

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA, CALIFORNIA, APPROVING AN ADDENDUM TO THE 1991 ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 9010859) AND 1994 ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 91121020) IN SUPPORT OF THE REACTIVATION OF THE CHARLES E. MEYER DESALINATION PLANT IN SANTA BARBARA, CALIFORNIA.

WHEREAS, in March 1991, pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq.: CEQA), Title 14 of the California Code of Regulations section 15000 et seq. ("State CEQA Guidelines"), and the City's Local Guidelines for Implementation of CEQA (Local CEQA Guidelines) the City Council of the City of Santa Barbara (City Council) certified an Environmental Impact Report, SCH #9010859 (1991 EIR), which disclosed, evaluated and mitigated environmental impacts associated with the use of the Charles E. Meyer Desalination Plant (Desalination Facility) as a temporary, emergency facility for a 5 year operational period.(Temporary Desalination Facility); and

WHEREAS, on March 19, 1991, the Planning Commission approved the Temporary Desalination Facility; and

WHEREAS, in May 1994, pursuant to CEQA, the State CEQA Guidelines, and the Local CEQA Guidelines, the City Council certified a Program Environmental Impact Report, SCH # 91121020 (1994 PEIR), for the City of Santa Barbara's Long Term Water Supply Plan, which disclosed, evaluated and mitigated environmental impacts associated with operation of the Desalination Facility as a permanent facility; and

WHEREAS, on May 24, 1994 the City Council approved the Long Term Water Supply Plan; and

WHEREAS, addenda were prepared for the 1994 PEIR in 1994 and 2006.The 1991 EIR and the 1994 PEIR, with the 1994 and 2006 addenda, are collectively referred to as "The EIRs"; and

WHEREAS, construction of the Desalination Facility was completed in 1992, and placed into long-term standby mode in 1997; and

WHEREAS, the City of Santa Barbara (City) now wishes to reactivate the Desalination Facility in order to address projected water shortages due to the current drought and as anticipated in the City's Long Term Water Supply Plan to address water supply in times of drought (Reactivation Project); and

WHEREAS, the Reactivation Project would require minor repairs, maintenance, modifications, upgrades and modernization of the existing Desalination Facility; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, because the EIRs and all associated underlying entitlements were not challenged, pursuant to Public Resources Code section 21167.2, the EIRs are presumed valid; and

WHEREAS, staff evaluated the Reactivation Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and State CEQA Guidelines section 15162 by preparing an Initial Study and accompanying technical support; and

WHEREAS, based on that evaluation, staff concluded that the EIRs fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the Reactivation Project, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, based on that evaluation, staff also concluded that the Reactivation Project is consistent with the EIRs, and all applicable mitigation measures identified in the EIRs; and

WHEREAS, because the Reactivation Project requires the City to make some changes and additions to the EIRs, the City has prepared an addendum to these documents pursuant to State CEQA Guidelines section 15164 (the Reactivation Project Addendum); and

WHEREAS, the City Council has been provided with the Reactivation Project Addendum and has reviewed it in connection with the EIRs; and

WHEREAS, the EIRs are incorporated herein by this reference, and are available for inspection at City Hall **at 735 Anacapa Street in the City of Santa Barbara**; and

WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (c), the Reactivation Project Addendum is not required to be circulated for public review, but can be attached to the EIRs; and

WHEREAS, on June 16, 2015, **a duly noticed public hearing (or just agenda item?)** on the Reactivation Project Addendum was held by the City Council, which considered the Reactivation Project Addendum together with the EIRs, and accepted oral and written testimony from interested persons; and

WHEREAS, the City Council carefully considered all information pertaining to the Reactivation Project Addendum, including the staff report, the EIRs, and all of the information, evidence, and testimony presented at **its public hearing**; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The above recitals are incorporated herein by reference.

SECTION 2. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered the EIRs and Reactivation Project Addendum and finds that those documents taken together contain a complete and accurate reporting of all of the potential environmental impacts associated with the proposed Reactivation Project. The City Council further finds that the Reactivation Project Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local Guidelines. The City Council further finds and determines that the Reactivation Project Addendum reflects the City's independent judgment.

SECTION 3. Based on the substantial evidence set forth in the record, including but not limited to the EIRs and the Reactivation Project Addendum, the City Council finds that an addendum is the appropriate document for disclosing the minor changes, additions, upgrades and modernization that are necessary to consider for the Reactivation Project. The City Council further finds that based on the whole record before it, including but not limited to the Initial Study, the technical analyses, and the council agenda report, none of the conditions under State CEQA Guidelines section 15162 requiring subsequent environmental review have occurred because the upgrades specified in the Reactivation Project Addendum:

- a) do not constitute substantial changes that would require major revisions of the EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b) do not constitute substantial changes with respect to the circumstances under which the Reactivation Project is developed that would require major revisions of the EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- c) do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIRs were certified or adopted, as applicable, showing any of the following: (i) that the modifications would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives

previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

SECTION 4. The City Council RE-ADOPTS those mitigation measures identified in the EIRs that are relevant to the Reactivation Project as detailed specifically in the Mitigation Monitoring and Reporting Program prepared for the Reactivation Project Addendum (“MMRP”).

SECTION 5. The City Council hereby APPROVES AND ADOPTS the Reactivation Project Addendum to the EIRs.

SECTION 6. The City Council directs staff to prepare, execute and file a CEQA Notice of Determination with the Santa Barbara County Clerk’s Office within five (5) working days of the City Council’s action on the Reactivation Project.

SECTION 7. The EIRs and the Reactivation Project Addendum are on file and available for public review at 735 Anacapa Street in the City of Santa Barbara. The City Clerk is the custodian of these documents.