



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: October 18, 2016

Subject

Consideration of an ordinance to repeal and replace Cupertino Municipal Code Chapter 16.52 regarding prevention of flood damage for properties within the City.

Recommended Action

Conduct the first reading of the draft ordinance: "An ordinance of the City Council of the City of Cupertino to repeal and replace Cupertino Municipal Code Chapter 16.52 regarding prevention of flood damage for properties within the City"

Discussion

Section 16.52 of the Cupertino Municipal Code governs prevention of flood damage and was established in 1980. There have been amendments to the ordinance since the initial adoption.

This item is being brought before City Council to address revisions to the Federal Emergency Management Agency's (FEMA) regulations regarding floodplain management. The need for these revisions were brought to the City's attention by a FEMA representative who audited the City's program through the Community Assistance Visit program, which occurs approximately every 5 years. Staff met with FEMA's representative on July 14, 2015. Based on the information provided by the City and a thorough review of the City's policies, standards and flood protection ordinance, FEMA provided a letter to the City on June, 6, 2016 (See Attachment C) which requested additional documentation to demonstrate the City's compliance with FEMA Regulations, and requested that the City's flood protection ordinance be updated to address changes that have occurred over time with FEMA's model ordinance. All documentation requested within the letter has been provided to FEMA, and the ordinance under consideration has been revised to address the change in regulations pointed out by FEMA.

The proposed ordinance is a comprehensive revision that substantially conforms to the latest California Model Ordinance, while incorporating the City of Cupertino's policies

and protocols. It should be noted that the model ordinance is updated by FEMA approximately every 10 years. The last update to the model ordinance by FEMA was performed in 2006. A new update has not yet been released by FEMA, but could be released at some point in the near future. The key revisions that this ordinance incorporates are as follows:

- Add a Citation of Statutory Authorization.
- Add key definitions to the Ordinance.
- Revise two definitions to comply with current FEMA standards.
- Include a section that references subsequent revisions and amendments to the flood maps and Flood Insurance Studies.
- Add a requirement that the City must submit to FEMA new floodplain related technical data within 6 months of the information being provided to the City.
- Update the Ordinance to match California Floodplain Management variance criteria.
- Add a requirement to include base flood elevation data for subdivision proposals or developments greater than 50 lots or 5 Acres.
- Add a requirement for one foot of freeboard within Flood Zone AO.
- Add requirements regarding flood openings in structures with more than one enclosed area.
- Add manufactured home and recreational vehicle requirements to Ordinance.

Sustainability Impact

None

Fiscal Impact:

No fiscal impact is expected from this proposed ordinance.

Prepared by: Chad Mosley, Senior Engineer

Reviewed by: Timm Borden, Director of Public Works

Approved for Submission by: David Brandt, City Manager

Attachments:

- A- Draft Ordinance
- B- Existing Ordinance Proposed for Rescinding
- C- FEMA Community Assistance Visit letter