



Agenda Report

MEETING DATE: January 19, 2021

TO: City Council

FROM: Steve Palmisano, Public Works and Utilities Director
Suzi Merriam, Community Development Director

SUBJECT: Public Hearing to consider adoption of the 2020 Local Hazard Mitigation Plan (LHMP) and an amendment of the Safety Element of the 2005 General Plan to incorporate by reference the 2020 LHMP

STATEMENT OF ISSUE

Adoption of the 2020 Single Jurisdiction Local Hazard Mitigation Plan (LHMP) and incorporation of the 2020 LHMP into the General Plan by reference.

RECOMMENDED ACTION

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING THE CITY OF WATSONVILLE LOCAL HAZARD MITIGATION PLAN - SEPTEMBER 2020
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING THE TWENTY-FIFTH (25TH) AMENDMENT TO THE WATSONVILLE 2005 GENERAL PLAN AMENDING CHAPTER 12 (PUBLIC SAFETY) TO INCORPORATE BY REFERENCE THE 2020 LOCAL HAZARD MITIGATION PLAN (LHMP)

BACKGROUND

In 1988, Congress enacted the Robert T. Stafford Disaster Relief and Emergency Assistance Act¹, which amended the Federal Disaster Relief Act of 1974. The Stafford Act established the need for disaster preparedness and mitigation assistance, and established a fund to assist states in preparing pre-disaster mitigation plans. The Stafford provides for the preparation of a community's LHMP and authorizes the President to promulgate regulations through the Federal Emergency Management Agency (FEMA) that require communities to have a current and approved LHMP to be eligible for Pre-Disaster Mitigation grant funding.

¹ 42 USC 5121 et seq

In 2006, the State of California passed Assembly Bill (AB) 2140.² This law specifically provides that a community may adopt by reference an LHMP into the safety element of its General Plan if it meets applicable state requirements. California's Office of Emergency Services and the Governor's Office of Planning and Research have determined that incorporating the LHMP by reference adequately satisfies the requirements of § 65302.6. Moreover, § 8685.9 incentivizes the adoption of LHMPs into safety elements. Where local communities have incorporated a valid LHMP into their general plan, the State is allowed to cover more than 75% of remaining disaster relief costs. Otherwise, funds for local governments are limited.

In 2015, California passed Senate Bill SB 379³, which requires a community's general plan safety element to address hazards attributed to and exacerbated by climate change. The safety element must include a vulnerability assessment identifying how climate change is expected to affect hazard conditions in the community, as well as goals, policies, and measures to adapt to increase resilience assessment of vulnerabilities and risks associated with climate change to be incorporated into the LHMP.

In 2019, the state passed two more bills—AB 747⁴ and SB 99⁵—that further changed planning and zoning laws to require a local jurisdiction's general plan safety element to be reviewed and updated, as necessary, to 1) identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios (AB 747) and 2) include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes (SB 99).

These three bills (SB 379, AB 747, and SB 99), authorize a city that has adopted a LHMP or other document that fulfills commensurate goals and objectives to comply with these requirements by summarizing and incorporating by reference said LHMP or other document in the safety element.

Grant Funded Project. FEMA provides funding periodically to the California Office of Emergency Services (CalOES) to pay cities and counties to develop a LHMP. In 2017, the City was awarded \$150,000 to prepare a LHMP under the FY2017 Pre-disaster Mitigation Competitive Grant Program. In 2019, the Council approved a contract with Harris & Associates to prepare a LHMP for the City (Resolution No. 122-19). With the grant award and Harris's assistance, staff worked with steering and planning committees, stakeholders and the community to develop the City's single jurisdiction LHMP.

² Approved by Governor on September 29, 2006. Filed with Secretary of State on September 29, 2006. Codified at sections 8685.9 and 65302.6 of the California Government Code, relating to local planning.

³ Approved by Governor on October 08, 2015. Filed with Secretary of State on October 08, 2015. Codified at Section 65302 of the California Government Code, relating to land use.

⁴ Approved by Governor on October 09, 2019. Filed with Secretary of State on October 09, 2019. An act to add Section 65302.15 to the Government Code, relating to land use.

⁵ Approved by Governor on August 30, 2019. Filed with Secretary of State on August 30, 2019. Codified at Section 65302 of the California Government Code, relating to land use.

Reduced Flood Insurance Rates. City staff also decided to incorporate the necessary requirements for the National Flood Insurance Program Community Rating System (CRS) program through the outreach and engagement process of developing the 2020 LHMP. By incorporating the CRS elements in the LHMP, the City could help property owners receive a 20% discount on their flood insurance policies. The City is aiming to improve the City's classification from a Class 7 to Class 6 (on a 1-10 classification scale). By the City participating in the CRS program, property owners in the Special Flood Hazard Area (SFHA) can benefit from discounted flood insurance rates.

The Planning Commission held a public hearing on December 1, 2020, to consider recommending the Council adopt the 2020 LHMP into the Safety Element of the General Plan. After considering all written and verbal evidence regarding this matter, the Planning Commission adopted Resolution No. 21-20 (PC), recommending a general plan text amendment to incorporate by reference the 2020 LHMP into the City's General Plan.

PROCESS

State and FEMA Local Hazard Mitigation Plan Adoption

CalOES and FEMA reviewed the Local Hazard Mitigation Plan for completeness and compliance with Federal and State requirements. The LHMP was approved by both agencies, pending adoption of the Plan by the City Council.

General Plan Text Amendment

The text of the General Plan text and the General Plan Land Use Diagram may be amended by Council resolution by procedures established in Chapter 14-12 of the Watsonville Municipal Code (WMC) whenever the public necessity, the general community welfare, and good zoning practices permit such amendment. [WMC § 14-12.700](#). Amendments to the General Plan may be initiated by the Zoning Administrator. [WMC § 14-12.701](#).

Any proposed text amendment to the General Plan must first be reviewed by the Planning Commission, at a public hearing noticed in accordance with Part 9 of WMC Chapter 14-10 and conducted in accordance with Part 10 of WMC Chapter 14-10, for recommendation to the Council. At the conclusion of the public hearing, the Commission shall adopt a resolution, recommending approval or denial of the proposed amendment, by the affirmative vote of the majority of the Commission members, subject to findings required by WMC Section 14-12.708.⁶

Upon forwarding the Commission recommendation for approval, modified approval, or denial, such recommendation shall be accompanied by a complete report of the Commission's action prepared by the Community Development Department, including a summary of the hearing, its

⁶ The Planning Commission and City Council shall, in Planning Commission recommending or the City Council in approving an amendment to the General Plan Land Use Diagram or text, make the following findings: (a) That the proposed amendment is consistent with the policies embodied in the General Plan; and (b) That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.

findings, and a copy of the Commission resolution, minutes, along with any other pertinent material or information which will assist the Council in making its final determination in the matter. [WMC § 14-12.706](#). Upon receipt of the Commission's recommendation, and before adopting any amendment, the Council shall review the matter at a public hearing noticed in accordance with Part 9 of WMC Chapter 14-10 and conducted in accordance with Part 10 of WMC Chapter 14-10.

At the conclusion of the public hearing, the Council is required to adopt a resolution approving or denying the proposed amendment, upon making the General Plan Amendment findings required by WMC Section 14-12.708.

Environmental Review

The California Environmental Quality Act requires local and state governments to consider the potential environmental effects of a project before making a decision on it. CEQA's purpose is to disclose the potential impacts of a project and suggest methods to minimize those impacts. Certain classes of projects, however, have been identified that do not have a significant effect on the environment, and are considered categorically exempt from the requirement for the preparation of environmental documents. [State CEQA Guidelines § 15300 \(14 CCR 15003\)](#). In addition, a project is exempt from CEQA if the activity is covered by the common sense exemption (i.e., CEQA applies only to projects which have the potential for causing a significant effect on the environment). Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. [Subdivision \(b\)\(3\) of State CEQA Guidelines § 15061](#).

STANDARD OF REVIEW & APPEAL PROCESS

Whether a particular decision is adjudicative or legislative determines the requirements to support the decision. Legislative decisions involve the adoption of broad policies applicable to many situations (for example, general plan and zoning amendments). Legislative decisions generally require few, if any, findings.

Adjudicative (or "quasi-judicial") decisions, on the other hand, are not policy decisions. Adjudicative/quasi-judicial decisions apply already adopted policies or standards to individual cases, such as a variance or conditional use permit application. Adjudicative/quasi-judicial decisions are based on evidence and must always be supported by findings.

This proposed General Plan text amendment is a legislative decision and requires just two findings required by subdivisions (a) and (b) of WMC Section 14-12.708. The proposed resolution includes facts and analysis to support these two findings.

If the Council's decision was challenged, an appellant would have to file a lawsuit. A reviewing court will consider whether the legislative decision by the Council was "reasonable" or an abuse of discretion.

DISCUSSION

Local Hazard Mitigation Plan

The LHMP adoption process allows a community to identify risks and vulnerabilities associated with natural and other disasters, and develop long-term strategies for protecting people and property from future hazard events. Developing hazard mitigation plans enables local governments to:

- Increase education and awareness around threats, hazards, and vulnerabilities;
- Build partnerships for risk reduction involving government, organizations, businesses, and the public;
- Identify long-term, broadly supported strategies for risk reduction;
- Align risk reduction with other state and community objectives;
- Identify implementation approaches that focus resources on the greatest risks and vulnerabilities; and
- Communicate priorities to apply for and secure potential sources of funding.

Moreover, a FEMA-approved hazard mitigation plan is a condition for receiving FEMA Pre-Disaster Mitigation grants, including funding for mitigation projects. Ultimately, hazard mitigation planning enables implementation of projects and programs to reduce loss of life and property, lessening the impact of disasters.

Local, State and Federal Review and Approval

In August 2020, City's Public Works and Utilities staff submitted the City's draft LHMP to state and federal agencies for review. In October 2020, the draft LHMP was approved preliminarily by CalOES and FEMA; final approval by these state and federal agencies will follow local adoption by the City. Upon adoption by the City, CalOES and FEMA will issue a final letter of approval for the LHMP.

In addition to adopting the approved LHMP, the City may incorporate the LHMP by reference in the Safety Element of the 2005 Watsonville General Plan and, thereby, demonstrate compliance with SB 2140.⁷

California SB 379 required the City to incorporate an assessment of vulnerabilities and risks associated with climate change in the LHMP. Each natural hazard, such as earthquakes, wildfires, floods, were modeled with the 20-year projection of what would likely occur without mitigation measures. In order to comply with SB379, the City then added, the climate projections into the model to show how that exacerbated the primary natural hazard. Climate change was also modeled as a stand-alone natural hazard that needs to be mitigated. The LHMP is the basis for the updated 2020 Climate Action and Adaptation Plan.

As part of this effort, the City also prepared an emergency evacuation route analysis in accordance with AB 747 (2019) and SB 99 (2019). This analysis provides an assessment of the transportation network's capacity, safety, and viability under a range of emergency scenarios.

⁷ Footnote 1, supra.

General Plan Safety Element

Existing planning and zoning law requires the legislative body of each county and city to adopt a comprehensive, long-term “general plan” for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires certain general plan “elements” elements, including a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. In addition, existing law requires the safety element to address, among other things, evacuation routes related to identified fire and geologic hazards.

General Plan Text Amendment

The recommended general plan text amendment would add the following information to Chapter 12 (Public Safety) under the heading “Emergency Preparedness” (***bold italic*** text represents new text).

The policies for environmental constraint management and public safety have been developed in an effort to protect lives and property by preventive measures. Watsonville also recognizes the need to remain prepared should disaster strike. The City has prepared a state-approved Emergency Preparedness Plan and has identified evacuation routes for the relocation of residents from any part of the Planning Area experiencing hazardous conditions. As illustrated in Figure 12-5, routes have been selected to move the population toward any point of the compass depending on the nature of the emergency.

*In addition, the Hazard Mitigation Plan, developed **in 1990** after the Loma Prieta Earthquake, identifies several emergency preparedness improvements that are of benefit in emergencies other than earthquakes. The implementation of the recommendations in that Plan will improve that City’s overall emergency response capability.*

The City has developed and adopted a Community-based Disaster Response Plan, which describes a method of organizing the efforts of the entire community around disasters. This Plan includes coordinating the efforts of governmental agencies as well as schools, hospitals, businesses, non-profit agencies, and other community groups and addresses short-term and long-term recovery needs.

In 2020, the City developed a LHMP in accordance with the federal Disaster Mitigation Act of 2000. Following FEMA’s 2011 Local Hazard Mitigation Plan (LHMP) guidance, the LHMP provides a process that enables the City to identify and assess: 1) natural hazards, including those that are created or exacerbated by climate change; 2) people and facilities that are at risk to hazard impacts; and 3) mitigation actions that reduce or eliminate hazard impacts.

The LHMP’s risk assessment summarizes the vulnerability and potential impacts of hazards including flooding, earthquakes, landslides, liquefaction, drought, wildfire, extreme heat, and sea-level rise. The risk assessment addresses climate

risks by including climate projections from Cal-adapt and discussing how the frequency and magnitude of hazard events may increase due to climate change.

The LHMP provides short- and long-term strategies, which involve policy changes, programs, projects, and other activities aimed at reducing the City's vulnerability to these hazards. The LHMP's mitigation strategy also includes adaptation and resilience goals, policies, and objectives.

Examples of identified mitigation actions include protecting essential infrastructure from sea-level rise, improving existing stormwater infrastructure to reduce flood risk, strengthening and stabilizing public facilities and infrastructure against fire and earthquake risk, developing back-up communications systems for essential infrastructure, and improving urban natural habitats to increase resilience and promote climate change adaptation.

In 2006, the Legislature passed Assembly Bill (AB) 2140⁸—known as the California Disaster Assistance Act—which authorizes and incentivizes local jurisdictions to incorporate by reference their LHMP into the safety element of their general plan if it meets applicable state requirements. By adopting its LHMP by reference in the General Plan, the City is compliant with AB 2140 and is therefore potentially eligible for additional disaster relief funding.

In 2015, California passed Senate Bill (SB) 379⁹, which requires the City to update the safety element to address applicable climate adaptation and resiliency strategies. Specifically, SB 379 requires the City to develop goals, policies, and objectives based on a vulnerability assessment, identifying the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts. The bill also states that if a local jurisdiction has adopted the LHMP that fulfills commensurate goals and objectives and contains information related to climate change vulnerability and adaptation policies, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan is sufficient in complying with SB 379. Therefore, by summarizing and incorporating by reference the City's 2020 LHMP into the safety element of the general plan, the City is compliant with SB 379.

As part of this effort, the City also prepared an emergency evacuation route analysis in accordance with AB 747¹⁰ (2019) and SB 99¹¹ (2019). This analysis provides an assessment of the transportation network's capacity, safety, and viability under a range of emergency scenarios, and is attached as Appendix D to the General Plan.

⁸ Codified at California Government Code §§ 8685.9 and 65302.6

⁹ Codified at California Government Code § 65302

¹⁰ Codified at California Government Code § 65302.15

¹¹ Codified at California Government Code § 65302

In addition, the proposed text amendment includes updates to the following implementation measures under Policy 12.L (Emergency Preparedness), as follows:

- 12.L.3 Planning – The City shall annually update the Emergency Preparedness Plan **and Local Hazard Mitigation Plan (LHMP)** and coordinate planning efforts with the local community and the Santa Cruz County Office of Emergency Services.
- 12.L.4 Evacuation – The City shall designate evacuation routes for the Planning Area, according to the planning format outlined in the Emergency Preparedness Plan **and emergency evacuation route analysis in Appendix D.**
- 12.L.5 **Local** Hazard Mitigation Plan – The City of Watsonville shall actively pursue the implementation of the recommendations included in the **2020 LHMP and subsequent updates** ~~Hazard Mitigation Plan for the City of Watsonville that was developed after the 1989 Loma Prieta Earthquake, including preparation of the Community-based Disaster Response Plan.~~

Lastly, the proposed text amendment includes the aforementioned emergency evacuation route analysis as a new Appendix D.

General Plan Consistency

The proposed text amendment is consistent with the following General Plan goals and policies concerning emergency preparedness.

- **Goal 12.7 Emergency Preparedness** – Anticipate the potential for disasters; maintain continuity of life-support functions during an emergency; and maximize efforts for post-emergency recovery.
- **Policy 12.L Emergency Preparedness** – The City shall be prepared to maintain critical public services during emergency situations.

The proposed text amendment is in harmony with the overall intent of the Safety Element to minimize exposure to dangerous conditions resulting from seismic and other geological hazards, flooding, urban and wildland fires.

Environmental Review

The proposed amendment to the Safety Element of the General Plan is exempt from CEQA, pursuant to common sense exemption under State CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The LHMP acts as a guidebook for hazard mitigation strategies but does not implement any specific project, action, or funding. A Notice of Exemption will be filed in accordance with CEQA Guidelines.

CONCLUSION

The 2020 LHMP for the City of Watsonville was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000)¹² and follows FEMA's 2011 LHMP guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and strategies are developed to reduce or eliminate hazard risk. The implementation of these strategies, which include both short- and long-term actions, involve planning, policy changes, programs, projects, and other activities.

City staff recommends adoption of the 2020 LHMP. Staff then recommends incorporation of the CalOES and FEMA approved single-jurisdiction LHMP by reference in Chapter 12 Public Safety of the Watsonville 2005 General Plan. In addition, staff recommends incorporation of the supplemental emergency evacuation route analysis as appendix D to the 2005 General Plan.

STRATEGIC PLAN

The purpose of the City of Watsonville's 2018-2020 Strategic Plan is to help the City prioritize its efforts, allocating both fiscal and human resources to achieve a shared vision and goals. The 2018-20 Strategic Plan identifies six goals, concerning housing, fiscal health, infrastructure and environment, economic development, community engagement and well-being, and public safety.

Approval of the proposed text amendment is consistent with the City Council's goal to continue to create a safe and thriving community.

FINANCIAL IMPACT

If adopted, the LHMP will allow the City to be eligible for future grant funding opportunities through FEMA and CalOES. There will be no financial impact to the City.

ALTERNATIVE ACTION

The City Council may choose to not adopt the proposed text amendment to incorporate the LHMP by reference into the Safety Element of the General Plan.

ATTACHMENTS

1. December 1, 2020 Planning Commission meeting staff report
2. December 1, 2020 Planning Commission public hearing minutes
3. December 1, 2020 Planning Commission Resolution No. 21-20 (PC)
4. General Plan Text Amendment (amending Chapter 12 and adding new Appendix D)
5. Local Hazard Mitigation Plan (dated September 2020)
6. CalOES approval letter (dated October 5, 2020)
7. FEMA approval letter (dated October 16, 2020)

CITY COUNCIL ACTION RECOMMENDED

¹² Public Law 106-390-OCT. 30, 2000, Disaster Mitigation Act of 2000.

- 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING THE CITY OF WATSONVILLE LOCAL HAZARD MITIGATION PLAN - SEPTEMBER 2020
- 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING THE TWENTY-FIFTH (25TH) AMENDMENT TO THE WATSONVILLE 2005 GENERAL PLAN AMENDING CHAPTER 12 (PUBLIC SAFETY) TO INCORPORATE BY REFERENCE THE 2020 LOCAL HAZARD MITIGATION PLAN (LHMP)

Adopt a Resolution approving an amendment of the Safety Element of the 2005 Watsonville General Plan to incorporate by reference the 2020 LHMP.