



## Legislation Text

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**File #:** 21-0079, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Carrie Tai, AICP, Acting Public Works Director  
Prem Kumar, City Engineer

**SUBJECT:**

Consideration of Introducing an Ordinance Amending Manhattan Beach Municipal Code Chapter 9.78 - Flood Plain Management Regulations - Areas of Special Flood Hazards (Acting Public Works Director Tai).

**INTRODUCE ORDINANCE NO. 21-0003**

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**RECOMMENDATION:**

Staff recommends that the City Council introduce Ordinance No. 21-0003, amending Chapter 9.78 (Flood Plain Management Regulations - Areas of Special Flood Hazards) of the Manhattan Beach Municipal Code (MBMC) to remain in compliance with the National Flood Insurance Program (NFIP).

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

The NFIP plays a major role in efforts to reduce flood losses to property. Congress established the NFIP with the passage of the National Flood Insurance Act of 1968. Flood hazards are mapped by the Federal Emergency Management Agency (FEMA) commonly on a Flood Insurance Rate Map (FIRM). A FIRM is a product of the Flood Insurance Study (FIS), which is periodically performed by FEMA resulting in flood hazard determinations (FHDs). FEMA recently modified the FHDs affecting the FIRM and FIS in Los Angeles (LA) County. These modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234). The final FHDs will be published in the Federal Register. As a condition of continued eligibility in the NFIP, each local jurisdiction must adopt or show evidence of prior adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the NFIP regulations.

The Public Works Director is designated as the Floodplain Administrator for the City of Manhattan Beach in accordance with MBMC Section 9.78.050. The City's first Flood Plain Management Ordinance, codified in MBMC Chapter 9.78, was adopted by the City in August 2006 as Ordinance No. 2087. FEMA has reviewed Chapter 9.78 and determined that minor but important changes are necessary in order to remain in compliance with the NFIP.

## **DISCUSSION:**

All communities along the Pacific Ocean were included in the 2017 FEMA Open Pacific Coast Study. As a result of this Study, a new Community Number and Suffix Code associated with FIRM Panels have been designated for each community. The new FIRM and FIS report containing the flood hazard data for all affected communities are now available digitally on the FEMA Flood Map Service Center website portal at <https://msc.fema.gov>. The entire city remains designated as Zone X, which allows for property owners to buy flood insurance at the cheapest rates available under the NFIP. It is important to note the existing floodplain designation for all properties in Manhattan Beach did not change with this new FIRM and FIS.

However, by April 21, 2021, the City must amend its floodplain management regulations based on FEMA's technical review to meet the minimum requirements of the NFIP. These amendments are necessary because of the recent modifications to the FIRM and FIS report for the City. FEMA's technical representatives have recently reviewed Chapter 9.78 and determined that it requires some very minor but important modifications in terminology and for consistency with the 2019 Edition of the California Building Code (CBC).

### **Chapter 9.78 Flood Plain Management Regulations**

Chapter 9.78 of the MBMC generally provides the regulations to minimize public and private losses due to flood conditions in specific areas. The minor language changes in Ordinance No. 21-0003 require California licensed engineers or California licensed architects or land surveyors to certify certain development requirements. The amendments also take into account the most recent CBC requirements and the parameters specified in the most recent FIRM to minimize property losses from flooding.

Amending Chapter 9.78 provides the Public Works Department with the ability to uniformly ensure safe development in the City that are consistent with the rest of the County. These MBMC changes must be effective by April 21, 2021, or the City will be suspended from participating in the NFIP, which would result in property owners being unable to purchase flood insurance at the cheapest rates under the Federal program. Therefore, staff recommends that the City Council introduce Ordinance No. 21-0003 amending Chapter 9.78 of the Manhattan Beach Municipal Code.

### **PUBLIC OUTREACH:**

On August 9, 2017, FEMA published a notice of the proposed FHDs in the Los Angeles Times to initiate the statutory 90-day appeal period. The final FHDs are anticipated to be published in the Federal Register at any moment and will be effective on April 21, 2021. The proposed amendments to Chapter 9.78 are consistent with FEMA requirements under the NFIP.

### **ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that it can be seen with certainty that there is no possibility that the adoption and implementation of Ordinance No. 21-0003 may have a significant effect on the environment, as the regulations herein protect against detrimental impacts on the environment by minimizing the impacts of flood damage and instituting effective floodplain management. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENTS:**

1. Draft Ordinance No. 21-0003
2. Legislative Digest