



Agenda Report

23-740

Agenda Date: 6/6/2023

REPORT TO COUNCIL

SUBJECT

Public Hearing: Waive Second Reading and Adopt Ordinance No. 2060 to Repeal Chapter 15.45 (Prevention of Flood Damage Code) and Adopt the New Floodplain Management Ordinance Establishing a New Chapter 15.45 (Floodplain Management Regulations) of the Santa Clara City Code. (CEQA: Exempt Pursuant to CEQA Guidelines Section 15061(b)(3), Projects Which Do Not Have the Potential for Causing a Significant Effect on the Environment)

COUNCIL PILLAR

Promote Sustainability and Environmental Protection

BACKGROUND

At the May 9, 2023 Council meeting, proposed Ordinance No. 2060 was passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812 and Government Code Section 50022.3, a summary of proposed Ordinance No. 2060 was published to the Santa Clara Weekly on May 24, 2023, and May 31, 2023, and copies were posted in three public places.

DISCUSSION

Proposed Ordinance No. 2060 would replace the City's existing floodplain regulations with new regulations recommended by the Federal Emergency Management Authority (FEMA) in order to maintain the City's "Community Rating System" rating, which affects flood insurance rates. Among other things, the new ordinance will clarify that a one foot freeboard requirement applies to all residential buildings constructed or reconstructed in a special flood hazard area. The ordinance will repeal existing City Code Chapter 15.45 (Prevention of Flood Damage Code) and replace it with a new Chapter 15.45 (Floodplain Management Regulations) to coordinate with the California Building Standards Code; adopt flood hazard maps; and designate a floodplain administrator.

ENVIRONMENTAL REVIEW

The proposed ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As the ordinance will strengthen floodplain protections for property within the City limits, there are no reasonably foreseeable adverse impacts from this ordinance and there is no possibility that the activity in question would have a significant effect on the environment.

FISCAL IMPACT

There is no fiscal impact to the City.

COORDINATION

This report has been coordinated with the City Manager's Office, the Community Development Department, and the City Attorney's Office.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2060 was published to the Santa Clara Weekly on May 24, 2023, and May 31, 2023, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Approve the Use of CEQA Exemption Pursuant to CEQA Guidelines Section 15061(b)(3), Projects Which Do Not Have the Potential for Causing a Significant Effect on the Environment
2. Waive Second Reading and Adopt Ordinance No. 2060 to Repeal Chapter 15.45 (Prevention of Flood Damage Code) and Adopt the New Floodplain Management Ordinance Establishing a New Chapter 15.45 (Floodplain Management Regulations) of the Santa Clara City Code.

Reviewed by: Andrew Crabtree, Director of Community Development Department

Approved by: Jōvan D. Grogan, City Manager

ATTACHMENTS

1. May 9, 2023 Report to Council
2. Ordinance No. 2060 (Intro)