



TO: Mayor and Councilmembers

FROM: Jaime A. Valdez, Neighborhood Services Director

CONTACT: Michael Baris, Emergency Services Coordinator
Anne Wells, Advance Planning Manager
Andy Newkirk, Senior Planner

SUBJECT: Consideration of Initiation of a General Plan Amendment to the Safety Element to Incorporate the 2023 Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan and Finding the Initiation to be Exempt from the California Environmental Quality Act

RECOMMENDATION:

Adopt Resolution No. 23-___, entitled “A Resolution of the City Council of the City of Goleta, California, Initiating the Processing of a City-initiated General Plan Amendment to the Safety Element to Incorporate the 2023 Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan and Finding the Initiation to be Exempt from the California Environmental Quality Act; Case No. 23-0001-GPA.”

BACKGROUND:

The City of Goleta adopted the Goleta General Plan/Coastal Land Use Plan (General Plan) on October 2, 2006. The General Plan contains the following seven, state-required elements and two optional elements as follows: Land Use Element, Open Space Element, Conservation Element, Safety Element, Visual and Historic Resources Element, Transportation Element, Public Facilities Element, Noise Element, and Housing Element. California Assembly Bill (AB) 2140 (2006) requires that a city’s Safety Element include a federally accepted Hazard Mitigation Plan in order to qualify for the highest cost reimbursement rate from the State. In response, the City adopted the Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan (HMP) on April 4, 2023. To qualify for the highest federal reimbursement rates, follow-up amendments to the Safety Element are needed to comply with AB 2140 requirements.

The General Plan Amendment (GPA) process is governed by Article 6 of State Planning and Zoning Law (Government Code Sections 65350 et seq.). Pursuant to State law, GPAs require the Planning Commission’s consideration and recommendation. However, the final decision is a legislative action and is reserved for the City Council.

City Council Resolution No. 12-13 and Goleta Municipal Code (GMC) Section 17.67.030 include procedures for the initiation of processing requests for GPAs. These procedures require that all requests for GPAs be referred to the City Council for initiation at a public hearing prior to processing. Resolution No. 12-13 and Section 17.67.030 list five factors the City Council must consider for the initiation of a GPA. These five factors are:

1. The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;
2. The amendment proposed appears to have no material effect on the community or the General Plan;
3. The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;
4. Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or
5. The amendment proposed is required under other rules or regulations.

Once initiated, the GPA and any related environmental document are prepared and considered by the Planning Commission and a recommendation is made to the City Council via resolution. The City Council takes final action at a public hearing.

DISCUSSION:

To qualify for the highest reimbursement rate possible with the State of California, the recently adopted HMP must be incorporated into the City's Safety Element. To amend the Safety Element, a GPA must be completed. The proposed GPA initiation would authorize staff to process a GPA to update the Safety Element.

As previously noted, the Council must consider a specific set of five factors when determining whether to initiate a GPA. Staff presents the following discussion of the GPA initiation factors for City Council consideration:

Factors 1-4. For purposes of this GPA Initiation, the first four factors presented above are not relevant given the State law requirements discussed below.

Factor 5. The amendment proposed is required under other rules or regulations.

AB 2140 allows California counties and cities to adopt their current, federally accepted HMP into the Safety Element of their General Plans. This adoption would make the City eligible to be considered for part or all of its local-share costs on eligible Public Assistance funding to be provided by the State through the California Disaster Assistance Act (CDAA). The CDAA allows the State to pay up to 18.75% of the non-federal share that would otherwise fall upon the City to pay for Public Assistance projects when the legislature has passed a bill to allow this additional state funding after a disaster occurs. The usual local share is 25% of the total project cost. If the legislature allows it, and the

City is AB 2140 compliant, the City will be eligible to be considered for the remaining 6.25% local share to be funded by the State.

AB 2140 requires that a city's Safety Element include a federally accepted HMP to be eligible for additional State funding. As such, the GPA initiation is warranted based solely upon this factor.

ENVIRONMENTAL REVIEW:

The initiation is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the CEQA Guidelines because the activity is not a "project" as defined in Section 15378(b)(5) as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment.

The initiation is also exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

FISCAL IMPACTS:

There are no direct fiscal impacts associated with the proposed GPA. Failure to comply with AB 2140 may result in a loss of cost recovery associated with declared disaster events.

ALTERNATIVES:

The Council could choose not to initiate processing of the proposed GPA. If not, the City could lose out on cost recovery associated with declared disaster events.

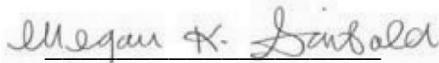
Reviewed By:

Legal Review By:

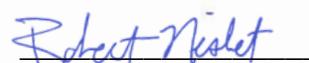
Approved By:



Kristine Schmidt
Assistant City Manager



Megan Garibaldi
City Attorney



Robert Nisbet
City Manager

ATTACHMENTS:

1. Resolution No.23-__ A Resolution of the City Council of the City of Goleta, California, Initiating the Processing of a City-Initiated General Plan Amendment to the Safety Element to Incorporate the 2023 Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan and Finding the Initiation to be Exempt from the California Environmental Quality Act; Case No. 23-0001-GPA
2. Notice of Exemption

ATTACHMENT 1

A Resolution of the City Council of the City of Goleta, California Considering Initiation of a General Plan Amendment to the Safety Element to Incorporate the 2023 Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan and Finding the Initiation to be Exempt from the California Environmental Quality Act

RESOLUTION NO. 23-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, INITIATING THE PROCESSING OF A CITY-INITIATED GENERAL PLAN AMENDMENT TO THE SAFETY ELEMENT TO INCORPORATE THE 2023 GOLETA ANNEX TO THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AND FINDING THE INITIATION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; CASE NO. 23-0001-GPA

WHEREAS the Goleta General Plan/Coastal Land Use Plan (General Plan) is the City's official policy that guides land use and physical development of the geographic area of the incorporated City limits; and

WHEREAS California Government Code Sections 65350 et seq. authorize cities and counties to prepare, adopt and amend General Plans and their elements; and

WHEREAS California Government Code Section 65358(a) reads, "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment"; and

WHEREAS City Council Resolution No. 12-13 and Goleta Municipal Code (GMC) Section 17.67.030 establish a procedure for the initiation of processing of requests for a General Plan Amendment (GPA); and

WHEREAS City Council Resolution No. 12-13 and GMC Section 17.67.030 require the City Council to consider certain factors for the initiation of GPAs, including consistency with the Guiding Principles and Goals of the General Plan, consistency with the surrounding community or General Plan, possible public benefits, availability of or the future study of the availability of public services, or rules or regulations that may drive the need to amend the General Plan; and

WHEREAS, The Goleta City Council adopted the federally accepted Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan on April 4th, 2023; and

WHEREAS, Assembly Bill 2140 (2006) requires city agencies to have a federally accepted Hazard Mitigation Plan within a city's Safety Element to qualify for the highest cost reimbursement rate from the State.

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

SECTION 1. General Plan Amendment Initiation Factors

The City Council makes the following statements regarding the initiation factors outlined in City Council Resolution No. 12-13 and GMC Section 17.67.030:

- a) For purposes of this GPA Initiation, the first four factors in City Council Resolution No 12-13 and GMC Section 17.67.030 are not relevant because the factors apply to a situation in which a GPA is not required by law.
- b) The proposed GPA is required under other rules or regulations. AB 2140 requires that the City's Safety Element include a federally-accepted Hazard Mitigation Plan to be considered for part or all of its local-share costs on eligible Public Assistance funding to be provided by the State through the California Disaster Assistance Act.

SECTION 2. Environmental Assessment

The initiation not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity is not a "project" as defined in Section 15378(b)(5) as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment. The initiation is also exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

SECTION 3. Council Action

The City Council hereby authorizes staff to initiate processing of General Plan amendments to update the Safety Element to incorporate the Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan.

SECTION 4.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this __ day of _____ 2023.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 23-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the ___ day of _____, 2023 by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2

A Notice of Exemption Related to the Initiation of a General Plan Amendment to the Safety Element to Incorporate the 2023 Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan (Case No. 23-0001-GPA)

NOTICE OF EXEMPTION (NOE)

To: Office of Planning and Research
P.O. Box 3044, 1400 Tenth St. Rm. 212
Sacramento, CA 95812-3044

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title: Initiation of a General Plan Amendment to the Safety Element to Incorporate the 2023 Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan (Case No. 23-0001-GPA)

Project Applicant: City of Goleta

Project Location (Address and APN): Citywide

Description of Nature, Purpose and Beneficiaries of Project:

In order to qualify for the highest reimbursement rate possible with the State of California, the City's recently adopted 2023 Goleta Annex to the Multi-Jurisdictional Hazard Mitigation Plan must be incorporated into the City's Safety Element. In order to amend the Safety Element, a General Plan Amendment (GPA) must be completed. The first step in that process is a GPA initiation that would authorize staff to process a GPA to update the Safety Element. Once initiated, the GPA and any related environmental document are prepared and considered by the Planning Commission and a recommendation is made to the City Council via resolution. The City Council takes final action at a public hearing.

Name of Public Agency Approving the Project: City of Goleta

Name of Person or Agency Carrying Out the Project: City of Goleta

Exempt Status: *(check one)*

- Ministerial (§15268)
- Declared Emergency (§15269 (a))
- Emergency Project (§15269 (b) (c))
- Categorical Exemption: (Insert Type(s) and Section Number(s))
- Statutory Exemption: (§21083.3; CEQA Guidelines, §15183)
- Other: CEQA Guidelines, §15060(c)(3); §15378(b)(5); §15061(b)(3)

Reason(s) why the project is exempt:

The initiation is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the CEQA Guidelines because the activity is not a "project" as defined in Section 15378(b)(5) as an organizational or administrative activity by government that will not result in direct or indirect physical changes in the environment.

The initiation is also exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

NOTICE OF EXEMPTION (NOE)

City of Goleta Contact Person:

Peter Imhof

Director, Planning & Environmental Review

Date