

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-21162 (NEW SERIES)

DATE OF FINAL PASSAGE JANUARY 8, 2020

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3 DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AND BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 143.0145 AND 143.0146, RELATING TO DEVELOPMENT REGULATIONS FOR SPECIAL FLOOD HAZARD AREAS.

**§113.0103 Definitions**

*Abutting property through Solid fence* [No change in text.]

*Special Flood Hazard Area or SFHA*, means any area inundated during a *base flood* as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year *floodplain*).

*Specified anatomical areas through Yard* [No change in text.]

**§143.0145 Development Regulations for Special Flood Hazard Areas**

(a) Purpose and Intent.

(1) The Legislature of the State of California has conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, including regulations governing development within Special Flood Hazard Areas.

(2) It is the intent of the City that these regulations shall not create liability on the part of the City, any officer or employee of the City, or the Federal Emergency Management Agency (FEMA), for any flood damages that result from reliance on this chapter or any associated administrative decision lawfully made.

(3) These regulations are not intended to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where these regulations conflict or overlap with another ordinance, easement, covenant, or deed restriction, the more stringent shall prevail.

(ab) *Special Flood Hazard Areas* within the City of San Diego are established in accordance with the report entitled titled “*Flood Insurance Study, San Diego County, California,*” dated June 16, 1999 and the accompanying

*Flood Insurance Rate Maps (FIRM)*, published by the Federal Emergency Management Agency (FEMA) FEMA, on file in the office of the City Clerk as Document Nos. 18910-1 and 18910-2, including any supplements, amendments, and revisions which are properly promulgated by FEMA or the Federal Insurance Administrator.

- (bc) For the purpose of Sections 143.0145 and 143.0146, the City Engineer is the designated Floodplain Administrator and shall administer, implement, and enforce these regulations.
- (ed) ~~The degree of *flood* protection required by this section 143.0145 and section 143.0146 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, and is considered reasonable for regulatory purposes. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section 143.0145 and section 143.0146 do does not imply that land outside a *Special Flood Hazard Area* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the FEMA, for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made there under.~~
- (e) The Floodplain Management FEMA Definitions in the Land Development Manual Appendix S apply to the provisions of this section 143.0145 and section 143.0146. For purposes of this section 143.0145 and section 143.0146, if there is a conflict between the definitions in Appendix S and any other definitions in the San Diego Municipal Code, the definitions in Appendix S shall apply.
- (df) The following development regulations and all other applicable requirements and regulations of FEMA apply to all *development* proposing to encroach into a *Special Flood Hazard Area*, including both the *floodway* and *flood fringe* areas, or that does not qualify for an exemption pursuant to Section 143.0110(c):
- (eg) *Floodways*
- (1) through (6) [No change in text.]
- (7) Within the Coastal Overlay Zone, no *structure* or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, or no landform alteration *grading*, placement, or removal of vegetation, except that related to a *pre-FIRM* historic and ongoing agricultural operation, or land division shall be permitted, provided:
- (A) through (B) [No change in text.]
- (fh) *Flood Fringe*. The applicable *development* regulations are those in the underlying zone, subject to the following supplemental regulations:
- (1) Within the *flood fringe* of a *Special Flood Hazard Area*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:
- (A) through (D) [No change in text.]

(E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System Permit, as implemented by the City of San Diego.

(F) [No change in text.]

(2) [No change in text.]

**§143.0146 Supplemental Regulations for Special Flood Hazard Areas**

All proposed *development* within a *Special Flood Hazard Area*, including substantial improvements, is subject to the following requirements and all other applicable requirements and regulations of FEMA. The applicant for each development project, including applicants for substantial improvement projects, shall obtain the federal and state permits required by 44 C. F. R. § 60.3(a)(1), as may be amended.

(a) *Development and Permit Review*

(1) through (7) [No change in text.]

(8) The applicant shall obtain, keep, and make available for inspection by the City Engineer the following certifications:

(A) certification required for lowest floor elevations; and

(B) certification required for elevation or floodproofing of nonresidential structures.

(b) *Standards for Subdivisions*

(1) through (6) [No change in text.]

(c) *Standards of Construction*

In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

(1) through (10) [No change in text.]

(11) All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor, excluding basements, that are usable solely for parking of vehicles, building access, or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater as required by 44 C. F. R. § 60.3(c)(5), as may be amended. Designs for meeting this requirement must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) The bottom of all openings shall be no higher than one foot above grade; and

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

- (d) Standards for *Manufactured Homes*  
All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.
  - (1) through (3) [No change in text.]
  - (4) Within ~~*FIRM Zones V1-30, VE, and V*~~ *Special Flood Hazard Areas*, the placement or installation of *manufactured homes* shall comply with the standards for coastal high hazard areas in ~~Section~~ 143.0146(g).
- (e) Standards for Utilities  
[No change in text.]
- (f) Standards for Recreational Vehicles
  - (1) [No change in text.]
  - (2) All recreational vehicles placed in ~~*FIRM Zones A1-30, AE and AH*~~ *Special Flood Hazard Areas* shall comply with one of the following:
    - (A) through (C) [No change in text.]
- (g) Standards for Coastal High Hazard Area
  - (1) A coastal high hazard area is an area of special *flood* hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms ~~or seismic sources~~. It is ~~an area~~ subject to high velocity waters, including coastal and tidal inundation ~~or tsunamis~~. The area is designated on a *FIRM Zone V1-30, VE, or V*.
  - (2) Within coastal high hazard areas, *FIRM Zones V1-30, VE, and V*, the following standards shall apply:
    - (A) through (F) [No change in text.]
- (h) [No change in text.]
- (i) If a *development* changes the *base flood* elevations due to physical alterations, the permit *applicant* shall be required to submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within 6 months of information becoming available or project completion, whichever comes first. ~~All LOMR's for *flood* control projects are approved prior to the issuance of Building Permits. Building Permits shall not be issued based on Conditional Letters of Map Revision.~~

DAW:nja

11/22/19

Or. Dept: Transportation & Storm Water Dept.

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