



Legislation Details (With Text)

**File #:** 22-583      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 6/29/2022      **In control:** City Council/Public Financing Authority

**On agenda:** 8/2/2022      **Final action:**

**Title:** Approve for introduction Ordinance No. 4258 approving Zoning Text Amendment No. 22-003 to Chapter 222 (Floodplain Overlay District) of the Huntington Beach Zoning and Subdivision Ordinance

**Attachments:** 1. Att # 1 Suggested Findings of Approval - ZTA No. 22-003, 2. Att # 2 City Council Ordinance No. 4258, 3. Att # 3 ZTA No. 22-003 Legislative Draft, 4. Att # 4 June 28, 2022 Planning Commission Staff Report, 5. Att # 5 PowerPoint Presentation

Date	Ver.	Action By	Action	Result
8/2/2022	1	City Council/Public Financing Authority	adopted	Pass

**REQUEST FOR CITY COUNCIL ACTION**

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Al Zelinka, City Manager

**VIA:** Ursula Luna-Reynosa, Director of Community Development

**PREPARED BY:** Tess Nguyen, Associate Planner

**Subject:**

**Approve for introduction Ordinance No. 4258 approving Zoning Text Amendment No. 22-003 to Chapter 222 (Floodplain Overlay District) of the Huntington Beach Zoning and Subdivision Ordinance**

**Statement of Issue:**

The proposed Zoning Text Amendment (ZTA) would amend Chapter 222 (Floodplain Overlay District) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to bring it into compliance with Federal Emergency Management Agency (FEMA) requirements. On June 28, 2022, the Planning Commission held a public hearing to consider the proposed ZTA, and the Planning Commission and staff recommend approval.

**Financial Impact:**

Not applicable.

**Recommended Action:**

A) Find the Zoning Text Amendment No. 22-003 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 or intensity and does not authorize any physical development; and,

- B) Approve Zoning Text Amendment No. 22-003 with findings per Attachment No. 1; and,
- C) Approve for introduction Ordinance No. 4258, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 222 of the Huntington Beach Zoning and Subdivision Ordinance Relating to the Floodplain Overlay District (FP1, FP2, FP3) (Zoning Text Amendment No. 22-003).” (Attachment No. 2)

**Alternative Action(s):**

- A) Deny Zoning Text Amendment No. 22-003; or
- B) Continue Zoning Text Amendment No. 22-003, and direct staff accordingly.

Continuation of the request will preclude 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).

**Analysis:**

A. PROJECT PROPOSAL:

Applicant: City of Huntington Beach

Zoning Text Amendment No. 22-003 is a request to amend Chapter 222 of the HBZSO 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)); and
- 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)).

B. BACKGROUND:

The City has participated in the National Flood Insurance Program since 1983, and FEMA conducts an audit of the City’s floodplain management program every three to five years to make sure the City is meeting the most current NFIP requirements. The most recent audit was conducted on February 2022, and one of the outcomes 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, and properties within the SFHA will only qualify for a 5 percent discount on flood insurance premiums for NFIP policies.

**C. PLANNING COMMISSION MEETING AND RECOMMENDATION:**

On June 28, 2022, the Planning Commission held a public hearing on ZTA No. 22-003. There were no speakers at the public hearing and no written comments received. At the public hearing, the Planning Commission asked about the following topics:

- substantial improvements definition
- base flood elevation definition and determination
- implications of non-compliance with current FEMA requirements

**Planning Commission Action on June 28, 2022:**

A motion was made by Perkins, seconded by Rodriguez, to recommend to the City Council approval of ZTA No. 22-003 carried by the following vote:

AYES: Acosta-Galvan, Mandic, Perkins, Ray, Rodriguez, Scandura  
NOES: None  
ABSTAIN: None  
ABSENT: Adam

**MOTION PASSED**

**D. STAFF ANALYSIS:**

The June 28, 2022 Planning Commission staff report provides a more detailed description and analysis of the proposed ZTA (Attachment No. 4).

**E. SUMMARY:**

Staff and the Planning Commission recommend approval of the ZTA based on the following reasons:

1. It is consistent with the general land uses and policy HAZ-3A 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.

**Environmental Status:**

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 or intensity and does not authorize any physical development.

**Strategic Plan Goal:**

Economic Development & Housing

**Attachment(s):**

1. Suggested Findings of Approval - ZTA No. 22-003
2. City Council Ordinance No. 4258
3. ZTA No. 22-003 Legislative Draft
4. June 28, 2022 Planning Commission Staff Report
5. PowerPoint Presentation