

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA,
REPEALING AND REPLACING CHAPTER 15.03,
CONSTRUCTION IN FLOOD PRONE AREAS, OF THE CULVER
CITY MUNICIPAL CODE, INCORPORATING CHANGES
REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA) FOR CONTINUED PARTICIPATION IN THE
NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS, the National Flood Insurance Program (NFIP) plays a major role in efforts to reduce property damage and functional losses to Floodplains when severe Flooding occurs. The United States Congress established the NFIP with the passage of the National Flood Insurance Act of 1968. The goals of the NFIP are to: (1) decrease the risk of future Floods; (2) reduce the costs of adverse consequences from Flooding; (3) reduce the demands and expectations for disaster assistance after Floods; and (4) preserve and restore natural and beneficial functions of Floodplains. The City's participation in the NFIP also ensures that residents who purchase Flood insurance policies may do so at discounted rates; and

WHEREAS, the City of Culver City joined the NFIP on December 17, 1979 through adoption of Ordinance No. CS975, which established CCMC Chapter 15.03, Construction in Flood Prone Areas. CCMC Chapter 15.03 was subsequently amended by adoption of Ordinance No. 88-008 on May 9, 1988 and again on May 8, 1995 by adoption of Ordinance No. 95-007; and

WHEREAS, CCMC Chapter 15.03 is in need of updates required by the Federal Emergency Management Agency (FEMA) in order for the City to continue its participation in the NFIP.

NOW, THEREFORE, the City Council of the City of Culver City, California, **DOES**
HEREBY ORDAIN as follows:

SECTION 1. Chapter 15.03, *Construction in Flood Prone Areas*, of the Culver
City Municipal Code is hereby repealed and replaced with the following:

Construction in Flood Prone Areas

15.03.005	General Provisions
15.03.010	Purpose
15.03.015	Definitions
15.03.020	Establishment of areas of special Flood hazard
15.03.025	Compliance required
15.03.030	Abrogation and greater restrictions
15.03.035	Interpretation
15.03.040	Warning and disclaimer of liability
15.03.045	Establishment of Development permit
15.03.050	Designation of Building Official as Administrator
15.03.055	Standards of construction
15.03.060	Standards for utilities
15.03.065	Standards for subdivisions
15.03.070	Standards for Manufactured Homes
15.03.075	Standards for Recreational Vehicles
15.03.080	Floodways
15.03.085	Appeals and Variances
15.03.090	Conditions for Variances
15.03.095	Penalty

§ 15.03.005 GENERAL PROVISIONS.

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 community. Therefore, the City of Culver City of Los Angeles County does hereby adopt the following Floodplain management regulations.

§ 15.03.010 PURPOSE.

The purpose of this Chapter is to minimize public and private losses due to Flood conditions in specific areas by provisions designed to:

- A.** Protect human life and health;
- B.** Minimize expenditure of public money for costly Flood control projects;
- C.** Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
- D.** Minimize prolonged business interruptions;
- E.** Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special Flood hazard;
- F.** Help to maintain a stable tax base by providing for the second use and Development of areas of special Flood hazard so as to minimize future Flood blight areas;
- G.** Ensure potential buyers of property within an area of special Flood hazard are notified;
- H.** Ensure those who occupy the areas of special Flood hazard assume responsibility for their actions;
- I.** Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or Flood heights or velocities;
- J.** Require uses vulnerable to Floods, including facilities which serve such uses, be protected against Flood damage at the time of initial construction;
- K.** Control the alteration of natural Floodplains, stream channels, and natural protective barriers, which help accommodate or channel Flood waters;
- L.** Control filling, grading, dredging, and other Development which may increase Flood damage; and

1 **M.** Prevent or regulate the construction of Flood barriers which will
2 unnaturally divert Flood waters, or which may increase Flood hazards
3 in other areas.

4 **§ 15.03.015 DEFINITIONS.**

5 Unless specifically defined below, words or phrases used in this Chapter
6 shall be interpreted so as to give them the meaning they have in common usage
7 and to give this Chapter its most reasonable application.

8 **ACCESSORY STRUCTURE.** A Structure that is either:

9 **A.** Solely for the parking of no more than two (2) cars; or

10 **B.** A small, low cost shed for limited storage, less than one hundred fifty
11 (15) square feet and \$1,500 in value.

12 **APPEAL.** A request for a review of the Building Official's interpretation of
13 any provision of this Chapter or a request for a Variance.

14 **AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the
15 Flood Insurance Rate Map (FIRM). The Base Flood depths range from one (1) to
16 three (3) feet; a clearly defined channel does not exist; the path of Flooding is
17 unpredictable and indeterminate; and velocity flow may be evident.

18 **BASE FLOOD.** The Flood having a one percent (1%) chance of being
19 equaled or exceeded in any given year (also called the "100-year Flood").

20 **BASEMENT.** Any area of the building having its floor below ground level
21 on all sides.

22 **BREAKAWAY WALLS.** Any type of walls, whether solid or lattice, and
23 whether constructed of any concrete, masonry, wood, metal, plastic or any other
24 suitable building material which is not part of the structural support of the building
25 and which is designed to break away under abnormally high tides or wave action
26 without causing any damage to the structural integrity of the building on which
27 they are used or any buildings to which they might be carried by Flood waters.

28 **DEVELOPMENT.** Any man-made change to improved or unimproved real
estate, including but not limited to, buildings or other Structures, mining,
dredging, filling, grading, paving, excavation or drilling operations, or storage of
equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. 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) is completed before December 17, 1979.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. 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. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash Flood or an abnormal tidal surge, or by some similar unusual and unforeseeable event which results in Flooding as defined in this definition.

FLOOD BOUNDARY AND FLOODWAY MAP. The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of Flood hazard and the Floodway.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special Flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes Flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the Base Flood.

FLOODPLAIN or FLOOD-PRONE AREA. Any land area susceptible to being inundated by Flooding from any source.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing Flood damage, including but not limited to, emergency preparedness plans, Flood control works and Floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS. Zoning codes, subdivision regulations, building codes, health regulations, special purpose

requirements such as, Floodplain, grading and erosion control and other applications of police power. The term describes such State or local regulations in any combination thereof, which provide standards for the purpose of Flood damage prevention and reduction.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to Structures which reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, Structures, and their contents.

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. Also referred to as "regulatory Floodway."

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure.

HISTORIC STRUCTURE. Any Structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- C. Individually listed on the State of California inventory of historic places.

LOWEST FLOOR. The Lowest Floor of the lowest enclosed area, including Basement. An unfurnished or Flood resistance enclosure, usable solely for parking of vehicles, building access or storage in an area other than a Basement area is not considered a building's Lowest Floor; provided, that such enclosure is not built so as to render the Structure in Violation of the applicable non-elevation design requirements of this Chapter.

1 **MANUFACTURED HOME.** A Structure, transportable in one (1) or more
2 sections, which is built on a permanent chassis and is designed for use with or
3 without a permanent foundation when connected to the required utilities. For
4 Floodplain Management purposes, the term MANUFACTURED HOME shall also
5 include park trailers, travel trailers and other similar vehicles placed on a site for
6 greater than one hundred eighty (180) consecutive days but does not include a
7 RECREATIONAL VEHICLE.

8 **MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel, or
9 contiguous parcels, of land divided into two (2) or more Manufactured Home lots
10 for sale or rent.

11 **MEAN SEA LEVEL.** For purposes of the National Flood Insurance
12 Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American
13 Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood elevations
14 shown on a community's Flood Insurance Rate Map are referenced.

15 **NEW CONSTRUCTION.** For Floodplain Management purposes,
16 Structures for which the START OF CONSTRUCTION commenced on or after
17 the effective date of a Floodplain Management regulation adopted by this
18 community on December 17, 1979.

19 **ONE HUNDRED YEAR FLOOD or 100-YEAR FLOOD.** A Flood which
20 has a one percent (1%) annual probability of being equaled or exceeded. It is
21 identical to the Base Flood, which will be the term used throughout this Chapter.

22 **PERSON.** An individual or his agent, firm, partnership, association or
23 corporation, or agent of the aforementioned groups, or this State or its agencies
24 or political subdivisions.

25 **RECREATIONAL VEHICLE.** A vehicle which is:

- 26 **A.** Built on a single chassis;
- 27 **B.** Four hundred (400) square feet or less when measured at the largest
28 horizontal projection;
- C.** Designed to be self-propelled or permanently towable by a light duty
truck; and
- D.** Designed primarily not for use as a permanent dwelling but as
temporary living quarters for recreational, camping, travel, or seasonal
use.

1 **REMEDY A VIOLATION.** To bring the Structure or other Development
2 into compliance with State or local Floodplain management regulations, or, if this
3 is not possible, to reduce the impacts of its noncompliance. Ways that impacts
4 may be reduced include protecting the Structure or other affected Development
5 from Flood damages, implementing the enforcement provisions of this Chapter,
6 or otherwise deterring future similar Violations, or reducing Federal financial
7 exposure with regard to the Structure or other Development.

8 **RIVERINE.** Relating to, formed by, or resembling a river, including, but
9 not limited to tributary, stream, or brook.

10 **SPECIAL FLOOD HAZARD AREA (SFHA).** An area having special
11 Flood or Flood-related erosion hazards, and shown on an FHBM or FIRM as
12 Zone A, AO, A1-30, AE, A99, or AH.

13 **START OF CONSTRUCTION.** Includes Substantial Improvement, and
14 shall mean the date the building permit was issued; provided that, the actual
15 Start of Construction, repair, reconstruction, placement, or other improvement
16 was within one hundred eighty (180) days of the permit date. The actual start
17 shall mean either the first placement of permanent construction of a Structure on
18 a site, such as the pouring of slab or footings, the installation of piles, the
19 construction of columns, or any work beyond the stage of excavation; or the
20 placement of a Manufactured Home on a foundation. Permanent construction
21 does not include land preparation, such as clearing, grading and filling; nor does
22 it include the installation of streets and/or walkways; nor does it include land
23 preparation, such as clearing, grading and filling; nor does it include excavation
24 for a Basement, footings, piers, or foundations or the erection of temporary
25 forms; nor does it include the installation on the property of accessory buildings,
26 such as garages or sheds not occupied as dwelling units or not part of the main
27 Structure. For a Substantial Improvement, the actual Start of Construction means
28 the first alteration of any wall, ceiling, floor, or other structural part of a building,
whether that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, including a gas or liquid
storage tank, that is principally above ground, as well as a Manufactured Home.

SUBSTANTIAL DAMAGE. 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.

SUBSTANTIAL IMPROVEMENT.

- A.** Any repair, reconstruction, or improvement of a Structure, the cost
of which equals or exceeds fifty percent (50%) of the market value
of the Structure either:

1. Before the improvement or repair is started; or
2. If the Structure has been damaged, and is being restored, before the damage occurred.

B. 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 that alteration affects the external dimensions of the Structure. The term does not, however, include either:

1. 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
2. Any alteration of a Structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE. A grant of relief from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter.

VIOLATION. The failure of a Structure or other Development to be in full compliance with all Floodplain management regulations. A Structure or other Development without the elevation certificate, other certifications or other evidence of compliance required in this Chapter is presumed to be in Violation until such time as that documentation is provided.

§ 15.03.020 ESTABLISHMENT OF AREAS OF SPECIAL FLOOD HAZARD.

The areas of special hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the City of Culver City Flood Insurance Study (FIS), dated August, 1979, and accompanying Flood Insurance Rate Map (FIRM), dated February 1, 1980, and all subsequent amendments or revisions are hereby adopted by reference and declared to be a part of this Chapter. This FIS, with its attendant mapping, is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas that allow implementation of this Chapter and are recommended to the City Council by the Building Official or City Engineer. The FIS and FIRM are on file at the Office of the Building Official, City Hall, 9770 Culver Boulevard, Culver City, California 90232.

1 **§ 15.03.025 COMPLIANCE REQUIRED.**

2 No Structure or land shall hereafter be constructed, located, extended,
3 converted, or altered without full compliance with the terms of this Chapter and
4 other applicable regulations. Violations of the provisions of this Chapter by failure
5 to comply with any of its requirements, including Violations of conditions and
6 safeguards established in connection with conditions, shall constitute a
7 misdemeanor.

8 **§ 15.03.030 ABROGATION AND GREATER RESTRICTIONS.**

9 This Chapter is not intended to repeal, abrogate, or impair any existing
10 easements, covenants, or deed restrictions. However, where this Chapter,
11 another provision of this Code or an easement, covenant, or deed restriction
12 conflict or overlap, whichever imposes the more stringent restrictions shall prevail

13 **§ 15.03.035 INTERPRETATION.**

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

- 15 **A.** Considered as minimum requirements;
- 16 **B.** Liberally construed in favor of the City for the protection of the
17 public health, safety, and welfare; and
- 18 **C.** Deemed neither to limit nor repeal any other powers granted to the
19 City.

20 **§ 15.03.340 WARNING AND DISCLAIMER OF LIABILITY.**

21 The degree of Flood protection required by this Chapter is considered
22 reasonable for regulatory purposes and is based on scientific and engineering
23 considerations. Larger Floods can and will occur on rare occasions. Flood
24 heights may be increased by man-made or natural causes. This Chapter does
25 not imply that land outside the areas of special Flood hazards, or uses permitted
26 within such areas will be free from Flooding or Flood damages. This Chapter
27 shall not create liability on the part of the City, any officer or employee thereof, or
28 the Federal Insurance Administration, for any Flood damages that result from
reliance on this Chapter or any administrative decision made thereunder.

1 **§ 15.03.345 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

2 A building permit shall be obtained before construction or Development
3 begins within any area of special Flood hazards, established in Section
4 15.03.020. Application for a building permit hereunder in addition to normal City
5 requirements, shall include:

6 **A.** Proposed elevation in relation to mean sea level, of the Lowest
7 Floor, including Basement, of all Structures; in Zone AO, elevation of Highest
8 Adjacent Grade and proposed elevation of Lowest Floor of all Structures;

9 **B.** Proposed elevation in relation to mean sea level to which any
10 Structures will be Floodproofed;

11 **C.** All appropriate certifications listed in Subsection 15.03.050.D of this
12 Chapter; and

13 **D.** Description of the extent to which any watercourse will be altered or
14 relocated as a result of proposed Development.

15 **§ 15.03.350 DESIGNATION OF BUILDING OFFICIAL AS ADMINISTRATOR.**

16 The Building Official is hereby appointed to administer and implement this
17 Chapter by granting or denying building permits in accordance with its provisions.
18 The duties and responsibilities of the Building Official shall include, but not be
19 limited to:

20 **A.** Review all building permits to determine:

21 1. The permit requirements of this Chapter have been satisfied;

22 2. All other required local, State and Federal permits have been
23 obtained;

24 3. The site is reasonably safe from Flooding;

25 4. The proposed Development does not adversely affect the
26 carrying capacity of areas where Base Flood elevations have been
27 determined but Floodways have not been designated. For purposes of this
28 Section, **ADVERSELY AFFECT** shall mean 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 (1) foot at any point;

1 **B.** Use other Base Flood data, when Base Flood elevation data has
2 not been provided in accordance with Section 15.03.020. The Building Official
3 shall obtain, review, and reasonably utilize any Base Flood elevation and
4 Floodway data available from a Federal, State, or other source, in order to
5 administer this Chapter. Any such information shall be submitted to the City
6 Council for adoption.

7 **C.** Whenever a watercourse is to be altered or relocated:

8 **1.** Notify adjacent communities and the California Department
9 of Water Resources prior to such alteration or relocation of a watercourse,
10 and submit evidence of such notification to the Federal Insurance
11 Administration;

12 **2.** Require the Flood carrying capacity of the altered or
13 relocated portion of the watercourse be maintained.

14 **D.** In the case of changes in Base Flood elevations due to physical
15 alterations within six (6) months of information becoming available or project
16 completion, whichever comes first, submit, or assure that the permit applicant
17 submits technical or scientific data to FEMA for a Letter of Map Revision
18 (LOMR). All LOMRs for Flood control projects are approved prior to the issuance
19 of building permits. Building Permits must not be issued based on Conditional
20 Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the
21 proposed Flood control project and land preparation as specified in the "Start of
22 Construction" definition.

23 **E.** Obtain and maintain for public inspection and make available as
24 needed:

25 **1.** The certification required in Subsection 15.03.055.C.1 (floor
26 elevations);

27 **2.** The certification required in Subsection 15.03.055.C.2
28 (elevations in areas of shallow Flooding);

3. The certification required in Subsection 15.03.055.C.3 (elevation
or Floodproofing of nonresidential Structures);

4. The certification required in Subsections 15.03.055.C.4.a. or
15.03.050.C.4.b (wet Floodproofing standard);

5. The certified elevation required in Subsection 15.03.065.B,
(subdivision standards); and

6. The certification required in Subsection 15.03.080.A, (Floodway encroachments).

F. Make interpretations where needed, as to the exact location of the boundaries of the areas of special Flood hazards for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The Person contesting the location of the boundary shall be given a reasonable opportunity to Appeal the interpretation as provided in Section 15.03.085.

§ 15.03.055 STANDARDS OF CONSTRUCTION.

A. Anchoring.

1. All New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All Manufactured Homes shall meet the anchoring standards of Section 15.03.070

B. Construction materials and methods.

1. All New Construction and Substantial Improvements, including Manufactured Homes, shall be constructed with materials and utility equipment resistant to Flood damage for areas below the Base Flood elevation plus one-foot freeboard.

2. All New Construction and Substantial Improvements, including Manufactured Homes, shall be constructed using methods and practices that minimize Flood damage.

3. All New Construction and Substantial Improvements, including Manufactured Homes, shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or located a minimum of the Base Flood elevations plus one-foot freeboard, or so as to prevent water from entering or accumulating within the components during conditions of Flooding.

4. Require within Zones AH, or AO, adequate drainage paths around Structures on slopes to guide Flood waters around and away from proposed Structures.

C. Elevation and Floodproofing.

1. New construction and Substantial Improvement of any Structure shall have the Lowest Floor, including Basement, elevated to or above the Base Flood elevation plus one-foot freeboard. Nonresidential Structures may meet the standards in Subsection 15.03.055.C.3. Upon the completion of the Structure the elevation of the Lowest Floor plus one-foot freeboard, including the Basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Building Official.
2. New construction and Substantial Improvement of any Structure in Zone AH or AO, shall have the Lowest Floor, including Basement, elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the FIRM plus one-foot freeboard, or at least two (2) feet plus one-foot freeboard if no depth number is specified. Nonresidential Structures may meet the standards in Subsection 15.03.055.C.3. Upon the completion of the Structure the elevation of the Lowest Floor including Basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Building Official.
3. Nonresidential construction shall either be elevated in conformance with Subsections 15.03.055.C.1 or 15.03.055.C.2 or together with attendant utility and sanitary facilities:
 - a. Be Floodproofed so below the Base Flood level plus one-foot freeboard, the Structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified, by a registered professional engineer or architect, the standards of this subsection are satisfied. Such certifications shall be provided to the Building Official.

1 4. Require, for all New Construction and Substantial
2 Improvements, fully enclosed areas below the Lowest Floor
3 subject to Flooding shall be designed to automatically equalize
4 hydrostatic Flood forces on exterior walls by allowing for the
5 entry and exit of Floodwaters. Designs for meeting this
6 requirement must either be certified by a registered professional
7 engineer or architect, or meet or exceed the following minimum
8 criteria:

9 a. Either a minimum of two (2) openings have a total net
10 area of not less than one (1) square inch for every square foot
11 of enclosed area subject to Flooding shall be provided. The
12 bottom of all openings shall be no higher than one (1) foot
13 above grade. Openings may be equipped with screens, louvers,
14 valves or other coverings or devices; provided that, they permit
15 the automatic entry and exit of Floodwaters. Buildings with more
16 than one enclosed area must have openings on exterior walls
17 for each area to allow Flood water to directly enter; or

18 b. Be certified by a California registered civil engineer or
19 architect to comply with a local Floodproofing standard
20 approved by the Federal Insurance Administration.

21 5. Manufactured homes shall also meet the standards in
22 Section 15.03.070.

23 6. Breakaway walls shall have a safe design loading resistance
24 of not less than ten (10) and no more than twenty (20) pounds per
25 square foot. Use of Breakaway Walls must be certified by a registered
26 engineer or architect and shall meet the following conditions:

27 a. Breakaway wall collapse shall result from a water load less than
28 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.

29 **D. Attached garages.**

30 1. A garage attached to a residential Structure, constructed with
31 the garage floor slab below the BFE, must be designed to allow
32 for the automatic entry of Flood waters in compliance with
33 Section 15.03.055.C.4. Areas of the garage below the BFE

must be constructed with Flood resistant materials in compliance with Section 15.03.055.B.

2. A garage attached to a nonresidential Structure must meet the above requirements or be dry Floodproofed.

E. Detached garages and Accessory Structures.

1. Accessory Structures used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.03.015, may be constructed such that its floor is below the Base Flood elevation (BFE), provided the Structure is designed and constructed in accordance with the following requirements:
 - a. Use of the Accessory Structure must be limited to parking or limited storage;
 - b. The portions of the Accessory Structure located below the BFE must be built using Flood-resistant materials;
 - c. The Accessory Structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d. Any mechanical and utility equipment in the Accessory Structure must be elevated or Floodproofed to or above the BFE;
 - e. The Accessory Structure must comply with Floodplain encroachment provisions in Subsection 15.03.080.A; and
 - f. The Accessory Structure must be designed to allow for the automatic entry of Flood waters in accordance with Subsection 15.03.055.C.4.a.
2. Detached garages and Accessory Structures not meeting the above standards must be constructed in accordance with all applicable standards in Subsections 15.03.055.A through 15.03.055.C.

1 **§ 15.03.060 STANDARDS FOR UTILITIES.**

2 **A.** All new and replacement water supply and sanitary sewage
3 systems shall be designed to minimize or eliminate infiltration of Flood waters
4 into the system and discharge from systems into Flood waters.

5 **B.** On-site waste disposal systems shall be located to avoid
6 impairment to them or contamination from them during Flooding.

7 **§ 15.03.065 STANDARDS FOR SUBDIVISIONS.**

8 **A.** All preliminary subdivision proposals, including Manufactured Home
9 parks and subdivisions, shall identify the Flood hazard area and the elevation of
10 the Base Flood.

11 **B.** All final subdivision plans, including Manufactured Home parks and
12 subdivisions, will provide the elevation of proposed Structure(s) and pads. If the
13 site is filled above the Base Flood, the final pad elevation shall be certified by a
14 registered professional engineer or surveyor and provided to the Building Official.

15 **C.** All subdivision proposals shall be consistent with the need to
16 minimize Flood damage.

17 **D.** All subdivision proposals shall have public utilities and facilities
18 such as sewer, gas, electrical and water systems located and constructed to
19 minimize Flood damage.

20 **E.** All subdivisions shall provide adequate drainage to reduce
21 exposure to Flood hazards.

22 **§ 15.03.070 STANDARDS FOR MANUFACTURED HOMES.**

23 All new, substantially improved, and replacement Manufactured Homes
24 and additions to Manufactured Homes shall:

25 **A.** Be elevated so the Lowest Floor is at or above the Base Flood
26 elevation; and

27 **B.** Be securely anchored to a permanent foundation system to resist
28 flotation, collapse, or lateral movement.

1 C. Be supported by reinforced piers or other foundation elements of at
2 least equivalent strength that are no less than 36 inches in height above the
3 grade.

4 **§ 15.03.075 STANDARDS FOR RECREATIONAL VEHICLES.**

5 All Recreational Vehicles placed in Zones A1-30, AH, and AE will either:

6 A. Be on the site for fewer than one hundred eighty (180) consecutive
7 days; or

8 B. Be fully licensed and ready for highway use. A Recreational Vehicle
9 is ready for highway use if it is on its wheels or jacking system, is attached to the
10 site only by quick disconnect type utilities and security devices, and has no
11 permanently attached additions; or

12 C. Meet the permit requirements of Section 15.03.045 of this Chapter
13 and the elevation and anchoring requirements for Manufactured Homes in
14 Section 15.03.070.

15 **§ 15.03.080 FLOODWAYS.**

16 Located within areas of special Flood hazard established in Section
17 15.03.020 are areas designated as Floodways. Since the Floodway is an
18 extremely hazardous area due to the velocity of Flood waters which carry debris,
19 potential projectiles, and erosion potential, the following provisions apply:

20 A. Prohibit encroachments, including fill, New Construction,
21 Substantial Improvements, and other Development unless certification by a
22 registered professional engineer or architect is provided demonstrating
23 encroachments shall not result in any increase in Flood levels during the
24 occurrence of the Base Flood discharge.

25 B. If Subsection 15.03.080.A is satisfied, all New Construction and
26 Substantial Improvements shall comply with all other applicable Flood hazard
27 reduction provisions of Sections 15.03.055 through 15.03.080.

28 **§ 15.03.085 APPEALS AND VARIANCES.**

 A. The Board of Appeals shall hear and decide Appeals when it is
 alleged there is an error in any requirement, decision, or determination made by

1 the Building Official in the administration of this Chapter or in a determination
2 regarding a request for a Variance.

3 **B.** In making such determinations and decisions the Building Official
4 and Board of Appeals shall consider all technical evaluations, all relevant factors,
5 standards specified in other Sections of this Chapter, and:

- 6 1. The danger of materials being swept onto other lands to the
7 injury of others;
- 8 2. The danger of life and property due to Flooding or erosion
9 damage;
- 10 3. The susceptibility of the proposed facility and its contents to
11 Flood damage and the effect of such damage on the individual
12 owner;
- 13 4. The importance of the services provided by the proposed facility
14 to the community;
- 15 5. The necessity to the facility of a waterfront location, where
16 applicable;
- 17 6. The availability of alternative locations for the proposed use
18 which are not subject to Flooding or erosion damage;
- 19 7. The compatibility of the proposed use with existing and
20 anticipated Development;
- 21 8. The relationship of the proposed use to the comprehensive plan
22 and Floodplain management program for that area;
- 23 9. The safety of access to the property in time of Flood for
24 ordinary and emergency vehicles;
- 25 10. The expected heights, velocity, duration, rate of rise, and
26 sediment transport of the Flood waters expected at the site; and
- 27 11. The costs of providing governmental services during and after
28 Flood conditions, including maintenance and repair of public
utilities and facilities such as sewer, gas, electrical, and water
system, and streets and bridges.

1 **C.** Generally, Variances may be issued for New Construction and
2 Substantial Improvements to be erected on a lot of one-half (½) acre or less in
3 size contiguous to and surrounded by lots with existing Structure constructed
4 below the Base Flood level, providing the items set forth in Subsections
5 15.03.085.B.1 through 15.03.085.B.11, above, have been fully considered. As
6 the lot size increases beyond one-half (½) acre, the technical justification
7 required for issuing the Variance increases.

8 **D.** Upon consideration of the factors of Subsection 15.03.085.B,
9 above, and the purposes of this Chapter, the Building Official or Board of
10 Appeals may attach such conditions to the granting of Variances as it deems
11 necessary to further the purposes of this Chapter.

12 **E.** The Building Official shall maintain the records of all Appeal actions
13 and report any Variances to the Federal Insurance Administration upon request.

14 **§ 15.03.090 CONDITIONS FOR VARIANCES.**

15 **A.** Variances may be issued for the reconstruction, rehabilitation or
16 restoration of Structures listed in the National Register of Historic Places or the
17 State Inventory of Historic Places, without regard to the procedures set forth in
18 the remainder of this Section.

19 **B.** Variances shall not be issued within any designated Floodway if
20 any increase in Flood levels during the Base Flood discharge would result.

21 **C.** Variances shall only be issued upon a determination that the
22 Variance is the minimum necessary, considering the Flood hazard, to afford
23 relief.

24 **D.** Variances shall only be issued upon:

- 25 1. A showing of good and sufficient cause; and
- 26 2. A determination that the failure to grant the Variance would
27 result in exceptional hardship to the applicant; and
- 28 3. 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 existing local laws
or articles.

1 **E.** Variances may be issued for New Construction and Substantial
2 Improvements and for other Development necessary for the conduct of a
3 Functionally Dependent Use; provided that, the provisions of Subsections
4 15.03.090.A through 15.03.090.D above are satisfied and the Structure or other
5 Development is protected by methods that minimize Flood damages during the
6 Base Flood and create no additional threats to public safety.

7 **F.** Any applicant to whom a Variance is granted shall be given written
8 notice that the Structure will be permitted to be built with a Lowest Floor elevation
9 below the regulatory Flood elevation and the cost of Flood insurance will be
10 commensurate with the increased risk resulting from the reduced Lowest Floor
11 elevation. A copy of the notice shall be recorded by the Building Official in the
12 office of the Los Angeles County Recorder and shall be recorded in a manner, so
13 it appears in the chain of title of the affected parcel of land.

14 **§ 15.03.095 PENALTY.**

15 **A.** No Person shall erect, construct, enlarge, alter, repair, move,
16 improve, remove, convert, demolish, install, replace, equip, use, occupy,
17 maintain or relocate any building or Structure or fixture or equipment or property,
18 or cause or permit the same to be done, in Violation of any provisions of this
19 Chapter, and no Person shall fail to comply with any lawful order made
20 thereunder. Any such Violation or failure to comply shall be a misdemeanor
21 which shall be punishable in accordance with Section 1.01.040 of this Code.

22 **B.** Any Violation of, or failure to comply with this Chapter shall
23 constitute a separate offense for each and every day during any portion of which
24 any such Violation or failure is committed, continued, or permitted and shall be
25 punishable accordingly.

26 **C.** At the discretion of the City Attorney, any Violation of this Chapter
27 may be prosecuted either as a misdemeanor or as an infraction.

28 **SECTION 2. ENVIRONMENTAL DETERMINATION.** The City Council hereby
finds there are no potentially significant adverse impacts on the environment and the proposed
Ordinance has been determined to be Categorically Exempt per California Environmental
Quality Act (CEQA) Section 15308, Class 8, because the proposed Ordinance consists of
actions taken to assure the maintenance, restoration, enhancement, or protection of the
environment.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 4. SEVERABILITY. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Interim Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this Ordinance and as such they shall remain in full force and effect.

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SECTION 5. PUBLICATION. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

APPROVED and ADOPTED this _____ day of _____ 2021.

ALEX FISCH, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN
City Clerk

CAROL A. SCHWAB
City Attorney

A21-00030