File #: 22-491 **MEETING DATE:** 6/28/2022

PLANNING COMMISSION STAFF REPORT

TO: **Planning Commission**
FROM: **Ursula Luna-Reynosa, Director of Community Development**
BY: **Tess Nguyen, Associate Planner**

SUBJECT:
ZONING TEXT AMENDMENT NO. 22-003 (FLOOD ORDINANCE REVISIONS)

REQUEST:

To amend Chapter 222 (Floodplain Overlay District) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to bring it into compliance with the Federal Emergency Management Agency (FEMA) requirements.

LOCATION:

Citywide

APPLICANT:

City of Huntington Beach

PROPERTY OWNER:

Various

BUSINESS OWNER:

Not applicable.

STATEMENT OF ISSUE:

1. Does the project satisfy all the findings required for approval of a Zoning Text Amendment?

2. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

A) Find that Zoning Text Amendment (ZTA) No. 22-003 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to a zoning ordinance that does not change the

development standards density, intensity or authorize any physical development.

B) Recommend approval of Zoning Text Amendment No. 22-003 with findings (Attachment No. 1) by approving draft City Council Ordinance No. 4258 and forward to the City Council for consideration.

ALTERNATIVE ACTION(S):

A) Do not recommend approval of Zoning Text Amendment No. 22-003 to the City Council.

B) Continue Zoning Text Amendment No. 22-003 and direct staff accordingly.

Continuation of the request will prohibit the City from meeting FEMA's August 15, 2022 deadline for the ordinance effective date. Denial of the request will jeopardize the City's standing with the National Flood Insurance Program (NFIP).

PROJECT PROPOSAL:

Zoning Text Amendment No. 22-003 is a request to amend Chapter 222 of the Huntington Beach Zoning and Subdivision Ordinance to bring it into compliance with current FEMA requirements. The amendments include:

- Requiring electrical, ventilation, plumbing and air conditioning equipment and other service facilities to be located one foot above the base flood elevation (Section 222.14.A(3)(c));
- Requiring all manufactured homes to be elevated to have the lowest floor one foot above the base flood elevation (Section 222.14.A(5)(b);
- Requiring all new construction and substantial improvements within the FP3 Subdistrict to be elevated one foot above the base flood elevation (Section 222.14.C(3).

Background:

The City has participated in the NFIP since 1983. FEMA conducts an audit of the City's floodplain management program every three to five years to make sure the City is meeting current NFIP requirements. The most recent audit was February 2022. One of the outcomes of the audit was a requirement to revise the flood ordinance as noted above.

The City is currently a Class 7 in the NFIP Community Rating System. Properties within the Special Flood Hazard Areas (SFHA) qualify for a 15 percent discount on flood insurance premiums for NFIP policies. If the City does not bring HBZSO Chapter 222 into compliance with current FEMA requirements, the City's standing will be a Class 9 in the NFIP Community Rating System. Properties within the SFHA will only qualify for a 5 percent discount on flood insurance premiums for NFIP policies.

ISSUES AND ANALYSIS:

Zoning Text Amendment No. 22-003 is applicable to all properties in the City that are in the flood zone.

General Plan Conformance:
The Zoning Text Amendment is consistent with the Natural and Environmental Hazards Element policy of the General Plan as follows:

Policy HAZ-3A - Establish and maintain local flood prevention standards and practices that adequately protect public and private development and resources within the planning area.

The Zoning Text Amendment will bring the City's flood ordinance into compliance with FEMA requirements with the ultimate goal of increasing flood protection and minimizing risk of loss.

Zoning Compliance:
Not applicable.

Urban Design Guidelines Conformance:
Not applicable.

Environmental Status:
ZTA No. 22-003 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, with supplements the California Environmental Quality Act because the request is a minor amendment to a zoning ordinance that does not change the development standards density, intensity or authorize any physical development.

Coastal Status:
The proposed amendment will be combined with other minor amendments that will be forwarded to the California Coastal Commission as a minor Local Coastal Program Amendment for certification.

***Design Review Board*:**
Not applicable.

Other Departments Concerns and Requirements:
The proposed amendments to the City's existing ordinance were prepared with input from the City Attorney's Office. The amendments do not affect the operations or services of other city departments.

Public Notification:
Legal notice was published in the Huntington Beach Wave on June 16, 2022 and notices were sent to individuals and organizations requesting notification (Planning Division's Notification Matrix). As of June 14, 2022, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
Not applicable	Legislative Action - Not applicable

SUMMARY:
Staff is recommending approval of ZTA No. 22-003 based on the following reasons:

1. It is consistent with the general land uses and policy of the General Plan.

2. It will bring the city's flood ordinance into compliance with current FEMA requirements to increase flood protection and minimize loss.

ATTACHMENTS:

1. Suggested Findings of Approval - ZTA No. 22-003
2. Draft City Council Ordinance No. 4258
3. ZTA No. 22-003 Legislative Draft

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