

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING SECTIONS 8.174.2, 8.174.4, 8.174.5, AND 8.174.8 OF CHAPTER 8 (BUILDINGS),
ARTICLE VIII (FLOODPLAIN MANAGEMENT) OF THE MOUNTAIN VIEW CITY CODE
TO BRING THE DESIGN AND INSTALLATION OF MANUFACTURED HOMES INTO COMPLIANCE
WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE
PROGRAM
AND FINDING THE ORDINANCE IS NOT A PROJECT
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

WHEREAS, the City of Mountain View was accepted for participation in the National Flood Insurance Program on August 15, 1980, and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

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

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

Section 1. Sections of Article VIII (Floodplain Management) of Chapter 8 of the Mountain View City Code are hereby amended as set forth below with deletions shown by ~~striketrough~~ and additions shown in red underline.

Section 2. Chapter 8, Article VIII, Division III, Section 8.174.2 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 8.174.2. - 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 Article. ~~Foundations for manufactured homes subject to Section 8.174.5 of this Article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

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.”

Section 3. Chapter 8, Article VIII, Division III, Section 8.174.4 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 8.174.4. - General elevation requirement.

Unless subject to the requirements of Section 8.174.5, 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 ~~such that the lowest floor, or bottom of the lowest horizontal member of the lowest floor, as applicable to the flood hazard area, is at or above the base flood elevation.~~ per the requirements of Section R322.2 of the California Residential Code (CCR Title 24, Part 2.5);”

Section 4. Chapter 8, Article VIII, Division III, Section 8.174.5 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 8.174.5. - Elevation requirement for certain existing manufactured home parks and subdivisions.

Where permitted, manufactured homes that are not subject to Section 8.174.4, 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 ~~at or above the base flood elevation~~elevated per the requirements of Section R322.2 of the California Residential Code (CCR Title 24 Part 2.5).

~~— b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty six (36) inches in height above grade.”~~

Section 5. Chapter 8, Article VIII, Division III, Section 8.174.8 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 8.174.8. - 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 ~~to or above the lowest floor or bottom of the lowest horizontal structural member of the manufactured home, as applicable to the flood hazard area~~per the requirements of Section R322.1.6 of the California Residential Code (CCR Title 24 Part 2.5).

~~— **Exception:** Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Sec. 8.174.4 or Sec. 8.174.5, as applicable, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).”~~

Section 6. ~~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.~~

~~The provisions of this ordinance shall become effective thirty (30) days from and after the date of its adoption.~~

Section 7. 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.

~~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 8. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).

~~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 9. This ordinance shall become effective thirty (30) days after adoption.
~~This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).~~

RG/LL/1/ORD
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