

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: May 13, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of amendments to the San Mateo County Zoning Regulations (Chapter 35.5 - Flood Hazard Areas) to add and amend specific language in the "General Provisions" section of this chapter.

County File Number: PLN 2015-00149 (Planning & Building Department)

PROPOSAL

Staff is proposing amendments to the San Mateo County Zoning Regulations (Chapter 35.5 of the San Mateo County Ordinance Code - Flood Hazard Areas) that:

1. Adds specific language that identifies which Flood Insurance Study that the County uses for determination of flood hazards. This new language supersedes the previous, less precise language in the County's regulations, as can be seen in Attachment B. The new language also includes an auto-adopt clause. This ensures that any future updates of the Flood Insurance Study (and/or the associated Flood Hazard Maps) will automatically become the County's standard without the need for further amendments of the Flood Hazard chapter.
2. Adds specific language designating the position of a "Floodplain Administrator."

RECOMMENDATION

That the Planning Commission recommend that the Board of Supervisors:

Adopt the attached amendments to the San Mateo County Zoning Regulations (Chapter 35.5 of the County Ordinance Code) to add and amend specific language in the "General Provisions" section of this chapter.

SUMMARY

The Federal Emergency Management Agency (FEMA) has informed the County that our current Flood Hazard regulations are missing two key components, specifically, language that designates a "Floodplain Administrator" and an "auto adopt clause" which includes the adoption date of the most recent Flood Insurance Study. The County was

informed by FEMA that the two amendments must be adopted by June 15, 2015 in order for the County to remain within the National Flood Insurance Program. Failure to meet the June deadline will result in the County being placed on probationary status; this would result in flood insurance policy holders paying an additional premium on their policies. Accordingly, Staff recommends that the Planning Commission recommend to the Board of Supervisors adoption of the attached revised ordinance.

ENVIRONMENTAL REVIEW

The proposed Ordinance Code amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code, Section 15061(b)(3). The amendments are covered by the General Rule, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no evidence to suggest that the proposed amendments to the Zoning Ordinance will have a significant impact on the natural or built environment.

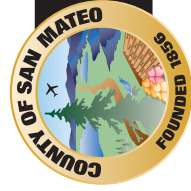
REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Draft Ordinance amending Chapter 35.5 (Flood Hazard Areas) to add specific language designating a "Floodplain Administrator" and identifying which Flood Insurance Study that the County uses for determination of flood hazards.
- B. Revised Chapter 35.5 (Flood Hazard Areas)

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County of San Mateo - Planning and Building Department

ATTACHMENT A

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE AMENDING CHAPTER 35.5 (FLOOD HAZARD AREAS) TO ADD
AND AMEND SPECIFIC LANGUAGE IN THE “GENERAL PROVISIONS”
SECTION OF THIS CHAPTER.**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. The San Mateo County Ordinance Code (Zoning Regulations),
Division VI, Part One, Chapter 35.5 (Flood Hazard Areas), Section 6820, is hereby
amended to, to read as follows:

SECTION 6820. FINDINGS.

- (a) Areas of Special Flood Hazards and Coastal High Hazard Areas 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 which may cause damages in other areas. Structures that

are not adequately flood-proofed anchored, properly elevated or otherwise protected from flood damage may also contribute to the flood loss.

- (c) ~~This ordinance is based upon the Flood Insurance Study for San Mateo County Unincorporated Areas prepared by Tudor Engineering Company for the Federal Emergency Management Agency under the authority of the National Flood Insurance Act of 1968, as amended.~~

SECTION 2. The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 35.5 (Flood Hazard Areas), Section 6824.2, is hereby amended to, to read as follows:

SECTION 6824.2. BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.

- (a) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the “Flood Insurance Study (FIS) for San Mateo County” dated October 16, 2014, with accompanying Flood Insurance Rate Maps (FIRM’s) and Flood Boundary and Floodway Maps (FBFM’s), dated October 16, 2012, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Ordinance and which are recommended to the Board of Supervisors by the Floodplain

Administrator. The Study, FIRM's and FBFM's are on file at the San Mateo County Planning and Building Department, 455 County Center, 2nd Floor; Redwood City, CA 94063.

~~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, California, Unincorporated Areas," and an accompanying set of Flood 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.~~

- (b) In the event the National Flood Insurance Program should be terminated with no successor program, the most current FIRM or successor thereof shall remain in use for purposes of this Chapter.
- (c) Maps used to designate Areas of Special Flood Hazard pursuant to this section shall be made an appendix to the County's Zoning Maps. Any changes to such maps shall not require a text amendment action as otherwise required in Chapter 27 of this Part.

SECTION 3. The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 35.5 (Flood Hazard Areas), Section 6824.9, is hereby added, to read as follows:

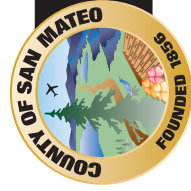
SECTION 6824.9. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The San Mateo County Community Development Director is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accord with its provisions.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after adoption by the San Mateo County Board of Supervisors.

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County of San Mateo - Planning and Building Department

ATTACHMENT B

CHAPTER 35.5. FLOOD HAZARD AREAS

SECTION 6820. FINDINGS.

- (a) Areas of Special Flood Hazards and Coastal High Hazard Areas 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 which may cause damages in other areas. Structures that are not adequately flood-proofed anchored, properly elevated or otherwise protected from flood damage may also contribute to the flood loss.
- ~~(c) This ordinance is based upon the Flood Insurance Study for San Mateo County Unincorporated Areas prepared by Tudor Engineering Company for the Federal Emergency Management Agency under the authority of the National Flood Insurance Act of 1968, as amended.~~

SECTION 6821. 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 to:

- (a) Protect human life and health;
- (b) 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) 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) Control development which will, when acting alone or in combination with similar development:
 - (1) Create an additional burden on the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees;
 - (2) 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;

- (3) Create an additional burden on 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; and
 - (4) Cause flood losses if public streets, sewer, water and other utilities must be extended below the flood level to serve the development.
- (e) Control floodplain 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, will cause damaging flood heights and velocities by obstructing flows and reducing valley storage;
 - (f) Minimize surface and groundwater pollution which will affect human, animal, or plant life;
 - (g) Ensure that potential buyers are notified that property is located in an Area of Special Flood Hazard;
 - (h) Ensure that those who occupy Areas of Special Flood Hazards assume the responsibility for their actions, and;
 - (i) Ensure that development that occurs within Areas of Special Flood Hazards is consistent with the County General Plan, particularly the policies of the Natural Hazards Chapter.

SECTION 6822. 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 6822.1. AREA OF SHALLOW FLOODING. A designated AO, AH or VO 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. Such flooding is characterized by ponding or sheet flow.

SECTION 6822.2. AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain 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, AO, AH, A1-A30, AE, A99, VO, V1-30, VE, or V on the FIRM.

SECTION 6822.3. BASEMENT. Any area of a structure having its floor below highest grade (subgrade) on all sides.

SECTION 6822.4. BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year, sometimes referred to as the 100-year flood. The base flood is the basis for the regulatory flood protection elevation used throughout this Chapter.

SECTION 6822.5. BREAKAWAY WALLS. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

SECTION 6822.6. 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 V1-V30, VE or V.

SECTION 6822.7. 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 6822.8. ELEVATED BUILDING. A structure other than a basement constructed so that the top of the elevated floor in Zones A1-30, AE, A, A99, AO, AH, B, C, X or D, or the bottom of the lowest horizontal structure member in Zones V1-30, VE or V, is elevated above the highest grade by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In Zones V1-30, VE, or V, "elevated building" includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls.

SECTION 6822.9. EXCEPTION. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 6822.10. 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; or
- (b) The unusual and rapid accumulation of runoff of surface waters from any source; or
- (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
- (d) 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 similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) of this definition.

SECTION 6822.11. FLOOD BOUNDARY AND FLOODWAY MAP. The official map on which the Federal Insurance Administration has delineated both the Areas of Flood Hazard and the Floodway.

SECTION 6822.12. 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 6822.13. 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 6822.14. FLOODPROOFING. Any combination of structural and non-structural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

SECTION 6822.15. 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 6822.16. FLOODWAY. The channel of a watercourse plus any adjacent floodplain areas that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway may also be referred to as the Regulatory Floodway. Floodways are delineated on the Flood Boundary and Floodway Maps.

SECTION 6822.17. GENERAL PLAN. The General Plan of the County of San Mateo, as adopted by Resolution No. 48641 on November 18, 1986, and as subsequently amended.

SECTION 6822.18. HIGHEST GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

SECTION 6822.19. LOWEST FLOOR. The lowest floor of the lowest enclosed area, including basement areas. The lowest floor does not include (a) an unenclosed area or flood resistant enclosure usable solely for parking of vehicles; or (b) building access or storage located in an area other than a basement area, provided such areas are not constructed so as to render the structure in violation of the standards of construction contained in Sections 8131, 8132 and 8133 of the Building Regulations.

SECTION 6822.20. MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Park trailers, travel trailers, temporary farm labor housing units and other similar vehicles placed on a site for more than 180 consecutive days are considered to be manufactured homes for floodplain management purposes under the provisions of these regulations; however, such vehicles are not considered to be manufactured homes for purposes of obtaining flood insurance.

SECTION 6822.21. MANUFACTURED HOME PARK OR SUBDIVISION. A parcel or contiguous parcels of land divided into two or more manufactured home sites for rent or sale.

SECTION 6822.22. MEAN SEA LEVEL. The average height of the sea for all stages of the tide. Base flood elevations shown on the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps are referenced to the National Geodetic Vertical Datum of 1929.

SECTION 6822.23. MUDSLIDE/MUDFLOW. A condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide or mudflow may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

SECTION 6822.24. MUDSLIDE/MUDFLOW PRONE AREA. An area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

SECTION 6822.25. NEW CONSTRUCTION. Structures for which the “start of construction” commenced on or after the effective date of this ordinance.

SECTION 6822.26. REPLACEMENT VALUE. The replacement cost of a building as determined by the latest available International Conference of Building Officials Building Valuation Data, or as otherwise established by the San Mateo County Building Inspection Section.

SECTION 6822.27. START OF CONSTRUCTION. The date of issuance of a building permit for construction or substantial improvements, provided the actual start of construction, repair, reconstruction, placement, or other improvement occurs within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 and not part of the main structure.

SECTION 6822.28. STRUCTURE. Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, not including a tent or vehicle.

SECTION 6822.29. SUBSTANTIAL IMPROVEMENT.

- (a) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the replacement value of the structure as the structure existed either before the improvement or repair is started, or 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.
- (b) Substantial improvement does not include either 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 any alteration of a structure listed on the National Register of Historic Places, the California Historical Landmarks Program, the Inventory of Historic Resources contained in the Resource Management Volume of the County General Plan, County Historic Landmarks or structures located in Historic Districts as

established by the County Historic Preservation Ordinance, or any combination of the foregoing.

SECTION 6823. 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 floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (e) Preventing the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and,
- (f) Promoting land uses and densities that minimize the exposure of significant numbers of people and the number of structures located in flood hazard areas, consistent with the County General Plan.

SECTION 6824. GENERAL PROVISIONS.

SECTION 6824.1. LANDS TO WHICH THIS CHAPTER APPLIES. This Chapter shall apply to all Floodways, Areas of Special Flood Hazard and Coastal High Hazard Areas within the unincorporated territory of San Mateo County.

SECTION 6824.2. BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.

- (a) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for San Mateo County" dated October 16, 2014, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated October 16, 2012, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator. The Study, FIRM's and FBFM's are on file at the San

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~~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, California, Unincorporated Areas," and an accompanying set of Flood 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.~~

- ~~(b) Such documents may, from time to time, be amended or replaced by like documents, in which case they shall be determined to be valid for the purposes of this section by the Planning Director as advised by the Director of Public Works and in accordance with requirements of the Federal Emergency Management Agency, or any other successor federal agency. In the event the National Flood Insurance Program should be terminated with no successor program, the most current FIRM or successor thereof shall remain in use for purposes of this Chapter.~~
- (c) Maps used to designate Areas of Special Flood Hazard pursuant to this section shall be made an appendix to the County's Zoning Maps. Any changes to such maps shall not require a text amendment action as otherwise required in Chapter 27 of this Part.

SECTION 6824.3. 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 6824.4. PENALTIES.

- (a) Any violation of this Chapter shall be a misdemeanor and shall be punishable as provided for in Sections 1200-1203 of the San Mateo County Ordinance Code.
- (b) 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 development permit or exception 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 may immediately commence action or proceedings to abate, remove and enjoin thereof in the manner provided by law.
- (c) The remedies provided for herein shall be cumulative and not exclusive.

SECTION 6824.5. CONFLICTING RESTRICTIONS. The provisions of this Chapter are 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 6824.6. INTERPRETATION.

- (a) In the interpretation and application of this Chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed to effectuate the purposes of this Chapter; 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 6824.7. 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 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 6824.8. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter 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 Chapter.

SECTION 6824.9. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The San Mateo County Community Development Director is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accord with its provisions.

SECTION 6825. REGULATION OF DEVELOPMENT IN AREAS OF SPECIAL FLOOD HAZARD, FLOODWAYS AND COASTAL HIGH HAZARD AREAS.

The areas of San Mateo County subject to flood discharge, flood or flooding, as established by Sections 6824.1 and 6824.2, are hereby divided into Areas of Special Flood Hazards, Floodways and Coastal High Hazard Areas. Development located in Areas of Special Flood Hazards, which includes Floodways and Coastal High Hazard Areas, is required to meet applicable regulations of the County Subdivision Regulations and Building Regulations, in addition to the following Zoning Regulations.

SECTION 6825.1. AREAS OF SPECIAL FLOOD HAZARD. A permit for development located in an Area of Special Flood Hazard may be issued in accordance with the procedures established in Section 6826 provided:

- (a) Structures are constructed so that the lowest floor is elevated to or above the regulatory flood-protection elevation.
- (b) The development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards for Manufactured Homes contained in Section 8132 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.
- (c) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

SECTION 6825.2. FLOODWAYS. 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 floodwaters which carry debris, potential projectiles and flood-related erosion. A permit for development located in a floodway area may be issued in accordance with the procedures established in Section 6826 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 or architect 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 development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards for Manufactured Homes contained in Section 8132 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.

- (c) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

SECTION 6825.3. COASTAL HIGH HAZARD AREAS. Coastal High Hazard Areas are located within Areas of Special Flood Hazard established in Section 6824.2. These areas have special flood hazards associated with high velocity waters from coastal and tidal inundation and tsunamis. A permit for development in a Coastal High Hazard Area may be issued in accordance with the procedures established in Section 6826 provided:

- (a) All buildings or structures shall be located landward of reach of the mean high tide.
- (b) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- (c) The development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards of Manufactured Homes contained in Section 8132, the Standards for Coastal High Hazard Areas in Section 8133 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.
- (d) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

SECTION 6825.4. STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT.

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive or that could be injurious to human, animal, or plant life is prohibited in Areas of Special Flood Hazard.
- (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 following a flood warning.

SECTION 6826. DEVELOPMENT REVIEW PROCEDURES.

SECTION 6826.1. DEVELOPMENT PERMIT. A development permit issued by the ~~Planning Director~~ Floodplain Administrator 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-Floodplain Administrator~~, may consist of a clearance signature integrated into an existing approval process. The issuance of a development permit may follow a decision on a discretionary permit under other chapters of this Part.

Application for a development permit shall be submitted to the Planning and Development ~~Division-Department~~ on forms provided by that ~~Division-Department~~. Such applications shall be submitted concurrently with applications for any other permits or approvals required for the project by the San Mateo County Ordinance Code, and shall include the following in addition to plans and information required for other permits or approvals:

- (a) Two sets of plans, drawn to an appropriate scale, showing the subject property and surrounding areas, natural landforms, watercourses, existing structures and other features; the dimensions, location and elevation of proposed structures; proposed fill areas, fill quantities, and finished contours; material storage areas, and drainage facilities.
- (b) The proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures.
- (c) The proposed elevation in relation to mean sea level to which any structure will be floodproofed.
- (d) All appropriate certifications listed in Section 6826.5.
- (e) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 6826.2. ENVIRONMENTAL HEALTH DIVISION REVIEW. 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.

SECTION 6826.3. DEPARTMENT OF PUBLIC WORKS AND BUILDING INSPECTION SECTION REVIEW. Prior to approval of a development permit as provided for in Section 6826.1 or an exception as provided for in Section 6828, the ~~Planning Director-Floodplain Administrator~~ shall forward the applicant's plans, technical information, certifications and other information as required, to the Director of Public Works or Building Inspection Section, as appropriate, for review and a report on the conformance of the proposed plans with the provisions of this Chapter.

SECTION 6826.4. GROUNDS FOR ISSUANCE OF PERMIT. The ~~Planning Director-Floodplain Administrator~~ shall issue a development permit in accordance with Section 6826.1 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;
- (c) The flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development;
- (d) The applicant has provided evidence indicating that all necessary permits and approvals have been or will be received from local, regional, State or Federal agencies having jurisdiction under State or Federal law, including Section 404 of the Federal Water Pollution Control Act, as amended; and
- (e) The proposed development is consistent with the County General Plan, particularly the policies of the Natural Hazards Chapter.

SECTION 6826.5. CERTIFICATION. The Director of Public Works and Building Inspection Section shall accordingly review and approve or disapprove certifications. The following certifications shall be maintained in the Building Inspection Section file for public inspection and, as needed, for Flood Insurance purposes:

- (a) The elevation certification required in Section 12.6(d), San Mateo County Subdivision Ordinance (uncodified).
- (b) The elevation certification required in Section 8131(c)1, San Mateo County Building Regulations.
- (c) The elevation certification required in Section 8131(c)2, San Mateo County Building Regulations.
- (d) The floodproofing certification required in Section 8131(c)3, San Mateo County Building Regulations.
- (e) The Coastal High Hazard certification required in Section 8133(b), San Mateo County Building Regulations.

SECTION 6826.6. ~~The Planning Director~~ Floodplain Administrator 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 6826.7. The ~~Planning Director~~ Floodplain Administrator 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 6826.8. Review by the Director of Public Works shall include interpretations of the 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 ~~Planning Director~~ Floodplain Administrator may reasonably rely upon such interpretations when taking any action under this Chapter.

SECTION 6826.9. USE OF OTHER BASE FLOOD DATA. The Director of Public Works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed for inclusion on a tentative or final subdivision map pursuant to San Mateo County Subdivision Regulations, as criteria for requiring that new construction, substantial improvements or other development in Areas of Special Flood Hazard have the lowest floor of residential structures elevated to or above the base flood level, and the lowest floor of non-residential structures elevated or floodproofed to or above the base flood level.

SECTION 6827. NON-CONFORMING USES.

SECTION 6827.1. 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) The structure or use shall comply with the regulations contained in Division VI, Part I, Chapter 4, of the San Mateo County Ordinance Code (Non-Conforming Uses).
- (b) Structural alterations, maintenance or repair of a non-conforming building may be allowed provided:
 - (1) The cubical contents of the building as it existed at the time it became non-conforming is not increased; or,
 - (2) The building is permanently changed to a conforming use.

SECTION 6827.2. Structures or uses which are or become nuisances shall not be entitled to continue as non-conforming uses.

SECTION 6827.3. Except as provided in Section 6827.2, any use which has been permitted following approval of an exception to the provisions of this Chapter, as provided for in Section 6828, shall be considered a conforming use.

SECTION 6827.4. Any alteration, addition, or repair to any non-conforming structure which would result in substantially increasing its flood damage potential shall be

protected by appropriate measures pursuant to the Standards of Construction contained in Section 8131, the Standards for Manufactured Homes contained in Section 8132, the Standards for Coastal High Hazard Areas contained in Section 8133, and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations, as appropriate.

SECTION 6828. EXCEPTIONS.

SECTION 6828.1. The County ~~Planning Director~~ Floodplain Administrator may grant exceptions 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 Inventory of Historic Resources contained in the Resources Management Volume of the County General Plan, County Historic Landmarks or structures located in Historic Districts as established by the County Historic Preservation Ordinance, or any combination of the foregoing, without regard to the procedures set forth in Section 6828.6.

SECTION 6828.2. The County may grant exceptions from the provisions of this Chapter in conjunction with development permit applications for the construction or substantial improvement of structures located in Areas of Special Flood Hazard. In passing upon applications for exceptions, the County shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Chapter, 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 development 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, where applicable;
- (e) The necessity of a waterfront location for the proposed facility;
- (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 floodplain 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 floodwaters 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) Consistency of the proposed use with the San Mateo County General Plan.

SECTION 6828.3. The County shall approve an exception only upon:

- (a) A showing of good and sufficient cause such as renovation, rehabilitation, reconstruction or preservation of a historic or culturally significant structure; or,
- (b) A determination that the exception is for the minimum development necessary, considering the flood hazard, to afford relief; and,
- (c) A determination that failure to grant the exception would result in exceptional hardship to the applicant or place unreasonable restrictions upon land use operations conducted on the property; and,
- (d) A determination that the proposed development is to be located on a parcel which is generally less than one-half acre in area and is contiguous to and surrounded by lots with existing structures constructed below the base flood level. Deviations from the one-half acre size limitation require increased levels of technical justification; and,
- (e) A determination that the granting of an exception will not result in increased flood heights during the base flood discharge, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local ordinances, the General Plan or State law.

SECTION 6828.4. Exceptions shall not be approved solely because of economic considerations, aesthetics or because exceptions have been issued in the past.

SECTION 6828.5. Upon approval of an exception in accordance with Section 6828.6:

- (a) The County shall notify the applicant in writing over the signature of the ~~Planning Director~~ Floodplain Administrator or Zoning Hearing Officer that construction of a structure below the base flood level will result in increased premium rates for flood insurance; and,

- (b) The County shall maintain a record of all exception actions, including justification for their issuance; and,
- (c) The County shall report on all such exceptions issued in an annual report to the Federal Insurance Administrator.

SECTION 6828.6. Application for an exception 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~~ Department. Applications for exceptions shall be processed in accordance with the provisions for the processing of variances in Chapter 25, Section 6530 et seq. Application materials shall include:

- (a) A complete application form, environmental information form, and filing fees as set by resolution of the Board of Supervisors.
- (b) 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.
- (c) The proposed elevation in relation to mean sea level of the lowest floor of all structures; in Zone AO, elevation of the existing grade and proposed elevation of the lowest floor of all structures.
- (d) Proposed elevation in relation to mean sea level (msl) to which any structure will be floodproofed.
- (e) Certification by a registered civil engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria contained in Section 8131(c)(3) of the San Mateo County Ordinance Code, Building Regulations.
- (f) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (g) Additional information as necessary to evaluate the items listed in Section 6828.2, and the findings required in Section 6828.3.

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

(Chapter 35.5 - Added by Ordinance No. 3002 - July 3, 1984)

(Chapter 35.5 - Amended by Ordinance No. 3150 - August 30, 1988)

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