



CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT

345 N. El Dorado Street • Stockton, CA 95202 • 209-937-8561 • Fax 209-937-8893 • www.stocktongov.com

CRITERIA FOR DEVELOPMENT IN 200-YEAR FLOODPLAINS

I. Authority

These criteria are established by the Community Development Director (Director) as authorized by Stockton Municipal Code (SMC) Section 16.90.020.B.

II. Applicability of Criteria

These criteria apply to the approval of certain development entitlements for properties located in flood hazard zones and in urban and urbanizing areas that are required to achieve the urban level of flood protection. The affected development entitlements include:

- A. Development agreements;
- B. Tentative maps or parcel maps for which a tentative map is not required;
- C. Discretionary permits or other discretionary entitlements that would result in the construction of a new building or an increase in allowed occupancy for an existing building; and
- D. Ministerial permits that would result in the construction of a new residence

III. Consistency with Accepted State and Federal Floodplain Management Practices

These Criteria are consistent with accepted State and Federal floodplain management practices, including those developed by the California Department of Water Resources (DWR) authorized by California Government Code Section 65007(n) ("Urban Level of Flood Protection Criteria" and "Urban Levee Design Criteria," latest editions). Approval of development entitlements subject to findings required by SMC Section 16.90.020.A shall comply with these Criteria as well as the DWR Criteria.

IV. Designation of Urban Areas

All areas within the City's corporate limits shall be considered as urban areas for the purpose of determining whether a finding is required for the approval of a development entitlement pursuant to SMC Section 16.90.020.A.

V. 200-Year Base Flood Elevations

The determination of a 200-year base flood elevation (BFE) for a particular property shall be made by the Director based on 200-year floodplain maps on file with the City. These maps are subject to change at any time at the discretion of the Director. Also, an applicant may submit data proposing changes to the 200-year base flood elevations, either based on existing conditions or changes that would result from a future project. All costs associated with revising the floodplain maps to reflect changes in 200-year BFEs shall be borne by the applicant. Applicant initiated changes to the floodplain map

will be processed similar to how "CLOMRs" and "LOMRs" are processed under the National Flood Insurance Program Flood Insurance Rate Maps. Any change to the maps is not effective until approved by the Director.

VI. Application of "Shallow Flooding Exemption" Finding

SMC Section 16.90.020 establishes six findings that may be used for the approval of development entitlements on properties subject to a finding. Subsection A.5 states:

"The property is located in an area of potential flooding of three feet or less from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, in urban and urbanizing areas."

This finding may be applied when the elevation of the lowest floor of the habitable area of a building is or will be no lower than three feet from the 200-year BFE. If the existing ground elevation at the building location is lower than this elevation, the lowest floor may be raised. Acceptable methods for raising the lowest floor include:

- A. Elevating on fill or a raised "stem-wall" foundation such that the lowest floor is no lower than three feet from the 200-year BFE.
- B. Elevating on piers, posts, piles, columns or lower walls such that the lowest floor is no lower than three feet from the 200-year BFE.
- C. Elevating over an enclosure such that the lowest floor is no lower than three feet from the 200-year BFE. The use of the area within the enclosure shall be limited to parking of vehicles, storage of materials and building access. The enclosure shall be constructed of flood-resistant materials with flood vents incorporated on at least two opposite exterior walls, designed in accordance with FEMA requirements and subject to the approval of the Building Official.

The elevation of the lowest floor in cases A, B and C above shall be certified by a licensed land surveyor or civil engineer on forms approved by the Director. The certification shall be provided at the design stage (prior to the approval of plans), construction stage (following placement of forms but prior to concrete pour, if applicable) and at completion of the building (prior to building permit final or issuance of the certificate of occupancy, whichever applies).

If the existing ground elevation is no lower than three feet from the 200-year BFE, as determined by the Director using the latest 200-year floodplain maps, then no certification of the lowest floor elevation is required.

VII. Dry Floodproofing of Non-Residential Structures

Dry floodproofing of non-residential structures is allowable provided it is accomplished to the building to no lower than the 200-year base flood elevation and the floodproofing method(s) used complies with Federal Emergency Management Agency regulations. Also, floodproofing of non-residential buildings is an acceptable "imposed condition" pursuant to SMC Section 16.90.020.A.2 for a finding to authorize the approval of a development entitlement.

The elevation of floodproofing shall be certified by a licensed land surveyor or civil engineer on forms approved by the director. The certification shall be provided at the design stage (prior to approval of plans).

Dry floodproofing of residential structures is not allowed.

VIII. Determination of Increase in Allowed Occupancy for Approval of Discretionary Permit or Entitlement for Construction to Existing Buildings

Subject to the approval of the Director, the Building Official shall determine if a discretionary permit or discretionary entitlement associated with construction to an existing building would result in an increase in allowed occupancy for the purpose of determining whether a finding is required for the permit or entitlement pursuant to SMC Section 16.90.020.A. In making their determination, the Building Official shall consider the following:

- A. "Allowed Occupancy" is the maximum number of persons that can occupy a building based on the *risk category* the building was designed for; the *use* and *occupancy* classification assigned to the building or portion thereof; and the *means of egress* design.
- B. "Increase in Allowed Occupancy means any of the following:"
 - 1. Construction of an addition or alteration to an existing building that would increase the *occupiable space* of the building.
 - 2. Change of *use* or *occupancy* involving construction that would require raising the *risk category* assigned to the building to a higher category in accordance with Table 1604.5 of the California Building Code.
 - 3. Alteration or change of *use* or *occupancy* involving construction to an existing building that would result in the occupant load for the primary use of the building or portion thereof to be revised using a lower occupant load factor in accordance with Table 1004.1.2 of the California Building Code.
 - 4. Alteration or change of *use* or *occupancy* involving construction to an existing building that would result in an increase in the number of required exits.
- C. "Risk Category" means a categorization of buildings and other structures for determination of flood, wind, snow, ice, and earthquake loads based on the risk associated with unacceptable performance.
- D. "Use/Occupancy" - All buildings and structures shall be classified as to use and occupancy in accordance with the Chapter 3 of the California Building Code.

IX. The following requirements apply to the issuance of building permits for new residential units in master planned communities.

A. Master Grading Plan

A Master Grading Plan for the subdivision shall be submitted prior to or concurrent with the first master plan permit application for the model homes. The Plan shall identify existing or new pad elevations and proposed finished floor elevations for all lots proposed for development, and shall include certification by a licensed civil engineer or land surveyor. The Plan shall also identify the lots that qualify for the SB 5 shallow flooding exemption and those that do not. Color-coding the lots consistent with the City's official SB 5 Floodplain Map (flood depth layer) is acceptable. This

Plan shall be reviewed and approved by the City prior to issuance of any building permits within the project.

B. Submittal Requirements

The following additional items shall be submitted with building permit applications for lots identified on the Master Grading Plan as having existing pad elevations lower than three feet below the 200-year Base Flood Elevation (BFE). (Note: No additional submittal requirements apply to other lots.)

1. A completed "construction drawings" 200-Year Flood Elevation Certificate (EC) on the form prescribed by the City. The EC shall identify the 200-year BFE taken from the City's official SB 5 Floodplain Map and a proposed finished floor elevation for the lowest floor that complies with SB 5 (i.e. higher than the three-foot shallow flooding elevation).
2. The finished floor elevation of the lowest habitable floor matching that identified on the EC shall be shown on the plot plan.

C. Construction Requirements

The following construction requirements apply and shall be incorporated in the construction plans for any structures.

1. A "building under construction" EC shall be provided prior to the pouring of any portion of the foundation and slab. The EC shall demonstrate that the forms for the foundation and slab are set at the correct elevation as reflected on the EC. The EC shall be signed by the licensed preparer and provided to the inspector who will forward it to the building plan checker for review. No concrete pour shall occur until the EC has been approved.
2. A "final construction" EC shall be signed by the licensed preparer and provided to the inspector after all foundations and slabs are poured. No building permit final inspection shall be conducted until the EC has been approved.
3. A note shall be provided on the construction plans advising of these requirements.

X. Accessory Dwelling Units

SMC Section 16.240.020 defines "Accessory Dwelling Unit" (ADU) as an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling unit is situated; further accessory dwelling units are as defined in California Government Code Section 65852.2.

An ADU generally takes three forms:

- *Detached*: The unit is separated from the primary structure.
- *Attached*: The unit is attached to the primary structure.
- *Repurposed Existing Space*: Space within the primary structure (e.g. garage) is converted into an independent living unit.

The Director finds that the construction of an ADU in the above-listed forms does not constitute a unique hazard to health and safety above similar projects that are not subject to these criteria such as a residential addition. Thus, the construction of an ADU does not present a unique increase in flood risk to an existing developed parcel.

Pursuant to Chapter 10 of the California Building Code the occupant load for residential uses shall be figured as 200 square feet per occupant regardless of whether the square footage is an addition to the existing residence or an independent living unit.

Subject to the approval of the Director, the Building Official shall issue a ministerial permit for the construction of an ADU as described above.



DAVID KWONG
DIRECTOR
COMMUNITY DEVELOPMENT

10/18/19

DATE

APPROVED AS TO FORM & CONTENT:



CITY ATTORNEY