

**CITY OF SAUSALITO  
ORDINANCE NO. 1234**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAUSALITO  
REPEALING EXISTING MUNICIPAL CODE CHAPTER 8.48 (FLOODPLAIN  
MANAGEMENT), AND ADOPTING A NEW CHAPTER 8.48 (FLOODPLAIN  
MANAGEMENT) OF THE SAUSALITO MUNICIPAL CODE**

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**SECTION 1. FINDINGS**

- A. On July 29, 1980 the Sausalito City Council adopted Ordinance No. 975 establishing Flood Plain Management Regulations governing building in the regulatory floodplain.
- B. On September 16, 1980 the Sausalito City Council adopted Ordinance No. 978 amending Ordinance No. 975.
- C. On February 2, 1988 the Sausalito City Council adopted Ordinance No. 1034 amending Chapter 8.48 of the Sausalito Municipal Code regulating building in the regulatory floodplain.
- D. On September 14, 1999, the Sausalito City Council adopted Ordinance No. 1140 last amending Chapter 8.48 of the Sausalito Municipal Code regulating building in the regulatory floodplain.
- E. The Sausalito City Council considered potential changes to the Ordinance during the course of its regular meeting of October 9, 2012 and gave Staff direction.
- F. With the issuance of revised Flood Insurance Studies and Rate Maps for the City of Sausalito and adjacent lands of Marin County by the Federal Emergency Management Agency, the requirement to update the City's Floodplain Management regulations has been established.
- G. On March 22, 2016, the City held a duly noticed public hearing and heard and considered all public testimony on the proposed ordinance (the "Ordinance").
- H. On April 19, 2016, the City held a duly noticed public hearing and heard and considered for a second time all public testimony on the Ordinance.
- I. The City finds that the Ordinance is necessary for the protection of the public health, safety, and welfare and is consistent with the City's General Plan.
- J. The City further finds that the Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") as it is a ministerial action to promote the public health, safety and general welfare, minimize public and private losses due to flood conditions and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (California Code of Regulations, Title 14, Section 15061(b)(3))

**SECTION 2. REPEAL OF EXISTING CHAPTER 8.48**

Sausalito Municipal Code Chapter 8.48 (Floodplain Management) is hereby repealed in its entirety.

**SECTION 3. ADOPTION OF NEW CHAPTER 8.48**

Title 8, Chapter 8.48 (Floodplain Management) of the Sausalito Municipal Code is hereby adopted to read as follows:

CHAPTER 8.48 -- FLOODPLAIN MANAGEMENT

Sections:

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ARTICLE I. STATUTORY AUTHORIZATION  
FINDINGS OF FACT  
PURPOSE AND METHODS

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 the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (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. 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. 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. 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.

“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.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard.” See “Special flood hazard area.”

“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”).

“Basement” means any area of the building having its floor subgrade (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 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.

“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.

“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.

“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.

“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.

“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.

“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.

“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.

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

“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.

“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.

“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.”

“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.

“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.

“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, but does not include long-term storage or related manufacturing facilities.

“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.

“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 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.

“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 flood openings standard in Section 8.48.051.C.3.a;
  - b. the anchoring standards in Section 8.48.051.A.1;
  - c. the construction materials and methods standards in Section 8.48.051.B;
  - d. the standards for utilities in Section 8.48.052.
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.

“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”.

“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.

“Market value” is defined in Section 8.48.043.B.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the 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“ means, for floodplain management purposes, structures for which the “start of construction” commenced on or after August 28, 1980 (Ord. 975, July 29, 1980), and includes any subsequent improvements to such structures.

“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.

“Person” means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

“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.

“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 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.

“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.

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

“Sand dunes” means 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 1 percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V..



“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 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.

“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.

“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 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty 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.

“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.

“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. (Ord. 1034 §1 (part), 1988.)

"V zone" or "VE zone" see "Coastal high hazard area."

"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.

"Water surface elevation" means the height, in relation to the 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.

"X (shaded) zone" means an area of moderate flood hazard, between the limits of the 100-year and 500-year floods. The combined areas of special flood hazard and moderate flood hazard constitute the area susceptible to the adverse impacts of sea level rise.

### ARTICLE III. GENERAL PROVISIONS

8.48.031 Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Sausalito. (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 in a scientific and engineering report entitled "Flood Insurance Study for Marin County California" revised March 16, 2016, with 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. The current, effective copies of these documents are on file at 420 Litho Street, Sausalito, California. The current, effective 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. 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. 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. 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. 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 of Sausalito, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1034 §1 (part), 1988).

8.48.037 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.

#### 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 hazard 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.F 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. 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. 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. 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. 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.

D. Whenever a watercourse is to be altered or relocated:

1. notify adjacent communities and the California Department of Water Resources prior to alteration or relocation of a watercourse,
2. submit evidence of such notification to the Federal Emergency Management Agency; and
3. require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

E. Base Flood Elevation changes due to physical alterations:

1. Within 6 months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
2. All LOMR’s 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 (CLOMR’s). Approved CLOMR’s allow construction of the proposed flood

control project and land preparation as specified in the “start of construction” definition.

- F. Obtain and maintain for public inspection and make available as needed:
  - 1. The certification required in Section 8.48.051.C.1, 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;
  - 5. The certification required in Section 8.48.055.A, floodway encroachments;
  - 6. The information required in Section 8.48.056, coastal construction standards;
  
- G. 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.
  
- H. Take action to remedy violations of this chapter as specified in Section 8.48.033 herein. (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. Nonresidential 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 certified 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 Emergency Management Agency.
4. Manufactured homes shall also meet the standards in Section 8.48.054. (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. 1034 §1 (part), 1988).

8.48.053 Standards for Subdivisions.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, 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; and
  - 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 (LOMR-F) to the Floodplain Administrator:
    - a. lowest floor elevation,
    - b. pad elevation, and
    - 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.

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. 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. 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. 1034 §1 (part), 1988).

## ARTICLE VI. VARIANCE PROCEDURE

### 8.48.061 Appeal board.

- A. The City Council of the City of Sausalito 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.
- 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 variance actions and appeals, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- G. A fee for variances may be established by the City Council by resolution from time to time. (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 necessary 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 over the signature of 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, and
  2. Such construction below the base flood level increases risks to life and property.
- G. A copy of any notice given under subsection F above shall be recorded by the Floodplain Administrator in the Office of the Marin County Recorder in a manner so that it appears in the chain of title of the affected parcel of land.. (Ord. 1034 §1 (part), 1988).

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**SECTION 4. CONSTRUCTION**

This Ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 5. EFFECT**

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage. Before the expiration of fifteen (15) days after passage by the City Council this Ordinance shall be published once in a newspaper of general circulation published in the City of Sausalito.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sausalito on March 22, 2016, and was adopted at a regular meeting of the City Council of the City of Sausalito on April 19, 2016 by the following roll call vote:

**AYES:** COUNCILMEMBERS: Pfeifer, Theodores, Weiner, Withy, Mayor Hoffman  
**NOES:** COUNCILMEMBERS: None  
**ABSENT:** COUNCILMEMBERS: None  
**ABSTAIN:** COUNCILMEMBERS: None

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JILL JAMES HOFFMAN  
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

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LILLY WHALEN  
CITY CLERK