

COUNCIL MEETING
August 15, 2006

Honorable Mayor and Members
Of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Adopt ORDINANCE amending Section 79.3.2 of the Torrance Municipal Code.

RECOMMENDATION

Recommendation of the Community Development Director that City Council adopt an ordinance amending Section 79.3.2 of the Torrance Municipal Code, relating to the areas of special flood hazards. The Community Development Director further recommends that the City Council approve the attached summary of the ordinance for publication.

BACKGROUND/ANALYSIS

The California Model Floodplain Management Ordinance for Coastal Communities is a tool for our City to meet the minimum requirements of the National Flood Insurance Program (NFIP). The City of Torrance Ordinance must meet the minimum requirements of the NFIP.

The City of Torrance maintains Municipal Code Section 79.3.2, establishing areas of special flood hazard for the City of Torrance, identified by the Federal Emergency Management Agency (FEMA). The amendment to this section is required by the State of California, Department of Water Resources, in the attached letter dated July 5, 2006, in order to meet the current minimum requirements of NFIP. Specifically, the City of Torrance regulations do not currently contain an automatic adoption clause for future map changes.

The State of California, Department of Water Resources (see attached letter dated July 5, 2006), has required that this amendment be adopted prior to September 20, 2006, or the City of Torrance will be automatically suspended from the NFIP (this

deadline has been pushed back to a later date as per telephone conversation with this agency on August 2, 2006). The attached ordinance has been reviewed and approved by the State of California, and is ready for approval and adoption by your Honorable Body.

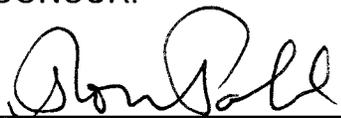
The proposed ordinance will amend the section of the Torrance Municipal Code dealing with special flood hazard areas, for the purpose of meeting the minimum requirements of the NFIP.

Respectfully submitted,

JEFFERY W. GIBSON
Community Development Director

By: 
TED SEMAAN, Manager
Transportation Planning, Engineering
Permits & Records Division

CONCUR:


JOHN L. FELLOWS III
City Attorney

For 
JEFFERY W. GIBSON
Community Development Director

for 
LeROY J. JACKSON
City Manager

- Attached:
- Ordinance
 - A. Ordinance Summary
 - B. Letter from State of California, Department of Water Resources dated July 5, 2006
 - C. Letter from Federal Emergency Management Agency dated June 23, 2006
 - D. Email from State of California, Department of Water Resources dated June 28, 2006

LR/cks1811

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 2, ARTICLE 3 OF CHAPTER 9 OF DIVISION 7 OF THE TORRANCE MUNICIPAL CODE TO ADD AN AUTOMATIC ADOPTION CLAUSE FOR FUTURE MAP CHANGES.

The City Council of the City of Torrance does hereby ordain as follows:

SECTION 1

That an amendment to Section 2, Article 3 of Chapter 9 of Division 7 entitled "BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD" to include an 'automatic adoption of future map changes' clause. This section shall read in its entirety as follows:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "The Flood Insurance Study of the City of Torrance" dated June 18, 1979, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated December 18, 1979 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance and chapter. This FIS and attendant mapping is the minimum area of applicability of this ordinance and chapter and may be supplemented by studies for other areas which allow implementation of this ordinance and chapter and which are recommended to the City Council of the City of Torrance by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at the Community Development Department/ Engineering Division, 3031 Torrance Blvd, Torrance, CA.

SECTION 2

Any provision of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance shall take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the 15th day of August, 2006

ADOPTED AND PASSED THIS 22nd day of August, 2006

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

ORDINANCE NO. _____

SUMMARY

On August 22, 2006, the City Council of the City of Torrance adopted Ordinance No. _____ amending section 79.3.2 of the Torrance Municipal code relating to areas of special flood hazard.

Section 79.3.2 provides that areas of special flood hazards are identified by the Federal Emergency Management Agency or Federal Insurance Administration. The amended clause provides that the Flood Insurance Rate maps and Flood Boundary and Floodway Maps, including all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this ordinance.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against. *****

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791

JUL 05 2006

Attachment B



2006 JUL 10 PM 3:32

CITY OF TORRANCE

Honorable Frank Scotto
Mayor of the Torrance
3031 Torrance Boulevard
Torrance, California 90503-5015

Dear Mayor Elect Scotto:

In two letters dated March 20, 2006, and May 26, 2006, from the Department of Homeland Security's Federal Emergency Management Agency, you were notified that new Digital Flood Insurance Rate Maps (DFIRMs) for your City would become effective on September 20, 2006. They also stated that your community is required to have floodplain management regulations that meet the standards of the National Flood Insurance Program (NFIP) regulations and adopt the new Flood Insurance Study and DFIRMs prior to September 20, 2006.

Our staff reviewed the floodplain management regulations for the City of Torrance and determined they do not meet the current minimum requirements of the NFIP. Specifically, your regulations do not contain an automatic adoption clause for future map changes. The State Model Floodplain Management Ordinance, which many California communities choose to use, is available online at: www.fpm.water.ca.gov/docs/2006CoastalOrdinanceApril.doc.

Your City must draft and adopt a compliant ordinance that meets or exceeds the current minimum NFIP requirements before September 20, 2006, or the City of Claremont will be automatically suspended from the NFIP. Please provide a draft copy of your floodplain management regulations to my office at 3310 El Camino Avenue, Room LL60, Sacramento, California 95821 within 30 days from the date of this letter for review and approval prior to adoption.

Please note that due to the limited time remaining before September 20, 2006, your community may be forced to consider using emergency ordinance adoption procedures to meet this deadline.

My staff will be contacting your City Manager, Mr. Leroy Jackson, to offer technical assistance or provide additional details. If you have any questions, please contact Bill Horn of my staff at (916) 574-0633.

Sincerely,

Ricardo S. Pineda, P.E., CFM
State NFIP Coordinator

cc: Mr. Leroy Jackson
City Manager
City of Torrance
3031 Torrance Blvd
Torrance, California 90503-5015

Ms. Sue Herbers
City Clerk
City of Torrance
3031 Torrance Boulevard
Torrance, California 90503-5015

Mr Robert Beste
City Manager
City of Torrance
20500 Madrona Ave
Torrance, California 90503-3690



Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 13 2006

IN REPLY REFER TO:
19P-N

Public Works Department

The Honorable Mayor Dan Walker
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90503

Community: City of Torrance, CA
Community No.: 060165
Map Panels Affected: 06037C1790F,
06037C1907F, 06037C1909F, 06037C1920F,
06037C1928F, 06037C1930F, 06037C1940F,
06037C1945F

Dear Mr. Walker:

This Letter of Final Determination (LFD) supersedes the LFD dated March 20, 2006. This letter revises the level of regulation for the City of Torrance as stated in the LFD dated March 20, 2006. This is to formally notify you of the final flood hazard determination for your community in compliance with Title 44, Chapter I, Part 67, Code of Federal Regulations. On December 18, 1979, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs) the areas subject to inundation by the base (1-percent-annual-chance) flood in the City of Torrance, Los Angeles County, California. Recently, FEMA completed a re-evaluation of flood hazards in your community. On September 30, 2005, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community.

FEMA has not received any comments on the Preliminary copies of the FIS report and FIRM. Accordingly, the FIS report and FIRM for your community will become effective on September 20, 2006. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to September 20, 2006 your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraphs 60.3(c) and 60.3(e) of the enclosed NFIP regulations (44 CFR 59, etc.). These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraphs 60.3(c) and 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and the other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish eligibility in the NFIP. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraphs 60.3(c) and 60.3(e);
2. Adopting all the standards of Paragraphs 60.3(c) and 60.3(e) into one new, comprehensive set of

2

regulations; or

3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraphs 60.3(c) and 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the Base Flood Elevations established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based is being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Los Angeles County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many

3

other planning applications. Paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. Copies of the digital files may be obtained by calling our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Oakland, California at (510) 627-7103 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



William R. Blanton Jr., CFM, Acting Chief
Engineering Management Section
Mitigation Division

List of Enclosures:

Final Summary of Map Actions

cc: Community Map Repository
Robert Beste

bcc: Lee Frederiksen, HDR
Ricardo Pineda
Karen E. Armes, Regional Director R9-MT
Travis Clark, RMC 9
FEDD File

...an@torrnet.com

From: Miranda, Salomon [mailto:salomon@water.ca.gov]
Sent: Wednesday, June 28, 2006 3:48 PM
To: tsemaan@torrnet.com; sherbers@torrnet.com
Cc: Bare, Jerry; Hom, Bill
Subject: Floodplain Management Ordinance for the City of Torrance

Sue,

Thanks for taking the time to talk to me over the phone this afternoon to discuss the City of Torrance Floodplain Management Ordinance. After a careful review of your Ordinance (Chapter 9 of your Municipal Code); I have the following comments:

- Section 79.3.2., of your Ordinance only adopts the Flood Insurance Study of June 1979 and its accompanying flood insurance rate maps. Since the new Digital Floodplain Insurance Rate Maps (DFIRMs) for the LA County are effective on September 20, 2006, your City's Ordinance would be automatically out of compliance on that date. The Ordinance needs to have an automatic adoption clause (similar to the one below in red letters) to adopt future map amendments and/or revisions. You could do this by amending the Section in question ASAP; we would need a certified copy once it has been approved.

BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for {name of county or municipality (exact title of study)}" dated {date}, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated {date}, **and all subsequent amendments and/or revisions**, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the {community governing body} by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at {department, address}.

- We also need a copy of the signature page when this Ordinance was first adopted; it was not part of the package you sent Mr. Jerry Bare, from our Sacramento office, back in December of last year.

CA Department of Water Resources is trying to work with 40+ other communities in LA County in order to help them bring their Ordinance to compliance before the September 20, 2006 deadline. If these cities don't have a compliant Ordinance by this date, FEMA will start the suspension process from the National Flood Insurance Program (as stated in a letter sent to Mayor Walker back on March 20, 2006). Since the adoption/amendment process might take some time we would like to know how long you estimate this task will take. Please don't hesitate to give me a call if you have any questions.

Thank you,

Salomon J. Miranda, Engineer, WR
 Department of Water Resources, Southern District
 Division of Planning and Local Assistance
 770 Fairmont Avenue, Suite 102
 Glendale, California 91203-1035
 (818) 500-1645 Ext. 245
 (818) 543-4604 Fax
 salomon@water.ca.gov
 www.sd.water.ca.gov
 www.fpm.water.ca.gov

07/17/2006