

ORDINANCE NO. 759

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING CHAPTER 15.50 (FLOOD DAMAGE PROTECTION) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CARPINTERIA MUNICIPAL CODE

WHEREAS, the Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and;

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

WHEREAS, the City was accepted for participation in the National Flood Insurance Program on March 15, 1977, and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, on September 28, 1987, the City Council adopted Ordinance No. 416, amending the Carpinteria Municipal Code by repealing Sections 15.16.170 and 15.16.180 and adding Chapter 15.50, "Flood Damage Protection," that relates to flood damage protection regulations; and

WHEREAS, on November 8, 1993, the City Council adopted Ordinance No. 496, amending Chapter 15.50; and

WHEREAS, on April 14, 2003, the City Council adopted Ordinance No. 589, amending Chapter 15.50; and

WHEREAS, on October 9, 2012, the City Council adopted Ordinance No. 658, amending Chapter 15.50; and

WHEREAS, pursuant to the California Health and Safety Code, Division 13, Part 1.5 and Part 2.5, the City is required to administer and enforce the California Building Standards Code, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the City sought, and FEMA provided, FEMA's technical review of the proposed amendments to Chapter 15.50, and the proposed amendments to Chapter 15.50 incorporate FEMA's suggested and required revisions; and

WHEREAS, the City has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the California Building Standards Code.

THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. AMENDMENT TO CHAPTER 15.50 (FLOOD DAMAGE PROTECTION) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CARPINTERIA MUNICIPAL CODE

Chapter 15.50 (Flood Damage Protection) of Title 15 (Buildings and Construction) of the Carpinteria Municipal Code is hereby amended to read as follows:

Chapter 15.50 - FLOOD DAMAGE PROTECTION

15.50.010 - Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

These regulations, in combination with the flood provisions of California Code of Regulations Title 24, the California Building Standards Code consisting of the Part 2 (building), Part 2.5 (residential), Part 10 (existing building), and related codes, shall be known as the Floodplain Management Regulations of the City of Carpinteria.

15.50.020 - Findings of fact.

- A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. 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 contributes to the flood loss.

15.50.030 - Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage; Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Coordination with California Building Standards Code. Pursuant to the requirement established in State statute that the City of Carpinteria administer and enforce the California Building Standards Code, the city council of the City of Carpinteria hereby acknowledges that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the building codes. The issuance or denial of a floodplain development permit pursuant to this Code is a ministerial act for the purposes of Section 21080, subdivision (b) (1), of the Public Resources Code.

15.50.040 - Methods of reducing flood losses.

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

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

15.50.050 - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Where terms are not defined in these regulations and are defined in the building code (CCR Title 24 Part 2) and used in the residential code (CCR Title 24 Part 5), such terms shall have the meanings ascribed to them in those codes. Where terms are not defined in these regulations or the building code, such terms shall have ordinarily accepted meanings such as the context implies.

1. "Accessory structure" means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures that are used either:
 - a. Solely for the parking of no more than two cars; or
 - b. A small, low cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.
2. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
3. "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.
4. "Agricultural Structure" means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

5. "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.
6. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.
7. "Area of special flood hazard" (see "Special flood hazard area").
8. "ASCE 24" means the standard Flood Resistant Design and Construction, referenced by the building code, developed and published by the American Society of Civil Engineers, Reston, VA. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the building code.
9. "Base flood" means a flood which has 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. [Also defined in CCR Title 24 Part 2.]
10. "Base flood elevation (BFE)" shall mean the elevation shown on the Flood Insurance Rate Map for Zones AE AH, AO, A1-30, VE and VI-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
11. "Basement" means any area of the building having its floor subgrade (i.e., below ground level on all sides). [Also defined in CCR Title 24 Part 2.]
12. "Breakaway walls" are 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 designed 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:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. 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.

13. “Building code” means California Code of Regulations Title 24, the California Building Standards Code, the family of building codes specifically adopted by the State of California and composed of:
 1. Part 2, applicable to buildings and structures other than dwellings within the scope of this part.
 2. Part 2.5, applicable to one- and two-family dwellings and townhouses not more than three stories, and accessory structures.
 3. Part 10, applicable to existing buildings (as defined in that code).
 4. Other specified codes.
14. “Building” (see “Structure”).
15. “Coastal high hazard area” 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-V30, VE, or V. [Also defined in CCR Title 24 Part 2.]
16. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
17. “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.
18. “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 placing of foundations) is completed before the effective date of the floodplain management regulations adopted by the city council on September 28, 1987.
19. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites on or after July 7, 1978 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 placing of foundations).
20. “Federal Emergency Management Agency (FEMA)” means the Federal Emergency Management Agency, an agency of the United States

Department of Homeland Security.

21. "Flood, flooding, or flood water" means:
 - a. 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); and
 - b. The condition resulting from flood-related erosion.
22. "Flood boundary and floodway map (FBFM)" 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 floodway.
23. "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.
24. "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. [Also defined in CCR Title 24 Part 2.]
25. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood. [Also defined in CCR Title 24 Part 2.]
26. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see "Flooding"). "Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.
27. "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.
28. "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.

29. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)
30. "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. Also referred to as "regulatory floodway." [Also defined in CCR Title 24 Part 2.]
31. "Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.
32. "Fraud and victimization" as related to Section 15.50.240, of this chapter, 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.
33. "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.
34. "Governing body" is the local governing unit (i.e., county or municipality) which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
35. "Hardship" as related to Section 15.50.240 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city council 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.

36. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
37. "Historic structure" means any structure that is:
 - a. 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;
 - b. 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;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
38. "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.
39. "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.
40. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement").

- a. 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:
 - i. The wet floodproofing standard in Section 15.50.160(C)(3);
 - ii. The anchoring standards in Section 15.50.160(A);
 - iii. The construction materials and methods standards in Section 15.50.160(B); and
 - iv. The standards for utilities in Section 15.50.170.
 - b. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement"). This prohibition includes below-grade garages and storage areas.
41. "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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
 42. "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.
 43. "Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.
 44. "Mean sea level" means, for purposes of the National Flood Insurance

Program, the North America Vertical Datum (NAVD) of 1988 or other datum, as determined by the floodplain administrator, to which base flood elevations shown on a community's flood insurance rate map are referenced.

45. “New construction” for floodplain management purposes, means structures for which the “start of construction” commenced on or after the effective date of floodplain management regulations adopted by the city, and includes any subsequent improvements to such structures on or after September 28, 1987.
46. “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 placing of foundations) was completed on or after July 7, 1978.
47. “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.
48. “One-hundred-year flood” or “100-year flood” (see “Base flood”).
49. “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.
50. “Public safety and nuisance” as related to Section 15.50.240 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.
51. “Recreational vehicle” means a vehicle which is:
 - a. Built on a single chassis;

- b. Four hundred square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
52. “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.
53. “Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.
54. “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
55. “Sand dunes” mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.
56. “Sheet flow area” (see “Area of shallow flooding”).
57. “Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, AI-A30, AE, A99, AM, VI - V30, VE or V.
58. “Start of construction” 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 one hundred eighty 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 placing of foundations, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture 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. This applies to all permit dates on or after July 7, 1978.

59. "Structure" means a walled and roofed building that is principally above ground. This includes a gas or liquid storage tank or a manufactured home.
60. "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 fifty percent of the market value of the structure before the damage occurred.
61. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty 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:
 - a. Any project for improvement of a structure to correct existing violations of existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
62. "V zone" (see "Coastal high hazard area").
63. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
64. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

65. "Water surface elevation" means the height, in relation to the North America Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
66. "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.

15.50.060 - Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

15.50.070 - Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated March 15, 1977 [[[see below FEMA records]]] and accompanying flood insurance rate (FIRMs) and flood boundary and floodway maps (FBFMs), and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS 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 by the floodplain administrator. The FIS, FIRMs and FBFMs are on file at City Hall, 5775 Carpinteria Avenue, Carpinteria, California.

**Community Status Book Report
CALIFORNIA**

Communities Participating in the National Flood Program

CID	Community Name	County	Init FHBM Identified	Init FIRM Identified	Curr Map Date	Eff Reg Date	Emer Date	Tribal	CRS Entry Date
060074	BISHOP, CITY OF	INYO COUNTY	06/07/74	06/19/85	12/03/20	06/19/85		No	
060438	BLUE LAKE, CITY OF	HUMBOLDT COUNTY	01/17/75	09/30/82	11/04/16	09/30/82		No	
060248	BLYTHER, CITY OF	RIVERSIDE COUNTY	05/10/74	06/30/76	(NSFHA)	06/30/76		No	
065017	BRADBURY, CITY OF	LOS ANGELES COUNTY	11/21/75	09/26/08	(NSFHA)	09/07/84		No	
060066	BRAWLEY, CITY OF	IMPERIAL COUNTY	06/18/76	09/26/08	09/26/08 (M)	08/04/78		No	
060214	BREA, CITY OF	ORANGE COUNTY	05/24/74	12/02/80	12/03/09	12/02/80		No	
060439	BRENTWOOD, CITY OF	CONTRA COSTA COUNTY	02/07/75	06/16/09	03/21/17	04/15/79		No	
060314	BRISBANE, CITY OF	SAN MATEO COUNTY	05/24/74	03/29/83	04/05/19	03/29/83		No	
060757	BUELLTON, CITY OF	SANTA BARBARA COUNTY	12/20/74	03/15/79	12/04/12	10/16/95		No	
USE THE SANTA BARBARA COUNTY [060331] FIRM.									
060215	BUENA PARK, CITY OF	ORANGE COUNTY	11/01/74	02/01/79	12/03/09	02/01/79		No	
065018	BURBANK, CITY OF	LOS ANGELES COUNTY	07/19/74	03/16/81	09/26/08	01/23/81		No	
065019	BURLINGAME, CITY OF	SAN MATEO COUNTY	06/28/74	09/16/81	04/05/19	09/16/81		No	05/01/12
060017	BUTTE COUNTY *	BUTTE COUNTY	09/06/74	09/29/89	01/06/11	09/29/89		No	
060749	CALABASAS, CITY OF	LOS ANGELES COUNTY		12/02/80	12/21/18	03/10/93		No	
CALABASAS IS LOCATED ON FIRM PANEL 065043 0613B.									
060633	CALAVERAS COUNTY*	CALAVERAS COUNTY	11/29/77	09/05/90	05/16/17	09/05/90		No	
060067	CALEXICO, CITY OF	IMPERIAL COUNTY	02/01/74	01/20/82	09/26/08	01/20/82		No	
060440	CALIFORNIA CITY, CITY OF	KERN COUNTY	04/15/77	01/02/82	09/26/08	01/20/82		No	
060740	CALIMESA, CITY OF	RIVERSIDE COUNTY		08/28/08	08/28/08	05/01/91		No	
USE THE RIVERSIDE COUNTY [060245] FIRM.									
060068	CALIPATRIA, CITY OF	IMPERIAL COUNTY	04/12/74	09/26/08	(NSFHA)	06/01/82		No	
060206	CALISTOGA, CITY OF	NAPA COUNTY	05/10/74	09/28/79	09/26/08	09/28/79		No	
065020	CAMARILLO, CITY OF	VENTURA COUNTY	07/19/74	09/29/86	01/07/15	09/29/86		No	
060338	CAMPBELL, CITY OF	SANTA CLARA COUNTY	05/31/74	06/30/76	02/19/14	06/30/76		No	
060753	CANYON LAKE, CITY OF	RIVERSIDE COUNTY		04/15/80	04/19/17	09/15/98		No	
THE CITY OF CANYON LAKE HAS ADOPTED THE RIVERSIDE COUNTY (060245) FIRM PANELS 2060, 2070 AND 2090.									
060354	CAPITOLA, CITY OF	SANTA CRUZ COUNTY	05/17/74	08/15/84	09/29/17	08/15/84		No	
060285	CARLSBAD, CITY OF	SAN DIEGO COUNTY	05/31/74	06/14/77	12/20/19	06/14/77		No	
060196	CARMEL BY THE SEA, CITY OF	MONTEREY COUNTY	06/14/74	04/02/09	06/21/17	12/18/97		No	
060332	CARPINTERIA, CITY OF	SANTA BARBARA COUNTY	06/21/74	03/15/77	09/28/18	03/15/77		No	

15.50.080 - 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 council from taking such lawful action as is necessary to prevent or remedy any violation.

15.50.090 - Abrogation and greater restrictions.

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

15.50.100 - Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.50.110 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

15.50.120 - 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 chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

15.50.130 - 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 15.50.070. Application for a development permit shall be made on forms furnished by the 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. Site plan, including but not limited to:
 - 1. For all proposed structures, spot ground elevations at building corners and twenty foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;

2. Proposed locations of water supply, sanitary sewer, and utilities;
 3. If available, the base flood elevation from the flood insurance study and/or flood insurance rate map; and
 4. If applicable, the location of the regulatory floodway.
- B. Foundation design detail, including but not limited to:
1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 2. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.50.160(C)(3) of this chapter and FEMA Technical Bulletins 1-93 and 7-93; and
 3. For foundations placed on fill, the location and height of fill, and
 4. compaction requirements (compacted to ninety-five percent using the Standard Proctor Test method).
- C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.50.160(C)(2) of this chapter and FEMA Technical Bulletin TB 3-93.
- D. All appropriate certifications listed in Section 15.50.150 of this chapter; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

15.50.140 - Designation of the floodplain administrator.

The city manager or his designee is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

15.50.150 - Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following.

- A. Permit Review. Review all development permits to determine that:
1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding; and
4. 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 chapter, “adversely affects” means 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 within the City of Carpinteria.
5. All new development, including construction, excavation, and grading, except for flood control projects and nonstructural agricultural uses, shall be prohibited in the floodway unless offsetting improvements in accordance with this chapter are provided.
6. All letters of map revision (LOMR’s) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR’s). Approved CLOMR’s allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

B. Review, Use and Development of Other Base Flood Data.

1. When base flood elevation data has not been provided in accordance with Section 15.50.070, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 15.50.160 and 15.50.210. Any such information shall be submitted to the city council for adoption; or
2. If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods in FEMA publication, “Managing Floodplain Development in Approximate Zone A Areas- A Guide for Obtaining and Developing Base (100-year) Flood Elevations,” in order to administer Sections 15.50.160 and 15.50.210
 - a. Simplified method.
 - i. One hundred year or base flood discharge shall be obtained using the appropriate regression equation

found in a U.S. Geological Survey publication, or the discharge-drainage area method; and

- ii. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or

b. Detailed method.

- i. One hundred year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers HEC-HMS computer program; and

- ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers HEC-RAS computer program.

C. Notification of Other Agencies.

1. In alteration or relocation of a watercourse:

- a. Notify adjacent jurisdictions and the California Department of Water Resources prior to alteration or relocation;
- b. Submit evidence of such notification to FEMA; and
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

- a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
- b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
- D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
1. Certification required by Section 15.50.160(C)(1) (lowest floor elevations);
 2. Certification required by Section 15.50.160(C)(2) (elevation or floodproofing of nonresidential structures);
 3. Certification required by Section 15.50.160(C)(3) (wet floodproofing standard);
 4. Certification of elevation required by Section 15.50.180 (subdivision standards);
 5. Certification required by Section 15.50.200 (floodway encroachments);
 6. Information required by Section 15.50.210(F) (coastal construction standards); and
- E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the action of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 15.50.230
- F. Remedial Action. Take action to remedy violations of this chapter as specified by Section 15.50.080

15.50.160 - Standards of construction.

In all areas of special flood hazards 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 15.50.190.
- B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:
1. With flood resistant materials as specified in FEMA publication, "Flood Damage- Resistant Materials Requirements," and utility equipment resistant to flood damage;
 2. Using methods and practices that minimize flood damage;
 3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
 4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- C. Elevation and Floodproofing.
1. Residential construction, new or substantial improvement, and manufactured homes shall have the lowest floor, including basement:
 - a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation and freeboard.
 - b. 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 and freeboard, or elevated at least two feet above the highest adjacent grade if no depth number is specified and freeboard.
 - c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation and freeboard; said base flood elevation shall be determined by one of the methods in Section 15.50.150(B) of this chapter.
 - d. In a VE zone, the lowest horizontal support member elevated to or above the base flood elevation and freeboard.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by licensed civil engineer, architect, or land surveyor; and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (A)(1) of this section, or together with attendant utility and sanitary facilities:
 - a. Be floodproofed together with attendant utility and sanitary facilities, below the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a licensed civil engineer, architect, or land surveyor that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator.

3. All new construction, substantial improvement, and manufactured homes 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 shall follow the guidelines in FEMA publications, "Flood Damage- Resistant Materials Requirements," and "Wet Floodproofing Requirements," and must exceed the following minimum criteria:
 - a. 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 adjacent natural 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; or
 - b. Be certified by a licensed civil engineer, architect, or land surveyor.

4. Manufactured homes shall also meet the standards in Section 15.50.190.

5. All new and substantially improved garages and low-cost accessory structures shall meet the following standards:
 - a. Accessory structure used solely for parking (2-car detached garages or smaller) or limited storage (small, low-cost sheds) may be constructed such that its floor is below the base flood elevation provided the structure is designed and constructed in accordance with the following requirements:
 - i. Use of the accessory structure must be limited to parking or limited storage;
 - ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - iii. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - v. The accessory structure must comply with floodplain encroachment provisions in Section 15.50.200, and
 - vi. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 15.50.160.
 - b. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.50.160.

15.50.170 - Standards for utilities.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

15.50.180 - Standards for subdivisions.

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

- B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations and lowest adjacent grade shall be certified by a licensed civil engineer, architect, or land surveyor; and provided to the floodplain administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

15.50.190 - Standards for manufactured homes.

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - 1. Within Zones A1-30, AH, and AE on the community's flood insurance rate map, 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 freeboard and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - 2. Within Zones V1-30, V, and VE on the community's flood insurance rate map, meet the requirements of Section 15.50.210.
- B. 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 subsection 15.50.190(A) 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 and freeboard; or
 - 2. Manufactured home chassis is supported by reinforced piers or other

foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a licensed civil engineer, architect, or land surveyor; and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator

15.50.195 - 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 one hundred eighty 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 15.50.130, 15.50.140, 15.50.150 and 15.50.220 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.50.190(A).
- 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 Sections 15.50.195 and 15.50.210.

15.50.200 - Floodways.

Located within areas of special flood hazard established in Section 15.50.020 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 licensed civil engineer, architect, or land surveyor 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 15.50.200(A) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section.

15.50.210 - Coastal high hazard areas.

Within coastal high hazard areas, Zone VE, as established under Section 15.50.070, 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 improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 15.50.050 of this chapter. Such temporarily 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. Manmade 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 15.50.210(A); and
 - 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.

15.50.213 - Mudslide (i.e., mudflow) prone areas.

- A. The floodplain administrator will review permits for proposed construction or 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 administrator 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.

15.215 - 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 City of Carpinteria.
- 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 climactic 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.

15.50.220 - Nature of variances.

The variance criteria set forth in this section of the ordinance 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 chapter 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 of Carpinteria 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.

15.50.230 - Appeal board.

- A. The planning commission of the city shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The planning commission 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.
- C. In passing upon requests for variances, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the
 - 1. Danger that materials may be swept onto other lands to the injury of others;
 - 2. Danger of life and property due to flooding or erosion damage;
 - 3. 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. Importance of the services provided by the proposed facility to the community;
 5. Necessity to the facility of a waterfront location, where applicable;
 6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. Compatibility of the proposed use with existing and anticipated development;
 8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 11. 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.
- D. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official 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 twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage, and
 2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- E. The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration and Federal Emergency Management Agency.

15.50.240 - Conditions for variances.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.50.130 through 15.50.210 of this chapter have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of "historic structures" 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.
- C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "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 planning commission 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 planning commission believes will both provide relief and preserve the integrity of the local ordinance.
- E. Variances shall only be issued upon a:
 - 1. Showing of good and sufficient cause;
 - 2. Determination that failure to grant the variance would result in exceptional hardship (as defined in Section 15.50.050) to the applicant; and
 - 3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
- F. 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 this section 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.

- G. Upon consideration of the factors of Section 15.50.230 and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

SECTION 3. REPEAL OF EXISTING ORDINANCE(S) AND REGULATION(S)

This Ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Ordinance No. 496, 1993; and Section 15.50.050 (Definitions) of Chapter 15.50 of Title 15 (Buildings and Construction).

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the Ordinance; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6. CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines § 15060(c)(3) (this activity is not a "project" as defined in CEQA Guidelines § 15378(b)(3)).

SECTION 7. LIMITED EFFECT

Except as explicitly provided herein, all other provisions of Title 15 (Buildings and Construction) of the Carpinteria Municipal Code shall remain unchanged and in full force and effect.

PASSED, APPROVED AND ADOPTED on September 26, 2022, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

Mayor, City of Carpinteria

ATTEST:

Brian C. Barrett, CMC, City Clerk
City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on September 26, 2022.

Brian C. Barrett, CMC, City Clerk
City of Carpinteria

APPROVED AS TO FORM:

Jena S. Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria