ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING THE MOUNTAIN VIEW CITY CODE TO DELETE
CHAPTER 8, ARTICLE VIII (FLOODPLAIN MANAGEMENT), IN ITS ENTIRETY AND
ADOPT A NEW CHAPTER 48 (FLOODPLAIN MANAGEMENT), AND FINDING THAT THE
AMENDMENTS ARE EXEMPT FROM REVIEW UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Article VIII (Floodplain Management) of Chapter 8 (Buildings) of the Mountain View City Code regulates the management of flood hazard areas to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions; and

WHEREAS, City staff periodically reviews and updates the Mountain View City Code to increase clarity, transparency, and alignment of City legislation with best code practices; and

WHEREAS, in the process of updating the 2025 Triennial Building Code, City staff determined the floodplain management regulations would be best served and most accessible to the public as a new chapter of the Mountain View City Code located outside of building code regulations; and

WHEREAS, the City Council held a duly noticed public hearing on August 26, 2025 on this Ordinance and received and considered all information, documents, and comments presented at said hearing, including the City Council report and materials; now, therefore,

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8, Article VIII (Floodplain Management) of the Mountain View City Code is hereby deleted in its entirety and the following is substituted in lieu thereof (section titles are shown in **bold** font and additions are shown in underline):

CHAPTER 8

BUILDINGS

ARTICLE VIII. [RESERVED]

Section 2. Chapter 48 (Floodplain Management) of the Mountain View City Code is hereby added as new text as set forth below (section titles are shown in **bold** font and additions are shown in underline):

CHAPTER 48

FLOODPLAIN MANAGEMENT

ARTICLE I. SCOPE AND ADMINISTRATION

DIVISION 1. GENERAL PROVISIONS

SEC. 48.02.05. - Title.

The provisions of this Chapter, in combination with the flood provisions of California Code of Regulations Title 24, the California Building Standards Code, hereinafter "building codes," shall be known as the *Floodplain Management Regulations* of the City of Mountain View (hereinafter collectively, "this Chapter" or "these regulations").

SEC. 48.02.10. - Statutory authority.

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.

SEC. 48.02.15. - Scope.

The provisions of this Chapter, in combination with the flood provisions of the building codes, shall apply to all proposed development entirely or partially in flood hazard areas established in Sec. 48.04.10.

SEC. 48.02.20. - Purposes and objectives.

The purposes and objectives of this Chapter and the flood load and flood-resistant construction requirements of the building codes are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

a. Minimize unnecessary disruption of commerce, access and public service during times of flooding.

b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage.

c. Manage the alteration of natural floodplains, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain.

d. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials and other development which may increase flood damage or erosion potential.

e. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.

f. Contribute to improved construction techniques in the floodplain.

g. Minimize damage to public and private facilities and utilities.

h. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.

i. Minimize the need for rescue and relief efforts associated with flooding.

j. Ensure that property owners, occupants and potential owners are aware of property located in flood hazard areas.

k. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.

l. Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

SEC. 48.02.25. - Coordination with California Building Standards Code.

The building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. This Chapter is intended to be administered and enforced in conjunction with the building codes.

SEC. 48.02.30. - Warning.

The degree of flood protection required by this Chapter and the building codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of this Chapter and the building codes does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the

requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, may be revised by the Federal Emergency Management Agency, requiring the City of Mountain View to revise this Chapter to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use or future use is implied or expressed by compliance with this Chapter.

SEC. 48.02.35. - Disclaimer of liability.

The regulations in this Chapter shall not create liability on the part of the City of Mountain View or any body, officer or employee thereof, the State of California or the Federal Emergency Management Agency for any flood damage that results from reliance on this Chapter or any administrative decision lawfully made hereunder. The floodplain administrator and any employee charged with the enforcement of this Chapter, while acting for the community in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Chapter shall be defended by a legal representative of the community until the final termination of the proceedings. The floodplain administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Chapter.

SEC. 48.02.40. - Other laws.

The provisions of this Chapter shall not be deemed to nullify any provisions of local, state or federal law.

SEC. 48.02.45. - Abrogation and greater restrictions.

The regulations of this Chapter supersede any ordinance in effect in flood hazard areas related to development activities. However, this Chapter is not intended to repeal, abrogate or impair any existing ordinances, including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations or building codes, nor any existing easements, covenants or deed restrictions. In the event of an overlap or conflict between this Chapter and any other ordinance, code, regulation, easement, covenant or deed restriction, the more restrictive shall govern.

SEC. 48.02.50. - Compliance.

No person shall cause any structure or land to be constructed, located, extended, converted or altered without full compliance with the provisions of this Chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall

prevent the City of Mountain View from taking such lawful action as is necessary to prevent or remedy any violation.

DIVISION 2. APPLICABILITY

SEC. 48.04.05. - General applicability.

The regulations of this Chapter, in conjunction with the building codes, provide minimum requirements for development located in flood hazard areas, including the subdivision of land; filling, grading and other site improvements; installation of utilities; installation, placement and replacement of manufactured homes; placement of recreational vehicles; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; certain building work exempt from permit under the building codes; and flood control projects.

SEC. 48.04.10. - Establishment of flood hazard areas.

The Flood Insurance Study (FIS) for Santa Clara County, California and Incorporated Areas dated August 15, 1980, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRMs), and all subsequent amendments and revisions to such maps, are hereby adopted by reference as a part of this Chapter and serve as the basis for establishing flood hazard areas. Where the building code establishes flood hazard areas, such areas are established by this Division. Additional maps and studies, when specifically adopted, supplement the FIS and FIRMs to establish additional flood hazard areas. Maps and studies that establish flood hazard areas are on file at the Public Works Department, 500 Castro Street, Mountain View, California, 94041.

SEC. 48.04.15. - 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.

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

DIVISION 3. DEFINITIONS

SEC. 48.06.05. - General.

The following words and terms shall, for the purposes of this Chapter, have the meanings shown herein. Where terms are not defined in this Chapter and are defined in the building code (CCR Title 24 Part 2) and used in the residential code (CCR Title 24 Part 2.5), such terms shall have

the meanings ascribed to them in those codes. Where terms are not defined in this Chapter or the building code, such terms shall have ordinarily accepted meanings such as the context implies.

SEC. 48.06.10. - Definitions.

"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 used for parking and storage.

"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.

"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"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 (ASCE), Reston, VA. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the building code.

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. [Also defined in CCR Title 24 Part 2.]

"Base flood elevation" means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in CCR Title 24 Part 2.]

"Basement" means, for the purpose of floodplain management, the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in CCR Title 24 Part 2.]

"Breakaway walls" are any type of walls, could be solid or lattice, and or constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building. A breakaway wall shall be 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 (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a California Civil Engineer and small 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.

"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:

a. Part 2, applicable to buildings and structures other than dwellings within the scope of this part.

b. Part 2.5, applicable to one (1) and two (2) family dwellings and townhouses not more than three (3) stories, and accessory structures.

c. Part 10, applicable to existing buildings (as defined in that code).

d. Other specified codes.

"California Code of Regulations, Title 24" means the currently adopted California Building Standards Code, a comprehensive set of regulations (parts) that govern the design, construction and safety of buildings in California. It may be abbreviated in reference as CCR Title 24.

"City" means the City of Mountain View.

"Coastal A zone" means a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to one and one-half (1-1/2) feet (457 mm). The inland limit of the coastal A zone is: (a) the Limit of Moderate Wave Action if delineated on a FIRM; or (b) designated by the authority having jurisdiction. [Also defined in CCR Title 24 Part 2.]

"Coastal high hazard area" means the area within the special flood hazard area extending from offshore to the inland limit of a primary dune along an open coast and any other area that is subject to high-velocity wave action from storms or seismic sources, and shown on a Flood Insurance Rate Map (FIRM) or other flood hazard map as Velocity Zone V, VO, VE or V1-30. [Also defined in CCR Title 24 Part 2.]

"Design flood" means the flood associated with the greater of the following two (2) areas: [Also defined in CCR Title 24 Part 2.]

a. Area with a flood plain subject to a one (1) percent or greater chance of flooding in any year.

b. Area designated as a flood hazard area on a community's flood hazard map or otherwise legally designated.

"Design flood elevation" means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet (610 mm). [Also defined in CCR Title 24 Part 2.]

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations, flood control projects, and other land-disturbing activities.

"Encroachment" means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

"Exceptional hardship" means, for the purpose of variances from this Chapter or the building code, the exceptional difficulty that would result from a failure to grant a requested variance. Mere economic or financial hardship is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors do not, as a rule, qualify as exceptional hardships. All of these circumstances can be resolved through other means without granting variances, even when the alternatives are more expensive or require the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) was completed before August 15, 1980.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

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

a. The overflow of inland or tidal waters.

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

c. Mudslides (i.e., mudflows) which are proximately caused by flooding.

"Flood control project" means a dam or barrier design and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.

"Flood damage-resistant materials" means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in CCR Title 24 Part 2.]

"Flood hazard area" means the greater of the following two areas: [Also defined in CCR Title 24 Part 2.]

a. The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year.

b. The area designated as a flood hazard area on the community's flood hazard map or otherwise legally designated.

"Flood Insurance Rate Map (FIRM)" means an official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. [Also defined in CCR Title 24 Part 2.]

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data. [Also defined in CCR Title 24 Part 2.]

"Floodplain administrator" means the public works director or designee, the official designated to administer and enforce the floodplain management regulations.

"Floodway" means the channel of the river, creek 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 a designated height. [Also defined in CCR Title 24 Part 2.]

"Fraud or victimization" means, for the purpose of variances from this Chapter or the building code, the intentional use of deceit to deprive another of rights or property, making a victim of the deprived person or the public. As it pertains to buildings granted variances to be constructed below the elevation required by the building code, future owners or tenants of such buildings and the community as a whole may bear the burden of increased risk of damage from floods, increased cost of flood insurance and increased recovery costs, inconvenience, danger and suffering.

"Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers and shipbuilding or ship repair facilities. The term does not include long-term storage, manufacture, sales or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

"Historic structure" means any structure that is:

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

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 the inventory of historic places maintained by the California Office of Historic Preservation; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the California Office of Historic Preservation.

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

a. **Letter of Map Amendment (LOMA):** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property or structure is not located in a special flood hazard area.

b. **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations and other planimetric features.

c. **Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

d. **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light-duty truck" means, as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

b. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or

c. Available with special features enabling off-street or off-highway operation and use.

"Limit of Moderate Wave Action (LiMWA)" means a line shown on FIRMs to indicate the inland extent of the one and one-half (1-1/2) foot breaking wave height during the base flood. [Also defined in CCR Title 24 Part 2.]

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the nonelevation requirements of the building codes. [Also defined in CCR Title 24 Part 2.]

"Manufactured home" means a structure that is transportable in one (1) or more sections, built on a permanent chassis, designed for use as a single-family dwelling with or without a permanent foundation when connected to the required utilities and constructed to the

Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development. Also see definitions in Health and Safety Code Sections 18000.(a)(2) and 18001.(a). For the purposes of floodplain management, the term also includes mobile homes and recreational vehicles, park trailers, travel trailers and similar transportable structures that are placed on a site for one hundred eighty (180) consecutive days or longer.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"Market value" means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by one of the following methods: (1) Actual Cash Value (replacement cost depreciated for age and quality of construction); (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser; or (3) a qualified independent appraiser.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) was completed on or after August 15, 1980.

"Nuisance" means that which is injurious to safety or health of an entire city 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.

"Permit for floodplain development" means an official document or certificate issued by the city, or other evidence of approval or concurrence, which authorizes performance of specified development activities that are located in flood hazard areas and that are determined to be compliant with this Chapter.

"Recreational vehicle" means a vehicle that is built on a single chassis, four hundred (400) square feet (37.16 m^2) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use when 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. Also see definitions in Health and Safety Code Section 18010.

"Residential code" refers to CCR Title 24, Part 2.5 (California Residential Code) of the currently adopted California Building Standards Code.

"Riverine" means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Special flood hazard area (SFHA)" means the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Also defined in CCR Title 24 Part 2.]

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within one hundred eighty (180) days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

"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 (50) percent of the market value of the structure before the damage occurred. [Also defined in CCR Title 24 Part 2.]

"Substantial improvement" means any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, taking place during a five (5) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started. When the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in CCR Title 24 Part 2.]

a. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the chief building official and that are the minimum necessary to assure safe living conditions.

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

"Utility and Miscellaneous Group U" means buildings and structures of an accessory character and miscellaneous structure not classified in any special occupancy, as described in the building code.

"Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner otherwise prohibited and where specific enforcement would result in exceptional hardship.

"Violation" means a development that is not fully compliant with this Chapter or the flood provisions of the building code, as applicable.

"Watercourse" means a river, creek, stream, channel or other topographic feature in, on, through or over which water flows at least periodically.

DIVISION 4. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

SEC. 48.08.05. - Designation.

The public works director is designated the floodplain administrator. The floodplain administrator shall have the authority to delegate performance of certain duties to other employees.

SEC. 48.08.10. - General authority.

The floodplain administrator is authorized and directed to administer and enforce this Chapter. The floodplain administrator shall have the authority to render interpretations of this Chapter and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this Chapter, and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Article IV of this Chapter. The floodplain administrator is authorized to waive the submission of site plans, construction documents and other data that are required by this Chapter but that are not required to be prepared by a qualified California (CA) Licensed Land Surveyor or Civil Engineer when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Chapter.

SEC. 48.08.15. - Coordination.

The floodplain administrator shall coordinate with and provide comments to the chief building official to administer and enforce the flood provisions of the building code and to ensure compliance with the applicable provisions of this Chapter. The floodplain administrator and the chief building official have the authority to establish written procedures for reviewing applications and conducting inspections for buildings and for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Sec. 48.08.25. The chief building official of the community development department may delegate certain duties and authorities to other employees to fulfill the requirements of this Chapter.

SEC. 48.08.20. - Duties.

The floodplain administrator, in coordination with other pertinent departments and officials of the city, shall:

a. Review all permit applications and plans to determine whether proposed development is located in flood hazard areas.

b. Review all applications and plans for development in flood hazard areas for compliance with this Chapter.

c. Review, in coordination with the chief building official, required design certifications and documentation of elevations specified by the building code to determine that such certifications and documentations are complete.

d. Review applications and plans for modification of any existing development in flood hazard areas for compliance with this Chapter.

e. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.

f. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.

g. Determine whether additional flood hazard data shall be obtained from other sources or developed by the applicant.

h. Complete the appropriate section of the Department of Housing and Community Development Floodplain Ordinance Compliance Certification for Manufactured Home/Mobile Home Installations when submitted by applicants.

i. Review requests submitted to the chief building official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the building code to determine whether such requests require consideration as a variance pursuant to Article IV of this Chapter.

j. Coordinate with the chief building official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.

k. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood

hazard area boundaries or floodway designations; such submissions shall be made within six (6) months of such data becoming available.

l. Require applicants who propose alteration of a watercourse to notify adjacent communities and the NFIP State Coordinating Agency and to submit copies of such notifications to FEMA.

m. Inspect development in accordance with Article III of this Chapter and inspect flood hazard areas to determine when development is undertaken without issuance of permits.

n. Prepare comments and recommendations for consideration when applicants seek variances for development other than buildings in accordance with Article IV of this Chapter.

o. Cite violations in accordance with Article V of this Chapter.

p. Notify FEMA when the corporate boundaries of the City of Mountain View have been modified and provide a map and legal description of the changes in the corporate boundaries.

SEC. 48.08.25. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the chief building official, shall:

a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

b. Compare the cost to perform the improvement, the cost to repair the damaged building to its predamaged condition, or the combined costs of improvements and repairs, when applicable, to the market value of the building or structure.

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement.”

d. Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the building code is required and notify the applicant when it is

determined that work does not constitute substantial improvement or repair of substantial damage.

SEC. 48.08.30. - Department records.

In addition to the requirements of the building code and this Chapter, and regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Chapter and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and this Chapter; notifications to adjacent communities, FEMA and the State of California related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Chapter and the flood-resistant provisions of the building codes.

ARTICLE II. PERMITS FOR FLOODPLAIN DEVELOPMENT

DIVISION 1. PERMIT REQUIREMENT

SEC. 48.10.05. - Permits required.

Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit for floodplain development. No permit shall be issued until compliance with the requirements of this Chapter and all other applicable codes and regulations have been satisfied. No building permit shall be issued based on Conditional Letters of Map Revision issued by FEMA. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine a permit for floodplain development is required in addition to a building permit.

SEC. 48.10.10. - Application for permit.

The applicant shall file an application in writing on a form furnished by the floodplain administrator. The information provided shall:

a. Identify and describe the development to be covered by the permit.

b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.

c. Indicate the use and occupancy for which the proposed development is intended.

d. Be accompanied by a site plan and construction documents as specified in Division 2 of this Article, including grading, excavation and filling plans and other information deemed appropriate by the floodplain administrator.

e. State the valuation of the proposed work.

f. Be signed by the applicant or the applicant's authorized agent.

g. Include such other data and information required by the floodplain administrator to demonstrate compliance with this Chapter and related regulations.

SEC. 48.10.15. - Validity of permit.

The issuance of a permit for floodplain development under this Chapter or the building codes shall not be construed to be a permit for, or approval of, any violation of this Chapter, the building code or any other ordinance of the City of Mountain View. The issuance of a permit for floodplain development based on submitted documents and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions. The floodplain administrator is authorized to prevent occupancy or use of a structure or site which is in violation of this Chapter.

SEC. 48.10.20. - Other permits required.

The applicant shall obtain all other required state and federal permits prior to initiating work authorized pursuant to this Chapter and shall provide documentation of such permits to the floodplain administrator. Such permits include, but are not limited to:

a. California Coastal Commission or certified Local Coastal Program, if applicable, for activities subject to the Coastal Development Permit requirements and policies of the California Coastal Act (Public Resources Code, Division 20).

b. The California State Water Resources Control Board for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act.

SEC. 48.10.25. - Expiration.

A permit for floodplain development shall become invalid when the proposed development is not commenced within one hundred eighty (180) days after its issuance or when the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated.

The floodplain administrator is authorized to grant, in writing, one (1) or more extensions of time, for periods not more than one hundred eighty (180) days each unless FEMA has issued notification of revision to the Flood Insurance Rate Study and Flood Insurance Rate Maps that alter the flood hazard area or floodway boundaries, flood zones or base flood elevations, in which case the permit is invalid.

SEC. 48.10.30. - Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a permit for floodplain development issued under this Chapter when the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this Chapter or any other ordinance or code of the City of Mountain View.

SEC. 48.10.35. - Appeals of decisions.

The City Council shall hear and decide appeals when it is alleged there is an error in any decision or determination made by the floodplain administrator in the interpretation or enforcement of this Chapter. All such appeals shall be filed with the city clerk within fifteen (15) calendar days after the date of the floodplain administrator's decision or determination. Within ninety (90) calendar days after the written appeal is filed, the appeal shall be heard by the city council. The decision of the city council shall be final.

DIVISION 2. SITE PLANS AND CONSTRUCTION DOCUMENTS

SEC. 48.12.05. - Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this Chapter shall be drawn to scale and shall include, as applicable to the proposed development:

a. Delineation of flood hazard areas; floodway boundaries and flood zone(s); base flood elevation(s); ground elevations; proposed filling, grading and excavation; and drainage patterns and facilities when necessary for review of the proposed development.

b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Sec. 48.12.10 or Sec.48.12.15.

c. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Sec. 48.12.10.b.

d. Location of the proposed activity and proposed structures; locations of water supply, sanitary sewer and other utilities; and locations of existing buildings and structures.

e. Location, extent, amount and proposed final grades of any filling, grading or excavation.

f. Where the placement of fill is proposed, the amount, type and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

g. Extent of any proposed alteration of sand dunes, provided such alteration is approved by the California Coastal Commission or certified Local Coastal Program, if applicable.

h. Existing and proposed alignment of any proposed alteration of a watercourse.

SEC. 48.12.10. - Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator is authorized to require one of the following:

a. Require the applicant to include base flood elevation data prepared by a qualified CA Licensed Civil Engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified CA Licensed Civil Engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the floodplain administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

b. Obtain, review and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

1. Require the applicant to include base flood elevation data in accordance with Sec. 48.12.10.a; or

2. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

d. Where the base flood elevation data are to be used to support a request for a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a qualified CA Licensed Civil Engineer in a format required by FEMA and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

SEC. 48.12.15. - Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Chapter, the applicant shall have the following analyses signed and sealed by a qualified CA Licensed Civil Engineer for submission with the site plan and construction documents:

a. For development activities proposed to be located in a floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec. 48.12.20 of this Chapter and shall submit the Conditional Letter of Map Revision, when issued by FEMA, with the site plan and construction documents.

b. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the Flood Insurance Study or on the FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices that demonstrates the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Sec. 48.12.20 of this Chapter. The applicant shall notify the chief executive officer of adjacent communities and the California Department of Water Resources. The floodplain administrator shall maintain a copy of the notification in the permit records and shall submit a copy to FEMA.

d. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V/VE) and Coastal A Zones, an engineering analysis that demonstrate the proposed alteration will not increase the potential for flood damage.

e. For development activities proposed to be located in the floodplain which may be subject to anticipated sea level rise impact, an evaluation to identify potential impacts to the

development and to the floodplain as a result of the development activities and project elements incorporated to minimize the impacts.

SEC. 48.12.20. - Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries or change boundaries of flood hazard areas shown on FIRMs and to submit such data to FEMA for such purposes. The analyses shall be prepared by a qualified CA Licensed Civil Engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Provided FEMA issues a Conditional Letter of Map Revision, construction of proposed flood control projects and land preparation for development are permitted, including clearing, excavation, grading and filling. Permits for construction of buildings shall not be issued until the applicant satisfies the FEMA requirements for issuance of a Letter of Map Revision.

ARTICLE III. INSPECTIONS

SEC. 48.14.05. - Inspections, in general.

Development for which a permit for floodplain development is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter or the building code. Inspections presuming to give authority to violate or cancel the provisions of this Chapter or the building code or other ordinances shall not be valid.

SEC. 48.14.10. - Inspections of development other than buildings and structures.

The floodplain administrator shall make or cause to be made inspections of all development other than buildings and structures that is authorized by issuance of a permit for floodplain development under this Chapter. The floodplain administrator shall inspect flood hazard areas from time to time to determine when development is undertaken without issuance of a permit.

SEC. 48.14.15. - Inspections of manufactured homes installations.

The floodplain administrator shall make or cause to be made inspections of installation, replacement and substantial improvement of manufactured homes in flood hazard areas authorized by issuance of a permit for floodplain development under this Chapter. Upon installation of a manufactured home and receipt of the elevation certification required in Sec. 48.26.05 of this Chapter, the floodplain administrator shall inspect the installation or have the installation inspected.

SEC. 48.14.20. - Buildings and structures.

The chief building official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit, in accordance with the building code:

a. **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in the building code shall be prepared by a CA Licensed Land Surveyor or Civil Engineer and submitted to the chief building official. For new or substantially improved nonresidential buildings and structures, FEMA's floodproofing certification shall be required prior to final inspection.

b. **Final inspection.** Prior to the final inspection, certification of the elevation required in the building code shall be prepared by a CA Licensed Land Surveyor or Civil Engineer and submitted to the chief building official.

ARTICLE IV. VARIANCES

SEC. 48.16.05. - Nature of variances.

The considerations and conditions for variances set forth in this Chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be issued 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. The issuance of a variance is for floodplain management purposes only. Federal flood insurance premium rates are determined by the National Flood Insurance Program according to actuarial risk and will not be modified by the granting of a variance.

The regulations in this Chapter are intended to promote public health, safety and welfare and minimize losses from flooding. The implications of property damage and the cost of insuring a structure built below flood level are so serious that variances from the elevation or other requirements in the building codes should be quite rare. The long-term goal of preventing and reducing flood loss and damage and minimizing recovery costs, inconvenience, danger and suffering can only be met when variances are strictly limited. Therefore, the variance requirements in this Chapter are detailed and contain multiple provisions that must be met before a variance can be properly issued. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

SEC. 48.16.10. - Variances—General.

The city council shall hear and decide requests for variances from the strict application of the provisions of this Chapter.

SEC. 48.16.15. - Limitations on authority.

The city council shall base its determination on technical justifications submitted by applicants, the considerations and conditions set forth in this Chapter, the comments and recommendations of the floodplain administrator and chief building official, as applicable, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this Chapter and the building code.

SEC. 48.16.20. - Records.

The floodplain administrator shall maintain a permanent record of all variance actions, including justification for issuance.

SEC. 48.16.25. - Historic structures.

A variance is authorized to be issued for the repair, improvement or rehabilitation of a historic structure upon a determination that the proposed repair, improvement or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. When the proposed work precludes the structure's continued designation as a historic building, a variance shall not be granted and the structure and any repair, improvement and rehabilitation shall be subject to the requirements of the building code.

SEC. 48.16.30. - Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analyses required in Sec 48.12.15.a of this Chapter.

SEC. 48.16.35. - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the criteria in Section 1612 of the building code (CCR Title 24 Part 2) or Section R322 of the residential code (CCR Title 24 Part 2.5) are met, as applicable, and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damages during the base flood and create no additional threats to public safety.

SEC. 48.16.40. - Agricultural structures.

A variance is authorized to be issued for the construction or substantial improvement of agricultural structures that are not elevated or dry floodproofed, provided the requirements of this Section are satisfied and:

a. A determination has been made that the proposed agricultural structure:

1. Is used exclusively in connection with the production, harvesting, storage, raising or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.

2. Has low damage potential.

3. Does not increase risks and pose a danger to public health, safety and welfare if flooded and contents are released, including, but not limited to, the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals and production and storage of highly volatile, toxic or water-reactive materials.

4. Is not located in a coastal high hazard area (Zone V/VE), except for aquaculture structures dependent on close proximity to water.

5. Complies with the wet floodproofing construction requirements of Sec. 48.16.40.b, below.

b. Wet floodproofing construction requirements.

1. Anchored to resist flotation, collapse and lateral movement.

2. When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.

3. Flood damage-resistant materials are used below the base flood elevation.

4. Mechanical, electrical and utility equipment are elevated above the base flood elevation.

5. FEMA’s floodproofing certificate is required for new or substantially improved agricultural structures.

SEC. 48.16.45. - Considerations for issuance of variances.

In reviewing applications for variances, all technical evaluations, all relevant factors, all other requirements of this Chapter and the building code, as applicable, and the following shall be considered:

a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

b. The danger to life and property due to flooding or erosion damage.

c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

d. The importance of the services provided by the proposed development to the community.

e. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.

f. The compatibility of the proposed development with existing and anticipated development.

g. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

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

i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, if applicable, expected at the site.

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

k. Necessity to the facility of a waterfront location, where applicable.

SEC. 48.16.50. - Conditions for issuance of variances.

Variances shall only be issued upon all of the following:

a. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of this Chapter or renders the elevation standards of the building code inappropriate.

b. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or future property owners, or conflict with existing local laws or ordinances.

d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. When the request is to allow construction of the lowest floor of a new building or substantial improvement of a building below the base flood elevation, notification to the applicant in writing and signed by the floodplain administrator specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that issuance of a variance to construct below the elevation required in the building code will result in increased premium rates for federal flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage and that such construction below the required elevation increases risks to life and property.

ARTICLE V. VIOLATIONS

SEC. 48.18.05. - Violations.

No person shall cause any structure or land to be constructed, located, extended, converted or altered without full compliance with the provisions of this Chapter and other applicable regulations. Any development in any flood hazard area that is performed without a permit issued under this Chapter or that is in conflict with an issued permit shall be deemed a violation of this Chapter. A building or structure without the documentation of the elevation of the lowest floor, other required design certifications or other evidence of compliance required by this Chapter or the building code is presumed to be a violation until such time as required documentation is submitted. Violation of a requirement of this Chapter (including violations of conditions of any permit or stop work notice) shall constitute a misdemeanor. Nothing herein shall prevent the City of Mountain View from taking any lawful action as is necessary to prevent or remedy any violation, including, but not limited to, the authorized actions in this Chapter and Chapter 1, Article II (Administrative Penalties) of the City of Mountain View Code of Ordinances.

SEC. 48.18.10. - Authority.

The floodplain administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent or to the person or persons doing the work for development that is not within the scope of the building codes but is regulated by this Chapter and that is determined to be a violation.

SEC. 48.18.15. - Unlawful continuance.

Any person who continues any work after having been served with a notice of violation or a stop work order, except such work as the notice or order directs to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed in Sec. 1.7 of the Mountain View City Code.

ARTICLE VI. FLOOD-RESISTANT DEVELOPMENT

DIVISION 1. BUILDINGS AND STRUCTURE

SEC. 48.20.05. - Requirements for buildings and structures in flood hazard areas.

Applications for building and structures within the scope of the building code that are proposed in flood hazard areas shall comply with the applicable requirements of the building code.

SEC. 48.20.10. - Detached garages and accessory storage structures.

Detached garages and accessory storage structures used only for parking or storage are permitted below the base flood elevation provided the garages and accessory storage structures:

a. Detached garages and accessory storage structures, with the exception of small, low-cost sheds as defined in Sec. 48.06.10, are one (1) story and not larger than six hundred (600) square feet in area when located in special flood hazard areas other than coastal high-hazard areas.

b. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Sec. 48.06.10. of this Chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

c. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

d. Have flood openings in accordance with the building code.

e. Have flood damage-resistant materials used below the base flood elevation.

f. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation.

g. The accessory structure or detached garage must comply with floodplain encroachment provisions in Sec. 48.24.20.

SEC. 48.20.15. - Utility and miscellaneous Group U.

Utility and miscellaneous Group U includes buildings that are accessory in character and miscellaneous structures not classified in any specific occupancy in the building code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one (1) or two (2) family residence), barns, carports, fences more than six (6) feet (1,829 mm) high, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, and towers. In addition to the building code requirements for fire and life safety, the following shall apply to utility and miscellaneous Group U buildings and structures in flood hazard areas:

a. New construction and substantial improvement of such buildings and structures shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions of the design flood.

b. New construction and substantial improvement of such buildings and structures, when fully enclosed by walls, shall be elevated such that the lowest floor, including basement, is elevated to or above the design flood elevation in accordance with ASCE 24 or shall be dry floodproofed in accordance with ASCE 24.

c. Unless dry floodproofed, fully enclosed areas below the design flood elevation shall be constructed in accordance with ASCE 24 and limited to parking, storage and building access.

d. When fully enclosed by walls, flood openings shall be installed in accordance with ASCE 24.

e. Flood damage-resistant materials shall be used below the design flood elevation.

f. Mechanical, plumbing and electrical systems, including plumbing fixtures, shall be located or installed in accordance with ASCE 24.

DIVISION 2. SUBDIVISIONS

SEC. 48.22.05. - Minimum requirements.

Subdivision proposals in flood hazard areas, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.

b. All public utilities and facilities, such as sewer, gas, electric, communications and water systems, are located and constructed to minimize or eliminate flood damage in accordance with Sec. 48.24.10 and Sec. 48.24.15 of this Chapter, as applicable, and appropriate codes.

c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

SEC. 48.22.10. - Subdivision requirements.

In addition to the requirements of Sec. 48.22.05 of this Chapter, where any portion of proposed subdivisions, including proposals for manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

a. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, as appropriate, shall be delineated on preliminary subdivision plats.

b. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Sec. 48.12.10.a of this Chapter.

c. When, as part of a proposed subdivision, fill will be placed to support buildings, the fill shall be placed in accordance with the building code and approval of the subdivision shall require submission of as-built elevations for each filled pad certified by CA Licensed Land Surveyor or Civil Engineer.

DIVISION 3. SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS

SEC. 48.24.05. - Minimum requirements.

All proposed development in flood hazard areas shall be reviewed to determine that:

a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.

b. Where the proposed development has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Sec. 48.12.10.a of this Chapter.

c. All public utilities and facilities, such as sewer, gas, electric, communications and water systems, are located and constructed to minimize or eliminate flood damage.

d. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

SEC. 48.24.10. - Sanitary sewer facilities.

All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

SEC. 48.24.15. - Water supply facilities.

All new and replaced water supply facilities shall be designed in accordance with the provisions of Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

SEC. 48.24.20. - Development in floodways.

Development, site improvements and land-disturbing activity involving fill or regrading shall not be authorized in the floodway unless the floodway encroachment analysis required in Sec. 48.12.15.a of this Chapter demonstrates the proposed work will not result in any increase in the base flood level during occurrence of the base flood discharge.

SEC. 48.24.25. - Limitations on placement of fill.

Subject to the limitations of this Chapter, fill shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures, fill shall comply with the requirements of the building code. The placement of fill intended to change base flood elevations, change floodway boundaries or change boundaries of flood hazard areas shown on FIRMs shall be subject to the requirements of Sec. 48.12.20of this Chapter.

SEC. 48.24.30. - Location and fill in coastal high hazard areas (Zone V/VE) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones:

a. New buildings shall only be authorized landward of the reach of mean high tide.

b. The use of fill for structural support of buildings is prohibited.

SEC. 48.24.35. - Nonstructural fill or alteration of sand dunes in coastal high hazard areas (Zone V/VE) and Coastal A Zones.

Nonstructural fill or alteration of sand dunes in coastal high hazard areas (Zone V/VE) and Coastal A Zones shall be permitted only when authorized by appropriate federal, state or local authorities. Where permitted, such fill or alterations shall comply with the following, as applicable:

a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping, and for drainage purposes under and around buildings.

b. Nonstructural fill with finished slopes that are steeper than one (1) unit vertical to five (5) units horizontal shall be permitted only when an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.

c. Alteration of sand dunes shall be permitted only when the engineering analysis required by Sec. 48.12.15 (d) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage.

d. Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection when the scale and location of the dune work are consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SEC. 48.24.40. - Other site improvements in coastal high hazard areas (Zone V/VE) and Coastal A Zones.

Development and site improvement activities other than buildings and structures, where located in coastal high hazard areas (Zone V/VE) and Coastal A Zones, shall be permitted only when authorized by appropriate federal, state or local authorities. In addition, development and site improvement activities shall be permitted when located outside the footprint of, and not structurally attached to, buildings and structures and when analyses prepared by qualified CA Licensed Civil Design Professionals demonstrate no harmful diversion of floodwaters or wave run-

up and wave reflection that would increase damage to adjacent buildings and structures. Such development and site improvement activities include, but are not limited to:

a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures.

b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwaters.

c. On-site sewage treatment and disposal systems, including mound systems.

DIVISION 4. INSTALLATION OF MANUFACTURED HOMES

SEC. 48.26.05. - Installation.

Where permitted, manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to the Business and Professions Code and shall comply with the requirements of the Department of Housing and Community Development (HCD) and the requirements of this Chapter. In addition to permits pursuant to this Chapter, permits from the HCD are required where the HCD is the enforcement agency for installation of manufactured homes. Upon completion of installation and prior to the final inspection by the floodplain administrator, the installer shall submit certification of the elevation of the manufactured home, prepared by a CA Licensed Land Surveyor or Civil Engineer, to the floodplain administrator.

SEC. 48.26.10. - Foundations.

Where permitted, new and replacement manufactured homes, including substantial improvement of manufactured homes installed in flood hazard areas, shall be installed on permanent, reinforced foundations that:

a. In flood hazard areas other than coastal high hazard areas and Coastal A Zones are designed in accordance with the foundation requirements of Section R322.2 of the residential code (CCR Title 24 Part 2.5) and this Chapter.

b. In coastal high hazard areas (Zone V /VE) and Coastal A Zones, are designed in accordance with the foundation requirements of Section R322.3 of the residential code (CCR Title 24 Part 2.5) and these regulations.

SEC. 48.26.15. - Anchoring.

Where permitted, new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to

resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind loads and seismic loads.

SEC. 48.26.20. - General elevation requirement.

Unless subject to the requirements of Section 48.26.25, where permitted, manufactured homes that are placed, replaced or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated per the requirements of Section R322.2 of the California Residential Code (CCR Title 24, Part 2.5).

SEC. 48.26.25. - Elevation requirement for certain existing manufactured home parks and subdivisions.

Where permitted, manufactured homes that are not subject to Section 48.26.20, including manufactured homes that are placed, replaced or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as a result of flooding has occurred, shall be elevated such that either the:

a. Lowest floor, or bottom of the lowest horizontal structural member, as applicable to the flood hazard area, is elevated per the requirements of Section R322.2 of the California Residential Code (CCR Title 24 Part 2.5).

SEC. 48.26.30. - Flood damage-resistant materials.

Materials below elevated manufactured homes shall comply with the flood-damage resistant materials requirements of Section R322 of the residential code (CCR Title 24 Part 2.5).

SEC. 48.26.35. - Enclosures.

Fully enclosed areas below elevated manufactured homes shall comply with the enclosed area requirements of Section R322 of the residential code (CCR Title 24 Part 2.5).

SEC. 48.26.40. - Protection of mechanical equipment and outside appliances.

Mechanical equipment and outside appliances such as, but not limited to, air conditioners, furnaces, propane tanks, water heating equipment and electrical service boxes, shall be elevated per the requirements of Section R322.1.6 of the California Residential Code (CCR Title 24 Part 2.5).

DIVISION 5. RECREATIONAL VEHICLES

SEC. 48.28.05. - Temporary placement.

Recreational vehicles in flood hazard areas, shall be placed on a site for less than one hundred eighty (180) consecutive days or shall be fully licensed and ready for highway use. Ready for highway use means the recreational vehicle is on wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions, such as rooms, stairs, decks and porches.

SEC. 48.28.10. - Permanent placement.

Recreational vehicles that do not meet the limitations in Sec. 48.28.05 for temporary placement shall meet the requirements of Division 4 of this Article for manufactured homes.

DIVISION 6. OTHER DEVELOPMENT

SEC. 48.30.05. - General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Chapter or the building code, shall:

a. Be located and constructed to minimize flood damage.

b. Meet the limitations of Sec. 48.24.20 of this Chapter when located in a regulated floodway.

c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

d. Be constructed of flood damage-resistant materials.

e. Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the building code for wet locations.

SEC. 48.30.10. - Tanks.

Tanks that serve buildings shall comply with the requirements of the building code. Underground and aboveground tanks that serve other purposes shall be designed, constructed, installed and anchored in accordance with ASCE 24.

SEC. 48.30.15. - Requirements for temporary structures and temporary storage in flood hazard areas.

Temporary structures shall be erected for a period of less than one hundred eighty (180) days and temporary storage of goods and materials shall be permitted for a period of less than one hundred eighty (180) days. Extensions may be granted in accordance with Sec. 48.10.25 of this Chapter. In addition, the following apply:

a. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

b. Temporary stored materials shall not include hazardous materials.

c. The requirements of Sec. 48.24.20 of this Chapter, when located in floodways.

SEC. 48.30.20. - Fences in floodways.

Fences in floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 48.24.20 of this Chapter.

SEC. 48.30.25. - Oil derricks.

Oil derricks located in flood hazard areas shall be designed in conformance with flood loads required by the building code.

SEC. 48.30.30. - Retaining walls, sidewalks and driveways in floodways.

Retaining walls and sidewalks and driveways that involve placement of fill in floodways shall meet the limitations of Sec. 48.24.20 of this Chapter and the requirements for site grading in Chapter 18 of the building code.

SEC. 48.30.35. - Roads and watercourse crossings in floodways.

Roads and watercourse crossings that encroach into floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the limitations of Sec. 48.24.20 of this Chapter. Alteration of a watercourse that is part of work proposed for a road or watercourse crossing shall meet the requirements of Sec. 48.12.15.c of this Chapter.

SEC. 48.30.40. - Swimming pools.

Aboveground swimming pools, on-ground swimming pools and in-ground swimming pools that involve placement of fill in floodways shall meet the requirements of Sec. 48.24.20 of this Chapter. Swimming pools in coastal high hazard areas and Coastal A Zones shall be designed and constructed in accordance with ASCE 24.

DIVISION 7. FLOOD CONTROL PROJECTS

SEC. 48.32.05. - Flood control projects—General.

In addition to applicable federal, state and other local permits, a permit for floodplain development is required for construction of flood control projects. The purpose for the permit is to examine the impact on flood hazard areas, floodways and base flood elevations shown on the FIRM. Unless otherwise authorized by separate regulations, issuance of this permit does not address the sufficiency of the structural elements of the proposed flood control project. Permits for floodplain development and building permits in areas affected by proposed flood control projects shall not be issued based on Conditional Letters of Map Revision issued by FEMA.

SEC. 48.32.10. - Flood control projects—Applications.

Applications for permits for flood control projects shall include documentation, including, but not limited to:

a. Site plan or document showing the existing topography and the boundaries of the flood hazard areas, floodway boundaries and base flood elevations shown on the FIRM.

b. Site plan or document showing the proposed topography and the proposed changes to the boundaries of the flood hazard areas, floodway boundaries and base flood elevations.

c. The documentation submitted to FEMA for a Conditional Letter of Map Revision (CLOMR) and, if issued, the Conditional Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. A CLOMR is required when a proposed flood control project alters a floodway and increases base flood elevations more than greater than 0.00 feet, or alters a watercourse a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated and increases base flood elevations more than 1.0 foot.

Section 3. CEQA. The amendments are not a project under the California Environmental Quality Act (Public Resources Code, § 21000 *et seq*., "CEQA") and the CEQA Guidelines (Cal. Code Regs. Tit. 14, § 15000 *et seq*.) pursuant to Public Resources Codes Section 21065 and CEQA Guidelines Section 15378 because they do not approve a project or result in a direct physical impact on the environment, or contemplate known future projects, and as such, there are no known environmental impacts at this time. As a separate and independent basis, the

amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be shown with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Publication. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. Effective Date. The provisions of this Ordinance shall be effective thirty (30) days from and after the date of its adoption.