



CITY COUNCIL AGENDA STATEMENT



November 19, 2019

File ID: 19-0385

TITLE

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING MUNICIPAL CODE CHAPTER 14.18, FLOODPLAIN REGULATIONS, TO INCORPORATE VARIOUS ADMINISTRATIVE REVISIONS NECESSARY FOR THE CITY TO REMAIN IN COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS AND REMAIN IN THE NATIONAL FLOOD INSURANCE PROGRAM (FIRST READING)

RECOMMENDED ACTION

Council place the ordinance on first reading.

SUMMARY

The City's Floodplain Regulations, Chapter 14.18 of the Municipal Code, requires revisions necessary to meet the minimum requirements of the Federal Emergency Management Agency allowing the City to remain in the National Flood Insurance Program.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary. Future development proposals subject to the proposed regulations will be subject to environmental review pursuant to the provisions of CEQA.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable

DISCUSSION

The City's original Floodplain Regulations (Municipal Code Chapter 18.54) were adopted by City Council on November 14, 1978. Ordinance 1842 amended the Chula Vista Flood Management Program of 1970, bringing it into compliance with the National Flood Insurance Program (NFIP) Rules and Regulations of that time. Since then, the City adopted several Ordinances to update the Floodplain Regulations in order to remain in compliance with the NFIP. On December 11, 2007, Ordinance 3097 recodified the Floodplain Regulations to Municipal Code Chapter 14.18.

On June 20, 2019, the City received notification from the Federal Emergency Management Agency (FEMA) that amendments to the City's Floodplain Regulations are necessary to remain in compliance with the Code of Federal Regulations (CFR) Chapter 60.3(d and e) which allows the City to remain in the NFIP. Staff from the Federal Insurance and Mitigation Administration of FEMA provided City staff with a list of administrative edits to the City's Floodplain Regulations (Attachment 2) that if adopted, would satisfy the requirements of CFR Chapter 60.3 (d and e). The City Attorney's office reviewed the administrative edits and approved the revisions to Municipal Code Chapter 18.54.

On September 16, 2019, the City received a follow-up notification from FEMA that a new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for our community and will become effective on December 20, 2019. The statutory 90-day appeal period was initiated on November 1, 2017 when FEMA published a notice of proposed Flood Hazard Determinations affecting the FIRM for the community in the San Diego Union Tribune and The Star-News. Per Floodplain Regulations - Chapter 14.18.030, all subsequent amendments to the FIS and FIRM are hereby adopted by reference and declared to be part of this title; therefore, no additional action is needed.

City staff recommends that Council adopt the resolution approving changes to the City's Floodplain Regulations and placing the ordinance on first reading.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decisionmaker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There will be no direct fiscal impact to the General Fund due to this ordinance amendment.

ONGOING FISCAL IMPACT

There will be no ongoing fiscal impact to the General Fund due to this ordinance amendment.

ATTACHMENTS

1. FEMA Letter – dated June 20, 2019
2. Updated Municipal Code 14.18
3. FEMA Letter – dated September 16, 2019

Staff Contact: Patrick C Moneda – Senior Civil Engineer