



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

60 Varda Landing

RECOMMENDED MOTION:

Adopt resolution granting a variance pursuant to Floodplain Management Ordinance.

SUMMARY

John Anshen, 60 Varda Landing, is requesting a variance from Section 8.48.051 Subsection 3a (Floodplain Management Ordinance – Standards of Construction). The variance deletes an Ordinance requirement for foundation openings that would allow floodwaters to pass through a foundation.

Findings can be made that allow for the Variance to be granted. Staff recommends that the City Council adopt the attached resolution granting the Variance.

BACKGROUND

On March 1, 2006, the subject property was red tagged due to a lack of building permits. The Inspector found that an existing 700 square foot structure had been demolished and construction of a new 1000 square foot structure was underway. The former 700 square foot had been protected from floods by the erection of a floodwall that served as a dike against very high water levels.

The applicant sought and was granted Design Review approval and a Zoning Ordinance Variance from the paved driveway requirement by Planning Commission Resolution 2007-20.

Condition 19 of that resolution required that: "The applicant shall submit a Flood Elevation Certificate to demonstrate compliance with the Municipal Code. If necessary, a supplemental statement shall be (completed) to document the conformance of foundation openings in compliance with regulations." A Flood Elevation Certificate was prepared. The Certificate form has a section to document compliance with the foundation openings requirement and that section was not completed. The applicant has requested a variance from the foundation opening requirements.

Building permits are being withheld until resolution of this matter.

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ISSUES

Enforcement of the standards contained within the Floodplain Ordinance is necessary to preserve the City's standing in the National Flood Insurance Program. The National Flood Insurance Program enables property users (owners and tenants) within floodplains to obtain insurance. Agencies that do not adequately enforce the standards can be compelled to undertake expensive remedial steps to assure future enforcement or can be dropped from the program. If an agency is dropped from the program it is unlikely that flood insurance could be acquired by property users in the floodplain.

ANALYSIS

The new construction work converted an existing floodwall into a combination stem footing/retaining wall. The area enclosed by the floodwall was filled with gravel and a new slab was placed at the top of the floodwall. Strict compliance with Condition 19 is often simple and inexpensive under normal permitting and construction processes. The fact that the applicant began work without permits has now created a situation for the applicant where providing foundation openings in the foundation will be expensive and may compromise the structural integrity of the new slab.

The foundation openings construction standard is a part of the Floodplain Management Ordinance. Openings allow foundations to flood which reduces the amount of floodwater displaced by buildings in a floodplain. This, in turn, minimizes floodwater surface level increases. Given the construction that has already occurred, strict compliance with the construction standard may not create the flooding behavior that the construction standard is meant to achieve. The applicant could create openings in the foundation wall that results in a partial excavation of the filled foundation. There could be significant amounts of fill that remain in place that would continue to displace floodwaters. Removing the fill that has been placed inside the existing foundation will require the demolition of significant amount of construction and would necessitate redesign and reconstruction of the foundation.

The applicant has also made the point that the existing foundation wall (former floodwall) always displaced water. The new building will not change flooding behaviors that have existed for many years.

Section 8.48.061 establishes an appeals board which is the City Council. Section 8.48.062 establishes conditions for variance. Staff believes the following conditions can be satisfied.

8.48.062C - Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.

The applicant does satisfy the primary standard in the Floodplain Management Ordinance which is to have floors above flood water elevations. The applicant is only requesting variance from the foundation opening requirement. Staff believes that the Variance request is the minimum.

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8.48.062D - Variance shall be only be issued upon:

A showing of good and sufficient cause;

A determination that failure to grant the hardship would result in exceptional hardship;

A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

The applicant has represented that compliance would create a financial hardship and has submitted an engineering analysis demonstrating that the floodwaters will not rise in any measureable amount. Staff believes granting the Variance will not result in increased flood heights, create additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

FISCAL IMPACT

None.


STAFF RECOMMENDATIONS

Adopt the attached resolution granting a Variance from Section 8.48.051C of the Floodplain Management Ordinance.

ATTACHMENTS

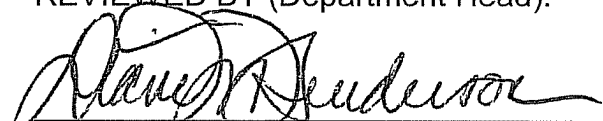
Draft Resolution
Applicant's request
Floodplain Impact analysis
PC Resolution No. 2007-20
Plans, Elevations and photographs
Flood Elevation Certificate
Section 8.48 of the Municipal Code

PREPARED BY:



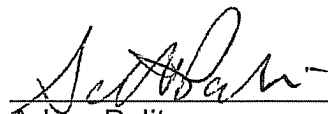
Todd Teachout, City Engineer

REVIEWED BY (Department Head):



Diane Henderson, Interim Director of
Community Development

SUBMITTED BY:



Adam Politzer
City Manager

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RESOLUTION ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO GRANTING A
VARIANCE FROM 8.48.051B3A OF THE SAUSALITO MUNICIPAL CODE
(FLOODPLAIN MANAGEMENT-STANDARDS OF CONSTRUCTION)
FOR 60 VARDA LANDING (APN063-010-12)

WHEREAS, John Anschen of 60 Varda Landing is reconstructing his home, and

WHEREAS, John Anschen through Planning Commission Resolution 2007-20 was granted Design Review approval Variance from the Zoning Ordinance which waived the requirement to construct a paved driveway, and

WHEREAS, Planning Commission Resolution 2007-20 included condition 19 which required the preparation and submittal of a Flood Elevation certificate, which is also required by Sausalito Municipal Code (SMC) Section 8.48.051 B3b, and

WHEREAS, Condition 19 could not be fully satisfied due to non-compliance with SMC 8.48.051B3a, which requires openings in the foundation wall proportionate to the floor area, and

WHEREAS, John Anschen has requested a variance to waive the requirement of SMC 8.48.051B3a, and

WHEREAS, the City Council reviewed the facts and circumstances and can make the following findings:

Granting the variance will not:

increase flood heights,
create additional threats to public safety,
cause extraordinary public expense,
create nuisances,
cause fraud on or victimization of the public,
conflict with existing laws or ordinances

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sausalito:

1. Adopts this resolution grants the variance request

AYES: Councilmembers:
NOES: Councilmembers:
ABSTAIN: Councilmembers:

Mayor, City of Sausalito

ATTEST:

City Clerk

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John Anshen
72 Varda Landing
Sausalito, CA 94965
415-332-2129

December 21, 2007

City of Sausalito, City Council
420 Litho Street
Sausalito, CA 94965

RECEIVED
JAN 02 2008
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

**RE: Request for Variance
From S.M.C. 8.48.051 at 60 Varda Landing(APN 063-010-12)**

Dear Council Members,

I am appealing to Council Members to grant relief concerning two issues and their remedy addressed in the above code: flood water displacement and automatic equalization of hydrostatic forces in a flood plain. I have a proposed project of a single-family residence, one story of approximately one thousand sq. ft. now before the Building Department. Since this proposed project qualifies as new construction in a V1 Flood Zone, the above code applies.

I direct council's attention to enclosed supporting documents; in particular an assessment by Mr. Edward Beattie, RCE 11181, of the code's application to the proposed project.

FLOOD WATER DISPLACEMENT. It is my understanding that the intent of the code is to protect neighboring property owners and the public from new construction which increases the risk of higher flood waters. When this code was enacted, there was no provision for retroactively applying the code to existing structures in the flood zone. The proposed new structure is a replacement of a cottage built by my parents in the 1950s. A concrete block flood wall was constructed around the cottage shortly thereafter, probably in the early 1960s. The concrete block is incorporated in the new foundation, and except for a utility room, the same footprint is maintained.

M.C. 8.48.051 sets standards for new construction in areas of flood zones. The code refers to displacing water, and thereby raising flood levels, in a "floodway". According to Mr. Beattie, this project will not raise flood waters to any measureable degree because the flood corridor is not technically a floodway

but a flood zone open to the San Francisco/Richardson Bay and thus not exposing neighbors and the public to increased flood risks..

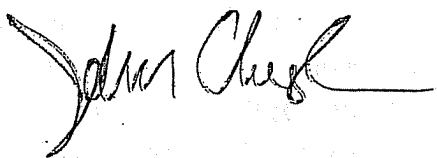
AUTOMATIC EQUALIZATION OF HYDROSTATIC FORCES. Mr. Beattie, in his attached assessment, addresses this issue. The new foundation is a concrete floor slab on grade and thus not affected by lateral hydrostatic forces. It should also be pointed out that flooding occurs for only 2-3 hours during extreme high tides.

The remedy of requiring 1000 square inches of foundation "by-pass" would also be an economic hardship. I have estimates that cost of the project would increase by 25% and that maintaining structural integrity would be a problem.

The purpose of the new construction is to replace an older cottage that was periodically flooded with a new structure that is well above flood levels and was at the same time compatible with the rustic and modest look of the neighborhood. As a second generation resident of Varda Landing, I am very sensitive to flooding and the realization that individual actions can affect the community at large. While not an engineer or an architect, I believe I have complied with the spirit as well as the intent of the code.

I thank Council Members for their attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Anshen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Anshen, Applicant

EDWARD B. BEATTIE
CIVIL ENGINEER

P.O. BOX 328 SAUSALITO, CALIFORNIA 94966-0328 (415) 332-0766

Mr John Anshen
60 Varda Landing
Sausalito, CA 94965

February 12, 2007

Re: My file 07.3945 Effects of Flooding on the foundation for Replacement Cottage
at 70 Varda Landing

Dear Mr. Anshen:

The following letter is my assessment of the effect of Sausalito Chapter 8.48, flood plain management, to this project.

The project consists of a one story frame building being built on a concrete slab on grade style of construction. The foundation for a previous structure was based on a slab and protected in part with a concrete block flood wall. These are being incorporated in the new structure.

The overall property consists of a parking lot, landscaping, walkways and several land based structures as well as the facilities to berth seven houseboats along the bay frontage. The property was originally a portion of the Marinship ship yard built in World War 2 on land filled in over mud flats. The area of the filled in ground is about 31,000 square feet.

The property is delineated on Sheet A-1 of the project plans submitted to the City of Sausalito.

The reconstructed building is located near the western boundary of the property and is located about ninety feet from the line of ordinary high tide. The elevation of the existing ground is 3.5 to 4.0 National Geodetic Vertical Datum (N.G.V.D.). The property fronts on Richardson Bay and is close to the Northern extremity of Sausalito.

The flood hazard map for Sausalito assigns a zone V-a to Richardson Bay and San Francisco Bay and gives the flood plane a constant value of 6.0 NGVD all along the shoreline in Sausalito. This elevation does includes possible wave action. The elevation is based on a flood tide elevation along the California coast due to El Nino events and storm surcharges generated at sea.

60B
9

This level is greater than floodway discharges from the Sacramento and San Joaquin rivers which discharge into San Francisco Bay. Richardson Bay is best characterized as an overflow zone rather than a floodway. Richardson Bay is about two thousand feet wide opposite the tip of Strawberry Point and accommodates the runoff from a portion of Mt. Tamalpais and the Mill Valley area without any discernible surface gradient. The floodway portion of the bay lies at the South end of Sausalito, however the described tidal events are higher than the levels due to river runoff into the bay.

The flood zone extends across the property and Varda Landing and extends to the edge of Gate Five Road.

Chapter 8.48 Floodplain Management as adopted by the City of Sausalito is a generic ordinance probably developed by an agency of the State of California. A general ordinance of this nature must of necessity cover a variety of conditions all of which may not be applicable to any specific community or situation.

Paragraph 8.48.056 Coastal high hazard area is applicable to a coastal beach area such as Stinson Beach which has a direct open ocean exposure. In contrast Sausalito is located within a large protected bay with only a narrow opening to the ocean, and the beach exposure situation is not applicable.

Par.8.48.020 Q defines floodway but does not differentiate between a floodway and an overflow area which is contiguous to a floodway. Floodways often have high velocities and carry floating debris loads which be dangerous to structures. An overflow area is one that water flows into from a contiguous floodway but does not have the hydrodynamics which accompany a stream or river flood. Overflow areas temper the dynamic of a flood and reduce the flash flood sudden rise characteristic. Flooding from the Sacramento or San Joaquin rivers is tempered by the overflow characteristics of the San Francisco Bay system which include the entire South Bay, Richardson Bay, San Pablo Bay, the Petaluma River/Napa River overflow areas, Suisun Bay and Grizzly Bay.

Significant wave action on this property is unlikely. Waves that might erode the shoreline have a limited fetch in which to develop and must come from the Northeast quadrant to generate waves in this portion of Sausalito.

The slab on grade structure raises the elevation to 6'-8" NGVD. Existing grades are 3'-6" to 4'. The slab is poured on a crushed rock base. The construction is heavier than water, and will not float. The crushed rock backfill behind the perimeter foundations has a passive pressure resistance much greater than the hydrostatic pressure from the tidal flooding. High tides start to recede within several hours of the maximum. Essentially the foundation will behave like a bridge pier in a flood plain.

This construction complies with the intent of 8.48.051 of the code, standards of construction. For minor increases in elevation, slab on grade construction makes more sense as crawl space areas open to flood waters and referred to in the code as "basements". The provision for entry and exit of flood waters in an enclosed space under the floor is important in floodways such as the Russian River where the elevation of the floor is sometimes as much as twelve feet above the existing ground elevation. In structures this elevated and unbalanced hydrostatic force on the support walls could lead to structural damage. In tidal events, the rise and ebb of the tide follows the usual tidal pattern so that high tide lasts for only a few hours.

The proposed structure does reduce the floodway volume by 1,864 cubic feet. The surface area of Richardson Bay above a line drawn from this site to Strawberry Point is about 250 acres. The effect is infinitesimal.

Flood water will circulate freely around the building and the structure will not impact any other property.

The property is fill over marshland and will settle $\frac{1}{4}$ to $\frac{3}{8}$ " a year as water is slowly squeezed out of the underlying bay mud. The encroachment into the overflow volume will be mitigated in about three years due to site subsidence.

A small seventy- two square foot utility room will be built attached to this building and this will have open space under the floor. Appropriate relief openings will be provided to equalize water levels.

Yours very truly,
Edward B. Beattie
Edward B. Beattie RCE 11181
My license renews 12.31.2008



RESOLUTION NO. 2007-20

**RESOLUTION OF THE SAUSALITO PLANNING COMMISSION
APPROVING A DESIGN REVIEW PERMIT AND VARIANCE FOR APPLICATION DR/VAR 06-
048 FOR THE CONSTRUCTION OF A REPLACEMENT COTTAGE AT 60 VARDA LANDING**

WHEREAS, an application has been filed by John Anshen on behalf of Frances Mays requesting Planning Commission approval of a Design Review Permit and Variance for the construction of a replacement cottage at 60 Varda Landing. (APN 063-010-12); and

WHEREAS, the Planning Commission conducted a duly noticed public meeting on June 20, 2007 in the manner prescribed by local ordinance, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled "The Cottage For John Anshen 60 Varda Landing" received by the City of Sausalito on June 11, 2007; and

WHEREAS, the Planning Commission has received and considered oral and written testimony on the subject application and obtained evidence from site visits; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the June 20, 2007 staff reports for the proposed project; and

WHEREAS, the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) pursuant to Section 15303(a) of the State CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq); and

WHEREAS, the Planning Commission finds that, as conditioned herein, the proposed project complies with the requirements of the Zoning Code, including the required findings for approval of a Design Review Permit and Variance as outlined in the staff report and included in the attached findings; and

WHEREAS, the Planning Commission finds that, as conditioned herein, the proposed project complies with the General Plan as outlined in the staff report;

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. The Design Review Permit and Variance are approved as outlined in the attached findings (Attachment A).
2. The Design Review Permit and Variance are approved, for project plans titled " The Cottage For John Anshen 60 Varda Landing" received by the City of Sausalito on June 11, 2007 (Attachment B), subject to the attached conditions of approval (Attachment C).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 20th day of June, 2007, by the following vote:

AYES: Commissioner: Kellman, Bair, Bossio, Peterson
NOES: Commissioner:
ABSENT: Commissioner: Keller
ABSTAIN: Commissioner:



SECRETARY TO THE PLANNING COMMISSION

PLANNING COMMISSION HEARING
June 20, 2007
APPLICATION NO. DR/VAR 06-048
60 Varda Landing

ATTACHMENT A: FINDINGS

1. DESIGN REVIEW PERMIT FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.54 (Design Review Procedures), it has been found that the permit requested may be issued based on the following findings:

- A) The proposed project is consistent with the General Plan, any applicable specific plans and this chapter.

The proposed project is consistent with all applicable policies, standards, and regulations of the General Plan and Zoning Ordinance except for the requirement for a gravel driveway. The Variance findings for not providing a gravel driveway are provided below.

- B) The proposed architecture and site design complements the surrounding neighborhood and/or district by either: a) Maintaining the prevailing design character of the neighborhood and/or district or b) Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.

The proposed architectural design complements the surrounding neighborhood that includes an eclectic mixture of architectural styles, housing designs, and sizes. The use of T-111 plywood siding and redwood panels stained and painted, wood casement windows with glazing, and tar and gravel roof are materials that exist in the surrounding neighborhood.

- C) The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.

The proposed one-story home of 1,000 square feet on this 95,316 square foot parcel must be added to the existing floor area on the lot for a total FAR of .11 (10,520 square feet) which is well within the allowable floor area by the Zoning Ordinance. The new cottage features T-111 plywood siding and redwood panels stained and painted, wood casement windows with glazing, and tar and gravel roof which are materials that exist in the surrounding neighborhood. The residence has been designed to be a low-lying building with a flat roofline. The modest size and materials result in a project that will be consistent with the general scale of structures and buildings in the surrounding neighborhood.

- D) The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.

The Planning Commission finds that the proposed project has been located and designed to minimize obstruction of public views and primary views from private property

- E) The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.

The subject parcel is not located along a ridgeline.

- F) The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.

The proposed plans do not include a landscape plan other than to retain the landscaping (ice plants) that presently exist.

- G) The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.

The proposed cottage replaces the existing structure in approximately the same location and the nearest adjacent structure is approximately 80 feet from the proposed home at 70 Varda Landing. The proposed project therefore will result in no negative impacts on light and air for the project site, adjacent properties, or the general public.

- H) Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise and air quality impacts to adjacent properties and the general public.

The proposed cottage includes a chimney and skylights in a manner that is designed to

complement the building and is subject to the standard condition that all exterior lighting be shaded and downward facing.

- I) The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window deck and patio configurations.

The nearest adjacent structure is approximately 80 feet from the proposed home. The proposed home will provide adequate privacy for the site and adjacent properties.

- J) Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.

Vehicular access is proposed as it presently exists on site and will serve the proposed cottage. The project proposes to continue use of gravel driveway rather than a paved driveway that is required by the Zoning Ordinance. This is further discussed in the Variance findings below. No significant impacts are anticipated to the existing traffic safety and ease of movement on Varda Landing as a result of the proposed project.

- K) The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.

The proposed project does not include removal of existing trees and natural features on the site.

- L) The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection E (Heightened Review Findings).

Heightened Review is not required due to the calculations for building coverage and floor area, both of which are below 80% of the maximum allowable.

3. VARIANCE FINDINGS

Pursuant to the Sausalito Municipal Code Section 10.68.050 (Variance Findings), it has been found that the requested variance to now provide a paved driveway may be issued based on the following findings:

- A) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property, that do not apply generally to other property or uses in the same district.

The subject parcel is an irregular shaped parcel in an area which frequently floods and is not paved.

- B) That owing to such exceptional or extraordinary circumstances the literal enforcement of the provisions of the Title would result in practical difficulty or unnecessary hardship.

The literal enforcement of the code would require the property owner to install a paved driveway in an area where paving does not exist, the proximity to the shoreline and the present condition of Varda Landing Road. Adding a paved driveway would result in a disharmonious surface treatment on the property.

- C) That such variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.

Not providing a paved driveway enables the property owner to provide a safe and secure home that meets the property owners' program needs while offering a design that is similar to the original structure.

- D) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or in the district in which the property of the applicant is located.

Paving the driveway for this segment of the property would create a nuisance to the public welfare and could be injurious to the property as it may be a threat to public safety by increasing the impervious surface in an area where tidal flooding is frequent.

- E) That the granting of the Variance will not constitute or grant a special privilege inconsistent with the limitations on other properties classified in the same zoning district.

Site constraints are unique to this property and granting the Variance, therefore would not constitute a special privilege unavailable to other properties located in the area. The Variance affords the property owner the right to make reasonable improvements to the property similar to those made by other homeowners in the vicinity.

- F) That the granting of such variance will be in harmony with the general purpose and intent of this Title and the General Plan.

The intent of the General Plan, with the regulation of residential land use, is to protect and maintain the character of residential neighborhoods by establishing restrictions that reflect the predominant land use, scale and density of the district. Granting the Variance provides for continued use of the driveway to access the replacement cottage and maintains the character of this area.

PLANNING COMMISSION HEARING
June 20, 2007
APPLICATION NO. DR/VAR 06-048
60 Varda Landing

ATTACHMENT C: CONDITIONS OF APPROVAL

1. Approval of this Application is limited to the project plans titled "The Cottage For John Anshen 60 Varda Landing" stamped received by the City of Sausalito on June 11, 2007; and
2. This approval will expire in five (5) years from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted.
3. Construction materials, equipment, vehicles, and debris boxes shall be placed to minimize obstruction of roads and gutters, shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood.
4. Pursuant to Ordinance 1143, the operation of construction, demolition, excavation, alteration, or repair devices within all residential areas or within a 500 foot radius of residential zones shall be limited to the following hours:
 - a. Weekdays – Between 8 a.m. and 7 p.m.
 - b. Saturdays – Between 9 a.m. and 5 p.m.
 - c. Holidays – Between 9 a.m. and 7 p.m.

Such operation is prohibited on Sundays except by a homeowner residing on the property. Such work shall be limited to 9 a.m. to 7 p.m.

5. Dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited pursuant to Sausalito Municipal Code (SMC) Chapter 11.17. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with SMC Section 11.17.060.B.
6. As a condition of this approval, no alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior alterations and/or renovations not specified in the project plans, or alterations approved by the Community Development Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
7. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action.

If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.

8. In accordance with Ordinance No. 1160, the applicant shall pay any and all City costs arising out of or concerning the proposed project, including without limitation, permit fees, attorneys' fees, engineering fees, license fees and taxes, whether incurred prior to or subsequent to the date of this approval. Applicant acknowledges and agrees that City's costs shall be reimbursed prior to this approval becoming valid.
9. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Building Division must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

Prior to submittal of any grading or construction permits:

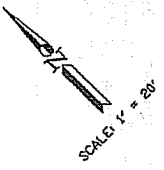
11. The applicant shall submit construction plans to the Geotechnical Engineer for review and approval prior to submittal to the City for any construction permits. Approval may be by means of a signed and stamped signature block on the plan set or by separated letter signed and stamped by the Geotechnical Engineer.
12. The Geotechnical Report shall be revised to include test data and possible recommendations to stabilize the proposed structures against any risk from liquefaction, settlement and subsidence. All geotechnical recommendations in the report shall be based on objective data. The geotechnical revisions shall be subject to the review and approval of the City Engineer.
13. The applicant shall submit site grading and drainage plan prepared by a land surveyor or civil engineer.

Prior to issuance of a building permit:

14. The applicant shall limit excavation work to a period between the April 15 and October 15. Exception to this requirement may occur with formal written approval from the Community Development Department
15. The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) or equivalent document to limit erosion and non-stormwater discharge during and after construction.
16. The shore side property corners shall be set and foundation corners shall be determined by a registered land surveyor or qualified civil engineer.
17. The applicant shall submit a video record of the sewer lateral to the Engineering Division

for approval prior to issuance of occupancy certificate.

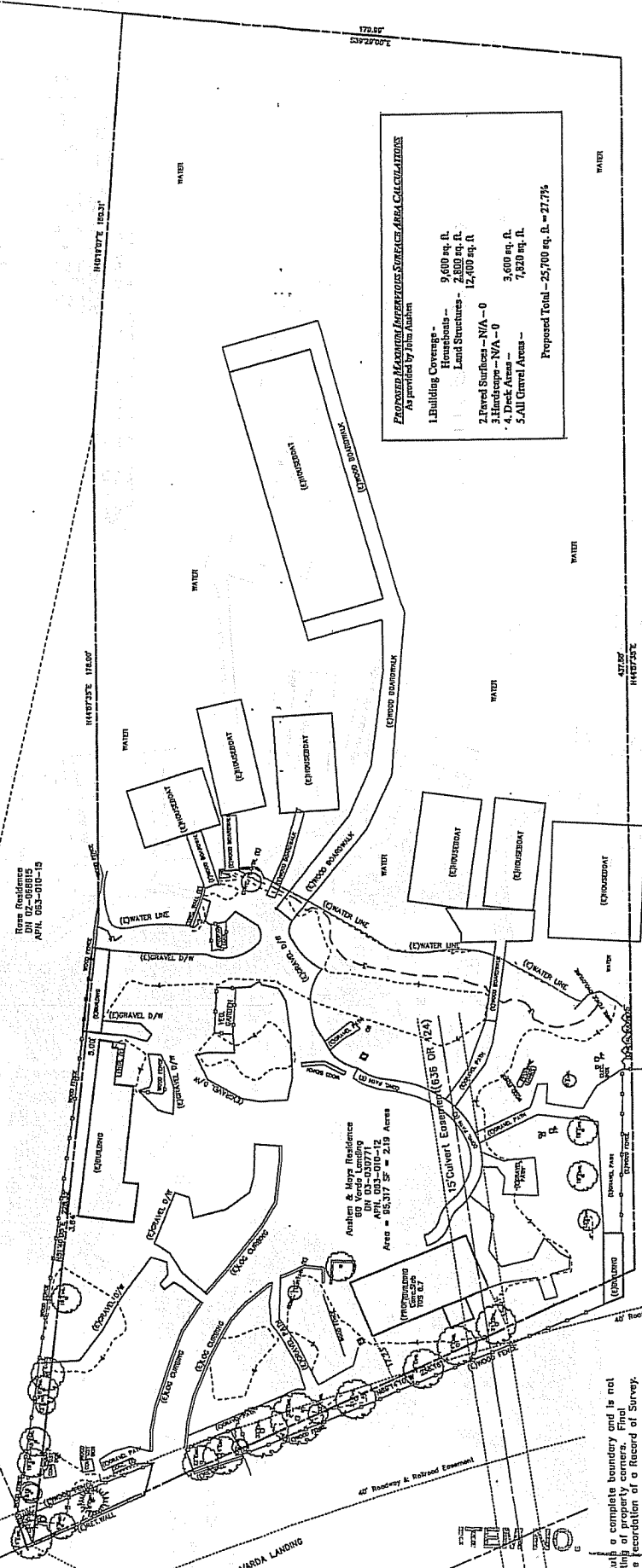
18. All utilities to the building shall be undergrounded.
19. The applicant shall submit an Elevation Certificate to demonstrate compliance with the Municipal Code. If necessary, a supplemental statement shall be to document the conformance of foundation openings in compliance with regulations.
20. Culvert Easement: If easement holders quit claim or otherwise give up their rights to the property owner, the applicant shall submit copies of recorded abandoned easement documents to the City. If the easement holder does not give up their easement rights then an alternative foundation design shall be developed to prevent differential settlement over the easement area prior to issuance of Building Permits.



SCALE: 1" = 20'

ENGINEER MAXIMUM IMPROVEMENTS SURVEY AREA CALCULATIONS
 As provided by John Anshen

1. Building Coverage -	9,600 sq. ft.
Homesites -	2,800 sq. ft.
Land Structures -	12,400 sq. ft.
2. Paved Surfaces - N/A - 0	
3. Homesites - N/A - 0	
4. Deck Areas -	3,600 sq. ft.
5. All Gravel Areas -	7,820 sq. ft.
Prepared Total -	25,700 sq. ft. = 27.7%



Home Residence
 DN 02-088015
 APN 053-010-19

Anshen & Mays Residence
 60 YARDA LANDING
 DN 03-030771
 APN 053-010-26
 Area = 85,317 sq. ft. = 2.10 Acres

12 Tide Ebb & Flow Equipment (613 OR 167)

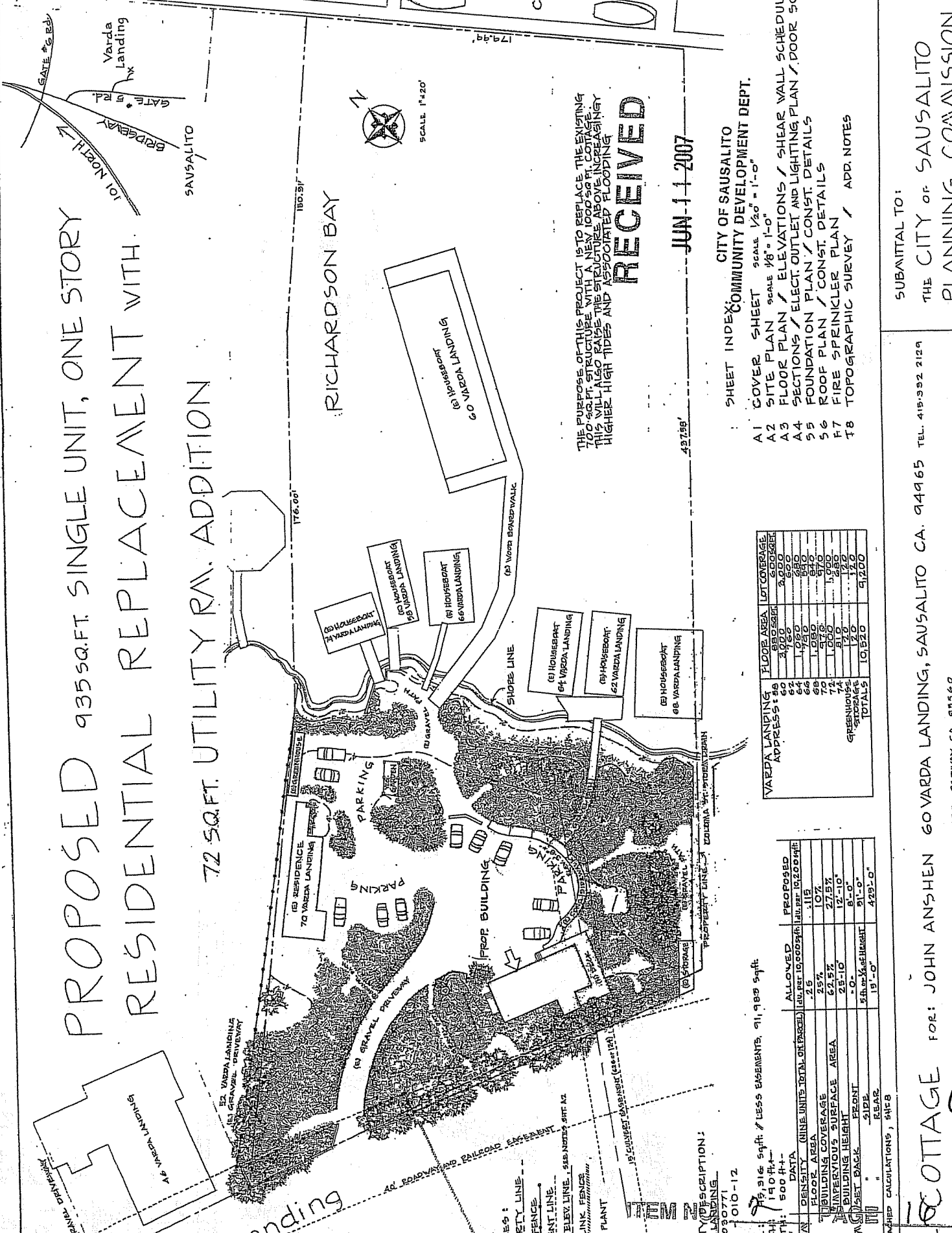
Chinor Tech Co. LLC
 DN 05-007013
 APN 003-010-10

not a complete boundary and is not a setting of property corners. This is the recordation of a Record of Survey.

1. FEE AND RECORDS THEREOF.
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PROPOSED 935 SQ. FT. SINGLE UNIT, ONE STORY RESIDENTIAL REPLACEMENT WITH 72 SQ. FT. UTILITY RM. ADDITION



THE PURPOSE OF THIS PROJECT IS TO REPLACE THE EXISTING 700 SQ. FT. STRUCTURE WITH A NEW 1000 SQ. FT. COTTAGE. THIS WILL ALSO RAISE THE STRUCTURE ABOVE INCREASING HIGHER HIGH TIDES AND ASSOCIATED FLOODING.

RECEIVED

JUN 11 2007

SHEET INDEX: CITY OF SAUSALITO COMMUNITY DEVELOPMENT DEPT.

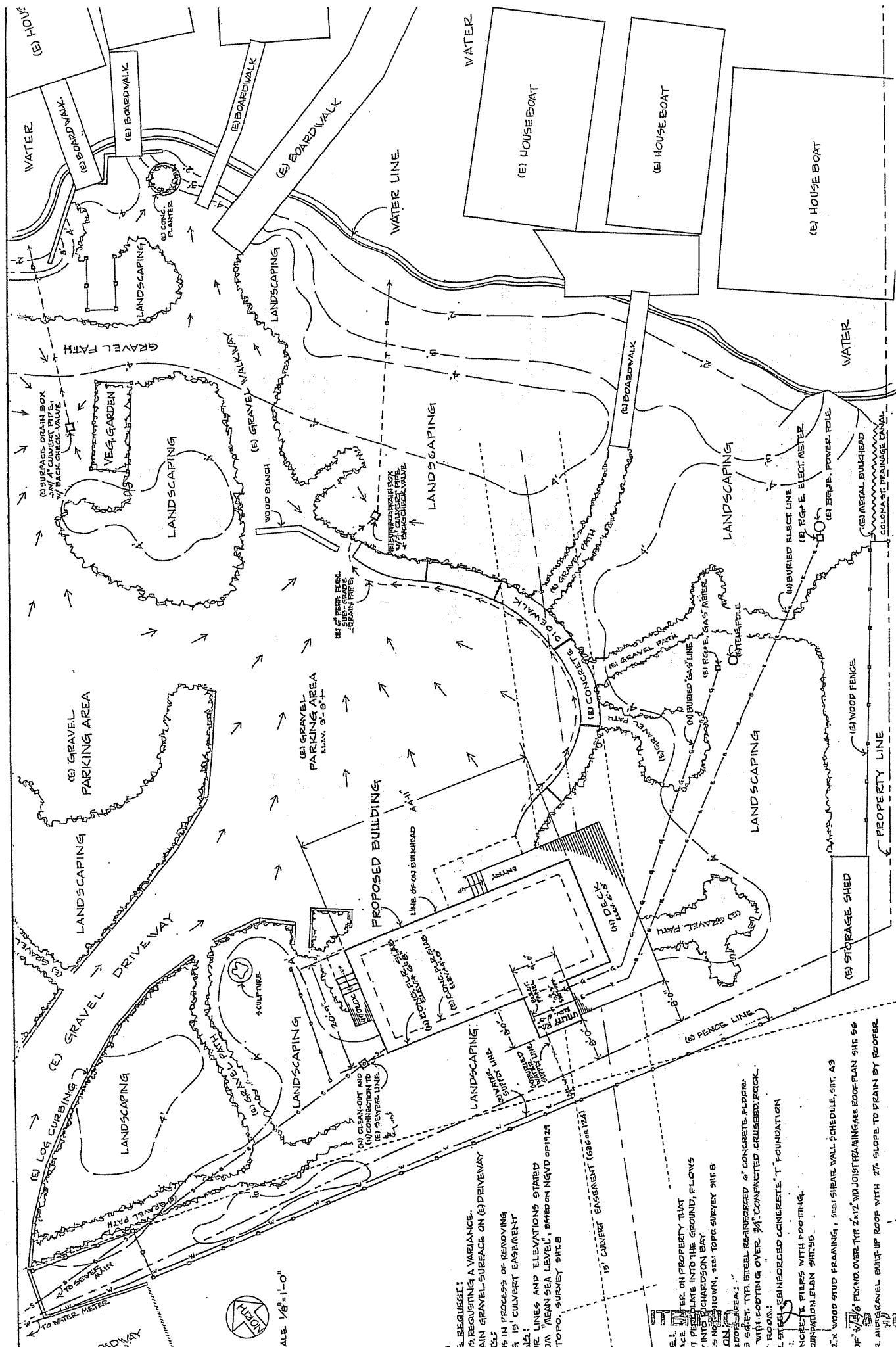
- A1 COVER SHEET
- A2 SITE PLAN
- A3 FLOOR PLAN
- A4 SECTIONS
- A5 FOUNDATION PLAN
- A6 ROOF PLAN
- A7 FIRE SPRINKLER PLAN
- A8 TOPOGRAPHIC SURVEY
- A9 SHEAR WALL SCHEDULE
- A10 ELECT. OUTLET AND LIGHTING PLAN
- A11 CONST. DETAILS
- A12 ADD. NOTES

VARDALANDING ADDRESS	FLOOR AREA	LOT COVERAGE
58	3,200	2,000
60	1,750	900
62	1,750	900
64	1,750	900
66	1,050	510
68	1,050	510
70	1,050	510
72	1,050	510
GREENHOUSE STORAGE		
	120	120
TOTALS	10,820	5,120

ALLOWED	PROPOSED
NO. OF UNITS	1
DENSITY	11.5%
FLOOR AREA	107
BUILDING COVERAGE	27.5%
IMPERVIOUS SURFACE AREA	12.5%
BUILDING HEIGHT	12'-0"
SET BACK FRONT	8'-0"
SET BACK REAR	21'-0"
MAX. HEIGHT	15'-0"
MAX. HEIGHT	423'-0"

SAUSALITO
101 NORTH
BRIDGEWAY
GATE 5 RD.
Varda Landing
CLIPPER YACHT HARBOUR
SCALE: 1"=40'
RICHARDSON BAY
SAUSALITO
176.00'
180.00'
437.88'
43.758'
JUN 11 2007
CITY OF SAUSALITO COMMUNITY DEVELOPMENT DEPT.
SCALE: 1/8" = 1'-0"
SCALE: 1/20" = 1'-0"
A1 COVER SHEET
A2 SITE PLAN
A3 FLOOR PLAN
A4 SECTIONS
A5 FOUNDATION PLAN
A6 ROOF PLAN
A7 FIRE SPRINKLER PLAN
A8 TOPOGRAPHIC SURVEY
A9 SHEAR WALL SCHEDULE
A10 ELECT. OUTLET AND LIGHTING PLAN
A11 CONST. DETAILS
A12 ADD. NOTES
SUBMITTAL TO: THE CITY OF SAUSALITO PLANNING COMMISSION
SHEET A OF 8
DATE: 4.20.07
SCALE: 1"=20'
FOR: JOHN ANSHEN 60 VARDA LANDING, SAUSALITO CA. 94965 TEL. 415.952.2129
DRAWN BY: WYLER GREENE P.O. BOX 997 REDWAY CA. 95560

COTTAGE 6B 24



SCALE 1/8"=1'-0"

1. REQUEST: IS REQUESTING A VARIANCE TO MAIN GRAVEL SURFACE ON (E) DRIVEWAY.
 2. IS IN PROCESS OF REMOVING (E) 15' CURVE EASEMENT.
 3. IS IN PROCESS OF REMOVING (E) 15' CURVE EASEMENT.
 4. IS IN PROCESS OF REMOVING (E) 15' CURVE EASEMENT.
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 10. IS IN PROCESS OF REMOVING (E) 15' CURVE EASEMENT.

1. 15' CURVE EASEMENT (GENERAL)
 2. 15' CURVE EASEMENT (GENERAL)
 3. 15' CURVE EASEMENT (GENERAL)
 4. 15' CURVE EASEMENT (GENERAL)
 5. 15' CURVE EASEMENT (GENERAL)
 6. 15' CURVE EASEMENT (GENERAL)
 7. 15' CURVE EASEMENT (GENERAL)
 8. 15' CURVE EASEMENT (GENERAL)
 9. 15' CURVE EASEMENT (GENERAL)
 10. 15' CURVE EASEMENT (GENERAL)

1. 2" X 4" WOOD STUD FRAMING, 96" SHEAR WALL SCHEDULE, SHT. A3
 2. 10" X 10" FLOOR OVER 1/4" 2x12 W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 3. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 4. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 5. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 6. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 7. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 8. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 9. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56
 10. 1/4" W/ JOIST FRAMING, 1/4" ROOF-PLAN SHT. 56

SHEET A
 OF 8
 DATE: 4-16-11
 SCALE: 1/8"=1'-0"

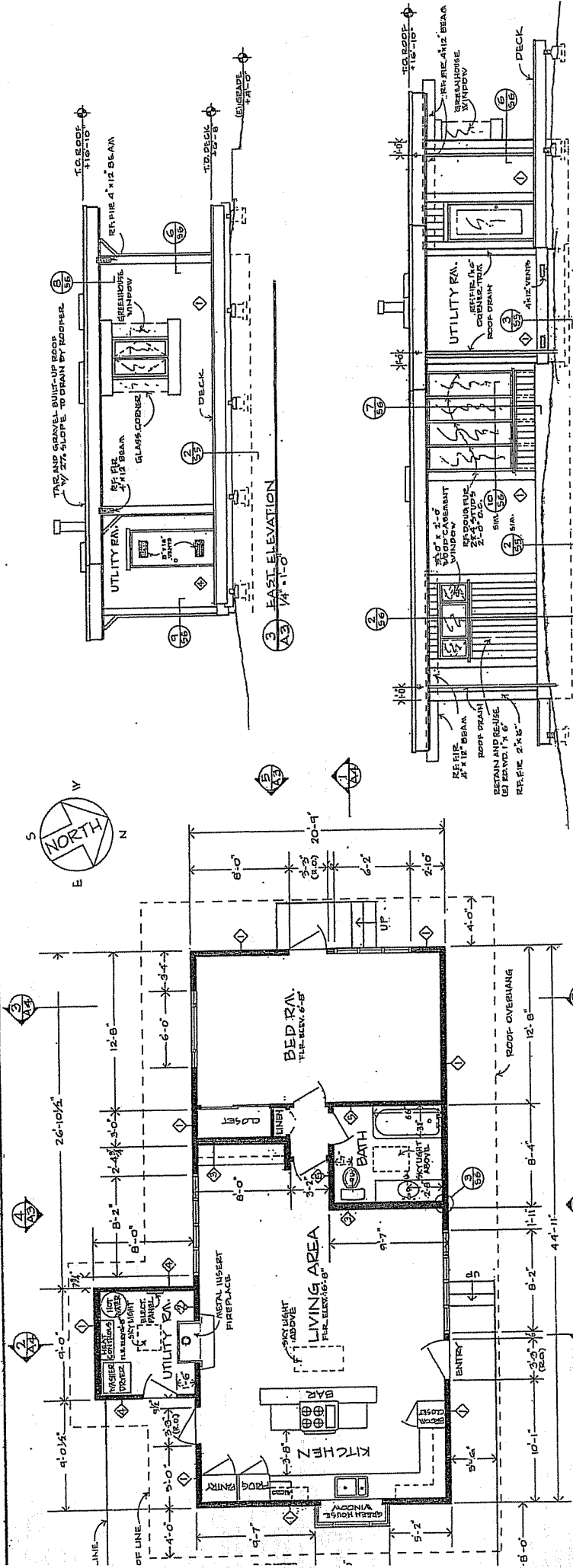
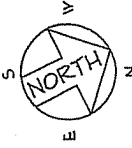
SITE PLAN

COTTAGE FOR: JOHN ANSHEN 60 YARDA LANDING, SAUSALITO CA. 94965 TEL. 415.332.2129

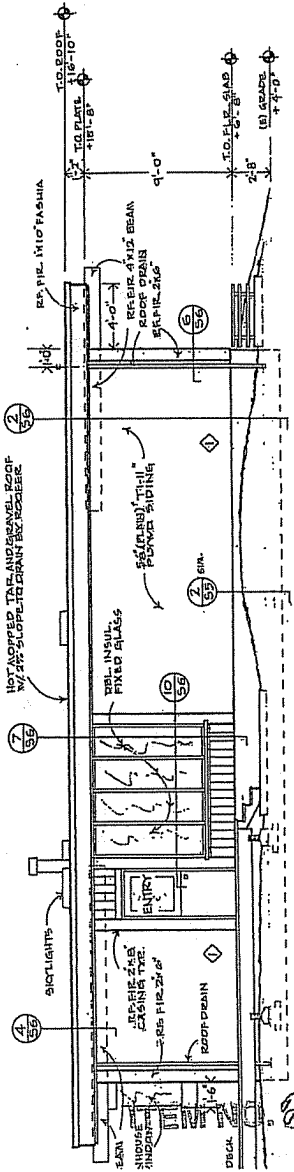
DRAWN BY: VEYLER GREENE P.O. BOX 997 REDWAY CA. 95960

60
 25

3-010-12



1 FLOOR PLAN
1/4" = 1'-0"

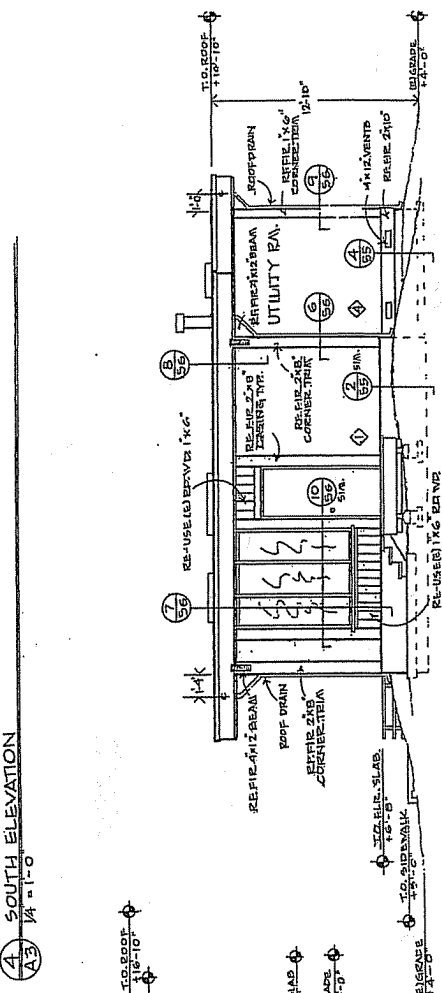


2 NORTH ELEVATION
1/4" = 1'-0"

NOTE: ALL EXT. WOOD SURFACES TO BE SEALED WITH A NATURAL COLOUR SEMI-TRANS. STAIN OR LEFT UNTREATED

TYPE	STUD BRACING	PLYWOOD	NAIL	EDGE FIELD
1	2x6	24 O.C.	3/8" x 4x4 11-11"	8"
2	"	"	1/2" x 4x4 CDX	"
3	"	16" O.C.	"	4"
4	2x4	"	3/8" x 4x4 11-11"	6"
5	"	"	1/2" x 4x4 CDX	"

5 WALL SCHEDULE



4 SOUTH ELEVATION
1/4" = 1'-0"

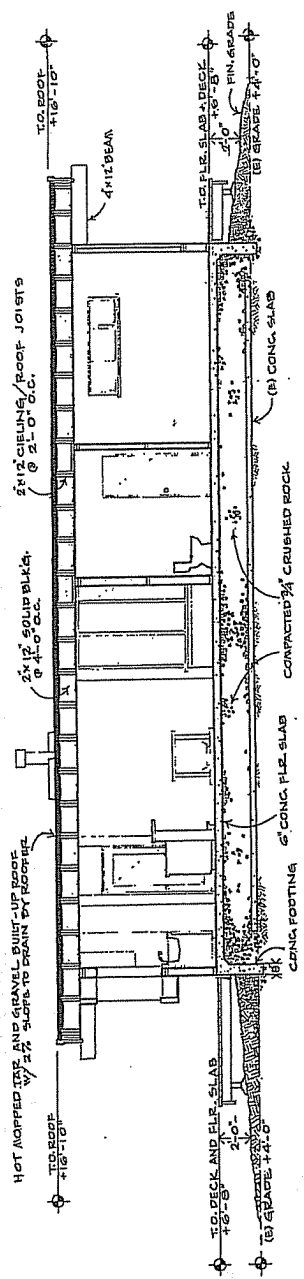
5 WEST ELEVATION
1/4" = 1'-0"

"THE COTTAGE" APN. 069-010-12
 FOR: JOHN ANSHEN 60 YARDA LANDING SAUSALITO CA 94965 TEL 415-332-2129
 DRAWN BY: VEYLER GREENE P.O. BOX 997 REDWAY CA 95560

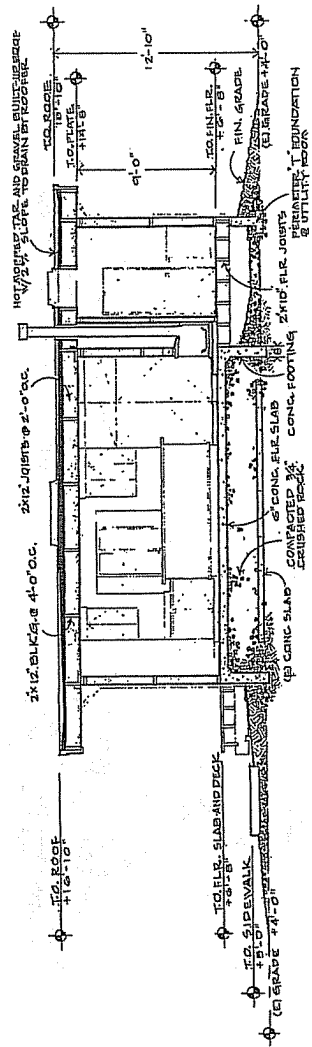
SHEET A OF 8
 DATE: 2-9-0
 SCALE: 1/4" = 1'-1

FLOOR PLAN AND ELEVATIONS

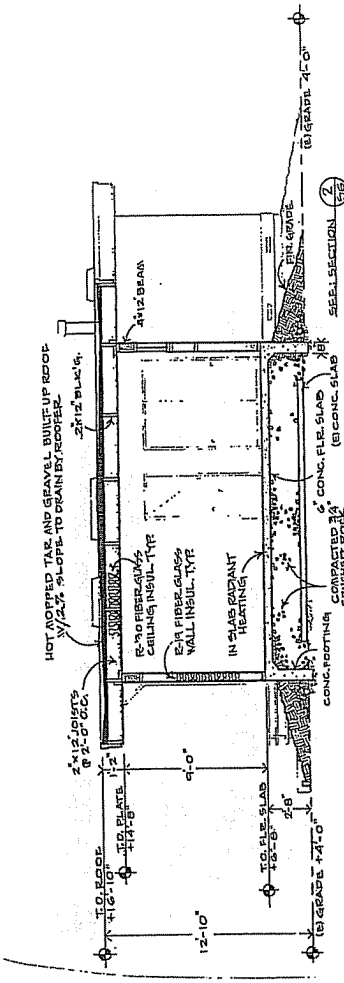
268



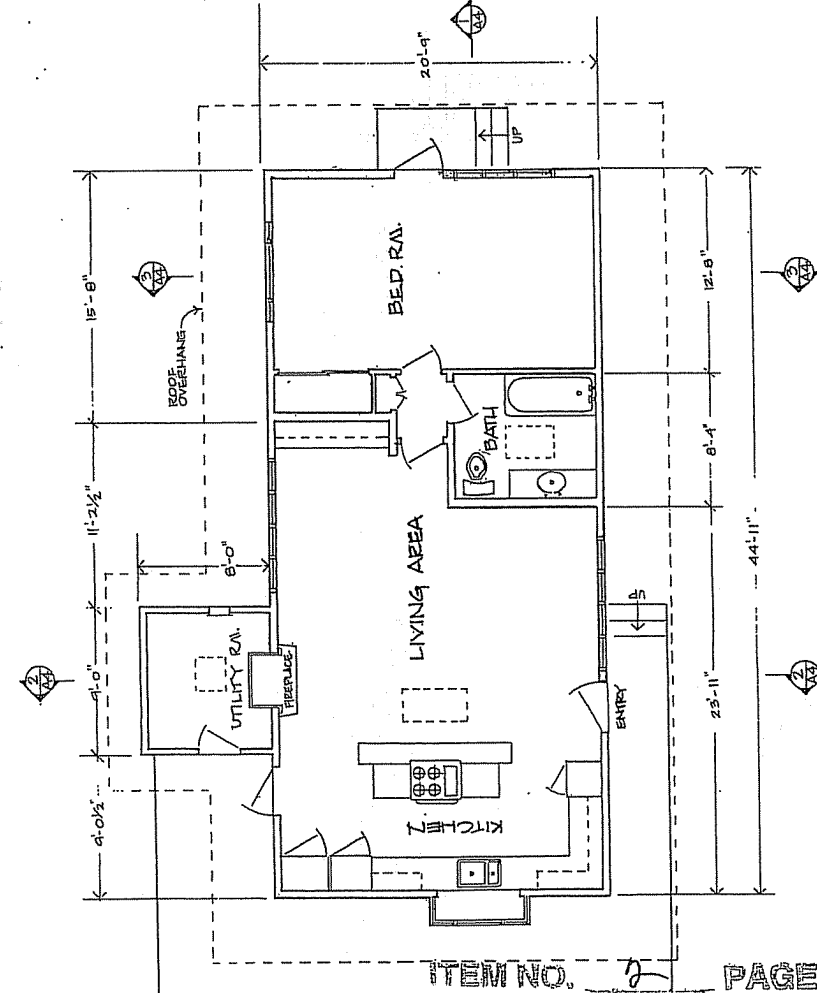
SECTION 1
1/4" = 1'-0"



SECTION 2
1/4" = 1'-0"



SECTION 3
1/4" = 1'-0"



SHEET A-7
OF 8
DATE: 2-5-11
SCALE: 1/4"=1'-0"

"THE COTTAGE" APN 063-010-12
FOR: JOHN ANSHEN 60 VARDIA LANDING, SAUSALITO CA. 94965 TEL. 415.332.2124
DRAWN BY: WEYLER GREENE, P.O. BOX 997 REDWAY CA 95560

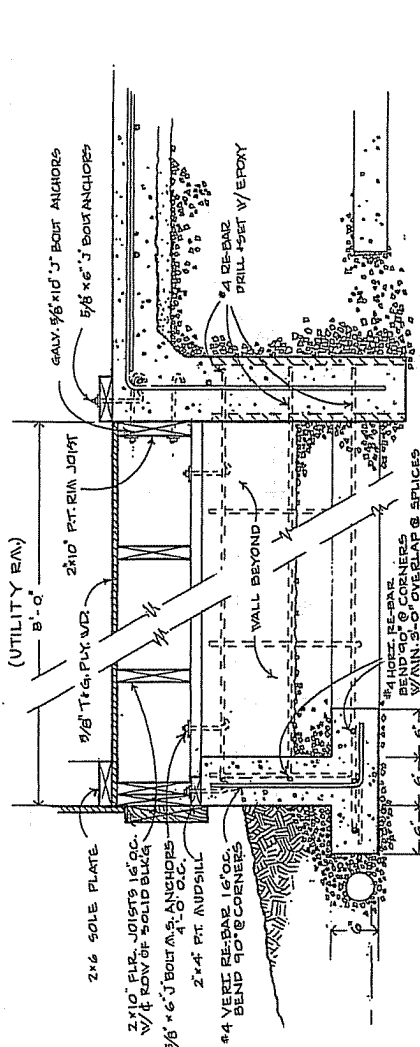
DOOR SCHEDULE / ELECT. OUTLET & LIGHTING PLAN / SECTIONS

ELECT. OUTLET & REFLECTED CEILING LIGHTING PLAN
1/4" = 1'-0"

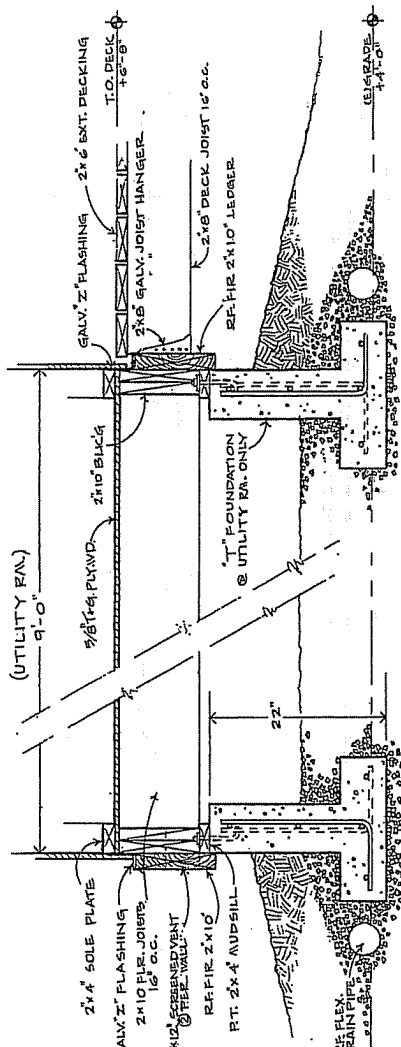
PAGE NO. 7

PAGE 19

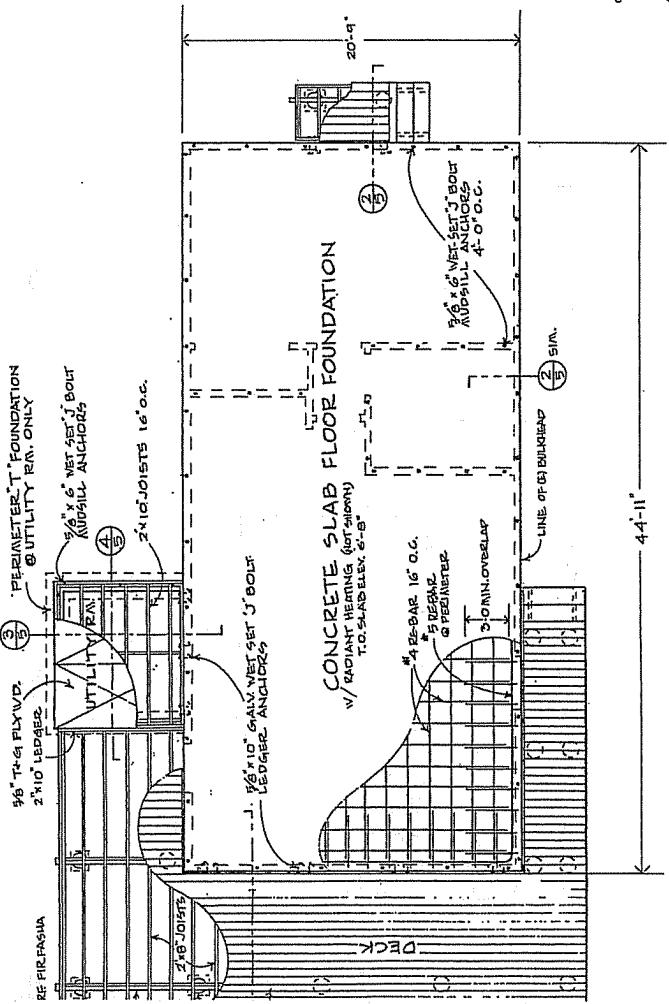
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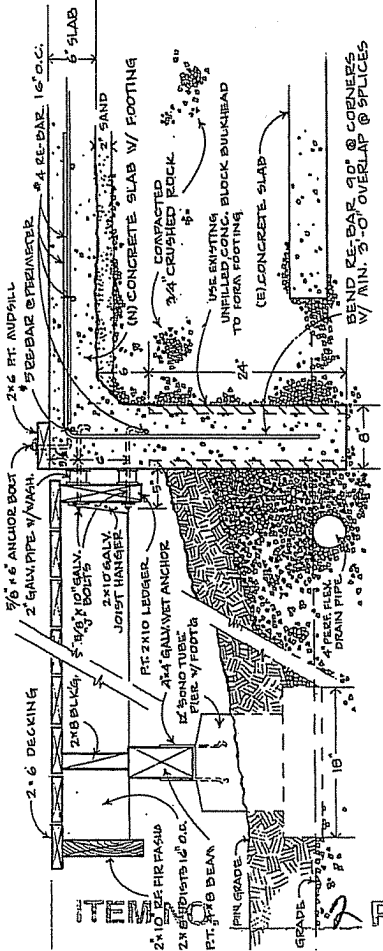
3 55 UTILITY RM. F.R. FRAMING AND FOUNDATION SECTION DETAIL
SCALE 1/8" = 0'-1"



4 55 UTILITY RM. F.R. FRAMING AND FOUNDATION SECTION DETAIL
SCALE 1/8" = 0'-1"



1 55 FOUNDATION PLAN W/ UTILITY RM. AND DECK F.R. FRAMING
SCALE 1/4" = 1'-0"

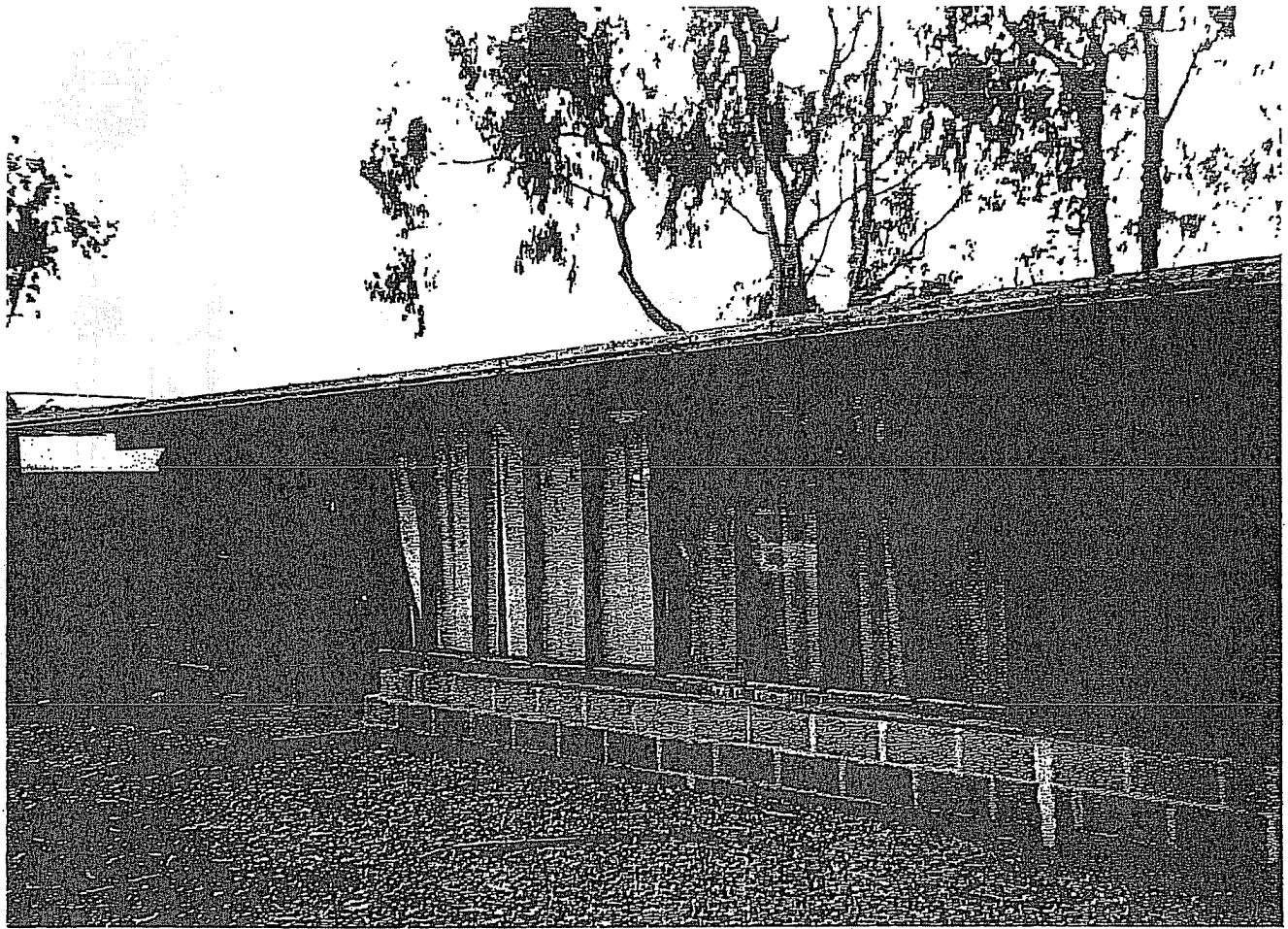


CONC. F.R. SLAB & DECK SECTION DETAIL
SCALE 1/8" = 0'-1"

'THE COTTAGE' APN 069-010-12
 FOR: JOHN ANSHEN 60 YARDA LANDING SAUSALITO CA 94965 TEL. 415-332-2128
 DRAWN BY: WEYLER GREENE P.O. BOX 997 REDWAY CA 95560 TEL. 707-925-1990
 SHEET 5F OF 8
 SCALE: VARIES
 DATE: 1-31-07

FOUNDATION PLAN w/ CONST. DETAILS

286
288



Previous structure at 60 varda Landing



ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-8.

SECTION A - PROPERTY INFORMATION		For Insurance Company Use:
A1. Building Owner's Name John Anshen		Policy Number
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 60 Varda Landing City Sausalito State CA ZIP Code 94965		Company NAIC Number

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
APN 063-010-12

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. _____ Long. _____ Horizontal Datum: NAD 1927 NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 1

A8. For a building with a crawl space or enclosure(s), provide

a) Square footage of crawl space or enclosure(s) _____ sq ft	A9. For a building with an attached garage, provide:
b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade _____	a) Square footage of attached garage _____ sq ft
c) Total net area of flood openings in A8.b _____ sq in	b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade _____
	c) Total net area of flood openings in A9.b _____ sq in

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number Unincorporated Area 060173		B2. County Name Marin	B3. State CA
B4. Map/Panel Number 0482 A	B5. Suffix	B6. FIRM Index Date 2/28/1977	B7. FIRM Panel Effective/Revised Date 3/1/1982
		B8. Flood Zone(s) V1	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 6'

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
 FIS Profile FIRM Community Determined Other (Describe) _____

B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other (Describe) _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No
Designation Date _____ CBRS OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction.
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-g below according to the building diagram specified in Item A7.
Benchmark Utilized NGS HT3533 Vertical Datum 6.12'
Conversion/Comments NGS HT3533 at intersection of Bridgeway Blvd. and Gate 6 Rd. Elev. 8.84' NAVD 88 converted to 6.12' NGVD 1929
Check the measurement used.

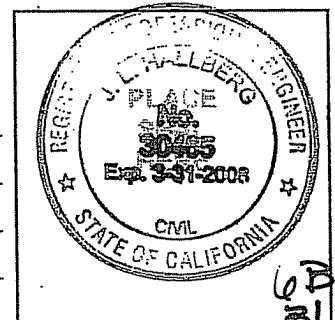
a) Top of bottom floor (including basement, crawl space, or enclosure floor)	<u>6.70</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
b) Top of the next higher floor	_____	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only)	_____	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
d) Attached garage (top of slab)	_____	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment in Comments)	_____	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
f) Lowest adjacent (finished) grade (LAG)	<u>3.81</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
g) Highest adjacent (finished) grade (HAG)	<u>4.07</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form.

Certifier's Name	Jame L. Hallberg	License Number	RCE 30465
Title	Company Name	J. L. Engineering	
Address	1339 Fourth St	City	San Rafael
		State	CA
		ZIP Code	94901
Signature	Date	Telephone	415-456-6647
	<u>8/22/08</u>		



Chapter 8.48

FLOODPLAIN MANAGEMENT

Sections:

ARTICLE I. STATUTORY AUTHORIZATION--
FINDINGS OF FACT--PURPOSE AND
METHODS

- 8.48.011 Statutory authorization.
- 8.48.012 Findings of fact.
- 8.48.013 Statement of purpose.
- 8.48.014 Methods of reducing flood losses.

ARTICLE II. DEFINITIONS

- 8.48.020 Definitions.

ARTICLE III. GENERAL PROVISIONS

- 8.48.031 Lands to which this chapter applies.
- 8.48.032 Basis for establishing the areas of special flood hazard.
- 8.48.033 Compliance.
- 8.48.034 Abrogation and greater restrictions.
- 8.48.035 Interpretation.
- 8.48.036 Warning and disclaimer of liability.

ARTICLE IV. ADMINISTRATION

- 8.48.041 Establishment of development permit.
- 8.48.042 Designation of the floodplain administrator.
- 8.48.043 Duties and responsibilities of the floodplain administrator.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD
REDUCTION

- 8.48.051 Standards of construction.
- 8.48.052 Standards for utilities.
- 8.48.053 Standards for subdivisions.
- 8.48.054 Standards for manufactured homes.
- 8.48.055 Floodways.
- 8.48.056 Coastal high hazard areas.

Sections: (Continued)

ARTICLE VI. VARIANCE PROCEDURE

- 8.48.061 Appeal board.
- 8.48.062 Conditions for variances.

ARTICLE I. STATUTORY AUTHORIZATION--FINDINGS
OF FACT--PURPOSE

8.48.011 Statutory authorization. The legislature of the state of California has in Government Code Sections 65302 and 65560 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.012 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, 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 when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988.)

8.48.013 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:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood-control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

((Ord. 1140 §1(part), 1999: Ord. 1034 §1(part), 1988).

8.48.014 Methods of reducing flood losses. In order to accomplish its purposes, this chapter 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 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; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

ARTICLE II. DEFINITIONS

8.48.020 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.

A. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

B. "Area of special flood hazard." See "special flood hazard area."

C. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood").

D. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

E. "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 floodwaters. 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 conform to 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.

F. "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 actions. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis.

G. "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 or drilling operations and storage of equipment or materials.

H. "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.

I. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation of runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 this definition.

J. "Flood boundary and floodway map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the area of flood hazard and the floodway.

K. "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 hazards and the risk premium zones applicable to the community.

L. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, and the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

M. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

N. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood-control works and flood plain management regulations.

O. "Floodplain management regulations" means this ordinance 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.

P. "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.

Q. "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."

R. "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of 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 a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

S. "Fraud and victimization" as related to Section 6, Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred 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.

T. "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 pas-

sengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

U. "Hardship" as related to Section 6, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires 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.

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

W. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the 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 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 on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior, in states without approved programs.

X. "Lowest floor" means the lowest floor of the lowest enclosed area including basement (see basement definition).

1. An unfinished or flood resistant enclosure is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

a. The wet floodproofing standards in California Model Floodplain Management Ordinance Section 5.1.C.3.

b. The anchoring standards in California Model Floodplain Management Ordinance Section 5.1.A.

c. The construction materials and methods standards in California Model Floodplain Management Ordinance Section 5.1.B.

d. The standards for utilities in California Model Floodplain Management Ordinance Section 5.2.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

Y. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

AA. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

BB. "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community, and includes any subsequent improvements to such structures.

CC. "One-hundred-year flood" means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used throughout this chapter.

DD. "Person" means an individual or his or her agent, firm, partnership, association or corporation, or

agent of the aforementioned groups, or this state or its agencies or political subdivisions.

EE. "Public safety and nuisance" as related to Section 6, Variances, of this ordinance 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.

FF. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable 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.

GG. "Remedy a violation" means to bring the structure or other development into compliance with 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 ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

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

II. "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

JJ. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on a FIRM as zones V1-V30 or VE.

KK. "Start of construction" includes substantial improvement, and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (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 the 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 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.

LL. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

MM. "Substantial damage" means 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.

NN. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

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

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

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

OO. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that could otherwise be prohibited by this chapter.

PP. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

QQ. "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.

RR. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

ARTICLE III. GENERAL PROVISIONS

8.48.031 Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of Sausalito. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.032 Basis for establishing the areas of special flood hazard. Special flood hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for City of Sausalito" dated March 1980, with an accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter as well as amendments thereto. This Flood Insurance Study is on file at 420 Litho Street, Sausalito, California. This Flood Insurance Study is the minimum area of applicability of this

chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.033 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. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.034 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 ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.035 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;
- C. Deemed neither to limit or nor repeal any other powers granted under state statutes. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.036 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 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, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

ARTICLE IV. ADMINISTRATION

8.48.041 Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazards established in Section 8.48.032. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- C. All appropriate certifications listed in Section 8.48.043(D) of this chapter; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.042 Designation of the floodplain administrator. The city engineer is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.043 Duties and responsibilities of the floodplain administrator. The duties and responsibilities of the floodplain administrator shall include but not be limited to:

- A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

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 increase the water surface elevation of the base flood more than one foot at any point. B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.48.032, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other source, in order to administer Section 8.48.050 for adoption.

C. Whenever a watercourse is to be altered or relocated: Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

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

2. Require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

D. Obtain and maintain for public inspection and make available as needed:

1. The certification required in Section 8.48.051 C1, floor elevation;

2. The certification required in Section 8.48.051 C.2.c, elevation or floodproofing of nonresidential structures;

3. The certification required in Sections 8.48.051 C.3.a or 8.48.051 C.3.b, wet floodproofing standards;

4. The certified elevation required in Section 8.48.053.B, subdivision standards;

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5. The certification required in Section 8.48.055.A, floodway encroachments;

6. The information required in Section 8.48.056, coastal construction standards.

E. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI.

F. Take action to remedy violations of this chapter as specified in Section 8.48.033 herein. ((Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988)).

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

8.48.051 Standards of construction. In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 8.48.054.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed 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.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Non-

residential structures may meet the standards in Section 8.48.051.C.2. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

2. Nonresidential construction shall either be elevated in conformance with subdivision 1 of this subsection or together with attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

3. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Either 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, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

4. Manufactured homes shall also meet the standards in Section 8.48.054. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.052 Standards for utilities. A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.053 Standards for Subdivisions. A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

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

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.054 Standards for manufactured homes. All new and replacement manufactured homes and additions to manufactured homes shall:

A. Be elevated so that the lowest floor is at or above the base flood elevation; and

B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.055 Floodways. Located within areas of special flood hazard established in Section 8.48.032 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 8.48.050. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

8.48.056 Coastal high hazard areas. Within coastal high hazard areas established in Section 8.48.032 the following standards shall apply:

A. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation.

B. All new construction shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.

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 8.48.056.A;

2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

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ARTICLE VI. VARIANCE PROCEDURE

8.48.061 Appeal board. A. The city council of the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city 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.

C. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and

11. 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.

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D. Generally, variances may be issued for new construction and substantial improvements 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 subdivisions C1 through C11 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors of subsection C of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

G. A fee for variances may be established by the city council by resolution from time to time. (Ord. 1140 \$1(part), 1999; Ord. 1034 \$1 (part), 1988).

8.48.062 Conditions for variances. A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Variances may be issued for new construction and substantial improvements and for other development neces-

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sary for the conduct of a functionally dependent use; provided, that the provisions of subsections A through D of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain board in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 1140 §1(part), 1999: Ord. 1034 §1 (part), 1988).

