

RESOLUTION NO. 5964-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-025-2019, A ZONING TEXT AMENDMENT TO SECTION 9.04.060 OF THE GARDEN GROVE MUNICIPAL CODE TO ADD DEFINITIONS FOR TERMS USED IN EXISTING PORTIONS OF TITLE 9 PERTAINING TO THE FLOOD HAZARD OVERLAY ZONE TO MEET THE MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on September 5, 2019, does hereby recommend that the City Council approve Amendment No. A-025-2019, to amend Section 9.04.060 of the Garden Grove Municipal Code to add definitions for terms used in existing portions of Title 9 pertaining to the Flood Hazard Overlay Zone to meet the minimum requirements of the National Flood Insurance Program.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-025-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing a zoning text amendment to Chapter 9.04 (Land Use) of Title 9 of the City of Garden Grove Municipal Code to add new definitions for terms used in the City's existing flood plain management regulations set forth in other portions of Title 9 in order to meet the minimum requirements of the National Flood Insurance Program.
3. The Planning Commission recommends the City Council find that the proposed Amendment is not subject to California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. Pursuant to legal notice, a public hearing was held on September 5, 2019 and all interested persons were given an opportunity to be heard.
5. Report submitted by City staff was reviewed.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of September 5, 2019.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.32.030 are as follows:

FACTS:

The National Flood Insurance Program (NFIP) is based on an agreement between the federal government and participating communities that have been determined to be flood prone. The Federal Emergency Management Agency (FEMA), through the Federal Insurance Administration, makes flood insurance available to the residents of a participating community, with the condition that the community adopts and implements flood plain management regulations that meet the minimum NFIP requirements. The City of Garden Grove is a participant in the NFIP and is required to adopt flood plain management regulations in conformance with the requirements contained in the Code of Federal Regulations for the NFIP, 44 CFR Parts 59, 60, 65 and 70. The City's Flood plain Management Regulations are currently set forth in Sections 9.04.06 (Definitions), 9.08.030.040 (Single-Family Residential), 9.12.030.050 (Multiple-Family Residential), 9.16.030.060 (Commercial, Office Professional, Industrial, and Open Space), and 9.18.180.010 (Mixed-Use) of the Garden Grove Municipal Code.

On behalf of FEMA, the California Department of Water Resources (DWR) conducted a community assistance visit on May 9, 2019 to review the City of Garden Grove's NFIP and assess the City's implementation of the local flood plain management ordinance. Based on its review, DWR recommended that the City add definitions for five (5) key terms used in the City's existing Flood plain Management Regulations, which are consistent with the definitions of those terms set forth in Title 44 of the Code of Federal Regulations (44 CFR) Section 59.1.

The terms and definitions are contained in Subsection C of Section 9.04.060 of Title 9 of the Garden Grove Municipal Code. The purpose of the proposed text amendment is to update the definitions section of the code to meet the minimum NFIP requirements pursuant to Title 44, Code of Federal Regulations, Section 59.1.

FINDINGS AND REASONS:MUNICIPAL CODE AMENDMENT:

1. The Municipal Code Amendment is consistent with the City's General Plan.

Goal SAF-7 of the Safety Element of the City's General Plan encourages the City to minimize injury and loss of life, damage to public and private property and infrastructure, and economic and social disruption caused by inundation and flood hazards. Policies SAF-7.1 and SAF-IMP-7A direct the City to continue to implement adopted flood control programs and regulations and to update, as appropriate, and enforce provisions in the City of Garden Grove Flood Management Ordinance, regarding development in flood prone areas. Consistent with these goals and policies, the proposed Municipal Code Amendment will update the City's existing Flood Management Regulations to

ensure consistency with the federal regulations for the National Flood Insurance Program.

- 2. The Municipal Code Amendment is deemed to promote the public interest, health, safety, and welfare.

The proposed Municipal Code Amendment will promote the public interest, health, safety, and welfare by updating the City’s Flood plain Management Regulations to ensure they continue to be consistent with the National Flood Insurance Regulations and that Garden Grove residents will continue to have access to flood insurance.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Municipal Code Amendment possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.D.1 (General Plan Amendment and Municipal Code Amendment).

The Planning Commission recommends that the City Council adopt the Ordinance attached as Exhibit “A” to this Resolution approving Code Amendment No. A-025-2019.

Adopted this 5th day of September 2019

ATTEST:

/s/ JEREMY LEHMAN
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on September 5, 2019, by the following vote:

AYES: COMMISSIONERS: (5) LE, LEHMAN, NGUYEN, RAMIREZ, SOEFFNER
NOES: COMMISSIONERS: (0) NONE
ABSENT: COMMISSIONERS: (1) PEREZ

/s/ JUDITH MOORE
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is September 26, 2019.