

RESOLUTION NO. 1314

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING THE SAFETY ELEMENT OF THE GENERAL PLAN TO INCORPORATE THE CITY'S LOCAL HAZARD MITIGATION PLAN IN ACCORDANCE WITH ASSEMBLY BILL 2140

THE CITY COUNCIL DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. Recitals

A. On January 4, 1957, the City of Rolling Hills ("City") was established as a duly organized municipal corporation of the State of California.

B. The City adopted its current General Plan on June 25, 1990. The General Plan establishes goals, objectives, and strategies to achieve the community's vision for its future.

C. Section 65302(g) of the California Government Code requires that the General Plan include a "Safety Element" for the protection of the community from any unreasonable risks associated with the effects of seismically-induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence and other geologic hazards; flooding, and wildland and urban fire. In accordance with state law, the City's General Plan includes a Safety Element.

D. On March 28, 2022, the City Council adopted an update to the Safety Element ("Safety Element Update") to comply with recent legislation and effectuate revisions contemplated by funding awarded to the City from the Governor's Office of Emergency Services ("CalOES").

E. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000 et seq. and the State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et seq., the City prepared an initial study in connection with the Safety Element Update, which determined that there was no substantial evidence that adoption of the Safety Element Update may have a significant effect on the environment. Accordingly, the City prepared a negative declaration ("Negative Declaration"), which was adopted by the City Council on March 28, 2022 in conjunction with the adoption of the Safety Element Update.

F. The City Council's adoption of the Safety Element Update and corresponding Negative Declaration were effectuated through City Council Resolution No. 1291, which is attached hereto as Exhibit "A" and incorporated herein by reference.

G. On March 30, 2022, City staff sent a copy of the adopted Safety Element Update to CalOES for review. CalOES review and approval of the Safety Element Update

is necessary for the City to receive grant funding under CalOES's "Hazard Mitigation Grant Program."

H. On September 2, 2022, CalOES informed the City that it would not award funding under the Hazard Mitigation Grant Program until the City's Safety Element satisfied the requirements of Assembly Bill 2140 ("AB 2140"). To do so, CalOES advised that: (i) the Safety Element must include language stating that the City's Local Hazard Mitigation Plan ("LHMP") is part of the Safety Element; (ii) the Safety Element must direct readers to the location of the LHMP (e.g., via a website link); and (iii) the City Council resolution updating the Safety Element should confirm that the LHMP is adopted into the Safety Element.

I. City staff prepared an update to the Safety Element to incorporate CalOES's requested AB 2140 revisions (hereafter the "AB 2140 Safety Element Update"). On September 28, 2022, CalOES staff notified City staff that its draft AB 2140 Safety Element Update complied with AB 2140.

J. On October 18, 2022, the Planning Commission held a duly noticed public hearing on the AB 2140 Safety Element Update. Thereafter, the Planning Commission adopted Resolution No. 2022-19 recommending that the City Council adopt the AB 2140 Safety Element Update.

K. On October 24, 2022, the City Council held a public hearing to consider adopting the AB 2140 Safety Element Update.

Section 2. Findings. Based upon the facts contained in this Resolution, those contained in the staff report and other components of the legislative record, the City Council finds that:

A. The recitals set forth above are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

B. The AB 2140 Safety Element Update does not constitute a "project" subject to CEQA as it simply amends the Safety Element to clarify that the LHMP is part of the Safety Element (which it already speaks to) and direct readers to the website address whereon the LHMP may be accessed. These amendments will not result in any construction, development, or any other activity that has a potential for resulting in either a direct, or reasonably foreseeable indirect, physical change in the environment. Accordingly, approval of the AB 2140 Safety Element Update is not subject to CEQA. (State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378(a), (b)(5).) Moreover, even if the Safety Element Update did qualify as a project subject to CEQA, it would be exempt under CEQA's common sense exemption, which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061, subd. (b)(3).) Finally, even if the AB 2140 Safety Element Update were a non-exempt project subject to CEQA, no further environmental review is necessary under Public Resources Code section 21166 and State CEQA Guidelines section 15162 because the potential

environmental impacts of the updated Safety Element were adequately disclosed and evaluated in the Negative Declaration adopted by the City Council in Resolution No. 1291, attached hereto as Exhibit "A."

C. The Safety Element—as amended by the AB 2140 Safety Element Update—is consistent with the other elements of the General Plan, including the Land Use Element, Circulation Element, and Open Space and Conservation Element as set forth below:

Land Use Element Goal 3: Accommodate development that is sensitive to the natural environment and accounts for environmental hazards.

The Safety Element is consistent with this goal in that it addresses the natural environmental and accounts for environmental hazards.

Circulation Element Goal 2: Provide a circulation system that contributes to residents' quality of life and minimizes impacts on the environment.

The Safety Element is consistent with this goal in that it plans for escape routes that utilize the existing circulation system in the event of an emergency.

Open Space and Conservation Element Goal 1: Conserve and enhance the City's natural resources, facilitating development in a manner which reflects the characteristics, sensitivities and constraints of these resources.

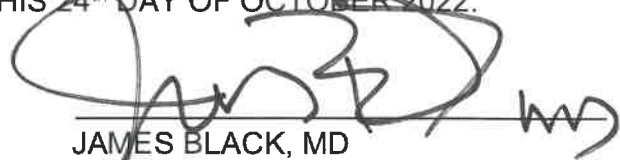
The Safety Element is consistent with this goal in that it considers safety factors and hazard constraints in facilitating development.

D. The safety goals, objectives, and policies stated in the Safety Element—as amended by the AB 2140 Safety Element Update—are appropriate for the City of Rolling Hills. The Safety Element will aid the City's efforts for the protection of the community and is in the public interest.

E. The City's Federal Emergency Management Agency-approved Local Hazard Mitigation Plan is adopted into the Safety Element of the General Plan.

Section 3. The City Council of the City of Rolling Hills hereby amends the Safety Element as set forth in Exhibit "B," attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF OCTOBER 2022.



JAMES BLACK, MD
MAYOR

ATTEST:



CHRISTIAN HORVATH, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 1314 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING THE SAFETY ELEMENT OF THE GENERAL PLAN TO INCORPORATE THE CITY'S LOCAL HAZARD MITIGATION PLAN IN ACCORDANCE WITH ASSEMBLY BILL 2140

was approved and adopted at a regular meeting of the City Council on October 24, 2022, by the following roll call vote:

AYES: Dieringer, Pieper, Mirsch, Wilson, Mayor Black

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices


CHRISTIAN HORVATH, CITY CLERK