

RESOLUTION NO. 2023-1850

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS ADOPTING AN UPDATED SAFETY ELEMENT, UPDATED CIRCULATION ELEMENT, AND AN UPDATED IMPLEMENTATION CHAPTER OF THE CALABASAS 2030 GENERAL PLAN, AS NECESSARY TO COMPLY WITH CALIFORNIA LAW

WHEREAS, The City Council of the City of Calabasas has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda reports prepared by the Community Development Department;
2. Staff presentation at the public hearing held by the City Council on April 26, 2023;
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes;
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the project;
5. All related documents received and/or submitted at or prior to the public hearing; and

WHEREAS, The City Council of the City of Calabasas finds that:

1. The Safety Element and the Circulation Element are required elements of the General Plan per State law (Government Code Section 65302);
2. In accordance with California Government Code Section 65588, the Planning Commission recommended, and the City Council approved and adopted, an updated Land Use Element and Housing Element for the 2021 – 2029 RHNA planning period; the updated 2021 – 2029 Housing Element was accepted and certified by the California Department of Housing and Community Development on April 25, 2022 as being consistent with applicable State housing laws;

3. Senate Bill 99 (section 65302 of the California Government Code), requires that when a City updates its Housing Element the City must update the General Plan Safety Element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes;
4. Senate Bill 379 (section 65302(g) of the California Government Code), requires that upon the next revision of a general plan or local hazard mitigation plan, the safety element is to be updated as necessary to address climate adaptation and resiliency strategies applicable to the city;
5. Senate Bill 1241 (ref. sections 65302, 65302.5, 65040.20 and 66474.02 of the California Government Code), requires that when a city updates its General Plan Housing Element, on or after January 1, 2014, the city must also update its General Plan Safety Element to address the risk of fire in state responsibility areas and very high fire hazard severity zones.
6. Senate Bill 1035 (ref. 65302(g)(5) of the California Government Code) requires cities and counties to update their General Plan Safety Elements during a Housing Element update cycle, but not less than once every eight years, if new information on flood hazards, fire hazards, or climate adaptation or resilience is available that was not available during the previous Safety Element revision;
7. Assembly Bill 747 and Assembly Bill 1409 (ref. 65302.15 of the California Government Code) require each local jurisdiction to review and update its General Plan Safety Element to identify evacuation routes and their capacities, safety, and viability under a range of emergency scenarios; and, to identify evacuation locations;
8. Senate Bill 743 (ref. California Public Resources Code section 21099) required changes to the CEQA Guidelines (California Code of Regulations, Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts such that the criteria for determining the significance of transportation impacts must promote greenhouse gas emission reductions, the development of multimodal transportation networks, and a diversity of land uses; and, relatedly, requires the City to update its General Plan Circulation Element, to incorporate traffic and transportation policies, thresholds, and methodologies based on vehicle miles traveled (VMT) instead of reliance upon and references to level of service (LOS);
9. Assembly Bill 3065 (ref. section 65302.5(b)(1) of the California Government Code) requires that at least 90 days prior to adoption of an amendment to the General Plan Safety Element, that the draft element

- amendment be submitted to the State Board of Forestry and Fire Protection and to the applicable local fire protection agencies for review;
10. In accordance with the State requirements identified above, City staff, Rincon Consultants, and Fehr & Peers Consulting initiated preparation of the Safety Element and Circulation Element updates in January, 2021;
 11. On February 28, 2022, Planning staff and the consultant team presented to the members of the Public Safety Commission and members of the Traffic and Transportation Commission completed drafts of the updated Safety Element and Circulation Element at a joint meeting of the two City commissions; and, the members of both commissions provided input regarding the draft General Plan element updates, which were incorporated;
 12. Consistent with the provisions of California Government Code section 65302.5(b)(1): on July 29, 2021 Planning staff and consultant met with Los Angeles County Fire Department personnel to discuss and review the draft Safety Element update; on December 14, 2021 Planning staff submitted to the Los Angeles County Fire Department a revised draft Safety Element update for agency review followed by a review meeting on January 10, 2022; on August 12, 2021, November 17, 2022, and again on January 4, 2023 Planning staff and consultant submitted respective drafts of the Safety Element update to Cal FIRE for reviews by agency staff; and on April 4, 2023 the California Board of Forestry and Fire Protection (CAL FIRE) rendered a determination that the City's draft Safety Element Update conforms to applicable State laws and policies;
 13. Consistent with the provisions of California Government Code section 65354, and section 17.76.050 of the Calabasas Municipal Code (CMC), the Planning Commission of the City of Calabasas conducted public hearings on July 21, 2022, October 6, 2022, and January 19, 2023 to take public testimony and to consider the proposed General Plan amendments, after which the Planning Commission passed Planning Commission resolution No. 2023-750, recommending to the City Council approval and adoption of the proposed amendments; and
 14. Notice of the City Council public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2); the hearing notice was posted on the City of Calabasas website, at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, at Calabasas City Hall; and the hearing notice was sent via e-mail to all citizens listed on the City's meeting notifications list.

NOW, THEREFORE, the City Council of the City of Calabasas does hereby find and order that:

SECTION 1. In view of all of the evidence and the foregoing, and in accordance with section 17.76.050 of the Calabasas Municipal Code, the City Council of the City of Calabasas hereby finds and concludes that the proposed General Plan Amendments may be approved based on the following findings:

1. *The proposed amendment is internally consistent with the General Plan;*

The City's 2021 – 2029 Housing Element and associated updates to the Land Use Element were approved and adopted by the City Council on October 13, 2021, based in part upon findings that the updates were mutually consistent, as well being consistent with the policies and proposals set forth in the other 2030 General Plan elements. The City Council amended and re-adopted the 2021 – 2029 Housing Element on March 30, 2022 based in part on commensurate findings of internal General Plan consistency. The updates to the General Plan Safety Element and Circulation Element were triggered by the 2021 – 2029 Housing Element update, per State mandates, and were prepared in concert with the Housing Element update. The new policy statements and revised policy statements in the Circulation Element update and the Safety Element update promote greater overall safety and welfare for the community, and the new and amended policy statements do not negate, contradict, or otherwise conflict with policies and programs within the other General Plan elements. Furthermore, relative to the Safety Element, updates to pages XIII-9 and XIII-10 of the 2030 General Plan (Chapter XIII, Implementation) add inter-agency coordination measures regarding emergency preparedness, evacuation, response, and recovery, thereby strengthening internal General Plan consistency. As a result, the proposed amendments are internally consistent with the General Plan and meet this finding.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed Circulation Element update and Safety Element update are mandated by the State to assure that local governments incorporate into their General Plans: 1) information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes; 2) a climate change vulnerability assessment, measures to address vulnerabilities, and a comprehensive hazard mitigation and emergency response strategy; 3) new information on flood hazards, fire hazards, or

climate adaptation or resilience that was not previously available; 4) analyses and policies addressing the risk of fire in state responsibility areas and very high fire hazard severity zones; 5) identification of evacuation routes and capacity, safety, and viability under a range of emergency scenarios; and, 6) traffic and transportation policies, thresholds, and methodologies based on vehicle miles traveled (VMT) instead of reliance upon and references to level of service. Because the proposed updates to the Circulation Element and the Safety Element of the 2030 General Plan incorporate all of the foregoing, and are therefore beneficial to the public interest, convenience, and welfare of the City, the proposed amendments to the General Plan meet this finding.

3. *The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested/anticipated land use development(s); and*

The proposed Circulation Element update and Safety Element update are mandated by the State to assure that local governments incorporate into their General Plans a variety of information, analyses, and policies pertaining to wildfire hazard risk and resilience, climate change vulnerability and mitigation measures, emergency evacuation analyses and policies, and vehicle miles traveled based policies regarding traffic impacts. These issues and policies relate to the entirety of the City and are not site specific. Therefore, a determination of site suitability for the proposed General Plan amendments is inapplicable.

4. *The proposed amendment complies with the provisions of the California Environmental Quality Act (CEQA).*

The City of Calabasas General Plan Update Final Environmental Impact Report (EIR) (State Clearinghouse #2021020150) was approved and certified by the City of Calabasas City Council on October 13, 2021; the EIR analyzed updates to the Land Use, Housing, Safety, and Circulation Elements. However, some updates to the Safety Element and Circulation Element were accomplished after the General Plan Update Final EIR was approved and certified; therefore, an Addendum to the EIR was prepared for this project. The EIR Addendum, in conjunction with the previously certified Final EIR, addresses the entirety of proposed updates to the Calabasas General Plan Circulation and Safety Elements. The EIR Addendum was prepared in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines. Pursuant to CEQA Guidelines section 15162, an explanation of the decision not to

prepare a subsequent EIR, supported by substantial evidence, is included in Section 4 of the EIR Addendum. As a result, the proposed General Plan amendments meet this finding.

SECTION 2. In view of all of the evidence and based on the foregoing findings and conclusions, the City Council of the City of Calabasas hereby approves and adopts the proposed updates to the Safety Element, Circulation Element, and Chapter XIII (Implementation) of the Calabasas 2030 General Plan, in accordance with the April 26, 2023 City Council Meeting Staff Report, inclusive of all attachments, exhibits, and incorporated references.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

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

David Shapiro, Mayor

ATTEST:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:

Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
City Attorney