

City of Redondo Beach Floodplain Management Regulations Technical Review

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Municipal Code – Redondo Beach, City of

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Chapter 12 FLOOD DAMAGE PREVENTION

Article 1. Statutory Authorization, Findings of Fact, Purpose, and Methods

9-12.101 Statutory authorization.

The Legislature of the State, in Sections 65302, 65560, and 65800 of the Government Code of the State, has conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of their citizenry. Therefore, the Council does hereby adopt the following floodplain management regulations. These regulations shall take precedence over any less restrictive conflicting local laws, ordinances and codes. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.102 Findings of fact.

(a) The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, the 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 uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.103 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 legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

- (a) Protect human life and health;
- (b) Minimize the 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, and streets, and bridges located in the areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.104 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes regulations to:

- (a) 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;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

Article 2. Definitions

9-12.201 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.

“Accessory structure” shall have the meaning set forth in Section 10-2.402(a)(4) of the Redondo Beach Municipal Code.

“Accessory use” shall have the meaning set forth in Section 10-2.402(a)(5) of the Redondo Beach Municipal Code.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter.

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100 year flood”).

“Base flood elevation (BFE)” means the elevation shown on the 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 or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade (i.e., below ground level) on all sides.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(2) 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.

“Building” see “Structure.”

“Coastal high hazard area” means 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 Flood Insurance Rate Map (FIRM) as Zone V1 V30, VE, or V.

“Development” means 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, drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“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 the City’s first adopted floodplain management regulations dated September 16, 2008.

“Expansion to an existing manufactured home park or subdivision” means 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).

“FEMA” means the Federal Emergency Management Agency.

“Flood, flooding, or flood water” means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

- (2) The condition resulting from flood related erosion.

“Flood Boundary and Floodway Map (FBFM)” means 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 floodway.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain or flood prone area” means any land area susceptible to being inundated by water from any source—see “Flooding.”

“Floodplain Administrator” is the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means 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. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

“Floodway” means 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 foot. Also, referred to as “Regulatory floodway.”

“Fraud and victimization” as related to Article 6 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Council shall consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to 100 years. Buildings that are permitted to be constructed below the 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.

“Functionally dependent use” means 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 that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Governing body” is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Article 6 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The Council shall require that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) 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 of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed by the Redondo Beach Historical Commission as a historic building, structure, site, place or district within the City of Redondo Beach.

“Levee” means a man made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Lowest floor” means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure below the lowest floor that is 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 it conforms to applicable non-elevation design requirements, including, but not limited to:

- (1) The flood openings standard set forth in Section 9-12.501(c)(3) of this chapter;
 - (2) The anchoring standards set forth in Section 9-12.501(a) of this chapter;
 - (3) The construction materials and methods standards set forth in Section 9-12.501(b) of this chapter;
- and
- (4) The standards for utilities set forth in Section 9-12.502 of this chapter.

“Manufactured home” means 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 attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” shall be an amount determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. In connection with any calculation of market value:

(1) The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

(2) The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

“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 Flood Insurance Rate Map are referenced.

“New construction,” for floodplain management purposes, means structures for which the “start of construction” commenced on or after the City’s first adopted floodplain management regulations dated September 16, 2008, 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 the City’s first adopted floodplain management regulations dated September 16, 2008.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“Public safety nuisance” as related to Article 6 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self propelled or permanently tow-able by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory floodway” means 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 foot.

“Remedy a violation” means to bring the structure or other development into compliance with the State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sand dunes” mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V.

“Start of construction” of substantial improvement and other proposed new development means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture 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 and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means:

(1) 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; or

(2) Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with the provisions of this chapter. 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.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

Article 3. General Provisions

9-12.301 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.302 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the “Flood Insurance Study for the City of Redondo Beach,” dated March 15, 1983, with an accompanying Flood Insurance Rate Map, dated September 15, 1983, and all subsequent amendments and/or revisions is 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 the implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The FIS and accompanying FIRM are on file at the Department of Engineering and Building Services, City of Redondo Beach, 415 Diamond Street, Redondo Beach, California 90277. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.303 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing set forth in this chapter shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.304 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another provision of law, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.305 Interpretation.

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.306 Warning and 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 the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, or any officer or employee thereof, the State, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.307 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (§ 1, Ord. 3026 c.s., eff. October 16, 2008)

Article 4. Administration

9-12.401 Designation of the Floodplain Administrator.

The City Engineer is hereby designated as the Floodplain Administrator and appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.

(§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 2692 c.s., eff. May 20, 1993, and § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.402 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- (a) Permit review. Review all development permits to determine that:
 - (1) All permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
 - (2) All other required State and Federal permits have been obtained;
 - (3) The site is reasonably safe from flooding;
 - (4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” 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 within the City; and
 - (5) All Letters of Map Revision for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision.
- (b) Development of substantial improvement and substantial damage procedures.
 - (1) Using FEMA publication FEMA 213, “Answers to Questions about Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “market value.”
 - (2) Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- (c) Review, use and development of other base flood data. When base flood elevation data has not been provided in accordance with Section 9-12.302 of Article 3 of this chapter, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Article 5 of this chapter. A base flood elevation shall be obtained using one of two (2) methods from the FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.
- (d) Notification of other agencies.
 - (1) Whenever a watercourse is to be altered or relocated:
 - (a) Notify adjacent communities and the State Department of Water Resources prior to alteration or relocation;

- (b) Submit evidence of such notification to the Federal Emergency Management Agency; and
- (c) Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(2) Base flood elevation changes due to physical alterations:

(a) Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or require that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision.

(b) All Letters of Map Revision for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(3) Changes in City boundaries: Notify FEMA in writing whenever the City's boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new City limits.

(e) Documentation of floodplain development. Obtain and maintain for public inspection and make available as needed the following:

(1) Certification required by Sections 9-12.501(c)(1) and 9-12.504 of this chapter (lowest floor elevations);

(2) Certification required by Section 9-12.501(c)(2) of this chapter (elevation or floodproofing of nonresidential structures);

(3) Certification required by Section 9-12.501(c)(3) of this chapter (wet floodproofing standard);

(4) Certification of elevation required by Section 9-12.503(a)(3) of this chapter (subdivisions and other proposed development standards);

(5) Certification required by Section 9-12.506(b) of this chapter (floodway encroachments);

(6) Information required by Section 9-12.507(f) of this chapter (coastal construction standards); and

(7) Biennial Reports required to be completed and submitted to FEMA.

(8) Records of all variance actions, including justification for their issuance, required to be included in the biennial report submitted to FEMA.

(f) Map determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, 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 9-12.404 of this chapter.

(g) Remedial action. Take action to remedy violations of this chapter as specified in Section 9-12.303 of this chapter.

(h) Planning. Assure community's General Plan is consistent with floodplain management objectives herein.

(i) Non-conversion of enclosed areas below the lowest floor. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the provisions of this chapter, the Floodplain Administrator shall:

(1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five (5) feet or higher; and

(2) Enter into a "Non-Conversion Agreement for Construction Within Flood Hazard Areas" or equivalent with the City of Redondo Beach. The agreement shall be recorded with the office of the Los Angeles County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator after inspecting any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least seventy-two (72) hours. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.403 Development permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 9-12.302 of this chapter. Application for a development permit shall be made on forms furnished by the City of Redondo Beach. The applicant shall provide the following minimum information:

- (a) Plans in duplicate, drawn to scale, showing:
- (1) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 - (2) Proposed locations of water supply, sanitary sewer, and other utilities;
 - (3) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - (4) Location of the regulatory floodway when applicable;
 - (5) Base flood elevation information as specified in Sections 9-12.302 and 9-12.402(c) of this chapter;
 - (6) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - (7) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 9-12.501(c)(2) of this chapter and detailed in FEMA Technical Bulletin TB 3-93.
- (b) Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 9-12.501(c)(2) of this chapter.

(c) For a crawl-space foundation, location and total net area of foundation openings as required in Section 9-12.501(c)(3) of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(e) All appropriate certifications listed in Section 9-12.402(e) of this chapter. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.404 Appeals.

The Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. (§ 1, Ord. 3026 c.s., eff. October 16, 2008)

Article 5. Provisions for Flood Hazard Reduction

9-12.501 Standards of construction.

In all areas of special flood hazard on FEMA's effective Flood Insurance Rate Map the following standards are required:

(a) Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Construction materials and methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

(1) With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

(2) Using methods and practices that minimize flood damage;

(3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(4) Within Zones AH or AO, and with adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(C) Elevation and floodproofing.

(1) Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

(a) In AE, AH, A1-30 Zones, elevated two (2) feet above the base flood elevation.

(b) In an AO zone, elevated above the highest adjacent grade to a height two (2) feet above the depth number specified in feet on the FIRM, or elevated at least four (4) feet above the highest adjacent grade if no depth number is specified.

(c) In an A zone, without BFEs specified on the FIRM [unnumbered A zone], elevated 2 feet above the base flood elevation; as determined under Section 9-12.402(c) of this chapter.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or 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.

(2) Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 9-12.501(c)(1) of this chapter or:

(a) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 9-12.501 of this chapter, so that 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 civil engineer or architect that the standards of Sections 9-12.501(c)(2)(a) and (b) of this chapter are satisfied. Such certification shall be provided to the Floodplain Administrator.

(3) Flood openings. 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. Designs for meeting this requirement must meet the following minimum criteria:

(a) For nonengineered openings:

(1) Have a minimum of two (2) openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

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

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

(4) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

(b) Be certified by a registered civil engineer or architect.

(4) Manufactured homes. Manufactured homes shall also meet the standards set forth in Section 9-12.504 of this chapter.

(5) Garages and accessory structures.

(a) Attached garages.

(1) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 9-12.501(c)(3) of this chapter. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 9-12.501(b) of this chapter.

(2) A garage attached to a nonresidential structure must meet the requirements of this chapter or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

(b) Detached garages and accessory structures.

(1) An accessory structure used solely for parking or limited storage may be constructed in such a manner that its floor is below the base flood elevation (BFE), provided that 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 Section 9-12.506 of this chapter; and

(f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 9-12.501(c)(3) of this chapter.

(2) Detached garages and accessory structures not meeting the standards set forth in Section 9-12.501(c)(5)(b)(1) above must be constructed above the base flood elevation in accordance with all applicable standards set forth in this chapter.

(6) Crawlspace construction. This subsection applies to buildings with crawl spaces up to two (2) feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

(b) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;

(c) Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

(d) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE;

(e) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions; and

(f) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:

(1) The interior grade of a crawl space below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of FEMA Technical Bulletin 11-01;

(2) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four (4) feet (shown as L in figure 3 of FEMA Technical Bulletin 11-01) at any point;

(3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed seventy-two (72) hours; and

(4) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawl space. For velocities in excess of five (5) feet per second, other foundation types should be used. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.502 Standards for utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(1) Infiltration of flood waters into the systems; and

(2) Discharge from the systems into flood waters.

(b) On site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.503 Standards for subdivisions and other proposed development.

(a) All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than either fifty (50) lots or five (5) acres, shall:

(1) Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).

(2) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

(3) If the site is filled above the 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 to the Floodplain Administrator:

- a. Lowest floor elevation.
- b. Pad elevation.
- c. Lowest adjacent grade.

(b) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

(c) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(d) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.504 Standards for manufactured homes.

(a) All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall:

(1) 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 two (2) feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Within Zones V1-30, V, and VE on the community’s Flood Insurance Rate Map, meet the requirements of Section 9-12.507 of this chapter.

(b) 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 Section 9-12.504(a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

- (1) Lowest floor of the manufactured home is elevated two (2) feet above the base flood elevation; or
- (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or 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. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.505 Standards for recreational vehicles.

- (a) All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE shall either:
 - (1) Be on the site for fewer than 180 consecutive days; or
 - (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (3) Meet the permit requirements of Section 9-12.403 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 9-12.504 of this chapter.
- (b) Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map shall meet the requirements of Section 9-12.505(a) and Section 9-12.507. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.506 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (a) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.
- (b) Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (c) If Sections 9-12.506(a) and (b) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other provisions of this article. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.507 Coastal high hazard areas.

Within coastal high hazard areas, Zones V, V1-30, and VE, as established under Section 9-12.302 of this chapter, the following standards shall apply:

(a) All new residential and nonresidential 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 base flood level plus one foot of freeboard as required in the City's Building Code. 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 base flood. Wind loading values used shall be those required by applicable state or local building standards.

(b) All new construction and other development shall be located on the landward side of the reach of mean high tide.

(c) All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 9-12.201 of this chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

(d) Fill shall not be used for structural support of buildings.

(e) Man made alteration of sand dunes which would increase potential flood damage is prohibited.

(f) The Floodplain Administrator shall obtain and maintain the following records:

(1) Certification by a registered engineer or architect that a proposed structure complies with Section 9-12.507(a) of this chapter; and

(2) The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

Article 6. Variance Procedure

9-12.601 Nature of variances.

The issuance of a variance pursuant to this Section 9-12.601 shall be for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements set forth in this chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be

properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.602 Conditions for variances.

(a) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Articles 4 and 5 of this chapter have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Article 2 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. For purposes of this chapter, the term “minimum necessary” means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Council believes will both provide relief and preserve the integrity of this chapter.

(e) Any applicant to whom a variance is granted shall be given written notice from the Floodplain Administrator that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Los Angeles County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(f) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency. (§ 1, Ord. 2512 c.s., eff. September 15, 1988, as amended by § 1, Ord. 3026 c.s., eff. October 16, 2008)

9-12.603 Appeal board.

(a) In passing upon requests for variances, the Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;

- (2) Danger of life and property due to flooding or erosion damage;
 - (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - (4) Importance of the services provided by the proposed facility to the community;
 - (5) Necessity to the facility of a waterfront location, where applicable;
 - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) Compatibility of the proposed use with existing and anticipated development;
 - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - (11) 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.
- (b) Variances shall only be issued upon a:
 - (1) Showing of good and sufficient cause;
 - (2) Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a public safety nuisance, cause fraud and victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 9-12.603(a) through (d) of this chapter are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and do not result in additional threats to public safety and do not create a public nuisance.
 - (d) Upon consideration of the factors set forth in Section 9-12.602(a) and the purposes of this chapter, the Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (§ 1, Ord. 3026 c.s., eff. October 16, 2008)