

ORDINANCE NO. 21-0003

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING CHAPTER 9.78 OF TITLE 9 OF THE
MANHATTAN BEACH MUNICIPAL CODE TO REMAIN IN
COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE
PROGRAM, AND MAKING A DETERMINATION OF
EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City Council hereby amends Manhattan Beach Municipal Code (MBMC) Section 9.78.030 to amend the definitions of “Base flood elevation (BFE),” “Existing manufactured home park or subdivision,” “Fraud and victimization,” “Mean sea level,” “New construction,” and “New manufactured home park or subdivision,” so that such definitions read as follows:

“‘Base flood elevation (BFE)’ means the elevation shown on the effective Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.”

“‘Existing manufactured home park or subdivision’ means 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 August 15, 2006, when the City’s first Flood Plain Management Ordinance No. 2087 was adopted.”

“‘Fraud and victimization’ as used in Section 9.78.070 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the effective base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.”

“‘Mean sea level’ means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community’s effective Flood Insurance Rate Map are referenced.”

“‘New construction,’ for floodplain management purposes, means structures for which the “start of construction” commenced on or after August 15, 2006, and includes any subsequent improvements to such structures.”

“‘New manufactured home park or subdivision’ means 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 on or after August 15, 2006.”

SECTION 2. The City Council hereby amends Subsection 2 of MBMC Section 9.78.050 C to read as follows:

“2. Certification from a California licensed civil engineer or California licensed architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 9.78.060(A)(3)(b) of this chapter.”

SECTION 3. The City Council hereby amends Subsection 2.a. of Section 9.78.060 A to read as follows:

“a. With flood resistant materials, and utility equipment resistant to flood damage for areas below the design flood elevation,”

SECTION 4. The City Council hereby amends Subsection 3.a. of MBMC Section 9.78.060 A to read as follows:

“a. **Residential Construction.** All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- i. In AE, AH, A1-30 Zones, elevated to or above the design flood elevation;
- ii. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet (2') above the highest adjacent grade if no depth number is specified;
- iii. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the design flood elevation; as determined under Section 9.78.050(B)(2) of this chapter.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a California licensed civil engineer or California licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.”

SECTION 5. The City Council hereby amends Subsection 3.b.iii. of MBMC Section 9.78.060 A to read as follows:

“iii. Be certified by a California licensed civil engineer or California licensed architect that the standards of subsection (A)(3)(b)(ii) of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.”

SECTION 6. The City Council hereby amends Subsection 3.c.ii. of MBMC Section 9.78.060 A to read as follows:

“ii. Be certified by a California licensed civil engineer or California licensed architect.”

SECTION 7. The City Council hereby amends Subsection 3.e.ii. of MBMC Section 9.78.060 A to read as follows:

“ii. Detached Garages and Accessory Structures.

(A) An “accessory structure” used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 9.78.030 of this chapter, may be constructed such that its floor is below the effective base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- (1) Use of the accessory structure must be limited to parking or limited storage;
 - (2) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - (3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - (5) The accessory structure must comply with flood plain encroachment provisions in subsection F of this section; and
 - (6) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with subsection (A)(3)(c) of this section.
- (B) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection A of this section.”

SECTION 8. The City Council hereby amends Subsection 1.c. of MBMC Section 9.78.060 C to read as follows:

“c. If the site is filled above the effective base flood elevation, the following as-built information for each structure shall be certified by a registered Civil Engineer or licensed

Land Surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

- i. Lowest floor elevation,
- ii. Pad elevation,
- iii. Lowest adjacent grade;"

SECTION 9. The City Council hereby amends Subsection 1.a. of Section 9.78.060 D to read as follows:

"a. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the design flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;"

SECTION 10. The City Council hereby amends Subsection 2 of MBMC Section 9.78.060 D to read as follows:

"2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of subsection (D)(1) of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

a. Lowest floor of the manufactured home is at or above the design flood elevation;
or

b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a California licensed Civil Engineer or California licensed Land Surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator."

SECTION 11. The City Council hereby amends Subsection 1 of MBMC Section 9.78.060 G to read as follows:

"1. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the design flood elevation. The pile or column foundation and structure attached

thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the effective base flood. Wind loading values used shall be those required by applicable state or local building standards;”

SECTION 12. The City Council hereby amends Subsection 6.a. of MBMC Section 9.78.060 G to read as follows:

“a. Certification by a California licensed Civil Engineer or California licensed Architect that a proposed structure complies with subsection (G)(1) of this section, and”

SECTION 13. The City Council hereby amends Subsection 1 of MBMC Section 9.78.070 B to read as follows:

“1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the design flood elevation, providing that the procedures of Sections 9.78.050 and 9.78.060 of this chapter have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.”

SECTION 14. The City Council hereby amends Subsection 5.a. of MBMC Section 9.78.070 B to read as follows:

“a. The issuance of a variance to construct a structure below the design flood elevation will result in increased premium rates for flood insurance;”

SECTION 15. The City Council hereby adds a new MBMC Section 9.78.080 to read as follows:

“9.78.080 - Statutory Authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Manhattan Beach of Los Angeles County does hereby adopt the floodplain management regulations set forth in this Chapter.”

SECTION 16. CEQA Finding. The City Council determines that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment, as the regulations herein protect against detrimental impacts on the environment by minimizing the impacts of flood damage and instituting effective floodplain management. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 17. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 18. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 19. SAVINGS CLAUSE. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

SECTION 20. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 21. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on _____, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN

SUZANNE HADLEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk