

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA, CALIFORNIA, APPROVING AN ADDENDUM TO THE 1991 ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 9010859) AND 1994 ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 91121020) IN SUPPORT OF THE REACTIVATION OF THE CHARLES E. MEYER DESALINATION FACILITY IN SANTA BARBARA, CALIFORNIA.

WHEREAS, in March 1991, pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq.: "CEQA"), Title 14 of the California Code of Regulations section 15000 et seq. ("State CEQA Guidelines"), and the City's Local Guidelines for Implementation of CEQA ("Local CEQA Guidelines") the Environmental Review Committee of the City of Santa Barbara certified an Environmental Impact Report, SCH #9010859 ("1991 EIR"), which disclosed, evaluated and mitigated environmental impacts associated with the use of the Charles E. Meyer Desalination Plant ("Desalination Facility") as a temporary, emergency facility for a 5 year operational period ("Temporary Desalination Facility"); and

WHEREAS, on March 19, 1991, the City Planning Commission approved the Temporary Desalination Facility; and

WHEREAS, in May 1994, pursuant to CEQA, the State CEQA Guidelines, and the Local CEQA Guidelines, the City Council of the City of Santa Barbara ("City Council") certified a Program Environmental Impact Report, SCH # 91121020 ("1994 PEIR"), for the City of Santa Barbara's Long Term Water Supply Plan ("LTWSP"), which disclosed, evaluated and mitigated environmental impacts associated with operation of the Desalination Facility as a permanent facility; and

WHEREAS, on May 24, 1994, the City Council approved the LTWSP; and

WHEREAS, addenda were prepared for the 1994 PEIR in 1994 and 2006. The 1991 EIR and the 1994 PEIR, with the 1994 and 2006 addenda, are collectively referred to as "The EIRs"; and

WHEREAS, construction of the Desalination Facility was completed in 1992, and placed into long-term standby mode in 1997; and

WHEREAS, the City of Santa Barbara ("City") now wishes to reactivate the Desalination Facility in order to address projected water shortages due to the current drought and as anticipated in the LTWSP to address water supply in times of drought ("Reactivation Project"); and

WHEREAS, the Reactivation Project would require minor repairs, replacement and maintenance of the existing Desalination Facility and related equipment including

replacement of seawater intake screens with new screens reflecting state of the art technology, replacement of Seawater Reverse Osmosis process components with upgraded units, refurbishment of the existing product water storage tanks and product water pumps; upgrades to the filter feed pump station and chemical storage facility, minor upgrading of the storm water conveyance systems, minor demolition of equipment and equipment pads as equipment is upgraded and replaced and conversion of an existing well to a booster pump station necessary to move water throughout the City's water distribution system, with no expansion of use or increased capacity from that previously analyzed in the EIRs; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, because the EIRs and all associated underlying entitlements were not challenged, pursuant to Public Resources Code section 21167.2, the EIRs are presumed valid; and

WHEREAS, staff evaluated the Reactivation Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and State CEQA Guidelines section 15162 including preparing technical analyses; and

WHEREAS, based on that evaluation, staff concluded that the EIRs fully analyzed all potentially significant environmental impacts, if any, that would result from the Reactivation Project, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, based on that evaluation, staff also concluded that the Reactivation Project is consistent with the EIRs, and all applicable mitigation measures identified in the EIRs; and

WHEREAS, because the Reactivation Project requires the City to make some minor changes and additions to the projects analyzed in the EIRs, the City has prepared an addendum to these documents pursuant to State CEQA Guidelines section 15164 (the "Reactivation Project Addendum"); and

WHEREAS, the City Council has been provided with the Reactivation Project Addendum and has reviewed it together with the EIRs; and

WHEREAS, the EIRs are incorporated herein by this reference, and are available for inspection at City Hall at 735 Anacapa Street in the City of Santa Barbara; and

WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (c), the Reactivation Project Addendum is not required to be circulated for public review, but can be attached to the EIRs; and

WHEREAS, on June 16, 2015, at a duly noticed regular meeting, the City Council considered the Reactivation Project Addendum together with the EIRs, and accepted oral and written testimony from interested persons; and

WHEREAS, the City Council carefully considered all information pertaining to the Reactivation Project Addendum, including the staff report, the EIRs, and all of the information, evidence, and testimony presented; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

SECTION 1. The above recitals are incorporated herein by reference.

SECTION 2. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered the EIRs and Reactivation Project Addendum and finds that these documents taken together contain a complete and accurate reporting of all of the potential environmental impacts associated with the Reactivation Project. The City Council further finds that the Reactivation Project Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local Guidelines. The City Council further finds and determines that the Reactivation Project Addendum reflects the City's independent judgment.

SECTION 3. Based on the substantial evidence set forth in the record, including but not limited to the EIRs and the Reactivation Project Addendum, the City Council finds that an addendum is the appropriate document for disclosing the minor repairs, replacement and maintenance that are necessary to consider for the Reactivation Project. The City Council further finds that based on the whole record before it, including but not limited to the EIRs, the Reactivation Project Addendum, the technical analyses, and the Council agenda report, none of the conditions under State CEQA Guidelines section 15162 requiring subsequent environmental review have occurred because the minor repairs, replacement and maintenance activities specified in the Reactivation Project Addendum:

- a) do not constitute substantial changes that would require major revisions of the EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

**Facts in Support:** The Reactivation Project consists of minor repairs, replacement and maintenance primarily of existing facilities and equipment that were constructed and used to operate the Desalination Facility prior to being placed in long term standby mode in 1997. (Reactivation Project Addendum, Section 4, pp. 15 through 19) The Reactivation Project Addendum examined all

potential impacts of the Reactivation Project including but not limited to visual impacts, air quality, biology, greenhouse gas emissions, geology and soils, hazards and hazardous materials, noise, population and housing, transportation and traffic, water quality and cumulative impacts (Reactivation Project Addendum, Section 5, pp. 19 through 86.)

Based upon the analysis contained in the Reactivation Project Addendum, the changes proposed by the Reactivation Project have been evaluated against the analysis of environmental impacts in the EIRs to ensure that the Reactivation Project will not result in any new significant impacts or substantially increase the severity of any previously analyzed impacts. The analysis in the Reactivation Project Addendum concludes that the proposed changes would not create any new significant impacts or impacts that are significantly different from those identified in the EIRs and in many instances, would have reduced impacts from those identified in the EIRs. (Reactivation Project Addendum, Section 1.2, pp. 6 through 8.) Since most of the construction for the Desalination Facility and related components already occurred when built in 1992, the Reactivation Project will have significantly reduced construction impacts from those analyzed in the EIRs. Operational impacts from the Reactivation Project will also not result in any new significant impacts or substantially increase the severity of any previously analyzed impacts especially given that most of the components are being implemented to reflect the latest technology that will further reduce any potential impacts. For example, the replacement of seawater intake screens with new screens that reflect state of the art technology will further reduce the potential impacts to marine resources analyzed and found to be less than significant in the EIRs (Reactivation Project Addendum, Section 5.3, pp. 38 through 47.) The Greenhouse gas emissions will also be substantially less than previously considered in the 1991 EIR and the Reactivation Project will comply with all measures in the City's Climate Action Plan to further reduce potential impacts. (Reactivation Project Addendum, Section 5.2, pp. 23 through 38.)

- b) do not constitute substantial changes with respect to the circumstances under which the Reactivation Project is developed that would require major revisions of the EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

**Facts in Support:** Conditions remain similar to those under which the EIRs were prepared and there would be therefore no substantial changes with respect to the circumstances under which the Reactivation Project is developed that would require major revisions of the EIRs. (Reactivation Project Addendum, Section 1.3, pp. 8 through 10.) No new development has occurred in the vicinity of the Desalination Facility that would warrant major revisions to the EIRs (Reactivation Project Addendum, Section 5.14 pp. 76 through 85.). There has been no changes to the marine resources in the vicinity of the intake and outfall structures since certification of the 1991 EIR. (Reactivation Project Addendum, Section 5.3, pp. 38 through 46.) Moreover, potential greenhouse gas emissions will be significantly reduced from those identified in the EIRs, and were found to

be below a level of significance. (Reactivation Project Addendum, Section 5.2, pp. 23 through 38.).

- c) do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIRs were certified or adopted, as applicable, showing any of the following: (i) that the modifications would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

**Facts in Support:** No new information of substantial importance showing any of the prongs in section c above has been submitted to the City. The applicable mitigation measures identified in the EIRs and the additional measures for the Reactivation Project have been incorporated into a mitigation monitoring and reporting program (“MMRP”) for the Reactivation Project and would ensure that any potential environmental impacts would be reduced to less than significant levels. As analyzed in the Reactivation Project Addendum, the proposed Reactivation Project would not add to or further exacerbate any impacts and in many instances would result in reduced potential impacts from those analyzed in the EIRs. Therefore, the Reactivation Project Addendum supports the City’s consideration of the Reactivation Project, as outlined in State CEQA Guidelines sections 15162 and 15164.

SECTION 4. The City Council hereby ADOPTS the Mitigation Monitoring and Reporting Program prepared for the Reactivation Project Addendum (“MMRP”), which sets forth those mitigation measures identified in the EIRs that are relevant to the Reactivation Project and the additional mitigation measures imposed on the Reactivation Project.

SECTION 5. The City Council hereby APPROVES AND ADOPTS the Reactivation Project Addendum to the EIRs.

SECTION 6. The City Council directs staff to prepare, execute and file a CEQA Notice of Determination with the Santa Barbara County Clerk’s Office within five (5) working days of the City Council’s action on the Reactivation Project.

SECTION 7. The EIRs and the Reactivation Project Addendum are on file and available for public review at 735 Anacapa Street in the City of Santa Barbara. The City Clerk is the custodian of these documents.