

RESOLUTION NO. PC 19-1322

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN TO INCLUDE THE HAZARD MITIGATION PLAN AS AN APPENDIX.

The Planning Commission for the City of West Hollywood hereby resolves as follows:

SECTION 1. The State of California requires all local jurisdictions to adopt a Safety Element and to revise this document as appropriate, as one of seven mandated elements required in the General Plan. The West Hollywood General Plan 2035, adopted in 2011, includes a Safety and Noise Element that addresses all State requirements for a Safety Element.

SECTION 2. On November 5, 2018, the West Hollywood City Council adopted the West Hollywood Hazard Mitigation Plan (HMP), which was subsequently approved by the Federal Emergency Management Agency on November 8, 2018. The HMP describes the City's process for identifying hazards, risks, and vulnerabilities, and prioritizing mitigation action. In order for the City of West Hollywood to be eligible for certain reimbursements from the State of California, for expenses incurred as a result of a natural disaster, State law requires that the HMP be incorporated by reference into the Safety and Noise Element of the West Hollywood General Plan, thus the City has prepared this amendment to comply with state law.

SECTION 3. A public hearing was duly noticed for the Planning Commission meeting of April 18, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, mailings sent to neighborhood groups, the City website, required posting locations, and by announcement on City Channel 6 starting April 4, 2019.

SECTION 4. The proposed General Plan Amendment is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) because the project will not result in a direct or reasonably foreseeable indirect physical change in the environment. In light of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and since 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 pursuant to CEQA Guidelines Section 15061(b)(3). Additionally, because the implementation of the HMP includes actions taken by regulatory agencies to maintain and protect natural resources and the environment, the project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 5. The Planning Commission of the City of West Hollywood hereby finds that GPA 19-0001 is consistent with the Goals and Policies of the General Plan, including Goal SN-1 of the Safety and Noise Element, which states that the city should reduce injury and damage from natural hazards, to protect the community from avoidable risk and harm by factoring natural hazards such as seismic hazards, flooding, landslides, subsurface gas, and fires into community planning and outreach, maintenance and upgrades, emergency response and municipal operations.

SECTION 6. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of GPA 19-0001, which is attached hereto as Appendix A.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 18th day of April, 2019 by the following vote:

AYES: Commissioner: Altschul, Bass, Buckner, Erickson, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



STACEYE. JONES, CHAIRPERSON

ATTEST:



BIANCA SIEGL, LONG RANGE PLANNING MANAGER

Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.

Appendix A

Additional language shown in underline. Deleted language in ~~strikethrough~~.

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Referenced City Documents & Plans

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Appendix A: Hazard Mitigation Plan (2018)

Chapter 10, Safety and Noise, should be modified as follows:

10. SAFETY AND NOISE

Protecting the public health, safety and welfare is one of the City's most basic responsibilities, and is the legal and historical basis for its police power and planning authority. The City's tools for protecting public safety include regulating land use planning and other activities, providing police and emergency services, research and monitoring, preparing for potential natural disasters and threats to residents' well-being, community engagement, and enacting other policies that promote public safety and welfare.

After discussing statutory requirements for protecting public safety, this chapter organizes policies and background information into the following sections:

- Environmental Hazards
- Noise
- Police, Fire and Emergency Services

STATUTORY REQUIREMENTS

According to California Government Code, a city's general plan is required to address safety and noise. This Chapter meets state requirements with respect to the safety and noise elements, and addresses additional topics important to the community.

Safety Element

Community safety is governed in part by California Government Code §65302(g), which requires that each city prepare and adopt a Safety Element. Safety includes natural hazards as well as man-made hazards, including earthquakes, landslides, flooding, fires, water supply, and related hazards (CGC §65302(g)(1-2)). The Governor's Office of Planning and Research (OPR) describes the purposes of the Safety Element as risk identification, risk reduction, hazard mitigation, and comprehensive decision-making related to hazards in new and existing development, as follows:

The safety element must identify hazards and hazard abatement provisions to guide local decisions related to zoning, subdivisions, and entitlement permits. The element should contain general hazard and risk reduction strategies and policies supporting hazard mitigation measures. Policies should address the identification of hazards and emergency response, as well as mitigation through avoidance of hazards by new projects and reduction of risk in developed areas. (2003 OPR General Plan Guidelines, 90).

West Hollywood's General Plan meets the requirements of the safety element by identifying, preventing, mitigating, and managing reasonably anticipated hazards to the City, such as seismic hazards, fires, flooding and exposure to hazardous materials.

Noise Element

The Noise Element is also a mandatory component of the General Plan. Government Code Section 65302(f) describes the noise element as follows:

- (1) A noise element...shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:
 - (A) Highways and freeways.
 - (B) Primary arterials and major local streets.
 - (C) Passenger and freight on-line railroad operations and ground rapid transit systems.
 - (D) Commercial, general aviation, heliport, helispot, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
 - (E) Local industrial plants, including, but not limited to, railroad classification yards.
 - (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.
- (2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.
- (3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.
- (4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

This General Plan provides policies regarding stationary, ambient, and mobile sources of noise through state-mandated and approved standards and noise thresholds.

Optional Topics

This chapter's section on Police, Fire and Emergency Services is not mandated by state law, but is included here because of its importance to public safety.

ENVIRONMENTAL HAZARDS

West Hollywood is committed to reducing the community's exposure to environmental hazards. This includes disaster prevention, mitigation, response, and evacuation related to potential hazards including earthquakes, flooding, landslides and mudslides, subsurface gas, fire, and hazardous materials. In addition to prudent land use and regulation, an important component of minimizing risk from hazards is building a strong safety network through collaboration with residents, neighborhoods, districts, neighboring local governments and regional entities. The following chapter contains policies as well as context for minimizing environmental hazards in West Hollywood, addressing fires, earthquakes, flooding, landslides and mudslides, subsurface gas, and hazardous materials.

Context

West Hollywood is susceptible to fire, earthquakes, flooding, landslides and mudslides, subsurface gas, as well as potential public exposure to hazardous materials. These are described in greater detail below. The West Hollywood Hazard Mitigation Plan (Appendix A) describes the process for identifying hazards, risks, and vulnerabilities, and prioritizing mitigation actions, and is included as an appendix to the General Plan.