

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADOPTING THE 2013 SAFETY
ELEMENT UPDATE TO THE GENERAL PLAN AND
MAKING ENVIRONMENTAL FINDINGS PURSUANT
TO THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT

WHEREAS, Government Code Section 65300 requires that the City of Santa Barbara adopt a comprehensive, long-term General Plan for the physical development of the City, including a Safety Element;

WHEREAS, the City's Safety Element of the General Plan has not been comprehensively updated since the original adoption in 1979;

WHEREAS, in 2010-2011, the City applied for and received Disaster Recovery Initiative (DRI) funds to prepare the Safety Element Update;

WHEREAS, on July 7, 2011, the City Planning Commission reviewed the scope of work for the Safety Element Update;

WHEREAS, on May 22, 2012, the City Council directed staff to enter into a contract with Rodriguez Consulting Inc., to assist the City in preparing the Safety Element Update;

WHEREAS, on May 6, 2013, a draft Safety Element was released for a 30-day public review period ending June 6, 2013;

WHEREAS, on May 23, 2013, the City Planning Commission held a duly noticed public hearing on the draft Safety Element, received public comment and commented on the draft element;

WHEREAS, on September 12, 2013, a revised Safety Element was released for public review;

WHEREAS, on September 19, 2013, the Planning Commission held a duly noticed public hearing to review comments and responses, the revised Safety Element and errata sheet, made two additions to the Errata Sheet, and unanimously recommended that City Council adopt the 2013 Safety Element Update;

WHEREAS, a Final Program Environmental Impact Report (EIR) was certified for the 2011 General Plan Update, and EIR Addenda were prepared and considered by City Council as part of adoption of the final 2011 General Plan (12-1-11), Climate Action Plan (9-18-12), and Historic Resources Element (10-2-12);

WHEREAS, an EIR Addendum dated April 30, 2013 for the 2013 Safety Element Update has been prepared and documents that the update would result in no substantial changes in environmental impacts previously identified in the Program EIR for the 2011 General Plan Update;

WHEREAS, on November 12, 2013 the City Council held a duly noticed public hearing to consider adopting the Safety Element Update;

WHEREAS, two comment letters were received for the meeting and Council directed Staff to continue the item to the December 10, 2013 Council meeting to give staff time to consider the comment letters;

WHEREAS, based upon the comment letters and public testimony, staff responses provided in the Council Agenda Report and the discussion at the Council meetings of November 12, 2013 and December 10, 2013, the following revisions have been incorporated into the proposed Safety Element:

1. Add the following clarifying language to SEU Policy S25 on page 60 (as shown below in underline):

S25. Structural Setback from the Bluff Edge for Slope Stability. Bluff edge setbacks shall be adequate to address long-term erosion and slope stability issues. The required development setback from the bluff edge shall be determined in accordance with the Coastal Act, the associated California Code of Regulations provisions [such as Regulation §13577(h)], (The “Coastal Commission Guidelines,”) and by an analysis that includes the most recent methodology used by California Coastal Commission staff. For example, the California Coastal Commission memorandum entitled Establishing development setbacks from coastal bluffs (2003) is provided in Appendix B of the Safety Element Technical Background Report is provided for informational purposes only. Factors to be considered include determining bluff edge, slope stability/ factor of safety and long-term bluff retreat both generally and on a case by case basis. Modifications to the prescribed setback calculation methodology and setbacks may be approved by the City to reflect site-specific geological conditions.

and

2. Add the following clarifying language to the SEU Coastal Bluff Retreat description on page 27 (as shown below in underline):

Coastal bluff retreat is an erosion- and landslide-related hazard that affects the bluffs located along the City’s coast. In the Safety Element, the terms “sea cliff,” “cliff,” and “bluff” are used to describe the topographic feature located between the beach and the adjacent upland area. Typically, however, “cliff” or “bluff face” is used to describe the vertical or sloping area, and “bluff top” is used to describe the upland area landward of the coastal bluff edge. The “bluff edge” is the location from which bluff top setbacks

are measured. The sloping cliff and adjacent upland area are collectively referred to as the “coastal bluff.”

3. Add the following additional text to the Safety Element Technical Appendix A, Defensible Space Requirements (page 157) to provide additional important information about the City’s defensible space requirements (as shown below in underline):

The City of Santa Barbara takes a comprehensive approach to wildland mitigation measures in the wildland urban interface areas, particularly in the Foothill and Extreme Foothill zones, through a combination of public education, road clearance, vegetation management projects and defensible space.

State law, under Public Resources Code (PRC) section 4291, requires homeowners in high fire hazard areas to thin flammable vegetation up to 100 feet around structures in two zones to provide “defensible space.” The City adopts and amends the California Fire Code by local ordinance and in that document establishes greater distance for defensible space than the PRC. The adopting ordinance is based upon local climatic, topographical and geological findings that allow for more stringent requirements than are applied at the state level. Chapter 49 of that code contains 37 local amendments, 11 of which amend the defensible space Chapter 4907.

Section 4907.2 addresses distance requirements, including 150 feet throughout the extreme Foothill Zone. Additional clearance requirements may extend the required clearance up to 300 feet, depending on slope, under Section 4907.7. This gives the Fire Code Official discretion based on individual circumstances. In addition, sections are added that address chimney clearance, overhanging trees, vines and climbing ornamentals, roof debris and fire safe landscaping. Vegetated roofs – also known as “green roofs”, are not allowed in the high fire hazard areas of the City, and that section was added based on defensible space concerns. These extraordinary measures, based in part on the Santa Barbara Wildland Fire Plan, balance the fire safety aspects of the wildland urban interface with the protection of biological resources and geological concerns such as erosion control.

4. Add a new Implementation Action (S12.2) under SEU Policy S12 Ground Shaking on page 58 of the Safety Element (as shown below in underline):

S12.2 Conduct a citywide inventory of soft-story buildings. These are buildings that were constructed prior to modern seismic safety building codes and that have inadequate seismic support on the ground floor.

WHEREAS, the City Planner is the custodian of the records of proceedings for the 2011 General Plan Update, Final Program EIR for the General Plan Update and EIR Addenda, and the 2013 General Plan Safety Element Update. The documents and other materials which constitute the records of proceedings for these City actions are located at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California. Copies of these documents

are available for public review during normal business hours upon request at the City Planning Division office.

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

I. Adoption of 2013 Safety Element Update and Findings

The City Council hereby adopts the 2013 General Plan Safety Element Update (Exhibit A), including the revisions discussed above, making the following findings:

A. Charter Finding

The 2013 General Plan Map amendments meet the intent of Charter Section 1507, "living within our resource limits". The adoption of the 2013 Safety Element Update will not cause public services or resource capacities to be exceeded.

B. California Environmental Quality Act (CEQA) Findings:

1. CEQA Findings for City Council Consideration of Certified Final General Plan Program Environmental Impact Report (EIR) and EIR Addendum pursuant to CCR §§15090 and 15162.

The FEIR Addendum dated April 30, 2013 for the 2013 General Plan Safety Element Update together with the certified FEIR for the 2011 General Plan, were presented to the City Council, and the City Council has reviewed and considered the information contained therein prior to adopting the Safety Element Update. This CEQA documentation for the Safety Element Update constitutes adequate environmental review under CEQA and reflects the Lead Agency's independent judgment and analysis.

2. CEQA Findings for Use of Certified Final General Plan Program Environmental Impact Report (EIR) and EIR Addendum, pursuant to CEQA Guidelines §§ 15162, and 15164.

The 2013 General Plan Safety Element Update is consistent with and implements the 2011 General Plan policies, and is within the comprehensive scope of analysis of the Program EIR and Addenda for the 2011 General Plan update and 2012 Climate Plan.

The EIR Addendum dated April 30, 2013 documents that the 2013 Safety Element Update would not result in new environmental issues, circumstances, or information, additional significant environmental impacts beyond those identified in the General Plan Program EIR, a substantial increase in the severity of impacts identified in the EIR, or new mitigation measures. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR is applicable.

3. Council Resolutions 11-079 and 12-065 Findings per PRC Section 21081 and CCR 15091 Apply to this Action.

Findings regarding Class I significant impacts, Class 2 mitigated impacts, overriding considerations, and infeasibility of some mitigation measures and alternatives all remain applicable for adoption of the 2013 General Plan Safety Element Update and are incorporated herein by reference.

4. Findings for the Fish & Game Code pursuant to PRC Section 21089 (b) and Fish & Game Code Sections 711.4 and 753.5.

The General Plan Program EIR evaluated the potential for the 2011 General 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 General Plan has the potential to result in adverse but not significant effects on upland, creek/riparian, and coastal habitats and associated species. Mitigation measures have been incorporated into the General Plan such that potential impacts will be less than significant.

As documented in the EIR Addendum dated April 30, 2013, the 2013 General Plan Safety Element Update will implement the 2011 General Plan policies and would not result in additional environmental effects beyond those identified in the EIR... Pursuant to the Fish and Game Code Section 753.5 (e) (3), only one fee is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to fish and wildlife. Because the City paid the fee for the 2011 General Plan, no fee is required with the current implementing amendment for adoption of the Safety Element Update.

II. This Resolution shall become effective upon Council adoption.