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File ID: 2023-01159

9/19/2023

Consent Item 16.

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**(Pass for Publication) Ordinance Amending Various Sections of Chapter 15.104 of the Sacramento City Code Relating to Floodplain Management**

File ID: 2023-01159

**Location:** Citywide

**Recommendation:** Review an Ordinance amending various sections of Chapter 15.104 relating to Floodplain Management; and 2) pass for publication the Ordinance title as required by Sacramento City Charter section 32 (c) for adoption consideration on October 3, 2023.

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**Presenter:** Neal Joyce, Supervising Engineer (916) 808-1412, [njoyce@cityofsacramento.org](mailto:njoyce@cityofsacramento.org), Department of Utilities

**Attachments:**

- 1-Description/Analysis
- 2-Ordinance, Clean
- 3-Ordinance, Redline

**Additional Description/Analysis**

**Issue Detail:** The City maintains floodplain management regulations to comply with the Federal Emergency Management Agency (FEMA)'s National Flood Insurance Program (NFIP). Being part of the NFIP and complying with the regulations specified in the City Code allows residents and businesses to obtain affordable flood insurance and emergency funding from FEMA. The City also participates in FEMA's Community Rating System (CRS) program, which allows a 35% reduction in flood insurance costs to residents and businesses with the City's current CRS Class 3 rating. The City must comply with higher floodplain standards than required by the NFIP to maintain this Class 3 rating. The proposed ordinance revisions include various revisions to Chapter 15.104 of the City Code to make the City's floodplain management regulations consistent with the NFIP requirements

and CRS program.

**Policy Considerations:** The 2035 General Plan includes the following goals and policies related to flood protection:

**GOAL EC 2.1 Flood Protection.** Protect life and property from flooding.

**EC 2.1.8 Floodplain Requirements.** The City shall regulate development within floodplains in accordance with State and Federal requirements and maintain the City's eligibility under the National Flood Insurance Program.

**EC 2.1.9 Community Rating System.** The City shall maintain eligibility in FEMA's Community Rating System program, which gives property owners discounts on flood insurance.

**EC 2.1.12 New Development Design.** The City shall require new development located within a special (100-year) flood hazard area to be designed to minimize the risk of damage in the event of a flood.

**Economic Impacts:** Not Applicable.

**Environmental Considerations:** The Community Development Department, Environmental Planning Services has reviewed the proposed amendments to the City's flood plain management regulations and has determined that the project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308. Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

**Sustainability:** The project is consistent with the City's Sustainability Master Plan in advancing the goal of exceptional flood protection.

**Commission/Committee Action:** The Law and Legislation Committee will review this item on September 19<sup>th</sup>, 2023.

**Rationale for Recommendation:** The majority of the proposed ordinance revisions are administrative changes and corrections that will ensure compliance with the NFIP and CRS program.

**Financial Considerations:** Not Applicable.

**Local Business Enterprise (LBE):** None.

## Background

The proposed ordinance revisions include a number of revisions to Chapter 15.104 of the City Code to make the City's floodplain management regulations consistent with the NFIP requirements and CRS program.

### The key ordinance additions include:

- Definitions missing from previous City Code revisions; Adds definitions of "alteration of watercourse" and "encroachment," and makes clear an accessory structure within the meaning of the regulations refers to a *detached* structure, and updates references to FEMA bulletin numbers.
- Added flood hazard reduction requirements. Specifies information that must be based on civil and land surveyor engineer work and hardens a requirement that accessory structures must not result in increase in base flood elevation by more than 1 foot and removes the local administrator's discretion to otherwise allow improvements if the administrator determines any resulting increase in flood levels would be "negligible."

### The key ordinance revisions include:

- Revision to statement of purpose, minor edits to the recitation of the exercise of police power to protect health, safety, and welfare; benefits of floodplain regulation; and statement that regulation is required to participate in the National Flood Insurance Program.
- Revision to flood hazard administration/evaluation. Makes changes to description of information required from applicants; hardens the requirement that development must not result in flooding of another structure or increase the base flood elevation by more than 1 foot; adds a permanent record retention requirement.
- Revision to zone A99 regulations. Deletes out of date and unnecessary references to the number of residents and a dollar amount of property subject to damage.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 15.104 OF THE SACRAMENTO CITY CODE, RELATING TO FLOODPLAIN MANAGEMENT**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

A. Section 15.104.010 of the Sacramento City Code is hereby amended as follows:

1. Subsection A is amended to read as follows:

A. Statement of Purpose. This chapter promotes the public health, safety, and general welfare, and minimizes public and private losses due to flood conditions. This chapter regulates development which is or might be dangerous to health, safety and property by requiring, at the time of initial development or substantial improvement, methods of protection against flood damage in areas vulnerable to flooding. This chapter regulates developmental impacts, including filling; grading; erosion; barriers; alteration of natural flood plains, stream channels, or water courses; and any other impacts that aggravate or cause flood hazards.

2. Subsection B.1 is amended to read as follows:

1. Certain areas of the city are subject to periodic flooding which may result 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.

3. Subsection B.2 is amended to read as follows:

2. These potential flood losses are aggravated by the cumulative effect of development in special flood hazard areas (as defined in section 15.104.020), which increase flood heights and velocities. Development that is inadequately floodproofed, elevated, or otherwise protected from flood damage also contributes to the flood loss and if inadequately anchored can cause damage in other areas.

4. Subsection B.3.f is amended to read as follows:

f. Help maintain a stable tax base by providing for the use and development of special flood hazard areas.

5. Subsection B.4 is amended to read as follows:

4. The National Flood Insurance Program (NFIP) is a federal program managed by FEMA that enables property owners, renters, and businesses in the cities and communities that participate in the program to purchase flood insurance from the federal government through a network of insurance companies. Insurance provides protection against losses caused by flooding. Because the city participates in the NFIP, federal regulations require the city to protect federally-financed investments in established Special Flood Hazard Areas of the city. This type of insurance is generally unavailable from private sector insurance companies and confers a substantial and significant benefit to the residents in the city.

Participation in the NFIP provides the city with federal assistance, including federal grants, loans or guarantees made by federal agencies such as the Small Business Administration, Federal Housing Administration, and the Veterans Administration. It also qualifies the city's residents for emergency federal relief after a flood disaster, such as the temporary housing program. Flood insurance is also required by certain private lenders pursuant to federal rules and regulations. The ability to refinance mortgages may also be affected by the city's participation in the NFIP. To participate in the NFIP, the city must enact an ordinance that includes effective enforcement provisions and meets the minimum federal floodplain management criteria prescribed in Part 60 of Subchapter B of Title 44 of the Code of Federal Regulations, and this chapter is intended to do so.

B. Except as amended in subsection A above, all provisions of section 15.104.010 remain unchanged and in full effect.

## **SECTION 2.**

A. Section 15.104.020 of the Sacramento City Code is hereby amended as follows:

1. The definition of "accessory structure" is amended to read as follows:

"Accessory structure" means a detached structure that is either: a garage or other structure constructed solely for the parking of not more than two cars; or a small shed for limited storage that does not require a building permit.

2. A definition of "alteration of watercourse" is added to read as follows:

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, change in cross-sectional area of the channel or the channel capacity, or any other form of modification that may alter, impede, retard, or change the direction or velocity of the riverine flow of water during conditions of the base flood.

3. A definition of “encroachment” is added to read as follows:

“Encroachment” means excavating, or the placement of fill, buildings, permanent structures, or other development in a flood hazard area that may impede or alter the flow capacity of riverine flood hazard areas.

4. The definition of “floodproofing” is amended to read as follows:

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate, improved real property, water and sanitary facilities, or structures, and their contents. Guidelines on dry and wet floodproofing are provided by FEMA NFIP Technical Bulletin 3.

B. Except as amended in subsection A above, all provisions of section 15.104.020 remain unchanged and in full effect.

### **SECTION 3.**

A. Section 15.104.040 of the Sacramento City Code is hereby amended as follows:

1. Subsection A is amended to read as follows:

A. Flood Hazard Evaluation. Before beginning construction of any structure or development (including substantial improvement) of any property within any special flood hazard area, the owner of the property or the owner’s authorized agent shall apply to the local administrator for a flood hazard evaluation. Application for flood hazard evaluation shall include, but not be limited to, the following: plans drawn to scale showing the nature, location, dimensions, and elevation of the area in question; and the location and dimensions of all existing or proposed structures, fill, storage of materials, and drainage facilities. The local administrator may require the application to be submitted on forms furnished by the local administrator. The following information must be included in the application:

1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2. In zone AO or A, elevation of highest adjacent grade;

3. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
4. All appropriate certifications and permits;
5. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
6. Certifications from the applicant's California-licensed civil engineer:
  - a. That the requirements of this chapter have been satisfied;
  - b. That all required state and federal permits have been obtained;
  - c. That the site, subdivision, or other proposed development is reasonably safe from flooding; and
  - d. That the proposed construction or development (including substantial improvements) will not result in any flooding of an existing or proposed structure or cumulative increase to the BFE by more than one foot during the occurrence of a base flood.

2. Subsection B is hereby amended to read as follows:

B. Notwithstanding any other limitation on the period required for retention of public records, the local administrator shall maintain, permanently keep, and make available for public inspection in accordance with the California Public Records Act all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood provisions of the building codes.

3. Subsection G is hereby added to read as follows:

G. An applicant who submits hydrologic and hydraulic engineering analyses to support a permit application shall submit to FEMA (within 6 months of such data becoming available) the data and information necessary to maintain the Flood Insurance Rate Maps, when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations.

4. Section H is hereby added to read as follows:

H. The local administrator shall require that all new subdivision proposals and other development proposals (including for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, include base flood elevation data.

B. Except as amended in subsection A above, all provisions of section 15.104.040 remain unchanged and in full effect.

#### **SECTION 4.**

A. Section 15.104.050 of the Sacramento City Code is hereby amended as follows:

1. Subsection A.3.a is amended to read as follows:

a. New construction and substantial improvement of any structure in zones A, AH, and AE shall have the lowest floor, including basement, elevated one foot above the base flood elevation specified in feet on the FIRM. In flood zone A, the local administrator shall require the applicant to include base flood elevation data prepared and sealed by a California-licensed civil engineer in accordance with currently accepted engineering practices. Studies, analyses, and computations must be submitted in sufficient detail to allow review and approval by the local administrator. The applicant is responsible for the accuracy of data submitted for such determination. Nonresidential structures may meet the standards in subsection A.3.d of this section.

2. Subsection A.3.c is amended to read as follows:

c. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a California-licensed land surveyor or civil engineer to be properly elevated. Such certification shall be provided to the local administrator.

3. Subsection A.3.d.iii is amended to read as follows:



iii. Be certified by a California-licensed civil engineer to be in compliance with the standards of this subsection. Such certification shall be provided to the local administrator.

4. Subsection A.3.e.i is amended to read as follows:

i. Be certified by a California- licensed civil engineer; or

5. Subsection A.3.i.ii.A.5 is amended to read as follows:

(5) The accessory structure must not result in structure flooding (existing or proposed) or cumulative increase to the BFE by more than 1 foot during the occurrence of the base flood as provided in section 15.104.040 A.5.d.

6. Subsection E.1 is amended to read as follows:

1. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development, unless a California-licensed civil engineer certifies that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Except as amended in subsection A above, all provisions of section 15.104.050 remain unchanged and in full effect.

## **SECTION 5.**

A. Subsection 9 of section 15.104.065 of the Sacramento City Code is hereby amended to read as follows:

9. Flooding can result in property damage, loss of life, health and safety hazards, and 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. Except as amended in subsection A above, all provisions of section 15.104.065 remain unchanged and in full effect.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 15.104 OF THE SACRAMENTO CITY CODE, RELATING TO FLOODPLAIN MANAGEMENT**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

A. Section 15.104.010 of the Sacramento City Code is hereby amended as follows:

1. Subsection A is amended to read as follows:

A. Statement of Purpose. This chapter ~~is designed to~~ promote<sub>s</sub> the public health, safety, and general welfare, and ~~to~~ minimize<sub>s</sub> public and private losses due to flood conditions ~~in specific areas~~. This chapter regulates development which is or might be dangerous to health, safety and property by requiring<sub>s</sub> at the time of initial development or substantial improvement<sub>s</sub> methods of protection against flood damage in areas vulnerable to flooding ~~in order to minimize flood damage~~. This chapter regulates ~~the following~~ developmental impacts, including filling; grading; erosion; barriers; alteration of natural flood plains, stream channels<sub>s</sub> or water courses; ~~the imposition of barriers which increase flood hazards,~~ and/or any other impacts that aggravate or cause flood hazards.

2. Subsection B.1 is amended to read as follows:

1. Certain ~~flood hazard~~ areas of the city are subject to periodic flooding which may result 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<sub>s</sub> and general welfare.

3. Subsection B.2 is amended to read as follows:

2. These potential flood losses are aggravated by the cumulative effect of ~~obstructions~~ development in special flood hazard areas (as defined in sSection 15.104.020), which increase flood heights and velocities. ~~Uses~~ Development that ~~are~~ is inadequately floodproofed, elevated<sub>s</sub> or otherwise protected from flood damage also

contributes to the flood loss and if inadequately anchored, can cause damage ~~uses~~ in other areas.

4. Subsection B.3.f is amended to read as follows:

f. Help maintain a stable tax base by providing for the use and development of special flood hazard areas ~~so as to minimize future flood blight areas.~~

5. Subsection B.4 is amended to read as follows:

4. The National Flood Insurance Program (NFIP) is a federal program enabling managed by FEMA that enables property owners, renters, and businesses in the cities and communities that participate in the program to purchase flood insurance from the federal government. ~~Such insurance enables persons owning or buying property in areas identified as flood-prone areas to insure against losses caused by flooding through a network of insurance companies. Insurance provides protection against losses caused by flooding. Because the city participates in the NFIP, federal regulations require the city to protect federally-financed investments in established Special Flood Hazard Areas of the city.~~ This type of insurance is generally unavailable from private sector insurance companies and confers a substantial and significant benefit to the residents in the city.

~~The city's participation in the NFIP is essential for its residents to be eligible to receive the benefits of the NFIP. This eligibility entitles the city's property owners to purchase flood insurance that is federally required, by federal rules and regulations, to protect federally financed investments such as investments using federal assistance for acquisition or construction in established flood-prone areas of the city. This assistance includes Participation in the NFIP provides the city with federal assistance, including federal grants, loans or guarantees made by federal agencies such as the Small Business Administration, Federal Housing Administration, and the Veterans Administration. It also qualifies the city's residents for emergency federal relief after a flood disaster, such as the temporary housing program.~~ Flood insurance is also required by certain private lenders pursuant to federal rules and regulations. The ability to refinance mortgages may also be affected by the city's participation in the NFIP. ~~Participation in order for the city to To participate~~ in the NFIP ~~also qualifies the city's residents for emergency relief that may be provided by the federal government after a flood disaster, such as the temporary housing program.~~

~~—A prerequisite to the property owners and residents in this city being eligible to receive the benefits of the NFIP is the city's compliance with federal regulations which require the city, as well as other communities participating in the NFIP, to implement and maintain specified flood plain management regulations that include effective enforcement provisions.~~

~~—In order to continue this city's eligibility under the NFIP, it is necessary to the city must~~ enact an ordinance which that includes effective enforcement provisions and

meets the minimum federal floodplain management criteria prescribed in Part 60 of Subchapter B of Title 44 of the Code of Federal Regulations, and this chapter is intended to do so.

B. Except as amended in subsection A above, all provisions of section 15.104.010 remain unchanged and in full effect.

## **SECTION 2.**

A. Section 15.104.020 of the Sacramento City Code is hereby amended as follows:

1. The definition of “accessory structure” is amended to read as follows:

“Accessory structure” means a detached structure that is either: a garage or other structure constructed solely for the parking of not more than two cars; or a small shed for limited storage that does not require a building permit.

2. A definition of “alteration of watercourse” is added to read as follows:

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, change in cross-sectional area of the channel or the channel capacity, or any other form of modification that may alter, impede, retard, or change the direction or velocity of the riverine flow of water during conditions of the base flood.

3. A definition of “encroachment” is added to read as follows:

“Encroachment” means excavating, or the placement of fill, buildings, permanent structures, or other development in a flood hazard area that may impede or alter the flow capacity of riverine flood hazard areas.

4. The definition of “floodproofing” is amended to read as follows:

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate, ~~or~~ improved real property, water and sanitary facilities, or structures, and their contents. Guidelines on dry and wet floodproofing are provided by FEMA NFIP Technical Bulletins TB 1-93, TB Bulletin 3-93, and TB 7-93.

B. Except as amended in subsection A above, all provisions of section 15.104.020 remain unchanged and in full effect.

**SECTION 3.**

A. Section 15.104.040 of the Sacramento City Code is hereby amended as follows:

1. Subsection A is amended to read as follows:

A. Flood Hazard Evaluation. Before beginning construction of any structure or development (including substantial improvement) of any property within any special flood hazard area, the owner of the property or the owner's authorized agent shall apply to the local administrator for a flood hazard evaluation. Application for flood hazard evaluation shall include, but not be limited to, the following: plans ~~in duplicate~~ drawn to scale showing the nature, location, dimensions, and elevation of the area in question; and the location and dimensions of all existing or proposed structures, fill, storage of materials, and drainage facilities. The local administrator may require the application to be submitted on forms furnished by the local administrator. The following information ~~shall~~ must be included in the application ~~submitted~~:

1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; ~~in zone AO or A elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;~~

2. In zone AO or A, elevation of highest adjacent grade;

~~2.3.~~ Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

~~3.4.~~ All appropriate certifications and ~~or~~ permits;

~~4.5.~~ Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and

~~5.6.~~ The following Ccertifications from the ~~applicant's registered engineer~~ applicant's California-licensed civil engineer:

- a. That the requirements of this chapter have been satisfied;
- b. That all required state and federal permits have been obtained;
- c. That the site, subdivision, or other proposed development is reasonably safe from flooding; and

d. That the proposed construction or development (including substantial improvements) ~~shall will~~ not result in any ~~increase in flood levels during the occurrence of the base flood; provided that for construction or development located within a special flood hazard area but outside of any floodway designated on any FIRM, the local administrator may waive this requirement for specified encroachments if the local administrator determines that any increase in flood levels resulting from such encroachments will be negligible, flooding of an existing or proposed structure flooding (existing or proposed) or cumulative increase to the BFE by more than one foot during the occurrence of a base flood.~~

2. Subsection B is hereby amended to read as follows:

~~B. B.—The local administrator shall maintain all certifications provided under this chapter, as well as the elevation certification required in Section 16.40.350 of this code (subdivision standards), for a reasonable period of time for public inspection. Notwithstanding any other limitation on the period required for retention of public records, the local administrator shall maintain, permanently keep, and make available for public inspection in accordance with the California Public Records Act all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.~~

3. Subsection G is hereby added to read as follows:

~~G. An applicant who submits hydrologic and hydraulic engineering analyses to support a permit applications shall submit to FEMA (within 6 months of such data becoming available) the data and information necessary to maintain the Flood Insurance Rate Maps, when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations.~~

4. Section H is hereby added to read as follows:

~~H. The local administrator shall require that all new subdivision proposals and other developments proposals (including for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, include base flood elevation data.~~

B. Except as amended in subsection A above, all provisions of section 15.104.040 remain unchanged and in full effect.

#### **SECTION 4.**

A. Section 15.104.050 of the Sacramento City Code is hereby amended as follows:

1. Subsection A.3.a is amended to read as follows:

a. New construction and substantial improvement of any structure in zones A, AH, and AE shall have the lowest floor, including basement, elevated one foot above the base flood elevation specified in feet on the FIRM. ~~(the local administrator shall determine the base flood elevation in zone A). Nonresidential structures may meet the standards in subsection (A)(3)(d) of this section.~~ In flood zone A, the local administrator shall require the applicant to include base flood elevation data prepared and sealed by a qualified California-licensed civil engineer in accordance with currently accepted engineering practices. Studies, analyses, and computations must be submitted in sufficient detail to allow review and approval by the local administrator. The applicant is responsible for the accuracy of data submitted for such determination. Nonresidential structures may meet the standards in subsection A.3.d of this section.

2. Subsection A.3.c is amended to read as follows:

c. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a ~~qualified registered professional engineer~~ California-licensed land surveyor or ~~land surveyor~~ civil engineer to be properly elevated. Such certification shall be provided to the local administrator.

3. Subsection A.3.d.iii is amended to read as follows:

iii. Be certified by a ~~qualified registered professional engineer or licensed architect~~ California-licensed civil engineer to be in compliance with the standards of this subsection. Such certification shall be provided to the local administrator.

4. Subsection A.3.e.i is amended to read as follows:

i. Be certified by a ~~qualified registered professional engineer~~ California-licensed civil engineer; or

5. Subsection A.3.i.ii.A.5 is amended to read as follows:

(5) The accessory structure must not result in ~~any structure flooding (existing or proposed) or cumulative~~ increase in flood levels to the BFE by more than 1 foot

during the occurrence of the base flood ~~, unless the local administrator determines that any increase in flood levels will be negligible~~ as provided in ~~S~~section 15.104.040 ~~(A)(5)(d.); and~~

6. Subsection E.1 is amended to read as follows:

1. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development, unless a California-licensed civil engineer certification by a registered professional engineer is provided demonstrating certifies that encroachments ~~shall~~will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Except as amended in subsection A above, all provisions of section 15.104.050 remain unchanged and in full effect.

## **SECTION 5.**

A. Subsection 9 of section 15.104.065 of the Sacramento City Code is hereby amended to read as follows:

~~—9.— There are over one hundred thousand (100,000) residents in the Natomas Basin and approximately seven billion dollars (\$7,000,000,000.00) worth of damageable property.~~—9. Flooding can result in property damage, loss of life, health and safety hazards, and 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. Except as amended in subsection A above, all provisions of section 15.104.065 remain unchanged and in full effect.