

DRAFT

City Council Resolution & CEQA Findings for Climate Action Plan

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE SANTA BARBARA CLIMATE ACTION PLAN AND MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in December 2011, the City Council adopted by Resolution the *Plan Santa Barbara* General Plan Update (GPU); and

WHEREAS, the 2011 City Council Resolution adopting the GPU included findings pursuant to the California Environmental Quality Act to certify the Final Program Environmental Impact Report (FEIR), identify environmental impacts associated with the GPU, and explain overriding considerations providing the basis for Council adoption of the GPU with significant environmental impacts; and

WHEREAS, the certified FEIR for the GPU includes the following components: Volume I FEIR; Volume II Appendices, Volume III Public Comments and Responses; and FEIR Addendum dated November 10, 2011 for the GPU; and

WHEREAS, the adopted GPU includes direction for preparation of a City Climate Action Plan (CAP) pursuant to Assembly Bill 32 and Senate Bill 375 provisions; and

WHEREAS, the adopted GPU contains policy direction on energy, transportation and land use, vegetation, waste management, water conservation, and hazards management that informed preparation of Climate Action Plan provisions for greenhouse gas emissions reduction and climate change adaptation planning; and

WHEREAS, the GPU policies and Program EIR received extensive public review over a multiple-year process and Council acceptance, as outlined in the GPU adoption Resolution; and

WHEREAS, a draft Climate Action Plan was prepared in accordance with GPU direction; and

WHEREAS, an Addendum to the certified Program FEIR dated June 18, 2012 (hereinafter "FEIR CAP Addendum") was prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15164 provisions, that together with the FEIR provides environmental review of the Climate Action Plan and documents changes to the FEIR as part of the review of the Climate Action Plan. The FEIR changes involve lowering the FEIR assessment of climate change impacts and the City Environmental Analyst determined that the Climate Action Plan would not result in any of the conditions in CEQA Guidelines Section 15162 that require preparation of a Subsequent EIR; and

WHEREAS, the FEIR CAP Addendum documents the more detailed analysis of greenhouse gases prepared as part of the Climate Action Plan which demonstrates that climate change impacts of the GPU and Climate Action Plan will be lower than identified earlier in the Program FEIR and would be less than significant; and that the Climate Action Plan falls within the range of the GPU policy options, growth scenarios, and impacts studied in the Final EIR and does not raise new environmental issues or additional significant impacts; and

WHEREAS the draft Climate Action Plan underwent a 45-day public review period June 21-August 6, 2012, including public notification via newspaper notice, mailed notice, and email notice; public access to the draft document via web site, library copies, and provision of paper copies; a noticed public hearing before the Planning Commission held on July 19, 2012; and receipt of public comments via letter, email, and public hearing; and

WHEREAS, with consideration of public and Planning Commission comment received, a proposed final Climate Action Plan was prepared and forwarded to City Council for adoption; and

WHEREAS, on September 18, 2012, the City Council held a noticed public hearing, considered the proposed final Climate Action Plan, public comments, and CEQA environmental review documentation, and deliberated on the matter; and

WHEREAS, the City Planner is the custodian of the record of proceedings for the Climate Action Plan and FEIR Addendum, and the documents and other materials which constitute the record of proceedings for City actions related to the Climate Action Plan, FEIR and FEIR CAP Addendum are on file at office of the City of Santa Barbara Community Development Department, Planning Division, located at 630 Garden Street, Santa Barbara, California. Copies of these documents are available for public review during normal business hours upon request at the office of the City of Santa Barbara Community Development Department, Planning Division.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA:

I. Adoption of Santa Barbara Climate Action Plan

The City Council of the City of Santa Barbara adopts the Santa Barbara Climate Action Plan, making the following findings:

A. General Plan Finding

The targets and strategies of the Climate Action Plan are consistent with the General Plan, including the General Plan goals, policies, and implementation actions involving greenhouse gas reduction, climate change adaptation planning, energy, land use, transportation and circulation, vegetation management, waste management, water conservation, public services and facilities, and hazards and natural resources management within the Land Use Element, Housing Element, Open Space, Parks and Recreation Element, Economy and Fiscal Health Element, Historic Resources Element, Environmental Resources Element, Circulation Element, Public Services and

Safety Element, Local Coastal Plan, Coastal Plan Airport and Goleta Slough, and the Adaptive Management Program and Mitigation Monitoring and Reporting Program.

B. California Environmental Quality Act (CEQA) Findings:

The City Council makes the following findings in accordance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq.; the State CEQA Guidelines, California Code of Regulations (CCR) §§15090, 15091, 15092, and 15093; and the City Guidelines for Implementation of the California Environmental Quality Act (City CEQA Guidelines), City Council Resolution No. 94-064, §III.C.2:

1. CEQA Findings for City Council Consideration of Certified Final Program Environmental Impact Report (FEIR) and FEIR Addendum for the Climate Action Plan (FEIR CAP Addendum), pursuant to CCR §15090 and City Guidelines §II.2.k

The FEIR CAP Addendum dated June 18, 2012 for the Climate Action Plan, together with the certified FEIR for the GPU, were presented to the City Council, and the City Council has reviewed and considered the information contained in the certified FEIR and FEIR CAP Addendum prior to adopting the Climate Action Plan. This CEQA documentation for the Climate Action Plan reflects the Lead Agency's independent judgment and analysis.

2. CEQA Findings for Use of Certified Final Program Environmental Impact Report (FEIR) and Addendum to the FEIR dated June 18, 2012 (FEIR CAP Addendum) for Environmental Review of the Climate Action Plan, pursuant to CEQA Guidelines 15183 and 15164.

An EIR was certified by the City Council for the adoption of the *Plan Santa Barbara* General Plan Update (GPU). The Climate Action Plan is consistent with the GPU and within the scope of analysis of the GPU Program FEIR. Therefore, the adoption of the Climate Action Plan qualifies for an exemption pursuant to CEQA Guideline Section 15183. The FEIR provided a comprehensive programmatic citywide analysis of climate change effects of citywide growth under the GPU policies associated with greenhouse gas emissions and effects of climate change on the City environment. The Climate Action Plan would result in no new environmental issues and no new significant impacts beyond the impacts identified in the FEIR, nor a substantial increase in impacts or the severity of identified in the FEIR. The FEIR CAP Addendum prepared for the Climate Action Plan documents that the more detailed analysis of greenhouse gas impacts within the Climate Action Plan which demonstrates that greenhouse gas impacts of citywide growth under the GPU policies and Climate Action Plan strategies would be lower than identified earlier in the FEIR, and would be less than significant. None of the conditions described in CEQA Guideline Section 15162 calling for the preparation of a subsequent EIR have occurred.

3. CEQA Findings of Significant, Unavoidable Environmental Impacts of the GPU and Climate Action Plan (Class I Traffic Impact), Reduction of Impact,

and Infeasibility of Mitigation Measures and Alternatives, pursuant to PRC Section 21081 and CCR 15091

The City Council makes the following findings identifying and explaining (a) the potential Class I significant citywide traffic impact that may result from estimated growth and changes within the City to the year 2030 under the GPU policies, and with the Climate Action Plan, based on analysis in the FEIR, and measures incorporated into the GPU and the Climate Action Plan to lessen these impacts, and (b) economic, legal, social, technological and other considerations that make infeasible certain mitigation measures and alternatives identified in the FEIR to reduce this impact, based on GPU analysis, public comment, and Council deliberations:

- a. Transportation Class 1 Significant Impact and Partial Mitigation. Future growth under the GPU and associated traffic effects were incorporated as assumptions underlying the Climate Action Plan. The FEIR impact analysis identified a significant transportation impact associated with peak-hour vehicle traffic congestion from future growth under the GPU, as follows:
 - The FEIR identifies potentially significant peak-hour traffic effects of 20-26 impacted intersections by the year 2030.
 - Feasible changes to the initial GPU project were incorporated into the final GPU and also apply to the Climate Action Plan that will act to lessen peak-hour traffic congestion impacts, including the following: (1) reduction of the non-residential growth cap policy from 2.0 million square feet to the year 2030 to 1.35 million square feet for specified category uses with excluded uses estimated by the FEIR at up to an additional 0.5 million square feet; and (2) incorporation of Mitigation Measure Trans-1, Intersection Level of Service and Arterial Congestion (MM T-1), for installation of signal or other improvements at specified intersections, and establishment of an intersection master plan for physical improvements at specified impacted intersections. The FEIR analysis, including Fehr & Peers and Nelson-Nygaard reports, demonstrates that reduction of non-residential growth would reduce the amount of increase in peak-hour trip generation and associated congestion effects, and that the identified roadway and signal improvements would improve levels of service at specified intersections. Based on the FEIR analysis, these measures provide partial mitigation of identified traffic congestion impacts.
 - The FEIR found that traffic congestion impacts could be further reduced to a substantial degree through application of Mitigation Measure T-2, Reductions in Traffic Demand (MM T-2) resulting in fewer impacted intersections but still with residual impacts even after mitigation remaining at potentially significant and unavoidable levels (Class 1). The FEIR identifies all the EIR alternatives as resulting in some level of residual Class 1 significant traffic impact.
- b. The City Council finds Mitigation Measure T-2 that would provide a robust expansion of TDM, parking pricing, and alternative mode improvements (and the equivalent policies analyzed under the Additional Housing Alternative) to be

infeasible for economic, environmental, social, and other considerations, as follows:

- An up-front commitment to full implementation of MM T-2 measures does not represent the best City policy in the interest of the community and the objectives of the GPU to protect the local economy and community's character, and to live within our resources.
- The Circulation Element policies included in the final GPU and the Climate Action Plan retain the full slate of traffic-reducing mitigation strategies envisioned by MM T-2, but do not direct up front the timing and exact extent they will be implemented. More information and analysis beyond the scope of a program EIR level on the effectiveness, design, and application of such traffic management strategies is prudent. The Santa Barbara community is also divided on whether these measures are advisable. The GPU and Climate Action Plan policies better recognize the uncertainties of the future over a 20-year period, and the importance of having community acceptance of such measures prior to implementation. The revised policies incorporate more flexibility on later determinations of the extent, timing, phasing, and location of TDM implementation, and incorporate more process provisions to ensure the prerequisite support by community stakeholders. The policies rely on the adaptive management component of the GPU which will monitor traffic congestion to assist in determining if and when such measures will be considered.
- The retail economy of Downtown Santa Barbara is in a substantial downturn as evidenced by vacancy rates, sales tax levels, and unemployment rates. Downtown business organizations provided testimony that there would be negative effects to the Downtown merchants from MM T-2 strategies such as on-street parking pricing that could cause Downtown customers to do business, shop, dine, or vacation elsewhere. Any such effects providing a disincentive for visitors to the Downtown could also affect the vitality of the greater downtown cultural life, such as attendance at theaters, concerts, art exhibits, and other cultural events within the Downtown.
- Public testimony was also received expressing concerns that installation of parking meters may not be compatible with the community character of the historical Downtown or the City El Pueblo Viejo district, and that, after the long experience of free street parking in this City, implementation of parking meters would affect quality of life.
- Immediate implementation of the MM T-2 programs would require City fiscal resources not currently available. The City is presently undergoing a substantial economic downturn, and it is unclear when recovery will occur or when implementation of the T-2 measures would become fiscally feasible.

If the potential traffic effects identified in the EIR do gradually occur over the 20-year GPU horizon, the City could choose to implement these additional traffic management measures to avoid or reduce congestion impacts. As such, it is expected that some level of T-2 implementation and mitigation may well occur, providing partial mitigation. Therefore, based on the analysis in the FEIR, future development under the adopted General Plan Update and Climate Action Plan

policies is found to result in a potentially significant and unavoidable (Class 1) effect on peak-hour traffic congestion.

4. CEQA Findings of Potentially Significant Environmental Impacts of the General Plan Update and Climate Action Plan that are Reduced to Less Than Significant Impacts with Mitigation (Class 2 Impacts), pursuant to PRC Section 21081 and CCR Section 15091

The City Council makes the following findings identifying and explaining potentially significant impacts in the City to the year 2030 under the GPU and the Climate Action Plan that will be avoided or reduced to less than significant levels (Class 2) by measures incorporated into the GPU, based on analysis in the FEIR together with the FEIR CAP Addendum:

- a. Climate Change Class 2 Less Than Significant Impact. The future growth within the City under the GPU was analyzed in the FEIR, and a potentially significant climate change impact was identified associated with a forecasted future increase in citywide greenhouse gas emissions from transportation fuel and energy use in buildings, which would not be consistent with the State Assembly Bill 32 objective for reducing greenhouse gas emissions to 1990 levels by the year 2020. The FEIR found that estimated future increases in greenhouse gases could be substantially reduced but not eliminated through application of Mitigation MM T-2 for a robust expansion of TDM, parking pricing, and alternative mode improvements, but for the reasons described above under Finding I.C.3.b, City Council found MM T-2 infeasible for economic, environmental, social, and other considerations. An unspecified level of T-2 implementation and mitigation is expected to occur providing at least partial mitigation, however future growth under the final GPU was found to result in a potentially significant and unavoidable impact on climate change.

The Climate Action Plan provides further and more detailed analysis of potential greenhouse gas effects associated with City growth under the GPU, which are documented in the FEIR CAP Addendum. Updated assumptions for calculating forecasted citywide emissions reflected current guidance from State regulatory agencies for estimating emissions, and additional State legislative and regulatory actions that would reduce greenhouse gas emissions statewide. The Climate Action Plan analysis demonstrated that citywide greenhouse gas emissions have already been reduced to below the level identified in the State Assembly Bill 32 objective. With the incorporation of the adopted GPU policy reducing non-residential growth that mitigated forecasted traffic generation as discussed in Finding I.C.3.a above, and with the updated assumptions for greenhouse gas emissions generation, and with implementation of the Climate Action Plan strategies, forecasted future citywide emissions were also shown to be lower than identified earlier in the FEIR, and would meet and surpass the Assembly Bill 32 greenhouse gas reduction objective, and therefore constitute a less than significant impact (Class 2).

- b. Other Class 2 Less Than Significant Impacts and Mitigations. The following additional environmental impacts of the GPU were identified in the FEIR as potentially significant but mitigated to less than significant levels, and would

continue to occur with implementation of the Climate Action Plan. The Climate Plan strategies provide additional detail for implementing mitigation for the geologic (sea cliff retreat) and hydrologic (sea level rise/flooding) impacts identified. The Class 2 impacts and mitigations include:

- Air Quality: potential health effects of diesel particulate exhaust along Highway 101, mitigated with a policy limiting development adjacent to the highway;
- Biological Resources: potential resource effects from gradual loss of native upland, creek/riparian, and coastal habitats and species, mitigated with a series of resource protection policies and programs;
- Geology: potential geological and safety effects of sea cliff retreat, mitigated with updated bluff retreat review guidelines and development of a shoreline management plan;
- Hazardous Materials: potential effect from inadequate household hazardous materials disposal capacity, mitigated with a program to establish additional facility capacity;
- Historic Resources: potential effects to historic resources from gradual development, mitigated with additional measures to protect historic resources, including landmark and historic district programs, additional development design buffer requirements, and protections during adjacent construction activity.
- Hydrology: potential flood hazards from sea level rise, mitigated with adaptive management and groundwater management planning.
- Noise: potential noise effects of increasing highway traffic over time, mitigated with traffic management, and noise monitoring and mitigation measures.
- Open Space/ Visual Resources: potential effect from gradual loss or fragmentation of important open space due to incremental development, mitigated with planning and development policies to protect key open space, together with biological resource mitigation for habitats and creeks.
- Public Utilities/ Solid Waste Management: potential effect from inadequate long-term facility capacity for solid waste disposal, mitigated through coordination with South Coast jurisdictions to establish additional long-term waste management facility capacity and additional City efforts toward diversion of waste from landfill disposal.

5. CEQA Findings of Infeasibility of Alternatives pursuant to PRC Section 21081 and CCR Section 15091

The General Plan Update FEIR identified several alternatives for the GPU. When adopting the GPU, the City Council made certain findings regarding the infeasibility of the alternatives identified in the General Plan Update FEIR; those findings are incorporated herein by reference.

C. CEQA Statement of Overriding Considerations pursuant to PRC Section 21081 and CCR Section 15093

The Climate Action Plan is based on General Plan Update growth and traffic modeling, and it reflects, incorporates, and implements GPU policies pertaining to greenhouse gas emissions, energy, land use, transportation, vegetation, waste management, water conservation, climate adaptation planning and hazards management. The Climate Action Plan is within the scope of the GPU and FEIR analysis. Based on the analysis of the FEIR together with the FEIR CAP Addendum, the City Council identifies a potentially significant and unavoidable traffic impact with future citywide growth under the GPU policies and Climate Action Plan, as identified in finding I.C.3 above.

The California Environmental Quality Act (CEQA) requires decision-making agencies to balance the economic, legal, social, technological, and other benefits of a proposed plan, including region-wide and statewide environmental benefits, against its unavoidable environmental effects when determining whether and how to approve the plan. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, then the adverse environmental effects may be deemed acceptable.

In accordance with Section 21081 of the California Environmental Quality Act and Section 15093 of the State CEQA Guidelines, after careful consideration of the environmental documents, staff reports, public testimony, and other evidence contained in the administrative record, the City Council makes the following Statement of Overriding Considerations setting forth the specific overriding economic, legal, social, technological, environmental, and other benefits of the General Plan Update and Climate Action Plan that warrant approval of the Climate Action Plan notwithstanding that all identified environmental impacts are not fully mitigated to insignificant levels. The remaining significant effects on the environment associated with traffic are deemed acceptable due to these findings:

1. Recognizing that there are trade-offs among various plan objectives, and differences of opinion within the Santa Barbara community as to the best balance of policies, and based on careful consideration of community input and analysis of the Plans, the City Council finds that the final General Plan Update (GPU) and Climate Action Plan policies provide the best long-term balance of policies for meeting the City objectives to accomplish the following:
 - Promote a strong economy and a stable long-term revenue base necessary for essential services and community enhancements, through land use policies that support business and employee needs, job opportunities, a variety of business sizes and types, educational opportunities, local businesses, and green businesses, and tourism.
 - Protect and enhance the historic and visual resources of the City and the character of established neighborhoods and the City's Central Business District.
 - Live within our resources by balancing the amount, location, and type of development with available resources including water, energy, transportation, housing, and food.

- Extend and update growth management programs to effectively manage resources and protect community character while permitting high-priority beneficial development.
 - Support sustainable, pedestrian-scale in-fill development oriented to multiple transportation modes.
 - Increase the sustainability of City neighborhoods by promoting a sense of place with a focal community center and improved connectivity and access to daily necessities including limited commercial activity, transit, community services, and open spaces for gathering and recreation.
 - Improve the balance between the number of jobs and the number of local housing opportunities, support local jobs and employees, and support economic and social diversity through land use policies that support housing affordability.
 - Promote reductions in energy consumption, use of fossil fuels, and the City's contribution to global climate change through energy and green building policies, and creative land use patterns and transportation planning.
 - Protect and wisely use natural resources, minimize environmental hazards, and provide for present and future environmental, health, and service needs.
 - Maintain the unique character and quality of life of Santa Barbara as a desirable place to live, work, and visit, through policies supporting sustainable, well-designed development, social and economic diversity, and a healthy environment.
 - Strategically place new housing within or near commercial districts and adjoining neighborhoods for ease of access.
 - Improve the jobs-housing balance by improving the affordability of housing for all economic levels in the community.
 - Decrease reliance on the automobile and encourage active lifestyles through policies and improvements designed and intended to increase the safety, convenience, and integration of multiple transportation modes.
 - Provide adequate services and facilities for existing and future residents, and address the long-term effects of climate change on public services and facilities.
2. The GPU will allow for sufficient growth to continue economic benefits, while not unnecessarily exacerbating the jobs/housing imbalance and associated traffic effects.
 3. The GPU maintains community character with less density around City historic resources, which will also benefit the tourist economy. The GPU provides additional tools for preservation of the City's historic resources, including the new Historic Resources Element.
 4. The GPU Adaptive Management component is designed to allow for policy adjustments over time based on clear objectives and regular monitoring.

5. The GPU provides for an emphasis on “community benefit” projects, including affordable housing.
6. The GPU policies for a lower non-residential growth cap and provision of unit size/density incentives for affordable workforce housing benefit the South Coast region with respect to improvement of the jobs/housing imbalance and managing traffic and greenhouse gas generation.
7. The GPU maintains and increases opportunities and choice of travel modes, to benefit management of peak-hour vehicle traffic congestion.
8. The GPU promotes public health through policies such as Sustainable Neighborhood Plans, location of mixed-use are housing, and support for alternative travel mode improvements for walking and biking.
9. The GPU maintains and enhances the City’s role in regional partnerships with other governmental agencies and community groups.
10. The GPU supports neighborhood grassroots planning and establishes a sustainability framework for the General Plan.

D. Findings for the Fish & Game Code pursuant to PRC Section 21089 (b) and Fish & Game Code Section 711.4

An Environmental Impact Report and FEIR CAP Addendum have been prepared by the City of Santa Barbara, which have evaluated the potential for the Climate Action Plan to result in adverse impacts on wildlife resources. For this purpose, wildlife is defined as “all wild animals, birds, plants, fish, amphibians, and related ecological communities, including habitat upon which the wildlife depends for its continued viability”. The Climate Action Plan has the potential to result in adverse but not significant effects on upland, creek/riparian, and coastal habitats and associated species. Mitigation measures from the GPU have been incorporated into the Climate Action Plan such that potential impacts will be less than significant. Because the Climate Action Plan is statutorily exempt from further environmental review pursuant to CEQA Guideline Section 15183, the Climate Action Plan is exempt from the California Department of Fish and Game fee pursuant to Fish and Game Code § 711.4(d)(1).

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA:

II. Adoption of Mitigation Monitoring and Reporting Program for the Climate Action Plan pursuant to PCR Section 21081.6 and CCR Section 15097

Mitigation measures from the GPU have been imposed and made enforceable by incorporation into the Climate Action Plan. The City Council hereby adopts the previously-adopted mitigation monitoring and reporting program (MMRP) for the adopted General Plan Update as the MMRP for the Climate Action Plan, as provided in FEIR Volume I Section 23.