



COUNCIL REPORT

DATE: April 3, 2023
CATEGORY: Public Hearing
DEPT.: Public Works
TITLE: **Floodplain Management Ordinance**

RECOMMENDATION

Introduce an Ordinance of the City of Mountain View Amending the Mountain View City Code of Ordinances to Repeal, in its Entirety, Article VIII (“Drainage and Flood Control”) of Chapter 8, and Add a New Article VIII (“Floodplain Management”) of Chapter 8, to Further the Flood Resiliency of the City and Align the City Code of Ordinances with the California Building Code and Finding the Ordinance is Not a Project under the California Environmental Quality Act, to be read in title only, further reading waived, and set a second reading for April 25, 2023 (Attachment 1 to the Council report).

BACKGROUND

The City joined the National Flood Insurance Program (NFIP) in 1980, as administered under the Federal Emergency Management Agency (FEMA). Participation in the NFIP allows Mountain View property owners to purchase flood insurance, including those with properties within areas designated as Special Flood Hazard Areas (SFHA). The SFHA designation is given to land areas that have the highest probability of flooding in any given year and for which the Floodplain Management provisions apply. There are approximately 1,200 properties located in the City, generally in the North Bayshore Area, between Old Middlefield Way and U.S. 101, and near Permanente and Stevens Creeks, that have a portion or all of their property in the SFHA. After the City joined the NFIP in 1980, the City Council adopted the Flood Hazard Areas Ordinance (currently titled “Drainage and Flood Control,” Chapter 8, Article VIII). The ordinance has remained mostly unchanged since then, except for renumbering. However, the ordinance is no longer consistent with the current FEMA guidelines or adopted Building Code.

Community Rating System

The City voluntarily participates in the Community Rating System (CRS) program of the NFIP. The CRS allows Mountain View residents and businesses to earn flood insurance premium discounts by having the City promote flood-risk reduction practices, provide floodplain management, and encourage the purchase of flood insurance. These activities go above and beyond the normal

enforcement of floodplain regulations. The City has maintained a CRS Class 7 rating (on a scale of 1 to 10, where a lower number is a higher rating), allowing property owners in SFHA to receive a 15% discount on flood insurance premiums for all new or renewed flood insurance policies. The total savings for Mountain View property owners with flood insurance is approximately \$31,000.

The CRS guidelines were updated in January 2021. A critical change is the prerequisite requirement for Class 8 or higher (Classes 1 to 8) communities to have a floodplain management ordinance enforcing a minimum 1' freeboard for all residential buildings constructed, substantially improved or reconstructed, due to the likelihood of substantial safety risk and damage in SFHA. This freeboard requirement means the finished floor of a building must be constructed 1' above the base-flood elevation, providing an additional measure of safety to those residing in the buildings and lowering risk of damage to properties. This freeboard standard exceeds minimum NFIP requirements for insurance purposes.

Every five years, communities have a "cycle visit" by FEMA staff to confirm/determine their CRS rating. Communities have until their next scheduled cycle visit to update floodplain management ordinances to remain at their current CRS ratings. The City's next cycle visit is scheduled for November 2023.

Building Code

Every three years, the City adopts the most recent cycle of the California Building Standards Codes (CCR Title 24; inclusive of the California Building Code and California Residential Code). On [November 1, 2022](#), Council adopted the most recent version of the California Building Standards Codes. This version includes the 1' freeboard requirement for both residential and commercial buildings and, therefore, meets CRS requirements. However, current provisions in Chapter 8, Article VIII, Drainage and Flood Control, of the City Code have conflicting floodplain management regulations with the adopted Building Code.

To maintain the City's CRS rating of Class 7, providing a 15% discount to flood insurance premiums for Mountain View property owners, the City's floodplain ordinance requires updating. Without changes to the ordinance to incorporate the 1' freeboard requirement, the City will be retrograded to a lower CRS rating of Class 9, providing only a 5% discount to flood insurance premiums.

ANALYSIS

The recommended Floodplain Management Ordinance (Attachment 1) will replace Chapter 8, Article VIII, and is based on a Model Floodplain Management Ordinance ("Model Ordinance") that the California Department of Water Resources (DWR) prepared to resolve the conflicting issues between existing floodplain management ordinances and building codes adopted by jurisdictions and to further modernize floodplain management ordinances. Using the Model

Ordinance as the guide for the City's Floodplain Management Ordinance provides the following benefits:

- Meets the CRS requirements for the City to maintain a Class 7 rating;
- Clearly indicates that the Building Code sets the finished floor elevation of the building at the base-flood elevation plus 1' freeboard;
- Grants authority to the Floodplain Administrator to review development in the Special Flood Hazard Areas, issue permits, implement NFIP requirements, and enforce provisions of the City Code;
- Satisfies the NFIP;
- Eases the City's burden to draft new ordinance language on its own by comprehensively and inclusively addressing all requirements and guidelines with the benefit of already having approval from FEMA;
- Allows for specific language appropriate for the City; and
- Furthers the flood resiliency of the City and provides for the minimum standards necessary for the City's purpose in the implementation of floodplain management.

The Floodplain Management Ordinance (Attachment 1) has been reviewed by DWR, FEMA, and City staff. Staff recommends that Council repeal Chapter 8, Article VIII (Drainage and Flood Control), and adopt the new Floodplain Management Ordinance establishing a new Article VIII (Floodplain Management) of Chapter 8.

FISCAL IMPACT

There is no fiscal impact to the City should Council approve the recommended action. The revision to the City Code removes conflicts without adding additional requirements above the adopted Building Code and will not require additional City resources.

ALTERNATIVES

1. Do not modify Chapter 8, Article VIII (Drainage and Flood Control), of the City Code.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Renee Gunn
Senior Civil Engineer

Quynh Byrer
Principal Civil Engineer

Reviewed by:

Edward Arango
Assistant Public Works Director/
City Engineer

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Approved by:

Dawn S. Cameron
Public Works Director

Kimbra McCarthy
City Manager

Attachment: 1. Draft Ordinance, City Code Chapter 8, Article VIII

cc: APWD—Arango, PCE—Byrer, SCE—Gunn, File