



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: February 19, 2019

Agenda Item 9A

Approvals:

City Manager _____

Dept. Head OB

Attorney _____

Finance [Signature]

Department: Public Works
Prepared By: Zak Ponsen, Senior Civil Engineer ZP

Subject: ***ADOPT ORDINANCE TO AMEND MUNICIPAL CODE CHAPTER 15.76 REGARDING FLOODPLAIN MANAGEMENT REGULATIONS.***

Fiscal Impact: None. There is no direct fiscal impact to the City as the cost of floodplain management and insurance is borne by permit applicants.

Summary: A proposed ordinance to amend Chapter 15.76 of the San Clemente Municipal Code by updating various sections of the existing code in order to meet the minimum requirements of the National Flood Insurance Program.

Discussion: The National Flood Insurance Program (NFIP) is based on an agreement between the federal government and participating communities that have been identified as flood prone. The Federal Emergency Management Agency (FEMA), through the Federal Insurance Administration, makes flood insurance available to the residents of a participating community, provided the community adopts and enforces flood plain management regulations that meet the minimum NFIP requirements. Currently more than 21,000 communities across the country participate in the NFIP.

A community assistance visit was conducted when FEMA staff met with City staff to review the City's NFIP and assess the City's enforcement of the local floodplain management ordinance. FEMA's analysis of our existing floodplain management ordinance found some potential deficiencies in the existing ordinance where it does not meet the minimum requirements for the NFIP.

The City's floodplain management ordinance regulations are contained in Chapter 15.76 of the City's Municipal Code. This code section was last revised on September 2, 2002 through Ordinance 1265. The purpose of this new ordinance is to update several sections of the code to meet the minimum NFIP requirements pursuant to Title 44, Code of Federal Regulations, Sections 59, 60.3-60.6, and 65.3. A proposed ordinance is attached to amend the relevant portion of the Municipal Code.

Recommended

Action: STAFF RECOMMENDS THAT the City Council, introduce Ordinance No. _____ titled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 15.76 TO UPDATE THE FLOODPLAIN MANAGEMENT CODE TO MEET THE MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM."

Attachment: Proposed Ordinance.

Notification: None.

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ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN CLEMENTE, CALIFORNIA,
AMENDING MUNICIPAL CODE CHAPTER 15.76 TO
UPDATE THE FLOODPLAIN MANAGEMENT CODE
TO MEET THE MINIMUM REQUIREMENTS OF THE
NATIONAL FLOOD INSURANCE PROGRAM**

WHEREAS, the State of California has Government Code Sections 65302, 65560, and 65800 which require the City to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City is in an existing agreement with the federal government and the Municipal Code contains required regulations in order to satisfy floodplain management which is required to be in accordance with the National Flood Insurance Program; and

WHEREAS, Chapter 15.76 of the San Clemente Municipal Code regulates the floodplain management requirements within the City; and

WHEREAS, updates are needed to Chapter 15.76 of the San Clemente Municipal Code in order meet the minimum requirements of the National Flood Insurance Program.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

Section 1: The definition of "Area of shallow flooding" within Section 15.76.050 of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

"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."

Section 2: The definition of "Existing manufactured home park or subdivision" within Section 15.76.050 of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

"means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of

concrete pads) is completed before November 26, 1979 when the first City of San Clemente floodplain ordinance was adopted.”

Section 3: The definition of “New construction” within Section 15.76.050 of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

“means, for floodplain management purposes, structures for which the “start of construction” commenced on or after November 26, 1979 when the first City of San Clemente floodplain ordinance was adopted, and includes any subsequent improvements to such structures.”

Section 4: The definition of “New manufactured home park or subdivision” within Section 15.76.050 of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

“means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 26, 1979 when the first City of San Clemente floodplain ordinance was adopted.”

Section 5: The definition of “Special flood hazard area (SFHA)” within Section 15.76.050 of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

“means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.”

Section 6: Section 15.76.140(A) of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

- A. Permit Review.** Review all development permits to determine that:
1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
 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 not increase the water surface elevation of the base flood more than one (1) foot at any point within the City; and
5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letter's of Map Revisions (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition."

Section 7: Section 15.76.140(C) of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

"C. Notification of other agencies.

1. Alteration or relocation of a watercourse:
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
 - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations:
 - a. 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).
 - b. 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 Letter's of Map Revisions (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate/city boundaries:

Notify FEMA in writing whenever the corporate/city boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate/city limits."

Section 8: Section 15.76.160(B)(4) of the Municipal Code of the City of San Clemente is hereby replaced in its entirety to read as follows:

"Require within Zones AH or AO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures."

Section 9: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, 2018, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, 2018.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY