

COUNTY OF SAN MATEO  
INTER-DEPARTMENTAL CORRESPONDENCE

DATE December 27, 1982

TO: The Honorable Mayor and Members of the Council  
FROM: Victor V. James, Jr., Administrative Officer  
SUBJECT: Draft San Mateo County Flood Hazard Ordinance (File No. ZA 82-5)

The Planning Department requests the following item be scheduled for a public hearing before the East Palo Alto Municipal Council:

Hearing of and recommendation to the Board of Supervisors to adopt an ordinance regulating certain actions within flood prone areas as identified by the Federal Emergency Management Agency (FEMA) and to provide the opportunity for Flood Insurance to those landowners so located.

VVJ/jk

**DATE RECEIVED**

**DEC 27 1982**

STAFF REPORT

**East Palo Alto Municipal Council**

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TO: EAST PALO ALTO MUNICIPAL COUNCIL

PREPARED BY: JAMES L. SWEENEY

FILE NO: ZA 82-5

DATE: JANUARY 3, 1983

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APPLICANT/OWNER: San Mateo County Department of Public Works

REQUEST/PURPOSE: Hearing of and recommendation to the Board of Supervisors to adopt an ordinance regulating certain actions within flood prone areas as identified by the Federal Emergency Management Agency (FEMA) and to provide the opportunity for Flood Insurance to those landowners so located.

LOCATION: Countywide

ENVIRONMENTAL EVALUATION: Categorically Exempt

RECOMMENDATION: That the East Palo Alto Municipal Council recommend that the Planning Commission approve a Draft Flood Protection Ordinance for San Mateo County.

BACKGROUND: San Mateo County entered the "Emergency Program" phase of the National Flood Insurance Program upon adoption of Resolution No. 35183 by the Board of Supervisors August 5, 1975. Under this program (authorized by the National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973), limited amounts of flood insurance were available for structures in San Mateo County. On August 4, 1977, an initial coordination meeting attended by representatives of the Federal Emergency Management Agency, Tudor Engineering Company, and San Mateo County, was held to identify streams in San Mateo County requiring detailed study to determine the existence and severity of flood hazards. This Flood Insurance Study will be used to enter San Mateo County into the National Flood Insurance Program administered by the Federal Insurance Administration.

Several informal meetings were held with representatives of the San Mateo County Engineering Department to obtain additional information and to discuss flooding problems. Contact was also made with the U.S. Army Corps of Engineers, U.S. Geological Survey, and CalTrans. An intermediate coordination meeting was held on September 5, 1980, to present preliminary results of the study. The meeting was attended by representatives of the Federal Emergency Management Agency, San Mateo County, and the study contractor.

Public meetings have been held in East Palo Alto and Pescadero to provide information concerning the flood insurance program and the location of flood hazard areas in these communities.

The Preliminary Flood Insurance Study, including a set of Flood Insurance Rate Maps (FIRM) and Floodway Maps, was completed May 21, 1982. This study includes a detailed analysis of seventeen streams, a detailed study of tidal flooding from San Francisco Bay, and studies of eleven additional streams by appropriate methods.

In October, the Federal Insurance Administration (FIA) notified the County that the six month conversion period for the County to enter the regular program will expire April 4, 1983. A compliant, effective, certified ordinance must be received by the FIA by that date to avoid suspension of the County's eligibility for flood insurance. Loss of eligibility restricts Federal financial assistance to buy or build insurable properties in the flood plain, because flood insurance must be purchased for this assistance. Public law prohibits Federal officers or agencies from approving any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, and flood disaster insurance loan or grant to buy or build insurable structures within the identified flood hazard areas of a suspended community. For example, this would affect the following:

1. Mortgage loans guaranteed by the Veterans Administration;
2. Mortgage loans insured by the Federal Housing Administration;
3. Mortgage loans by the Farmers Home Administration which are secured by homes or farm buildings located in the identified flood hazard area;

4. Direct Federal loans or grants to local governments for schools, municipal buildings, recreation buildings, and other insurable structures, and
5. Federal disaster relief in connection with a flood disaster.

The proposed ordinance is to be effective Countywide, therefore it must be approved by the Coastal Commission as an amendment to the County's Local Coastal Program.

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

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA <sup>East Palo Alto Municipal Council</sup>

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AN ORDINANCE ADDING CHAPTER 33.5, SECTIONS 6650 THROUGH 6660 TO DIVISION VI OF THE SAN MATEO COUNTY ORDINANCE CODE TO PROVIDE FOR THE REGULATION OF LAND USE AND DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS, AND APPLYING THESE REGULATIONS TO LANDS IN SAN MATEO COUNTY.

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The Board of Supervisors of the County of San Mateo, State of California, DO ORDAIN as follows:

- 1. Chapter 33.5, Sections 6650 through 6660 is hereby added to Division VI of the San Mateo County Ordinance Code to read as follows:

Chapter 33.5 "FP" AND "FW" (FLOOD HAZARD OVERLAY DISTRICTS)

Section 6650. FINDINGS

- (a) Areas of special flood hazards exist within the unincorporated territory of San Mateo County. These areas are 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.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- (c) This Ordinance is based upon the Flood Insurance Study for San Mateo County Unincorporated Areas by Tudor Engineering Company for the Federal Emergency Management Agency under the authority of the National Flood Insurance Act of 1968, as amended.

Section 6651. STATEMENT OF PURPOSE.

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



- (a) To protect human life and health;
- (b) To minimize damage to private property, public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;
- (c) To help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas and protect property located adjacent to or upstream from special flood hazard areas;
- (d) To control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees;
- (e) To control development which will, when acting alone or in combination with similar development, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
- (f) To control development which will, when acting alone or in combination with similar development, create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write-offs;
- (g) To control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water and other utilities must be extended below the flood level to serve the development;
- (h) To control flood plain uses such as fill, dumping, storage of materials, structures, buildings, and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage;
- (i) To minimize surface and ground-water pollution which will affect human, animal, or plant life;
- (j) To provide for public awareness of the flooding potential; and,
- (k) To ensure that those who occupy areas of special flood hazards assume the responsibility for their actions.



## Section 6652. DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words and phrases are defined for purposes of clarifying their use in this chapter:

Section 6652.1. Area of Shallow Flooding. A designated A0 or V0 Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

Section 6652.2. Area of Special Flood Hazard. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year; sometimes referred to as the "Base Flood." This area is designated as Zone A, A0, AH, A1-A30 on the FIRM.

Section 6652.3. Breakaway Walls. Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not part of the structural support of the building and are designed so as to break-away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used or any buildings to which they might be carried by flood waters.

Section 6652.4. Coastal High Hazard Area. The area subject to high velocity waters, including but not limited to coastal and tidal inundation or tsunamis. The area is designated on a FIRM as Zone V and VI-V30.

Section 6652.5. Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan, submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practices Act of 1973 (commencing with Section 4511).



Section 6652.6. Flood Discharge, Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters, and/or
- (b) The unusual and rapid accumulation of runoff of surface waters from any source.

Section 6652.7. Flood Boundary Floodway Map. The official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Section 6652.8. Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Section 6652.9. Flood Insurance Study. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Section 6652.10. Floodplain. Areas of special flood hazard located adjacent to the Floodway. These areas are designated A,A0,AH, and A1-A30 on the FIRM.

Section 6652.11. Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved property.

Section 6652.12. Flood-Related Erosion. A condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a watercourse and increases the possibility of loss due to the erosion of the land area adjacent to the shoreline or watercourse.

Section 6652.13. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Floodways are delineated on the Flood Boundary and Floodway Maps.

Section 6652.14. Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating or recreation, or combination thereof. For flood insurance purposes habitable floor and lowest floor will share the same definition.



Section 6652.15. Highest Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Section 6652.16. Lowest Floor. The lowest habitable floor.

Section 6652.17. Mobilehome. A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers, or manufactured housing on permanent slab foundations.

Section 6652.18. New Construction. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Section 6652.19. Start of Construction. The first placement of permanent construction of a structure (other than a mobilehome) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobilehome) without a basement of poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobilehomes not within a mobilehome park or mobilehome subdivision, "start of construction" means the affixing of the mobilehome to its permanent site. For mobilehomes within mobilehome parks or mobilehome subdivisions "start of construction" is the date on which the construction of facilities for servicing the site on which the mobilehome is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Section 6652.20. Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, not including a tent or vehicle.

Section 6652.21. Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started, or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial



improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

This term does not, however, include either:

- (c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Section 6652.22. Variance. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. A variance cannot be approved to allow a use in a special flood hazard overlay district which is not a permitted use in the district.

Section 6653. METHODS OF REDUCING FLOOD LOSSES

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

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 6654. GENERAL PROVISIONS

Section 6654.1. Lands to Which This Chapter Applies. This chapter shall apply to all Floodways and other areas of special flood hazard within the unincorporated territory of San Mateo County.

Section 6654.2 Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration through the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study, San Mateo County, CA, Unincorporated Areas," and an accompanying set of Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps are hereby adopted by reference and are made a part of this chapter. The Flood Insurance Study and maps are on file at the San Mateo County Department of Environmental Management, Planning and Development Division.

Section 6654.3. Compliance. No development shall be undertaken on any land subject to the provisions of this chapter and no structure or improvement upon such land shall be constructed, affixed, located, extended, enlarged, converted, or altered without full compliance with the provisions of this chapter.

Section 6654.4. Penalties. Any person or business entity, whether as principal, agent, employee or otherwise, who violates any of the provisions of this chapter shall be guilty of an infraction, and upon conviction thereof, shall be punishable by a fine not exceeding fifty dollars (\$50.00) for a first violations, one hundred dollars (\$100.00) for a second violation within one year, and two hundred fifty dollars (\$250.00) for each additional violation within one year. Such person or business entity shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person or business entity and shall be punishable as herein provided. The County's zoning investigators and building inspectors are authorized to issue citations for the violation of any provision of this chapter.

Any structure or improvement constructed, affixed, located, extended, enlarged, converted, or altered contrary to the provisions of this chapter or any use of any land or structure contrary to the provisions of this chapter or contrary to a permit or variance or the terms and conditions imposed therein shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the duly constituted authorities of the County shall immediately commence action or proceedings to abate, remove and enjoin thereof in the manner provided by law.

The remedies provided for herein shall be cumulative and not exclusive.



Section 6654.5. Conflicting Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the provisions of this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall apply.

Section 6654.6. Interpretation

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the decision-making authority; and,
- (3) Deemed neither to limit nor repeal any other powers granted by statute or other applicable ordinances related to flood control or protection.

(b) This chapter shall supersede any building code provisions which impose lesser standards and which are inconsistent herewith. Buildings and structures which require a permit under Section 8112 of the Uniform Construction Administration Code of San Mateo County, including agricultural structures, shall not be exempt from the provisions of this chapter.

Section 6654.7. Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and still will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside of the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The provisions of this chapter shall not create liability on the part of the County of San Mateo, the Federal Insurance Administration, or any officer or employee of such entities, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Section 6654.8. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this ordinance.



Section 6655. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS

Section 6655.1. Floodway ("FW") Overlay District. Located within areas of special flood hazard are areas designated as floodways. It is necessary to strictly regulate development in these areas since the floodway is extremely hazardous due to the velocity of flood waters which carry debris, potential projectiles and flood related erosion. The following uses shall be permitted in Floodway Overlay Districts, provided:

- (a) No encroachment, including fill, new construction, substantial improvements and other development shall be placed in a floodway unless certification by a registered civil engineer is provided demonstrating that the encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) The use is permitted by all zoning districts with which the Flood Hazard Overlay District is combined, and all required permits and approvals are obtained.

Permitted Uses:

- 1) Agriculture and uses ancillary to agriculture;
- 2) Timber production, timber harvesting and commercial woodlots;
- 3) Residential uses such as lawns, gardens, and play areas;
- 4) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat-launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- 5) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
- 6) Extraction of sand, gravel, and other materials.
- 7) Marinas, boat rentals, docks, piers, wharves.
- 8) Railroads, streets, bridges, utility transmission lines, and pipe lines.
- 9) Other uses determined by the Planning Commission or the Planning Director to be similar in nature to uses described above and which are consistent with the requirements of this chapter.

Section 6655.2. Flood Plain ("FP") Overlay District. The following uses shall be permitted within the Flood Plain Overlay District to the extent that the use is permitted by the underlying zoning district and all required permits and approvals are obtained:



- (a) All uses permitted in Section 6655.1.
- (b) Structures constructed so that the basement floor and first floor are elevated at least one foot above the regulatory flood-protection elevation.
- (c) Uses permitted by Section 6500(c) subject to issuance of a Use Permit.

Section 6656. PROCEDURE

Section 6656.1. Development Permit. A development permit issued by the Planning Director or his authorized representative shall be obtained before start of construction or substantial improvement of a structure, or before commencement of any development located within any area of special flood hazard. A development permit need not be a separate permit document, but, at the discretion of the Planning Director, may consist of a clearance signature integrated into an existing approval process.

Section 6656.2. Prior to accepting an application for a Development Permit for a project located in a special flood hazard area, the applicant shall obtain a Certificate of Feasibility from the Environmental Health Division for necessary wells, sewers, or on-site sewage disposal systems, pursuant to Sections 6659.1(d) and 6659.6.

Section 6656.3. Prior to approval of a Development Permit as provided for in Section 6656.1 or a variance as provided for in Section 6658, the Planning Director shall forward the applicant's plans, technical information, certifications and other information as required, to the Public Works Department Special Projects Engineer for review and a report on the conformance of the proposed plans with the provisions of this chapter.

All elevations shall be based on the National Geodetic Vertical Datum of 1929.

Section 6656.4. Grounds for Issuance of Permit. The Planning Director shall grant a development permit only when all of the following are established:

- (a) The permit requirements of this chapter have been satisfied;
- (b) The proposed development does not adversely affect the flood carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affect" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and,

- (c) The flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development.

Section 6656.5. The Public Works Department shall forward a copy of the following approved certifications, as appropriate, to the Building Inspection Division. Said certifications shall be maintained in the Building file for public inspection and, as needed, for Flood Insurance purposes.

- (a) The certified elevation required in Section 6659.1(b) (subdivision).
- (b) The certified elevation required in Section 6659.2(c)1). (residential).
- (c) The certification required in Section 6659<sup>9</sup>.2(c)2). (shallow flooding).
- (d) The floodproofing certification required in Section 6659.2(c)3). (nonresidential).
- (e) The anchoring certification required in Section 6659.3(a). (mobile-home).
- (f) The coastal high hazard certification required in Section 6660.4. (coastal).

Section 6656.6. The Director of Public Works shall notify adjacent cities and the California Department of Water Resources prior to action on any permit involving the alteration or relocation of a watercourse, and submit written evidence of such notification to the Federal Insurance Administration.

Section 6656.7. The Director of Public Works shall require that the flood carrying capacity of a watercourse which is proposed to be altered or relocated is maintained at or greater than previously existing capacities.

Section 6656.8. The Director of Public Works shall make interpretations as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) and the Director may reasonably rely upon such interpretations when taking any action under this chapter.

Section 6656.9. Use of Other Base Flood Data. When base flood data has not been provided in accordance with Section 6654.2, the Director of Public Works may obtain, review, and reasonably utilize any base flood



elevation data available from a federal, state or other source in order to administer this chapter.

Section 6657. NONCONFORMING USES

Section 6657.1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

- (a) No such use shall be expanded, changed, enlarged, extended to occupy a greater area of land, or altered in a way which increases its non-conformity.
- b) Structural alterations, maintenance or repair of a nonconforming building may be allowed provided:
  - 1) Work performed in any 12 month period shall not exceed 25 percent of the building's assessed value at the time it became a nonconforming use; or,
  - 2) The cubical contents of the building as it existed at the time it became nonconforming is not increased; or,
  - 3) The building is permanently changed to a conforming use.

Section 6657.2. If a nonconforming use hereunder is abandoned for a continuous period of not less than six (6) months any future use of said building shall be in conformity to the regulations specified in the district in which said building is located. If any use is wholly discontinued for any reason except pursuant to an order of court for a period of one year, it shall be conclusively presumed that it has been abandoned within the meaning of this chapter.

Section 6657.3 If at any time any building in existence or maintained at the time of the adoption of this chapter which does not conform to the regulations of this chapter or the district in which it is located, shall be destroyed by fire, flood, or any other means to the extent that the cost of reconstruction, repairing or rehabilitating same would amount to more than 75 percent of the assessed value for the fiscal year during which such destruction occurs, then the building and the land on which it is located or maintained shall be subject to all regulations specified by this chapter and the Zoning District in which such land and building are located.

Section 6657.4. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.



Section 6657.5. Except as provided in Section 6657.4, any use which has been permitted following approval of a Variance by the County as provided for in Section 6658 shall be considered a conforming use.

Section 6657.6. Any alteration, addition, or repair to any nonconforming structure which would result in substantially increasing its flood damage potential shall be protected by measures pursuant to Section 6659 of this chapter.

Section 6658. VARIANCES

SECTION 6658.1. The County may hear and grant variances from the provisions of this chapter in the case of development permit applications for the reconstruction, rehabilitation or restoration of historic structures listed in the National Register of Historic Places, the California Historical Landmarks Program, the San Mateo County Inventory of Historic or Cultural Resources, or any combination of the foregoing.

Section 6658.2. The County may hear and grant variances from the provisions of this chapter with respect to development permit applications for the construction or substantial improvement of agricultural or other nonresidential structures.

Section 6658.3. In passing upon applications for variances, the County shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the flood plain management program for that area;

- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (k) 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 system, and streets and bridges; and,
- (l) The relationship of the proposed use to the San Mateo County General Plan.

Section 6658.4. The County shall approve a variance only upon:

- (a) A showing of good and sufficient cause such as renovation, rehabilitation, reconstruction or preservation of a historic or culturally significant structure; and,
- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant or place unreasonable restrictions upon agricultural, industrial or commercial operations conducted on the property; and,
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local ordinances or State law.

Section 6658.5. Variances issued for economic considerations, aesthetics or because variances have been issued in the past are not good and sufficient cause.

Section 6658.6. Application for a variance from the provisions of this Chapter may be made by the property owner or the owner's representative on forms provided by the Planning Division. Applications for variance shall be processed in accordance with the provisions of Chapter 25, Section 6531 et seq. Application materials shall include:

- (1) A complete Application Form, Environmental Information Form, and filing fees as set by Resolution of the Board of Supervisors.
- (2) Complete site plans, floor plans, exterior elevations, and grading plans in triplicate, drawn to scale, showing the location, dimensions, contours and elevations above mean sea level of areas



proposed for development, existing and proposed structures, streets, roads, drainage facilities, utilities, areas of fill and locations where development materials will be stored, based on the National Geodetic Vertical Datum of 1929.

- (3) The proposed elevation in relation to mean sea level of the lowest habitable floor (including basement) of all structures, based on the National Geodetic Vertical Datum of 1929; in Zone A0, elevation of the existing grade and proposed elevation of the lowest habitable floor of all structures, based on the National Geodetic Vertical Datum of 1929.
- (4) Proposed elevation in relation to mean sea level (msl) to which any structure will be floodproofed, based on the National Geodetic Vertical Datum of 1929.
- (5) Certification by a registered civil engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 6659.2(c)3).
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (7) Additional information as necessary to evaluate the findings required in Section 6658.3.

#### Section 6659. PROVISIONS FOR FLOOD HAZARD REDUCTION

The following provisions and standards shall be considered in addition to and in accordance with Sections 6326.1 and 6328.27 of this Division in those applicable districts. In case of conflict, the provisions of this Chapter shall prevail.

##### Section 6659.1. Standards for Subdivisions

- (a) All tentative subdivision maps for lands in areas of special flood hazard shall identify the flood hazard area and the elevation of the base floods.
- (b) All final subdivision maps and parcel maps for lands in areas of special flood hazard shall provide the elevation of proposed structures and pads and contain a note that a development permit is required prior to construction. If the site is filled above the base flood level, the final pad elevation shall be certified by a registered civil engineer or licensed land surveyor and the certification shall be filed with the Director of Public Works prior to filing of the map.



- (c) Subdivisions shall not create new lots or parcels which do not contain building sites located above the base flood elevation or which are not accessible during the occurrence of a base flood event.
- (d) All subdivision applications for lands in areas of special flood hazard shall be reviewed for possible flood hazards and shall be conditioned to minimize flood damage.
- (e) All approved final subdivision maps and parcel maps in areas of special flood hazard shall require public and private utilities and facilities such as sewage disposal, gas, electrical, telephone and water systems to be located and constructed to minimize flood damage.
- (f) All approved final subdivision maps and parcel maps in areas of special flood hazard shall require adequate drainage to reduce exposure to flood damage. The flood discharge exiting the development after construction shall be equal to or less than the flood discharge from the location prior to development.

Section 6659.2. Standards of Construction

In all areas of special flood hazard, the following construction standards shall be applied:

(a) Anchoring

- 1) All new structures and substantial improvements shall be anchored to prevent flooding, collapse or lateral movement of the structure.
- 2) All mobilehomes shall meet the anchoring standards of Section 6659.3(a).

(b) Construction materials and methods.

- 1) All new structures and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and which are certified to be in conformance with this standard by the manufacturer or a registered engineer or architect.
- 2) All new structures and substantial improvements shall be constructed using methods and practices that minimize flood damage and which are certified to be in conformance with this standard by a registered engineer or architect.
- 3) All heating, ventilating and other mechanical equipment and fixtures that function as a part of the structure, such as the



furnace, hot water heater and air conditioner, of all new structures and substantial improvements to existing buildings shall be elevated to or above the base flood elevation or depth number specified on the Flood Insurance Rate Map.

(c) Elevation and Floodproofing

- 1) The lowest habitable floor, including basement, of both new structures and substantial improvements shall be elevated to or above the base flood elevation. Nonresidential structures may meet the standards in part (3) of this subsection. Upon completion of the structure, the elevation of the lowest habitable floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor and the certification shall be filed with the Director of Public Works and the Building Inspection Division prior to the final building inspection.
- 2) New structures and substantial improvements to existing buildings in zone A0 shall have the lowest floor, including basement, elevated to or above the depth number specified on the FIRM. If there is no depth number on the FIRM, the lowest floor, including basement, shall be elevated one foot above the highest adjacent grade. Non-residential structures may meet the standards in part (3) of this subsection. Upon completion of the structure, a registered civil engineer or licensed land surveyor shall certify that the elevation of the structure meets this standard and the certification shall be filed with the Director of Public Works and the Building Inspection Division prior to the final building inspection.
- 3) New nonresidential structures or substantial improvements of existing nonresidential structures shall either be elevated in conformance with parts (1) or (2) of this subsection, or together with the attendant utility and sanitary facilities shall:
  - a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and,
  - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy; and,
  - c) Be certified by a registered civil engineer or architect that the standards of this part are satisfied. Such certification shall be filed with the Director of Public Works and the Building Inspection Division prior to the final building inspection.



Section 6659.3. Standards for Mobilehomes

(a) Anchoring

All new mobilehomes and additions to existing mobilehomes in areas of special flood hazard shall be anchored to resist flotation, collapse or lateral movement by one of the following methods:

- 1) By providing an anchoring system designed to withstand horizontal forces of 25 pounds per square foot and uplift forces of 15 pounds per square foot.
- 2) By providing over-the-top and frame ties to ground anchors in the following manner:
  - a) Over-the-top ties shall be provided at each of the four corners of the mobilehome, with two additional ties per side at intermediate locations if the mobilehome is 50 feet long or longer; mobilehomes less than 50 feet long require only one additional tie per side.
  - b) Frame ties shall be provided at each corner of the mobilehome, with five additional ties per side at intermediate points if the mobilehome is 50 feet long or longer; mobilehomes less than 50 feet long require only four additional ties per side.
  - c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  - d) By permanently attaching a mobilehome to a continuous concrete or masonry foundation.

(b) Pads

All new mobilehomes and additions to existing mobilehomes in areas of special flood hazard shall be placed on pads designed as follows:

- 1) Adequate surface drainage and, unless the mobilehome is permanently attached to a continuous concrete or masonry foundation, access for a hauler shall be provided.
- 2) All mobilehomes shall be placed on pads or lots elevated on compacted fill or pilings so that the lowest floor of the mobilehome is at or above the base flood level. If elevated on pilings:
  - a) The lots shall be large enough to permit steps.



- b) The pilings shall be placed in stable soil no more than 10 feet apart.
  - c) Reinforcement shall be provided for all pilings no more than six feet above the ground level.
- 3) No mobilehome shall be placed in a floodway.
  - 4) A registered civil engineer or architect shall certify in writing that the mobilehome complies with the foregoing standards and the certification shall be filed with the Director of Public Works and the Building Inspection Division prior to occupancy of the structure.

#### Section 6659.4. Standards for Storage of Materials and Equipment

- (a) The storage or processing of materials in areas of special flood hazard that are, in time of flooding, flammable, explosive or that could be injurious to human, animal, or plant life is prohibited.
- (b) Storage of other material or equipment in areas of special flood hazard may be allowed in accordance with applicable statutes, ordinances and health and safety regulations if not subject to major damage by floods and if firmly anchored to prevent flotation and if readily removable from the area within the time available after flood warning.

#### Section 6659.5. Standards for Water Supply and Sewage Systems

All new and replacement water supply and sanitary sewage or waste disposal systems in areas of special flood hazard shall be designed and located to minimize or eliminate infiltration of flood waters into the system, and conversely, to minimize or eliminate discharge from the system into flood waters.

#### Section 6660. COASTAL HIGH HAZARD AREA

Coastal high hazard areas are located within areas of special flood hazard established in Section 6654.2 (V Zones on the Flood Insurance Rate Maps). These areas have special flood hazards associated with high velocity waters from coastal and tidal inundation tsunamis; therefore, the following provisions shall apply:

#### Section 6660.1. Location of Structures

- (a) All buildings or structures shall be located landward of reach of the mean high tide.



- (b) The placement of mobilehomes shall be prohibited, except in an existing mobilehome park or mobilehome subdivision.

#### Section 6660.2. Construction Methods

All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Section 6660.4.

#### Section 6660.3. Structural Support

- (a) All buildings or structures shall be securely anchored on pilings or columns.
- (b) Pilings or columns used as structural support shall be designed and anchored so as to withstand all impact forces and buoyancy factors of the base flood.
- (c) There shall be no fill used for structural support.

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#### Section 6660.4. Certification

- (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.
- (b) Breakaway walls may be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.
- (c) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.
- (d) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Department of Public Works and the Building Inspection Division for approval.
- (e) Compliance with provisions of Section 6660.2 and 6660.3 shall be certified by a registered profession engineer or architect and provided to the Department of Public Works and the Building Inspection Division as set forth in Section 6657.4(e).



Section 6660.5. Regulation in Certain Districts

In addition to and in accordance with the provisions of Section 6326.2 of this Division as applicable in certain districts, the more restrictive regulation shall prevail as regards Coastal High Hazard Areas.

2. This Ordinance shall be in full force and effect thirty (30) days after its passage.

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