



CITY COUNCIL STAFF REPORT



April 23, 2024

ITEM TITLE

General Plan Amendment: Amend the Chula Vista General Plan to Establish a Safety Element by Consolidating and Updating Safety Goals and Policies in Compliance with State Law

Report Number: 24-0130

Location: No specific geographic location

Department: Development Services

G.C. § 84308: No

Environmental Notice: Pursuant to State of California Environmental Quality Act (“CEQA”) Guideline Section 15162, a subsequent Environmental Impact Report (“EIR”) or a Negative Declaration is not required for the update to the City’s Safety Element in that substantial changes are not proposed, the circumstances to which the General Plan was adopted have not changed, and no new information of substantial importance has arisen since the prior environmental documents have been certified. Furthermore, it has been determined that the proposed consolidation of safety goals and policies is exempt from the CEQA Guidelines pursuant to Sections 15060(c)(2) and 15061(b)(3) in that the proposed amendments are primarily limited to policy modifications and updates in compliance with Government Code Section 65302(g)1 through 9 and are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the proposed changes have the potential for causing a significant effect on the environment.

Recommended Action

Conduct the public hearing and adopt a resolution amending the Chula Vista General Plan to establish a Safety Element by consolidating and updating Safety goals and policies in compliance with state law.

SUMMARY

Senate Bill 1035 (“SB 1035”) requires that a local jurisdiction update its Safety Element upon each revision of its Housing Element or Local Hazard Mitigation Plan. The City of Chula Vista updated its Housing Element in October 2022 and is now establishing a Safety Element in compliance with SB 1035.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed Safety Element for compliance with CEQA and determined that the Safety Element does not require a subsequent EIR or a Negative Declaration for the update to the City's Safety Element in that substantial changes are not proposed, the circumstances to which the General Plan was adopted have not changed, and no new information of substantial importance has arisen since the prior environmental documents have been certified. Furthermore, it has been determined that the proposed consolidation of safety goals and policies is exempt from the CEQA Guidelines pursuant to Sections 15060(c)(2) and 15061(b)(3) in that the proposed amendments are primarily limited to policy modifications and updates in compliance with Government Code Section 65302(g)1 through 9 and are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the proposed changes have the potential for causing a significant effect on the environment. Therefore, no further environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

On March 27, 2024 the Chula Vista Planning Commission voted 6-0-1 to recommend that the City Council adopt the resolution amending the General Plan to establish a Safety Element (Attachment 1).

DISCUSSION

Background

The City's existing General Plan was approved in 2005 and included six elements: Land Use and Transportation; Economic Development; Housing; Public Facilities and Services; Environmental; and Growth Management. Goals and policies related to issues of safety were included within the Public Facilities and Services and Environmental Elements, which covered the following: Flooding and Erosion; Seismic and Geologic Instability; Wildfire; Climate Resiliency; Crime; Health Emergencies; and Hazardous Materials. This proposal would consolidate and update those goals and policies into a standalone Safety Element within the General Plan.

In 2018, the Governor signed into law SB 1035. The law requires local jurisdictions to update their General Plan's Safety Element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years. Each update is required to address new information relating to flood, fire hazards, climate adaptation, and resiliency strategies applicable to the city or county that was not available during the previous version of the safety element. In addition to SB 1035, several other Assembly (AB) and Senate bills (SB) were approved that require amendments to the General Plan's Safety Element as listed below:

- Update flood-related information and strengthen flood protection measures (AB 162)
- Local Hazard Mitigation Plan integration or incorporation by reference into the Safety Element (AB 2140)
- Identification of evacuation routes and access to two or more evacuation routes for residential areas (SB 1241)

- Consultation with Cal FIRE and the Department of Conservation on wildfire policies (SB 1241)
- Analysis of evacuation routes to include the safety, viability, and capacity under a range of emergency scenarios (AB 747 and SB 99)

Additionally, if the Safety Element is approved before June 1, 2024, the City becomes eligible to qualify for the Fire Risk Reduction Community List (“FRRCL”). The Fire Risk Reduction Community List, as mandated by California Public Resource Code § 4290.1, is a list of local agencies located in a very high fire hazard severity zone that meet best practices for local fire planning. Should the City be added to this list, it would allow the Fire Department increased qualification for grant opportunities and allow Chula Vista residents to potentially qualify for reduced fire insurance rates, and/or fire insurance rates that would not escalate.

Public Outreach

An online survey was designed and posted on the City’s website to request input from community members identifying hazards and other locally relevant safety issues, such as emergency response times, pandemics, hazardous materials spills, crime reduction, etc. The survey was provided in English and Spanish and was open for 4 weeks, from August 10, 2023 to September 7, 2023. A total of 95 surveys were completed by residents, visitors, and people who work within the City. Participants cited severe weather and extreme heat as the most prevalent issues experienced in the City. A summary of the completed surveys is included as Attachment 2 of this report.

In addition to the public survey, staff held two community meetings to solicit feedback, one in the eastern part of the City and one in the western part. The meeting in the eastern portion of the City took place on September 27, 2023 at Monteville Community Center and was lightly attended. The meeting on the western portion of the City was held in City Council Chambers on September 28, 2023, and was attended by four community members. Attendees at both meetings viewed the exhibits and discussed their experience with flooding, power outages, fire, etc. with staff and the City’s consultants, Michael Baker International. Staff listened and took all the comments into consideration when drafting the Safety Element.

The draft Safety Element was made available online for public review from March 4, 2024 through March 19, 2024. Staff received one response regarding implementation of Safety Element Action Items and additional firefighting equipment.

As required by California Government Code § 65302, the draft Safety Element was submitted to and has been reviewed by the California Board of Forestry and Fire Protection (the “Board”). The Board held a meeting on April 9, 2024 to discuss the City’s draft Safety Element. The Board’s final review determined that the City’s Safety Element has adequately addressed and mitigated the City’s wildfire risk and meets the fire safety planning requirements outlined in Government Code § 65302. The Board has provided the City with a copy of the final General Plan Safety Element Assessment (Attachment 3) and has approved the City to move forward with adoption of the 2024 Safety Element.

Proposed Amendments

The proposed amendments would consolidate and update goals and policies from several elements of the General Plan into a new standalone Safety Element (Attachment 4). The amendment would include four new Goals and the Policies necessary to implement them:

- Goal SE 1.0: Minimize the potential for loss of life, injury, damage to property, economic and social dislocation, and unusual public expense due to natural hazards.

The policies to implement this goal include those related to Flooding and Erosion, Seismic and Geologic Instability, and Wildfire.

- Goal SE 2.0: Minimize the potential for loss of life, injury, damage to property, economic and social dislocation, and unusual public expense due to human-made hazards.

The policies to implement this goal include those related to Crime, Health Emergencies, and Hazardous Materials.

- Goal SE 3.0: Ensure residents are thoroughly informed about hazards and emergency preparedness programs and procedures.

The policy to implement this goal relates to promoting public safety awareness.

- Goal SE 4.0: Ensure the City is well-prepared for an effective emergency response.

The policies to implement this goal include ensuring City permitting and approval processes allow for emergency preparedness and ensuring that emergency preparedness planning is done collaboratively on a regular basis and includes City residents and businesses as part of the program.

In addition to the proposed amendments, an Evacuation Route Capacity and Viability Study was prepared to understand the evacuation impacts under two scenarios: fire and dam inundation in compliance with AB 747 and SB 99 (Attachment 5). This document does not become part of the General Plan but rather informs the public and First Responders, as well as ensuring evacuation impacts are minimized.

Staff recommends that the City Council adopt the Safety Element for the General Plan.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There is no additional current-year fiscal impact as a result of this action. Costs associated with the preparation of the Safety Element were previously incorporated into the Development Services Department budget.

ONGOING FISCAL IMPACT

Implementation of the policies outlined within the Safety Element Update may require additional resources within the Development Services Department. As each of the policies are implemented, staff will complete a more thorough analysis of staffing and resource needs and the potential fiscal impact.

ATTACHMENTS

1. Planning Commission Resolution No. 2024-06
2. Safety Element Community Engagement Summary
3. General Plan Safety Element Assessment from the California State Board of Forestry and Fire Protection
4. Draft Safety Element
5. Evacuation Route Capacity and Viability Study

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