



**CITY OF SALINAS
COUNCIL STAFF REPORT**

DATE: AUGUST 22, 2023 – INTRODUCED
SEPTEMBER 12, 2023 – 2ND READING

DEPARTMENT: PUBLIC WORKS

FROM: DAVID JACOBS, PE, PLS, DIRECTOR

BY: ADRIANA ROBLES, PE, CFM, CITY ENGINEER
ANDREA CARDENAS, EIT, ENGINEERING AIDE II

TITLE: CHAPTER 9, ARTICLE VI ORDINANCE UPDATE

RECOMMENDED MOTION:

A motion to adopt an Ordinance update to Article VI of Chapter 9 of the Salinas Municipal Code to update the regulations governing flood damage prevention.

BACKGROUND:

The National Flood Insurance Program (NFIP) was established by the U.S. Congress with the passage of the National Flood Insurance Act of 1968. The NFIP is managed by the Federal Emergency Management Agency (FEMA). Most homeowner insurance policies do not cover flood damage. In November 1981, the City Council accepted participation in the National Flood Insurance Program. By participating in the NFIP, the City of Salinas is able to provide property owners, renters, and businesses with flood insurance options. In exchange, the participating community agrees to adopt, implement and enforce floodplain management regulations that help mitigate future flood effects. Through the Community Rating System (CRS) program, FEMA can verify and recognize when a community is exceeding the minimum requirements of the NFIP. Some of the responsibilities of a NFIP community include adopting and enforcing flood maps and the flood damage prevention ordinance, advising and working with FEMA and the State when updates to the flood maps are needed, and maintaining records of the city's CRS-credited activities. As part of this voluntary incentive program, a community is awarded an NFIP policy premium discount when extra measures are performed. The discounted amount is based on the rating received through the CRS program.

Since 2013, the City of Salinas as a participant in the CRS program, has maintained a class seven (7) rating which qualifies residents and property owners of Salinas for a 15 percent discount on flood insurance premiums when located in the Special Flood Hazard Area (SFHA) and a five (5) percent discount outside the SFHA.

In 2018, FEMA, began working with a contractor to update and validate the SFHAs on Flood Insurance Rate Maps (FIRMs) for creeks throughout Monterey County. The upper portion of the Natividad Creek and its tributaries was selected by FEMA to map. Preliminary Flood Insurance Study

(FIS) and FIRM were provided by FEMA for review by the City on October 21, 2021. A news release and radio public service announcement issued on May 11, 2022 informed the general public of the review of the preliminary flood maps. Updates will revise the following FIRMs: 06053C0226H, 06053C0227H, 06053C0228H, 06053C0229H, 06053C0236H, 06053C0237H and 06053C0238H and FIS: 06053CV001C, 06053CV002C, 06053CV003C, 06053CV004C and 06053CV005C. Maps can be accessed from FEMA's Flood Map Service Center ([FEMA Flood Map Service Center | Welcome!](#)).

On May 30, 2023 a Letter of Final Determination was issued indicating the FIS and FIRM would become effective on November 30, 2023. As an NFIP participant, the City of Salinas is required to review and update its floodplain regulations to align the federal code (44 CFR Part 60.3(d)) of the NFIP.

The updated ordinance has been reviewed by FEMA and requires council adoption prior to the effective date of the new FIS and FIRM.

A summary of changes is listed below:

1. Update Article numbering.
2. Update *Statement of purposed*.
3. Insert *Coordination with California Building Standards Code*.
4. Update *Design flood elevation* definition.
5. Add definition for *Flood hazard area*.
6. Add definition for *Fraud or victimization*.
7. Add definition for *Nuisance*.
8. Insert provisions for applicability of *Other laws*.
9. Insert *General applicability*.
10. Add additional *Duties and responsibilities of the floodplain administrator*.
11. Insert section for *Permits for Floodplain Development*.
12. Update sections for *Flood Hazard Reduction*.
13. Add *Limitations on authority for Variance Procedures*.
14. Update *Conditions of variances*.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities 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. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

STRATEGIC PLAN INITIATIVE:

This report supports the City of Salinas Strategic Plan goals and objectives for Infrastructure and

Environmental Sustainability, Public Safety, and Effective and Culturally Responsive Government.

DEPARTMENTAL COORDINATION

Staff from the Public Works Department (Development Engineering Division) working through the City Engineer manage and administer the Floodplain ordinance.

FISCAL AND SUSTAINABILITY IMPACT:

Adoption of the Flood Damage Prevention Ordinance Update will not have a fiscal impact on the City's budget. Fees are collected to recover costs associated with plan check and inspection required for development in Special Flood Hazard Zones.

ATTACHMENTS

Ch 9 Article VI Ordinance Update