRESENT:** Supervisors Shirley Bianchi, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Harry L. Ovitt

**In the matter of ORDINANCE NO. 3025:**

**AYES:** Supervisors Achadjian, Bianchi, Ryan, Chairperson Ovitt  
**NOES:** None  
**ABSENT:** Supervisor Pinard

cc: Planning  
3/23/04 vms

STATE OF CALIFORNIA )  
 )  
County of San Luis Obispo ) ss.

**I, JULIE L. RODEWALD, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.**

**WITNESS my hand and the seal of the said Board of Supervisors, affixed this 23<sup>rd</sup> day of March, 2004.**

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By Vicki M. Kelly Deputy Clerk

**CCC Exhibit A**  
(page 1 of 9 pages)

EXHIBIT LRP 2003-0001:B

ORDINANCE NO. 3025

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,  
THE COASTAL ZONE LAND USE ORDINANCE, SECTIONS 23.07.060 ET SEQ.  
AND CHAPTER 11 RELATIVE TO FLOOD PLAIN MANAGEMENT  
AND THE FLOOD HAZARD COMBINING DESIGNATION

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.07.060 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

**23.07.060 - Flood Hazard Area (FH):**

The Flood Hazard combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element to areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood or within coastal high hazard areas. These standards are also intended to minimize the effects of development on drainage ways and watercourses. The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the San Luis Obispo County," dated July 18, 1985, with accompanying flood insurance rate maps, and any subsequent revisions to the flood insurance rate maps or flood area boundary maps, are hereby adopted and incorporated into this title by reference as though they were fully set forth here. The flood insurance study is on file in the County Public Works office.

SECTION 2: Section 23.07.062 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

**23.07.062 - Applicability of Flood Hazard Standards:**

All uses proposed within a Flood Hazard combining designation are subject to the standards of Sections 23.07.064 through 23.07.066, except:

- a. **Temporary uses:** With the approval of the Director of Public Works, the of Planning and Building Director may authorize construction or placement of a temporary structure or use within a Flood Hazard area pursuant to the required land use permit without meeting these standards, provided that the structure or use will not be in place from October 15, to April 15.
- b. **Emergency work:** Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the Director of Public Works is to be notified and an application filed with the Department of Planning and Building in compliance with the provisions of Section 23.07.064.
- c. **Existing uses:** The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this title is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this title.

SECTION 3: Section 23.07.064 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

### **23.07.064 - Flood Hazard Area Permit and Processing Requirements:**

Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, in addition to all other permits required by this title, state and federal law. In addition to the information called for in Section 23.05.042 (drainage plan required) the drainage plan shall include:

- a. Federal Insurance Administration flood data, including base flood elevations, flood hazard areas and floodway locations.
- b. In areas where water surface elevation data has not been provided by the Federal Insurance Administration, a normal depth analysis or other equivalent engineering analysis that identifies the location of the floodway and demonstrates to the satisfaction of Director of Public Works that the structure will not be located within the floodway or be subject to inundation by the 100-year storm. The following information is required to determine the location of flood elevation and the floodway, except where waived or modified by the Director of Public Works:
  - (1) Plans drawn to scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the floodway.



- (2) Typical valley cross-sections showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile level.
- (3) A profile showing the slope of the bottom of the channel or flow line of the stream.
- (4) Any previously determined flood data available from any state, federal or other source.

SECTION 4: Section 23.07.066 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

### **23.07.066 - Construction Standards:**

New structures or any improvement / repair to an existing structure (including manufactured homes) where the value proposed is more than 50 percent of the market value of that existing structure before start of construction of the new structure or any improvement, and prior to the damage requiring the repair are subject to the following construction standards. This can be determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State Office of Real Estate Appraisal and shall determine full market value of the existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraiser Standards Board of the Appraisal Foundation.

#### **a. Construction, general:**

- (1) No construction or grading is to limit the capacity of the floodway or increase flood heights on existing structures unless the adverse effect of the increase is rectified to the satisfaction of the Director of Public Works. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program.
- (2) Structures shall be anchored to prevent collapse, lateral movement or flotation that could result in damage to other structures or restriction of bridge openings and narrow sections of the stream or river.
- (3) Service facilities such as electrical and heating equipment are to be floodproofed or constructed at minimum of one-foot above the 100-year storm flood profile level for the site.
- (4) Water supply and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system and discharge from systems into flood waters.

- (5) On-site waste disposal systems shall be located to avoid their being impaired or contaminated during flooding.
- (6) All buildings or structures shall be located landward of mean high tide.
- (7) Residential, commercial and industrial development shall be prohibited outside of urban and village reserve lines.
- (8) Whenever a watercourse is to be altered or relocated, the Department of Planning and Building shall notify adjacent communities and the California Department of Water Resources and evidence of such notification shall be sent to the Federal Insurance Administration.
- (9) 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 meet or exceed the following minimum criteria:
  - (i) 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.
  - (ii) The bottom of all openings shall be no higher than one foot above grade.
  - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (10) On the basis of structural plans and the depth analysis, the ground floor of all structures is to be constructed at a minimum of one-foot above the 100-year storm flood profile level. Within any AO zone on the Flood Insurance Rate maps, this elevation shall be determined by adding one foot to the depth number specified. If no depth is specified, structures shall be elevated a minimum of two feet above adjacent natural grade.
- (11) Non-residential construction shall either be elevated in conformance with Section 23.07.066a(10) above, or together with attendant utility and sanitary facilities, be elevated a minimum of two feet above the highest adjacent grade and be floodproofed to a minimum of one-foot above the 100-year storm flood profile level. Examples of floodproofing include, but are not limited to:
  - (i) Installation of watertight doors, bulkheads, and shutters.
  - (ii) Reinforcement of walls to resist water pressure.

- (iii) Use of paints, membranes, or mortars to reduce seepage through walls.
  - (iv) Addition of mass or weight to structure to resist flotation.
  - (v) Armor protection of all fill materials from scour and/or erosion.
- (12) All structures subject to inundation shall use flood resistant materials up to one foot above base flood elevation.
- b. **Storage and processing:** The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human, animal, or plant life; or that may unduly affect the capacity of the floodway or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.
- c. **Coastal High Hazard areas.** The following requirements shall apply to new structures or any improvement / repair to an existing structure as specified in Section 23.07.066 in areas identified as having special flood hazards extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters including coastal and tidal inundation or tsunamis as established on the maps identified in subsection 23.07.060 of this title:
- (1) All buildings or structures 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 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.
  - (2) All new construction and other development shall be located on the landward side of the reach of mean high tide.
  - (3) All buildings or structures shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
  - (4) Fill shall not be used for structural support of buildings.

- (5) Man-made alteration of sand dunes that would increase potential flood damage is prohibited.
- (6) The Director of Planning and Building and/or the Public Works Director shall obtain and maintain the following records.
  - (i) Certification by a registered engineer or architect that a proposed structure complies with Subsection D.3.a
  - (ii) 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 buildings and structures, and whether such structures contain a basement.

**d. Certification of Compliance.** The following certifications shall be filed with the Building Official prior to final building inspection:

- (1) Upon completion of any structure within a flood hazard combining designation, compliance with elevation requirements shall be certified by a registered civil engineer or licensed land surveyor. Such certification shall include as a minimum the elevation of the lowest floor. If the structure has been floodproofed in conformance with Section 23.07.066a(11) above, the certification shall include the elevation to which the structure has been floodproofed. Elevations shall be based on the National Geodetic Vertical Datum of 1929.
- (2) Where floodproofing is used, a registered civil engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.
- (3) Compliance with the structural design requirements within Coastal High Hazard areas stated in Section 23.07.066c shall be certified by a registered civil engineer or architect.

**e. Exceptions to construction standards.** The standards of this section may be waived or modified by the Board of Supervisors through the variance procedure set forth in Code of Federal Regulations, Title 44, Chapter 1, Section 60.6, instead of through the adjustment process described in Section 23.01.044 of this title. Requests for such waivers or modifications shall be filed with County Public Works for processing. Procedures for the granting of variances under Title 14 are available from the County Public Works Department.

SECTION 5: Chapter 11 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

**Breakaway Walls.** Any type of walls, whether solid or lattice, which is not part of the structural support of the building and which is so designed as to breakaway under abnormally high tides or wave action without 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.

**Director of Public Works.** The Director of Public Works and Transportation of San Luis Obispo County as established by Chapter 2.18 of Title 2.

**Flood Boundary Floodway Map.** The official Flood Boundary Floodway Map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

**Flood, 100-Year.** See "Base Flood"

**Structure.** Any artifact constructed or erected, the use of which requires attachment to the ground, including any building (see "Building"), and including a gas or liquid storage tank that is principally above ground, but not including fences or walls six feet or less in height.

SECTION 6. That the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 7. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8. This ordinance shall become operative only upon approval without any modifications by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 9: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 2nd day of March, 2004, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 16th day of March, 2004, by the following roll call vote, to wit:

AYES: Supervisors K.H. "Katcho" Achadjian, Shirley Bianchi, Michael P. Ryan,  
Chairperson Harry L. Ovitt

NOES: None

ABSENT: Supervisor Peg Pinard

ABSTAINING: None

**HARRY L. OVITT**

Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

By: VICKI M. SHELBY

[SEAL]

Deputy Clerk-Recorder

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.

County Counsel

By: [Signature]  
Deputy County Counsel

Dated: 2.18.04

**CCC Exhibit** A  
(page 9 of 9 pages)



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

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PLANNING COMMISSION

Making a Difference\*

MEETING DATE February 26, 2004	CONTACT/PHONE Kami Griffin 805-781-5193	APPLICANT County of San Luis Obispo	FILE NO. LRP 2003-0001
<b>SUBJECT</b> Request by the County of San Luis Obispo to amend Section 22.14.060 and 22.80.030 of the Land Use Ordinance, Title 22 of the County Code and Sections 23.07.060 et seq. and Chapter 11 of the Coastal Land Use Ordinance, Title 23 of the County Code in order to implement Floodplain Management Standards and Requirements as mandated by the Federal Emergency Management Agency.			
<b>RECOMMENDED ACTION</b> Recommend to the Board of Supervisors: 1. Approval of the proposed General Rule Exemption in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.) 2. Approval of Land Use Ordinance and Coastal Zone Land Use Ordinance amendment LRP 2003-0001 as shown in Exhibits LRP 2003-0001:A and LRP 2003-0001:B based on the recommended findings listed in this report.			
<b>ENVIRONMENTAL DETERMINATION</b> This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment, therefore, the activity is not subject to CEQA.  [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]			
LAND USE CATEGORY N/A	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER N/A	SUPERVISOR DISTRICT(S) ① ② ③ ④ ⑤ <u>All</u>
PLANNING AREA STANDARDS: N/A			
EXISTING USES: N/A			
SURROUNDING LAND USE CATEGORIES AND USES: N/A			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The Federal Emergency Management Agency reviewed the proposed amendments			
TOPOGRAPHY: N/A		VEGETATION: N/A	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: N/A		ACCEPTANCE DATE: N/A	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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### **PROJECT BRIEF**

In 1999, a California Model Floodplain Management Ordinance was prepared by the Department of Water Resources. Although cities and counties in the state are not mandated to adopt the Model Ordinance, there are portions of our local ordinance that are no longer consistent with federal and state laws regarding Floodplain Management. Therefore, ordinance amendments are necessary to bring the County's local Flood Hazard Combining Designations regulations into conformity with the Model Floodplain Management Ordinance.

This county-initiated amendment would affect Sections 22.14.060 and 22.80.030 of the Land Use Ordinance, Title 22 of the County Code and Sections 23.07.060 et seq. and Chapter 11 of the Coastal Land Use Ordinance, Title 23 of the County Code.

### **LEGISLATIVE HISTORY**

This ordinance amendment was authorized through changes in Federal law.

### **AUTHORITY**

#### **Land Use Ordinance Amendment**

The Land Use Element sets forth the authority by which the Ordinance can be amended. The following factors should be considered by the Board in making their decision, pursuant to the Land Use Element:

#### *Guidelines for Amendments to Land Use Ordinance*

*The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goals of the Land Use Element that are stated in Chapter 1.*

*Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:*

1. *All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:*
  - a. *To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;*
  - b. *To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;*
  - c. *To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.*
2. *Designs for proposed residential uses should include:*
  - a. *Provisions for privacy and usable open space;*



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- b. *Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.*
- 3. *All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.*

The proposed amendments are consistent with these guidelines. The existing provisions and proposed modifications respect and mitigate (or avoid) special site constraints (flooding), provide for design features that shelter from adverse weather while still providing for the use of natural light, ventilation and shade and provide for design of developments that will allow for safe vehicular and pedestrian movement.

#### **STAFF COMMENTS**

The attached exhibits show proposed deletions with ~~strikeout~~ and proposed additions with redline and underline.

The proposed amendments are summarized as follows:

In each case where County Engineer is referenced, this is changed to the Director of Public Works. The duties of the County Engineer were delegated to the Director of Public Works and the County Surveyor. In this case, the Director of Public Works is the appropriate person to reference.

The change in applicability is a direct result of changes to federal law that now specify that construction standards apply to new structure or any improvement / repair to an existing structures where the value proposed is more than 50% of the market value before start of construction or damage that required the repair. If the county does not use this standard, individuals will not be eligible for federal or state flood insurance.

The changes to the Coastal High Hazard areas implement federal law and act to clarify and refine the existing requirements of the ordinance.

The modifications to the definitions act to implement federal law and replace the County Engineer definition with a definition of Director of Public Works.

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## FINDINGS

### *Environmental Determination*

- A. The proposed amendment qualifies for a General Rule Exemption pursuant to Section 15061(b)(3) as it can be seen with certainty that there is no possibility the project may have a significant effect on the environment.

### *Ordinance Amendment*

- B. The proposed amendments are consistent with the Safety Element and other adopted elements of the general plan because the changes are consistent with the goals of the Safety Element and act to implement Federal Floodplain Management regulations.
- C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance because the modifications respect and mitigate (or avoid) special site constraints (flooding), provide for design features that shelter from adverse weather while still providing for the use of natural light, ventilation and shade and provide for design of developments that will allow for safe vehicular and pedestrian movement.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is adequately elevated, flood proofed, or protected from flood damage.
- E. The proposed amendment will minimize public and private losses due to flood conditions in specific areas by provisions that protect human life and health and minimize damage to public and private structures and facilities.

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EXHIBIT LRP 2003-0001:B

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,  
THE COASTAL ZONE LAND USE ORDINANCE, SECTIONS 23.07.060 ET SEQ.  
AND CHAPTER 11 RELATIVE TO FLOOD PLAIN MANAGEMENT  
AND THE FLOOD HAZARD COMBINING DESIGNATION

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.07.060 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

**23.07.060 - Flood Hazard Area (FH):**

~~A~~ The Flood Hazard combining designation is applied to specific parcels by the Official Maps (Part III) of the Land Use Element to areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a 100-year frequency flood or within coastal high hazard areas. These standards are also intended to minimize the effects of development on drainage ways and watercourses. The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the San Luis Obispo County," dated July 18, 1985, with accompanying flood insurance rate maps, and any subsequent revisions to the flood insurance rate maps or flood area boundary maps, is are hereby adopted and incorporated into this title by reference as though it they were fully set forth here. The flood insurance study is on file in the ~~office of the County Engineer~~ County Public Works office.

SECTION 2: Section 23.07.062 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

**23.07.062 - Applicability of Flood Hazard Standards:**

All uses proposed within a Flood Hazard combining designation are subject to the standards of Sections 23.07.064 through 23.07.066, except:

- a. **Temporary uses:** With the approval of the Director of Public Works ~~County Engineer~~, the Planning Department of Planning and Building Director may authorize construction or placement of a temporary structure or use within a Flood Hazard area pursuant to the required land use permit without meeting these standards, provided that the structure or use will not be in place from October 15, to April 15.

CCC Exhibit  
(page 1 of 8 pages)

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- b. **Emergency work:** Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer Director of Public Works is to be notified and an application filed with the Planning Department of Planning and Building in compliance with the provisions of Section 23.07.064.
- c. **Existing uses:** The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this title is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this title.

**SECTION 3:** Section 23.07.064 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

### **23.07.064 - Flood Hazard Area Permit and Processing Requirements:**

Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, in addition to all other permits required by this title, state and federal law. In addition to the information called for in Section 23.05.042 (drainage plan required) the drainage plan shall include:

- a. Federal Insurance Administration flood data, including base flood elevations, flood hazard areas and floodway locations.
- b. In areas where water surface elevation data has not been provided by the Federal Insurance Administration, a normal depth analysis or other equivalent engineering analysis that identifies the location of the floodway and demonstrates to the satisfaction of the County Engineer Director of Public Works that the structure will not be located within the floodway or be subject to inundation by a the 100-year storm. The following information is required to determine the location of flood elevation and the floodway, except where waived or modified by the County Engineer Director of Public Works:
- (1) Plans drawn to scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the floodway.
  - (2) Typical valley cross-sections showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile level.
  - (3) A profile showing the slope of the bottom of the channel or flow line of the stream.
  - (4) Any previously determined flood data available from any state, federal or other source.

CCC Exhibit C  
(page 2 of 8 pages)

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**SECTION 4:** Section 23.07.066 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

### **23.07.066 - Construction Standards:**

New structures or an increase of 65 percent in the square footage of any existing structures (including manufactured homes) or other construction activities within a Flood Hazard Area combining designation are subject to the following: New structures or any improvement / repair to an existing structure (including manufactured homes) where the value proposed is more than 50 percent of the market value of that existing structure before start of construction of the new structure or any improvement, and prior to the damage requiring the repair are subject to the following construction standards. This can be determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State Office of Real Estate Appraisal and shall determine full market value of the existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraiser Standards Board of the Appraisal Foundation.

#### **a. Construction, general:**

- (1) No construction or grading is to limit the capacity of the floodway or increase flood heights on existing structures unless the adverse effect of the increase is rectified to the satisfaction of the County Engineer Director of Public Works. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program.
- (2) Structures shall be anchored to prevent collapse, lateral movement or flotation that could result in damage to other structures or restriction of bridge openings and narrow sections of the stream or river.
- (3) Service facilities such as electrical and heating equipment are to be floodproofed or constructed at minimum of one-foot above the 100-year storm flood profile level for the site.
- (4) Water supply and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system and discharge from systems into flood waters.
- (5) On-site waste disposal systems shall be located to avoid their being impaired or contaminated during flooding.
- (6) All buildings or structures shall be located landward of mean high tide.
- (7) Residential, commercial and industrial development shall be prohibited outside of urban and village reserve lines.

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- (8) Whenever a watercourse is to be altered or relocated, the Department of Planning and Building shall notify adjacent communities and the California Department of Water Resources and evidence of such notification shall be sent to the Federal Insurance Administration.
- (9) 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 meet or exceed the following minimum criteria:
- (i) 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.
  - (ii) The bottom of all openings shall be no higher than one foot above grade.
  - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (10) On the basis of structural plans and the depth analysis, the ground floor of all structures is to be constructed at a minimum of one-foot above the 100-year storm flood profile level. Within any AO zone on the Flood Insurance Rate maps, this elevation shall be determined by adding one foot to the depth number specified. If no depth is specified, structures shall be elevated a minimum of two feet above adjacent natural grade.
- (11) Non-residential construction shall either be elevated in conformance with Section 23.07.066a(10) above, or together with attendant utility and sanitary facilities, be elevated a minimum of two feet above the highest adjacent grade and be floodproofed to a minimum of one-foot above the 100-year storm flood profile level. Examples of floodproofing include, but are not limited to:
- (i) Installation of watertight doors, bulkheads, and shutters.
  - (ii) Reinforcement of walls to resist water pressure.
  - (iii) Use of paints, membranes, or mortars to reduce seepage through walls.
  - (iv) Addition of mass or weight to structure to resist flotation.
  - (v) Armor protection of all fill materials from scour and/or erosion.
- (12) All structures subject to inundation shall use flood resistant materials up to one foot above base flood elevation.

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- b. **Storage and processing:** The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human, animal, or plant life; or that may unduly affect the capacity of the floodway or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.
- c. **Coastal High Hazard areas.** The following requirements shall apply to new structures or any improvement / repair to an existing structure as specified in Section 23.07.066 in areas identified as having special flood hazards extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to associated with high velocity waters from including coastal and tidal inundation or tsunamis as established on the maps identified in subsection 23.07.060 of this title:
- (1) All buildings or structures 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 so that the lowest supporting member is located no lower than 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. 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.
  - (2) All new construction and other development shall be located on the landward side of the reach of mean high tide.
  - (3) All buildings or structures shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
  - (4) Fill shall not be used for structural support of buildings.
  - (5) Man-made alteration of sand dunes that would increase potential flood damage is prohibited.
  - (6) The Director of Planning and Building and/or the Public Works Director shall obtain and maintain the following records:
    - (i) Certification by a registered engineer or architect that a proposed structure complies with Subsection D.3.a

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(ii) 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 buildings and structures, and whether such structures contain a basement.

- ~~(2) All buildings or structures shall be securely anchored on pilings or columns designed and anchored to withstand all impact forces and buoyancy factors of the base flood.~~
- ~~(3) No fill shall be used for structural support.~~
- ~~(4) Sand dunes shall not be altered in a way that would increase potential flood damage.~~

d. **Certification of Compliance.** The following certifications shall be filed with the Building Official prior to final building inspection:

- (1) Upon completion of any structure within a flood hazard combining designation, compliance with elevation requirements shall be certified by a registered civil engineer or licensed land surveyor. Such certification shall include as a minimum the elevation of the lowest floor. If the structure has been floodproofed in conformance with Section 23.07.066a(11) above, the certification shall include the elevation to which the structure has been floodproofed. Elevations shall be based on the National Geodetic Vertical Datum of 1929.
- (2) Where floodproofing is used, a registered civil engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.
- (3) Compliance with the structural design requirements within Coastal High Hazard areas stated in Section 23.07.066c shall be certified by a registered civil engineer or architect.

e. **Exceptions to construction standards.** The standards of this section may be waived or modified by the Board of Supervisors through the variance procedure set forth in Code of Federal Regulations, Title 44, Chapter 1, Section 60.6, instead of through the adjustment process described in Section 23.01.044 of this title. Requests for such waivers or modifications shall be filed with County Public Works the ~~County Engineer~~ for processing. Procedures for the granting of variances under Title 14 are available from the County Engineering Public Works Department.

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SECTION 5: Chapter 11 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding the following section:

**Breakaway Walls.** Any type of walls, whether solid or lattice, ~~and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material~~ which is not part of the structural support of the building and which is so designed as to breakaway under abnormally high tides or wave action without 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.

**County Engineer.** ~~The County Engineer of San Luis Obispo County as established by Chapter 2.08 of Title 2.~~

**Director of Public Works.** The Director of Public Works and Transportation of San Luis Obispo County as established by Chapter 2.18 of Title 2.

**Flood Boundary Floodway Map.** The official Flood Boundary Floodway Map map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway. ~~The location of floodways not shown on this map must be calculated.~~

**Flood, 100-Year.** ~~A flood inundation event, the extent of which has a statistical probability of occurring once every 100 years. See "Base Flood"~~

**Structure.** Any artifact constructed or erected, the use of which requires attachment to the ground, including any building (see "Building"), and including a gas or liquid storage tank that is principally above ground, but not including fences or walls six feet or less in height or open wire fencing.

SECTION 6. That the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 7. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

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SECTION 8. This ordinance shall become operative only upon approval without any modifications by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 9: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

CCC Exhibit C  
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