STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY
ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Th 17a

DATE: July 29, 2010

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director
Steve Hudson, District Manager
James Johnson, Coastal Program Analyst

SUBJECT: City of Santa Barbara Local Coastal Program Amendment SBC-MAJ-3-09 (Veronica Meadows) for Public Hearing and Commission Action at the August 12, 2010 Commission Meeting in San Luis Obispo.

DESCRIPTION OF THE SUBMITTAL

The City of Santa Barbara is requesting an amendment to both the Land Use Plan and Implementation Plan portions of its certified Local Coastal Program (LCP) to: (1) incorporate a 4.38-acre portion of a 14.76 acre lot (recently annexed into the City from Santa Barbara County and identified as a portion of APN: 047-010-016) as part of the City's certified LCP and apply new residential land use designations, policies, for future residential development; and (2) change the land use and zoning designations on 0.04 acres of area on an adjacent lot (APN 047-061-026) to the same residential land use designation. On both lots a new "Specific Plan" zone district, SP-9, is created for the Veronica Meadows Specific Plan Project. The subject area is located in the Las Positas Valley, north of the terminus of Alan Road, at 900-1100 Las Positas Road, City of Santa Barbara.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, ***DENY*** the proposed amendment and ***APPROVE*** it only if modified as suggested. The amendment proposes changes to the Land Use Plan and Implementation Plan components of the certified LCP. The standard of review for the land use plan designation change is whether the land use plan is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed zoning map change is conformance with the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County Local Coastal Program. As discussed in the findings set forth in this report, the proposed amendment does not conform to the Chapter Three policies of the Coastal Act and relevant provisions of the City's certified Land Use Plan. **The motions and resolutions for Commission action begin on page 6.**

The proposed LCP amendment raises issues regarding environmentally sensitive habitat areas including a coastal creek and creek buffer, water quality, public access

and new development. The suggested modifications bring the LCP amendment into conformance with the Coastal Act and the City's LCP by requiring the restoration and protection of the creek and its buffer, the protection of water quality, and the provision of public access along the creek connecting inland public parks and roadways with adjoining public roadways leading to coastal beach and bluff-top public parks.

The proposed LCP amendment is project-driven in association with an overarching 25 unit residential development project, known as Veronica Meadows that is proposed on the subject two lots as well a third lot located entirely outside the Coastal Zone. The three lots comprise a total of 50.5 acres within the City of which only 4.4 acres are located within the Coastal Zone. Approximately 7 acres of the site will be residentially developed while 43.5 acres of the site will be designated as open space. A portion of the proposed development within the Coastal Zone is located within the Commission's appealable area along Arroyo Burro Creek. The majority of the residential development project is not within the Commission's Coastal Zone, including a new vehicle and public trail bridge over Arroyo Burro Creek connecting Las Positas Road to the residential subdivision and a public trail setback from the top of the Creek's bank. The project also includes the completion of northern terminus of Alan Road as a permanent cul-de-sac with no through vehicle connections, except for the public accessway. The project also includes approximately 14.88 acres of restoration and enhancement of stream and upland habitat areas. The subject amendment to the City's LCP is necessary to allow for the residential development project.

The City originally submitted this LCP amendment to the Commission on August 6, 2008 and the application was deemed complete and filed on September 30, 2008 as SBC-MAJ-02-08. The time limit to act upon that LCP Amendment was December 11, 2008. However, in order to allow the City and the applicant additional time to address several outstanding issues, the City withdrew SBC-MAJ-02-08 and resubmitted the same amendment to the Commission as LCP Amendment SBC-MAJ-3-09 on November 12, 2009. Staff filed this application as complete on November 12, 2009 and originally scheduled it for the Commission's January 14, 2010 hearing for a time extension. Pursuant to Section 30512 of the Coastal Act and Section 13522 of the Commission's regulations, an amendment to the certified LCP that modifies both the LUP and IP portions must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. The 90th day after filing the complete submittal was February 9, 2010. Pursuant to Coastal Act Section 30517 and Section 13535(c) of the Commission's regulations, the Commission extended the statutory 90-day time limit for Commission action on the proposed LCP amendment for one year at its January 14, 2010 meeting. Therefore, the Commission must act upon this application no later than January 14, 2011.

Additional Information: Please contact James Johnson, California Coastal Commission, South Central Coast District, 89 South California St., Second Floor, Ventura, CA 93001. Tel: (805) 585-1800

Substantive File Documents: City of Santa Barbara City Council Ordinance No. 5456 and Resolution No. 08-052 approving Local Coastal Program Amendment and Veronica Meadows Specific Plan; City of Santa Barbara Coastal Plan, certified in May 1981, as amended; City of Santa Barbara Council Agenda Report and Meeting Minutes, dated June 17, 2008; City of Santa Barbara Final Environmental Impact Report certified June 17, 2008; Letter received August 6, 2008 from Paul Casey, Community Development Director to Shana Gray, California Coastal Commission; Letter received September 16, 2008 from Allison De Busk, Project Planner to Shana Gray, California Coastal Commission; Letter received November 12, 2009 from Paul Casey, Community Development Director to James Johnson.

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I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act[1] provides:

> ***The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))***

The Coastal Act further provides:

> ***The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.***
>
> ***...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds***

[1] The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further references to the Coastal Act are to that code.

will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan text, as proposed by the City, is whether the changes are consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan/Zoning Ordinance, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Santa Barbara's certified Local Coastal Program. The majority of the Coastal Act's Chapter 3 policies have been incorporated as guiding policies (Policy 1.1) in the certified City of Santa Barbara LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Local Coastal Program ("LCP"). The City held numerous public hearings and received written comments regarding the proposed LCP Amendment and the project from concerned parties and members of the public. Specifically, the Santa Barbara Planning Commission held public hearings on the Veronica Meadows Specific Plan EIR, the proposed LCP Amendment, and project in April and July 2005, certifying the Final EIR and forwarded a decision on the LCPA and project to the City Council which held two hearings in March 2006, and a hearing in October 2006. The City Council certified the FEIR and approved the LCPA and project in December 2006. The City Council decision to certify the EIR and approve the LCPA and project was litigated in Santa Barbara Superior Court, and the Court invalidated the City approvals and EIR certification directing the City to revise the EIR before reconsidering the proposed project. Following the court order in early 2008, these prior approvals were rescinded by the City Council in February 2008. The City Council, on June 17, 2008, approved the LCPA and the Veronica Meadows project and on June 24, 2008 adopted the zoning code amendment for the Veronica Meadows Specific Plan Area.

The hearings were noticed to the public by publishing the notice in the local newspaper and by mailing notice to property owners within 300 feet and occupants within 100 feet of the site, interested parties, and others consistent with Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission hearing for LCP Amendment SBC-MAJ-3-09 has been distributed to all known interested parties and will be published in the local newspaper.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant

to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolution 08-050 and 08-052 for this amendment states that the amendment will take effect 30 days after Commission approval, if approved as submitted. However, in this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (California Code of Regulations, Title 14, Section 13544; Section 13537 by reference). Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE LAND USE PLAN/LOCAL IMPLEMENTATION PLAN (LUP/LIP) AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolution and findings in order to **approve** the proposed amendments to the Land Use Plan of the City of Santa Barbara's Local Coastal Program, **with suggested modifications.**

A. DENIAL OF LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION I: ***I move that the Commission certify Land Use Plan Amendment SBC-MAJ-3-09 as submitted by the City of Santa Barbara.***

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **NO** vote. Failure of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY THE LAND USE PLAN AMENDMENT:

The Commission hereby **denies** the Land Use Plan Amendment SBC-MAJ-3-09 as submitted by the City of Santa Barbara and adopts the findings set forth below on the

grounds that the land use plan amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment the will result from certification of the land use plan, as submitted.

B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: ***I move that the Commission CERTIFY Amendment SBC-MAJ-3-09 to the City of Santa Barbara Coastal Plan, if modified as suggested in this staff report.***

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** Amendment SBC-MAJ-3-09 to the City of Santa Barbara Coastal Plan if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

C. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION III: ***I move that the Commission reject the City of Santa Barbara Implementation Program Amendment SBC-MAJ-3-09 as submitted***

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Local Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby **denies** certification of Local Implementation Program Amendment SBC-MAJ-3-09 as submitted by the City of Santa Barbara and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified City of Santa Barbara Land Use Plan, amended. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Amendment Program as submitted.

D. CERTIFICATION OF IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION IV: ***I move that the Commission certify the City of Santa Barbara's Implementation Program Amendment SBC-MAJ-3-09 if it is modified as suggested in this staff report.***

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the City of Santa Barbara Implementation Program Amendment SBC-MAJ-3-09 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program if modified as suggested

complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS ON THE LAND USE PLAN AMENDMENT

The staff recommends the Commission certify the following, with the modifications as shown below. The existing language of the certified LCP is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line out~~. Language proposed by Commission staff to be inserted is shown **underlined**. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION 1

Revise Page 7 & 8 as follows:

SANTA BARBARA'S COASTAL ZONE
THE CITY'S COASTAL ZONE AND SUB-AREA COMPONENTS

Component 1: Western City Limit to Arroyo Burro Creek
That portion of the coastal zone stretching from the city's westerly boundary, adjacent to Hope Ranch, east to Arroyo Burro Creek, and extending inland 1000 yards, is a low-density residential area. Characteristic of this region, and the entire western half of the City's coastal zone, are the bluffs which rise abruptly from the water's edge to a height of approximately 150 feet. Inland from the bluffs' edge, the topography continues to gradually slope upward to an elevation of approximately 500 feet at the periphery of the coastal zone.

The bulk of this area is zoned A-1 which requires minimum lot size of one acre per dwelling unit. The General Plan also indicates a residential density of one unit per acre, **except for the Veronica Meadows Property (APN 047-010-064 and 047-061-026) which is assigned "Residential -- Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian."** ...

Cliff Drive separates a series of new homes on one acre sites, overlooking the surf, from older, ranchstyle houses on larger, often multi-acre, parcels. An exception to the predominant, large lot configuration of this neighborhood is the Braemar Park Tract located in the eastern end of this area. This tract was developed while under County jurisdiction. It was annexed in 1956 and placed in an E-3 single family residence zone designation which requires 7500 sq. ft. minimum lot size. This development (approximately 120 houses), on a relatively steep topography, is noted in the City's

General Plan as presenting "a vivid picture of improper subdivision techniques" (GP p. 65). Density (dwellings per acre) in this portion of the neighborhood is approximately four times greater than that of most of this area. **Additionally, immediately north of the Braemar Tract, the Veronica Meadows Specific Plan (SP-9) area development includes clustered development in the portion of the property that is most appropriate for development (avoids steep topography and the creek), and permanently dedicates the remainder of the site as open space. This results in smaller lot sizes and homes in this development.**

SUGGESTED MODIFICATION 2

Revise Page 184 as follows:

Sub-Component Analysis

Component 1: Western City Limit to Arroyo Burro Creek,

1. Existing Plans and Land Use

   General Plan: Entire component is assigned for one dwelling per acre use, **except for the Veronica Meadows Property (APN 047-010-064 and 047-061-026) which is assigned "Residential -- Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian."** The Beach Park is shown as a Major Public Use.

   Land Use: Almost entirely developed as one-family residences; Arroyo Burro County Beach Park.

2. Potential Development

   Vacant land would allow up to an additional sixty-five single family dwellings on a fill-in basis.

3. Major Coastal Issues

   The major coastal issues within this component include: hazards related to fire services and seacliff retreat; maintenance of views along Cliff Drive; lateral access along the beach below the bluffs (see related policy issue discussions in Chapter 3)**; public trail access along the Arroyo Burro Creek corridor and to the beach; and creek stabilization, habitat restoration, and related maintenance**.

4. LCP Land Use

In that this component consists entirely of in-filling of existing residential areas, the proposed LCP land use is "Residential (1 dwelling unit per acre)" **and "Residential (2 dwelling units per acre), Buffer/Stream and Pedestrian/Equestrian,"** the same as the existing General Plan. Additionally, land use designations for Arroyo Burro County Beach Park of "Recreational/Open Space", Bluffs, Beach, Vistas, Creeks, and Public Parking are provided. (See related discussion in policy sections: Hazards, Public Access, Recreation.)

IV. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN AMENDMENT

The staff recommends the Commission certify the following, with the modifications as shown below to be incorporated into Specific Plan No. 9. The proposed language of the LCP Amendment is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~**line out**~~. Language proposed by Commission staff to be inserted is shown **underlined**. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION NO. 3

Subsections A, B, C, and D of Section 28.50.030 ("Uses Permitted") are revised to read as follows:

Section 28.50.030. Uses Permitted.
The uses permitted in the SP-9 Zone as depicted on attached **revised** Exhibit Map A

(Coastal Zone portion attached as an Exhibit to the Chapter and dated as of 05-07-2008 shall be as follows:

A. Area A – Residential Development: Uses permitted in Area A (as depicted on **revised Exhibit** Map A) are:

1. A single residential unit occupying a single lot.
2. Uses, buildings, and structures typically allowed by the City incidental, accessory and subordinate to the permitted residential uses.
3. A Home Occupation.
4. A State-licensed Small Family Day Care Home.
5. A State-licensed Large Family Day Care Home, subject to the provisions in Chapter 28.93 of this Title.
6. State authorized, licensed or certified use to the extent it is required by state Law.
~~7. **Creek stabilization, habitat restoration, and related maintenance**~~.
7 Private open space including, but not limited to, patios, decks, and yards

for the private use of the residents of individual homes.

8. Common open space and passive recreational areas.

9. Public trails as approved by the City.

10 Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.

11. Utilities, storm drain system, flood control projects or other infrastructures as approved by the City.

12. ~~**The gazebo structure required by the Environmental Impact Report as mitigation for potentially significant impacts to cultural resources**~~. **Roads and driveways to access residential development.**

13. Uses permitted under Subsections B and C of this Section 28.50.030.

Subsection B of Section 28.50.030 ("Uses Permitted") is revised to read as follows:

B. Area A – Creek Buffer & Limited Activity Zone: Uses permitted in "Area A – Creek Buffer and Limited Activity Zone" (as depicted on revised Map A) are:

1. A public access trail for pedestrian, equestrian, and bicycle (and other non-motorized modes of transportation) use, approximately five (5) feet in width, constructed of permeable material, and which provides improved public access to Arroyo Burro Beach Park by connecting City trails from Las Positas Road near the entrance to Elings Park to the cul-de-sac at the northerly end of Alan Road. The location of the public access trail shall be generally located as depicted on Exhibit 6 (revised Veronica Meadows Exhibit C Modified Site Plan dated July 12, 2010 which identifies the public access trail). The final design and location of the public access trail, fence and kiosk shall be reviewed and approved by a City-approved biologist. Interpretive signage shall be placed along the public access trail that describes the entry road to Veronica Springs and other historical elements of the site. In addition, a small educational kiosk with a 100 sq. ft. or less footprint may be permitted near the terminus of Alan Road. The public access trail and kiosk shall be recorded as dedicated easements and maintained by the developer and subsequent homeowners in perpetuity.

2. A multi-use public access way for bicyclists, wheelchairs, strollers, equestrians, limited vehicular access to each residential lot from the nearest public street outside the Coastal Zone, and a Fire Department turnaround. The location of the multi-use public access way shall be as depicted on Exhibit C. The access way shall be no more than sixteen (16) feet in width and shall be constructed of permeable material. To mitigate for the loss of an adequate development buffer from the riparian habitat on site, construction of the multi-use access way within the Coastal Zone may only occur within the "Creek Buffer and Limited Activity Zone" provided that upland and riparian habitat areas on site are restored at a ratio of 3:1 or greater for all areas disturbed as a result of

road/access way construction, pursuant to the Creek Habitat Plans described in Section 28.50.092 and the Upland Restoration Plan described in Section 28.50.094, and there are recorded agreements ensuring that this restoration is maintained by the permit applicant, or its successor, in perpetuity. The multi-use public access way shall be recorded as dedicated easements and maintained by the permit applicant, or its successor, in perpetuity.

3. Relocated water, sewer and other utility lines, as provided in Section 28.50.092.1 to be located below the surface of the multi-use public access way described in paragraph 2 of this Subsection B.

4. The gazebo structure as required by the Environmental Impact Report as mitigation for potentially significant impacts to cultural resources.

5. Common open space and passive recreational areas with improvements limited to landscaping in accordance with Section 28.50.094. (Arroyo Burro Creek Upland Restoration Plan) within the Coastal Zone and in addition, roads, sidewalks and utilities are allowable uses for areas located outside the Coastal Zone.

6. Uses permitted under Subsection C of this Section 28.50.030.

Subsection C of Section 28.50.030 ("Uses Permitted") is added to read as follows:

C. Area A – Creek Buffer: Uses permitted in "Area A – Creek Buffer" (as depicted on revised Map A) are:

1. The public access trail described in Subsection B.1 of Section 28.50.030. Fencing between the trail and creek shall be installed, as provided in Section 28.50.140.

2. Creek stabilization, habitat restoration and related maintenance in accordance with Section 28.50.092 (Creek Restoration).

3. Improvements related to implementation of the provisions of Section 28.50.098 (Water Quality).

4. Common open space and passive recreational areas.

5. Outside of the Coastal Zone, a city-owned vehicular and pedestrian bridge across Arroyo Burro Creek providing connectivity to Las Positas Road near the entrance to Elings Park (Jerry Harwin Parkway).

Subsection B of Section 28.50.030 (Uses Permitted in Open Space) is amended to be redesignated as Subsection D of Section 28.50.030.

~~B.~~ **D.** Area B – Open Space: Area B (as depicted on **Exhibit** Map A) shall be maintained in its natural state to preserve the steep slopes from erosion or landslide, preserve the creek environment, and maintain the scenic quality of the area. Uses permitted in Area B are the following:

1. Public trails along the Arroyo Burro Creek corridor.
2. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.
3. Subsurface utilities, flood control projects or other infrastructure as approved by the City.

SUGGESTED MODIFICATION NO. 4

Section 28.50.40 is revised to read as follows:

Section 28.50.040. City Conditions, Restrictions and Modifications.

In connection with any development approval required to be issued by the City, the City may impose such appropriate and reasonable conditions and restrictions as it may deem necessary for the protection of property in the neighborhood or in the interest of public health, safety and welfare in order to carry out the purposes and intent of this Chapter. While the provisions of Chapter 28.92 (Variances, Modifications and Zone Changes) shall be applicable within this zone, it is the intent of this Specific Plan that no variance, modification, or other approval shall be granted that would result in a number of residential units within Area A that exceeds the maximum number of residential dwelling units originally specified in Section 28.50.085 and that Area B be permanently maintained in its natural state.

Section 28.50.42 is added to read as follows:

Section 28.50.42. Owner Covenants, Conditions and Restrictions

A. Preparation, review, and implementation of landscaping plans for the project shall include provisions for the control of invasive plant species to address the potential impacts of non-native plants colonizing adjacent native habitats. Covenants, Conditions and Restrictions shall be recorded specifying that landscaping for individual housing lots shall not include any exotic invasive plant species. The Covenants, Conditions and Restrictions shall be binding on each parcel, shall run with the land, and shall be included or incorporated by reference in every deed transferring a parcel.

B. The Covenants, Conditions and Restrictions shall assign the responsibility for long-term maintenance and monitoring of the restored habitat areas, public access trail, and multi-use public access way to the homeowners association.

C. The seller of any parcel in the SP-9 zone shall provide, in connection with the sale of a parcel, a homeowner information packet that explains the sensitivity of the restored creek and upland habitat areas onsite and the limits on public trail access within or adjacent to such areas, the prohibition on landscaping that includes exotic invasive plant species, and the limits on exterior residential lighting. The Covenants, Conditions and Restrictions shall include the same explanation and restrictions.

SUGGESTED MODIFICATION NO. 5

Section 28.50.47 is added to read as follows:

Section 28.50.047. Lighting.

A. STREETS AND COMMON AREAS.

The lowest output lighting permissible shall be used on all streets and common areas in the SP-9 Zone. All street and common lighting shall be shielded and directed to the ground so that stray light effects are minimized, and to avoid direct illumination of the riparian corridor, except as needed for public safety. Decorative lights shall not be directed into trees within the riparian restoration area. Only ground mounted or bollard type lights shall be used along the Multi-Use Public Access Way within the Coastal Zone. Lights shall not be permitted within 50 feet of the top of creek bank or the outer edge of the riparian canopy, whichever is greater.

B. EXTERIOR RESIDENTIAL LIGHTING.

To prevent nighttime glare, any exterior residential lighting shall be of low intensity, low glare design, and be hooded to direct light downward and prevent spill over onto adjacent parcels and the riparian corridor. All light fixtures shall be shielded so that neither the lamp nor the related reflective interior surface is visible from any of the observation points identified in the Veronica Meadows Specific Plan Final EIR. All light poles, fixtures, and hoods shall be dark colored (non-reflective). Security lighting shall be shielded so as not to create glare when viewed from the observation points. The light poles and fixtures shall not be obtrusive to travelers along Las Positas Road, the Alan Road neighborhood, or the public open space areas.

SUGGESTED MODIFICATION NO. 6

Subsection E of Section 28.50.60 ("Setback and Open Yard Requirements") is added to read as follows:

Section 28.50.060. Setback and Open Yard Requirements.

A. FRONT SETBACK. Each lot shall provide a front setback of not less than twenty feet (20'), except as permitted by Section 28.50.065.

B. INTERIOR SETBACKS. Each lot shall provide interior setbacks of not less than six feet (6'), except as permitted by Section 28.50.065.

C. REAR YARD SETBACKS. Each lot shall provide a rear setback of not less than six feet (6'), except that those lots abutting the open space drainage (identified as Lot 31 in Figure 4-7 of the 2008 Final Revised EIR) may be permitted to have a zero setback.

D. OPEN YARD:

1. Minimum Size: One area of 1,250 square feet
2. Minimum Dimensions: 20 feet by 10 feet
3. Maximum Slope: None
4. Location and Configuration:

a. Open yard may consist of any combination of ground level areas such as: patios, ground floor decks, pathways, landscaped areas, natural areas, flat areas, and/or hillsides, so long as the overall size and dimensions of the open yard meet the requirements described in Section 28.50.060.D.1 and 2 above, and is not located in any of the following areas:

(1) A portion of the front yard; or

(2) Any areas designed for use by motor vehicles, including but not limited to driveways and parking areas; or

(3) On decks, patios, terraces or similar, where the average height above grade is greater than 36". Average height shall be calculated by measuring the height of each corner of the deck, adding those heights together, and dividing by the number of corners.

b. If the open yard is provided on a slope greater than 20%, the open yard shall contain a flat area as follows:

(1) Minimum size: 160 square feet

(2) Minimum dimensions: 10 feet by 10 feet

(3) Maximum slope: 2%

(4) The flat area may be provided at grade, or on decks pursuant to Section 28.50.060.D.4.a.

c. Lots with multiple frontages shall have a primary front yard designated by the property owner, and agreed to in writing by the Community Development Director. All other front yards shall be designated as secondary front yards. Ground level open yard may be provided in the secondary front yard, up to ten feet (10') from the front property line, provided that it is unobstructed and meets all other requirements.

d. On lots of less than 7,000 square feet and an average slope of 20% or less:

(1) The open yard may be provided in one area, or in separate areas of not less than 400 square feet each (minimum dimensions of 20 feet by 10 feet required).

(2) Up to 850 square feet of the open yard may be provided in the remaining front yard, provided that it is unobstructed and meets the minimum dimensions required.

E. COASTAL ZONE. All residential lots (including all private property boundaries/lot lines) and residential development (including but not limited to, perimeter walls and fencing of residential lots) in the Coastal Zone, except for the multi-use public access way and related driveway access improvements as provided in Subsection B of Section 28.50.030, shall be set back a minimum of one hundred (100) feet from the top of the bank of Arroyo Burro Creek or the outer edge of the riparian canopy, whichever is further from the creek center line, as identified in Exhibit 6, Veronica Meadows Exhibit C, Modified Site Plan Dated July 12, 2010. Restoration, erosion control, and public access improvements may be allowed in areas less than one hundred (100) from the top of the bank of Arroyo Burro Creek or the outer edge of the riparian canopy, provided these improvements are designed in a manner that minimizes adverse impacts to the adjacent riparian habitat area to the maximum extent feasible.

SUGGESTED MODIFICATION NO. 7

Section 28.50.092 and 28.50.094 are added to read as follows:

Section 28.50.092. Arroyo Burro Creek Restoration and Stabilization Plan; Veronica Meadows Riparian Habitat Enhancement Plan; Creek and Riparian Habitat Management Plan.

Prior to submission of a Final Map for subdivision of the property for purposes of a residential development in the SP-9 Zone, the applicant shall prepare and submit to the City Community Development Department and Public Works Department for review and approval the following plans: (i) Arroyo Burro Creek Restoration and Stabilization Plan, (ii) Veronica Meadows Riparian Habitat Enhancement Plan, and (iii) Creek and Riparian Habitat Management Plan. These three Plans are referred to herein as the "Creek Habitat Plans." The Creek Habitat Plans shall be prepared by a qualified professional approved by the City and shall be subject to an independent review by a City-selected environmental engineering firm with experience in creek restoration. These Creek Habitat Plans and the Arroyo Burro Creek Upland Restoration Plan, identified in Section 28.50.094 shall provide for restoration and enhancement on a minimum of 10 to 1 basis. No bridge crossings shall be permitted over Arroyo Burro Creek within the Coastal Zone. The Creek Habitat Plans shall include the following elements:

1. Creek Habitat Plan consistent with the following criteria:

a. Removal of all water, sewer and other utility lines from "Area A – Creek Buffer" and replacement of those utility lines beneath a street, driveway or other location that facilitates access for repair and maintenance, which location shall be within "Area A – Residential" or "Area A – Limited Activity Zone."

b. Removal of non-native and invasive plants and a maintenance program designed to prevent the reintroduction of those non-native and invasive plants. The Plan shall incorporate applicable elements of the City's Integrated Pest Management (IPM) Plan (as it is revised and updated in the future) in order to minimize the use of pesticides and herbicides for landscape maintenance to the extent feasible. The Plans shall include measure to monitor and remove the amount and extent of non-native invasive plants, particularly ensuring ongoing control of the aggressive giant reed; maintain the riparian plantings in good health; contingency plans for replacement planting; and a prohibition of irrigation systems or the use of herbicides or fertilizer within the drip line of any oak tree. The Plans shall also include measures to monitor and manage public access to prevent adverse impacts to riparian and aquatic habitats in the creek from public uses.

c. A provision stating that no native vegetation removal shall occur within 100' of the top of creek bank or the edge of the riparian canopy, whichever is further from the creek centerline, as determined by a qualified biologist, except as authorized by the Creek Habitat Plans.

d. These plans shall include: restoration objectives for each habitat type and location; detailed schedule of tasks and milestones for site preparation, planting, and maintenance; plans identifying grading and soil preparation, slope stabilization and erosion control; description of specific habitat types to be restored, species list, abundance of each habitat type, planting densities and propagation methodologies; plans identifying boundaries of habitat type to be restored with acreages and densities; description of plant material sources from the South Coast of Santa Barbara; performance criteria; irrigation methods to ensure planting success; weed and pest management; fire hazard requirements; measures to monitor and manage public access to and along the creek to prevent adverse impacts to riparian and aquatic habitats in the creek and along the buffer from public use, and a maintenance and monitoring program

to ensure success within 5 years or until the performance criteria are achieved.

Section 28.50.094 is added to read as follows:

Section 28.50.094. Arroyo Burro Creek Upland Restoration Plan.

Prior to submission of a Final Map for subdivision of the property for purposes of a residential development in the SP-9 Zone, the owner shall prepare and submit to the City Community Development Department and Public Works Department for review and approval the Veronica Meadows Upland Restoration Plan. This Plan is referred to herein as the "Upland Restoration Plan." The Upland Restoration Plan shall be prepared by a qualified professional approved by the City and shall be subject to an independent review by a City-selected environmental engineering firm with experience in upland restoration. The Upland Restoration Plan shall include Restoration measures consistent with the conceptual plan for the Upland Restoration Plan and Exhibit prepared by Althouse and Meade, Inc., dated February 3, 2010. The Upland Restoration Plan shall also include measures to monitor and manage public access to prevent adverse impacts to the restored upland from public uses. The plan shall include:

1. Restoration objectives for each habitat type and location; detailed schedule of tasks and milestones for site preparation, planting, and maintenance; plans identifying grading and soil preparation, slope stabilization and erosion control; description of specific habitat types to be restored, species list, abundance of each habitat type, planting densities and propagation methodologies; plans identifying boundaries of habitat type to be restored with acreages and densities; description of plant material sources from the South Coast of Santa Barbara; performance criteria; irrigation methods to ensure planting success; weed and pest management; fire hazard requirements; measures to monitor and manage public access to and along the creek to prevent adverse impacts to the upland restoration area and along the creek buffer from public use, native vegetation shall include plant species with low fuel loads, low lying strategic space consistent with Santa Barbara City Fire Department requirements in vicinity of proposed residential development, and a maintenance and monitoring program to ensure success within 5 years or until the performance criteria are achieved.

SUGGESTED MODIFICATION NO. 8

Section 28.50.098 is added to read as follows:

Section 28.50.098. Water Quality.

A. In order to maintain, preserve, enhance and restore the biological productivity and water quality of Arroyo Burro Creek, during project grading and construction, an Interim Erosion Control and Construction Best Management Practices plan, shall be prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

Erosion Control Plan

1. Construction Phase Erosion/Sedimentation Control. Development within the SP-9 Zone shall include a detailed Erosion/Sedimentation Control Plan ("Plan") that meets the City's standards. The Plan shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in stormwater discharges, and to minimize non-stormwater pollutants at the project site to the maximum extent possible.

2. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.

3. Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.

4. The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.

5. The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.

6. The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the Coastal Zone or within the Coastal Zone to a site permitted to receive fill.

7. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

Construction Best Management Practices

8. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

9. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers. The 100 foot buffer along Arroyo Burro Creek shall be delineated by a temporary fence during construction to prevent construction equipment and materials from being placed within the buffer, except for activities related to permitted uses within the 100 foot buffer zone, including approved creek and buffer restoration and enhancement activities.

10. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

11. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

12. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

13. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

14. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

15. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

16. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

17. The discharge of any hazardous materials into any receiving waters shall be prohibited.

18. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

19. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity

20. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. Storm Water Management Plan

In order to maintain, preserve, enhance and restore the long term biological productivity and water quality of Arroyo Burro Creek, development within the SP-9 Zone shall include a Storm Water Management Plan, including supporting calculations, shall be prepared by a qualified civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site.

In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

(1) The stormwater treatment system shall convey and treat stormwater in accordance with the City's requirements and supplemented as necessary, with the design standards for detention basins and bioswales contained in Santa Barbara County's Storm Water Management Plan. The site plan and

architectural design shall be modified during final design to include, to the extent practicable, storm water management design elements, also known as low impact design features. Examples include: roof drainage that is direct to infiltration trenches or bioswales; driveways constructed of permeable materials, pavers or strip pavement for tires only; openings in curbs to provide opportunities for infiltration in adjacent grassy swales along the roads; use of permeable surfaces instead of concrete in roadway ribbon gutters; and small depressions in front yards to collect roadside runoff for infiltration.

(2) BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.

(3) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design should be utilized for any landscaping requiring water application.

(4) All slopes should be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this City and or Coastal Development Permit.

(5) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains.

(6) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans should be approved by the project consulting geotechnical engineer.

(7) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or new coastal development permit or city permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/ development plans approved by the City of Santa Barbara Community Development Director. Any changes to the City approved site/development plans required by the consulting civil engineer, or qualified licensed professional, or engineering geologist shall be reported to the Community Development Director.

No changes to the City approved final site/development plans shall occur without an amendment to the city and or coastal development permit, unless the Community Development Director determines that no amendment is required.

C.. Water Quality Management Plan. Development within the SP-9 Zone shall include preparation and implementation by the homeowners association of a water quality management plan for all open space maintained by the association which plan shall incorporate the principles, methods and approach of the City's Integrated Pest Management (IPM) Plan (as it is revised and updated from time to time) in order to minimize the use of pesticides and herbicides for landscape maintenance to the extent feasible. The plan shall also include trash cans, a mechanism for disposing of trash collected in association-managed areas, informational signage and mutt mitts along the pedestrian path and the multi-use path.

SUGGESTED MODIFICATION NO. 9

Section 28.50.110, 28.50.140, and 28.50.150 are revised to read as follows:

Section 28.50.110. Home Size and Development Restrictions.

A. Notwithstanding any other provision of this Code, residential structures in this zone, except as provided by Section 28.50.110.B below, shall not exceed a total net square footage of 3,800 square feet, excluding garages and accessory structures.

B. Notwithstanding any other provision of this Code, residential structures in this zone located adjacent to and with access from Alan Road shall not exceed a total net square footage of 2,500 square feet, excluding garages and accessory structures. Home size in this area shall be massed and designed to provide an appropriate transition to existing adjacent homes along Alan Road as determined appropriate by the Single Family Design Board.

C. All residential structures shall be located within the "Grading and Landscaping" envelope shown on the Conceptual Site Plan exhibit as approved by the City in connection with the subdivision of this real property.

D. All residential **lots (including all private property boundaries/lot lines) and residential** structures **(including but not limited to, perimeter walls and fencing of residential lots)** shall be located a minimum of one-hundred feet (100') from the top of creek bank or the ~~**which is defined as the Adjusted Top of Bank**~~ **outer edge of the canopy of riparian vegetation, whichever is the greater distance, and as identified in Exhibit 6, Veronica Meadows Exhibit C Modified Site Plan dated July 12, 2010.** ~~**in Figure 4-4 of the certified Final Revised Environmental Impact Report for the Veronica Meadows Specific Plan, dated May 2008.**~~

E. For the purposes of this Chapter, the term "net Square footage" shall be defined and calculated in the manner which that term is used and calculated pursuant to SBMC Section 28.15.083.

Section 28.50.140. Fencing.

~~**Fencing within fifty feet (50') of the top of creek bank, which is defined as the Adjusted Top of Bank in the certified Final Environmental Impact Report for the Veronica Meadows Specific Plan dated May 2008,**~~ **Low-profile post and rail or stantion posts strung with cable fencing shall be provided along the east side of the public access trail between the trail and the top of creek bank to limit access to the top of the creek bank or to sensitive habitat areas. The fencing shall be visually permeable to provide views and an aesthetic enjoyment of the creek environment, allow free passage of wildlife, and** shall be approved by the Community Development Director after being reviewed for comments only by the Single Family Design Board. Fencing abutting the open space drainage (identified as Lot 31 in Figure 4-7 of the Final Revised EIR) shall be open. All other fencing shall be subject to the provisions of Section 28.87.170 of this Title.

Section 28.50.150. Area Map

The **revised** map attached hereto as Exhibit A (dated as of **05-07-2008**) and labeled "Veronica Meadows **Las Positas Road** Specific Plan Area **(SP-9)**" is hereby approved and incorporated in this Chapter by this reference.

V. FINDINGS FOR DENIAL OF THE CITY OF SANTA BARBARA LUP AMENDMENT, AS SUBMITTED, AND FINDINGS FOR APPROVAL OF THE CITY OF SANTA BARBARA LUP AMENDMENT, IF MODIFIED AS SUGGESTED

The proposed amendment affects the Land Use Plan (LUP) of the certified Santa Barbara City LCP. The standard of review that the Commission uses in reviewing the adequacy of the LUP amendment is whether the LUP amendment meets the requirements of and is consistent with the policies of Chapter 3 of the Coastal Act.

The following findings support the Commission's denial of the LCP LUP amendment and approval of the LUP amendment if it is modified as suggested. The Commission hereby finds and declares as follows:

A. BACKGROUND AND SETTING

1. LAND USE PLAN AMENDMENT HISTORY AND DESCRIPTION

a. Amendment Description

The City of Santa Barbara is requesting an amendment to both the Land Use Plan and Implementation Plan portions of its certified Local Coastal Program (LCP) to: (1) incorporate an 4.38-acre area of land (recently annexed into the City from Santa Barbara County and identified as a portion of APN: 047-010-016) as part of the City's certified LCP and apply new residential land use designations, policies, and a clustered residential development; and (2) change the land use and zoning designations on 0.04 acres of area on an adjacent parcel (APN 047-061-026) from residential to create a new "Specific Plan" zone district, SP-9, for the Veronica Meadows Specific Plan Project. The area that is subject to this amendment is located north of the terminus of Alan Road, at 900-1100 Las Positas Road (APN 047-010-016 and 047-061-026) within Las Positas Valley in the City of Santa Barbara (Exhibits 1-12).

This section will address the Land Use Plan changes to the LCP. The lots that are the subject of this LCPA (APN 047-010-016 and 047-061-026) total 14.8-acres. Lot APN 047-061-026, 0.04 acres in size, is entirely located within the Coastal Zone, while Lot APN 047-010-016 totaling 14.76 acres of which only 4.38 acres are located within the Coastal Zone. Lot APN 047-010-016 was approved in 2008 for annexation into the City of Santa Barbara by the Local Agency Formation Commission (LAFCO) as part of a larger annexation request. In addition, Lot APN 047-010-016 was approved by the City for a lot line adjustment between it and the adjoining lot APN 047-010-053, located outside the Coastal Zone by transferring 4.41 acres from Lot 047-010-053 to Lot 047-010-016. Both properties were recently approved for development by the City of Santa Barbara as part of a larger project, subject to the Commission's certification of this LCPA. A 2.5 acre portion of Lot 047-010-016 is located within the appealable jurisdiction of the Coastal Commission within 100 feet of the top of the bank of Arroyo Burro Creek.

The aforementioned "larger project", of which the subject lots are a part, is described in the attached Project Description (Exhibit 10), and includes parcels 047-010-016, 047-010-026, and 047-010-011. Essentially, the larger project involves the annexation of approximately 50.5 acres into the City and development of 25 single-family homes on about 7 acres. The remaining 43.5 acres would be dedicated open space. Access to the 22 residential units would be via a new public bridge from Las Positas Road across Arroyo Burro Creek (located entirely outside the Coastal Zone), while access to 3 units would be from a new cul-de-sac at the terminus of Alan Road.

b. Proposed Specific Changes to the Certified Local Coastal Plan (Land Use Plan)

The City requests approval of an adjustment to the City's LCP Map to include property in the City Coastal Plan that was previously in the County Coastal Plan. City Land Use Plan policies would remain unchanged and no text changes to the City's Land Use Plan are proposed.

Specifically, the proposed amendment involves the following changes to the City's LCP land use map:

(1) Change the Local Coastal Plan land use designation of APN 047-061-026 from Residential - One Dwelling Unit per Acre to Residential - Two Dwelling Units per Acre;

(2) Add the portion of APN 047-010-016 that is located within the Coastal Zone boundary to the City's Local Coastal Plan Map, with a designation of Residential - Two Dwelling Units per Acre, Buffer/Stream, and Pedestrian Equestrian Trail;

(3) Include the portion of APN 047-010-016 that is located within the Coastal Zone boundary in Component 1 of the City's Coastal Zone; and.

The Map depicting the requested Amendment is provided as Exhibit 4. The City Council approved these Amendments by Resolution 08-052 (Exhibit 8), contingent upon approval by the California Coastal Commission. The requested Amendments would be effective thirty days after certification by the California Coastal Commission. The City intends to carry out the LCP in a manner fully consistent with the California Coastal Act.

c. Surrounding Development

Immediately south of the project site, in the vicinity of Alan Road, the land use designation is Residential – One Unit per Acre; however, the actual development of this area is at a density closer to five units per acre (Exhibit 4). Immediately north of the project site is a condominium development with a land use designation of Residential, 10 units per acre. To the west are two vacant parcels of 7 and 82 acres on a sloping hillside. To the east are Arroyo Burro Creek and a City 5.89 acre lot on the eastern bank of Arroyo Burro Creek, Las Positas Road and Elings Park which consists of two parcels 127 and 84 acres in size (Exhibit 2).

d. LCP Amendment and Project History

The following is an abbreviated history of the project, and includes all public hearings by the City Council and those public hearings by the Planning Commission where decisions were made relative to both the Land Use Plan and Implementation Plan

(Section VI Findings for Denial as Submitted and Approval of the Local Implementation Plan If Modified As Suggested).

On November 18, 1993, the Planning Commission initiated the annexation of APN 047-010-016 with direction for zoning and land use designations as part of a separate, prior application by a previous property owner. At that meeting the Planning Commission directed City staff to study the entire range of single-family zoning and corresponding General Plan Land Use designations for APN 047-010-016. In 1999, the current property owner submitted a development application to the City. On February 20, 2003, the Planning Commission initiated the Specific Plan (zoning) for the subject parcel. On October 21, 2004, the Planning Commission held an environmental hearing on the Draft EIR. The Planning Commission held public hearings on the EIR and project on April 14, 2005 and July 21, 2005, at which time the project was continued. On December 1, 2005, the Planning Commission certified the Final EIR and forwarded a decision on the project to the City Council.

On March 8 and March 21, 2006, the City Council reviewed and continued the project. On October 3, 2006, the City Council reviewed and continued a revised proposal and LCP Amendment. On December 12, 2006, the City Council certified the Final EIR, LCP Amendment and approved a project with 25 residential units.

The City Council's decision to certify the EIR and approve the proposal for this LCP Amendment and the project was litigated in Santa Barbara Superior Court in 2007, and, by Court mandate, in February 2008, the City Council rescinded project approvals and certification of the EIR. On April 17, 2008, the Planning Commission held an environmental hearing on the Draft Revised EIR. On May 15, 2008, the Planning Commission held a public hearing and certified the Final EIR, which consists of the 2005 Final EIR and the 2008 Final Revised EIR. On June 17, 2008, the City Council held a public hearing and discussed the proposed Local Coastal Plan and Zoning Ordinance amendments. At this meeting, the City Council approved the Veronica Meadows Specific Plan Project. Part of that approval included introduction of an Ordinance to pre-zone the subject property and adoption of a Resolution to establish the site's General Plan and Coastal Plan land use designation, along with several other Resolutions in support of the action to approve the project, including Resolutions certifying the EIR, initiating the annexation and approving the subdivision and coastal development permit. The Resolution amending the site's Local Coastal Plan land use designation would take effect thirty days after certification by the Coastal Commission. On June 24, 2008, the City Council adopted Ordinance No. 5456 pre-zoning the site SP-9/S-D-3 and adopting a zoning code amendment for the Veronica Meadows Specific Plan Area.

The City Council adopted the following findings in accordance with the City Charter and Santa Barbara Municipal Code on June 25, 2008 in Ordinance No. 5456 to pre-zone the subject property and adopt a zoning code amendment for the Veronica Meadows Specific Plan Area:

1. The proposed pre-zoning is consistent with the proposed General Plan. Upon annexation to the City, APN 047-010-011 will be designated on the City's General Plan as Major Hillside, Open Space, Buffer/Stream and Pedestrian/Equestrian Trail, APN 047-010-016 is designated on the General Plan as Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail, and a portion of APN 047-010-053 is designated on the General Plan as Residential, Two Dwelling Units per Acre. The proposed pre-zoning of that property to Veronica Meadows Specific Plan known as the SP-9 Zone would also be consistent with the proposed General Plan.

2. The proposed pre-zoning will be beneficial to and not detrimental to the public health, safety, or welfare. The prezoning of that property to Veronica Meadows Specific Plan known as the SP-9 Zone will bring beneficial development to the area in a way that is sensitive to and compatible with surrounding land uses and the existing natural environment. The prezone is beneficial to the public health, safety, and welfare.

3. Duly noticed public hearings before the Planning Commission and the City Council were held to receive and consider public testimony regarding the proposed prezoning.

4. An environmental impact report was prepared and certified in compliance with the California Environmental Quality Act and a mitigation monitoring program and findings were adopted in conjunction with the certification.

5. With respect to Section 1507 of the City Charter, build-out of the Veronica Meadows Specific Plan will result in significant and unavoidable cumulative traffic impacts; all project-specific traffic impacts will be less than significant. The City Council has weighed and balanced the overall community benefits of the project against the unavoidable traffic impacts and has concluded that the benefits of the project outweigh the significant traffic impacts sufficiently to make the adverse affects acceptable. Short-term impacts on air quality due to construction will be significant, but mitigable. Long term air quality impacts due to the land development would be less than significant. Short-term noise impacts from construction activities would be significant and unmitigable; however, no long term significant noise impacts would occur. Development of the project will not adversely affect the City's water or wastewater resources.

6. The Veronica Meadows Specific Plan meets all provisions of Article 8, Chapter 3, of Division 1 of Title 7 of the California Planning and Zoning Law (Government Code Sections 65450 through 65457).

7. The Veronica Meadows Specific Plan is consistent with the General Plan and Local Coastal Plan in that the establishment of the Veronica Meadows Specific Plan will create a single-family residential zone district where specific development standards are established to cluster development, maintain a semi-

rural setting, restore a section of a degraded creek and riparian corridor, and, protect the natural environment.

8. The Veronica Meadows Specific Plan is consistent with the policies of the General Plan and the Local Coastal Plan as follows:

   a. Land Use Element Policy 4.1 will be met because the Specific Plan provides for residential development.

   b. Conservation Element Visual Resources Policy 1.0 and LCP Policies 6.8 and 6.10 will be met because the Specific Plan requires that all residential structures be located a minimum of 100 feet from the top of creek bank.

   c. Conservation Element Visual Resources Policy 3.0 and LCP Policy 9.1 will be met because the scenic view corridors across the site will be maintained.

   d. Conservation Element Visual Resources Policy 5.0 will be met because the Specific Plan requires that Area B and at least 50% of Area A be dedicated to open space.

   e. Conservation Element Visual Resources Policy 6.0 will be met because the Specific Plan does not propose ridgeline development.

   f. Conservation Element Air Quality Policy 4.0 will be met because the development allowed by the Specific Plan will not result in significant air quality impacts.

   g. Conservation Element Biological Resources Policy 5.0 will be met because the Specific Plan requires that all residential structures be located a minimum of 100 feet from the top of creek bank.

   h. Housing Policies 3.2 and 3.3 and LCP Policy 5.3 will be met because the density of development allowed by the Specific Plan is consistent with the surrounding neighborhood. Additionally, any development within the zone must be reviewed and approved by the Single Family Design Board in terms of neighborhood compatibility.

   i. Noise Element Policy 3.0 will be met because the type of development allowed by the Specific Plan area is consistent and compatible with surrounding development.

   j. Circulation Element Policy 5.1.5 and LCP Policy 3.4 will be met because the Specific Plan allows public trails to traverse the property, which will provide improved pedestrian, bicycle and other connections between Hidden Valley, Bel Air, and Campanil neighborhoods, and better access between these neighborhoods and Arroyo Burro Beach.

   k. LCP Policy 3.3 will be met because residential development allowed by the Specific Plan must provide two off-street parking spaces per unit.

The City originally submitted this LCP amendment to the Commission on August 6, 2008 and the application was deemed complete and filed on September 30, 2008 as SBC-MAJ-02-08. The time limit to act upon that LCP Amendment was December 11, 2008. However, in order to allow the City and the applicant additional time to address several outstanding issues, the City withdrew SBC-MAJ-02-08 and resubmitted the same amendment to the Commission as LCP Amendment SBC-MAJ-3-09 on November 12, 2009. Staff filed this application as complete on November 12, 2009 and originally scheduled it for the Commission's January 14, 2010 hearing for a time extension. Pursuant to Section 30512 of the Coastal Act and Section 13522 of the Commission's regulations, an amendment to the certified LCP that modifies both the LUP and IP portions must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. The 90th day after filing the complete submittal was February 9, 2010. Pursuant to Coastal Act Section 30517 and Section 13535 of the Commission's regulations, the Commission extended the statutory 90-day time limit for Commission action on the proposed LCP amendment for one year at its January 14, 2010 meeting. Therefore, the Commission must act upon this application no later than January 14, 2011.

e. LCP History

The City of Santa Barbara's Land Use Plan (LUP) was approved and certified by the Commission in 1981. The City of Santa Barbara Implementation Program (Coastal Overlay Zone) was certified subsequently in November 1986 and the City assumed permitting authority at that time. The Implementation Plan included the addition of the S-D-3, Coastal Overlay Zone as a Special District codified in Section 28.44 of the City's Zoning Ordinance. The Implementation Plan submittal also included Map A, defining the appealable and non-appealable areas in the City and the areas of retained permit jurisdiction of the Commission. In 1991, the Commission certified the final version of the "Post-LCP Certification Permit and Appeals Jurisdiction" maps for the City of Santa Barbara. The City of Santa Barbara's Local Coastal Program (LCP) has been amended several times since its original certification.

The certified LUP contains policies and provisions for new development, protection of visual resources, environmentally sensitive habitat, water quality, and public access and recreation, and other policies and provisions to protect coastal recreation and resources. The LUP identifies the subject area within "Component 1: Western City Limit to Arroyo Burro Creek". The subject site is located in the western area of Component 1 west of Arroyo Burro Creek, west of Las Positas Road, and north of the terminus of Alan Road within an area of existing single family residential development, vacant land and park land.

2. LUP POLICY CONSISTENCY ANALYSIS AND FINDINGS

The standard of review that the Commission uses in reviewing the adequacy of the proposed LUP amendment is whether the land use plan, as amended, would continue to be consistent with, and to meet the requirements of, the applicable policies of Chapter 3 of the Coastal Act. Two broad policy goals of the Coastal Act are to protect,

enhance and restore environmentally sensitive habitats, including riparian habitats and to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act. Coastal Act policies are incorporated by reference in the LCP through Policy 1.1, which states that "The City adopts the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as guiding policies of this land use plan.

The proposed land use designation for APN 047-010-016 of Residential – Two Dwelling Units per Acre, Buffer/Stream, and Pedestrian Equestrian Trail allows for development of portions of the site, while maintaining protection of the site's natural resources and appropriate development restrictions associated with the site's constraints. The proposed density of APN 047-010-016 (two units per acre) would be less than the density allowed (4.6 units per acre) under the County designation, would be less than the density of developments on adjacent parcels to the north and south, and higher than the density of development on adjacent parcels to the west. The related permits approved by the City for development of this site include authorization of a 25-unit residential subdivision within the subject area; thus, the actual density of APN 047-010-016 and 047-061-026 would be 1.7 units per acre.

The major coastal issues raised by this project are: new development; water and marine resources; environmentally sensitive habitat; and public access and recreation. The following is an analysis of how this amendment to the land use plan, as proposed, is inconsistent with the Coastal Act and the City's Existing Local Coastal Plan Land Use Plan Policies and, only if modified as suggested, will this amendment be consistent with the Coastal Act

The Coastal Act includes policies to located new development in close proximity to existing development with adequate public services to serve it and for the protection of coastal riparian resources and environmentally sensitive habitats. The following are the applicable Coastal Act policies.

a. Coastal Act Policies

Section 30250 of the Coastal Act states in part:

> ***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable***

parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. ...

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

b. Existing LUP Policies

The following include the applicable Santa Barbara City Land Use Plan policies:

Policy 6.8

The riparian resources, biological productivity, and water quality of the City's Coastal Zone creeks shall be maintained, preserved, enhanced, and where feasible, restored.

Policy 6.9

The City shall support the programs, plans, and policies of all government agencies, including those of the Regional Water Quality Control Board with respect to best management practices for Santa Barbara's watersheds and urban areas.

Policy 6.10

The City shall require a setback buffer for native vegetation between the top of the bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project.

c. Discussion

In order to ensure that new development is located in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act, it is necessary for the LCP to designate the appropriate location, density, and intensity for different kinds of development. Such designations must also take into account the requirements of other applicable policies of Chapter 3 of the Coastal Act, including public access, recreation, land and marine resources, and scenic and visual quality.

The proposed changes to the land use would result in a reduced number of residential units than what is currently allowed in the County of Santa Barbara's LCP (see Table below). As shown in the table, under the County's existing land use plan and zoning for the subject area, potential development of up to 67 residential units could occur on the subject lots (which are located partially within and bisected by the Coastal Zone). In this case, implementation of the proposed amendment would serve to reduce the amount of potential residential development that could be allowed on the combined subject parcels down to a maximum of 25 residential units.

As illustrated in the table below, the land use designations and zoning classifications for the subject site that are proposed by the City will provide for similar or less potential development density on site as previously provided under County jurisdiction. Existing policies in the City's Local Coastal Plan would apply to the lands that would be included in the City LCP after the proposed City/County LCP boundary change.

APN	Acreage (Approx)	Coastal Plan Designation		Zone Classification	
		Existing	Proposed City	Existing	Proposed City
047-010-016	14.76	Residential 4.6 units per acre [County]	Residential – 2 units per acre, Buffer/ Stream and Pedestrian/ Equestrian Trail	8-R-1 (Single Family Residential, 8,000 vs. lot min.) and RR-20 (Residential Ratcheted, 1 unit per 20 acres) [County]	SP-9/S-D-3 (Specific Plan Nine and Coastal Zone Overlay)
047-061-026	0.04	Residential – 1 dwelling unit per acre [City]	Residential – 2 units per acre, Buffer/Stream and Pedestrian/ Equestrian Trail	E-3/S-D-3 (One-Family Residence and Coastal Overlay Zones) [City]	SP-9/S-D-3 (Specific Plan Nine and Coastal Overlay Zones)

Lot APN 047-010-016 is a 14.76 acre lot located north of Alan Road and west of Las Positas Road that is bisected by the Coastal Zone boundary. The portion of this lot located within the Coastal Zone is 4.38 acres. The existing Santa Barbara County Coastal Plan designation is for residential land use at an intensity of 4.6 units per acre allow for up to 67 dwelling units. The City's proposed land use designation would remain residential with a maximum of 25 dwelling units with added designations for a Stream Buffer and Pedestrian Equestrian Trail.

Lot APN 047-061-026 is a 0.04-acre lot located at the northern end of Alan Road. The lot is included in the Veronica Meadows Specific Plan Project, and as such, the land use designation is proposed to be changed to be consistent with the land use designations proposed for the majority of the project site with added designations for a Stream Buffer and Pedestrian Equestrian Trail. This lot, due to its size and location, would only be used as public right-of-way to complete the cul-de-sac at the end of Alan Road. Changing the City's existing land use designation from one dwelling unit per acre to two dwelling units per acre will not increase the development potential of this 0.04 acre lot. Similarly, changing the zoning designation from E-3/S-D-3 to SP-9/S-D-3 will also not change the development potential of the lot.

The City proposes to amend the LUP Coastal Zone Sub-Area Components of the LCP to include all of Lot APN 047-061-026 and the portion of lot APN 047-010-016 that is located within the Coastal Zone as a part of Component 1 of the City's Coastal Zone Component 1 includes the portion of the City's Coastal Zone that ranges from the City's western City limit to Arroyo Burro Creek. These lots are located within this Component area. However, the currently certified text of the LUP does not adequately reference the proposed changes to the LUP map proposed by this amendment. Thus, certification of the proposed map changes would result in the creation of internal inconsistency between the maps and text of the certified LUP. Therefore, **Suggested Modifications 1 and 2** are necessary to ensure that the portions of the currently certified LUP that address the subject area will be updated to include the proposed changes to the LUP

maps. Thus, only as modified, to revise the text of the LUP to reflect the proposed map changes will internal consistency within the LCP be maintained.

Lastly, the proposed LUP amendment involves revisions to the Land Use Map of the certified Local Coastal Program to change the current Land Use designation for one of the subject lots (APN 047-061-026) from Single Family Residential to Residential 2 units/acre, Buffer/Stream, & Pedestrian/Equestrian Trail and also to incorporate one new lot (APN 047-010-016) which was annexed from the County into the City's Coastal Zone and provide the same new Land Use designation for this lot as well. These revisions involve changing the land use designation for these subject lots resulting in a reduction in the amount of residential build-out on the subject parcels while providing for a public access trail along Arroyo Burro Creek and to the beach, creek stabilization, habitat restoration and related maintenance. Additionally, any future projects on these parcels would be subject to the policies and provisions of the City of Santa Barbara's certified LCP, including but not limited to the protection of public access, public views, and environmentally sensitive habitat areas. **Suggested Modification 2** by addresses these issues with the inclusion of the Veronica Meadows Property which is assigned "Residential -- Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian rather than the existing one dwelling per acre use in addition to the proposed public trail access along the Arroyo Burro Creek corridor to the beach, creek stabilization, habitat restoration, and related maintenance which is not included in the existing LUP. Because, the currently certified text of the LUP does not adequately reference the proposed changes to the LUP map proposed by this amendment, the certification of the proposed map changes would result in the creation of internal inconsistency between the maps and text of the certified LUP. Therefore, **Suggested Modification 2** is necessary to ensure that the portions of the currently certified LUP that address the subject area will be updated to include the proposed changes to the LUP maps. Thus, only as modified, to revise the text of the LUP to reflect the proposed map changes will internal consistency within the LCP be maintained.

Therefore, for the reasons discussed in detail above, the Commission finds that the LUP, only if modified as suggested, will be consistent with the Coastal Act.

VI. FINDINGS FOR DENIAL OF THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AMENDMENT AND APPROVAL IF MODIFIED AS SUGGESTED

A. AMENDMENT DESCRIPTION

The City of Santa Barbara's proposed Local Coastal Program Amendment LCPA SBC MAJ 3-09 consists of changes to the City's certified Local Implementation Plan (LIP) to include development standards.

The lots that are the subject of this LCPA (APN 047-010-016 and 047-061-026) total 14.8-acres. Lot APN 047-061-026, 0.04 acres in size, is entirely located within the Coastal Zone, while Lot APN 047-010-016 totaling 14.76 acres of which only 4.38 acres are located within the Coastal Zone. Specifically, the proposed amendment involves the following changes to the City's LCP Zoning Implementation Ordinance and Map by designating APN 047-061-026 and the portion of APN 047-010-016 that is located within the Coastal Zone boundary with a zoning designation of Specific Plan Number Nine and Coastal Overlay Zone (SP-9/S-D-3). The proposed SP-9 Zone is a Specific Plan that was developed by the City for the project site. The City has indicated that this SP-9 Zone is intended to take into consideration the unique environmental constraints of the subject site as well as compatibility of the proposed development with the surrounding neighborhood. The proposed SP-9/S-D-3 zoning allows for single-family development on this portion of the project site (APN 047-010-016), which is proposed to be annexed into the City from the County. The entire project site located within and outside the coastal zone allows a maximum of 25 residential units, subject to the setback and development standards identified in the SP-9 zone. The proposed SP-9/S-D-3 zoning in the Coastal Zone would require minimum lot sizes of 5,000 square feet, with a 7,000 square foot minimum average net lot area for the development. The Specific Plan provides for a restricted development envelope, dedicated open space, and the required creek buffer/setback. The benefit of the Specific Plan zoning is the ability to regulate the location of development on the site, as well as provide more control over creek buffer areas and setbacks.

A map depicting the requested LIP Amendment is provided as Exhibit 5. The City Council approved these Amendments by Ordinance No. 5456 (Exhibit 9), contingent upon approval by the California Coastal Commission. The requested Amendments would be effective thirty days after certification by the California Coastal Commission. The City intends to carry out the LCP in a manner fully consistent with the California Coastal Act.

As illustrated in the table in section V Findings for Denial of the LUP noted above, the land use designations and zoning classifications that the City has approved provide similar land use intensity in the LCP areas as previously provided under County jurisdiction.

The LCP Amendment, as proposed by the City, would create specific plan development standards (SP-9) for development of these two lots in addition to an additional lot located outside the Coastal Zone. Both lots APN 047-061-026 and the portion of APN 047-010-016 which are located within the Coastal Zone will have a zoning designation of Specific Plan No. Nine (SP-9) and Coastal Overlay Zone (SP-9/S-D-3). The residential and related projects implementing physical improvements on these properties would require a coastal development permit. The portion of the project located within the Commission's appeals jurisdiction within 100 feet of the top bank of the creek may be appealed to the Commission. The majority of the project and related development is not appealable to the Commission. The City has approved a coastal

permit for this project in 2008 subject to a condition requiring the Commission's certification of this LCPA.

The suggested modifications add additional details regarding limitations on development that will be allowed within the 100 ft. buffer from sensitive riparian habitat areas on site while providing for creek/riparian restoration, upland restoration, construction erosion/sedimentation control, stormwater treatment, water quality management, and a public access trail and easement along the creek. In addition, issues related to homeowner covenants, conditions and restriction, lighting, and public accessway fencing are also addressed.

B. LIP POLICY CONSISTENCY ANALYSIS AND FINDINGS

The standard of review that the Commission uses in reviewing the adequacy of a proposed Local Implementation Plan (LIP) amendment is whether the Local Implementation Plan, if amended as proposed, would conform to and be adequate to carry out the applicable policies of the certified Land Use Plan (LUP). Applicable Coastal Act Sections have been incorporated in their entirety into the certified City of Santa Barbara Land Use Plan as guiding policies.

The following are the applicable Coastal Act polices incorporated into the City's Coastal Plan.

1. Public Access and Recreation

Section 30210 of the Coastal Act states as follows:

> ***In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

Section 30212 of the Coastal Act states in part as follows:

> ***Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.***

Section 30212.5 of the Coastal Act states as follows:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30223 of the Coastal Act states in part as follows:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. .

The following are the applicable City of Santa Barbara Land Use Plan policies:

Policy 2.4. ***New development projects shall provide vertical access to the shoreline consistent with stipulations set forth in Section 30212 of the Coastal Act.***

Policy 2.6. ***A bicycle and pedestrian way shall be provided between the western City Limit and Arroyo Burro County Beach Park.***

Policy 3.3. ***New development proposals within the Coastal Zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development.***

Policy 3.4. ***New development proposals in the Coastal Zone which may result in significant increased recreational demand and associated circulation impacts shall provide mitigation measures as a condition of development including, if appropriate, provision of bikeways and bike facilities, pedestrian walkways, people mover systems, in lieu fees for more comprehensive circulation projects or other appropriate means of compensation.***

Consistent with the above reference public access and recreation policies, the project would provide a public pedestrian/bicycle/equestrian path and a multi-use path for bicyclists, equestrians, pedestrians and disabled persons to travel from Las Positas Road and Elings Park to Arroyo Burro County Beach Park. The proposed public pedestrian/bicycle/equestrian path would follow along the western portion of the restored Arroyo Burro Creek, a portion of which is within the Coastal Zone, and thus provide a riparian habitat experience for users of these public access ways. The proposed multi-use path would be located further from the steam and would provide not only vehicular ingress/egress for three private homes but would also be available for public use as well. The paths also provide an enhancement to the bicycle and pedestrian network and coastal access in the Las Positas Valley. Although, the subject lots do not have direct access to the sea they would provide a segment of public access to the beach from inland areas.

The project site would be developed with twenty-five residential units (six of which would be located within the Coastal Zone). With the proposed bridge across Arroyo Burro Creek located outside the Coastal Zone, the paths would provide a safe and convenient access connection between the Westside, Bel-Air and Hidden Valley neighborhoods and visitors to Elings Park to Arroyo Burro Beach, rather than walking or riding along Las Positas Road (a state high speed highway).

The two separate and different public access paths create an opportunity for public access to the beach for all members of the public (Exhibits 2, 6, 7). Pedestrians and equestrians will use the 5-foot wide dirt-surface footpath located near the top of stream bank while bicyclists, skateboarders, equestrians, parents with strollers, disabled people and others will be drawn to the level and 16-foot wide multi-use path located further from the riparian habitat area approximately 35 to 85 feet from the top of the creek bank/outer riparian edge of riparian canopy. The multi-use path will be accessible to the public and is necessary to provide vehicle access to three homes. Although the multi-use path will not provide through-access to Alan Road from Las Positas Road for motorized vehicles, it will provide through-access to Alan Road from Las Positas Road for the public traversing on bikes, skateboards, and for strollers and disabled persons via a narrower connector trail. Vehicle use to access these three homes would be limited, thereby creating minimal conflicts of use, similar to a very low density residential roadway. Lastly, the project includes, pursuant to the proposed Specific Plan development requirements, the provision for two off-street covered parking spaces per single-family residence, which would accommodate the parking demands of the proposed residential development.

As proposed by the Specific Plan, the land uses proposed within the residentially developed area do not adequately segregate the residential development areas from the protected Creek and Buffer areas. The proposed Specific Plan does not provide for Owner Covenants, Conditions and Restrictions addressing limitations in landscaping plans, responsibility for restored habitat areas, the public multi-use trail and public access trail, nor any parcel seller responsibilities to inform future buyers of these CC&R limitations and responsibilities. Therefore, in order to ensure that future residential development on site occurs in a manner consistent with the protection of the adjacent sensitive riparian habitat area and that new residential development will be set back at least 100 ft. from the riparian habitat, **Suggested Modifications 3 and 4** are necessary. Suggested Modifications 3 and 4 provide for these requirements to ensure the proposed development will provide specific types of development, public access and recreation in appropriate locations on the property while protecting coastal resources from inappropriate land uses, public access, non-native landscaping and uninformed new residential buyers unaware of the property restrictions and responsibilities. In addition, **Suggested Modification 4** informs and requires the homeowners to be aware of their property and common area resource protection responsibilities. Therefore, the Commission finds that only with these Suggested Modifications, will the LIP, as proposed to be amended, be adequate to carry out the resource protection, development, and public access and recreational policies of the certified Land Use Plan.

2. Sensitive Riparian Habitat Areas

The following are the applicable Coastal Act polices incorporated into the City's Coastal Plan.

Section 30230 of the Coastal Act states as follows:

> **Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.**

Section 30231 of the Coastal Act states as follows:

> **The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing the alteration of natural streams.**

Section 30236 of the Coastal Act states as follows:

> **Channelization's, dams, or other substantial alteration of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or; (3) developments where the primary function is the improvement of fish and wildlife habitat.**

Section 30240 of the Coastal Act states as follows:

> **(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.**
> **(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.**

The following are the applicable City of Santa Barbara LCP policies:

Policy 6.8

The riparian resources, biological productivity, and water quality of the City's Coastal Zone creeks shall be maintained, preserved, enhanced, and where feasible, restored.

Policy 6.9

The City shall support the programs, plans, and policies of all governmental agencies, including those of the Regional Water Quality Control Board with respect to management practices for Santa Barbara's watersheds and urban areas.

Policy 6.10

The City shall require a setback buffer for native vegetation between the top of the bank and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project.

Policy 6.11

Channelization's, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or; (3) developments where the primary function is the improvement of fish and wildlife habitat.

The portion of the subject site located in the Coastal Zone is highly disturbed due to previous uses of the site (development and operation of a water bottling company and more-recent unregulated recreational uses). Surrounding the subject site is adjacent residential development located to the south, vacant land to the west, north and east along Arroyo Burro Creek, and a State Highway, Las Positas Road and Elings Park (a public park that is privately owned) located further to the east (Exhibit 2).

As proposed, the Specific Plan divides the allowable uses on the entire site located within and beyond the Coastal Zone into two areas: Area A and B (Exhibit 3). Area A includes 3 sub-areas, the first sub-area allowing "Residential Development", the second sub-area for "Creek Buffer & Limited Activity Zone" located from 50 feet to 100 feet from the top of the creek bank or the edge of the riparian canopy furthest from the creek, the

third sub-area for a "Creek Buffer" located from the top of the creek bank or the edge of the riparian canopy furthest from the creek to 50 feet from the creek bank or edge of canopy. Area B is "Open Space" entirely located outside the Coastal Zone on a separate parcel. Area A, "Residential Development", includes as allowable uses residential, public trails, utilities, among other similar uses. However, as proposed, this amendment would allow for some new residential development within the normally required 100 ft. buffer from the riparian habitat on site, prior to the applicant revising the project site plan. Thus, in order to ensure that an adequate buffer is provided between new residential development and the identified riparian habitat on site, the proposed allowable uses must be revised to delete the public gazebo (and relocating it to the "Creek Buffer & Limited Activity Zone"), allow roads and driveways to access residential development, and allow uses permitted in Area A subareas for "Creek Buffer & Limited Activity Zone" and "Creek Buffer" as identified in Exhibit 3 pursuant to **Suggested Modification 3.** Without this Modification, the proposed Specific Plan does not provide for an adequate setback between new residential development and the identified sensitive riparian habitat on site and will not adequately carry out the policies of the LUP. The uses in Area A for the sub-area "Creek Buffer & Limited Activity Zone" include the portions of the public access trail, the multi-use public accessway and the educational kiosk and a fence along the creek. Existing water, sewer and other utility line will be relocated below the surface of the multi-use public accessway and beyond the creek. The uses in Area A for the sub-area "Creek Buffer" include the public access trail, creek restoration, water quality improvements, a low profile fence, common open space and passive recreational area, and outside the Coastal Zone a vehicular and pedestrian bridge across Arroyo Burro Creek. Additionally, creek restoration and public access paths are considered uses that are dependent and allowable within the environmentally sensitive habitat in the area. **Suggested Modification 3** includes these necessary modifications to the LIP to bring it into conformance with the policies and provisions of the LUP.

The proposed LIP amendment includes a Specific Plan to guide future development with development standards intending to be consistent with the above Coastal Act and Santa Barbara LCP policies. However, suggested modifications are necessary to bring the Specific Plan fully into conformance with these policies. The FEIR for this project addresses the sensitive riparian habitat on site that needs to be restored, enhanced and protected as part of future residential development. In addition, the Commission's staff biologist conducted a site visit with representatives of the City, the applicant and other Commission staff on January 12, 2010 (Exhibit 11). It was found that Arroyo Burro Creek and its associated riparian habitat constitutes environmentally sensitive habitat. The City submitted a survey of the top of the creek or outer edge of the canopy of riparian vegetation, prepared by the property owner's biologist. In response to this site visit this delineation was revised by the applicant to more accurately depict the boundary of the riparian habitat on site and a riparian habitat buffer area of 100 feet in width as shown on Exhibit 6, Veronica Meadows Exhibit C Modified Site Plan dated July 12, 2010. The only development allowed within this creek buffer area, pursuant to the proposed Specific Plan-9, if modified as suggested, consists of a public trail, multi-use public path, interpretative signage, bioswale and minor drainage devices, limited

fencing, and an educational kiosk. These are developments that are considered land uses that are dependent and allowable within an environmentally sensitive habitat area. These modifications are required to bring the specific plan into conformance with the LUP by providing for public access, signage, drainage devices, limited fencing and an educational kiosk while ensuring the restoration, enhancement and long term maintenance of the creek, creek buffer area and upland areas. No residential development or portions of private residential lots are allowed within this creek buffer. In an effort to carry out the request of Commission Staff to relocate all residential development and lot areas outside the creek buffer area, the applicant revised the site plan to comply with this request resulting in the Veronica Meadows Exhibit C Modified Site Plan July 2010 (Exhibit 6).

The Specific Plan's proposed Owner Covenants, Conditions and Restrictions (OCCR) do not address the need to limit residential landscape plans to native plants, assign responsibilities for maintenance of the restored areas and public paths, and inform future buyers of these limitations and responsibilities. Without these requirements the Specific Plan does not provide for the long-term protection of the creek, riparian habitat, upland areas and public access as required by the policies of the LUP. **Suggested Modification 4** is necessary to require these revisions to the Owner Covenants, Conditions and Restrictions (OCCR) in order to limit landscaping on individual housing lots to control the spread of invasive plant species by prohibiting the use of exotic invasive plant species for private residential landscaping. The modified OCCR also assigns responsibility for long-term maintenance of restored habitat areas on site, the public access trail, and multi-use public accessway to the homeowners association. Lastly, the modified OCCR requires the seller of any parcel in the SP-9 zone provide a homeowners packet with information on the sensitivity of the restored creek and upland areas, the limits on public trail access, the prohibition on landscaping including exotic invasive plant species, and limits on exterior residential lighting. Therefore, the Commission finds that only with this Suggested Modification, will the LIP, as proposed to be amended, be adequate to carry out the resource protection policies of the certified Land Use Plan.

In addition, the proposed Specific Plan does not address lighting restrictions for streets, common areas and exterior residential lots to protect sensitive wildlife habitat on the subject site that may be adversely affected by excessive night lighting as required by the LUP policies to protect ESHA. **Suggested Modification 5** is necessary to limit exterior lighting by requiring the lowest output lighting permissible on any streets and common areas to minimize direct illumination of the riparian corridor and stray lighting effects within the property and beyond the property. With this modification, the Specific Plan is brought into conformance with the resource protection policies of the LUP.

The LUP requires all new development to provide for a setback buffer for native vegetation between the top of the bank and any new proposed development. The buffer is required to protect coastal resources and habitats from human disturbance resulting from new development, as discussed in detail in the Commission Biologist's site visit memo (Exhibit 11). In order to bring the proposed Specific Plan into

conformance with the LUP, **Suggested Modification 6** requires that all residential development in the Coastal Zone, except for the multi-use public accessway and related driveway improvements shall be setback a minimum 100 feet from the top of the bank of Arroyo Burro Creek or the outer edge of the riparian canopy, whichever is further from the creek center line, as determined by a qualified biologist.

In addition, in order to offset the potential adverse impacts to the adjacent sensitive riparian habitat on site that may occur as a result of locating new residential development on site, the property owner is proposing to implement an extensive riparian and upland habitat restoration project on site and has submitted the Arroyo Burro Creek Restoration and Stabilization Plan, Veronica Meadows Riparian Habitat Enhancement Plan, and a Creek and Riparian Habitat Management Plan. These three plans provide for creek and upland habitat restoration and enhancement with appropriate criteria to ensure riparian habitat compatibility and success of the plantings. The specific plan may, however, include removal of small areas of willow habitats along portions of Arroyo Burro Creek in the Coastal Zone for bank stabilization and habitat restoration purposes. The extensive creek habitat restoration and stabilization measures required for the reach of Arroyo Burro Creek along the length of the project site (approximately 1800 linear feet, of which approximately 600 feet is located within the Coastal Zone) will increase channel stability, reduce erosion, improve water quality, and restore ecological value to the creek. The bank stabilization plan is designed to minimize, to the extent feasible, the use of rip rap and other hard structures through use of brush layering and natural cobbles and gravel. Removal of non-native vegetation and planting of native riparian vegetation are also planned along the creek corridor. Mitigation measures required for the project include the removal of one native oak tree (located outside the Coastal Zone) and replanted at a minimum of a 10:1 ratio onsite. Native riparian habitats disturbed as a result of the bank stabilization would also be replaced at a 10:1 ratio. Additionally, non-native eucalyptus and pepper trees proposed for removal are not known to be significant aggregate sites for monarch butterflies or significant nesting locations for endangered or threatened raptor species. In total, the proposed creek corridor restoration would result in the creation and enhancement of about 5.77 acres of riparian habitat, including 2.96 acres within the Coastal Zone and 2.81 acres outside the Coastal Zone. Lastly, a portion of the proposed creek restoration is located on a separate six-acre open space parcel on the east side of Arroyo Burro Creek owned by the City of Santa Barbara. In order to ensure that the property owner's proposed habitat restoration program is adequately implemented, **Suggested Modification 7** is necessary to require that the specific plan provide that the Arroyo Burro Creek Upland Restoration Plan provide native plant species compatible with upland areas along the creek corridor and success of the plantings. Moreover, the proposed multi-use road on site is necessary to provide access to three residential units and will also be dedicated, in perpetuity, for public access. The road will be primarily located approximately 35-85 feet from the outer edge of the riparian canopy on site. Commission staff has evaluated the alternative of relocating this road outside the 100 buffer area; however, given the location of the road at the foot of a relative steep slope immediately to the north, staff has confirmed that the road is located as far from the creek as feasible. Re-location of the road any further from the creek would require substantial landform alteration of the hillside and would

result in significantly greater environmental and water quality impacts. However, in order to ensure that any potential impacts from the road to riparian habitat, resulting from the reduced buffer, are adequately addressed, **Suggested Modification 3** is necessary to ensure that access way shall be no more than sixteen (16) feet in width and shall be constructed of permeable material. Further, to mitigate for the loss of an adequate development buffer from the riparian habitat on site, **Suggested Modification 3** specifies that construction of the multi-use access way may only occur within the "Creek Buffer & Limited Activity Zone" provided that upland and riparian habitat areas on site are restored at a ratio of 3:1 or greater for all areas disturbed as a result of road/access way construction, pursuant to the Creek Habitat Plans described in Section 28.50.092 and the Upland Restoration Plan described in Section 28.50.094, and there are recorded agreements ensuring that this restoration is maintained by the permit applicant, or its successor, in perpetuity. The specific plan also includes restoration of approximately 9.11 acres of upland habitat (including 3.71 acres within the Coastal Zone) with the goal of reducing cover of ruderal species and increasing cover of coastal scrub habitat. A portion of the upland restoration area is on the six-acre City parcel mentioned above. This extensive creek and upland restoration will improve water quality and result in higher habitat values along the creek compared to existing conditions and is required to improve the Arroyo Burro Creek ecosystem with the removal of numerous invasive species, and permanent replacement throughout the site with native plants with local native seed stocks to create, over time, a more natural and bio-diverse riparian corridor. Therefore, the restoration, enhancement and management plans detailed in **Suggested Modification 7** brings the Specific Plan into conformance with the resource protection policies of the LUP.

Moreover, new development has the potential to create adverse impacts resulting from construction and long term erosion and pollution within the creek and buffer. As proposed, the specific plan does not contain adequate specificity to ensure that new residential development will be designed to avoid potential impacts to the water quality of the adjacent riparian habitat from runoff. Therefore, **Suggested Modification 8** is necessary to require that the specific plan include an erosion control plan, construction best management practices, and a storm water management plan, including bio-filtration features proposed throughout the project, to protect the water quality within the subject property, the Arroyo Burro Creek buffer and the Creek corridor, and the Arroyo Burro estuary and ocean waters with appropriate best management practices. Permanent bio-filtration features proposed throughout the project and the Best Management Practices that will be implemented during construction activities will help treat runoff from the site before it enters the creek. All residential structures will be located a minimum of 100 feet from the top of bank. Although portions of the proposed pedestrian path and multi-use public path would be located within 100 feet from the top of bank of the creek, the overall plan will improve the stability of the creek channel and riparian habitat and provide a more stable buffer area between the development and the creek. The extensive creek and upland restoration is anticipated to improve water quality within Arroyo Burro Creek. With **Suggested Modification 8**, the Specific Plan will be brought into conformance with the LUP policies.

Lastly, the Specific Plan, as proposed, is not adequate to ensure that all new residential development, including private lot boundaries, are located more than 100 ft. From the outer edge of the riparian vegetation canopy or top of creek bank (whichever distance is further) in order to provide for a 100 foot protective creek buffer in compliance with the LUP policies (Exhibit 6). **Suggested Modification 9** requires the clarification that the buffer for all new residential development (including private lot boundaries) shall be located a minimum of 100 ft. from the top of the creek bank or the outer edge of the canopy of riparian vegetation, whichever is the greater distance. . With **Suggested Modification 9,** the Specific Plan is brought into conformance with the Policies of the LUP and will ensure that new development on site will occur in a manner that will minimize adverse impacts to sensitive riparian habitat.

3. Conclusion

In conclusion, the Specific Plan, if modified as suggested, would require the future construction of the two public access paths and the habitat restoration in a manner that would ensure that the habitat values of Arroyo Burro Creek and its associate riparian habitat area are not significantly disrupted and that public access and recreational opportunities are provided in a manner consistent with the policies of the certified Land Use Plan and the Coastal Act. The extensive creek and upland restoration is anticipated to improve water quality and result in higher habitat values along the creek compared to existing conditions and is required to improve the Arroyo Burro Creek ecosystem with the removal of numerous invasive species, and permanent replacement throughout the site with native plants with local native seed stocks to create, over time, a more natural and bio-diverse riparian corridor. Additionally, creek restoration and public access paths can be considered uses that are dependent and allowable within the environmentally sensitive habitat in the area.

Therefore, the proposed Specific Plan as revised with the suggested modifications noted above would protect the sensitive resources at the project site (i.e., Arroyo Burro Creek and the associated aquatic and riparian habitats) with the required creek setback buffer and the riparian and upland habitat restoration is found consistent with the LUP resource protection policies including Policy 6.8 and Coastal Act Section 30240 as incorporated into the certified Land Use Plan. In addition, the modified Specific Plan would further protect water quality in the creek and riparian habitats along the creek to ensure their continued productivity of these habitats if the proposed creek restoration is implemented as also required by Coastal Act Sections 30230, 30231, as incorporated in the City's LCP and Policy 6-9 of the LUP.

The Commission finds that the proposed LIP amendment, if modified as suggested, is consistent Policy 6.10 because the proposed creek setbacks coupled with the required mitigation measures, dedicated creek corridor open space, and proposed riparian habitat restoration, would be adequate to protect creek resources and avoid significant impacts to the creek and its riparian resources. The proposed creek buffer zone is 100 feet from the top of bank or the edge of riparian canopy, whichever is greater, for all residentially related development. Within this setback buffer, the only allowable

developments include portions of the multi-use public access path, the public access trail, low profile fencing between the public trail and creek, an educational kiosk, drainage devices, habitat restoration and enhancement. As required by the suggested modifications to the LIP, portions of Arroyo Burro Creek in the Coastal Zone would only be altered for the purposes of bank stabilization and creek restoration. The purpose of the bank stabilization is to reduce erosion and increase flood protection in the area. These alterations, therefore, are allowed under Coastal Act Section 30236, as incorporated in the City's LCP, and Policy 6.11 as long as no other less environmentally damaging alternatives for flood control exist and mitigation measures are employed to reduce any potential impacts to creek resources.

For the reasons discussed above, the Commission finds that the proposed LCP Amendment 3-09, if modified as suggested, is consistent with and adequate to carry out the requirements of the relevant policies of the Coastal Act and the policies of the certified Santa Barbara Coastal Zoning Ordinance / Implementation Plan.

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Santa Barbara LCP Amendment MAJ 3-09 consists of an amendment to the Local Implementation Plan (IP) portions of the certified LCP.

For the reasons discussed in this report, the LCP amendment, if modified as suggested is consistent with the Coastal Act. Therefore, the Commission finds that approval of the LCP amendment, if modified as suggested, will not result in significant adverse environmental impacts under the meaning of CEQA. Thus, the Commission certifies LCP amendment request 3-09 if modified as suggested.

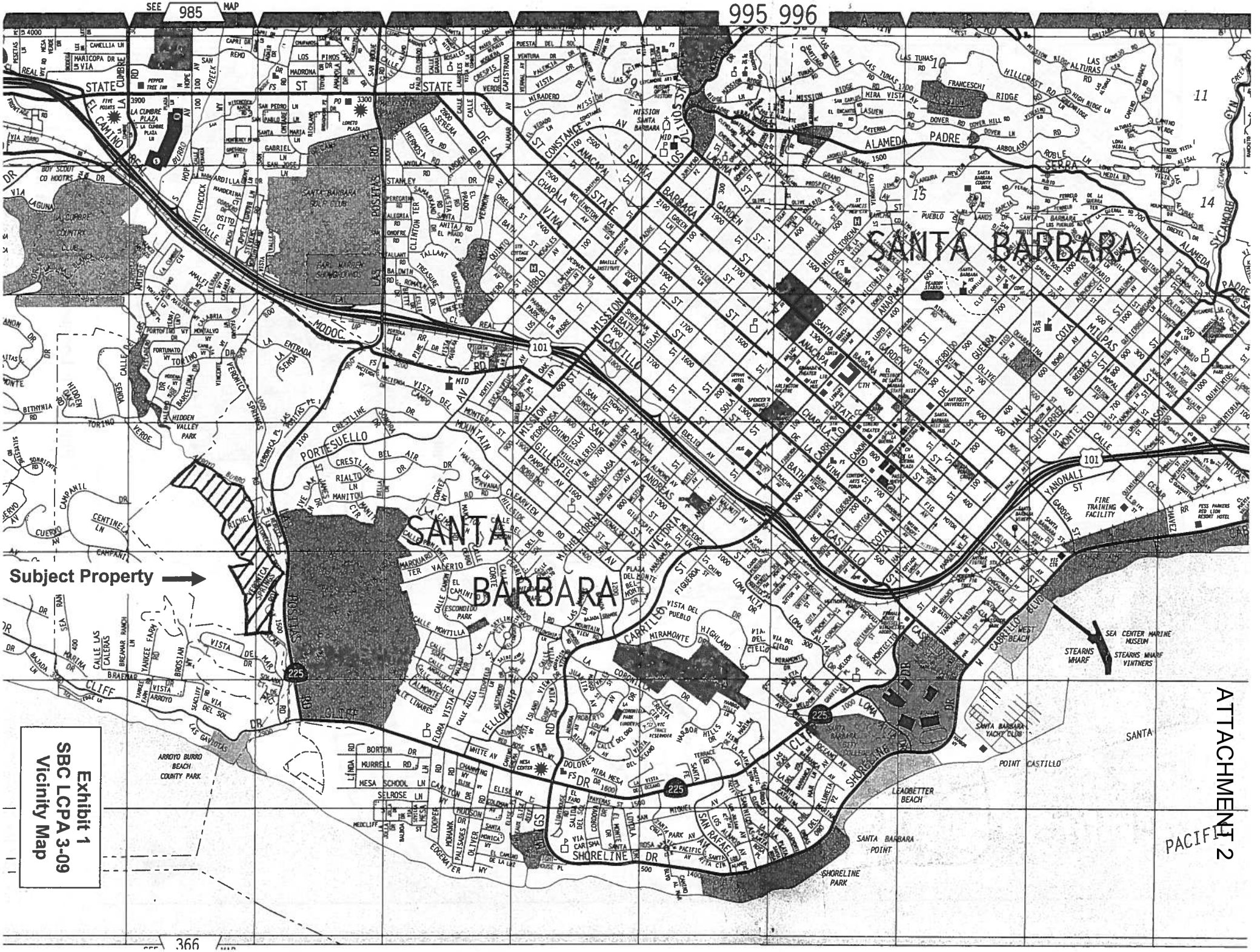


Exhibit 1
SBC LCPA 3-09
Vicinity Map

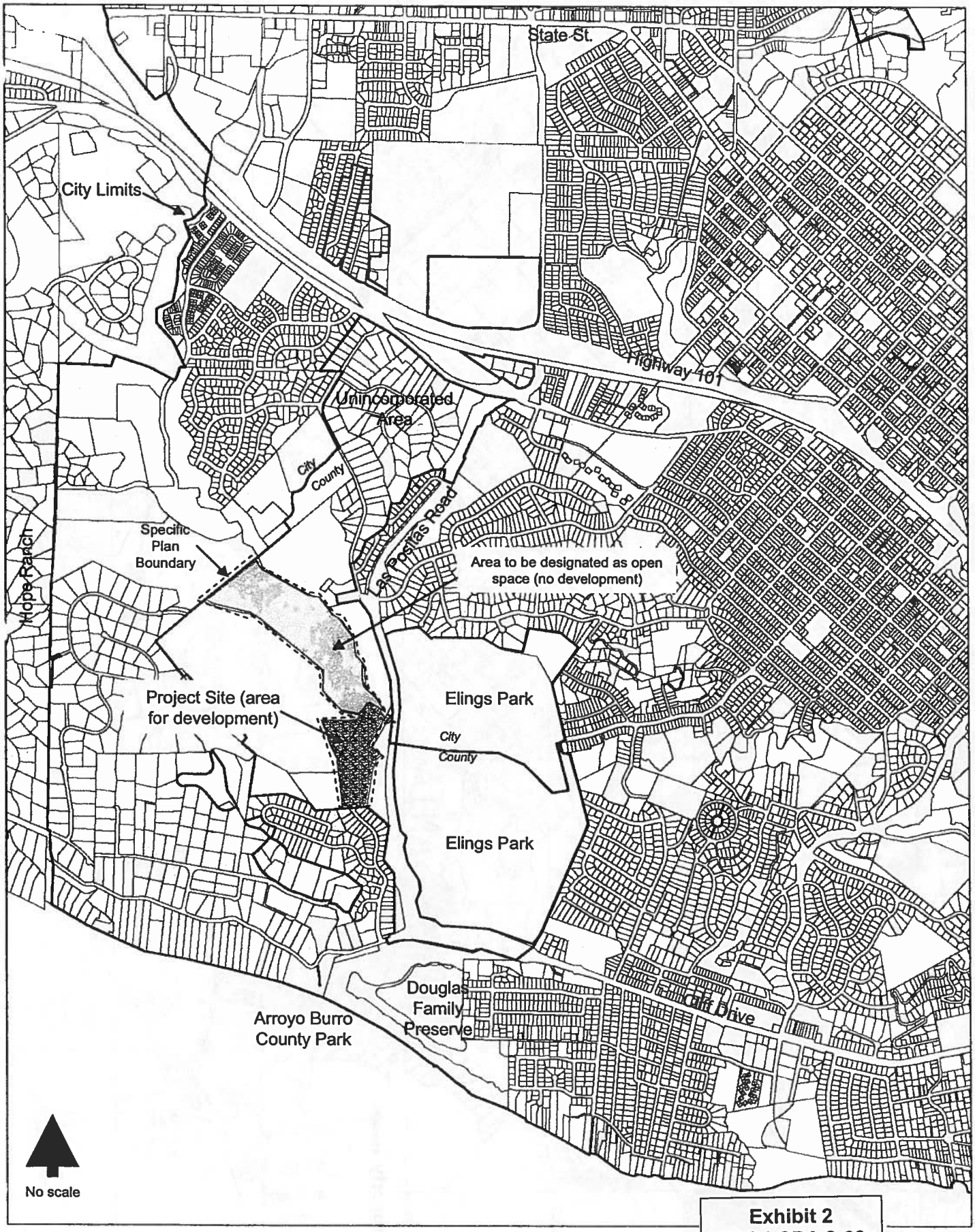


Figure 1-1. Location ect Site

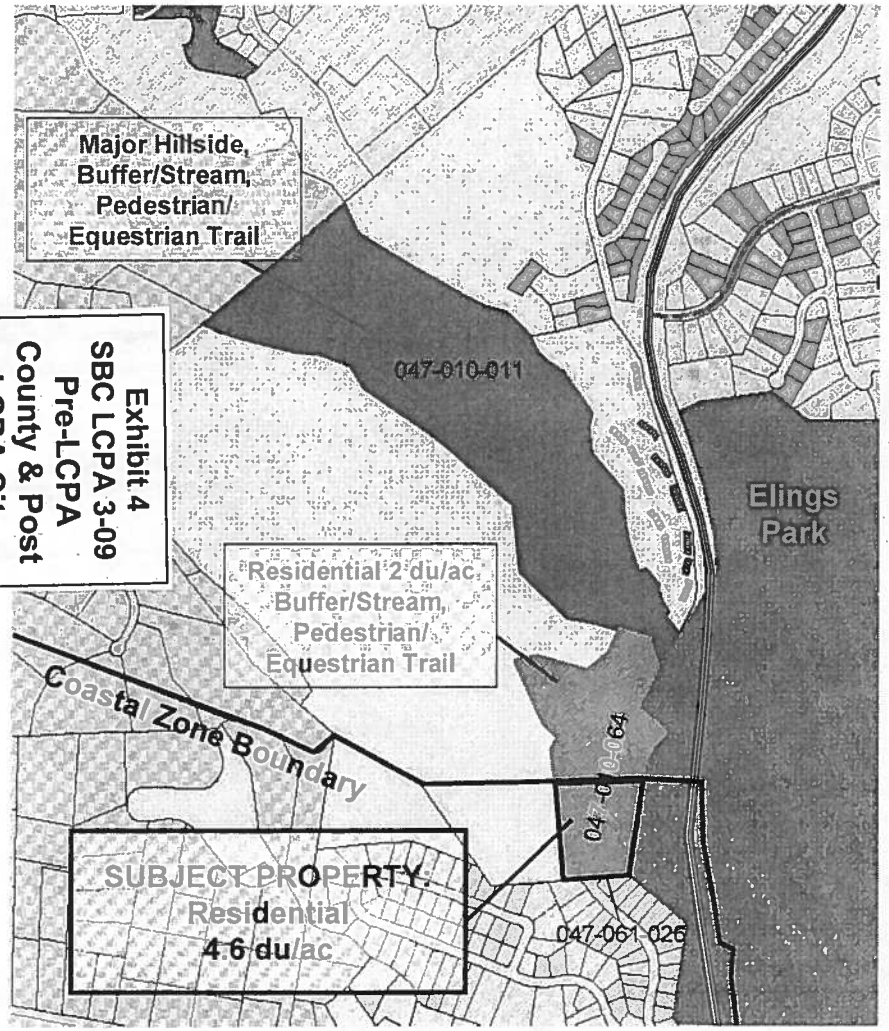
Exhibit 2
SBC LCPA 3-09
Western Santa Barbara City Map

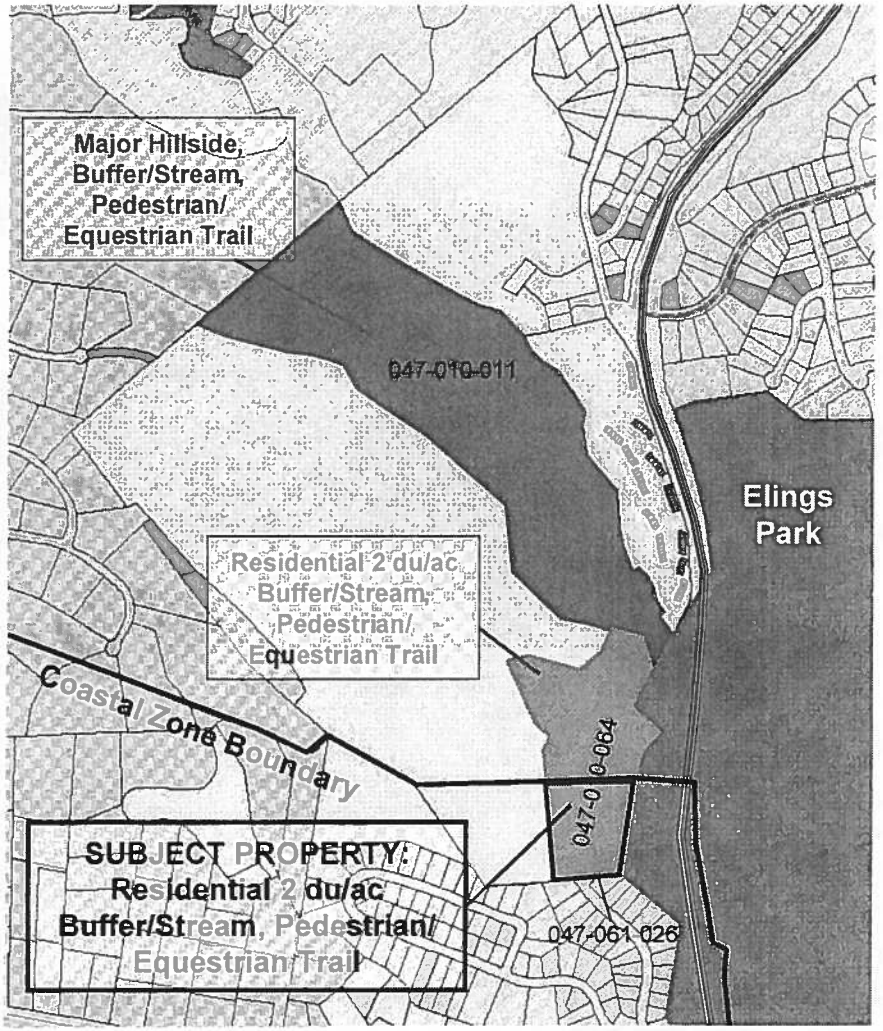
ATTACHMENT 2

Exhibit 3
SBC LCPA 3-09
Subject Property with Coastal Zone Boundary

VERONICA MEADOWS
Local Coastal Plan Land Use Plan Designation Change

Exhibit 4
SBC LCPA 3-09
Pre-LCPA
County & Post
LCPA City
Land Use Plan
Map





N

Pre-LCPA (County)
Residential – 4.6 units/acre

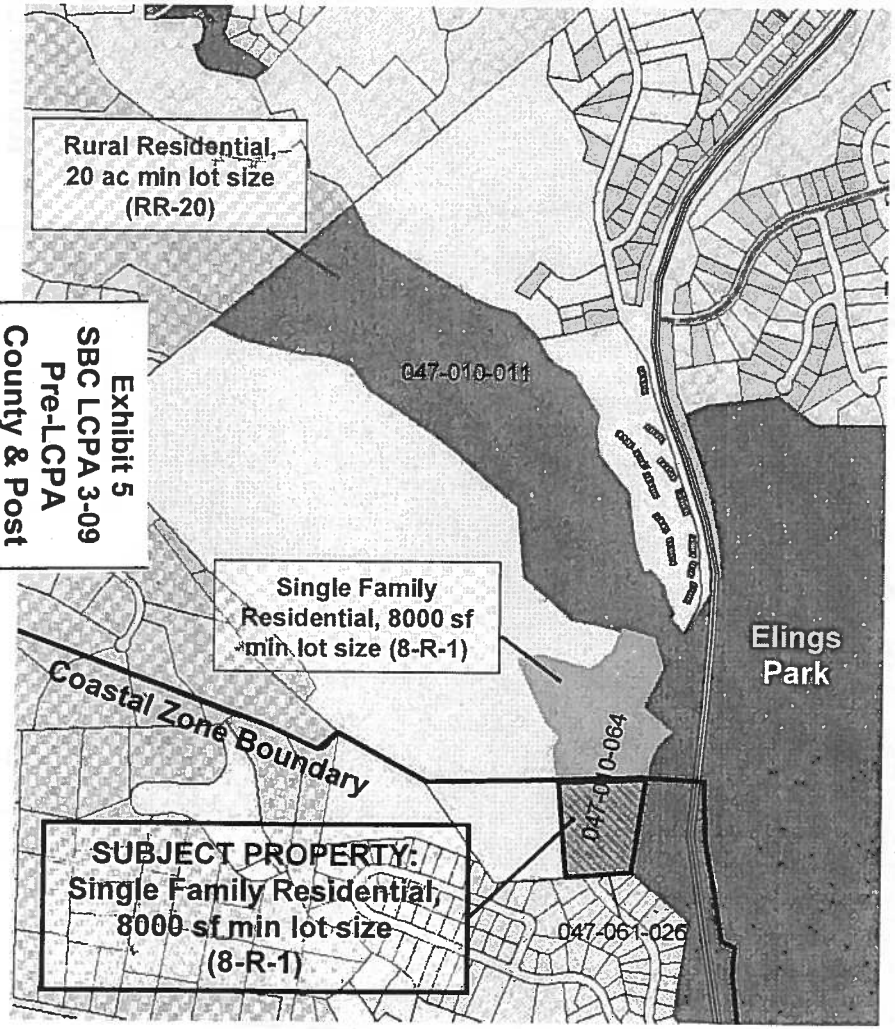
Post-LCPA (City)
Residential–2 units/acre
Buffer/Stream, Pedestrian/Equestrian Trail

Parcels not shaded are part of unincorporated county.

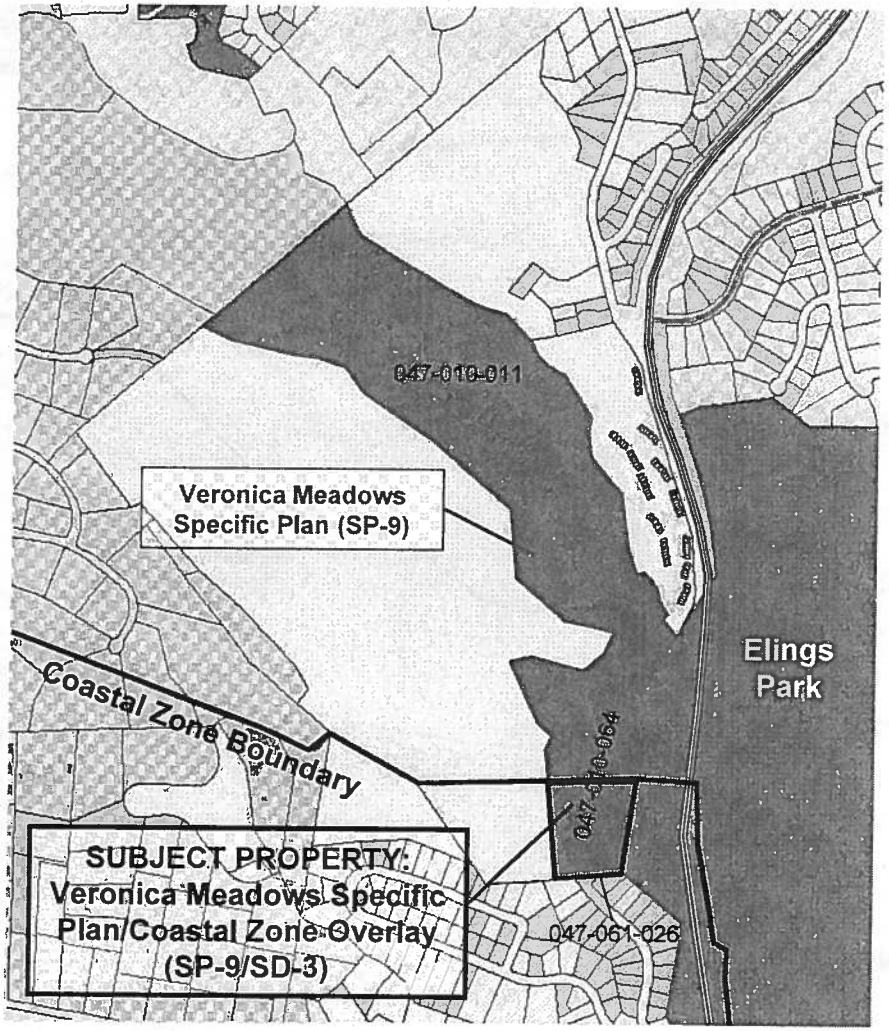
ATTACHMENT 2

VERONICA MEADOWS
Local Coastal Plan Zoning Designation Change

Exhibit 5
SBC LCPA 3-09
Pre-LCPA County & Post LCPA City Zoning Map



Pre-LCPA (County)
Single Family Residential, 8000 sf minimum lot size (8-R-1) &
Rural Residential, 20 acre minimum lot size (RR-20)



Post-LCPA (City)
Veronica Meadows Specific Plan/Coastal Zone Overlay
(SP-9/SD-3)

N

Parcels not shaded are part of unincorporated county.

ATTACHMENT 2

ATTACHMENT 2

Exhibit 6
SBC LCPA 3-09
Proposed Residential Site Plan with Top of Bank & 100 foot Creek Buffer (Residential Site Plan for informational purposes only)

ATTACHMENT 2

Exhibit 7
SBC LCPA 3-09
Proposed Residential Site Plan with Upland Restoration Areas (Residential Site Plan for informational purposes only)

RESOLUTION NO. 08-052

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A GENERAL PLAN AMENDMENT AND A LOCAL COASTAL PLAN AMENDMENT FOR AN APPLICATION OF PEAK LAS POSITAS PARTNERS, 900-1100 BLOCK OF LAS POSITAS ROAD (VERONICA MEADOWS SPECIFIC PLAN) (MST99-00608)

WHEREAS, the City accepted an application from Peak-Las Positas Partners, in order to process a request for the following: 1) annexation of the subject property from the unincorporated area of Santa Barbara County to the City of Santa Barbara; 2) a General Plan Amendment upon annexation to add the property to the City's General Plan Map; 3) a Local Coastal Plan Amendment upon annexation to add the property to the City's Local Coastal Plan; 4) Zoning Map and Ordinance Amendments to adopt Specific Plan Number Nine (SP-9) upon annexation; (5) a lot line adjustment; and 6) other related approvals ("Veronica Meadows Project" or "Project");

WHEREAS, the Planning Commission initiated annexation of the subject parcels separately on November 18, 1993, and February 3, 2000, and held conceptual reviews of the project design before the Commission (including nine speakers) on February 3, 2000;

WHEREAS, the Planning Commission and the Architectural Board of Review held a joint work session on September 5, 2000, to take input (including comments from nine speakers) and make comments on the Project design concept;

WHEREAS, the Architectural Board of Review held a concept review of the proposed Project on September 25, 2000, and provided comments to the Planning Commission;

WHEREAS, the Planning Commission of the City of Santa Barbara initiated the Specific Plan process for the subject parcels and held a joint meeting with the Architectural Board of Review to review a revised project concept on February 20, 2003, and took comments from twelve speakers;

WHEREAS, the Planning Commission held a concept project review work session on March 6, 2003;

WHEREAS, the Planning Commission held an Environmental Impact Report (EIR) Scoping Hearing on October 16, 2003, and took comments from two people;

Exhibit 8
SBC LCPA 3-09
City of Santa Barbara Resolution No. 08-052, Approving LCPA

WHEREAS, the Planning Commission held a duly noticed public hearing to receive comments on the Draft EIR on October 21, 2004, and took comments from twelve people;

WHEREAS, in January 2005, the City of Santa Barbara completed a Final EIR for the project, consisting of the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and minor revisions to the Draft EIR;

WHEREAS, the Park and Recreation Commission and the Creeks Advisory Committee held a joint meeting to consider recommendations to the Planning Commission regarding the proposed bridge and creek restoration elements of the Project;

WHEREAS, the Creeks Advisory Committee met on February 9, 2005, and made recommendations to the Planning Commission regarding the proposed bridge and creek restoration elements of the Project;

WHEREAS, the Park and Recreation Commission met on February 23, 2005, and made recommendations to the Planning Commission regarding the proposed bridge and creek restoration elements of the Project;

WHEREAS, the Transportation and Circulation Committee met on March 24, 2005, and made recommendations to the Planning Commission regarding the proposed bridge for the Project;

WHEREAS, the Planning Commission held a discussion of project issues on April 14, 2005, and nineteen people spoke regarding the Project;

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the Project on July 21, 2005, and eleven people spoke regarding the Project. After substantial discussion, the Planning Commission continued its consideration indefinitely to allow the applicant to make project revisions in response to Planning Commission concerns;

WHEREAS, on December 1, 2005, the Planning Commission held a duly noticed public hearing and took public input from twenty-four people on the Project, and certified the Veronica Meadows Specific Plan Final EIR ("2005 Final EIR") as a complete, accurate, and good faith effort toward full disclosure and as being reflective of the independent judgment of the City of Santa Barbara under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.);

WHEREAS, on March 8, 2006, the Council of the City of Santa Barbara held a duly noticed public hearing, took public input, and continued its consideration of the Project;

WHEREAS, on March 21, 2006, the Council of the City of Santa Barbara continued its deliberations on the Project, and directed the applicant to prepare an alternative design for the Project;

WHEREAS, the applicant complied with the City Council's directive and prepared and submitted to City staff a conceptual site plan reflecting a revised project;

WHEREAS, the Creeks Advisory Committee met on April 26, 2006, and made recommendations to the City Council regarding the revised site plan and creek restoration element of the Project;

WHEREAS, the Architectural Board of Review met on May 1, 2006, and made recommendations to the City Council regarding the revised site plan for the Project;

WHEREAS, the Park and Recreation Commission and Creeks Advisory Committee held a joint meeting on July 10, 2006, to consider recommendations to the City Council regarding the revised site plan for the project;

WHEREAS, on August 19, 2006, the first Addendum to the 2005 Final EIR was prepared by City environmental staff. The Addendum considered a smaller Project with 15 homes, access from Alan Road rather than Las Positas Road, a smaller bridge over Arroyo Burro Creek for pedestrian and bicycle traffic only, and a setback area without pedestrian trails along Arroyo Burro Creek. The Addendum evaluated whether the revised Project was within the range considered in the 2005 Final EIR and determined it was;

WHEREAS, the Planning Commission held a duly noticed public hearing on August 24, 2006, took public input from thirteen people on the revised site plan, and offered comments to the City Council;

WHEREAS, on October 3, 2006, the City Council held the required noticed public hearing and took public input from twenty-seven people on the revised site plan, and continued consideration of the Project to a future meeting after indicating to the applicant that it preferred the Project as it was presented in March 2008, with either 23 or 25 dwelling units;

WHEREAS, the applicant subsequently submitted two development alternatives to the City Council based on direction from the October 3, 2006 City Council meeting;

WHEREAS, on November 17, 2006, the second Addendum to the 2005 Final EIR was prepared to evaluate two development alternatives developed by the applicant in response to the City Council's request. The Addendum evaluated whether the two development alternatives were within the range considered in the 2005 Final EIR and determined they were;

WHEREAS, on December 12 and 19, 2006, City Council approved the project and adopted environmental findings pursuant to CEQA;

WHEREAS, on January 29, 2007, the Citizens Planning Association and the Santa Barbara Urban Creeks Council sued the City to overturn the City Council approval of the project;

WHEREAS, in a judgment dated January 9, 2008, the Santa Barbara Superior Court issued its judgment stating that a writ of mandate should issue commanding the City Council to set aside its December 12 and 19, 2006 decisions concerning the Project;

WHEREAS, on February 5 and 26, 2008, pursuant to court directive, the City Council for the City of Santa Barbara repealed and rescinded the project approvals, including the certification of the 2005 Final EIR;

WHEREAS, on March 14, 2008, the City prepared a Draft Revised EIR, which it circulated pursuant to CEQA Guidelines Section 15088.5. The City's purpose in preparing the revised EIR chapters was to document the events, project changes, and other information that is pertinent to understanding the issues involved with a re-evaluation of the project. CEQA Guidelines Section 15088.5 provides for recirculation of only the revised sections of the EIR and limits further public comment to the recirculated sections;

WHEREAS, on April 17, 2008, the Planning Commission held a duly noticed public hearing to receive comments on the 2008 Draft Revised EIR;

WHEREAS, on May 9, 2008, a 2008 Final EIR was prepared in accordance with CEQA. The 2008 Final EIR includes the Draft EIR, the Draft Revised EIR, comments on the Draft EIR and Draft Revised EIR, responses to oral testimony, written comments, e-mail messages and phone messages on the Draft EIR and Draft Revised EIR, and minor changes to the Draft EIR and Draft Revised EIR;

WHEREAS, on May 15, 2008, the Planning Commission held a duly noticed public hearing on the 2008 Final EIR to consider its certification;

WHEREAS, on June 17, 2008, the City Council held a duly noticed public hearing on the 2008 Final EIR to consider its certification. After the public hearing, by separate resolution, the City Council certified the 2008 Final EIR and adopted the mitigation measures incorporated therein (see Resolution No. 08-049). At that time, the City Council also determined that the Current 2008 Project Design alternative was feasible and environmentally superior to the project, and adopted that alternative;

WHEREAS, the City Council held a duly noticed public hearing on June 17, 2008 to consider certain General Plan Map and Local Coastal Plan Map amendments

proposed in conjunction with the Veronica Meadows Specific Plan, and concluded that the General Plan Map Amendments and Local Coastal Plan Map amendments are consistent with the goals and objectives of the City's General Plan;

WHEREAS, the City Council has conducted a duly noticed public hearing pursuant to the provisions of Chapter 3, Title 7 of the Government Code of the State of California;

WHEREAS, the City Council has received and accepted proposed amendments to the current General Plan Map and Local Coastal Plan Map; and

WHEREAS, the City Council has reviewed and considered all materials and exhibits in the current record relative to these amendments, including the certified Final EIR, the Veronica Meadows Specific Plan, and all staff reports.

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

Section 1. Upon annexation to the City, Assessor Parcel Number (APN) 047-010-011 is designated on the City's General Plan Map as Major Hillside, Open Space, Buffer/Stream, and Pedestrian/Equestrian Trail; APN 047-010-016 is designated on the City's General Plan Map as Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail; APN 047-010-053 (a portion) is designated on the City's General Plan Map as Residential, Two Dwelling Units per Acre, depicted on the map attached hereto as Exhibit A.

Section 2. Upon annexation of APNs 047-010-011, 047-010-016, and a portion of 047-010-053 to the City of Santa Barbara, as evidenced by the recordation of the LAFCO Resolution of Approval in the official records of Santa Barbara County, the General Plan Map and Local Coastal Plan Map of the City of Santa Barbara are amended to change the land designation for a portion of the property located at 900-1100 Las Positas Road (APN 047-061-026) from One Dwelling Unit per Acre to Two Dwelling Units per Acre.

Section 3. Upon annexation of APNs 047-010-011, 047-010-016, and a portion of 047-010-053 to the City of Santa Barbara, as evidenced by the recordation of the LAFCO Resolution of Approval in the official records of Santa Barbara County, the Local Coastal Plan Map of the City of Santa Barbara is amended to add a portion of the property located at 900-1100 Las Positas Road (APN 047-010-016), with a designation of Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail. This Local Coastal Plan Map amendment shall become effective thirty days after certification by the California Coastal Commission.

Section 4. The City Council makes the following findings with respect to amending the City's Local Coastal Plan:

A. Coastal Act §§ 30212 and 30252. The proposed public pedestrian and bicycle paths would provide a major enhancement to the bicycle and pedestrian network and coastal access in the Las Positas Valley, consistent with the policies stated in these statutes. With the proposed bridge, the paths would provide a connection between the Westside, Bel Air and Hidden Valley neighborhoods, and visitors to Elings Park would have safe and convenient access to Arroyo Burro Beach, rather than walking or riding along Las Positas Road.

B. Coastal Act §§ 30231, 30236, and 30240. The extensive creek restoration and stabilization measures required for the reach of Arroyo Burro Creek along the length of the project site (approximately 1800 linear feet) will increase channel stability, reduce erosion, improve water quality, and restore ecological value to the creek. Permanent bio-filtration features proposed throughout the project and the Best Management Practices that will be implemented during construction activities will help treat runoff from the site before it enters the creek. Although portions of the proposed roadways would be located within 100 feet from the Top of Bank, the overall plan will greatly improve the stability of the creek channel and riparian habitat, and provide a more stable buffer area between the development and the creek, consistent with these policies. There is also insufficient evidence that the project will actually restrict wildlife movement or increase habitat fragmentation within the portion of the lower Arroyo Burro watershed located within the coastal zone. The project is, therefore, consistent with these policies.

C. Coastal Act § 30251. The proposed development will not block views of the ocean, as the site is situated at a lower elevation in the Las Positas Valley. When viewed in the larger context of the Valley, the project will blend in with the surrounding residential development on the ridgeline above and to the north and south of the project site. The original topographic contours of the hillside will be re-established after the geologic stabilization is complete and, therefore, the project will not significantly modify the natural topography of the site, consistent with this policy.

Section 5. The City Council makes the following findings with respect to amending the City's Local Coastal Plan and the City's General Plan:

With respect to Section 1507 of the City Charter, build-out of the Veronica Meadows Specific Plan will result in significant and unavoidable cumulative traffic impacts. All project-specific traffic impacts will be less than significant. The City Council has weighed and balanced the benefits of the project against the unavoidable traffic impacts and has concluded that the benefits of the project outweigh the significant traffic impacts sufficiently to make the adverse affects acceptable. Short-term impacts on air quality due to construction will be significant, but mitigable. Long term air quality impacts due to the land development would be less than significant. Short-term noise impacts from construction activities would be significant and unmitigable; however, no long term significant noise impacts would occur. Development of the project will not adversely affect the City's water or wastewater resources.

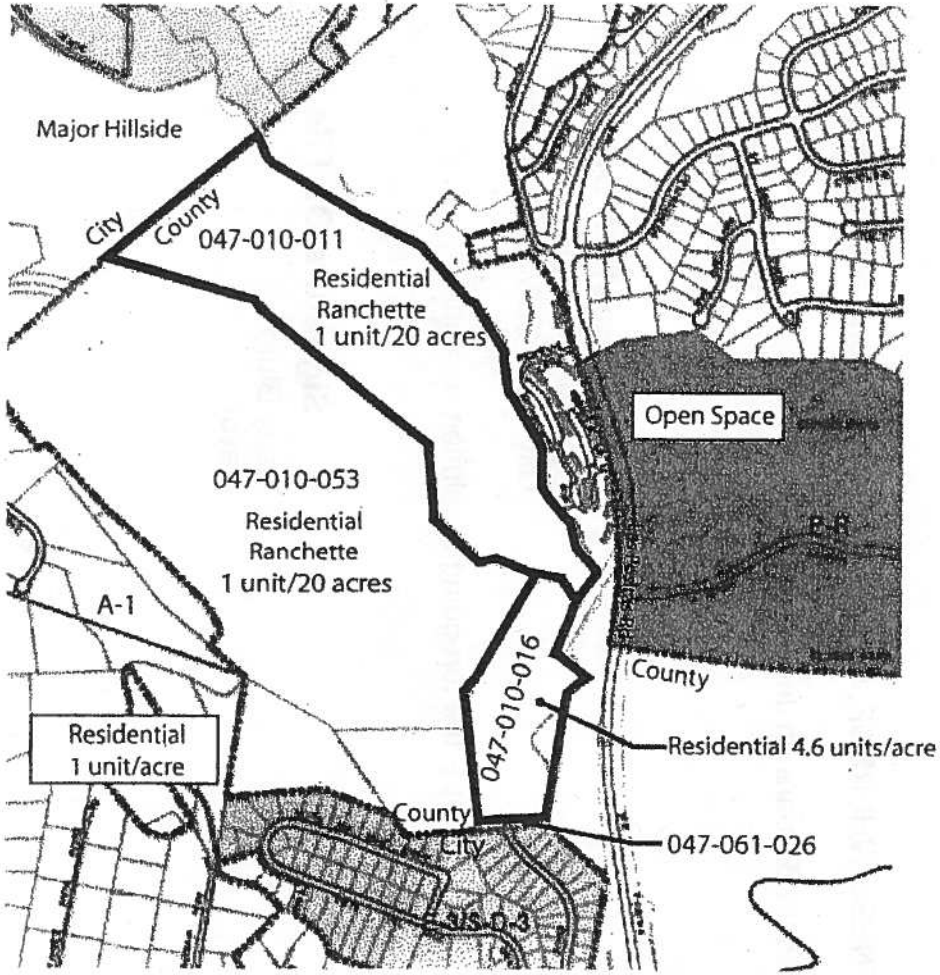
Section 6. This resolution shall not take effect unless and until the Veronica Meadows Specific Plan Ordinance, introduced by the City Council on June 17, 2008, has been duly adopted.

CURRENT

County Comprehensive Plan Designation:

Residential Ranchette (1 unit/20 acres)

Residential (4.6 units/acre)

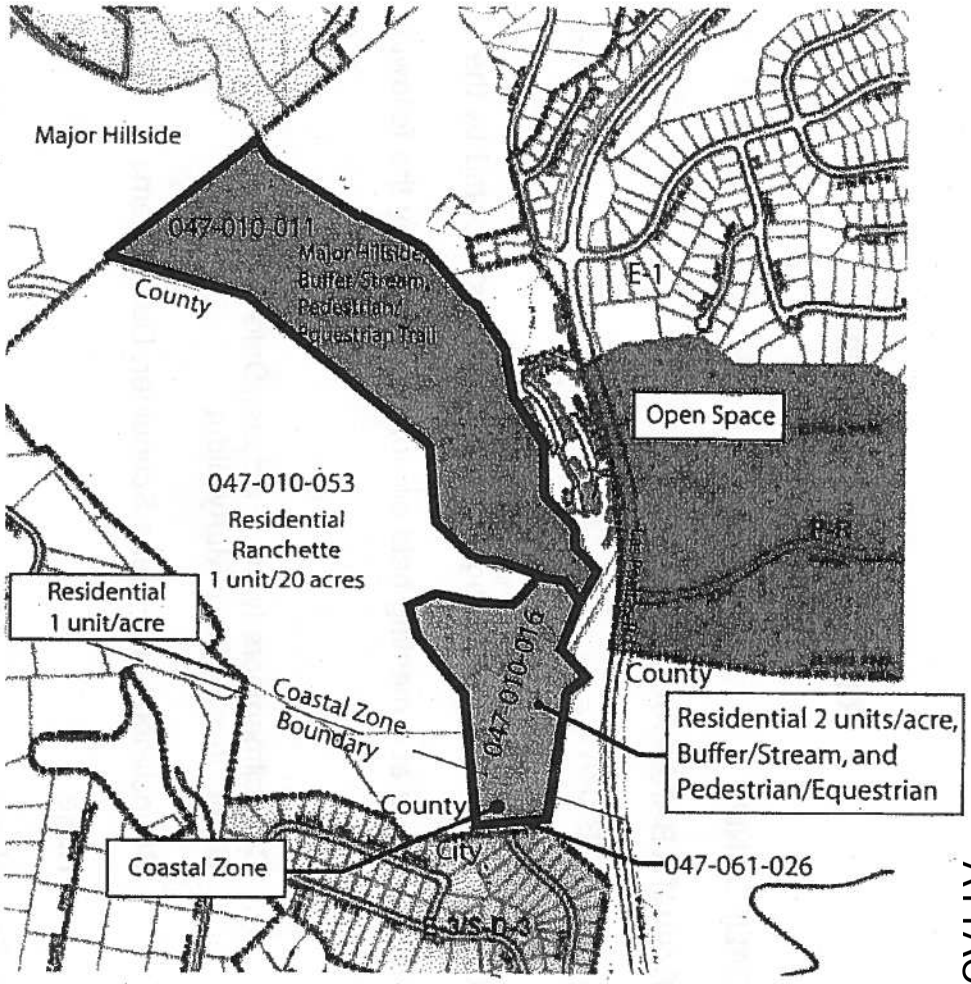


PROPOSED

City General Plan / Local Coastal Plan Designation:

Residential (2 units/acre), Buffer/Stream, Pedestrian/Equestrian Trail

Major Hillside, Buffer/Stream, Pedestrian/Equestrian Trail



General Plan Map / Local Coastal Plan Map

ATTACHMENT 2

EXHIBIT A

RESOLUTION NO. 08-052

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on June 17, 2008, by the following roll call vote:

AYES: Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House; Mayor Marty Blum

NOES: Councilmembers Helene Schneider, Das Williams

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on June 18, 2008.

Signature On File
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on June 18, 2008.

Signature On File
Marty Blum
Mayor

ORDINANCE NO. 5456

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA PREZONING CERTAIN PROPERTY AND ADOPTING A ZONING CODE AMENDMENT FOR THE VERONICA MEADOWS SPECIFIC PLAN AREA

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA does hereby ordain as follows:

SECTION ONE. Findings

The City Council makes the following findings in accordance with the City Charter and Santa Barbara Municipal Code:

1. The proposed pre-zoning is consistent with the proposed General Plan. Upon annexation to the City, APN 047-010-011 will be designated on the City's General Plan as Major Hillside, Open Space, Buffer/Stream and Pedestrian/Equestrian Trail, APN 047-010-016 is designated on the General Plan as Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail, and a portion of APN 047-010-053 is designated on the General Plan as Residential, Two Dwelling Units per Acre. The proposed pre-zoning of that property to Veronica Meadows Specific Plan known as the SP-9 Zone would also be consistent with the proposed General Plan.

2. The proposed pre-zoning will be beneficial to and not detrimental to the public health, safety, or welfare. The prezoning of that property to Veronica Meadows Specific Plan known as the SP-9 Zone will bring beneficial development to the area in a way that is sensitive to and compatible with surrounding land uses and the existing natural environment. The prezone is beneficial to the public health, safety, and welfare.

3. Duly noticed public hearings before the Planning Commission and the City Council were held to receive and consider public testimony regarding the proposed prezoning.

4. An environmental impact report was prepared and certified in compliance with the California Environmental Quality Act and a mitigation monitoring program and findings were adopted in conjunction with the certification.

5. With respect to Section 1507 of the City Charter, build-out of the Veronica Meadows Specific Plan will result in significant and unavoidable cumulative traffic impacts; all project-specific traffic impacts will be less

Exhibit 9
SBC LCPA 3-09
City of Santa Barbara Ordinance No. 5456, Adopting Zoning Code Amendment

than significant. The City Council has weighed and balanced the overall community benefits of the project against the unavoidable traffic impacts and has concluded that the benefits of the project outweigh the significant traffic impacts sufficiently to make the adverse affects acceptable. Short-term impacts on air quality due to construction will be significant, but mitigable. Long term air quality impacts due to the land development would be less than significant. Short-term noise impacts from construction activities would be significant and unmitigable; however, no long term significant noise impacts would occur. Development of the project will not adversely affect the City's water or wastewater resources.

6. The Veronica Meadows Specific Plan meets all provisions of Article 8, Chapter 3, of Division 1 of Title 7 of the California Planning and Zoning Law (Government Code Sections 65450 through 65457).

7. The Veronica Meadows Specific Plan is consistent with the General Plan and Local Coastal Plan in that the establishment of the Veronica Meadows Specific Plan will create a single-family residential zone district where specific development standards are established to cluster development, maintain a semi-rural setting, restore a section of a degraded creek and riparian corridor, and, protect the natural environment.

8. The Veronica Meadows Specific Plan is consistent with the policies of the General Plan and the Local Coastal Plan as follows:

   a. Land Use Element Policy 4.1 will be met because the Specific Plan provides for residential development.

   b. Conservation Element Visual Resources Policy 1.0 and LCP Policies 6.8 and 6.10 will be met because the Specific Plan requires that all residential structures be located a minimum of 100 feet from the top of creek bank.

   c. Conservation Element Visual Resources Policy 3.0 and LCP Policy 9.1 will be met because the scenic view corridors across the site will be maintained.

   d. Conservation Element Visual Resources Policy 5.0 will be met because the Specific Plan requires that Area B and at least 50% of Area A be dedicated to open space.

   e. Conservation Element Visual Resources Policy 6.0 will be met because the Specific Plan does not propose ridgeline development.

   f. Conservation Element Air Quality Policy 4.0 will be met because the development allowed by the Specific Plan will not result in significant air quality impacts.

g. Conservation Element Biological Resources Policy 5.0 will be met because the Specific Plan requires that all residential structures be located a minimum of 100 feet from the top of creek bank.

h. Housing Policies 3.2 and 3.3 and LCP Policy 5.3 will be met because the density of development allowed by the Specific Plan is consistent with the surrounding neighborhood. Additionally, any development within the zone must be reviewed and approved by the Single Family Design Board in terms of neighborhood compatibility.

i. Noise Element Policy 3.0 will be met because the type of development allowed by the Specific Plan area is consistent and compatible with surrounding development.

j. Circulation Element Policy 5.1.5 and LCP Policy 3.4 will be met because the Specific Plan allows public trails to traverse the property, which will provide improved pedestrian, bicycle and other connections between Hidden Valley, Bel Air, and Campanil neighborhoods, and better access between these neighborhoods and Arroyo Burro Beach.

k. LCP Policy 3.3 will be met because residential development allowed by the Specific Plan must provide two off-street parking spaces per unit.

SECTION TWO. City Pre-zoning

Upon annexation of Assessor Parcel Numbers 047-010-011, 047-010-016 and a portion of 047-010-053 to the City of Santa Barbara, as evidenced by the recordation of the LAFCO Resolution of Approval in the official records of Santa Barbara County, the Sectional Zone Map SE-02 of Chapter 28.12, Zone Map of the Santa Barbara Municipal Code, is amended by changing the zoning of said property to SP-9/S-D-3, Specific Plan #9 (Veronica Meadows Specific Plan) and Coastal Zone Overlay, where applicable, depicted on the map attached hereto as Exhibit B.

SECTION THREE. Zoning Code Amendment

Upon annexation of Assessor Parcel Numbers 047-010-011, 047-010-016 and a portion of 047-010-053 to the City of Santa Barbara, as evidenced by the recordation of the LAFCO Resolution of Approval in the official records of Santa Barbara County, Title 28 of the Santa Barbara Municipal Code is hereby amended to add a new Chapter thereto, (Chapter 28.50 - the "Veronica Meadows Specific Plan" known as the "SP-9 Zone") which reads as follows:

Section 28.50.005. Legislative Intent.

It is the purpose of the SP-9 Zone to establish a single-family residence district where specific development standards are established to cluster development, maintain a semi-rural setting, restore a section of degraded creek and riparian corridor, and protect the natural environment.

Section 28.50.030. Uses Permitted.

The uses permitted in the SP-9 Zone as depicted on attached Map A (attached as an exhibit to the Chapter and dated as of June 24, 2008) shall be as follows:

A. Area A – Residential Development: Uses permitted in Area A (as depicted on Map A) are:

1. A single residential unit occupying a single lot.
2. Uses, buildings, and structures typically allowed by the City incidental, accessory and subordinate to the permitted residential uses.
3. A Home Occupation.
4. A State-licensed Small Family Day Care Home.
5. A State-licensed Large Family Day Care Home, subject to the provisions in Chapter 28.93 of this Title.
6. State authorized, licensed or certified uses to the extent such a use is required by state law.
7. Creek stabilization, habitat restoration, and related maintenance.
8. Private open space including, but not limited to, patios, decks, and yards for the private use of the residents of individual homes.
9. Common open space and passive recreational areas.
10. Public trails as approved by the City.
11. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.
12. Utilities, storm drain system, flood control projects or other infrastructures as approved by the City.
13. The gazebo structure required by the Environmental Impact Report as mitigation for potentially significant impacts to cultural resources.

B. Area B – Open Space: Area B (as depicted on Map A) shall be maintained in its natural state to preserve the steep slopes from erosion or landslide, preserve the creek environment, and maintain the scenic quality of the area. Uses permitted in Area B are the following:

1. Public trails along the Arroyo Burro Creek corridor.
2. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.
3. Subsurface utilities, flood control projects or other infrastructure as approved by the City.

Section 28.50.035. Uses Permitted Upon the Granting of a Conditional Use Permit.

The uses allowed by conditional use permit shall be as provided in Chapter 28.94 of this Title. However, no development is permitted in Area B under any circumstances.

Section 28.50.040. Conditions, Restrictions and Modifications.

In connection with any development approval required to be issued by theCity , the City may impose such appropriate and reasonable conditions and restrictions as it may deem necessary for the protection of property in the neighborhood or in the interest of public health, safety and welfare in order to carry out the purposes and intent of this Chapter. While the provisions of Chapter 28.92 (Variances, Modifications and Zone Changes) shall be applicable within this zone, it is the intent of this Specific Plan that no variance, modification, or other approval shall be granted that would result in a number of residential units within Area A that exceeds the maximum number of residential dwelling units originally specified in Section 28.50.085 and that Area B be permanently maintained in its natural state.

Section 28.50.045. Prohibition of Shiny Roofing and Siding.

The materials used for roofing and siding on any building shall be of a non-reflective nature and any shiny, mirror-like or glossy metallic finish for such materials is prohibited.

Section 28.50.050. Building Height.

No building in this zone shall exceed a height of thirty feet (30') nor exceed the height limitation imposed for the protection and enhancement of solar access by Chapter 28.11 of this Title.

Section 28.50.060. Setback and Open Yard Requirements.

A. **FRONT SETBACK.** Each lot shall provide a front setback of not less than twenty feet (20'), except as permitted by Section 28.50.065.

B. **INTERIOR SETBACKS.** Each lot shall provide interior setbacks of not less than six feet (6'), except as permitted by Section 28.50.065.

C. **REAR YARD SETBACKS.** Each lot shall provide a rear setback of not less than six feet (6'), except that those lots abutting the open space drainage (identified as Lot 31 in Figure 4-7 of the 2008 Final Revised EIR) may be permitted to have a zero setback.

D. **OPEN YARD:**

1.	Minimum Size:	One area of 1,250 square feet
2.	Minimum Dimensions:	20 feet by 10 feet
3.	Maximum Slope:	None
4.	Location and Configuration:	

a. Open yard may consist of any combination of ground level areas such as: patios, ground floor decks, pathways, landscaped areas, natural areas, flat areas, or hillsides, so long as the overall size and dimensions of the open yard meet the requirements described in Section 28.50.060.D.1 and 2 above, and is not located in any of the following areas:

(1) A portion of the front yard; or

(2) Any areas designed for use by motor vehicles, including but not limited to driveways and parking areas; or

(3) On decks, patios, terraces or similar, where the average height above grade is greater than 36". Average height shall be calculated by measuring the height of each corner of the deck, adding those heights together, and dividing by the number of corners.

b. If the open yard is provided on a slope greater than 20%, the open yard shall contain a flat area as follows:

(1) Minimum size: 160 square feet

(2) Minimum dimensions: 10 feet by 10 feet

(3) Maximum slope: 2%

(4) The flat area may be provided at grade, or on decks pursuant to Section 28.50.060.D.4.a.

c. Lots with multiple frontages shall have a primary front yard designated by the property owner, and agreed to in writing by the Community Development Director. All other front yards shall be designated as secondary front yards. Ground level open yard may be provided in the secondary front yard, up to ten feet (10') from the front property line, provided that it is unobstructed and meets all other requirements.

d. On lots of less than 7,000 square feet and an average slope of 20% or less the following is required:

(1) The open yard may be provided in one area, or in separate areas of not less than 400 square feet each (minimum dimensions of 20 feet by 10 feet required), and

(2) Up to 850 square feet of the open yard may be provided in the remaining front yard, provided that it is unobstructed and meets the minimum dimensions required.

Section 28.50.065. Reduction in Setback Requirements.

A. **FRONT SETBACK REDUCTION.** The required front setback may be reduced to 15 feet when:

1. The lot is less than 7,000 square feet and the required parking is provided in a detached garage in the rear yard; or
2. The lot is a triangular lot of less than 7,000 square feet; or
3. The subject lot abuts a private street.

B. **ATTACHED MAIN BUILDINGS.** Main buildings may be constructed on an interior property line, when attached to another main building on an adjacent property, as follows:

1. The buildings are attached by not less than eight feet (8') in length of one of the walls or roof, or not less than one hundred percent (100%) of any wall less than eight feet (8') in length; and
2. Said configuration shall be allowed for no more than four (4) lots within the zone, resulting in no more than two buildings containing two dwelling units.

C. **ACCESSORY BUILDINGS.** Interior setbacks are not required for detached accessory buildings, screened trash areas, or attached porte cocheres not exceeding 14 feet wide by 18 feet long where three of the four sides are open, as approved by the City's Single Family Design Board.

Section 28.50.070. Distance Between Buildings.

No main building shall be closer than twenty feet (20') to any other main building on the same lot.

Section 28.50.080. Lot Area and Frontage Requirements.

Each single-family dwelling with its accessory buildings hereafter erected shall be located upon a lot having the following:

A. A net area, excluding street rights of way and other publicly dedicated improvements, of not less than 5,000 square feet, provided that a minimum average net lot area of 7,000 square feet shall be provided for all residential lots in Area A.

B. Not less than 60 feet of frontage on a public or private street, except as the Planning Commission or City Council may allow by subdivision map approval at the Alan Road cul-de-sac, or by Modification.

Section 28.50.085. Allowable Density of Development.

The maximum number of residential units in this zone shall be twenty three (23). However, if at least two affordable units are provided, the maximum number of residential units in this zone maybe increased to twenty five (25) units.

Section 28.50.090. Open Space and Landscaping.

Not less than 50 percent (50%) of the gross acreage of Area A shall be common open space devoted to planting, walkways, natural drainage features (e.g., bioswales, retention basins), riparian corridor, public agency access and passive recreational areas.

Section 28.50.095. Street Requirements.

In order to maintain a semi-rural ambiance, and where necessary to preserve natural terrain features or open space, the Planning Commission or City Council may grant exceptions to City street design standards as may be deemed necessary to assure that the intent of this Chapter is observed, that adequate public parking is provided, and the public welfare and safety secured.

Section 28.50.100. Off-street Parking.

Off-street parking shall be provided as required in Chapter 28.90 of this Title.

Section 28.50.105. Garages and Accessory Buildings.

A. Detached accessory buildings shall not exceed two (2) stories or thirty feet (30') in height.

B. Accessory buildings, excluding garages, shall not have a total aggregate square footage in excess of 500 square feet.

C. Garages shall not have a total aggregate square footage in excess of 600 square feet.

Section 28.50.110. Home Size and Development Restrictions.

A. Notwithstanding any other provision of this Code, residential structures in this zone, except as provided by Section 28.50.110.B below, shall not exceed a total net square footage of 3,800 square feet, excluding garages and accessory structures.

B. Notwithstanding any other provision of this Code, residential structures in this zone located adjacent to and with access from Alan Road shall not exceed a total net square footage of 2,500 square feet, excluding garages and accessory structures. Home size in this area shall be massed and designed to provide an appropriate transition to existing adjacent homes along Alan Road as determined appropriate by the Single Family Design Board.

C. All residential structures shall be located within the "Grading and Landscaping" envelope shown on the Conceptual Site Plan exhibit as approved by the City in connection with the subdivision of this real property.

D. All residential structures shall be located a minimum of one-hundred feet (100') from the top of creek bank, which is defined as the Adjusted Top of Bank in Figure 4-4 of the certified Final Revised Environmental Impact Report for the Veronica Meadows Specific Plan, dated May 2008.

E. For the purposes of this Chapter, the term "net square footage" shall be defined and calculated in the manner which that term is used and calculated pursuant to the SBMC Section 28.15.083.

Section 28.50.115. Architectural Control.

All development within the SP-9 Zone shall be subject to the review and approval of the Single Family Design Board for consistency with the City's Single Family Design Guidelines; however, home sizes shall not be subject to height or size limitations beyond those identified in Sections 28.50.050, 28.50.105 and 28.50.110, and no Floor Area Ratio maximums shall apply to the homes initially constructed within Area A, but shall apply thereafter. The grades of individual lots and roads shall blend with the natural topography of the site, minimize site grading, and balance on-site earthwork to the maximum extent feasible. Where the Single Family Design Guidelines conflict with this Chapter, this Chapter shall govern proposed development, with emphasis on the Legislative Intent of the Zone (Section 28.50.005).

Section 28.50.120. Exemption from SBMC Chapter 28.43.

Development within the SP-9 Zone shall be exempt from the Inclusionary Housing requirements of SBMC Chapter 28.43 – the "City of Santa Barbara Inclusionary Housing Ordinance."

Section 28.50.130. Affordable Housing Provision.

If Affordable Housing units are provided, the lots on which they are located shall be no less than 3,000 square feet in size. Said lots and associated development shall comply with the provisions of this Zone in all other aspects, unless said provisions are reduced through a Modification, pursuant to Chapter 28.92 of this Title.

Section 28.50.140. Fencing.

Fencing within fifty feet (50') of the top of creek bank, which is defined as the Adjusted Top of Bank in the certified Final Environmental Impact Report for the Veronica Meadows Specific Plan dated May 2008, shall be approved by the Community Development Director after being reviewed for comments only by the Single Family Design Board. Fencing abutting the open space drainage (identified as Lot 31 in Figure 4-7 of the Final Revised EIR) shall be open. All other fencing shall be subject to the provisions of Section 28.87.170 of this Title.

Section 28.50.150. Area Map.

The map attached hereto as Exhibit A (dated as of June 24, 2008), and labeled "Veronica Meadows Specific Plan Area" is hereby approved and incorporated in this Chapter by this reference.

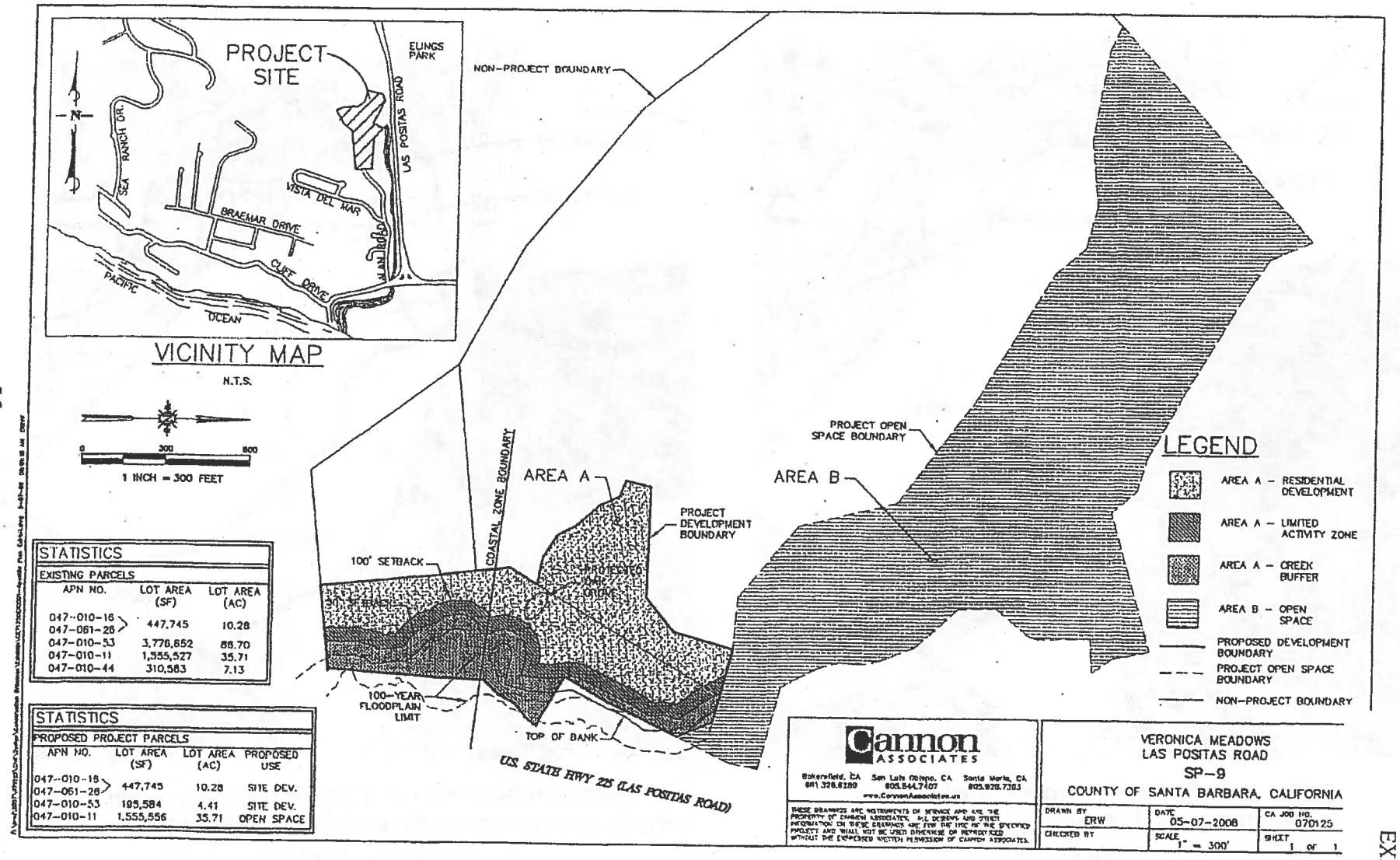
SECTION FOUR. Zoning Map Amendments

(a) Upon annexation to the City of Santa Barbara, as evidenced by the recordation of the LAFCO Resolution of Approval in the official records of Santa Barbara County, Assessor Parcel Numbers 057-010-011, 047-010-016, and a portion of 047-010-053 are zoned SP-9/S-D-3, Specific Plan #9 (Veronica Meadows Specific Plan) and Coastal Zone Overlay, where applicable, as depicted on the map attached hereto.

(b) Upon annexation to the City of Santa Barbara, as evidenced by the recordation of the LAFCO Resolution of Approval in the official records of Santa Barbara County, Sectional Zone Map SE-02 of Chapter 28.12, Zone May of the Santa Barbara Municipal Code, is amended by changing the zoning of a property located at 900-1100 Las Positas Road (APN 047-061-026) from E-3/S-D-3 to SP-9 (Specific Plan #9)/S-D-3 (Coastal Zone Overlay).

SECTION FIVE: The real property comprising the Peak-Las Positas Reorganization Annexation No. 116 to the City of Santa Barbara (900-1100 Las Positas Road, Assessor Parcel Numbers 047-010-11, 047-010-016, and a portion of 047-010-053) as described in the legal description attached hereto as Exhibit A to the Ordinance shall, as a condition of the City's Annexation and approval of a specific plan for such real property, be owned jointly at all times by one ownership entity and the separate parcels thereof shall not be conveyed, transferred, or alienated except as a unit owned and maintained by the same legal entity. An agreement in a form acceptable to the City Attorney, evidencing this requirement shall be recorded in the official records of Santa Barbara County prior to or concurrently with the recordation of the Resolution of the annexation approval or recordation of the Final Subdivision Map.

SECTION SIX: The Peak-Las Positas Partners shall execute an agreement, in a form acceptable to the City Attorney, accepting the requirements of this Specific Plan and agreeing to abide by the terms and conditions of the Veronica Meadows Specific Plan and to fully defend and indemnify the City with respect to any litigation concerning the City's approval of the Specific Plan, which agreement shall be executed by Peak-Las Positas Partners prior to the effective date of this Ordinance.



STATISTICS

EXISTING PARCELS

APN NO.	LOT AREA (SF)	LOT AREA (AC)
047-010-16, 047-061-26	447,745	10.28
047-010-53	3,776,652	86.70
047-010-11	1,555,527	35.71
047-010-44	310,583	7.13

STATISTICS

PROPOSED PROJECT PARCELS

APN NO.	LOT AREA (SF)	LOT AREA (AC)	PROPOSED USE
047-010-18, 047-061-26	447,745	10.28	SITE DEV.
047-010-53	195,584	4.41	SITE DEV.
047-010-11	1,555,556	35.71	OPEN SPACE

Cannon ASSOCIATES

Bakersfield, CA 661.328.6160 San Luis Obispo, CA 805.544.7407 Santa Maria, CA 805.928.7363

www.CannonAssociates.us

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF CANNON ASSOCIATES. R.J. DESIGNS AND OTHER INFORMATION ON THESE DRAWINGS ARE FOR THE USE OF THE SPECIFIED PROJECT AND SHALL NOT BE USED OTHERWISE OR REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF CANNON ASSOCIATES.

VERONICA MEADOWS
LAS POSITAS ROAD
SP-9
COUNTY OF SANTA BARBARA, CALIFORNIA

DRAWN BY	DATE	CA JOB NO.
ERW	05-07-2008	070125
CHECKED BY	SCALE 1" = 300'	SHEET 1 OF 1

Veronica Meadows Specific Plan Area

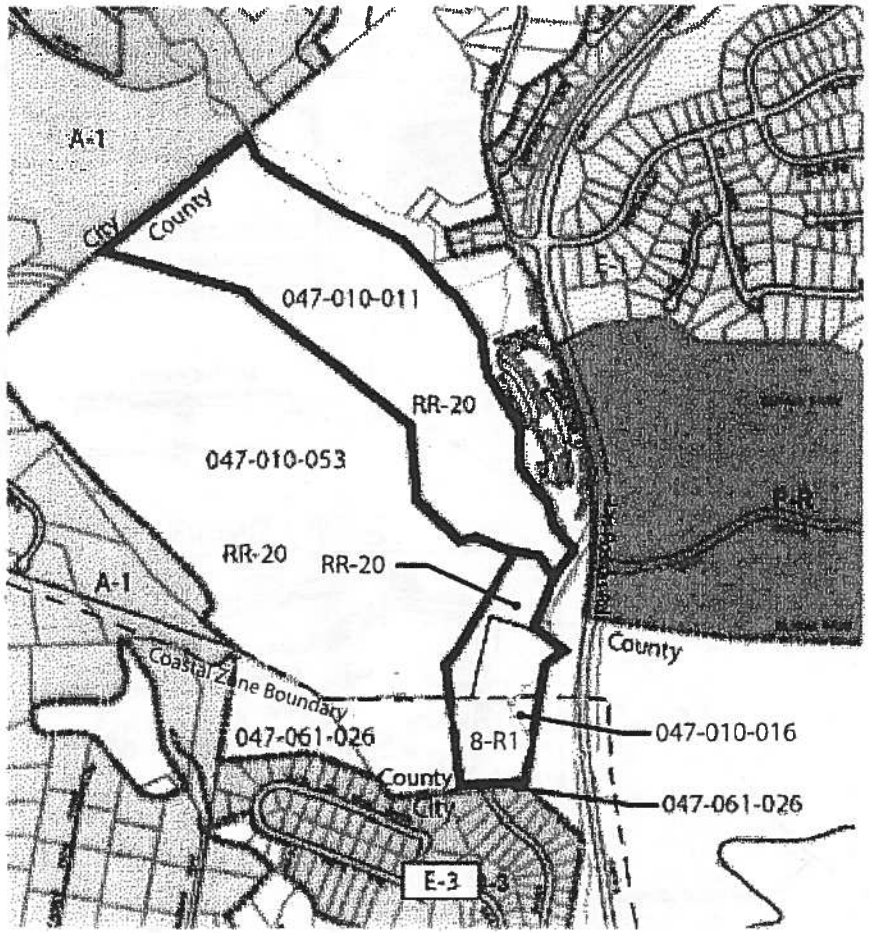
EXHIBIT A

ATTACHMENT 2

CURRENT

COUNTY ZONING:

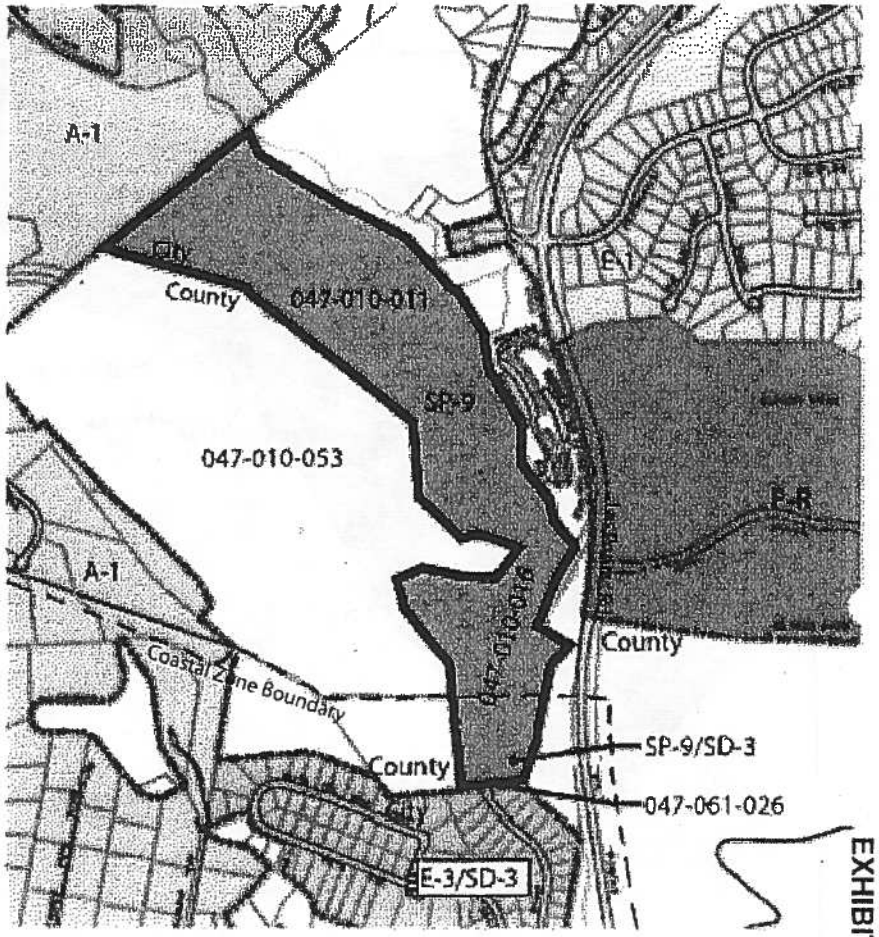
8-R-1 (Single Family Residential: 8,000 sq. ft. minimum lot size)
RR-20 (Rural Residential: 20 acre minimum lot size)



PROPOSED

CITY ZONING:

SP-9 (Veronica Meadows Specific Plan) and
SD-3 (Coastal Overlay Zone)



Zoning Map

EXHIBIT B

ORDINANCE NO. 5456

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on June 17, 2008, and was adopted by the Council of the City of Santa Barbara at a meeting held on June 24, 2008, by the following roll call vote:

AYES: Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House; Mayor Marty Blum

NOES: Councilmembers Helene Schneider, Das Williams

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on June 25, 2008.

Signature On File
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on June 25, 2008.

Signature On File
Marty Blum
Mayor

ATTACHMENT 2

RECEIVED
AUG 06 2008
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Project Description

The project involves the annexation of approximately 50.5 acres, located between Campanil Hill and Las Positas Road, to the City of Santa Barbara, and a 30-lot subdivision. Upon annexation, the subject lots would have various General Plan land use and zoning designations.

Approximately 35.7 acres would be dedicated open space and 14.8 acres would be developed for residential uses, a public road, and public passive recreation and open space. Twenty-five (25) residential lots would be created, ranging in size from approximately 5,200 to 9,600 square feet. The remaining five lots would be comprised of common open space areas and a private road. Site access to all but three lots would be provided via a proposed concrete bridge over Arroyo Burro Creek that would intersect with Las Positas Road and connect to the project's proposed public road on the west side of the creek. The proposed public loop road would serve 19 of the homes, a private drive would provide access to three home sites from the public loop road, and the remaining three homes would be accessed from the end of Alan Road. A public pedestrian path is proposed along the western edge of the creek to provide access from the end of Alan Road to Las Positas Road.

The project includes a creek stabilization and restoration plan on both banks of Arroyo Burro Creek, for a length of approximately 1,800 feet, and would provide a 100-foot buffer between the proposed residences and the top of bank of Arroyo Burro Creek. A portion of the proposed public road and private driveway would be located within the 100-foot creek setback.

Cast-in-ground concrete caissons are proposed on-site to stabilize the hillside to the west. Geologic stabilization of the hill would result in approximately 61,500 cubic yards (cy) of cut and 61,500 cy of fill. Total estimated grading for the project improvements (building pads, roads, etc.) would be about 15,539 cy of cut and 11,232 cy of fill (not including soil recompaction); grading for the creek stabilization/restoration work would involve approximately 14,000 cy of cut.

Project Description for Portion Within Coastal Zone

Only the southernmost portion of the project site (APN 047-061-026 and a portion of APN 047-010-016) lies within the Coastal Zone, and that portion is planned to include Lots 1 through 6 (including grading and public improvements required to develop said lots), a 20-foot wide private driveway with an adjacent 5-foot permeable path, a 10-foot public pedestrian and bicycle trail, a 5-foot decomposed granite pedestrian path and a portion of the Arroyo Burro Creek restoration work, all as shown on Figures 3-14 and 4-7 of the 2008 Final Revised EIR (collectively referred to herein as the "Coastal Zone Elements"). The balance of the Project is outside the Coastal Zone and therefore is not subject to the coastal development permit requirements of the Coastal Act.

The proposed Local Coastal Plan land use designation for APN 047-061-026 is proposed to change from Residential – One Unit Per Acre to Residential – Two Dwelling Units Per Acre. The proposed Local Coastal Plan land use designation for the portion of recently annexed APN 047-010-016 that is located within the Coastal Zone is Residential – Two Dwelling Units Per Acre, Buffer/Stream and Pedestrian/Equestrian Trail.

The proposed zoning designation for the portion of the property located within tl Zone is Specific Plan Number Nine (Veronica Meadows Specific Plan) and Co: Overlay.

Exhibit 10
SBC LCPA 3-09
City Tentatively Approved 2008 Project
(Informational Purposes Only)

STATE OF CALIFORNIA – THE RESOURCES AGENCY
ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

MEMORANDUM

FROM: Jonna D. Engel, Ph.D.
Ecologist

TO: James Johnson
Coastal Analyst

SUBJECT: Veronica Meadows Site Visit; ESHA Boundary and Buffer

DATE: July 23, 2010

Documents reviewed:

URS Corporation. May 2008. Final Revised Environmental Impact Report-Selected Chapters; Veronica Meadows Specific Plan. City of Santa Barbara, Community Development Planning Division.

Althouse and Meade, Inc. February 3, 2010. Letter to Mr. Mark Lee, Re: Veronica Meadows Restoration Activities.

Revised Exhibit for Upland Restoration Areas. February 24, 2010.

Amerikaner, Steven A. February 5, 2010. Letter to James Johnson, California Coastal Commission.

On January 12, 2010, Mark Lee, Project Applicant; Dr. Dan Meade, Althouse and Meade, Inc., Biological and Environmental Services; Steven A. Amerikaner, Applicant Representative; Steve Kaufman, Applicant Representative, Allison De Busk, Santa Barbara City Planner, and George Johnson, Santa Barbara City Biologist; met myself; Steve Hudson, California Coastal Commission South Central Coast District Manager; and James Johnson, California Coastal Commission Coastal Analyst at the proposed Veronica Meadows project site. In advance of our site visit, we requested that the top of creek bank or the outer edge of riparian canopy, whichever was furthest from the creek bed, be staked. My primary purpose during the site visit was to examine the Arroyo Burro Creek top of creek bank/riparian canopy boundary identified by Dr. Meade and to determine an appropriate buffer distance between the top of creek bank/riparian canopy and the proposed development. All parties present appeared to agree with Commission

Exhibit 11
SBC LCPA 3-09
Commission Staff Biologist: Veronica Meadows Site

staff that Arroyo Burro Creek and the associated riparian habitat are environmentally sensitive habitat (ESHA).

I found that the coastal zone portion of the staked boundary accurately marked the top of creek bank or the furthest extent of riparian canopy, except for one location where the stakes were inside the furthest extent of the riparian canopy. We requested that the project plans be updated to match the "on-the-ground" staked boundary with an adjustment at the specific location mentioned above to reflect the furthest extent of the riparian canopy at that point. We received a new set of plans on March 1, 2010 (dated 2-24-2010) with these changes.

The Arroyo Burro Creek watershed extends from the Los Padres National Forest through the City of Santa Barbara to the Arroyo Burro Creek estuary and beach. Arroyo Burro Creek is one of three perennial creeks in Santa Barbara and Arroyo Burro Creek and the associated riparian vegetation provide important habitat for aquatic insects, invertebrates, amphibians, fish, birds, and mammals in a semi-arid environment. Arroyo Burro Creek is characterized by stretches of pristine and disturbed areas. The stretch within the boundaries of the proposed project has a long history of disturbance including illegal dumping, bed, bank, and terrace impacts (e.g. sewage pipeline placement), invasive species, and trampling. In spite of this disturbance, this section of creek contains dense riparian cover that supports a high diversity and abundance of wildlife and continues to provide important ecosystem functions such as serving as a corridor for aquatic and terrestrial species to move between the lower and upper reaches of the creek and watershed. In addition, Arroyo Burro Creek historically supported southern California steelhead (*Oncorhynchus mykiss*) runs and has to the potential to support future runs should additional restoration efforts occur.

Arroyo Burro Creek and its riparian habitat are ESHA and require a protective buffer. The standard of review for the proposed project is the Coastal Act and the City of Santa Barbara Local Coastal Program because the project involves an LUP/IP amendment.

Section 30240 (b) of the Coastal Act states:

> *"Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."*

Policy 6.10 of the City's LCP which applies to the determination of appropriate creek setbacks states:

> *"The city shall quire a setback buffer for native vegetation between the top of the bank, and any proposed project. This setback will vary depending upon the conditions of the site and the environmental impact of the proposed project."*

The purpose of a buffer is to create a zone where there will be little or no human activity, to "cushion" species and habitats from disturbance, and to allow native species to go about their "business as usual". Buffer areas are essential open space between development and ESHA. The existence of open space ensures that development will not significantly degrade ESHA. Critical to buffer function is the fact that a buffer area is not itself a part of the ESHA, but a "buffer" or "screen" that protects the habitat area from adverse environmental impacts.

A primary function of buffers is to protect against human and domestic animal disturbance, that is, to keep disturbance at a distance. Human activity immediately adjacent to sensitive species and habitats can produce disturbance in the form of noise pollution (machinery, voices, music, construction, etc.) and light pollution (artificial lighting, shading, and canopy removal). Just the presence of humans is disturbing and disruptive to the normal functioning of many wild animals. Domestic animals are often associated with development, and cats and dogs may hunt and otherwise disturb native organisms including pollinators, other insects, amphibians, reptiles, birds, and mammals; buffers provide an important distance deterrent between ESHA and domestic animals. Additionally, landscaping irrigation around development can negatively impact the natural community and application of herbicides or pesticides for landscaping or building maintenance may be extremely harmful to native habitats. Buffers act as a barrier to both excessive water and anthropogenic chemicals. Buffers also protect against invasive plant and animal species that are often associated with humans and development. Such invasive species arrive on car tires (both during and after construction), fill soils, construction materials, and in myriad other ways throughout the life of the development. Buffers may enable invasive species detection and eradication before they invade sensitive habitats.

A buffer is a zone that can provide ecosystem services including soil stabilization, interception of eroded materials, absorption of runoff and pollutants (pesticides, herbicides, etc.), treatment of runoff (filter mechanism), fixation of nitrogen, and storage of nutrients. Buffers can serve to slow the rate of storm water flow and encourage infiltration. In addition buffers serve to accommodate human errors in the practice of habitat delineation. Buffers also provide complementary habitat, such a source of upland pollinators for some wetland species and important foraging habitat for many birds that occupy ESHA.

Year round water flow, high biodiversity, dense riparian habitat, and setting within extensive open space all contribute to the significance and value of the stretch of Arroyo Burro Creek within the proposed project. In order to best protect this ecosystem I recommend a 100 foot buffer between the top of creek bank or furthest extent of riparian canopy and the proposed development.

Project development within the buffer zone is limited to resource dependent uses. Project development appropriate for the Arroyo Burro Creek buffer zone is limited to a

public walking trail, a multi-use path, bioswale and minor drainage devices, limited fencing consisting of either post and rail or stantion poles strung with cables located near the walking trail between the walking trail and top of creek bank, interpretive signage, and a small educational kiosk with a 100 square feet or less footprint. Residential development or portions of residential lots are not allowable uses within the buffer zone.

Subject Property (Boundary Lines Approximate)

Coastal Zone Boundary (Approximate)

Exhibit 12
SBC LCPA 3-09
Aerial Photo

STATE OF CALIFORNIA -- THE RESOURCES AGENCY
Arnold Schwarzenegger, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
NTURA, CA 93001
(805) 585-1800

ADDENDUM ITEM

Th 17a

August 9, 2010

TO: Commissioners and Interested Parties

FROM: South Central Coast District Office

RE: **City of Santa Barbara Local Coastal Program Amendment SBC-MAJ-3-09 (Veronica Meadows)**

The staff report is revised as follows to clarify the Arroyo Burro Creek Restoration Plan with the modifications as shown below. The recommended language is shown in straight type. Language to be deleted is shown in ~~line out~~. Language to be inserted is shown **underlined**. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

Pages 12 and 13

SUGGESTED MODIFICATION NO. 3

Subsection B of Section 28.50.030 ("Uses Permitted") is revised to read as follows:

B. Area A – Creek Buffer & Limited Activity Zone: Uses permitted in "Area A – Creek Buffer and Limited Activity Zone" (as depicted on revised Map A) are:

1. A public access trail for pedestrian, equestrian, and bicycle (and other non-motorized modes of transportation) use, approximately five (5) feet in width, constructed of permeable material, and which provides improved public access to Arroyo Burro Beach Park by connecting City trails from Las Positas Road near the entrance to Elings Park to the cul-de-sac at the northerly end of Alan Road. The location of the public access trail shall be generally located as depicted on Exhibit 6 (revised Veronica Meadows Exhibit C Modified Site Plan dated July 12, 2010 which identifies the public access trail). The final design and location of the public access trail, fence and kiosk shall be reviewed and

approved by a City-approved biologist. Interpretive signage shall be placed along the public access trail that describes the entry road to Veronica Springs and other historical elements of the site. In addition, a small educational kiosk with a 100 sq. ft. or less footprint may be permitted near the terminus of Alan Road. The public access trail and kiosk shall be recorded as dedicated easements and maintained by the developer and subsequent homeowners in perpetuity.

2. A multi-use public access way for bicyclists, wheelchairs, strollers, equestrians, limited vehicular access to each residential lot from the nearest public street outside the Coastal Zone, and a Fire Department turnaround. The location of the multi-use public access way shall be as depicted on Exhibit C. The access way shall be no more than sixteen (16) feet in width and shall be constructed of permeable material. To mitigate for the loss of an adequate development buffer from the riparian habitat on site, construction of the multi-use access way within the Coastal Zone may only occur within the "Creek Buffer and Limited Activity Zone" provided that upland and riparian habitat areas on site are restored ~~**at a ratio of 3:1 or greater**~~ for all areas disturbed as a result of road/access way construction, pursuant to the Creek Habitat Plans described in Section 28.50.092 and the Upland Restoration Plan described in Section 28.50.094, and there are recorded agreements ensuring that this restoration is maintained by the permit applicant, or its successor, in perpetuity. The multi-use public access way shall be recorded as dedicated easements and maintained by the permit applicant, or its successor, in perpetuity.

Pages 17 - 19

SUGGESTED MODIFICATION NO. 7

Section 28.50.092 and 28.50.094 are added to read as follows:

Section 28.50.092. Arroyo Burro Creek Restoration and Stabilization Plan; Veronica Meadows Riparian Habitat Enhancement Plan; Creek and Riparian Habitat Management Plan.

New residential development on this site shall incorporate the Arroyo Burro Creek Restoration and Stabilization Plan; Veronica Meadows Riparian Habitat Enhancement Plan; Creek and Riparian Habitat Management Plan with approximately 5.7 acres of restoration and enhancement area (approximately 2.96 acres in the Coastal Zone and 2.81 acres outside the Coastal Zone). Prior to submission of a Final Map for subdivision of the property for purposes of a residential development in the SP-9 Zone, the applicant shall prepare and submit to the City Community Development Department and Public Works Department for review and approval the following plans: (i) Arroyo Burro Creek Restoration and Stabilization Plan, (ii) Veronica Meadows Riparian Habitat Enhancement Plan, and (iii) Creek and

Riparian Habitat Management Plan. These three Plans are referred to herein as the "Creek Habitat Plans." The Creek Habitat Plans shall be prepared by a qualified professional approved by the City and shall be subject to an independent review by a City-selected environmental engineering firm with experience in creek restoration. These Creek Habitat Plans and the Arroyo Burro Creek Upland Restoration Plan, identified in Section 28.50.094 shall provide for restoration and enhancement. ~~**on a minimum of 10 to 1 basis**~~. No bridge crossings shall be permitted over Arroyo Burro Creek within the Coastal Zone. The Creek Habitat Plans shall include the following elements:
...

Section 28.50.094 is added to read as follows:

Section 28.50.094. Arroyo Burro Creek Upland Restoration Plan.

New residential development on this site shall incorporate the Arroyo Burro Creek Upland Restoration Plan with approximately 9.12 acres of restoration (approximately 3.73 acres in the Coastal Zone and 5.4 acres outside the Coastal Zone). Prior to submission of a Final Map for subdivision of the property for purposes of a residential development in the SP-9 Zone, the owner shall prepare and submit to the City Community Development Department and Public Works Department for review and approval the Veronica Meadows Upland Restoration Plan. This Plan is referred to herein as the "Upland Restoration Plan." The Upland Restoration Plan shall be prepared by a qualified professional approved by the City and shall be subject to an independent review by a City-selected environmental engineering firm with experience in upland restoration. The Upland Restoration Plan shall include Restoration measures consistent with the conceptual plan for the Upland Restoration Plan and Exhibit prepared by Althouse and Meade, Inc., dated February 3, 2010. The Upland Restoration Plan shall also include measures to monitor and manage public access to prevent adverse impacts to the restored upland from public uses. The plan shall include:

Page 45 and 46

In addition, in order to offset the potential adverse impacts to the adjacent sensitive riparian habitat on site that may occur as a result of locating new residential development on site, the property owner is proposing to implement an extensive riparian and upland habitat restoration project on site and has submitted the Arroyo Burro Creek Restoration and Stabilization Plan, Veronica Meadows Riparian Habitat Enhancement Plan, and a Creek and Riparian Habitat Management Plan **incorporating approximately 5.7 acres of restoration and enhancement (approximately 2.96 acres in the Coastal Zone and 2.81 acres outside the Coastal Zone) as identified in Exhibit 7**. These three plans provide for creek and upland habitat restoration and enhancement with appropriate criteria to ensure riparian habitat compatibility and success of the plantings. The specific plan may, however, include removal of small areas of

willow habitats along portions of Arroyo Burro Creek in the Coastal Zone for bank stabilization and habitat restoration purposes. The extensive creek habitat restoration and stabilization measures required for the reach of Arroyo Burro Creek along the length of the project site (approximately 1800 linear feet, of which approximately 600 feet is located within the Coastal Zone) will increase channel stability, reduce erosion, improve water quality, and restore ecological value to the creek. The bank stabilization plan is designed to minimize, to the extent feasible, the use of rip rap and other hard structures through use of brush layering and natural cobbles and gravel. Removal of non-native vegetation and planting of native riparian vegetation are also planned along the creek corridor. Mitigation measures required for the project include the removal of one native oak tree (located outside the Coastal Zone) and replanted at a minimum of a 10:1 ratio onsite. **In order to mitigate any disturbance onsite, the project will include approximately 14.89 acres of restoration onsite including approximately 9.12 acres for the Upland Restoration Area (approximately 3.73 acres in the Coastal Zone and 5.4 acres outside the Coastal Zone) and approximately 5.77 acres for the Creek Restoration Area (approximately 2.96 acres in the Coastal Zone and 2.81 acres outside the Coastal Zone).** Native riparian habitats disturbed as a result of the **creek** bank stabilization would ~~**also**~~ be replaced ~~**at a 10:1 ratio**~~ **on site**. Additionally, non-native eucalyptus and pepper trees proposed for removal are not known to be significant aggregate sites for monarch butterflies or significant nesting locations for endangered or threatened raptor species. In total, the proposed creek corridor restoration would result in the creation and enhancement of about 5.77 acres of riparian habitat, including 2.96 acres within the Coastal Zone and 2.81 acres outside the Coastal Zone. Lastly, a portion of the proposed creek restoration is located on a separate six-acre open space parcel on the east side of Arroyo Burro Creek owned by the City of Santa Barbara. In order to ensure that the property owner's proposed habitat restoration program is adequately implemented, **Suggested Modification 7** is necessary to require that the specific plan provide that the Arroyo Burro Creek Upland Restoration Plan provide native plant species compatible with upland areas along the creek corridor and success of the plantings. Moreover, the proposed multi-use road on site is necessary to provide access to three residential units and will also be dedicated, in perpetuity, for public access. The road will be primarily located approximately 35-85 feet from the outer edge of the riparian canopy on site. Commission staff has evaluated the alternative of relocating this road outside the 100 buffer area; however, given the location of the road at the foot of a relative steep slope immediately to the north, staff has confirmed that the road is located as far from the creek as feasible. Re-location of the road any further from the creek would require substantial landform alteration of the hillside and would result in significantly greater environmental and water quality impacts. However, in order to ensure that any potential impacts from the road to riparian habitat, resulting from the reduced buffer, are adequately addressed, **Suggested Modification 3** is necessary to ensure that access way shall be no more than sixteen (16) feet in width and shall be constructed of permeable material. Further, to mitigate for the loss of an adequate development buffer from the riparian habitat on site, **Suggested Modification 3** specifies that construction of

the multi-use access way may only occur within the "Creek Buffer & Limited Activity Zone" provided that upland and riparian habitat areas on site are restored ~~**at a ratio of 3:1 or greater**~~ for all areas disturbed as a result of road/access way construction, pursuant to the Creek Habitat Plans described in Section 28.50.092 and the Upland Restoration Plan described in Section 28.50.094 **(as generally identified in Exhibit 7 with approximately 14.89 acres of restoration onsite for the Upland Restoration Area (approximately 3.73 acres in the Coastal Zone and 5.4 acres outside the Coastal Zone) and the Creek Restoration Area (approximately 2.96 acres in the Coastal Zone and 2.81 acres outside the Coastal Zone)**, and there are recorded agreements ensuring that this restoration is maintained by the permit applicant, or its successor, in perpetuity. The specific plan also includes restoration of approximately ~~**9.11**~~ **9.12** acres of upland habitat (including ~~**3.71**~~ **3.73** acres within the Coastal Zone) with the goal of reducing cover of ruderal species and increasing cover of coastal scrub habitat. A portion of the upland restoration area is on the six-acre City parcel mentioned above. This extensive creek and upland restoration will improve water quality and result in higher habitat values along the creek compared to existing conditions and is required to improve the Arroyo Burro Creek ecosystem with the removal of numerous invasive species, and permanent replacement throughout the site with native plants with local native seed stocks to create, over time, a more natural and bio-diverse riparian corridor. Therefore, the restoration, enhancement and management plans detailed in **Suggested Modification 7** brings the Specific Plan into conformance with the resource protection policies of the LUP.

The property owner for the Veronica Meadows residential project has submitted a briefing packet in relation to the pending Santa Barbara City Local Coastal Program Amendment SBC-MAJ-3-09. The briefing packet is attached.

Lastly, five letters (attached) have been received from the public in support of the proposed Local Coastal Program Amendment from Addison Thompson, Kevin Baird, Dennis Peterson, Andrew and Linda Seyboid, and Brian Fahnestock..

ATTACHMENT 2

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
'TURA, CA 93001
.) 585-1800

Th 17a

SECOND ADDENDUM

DATE: August 11, 2010

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 17a, Thursday, August 12, 2010, City of Santa Barbara Local Coastal Program Amendment 3-09 (Veronica Meadows)

The purpose of this addendum is to attach new correspondence from interested parties regarding this item and to revise the text of Suggested Modification Three (3) to clarify its intent.

A. New Correspondence

In addition to the five letters in support of the proposed amendment that were previously received by staff and included in the first addendum for this item dated August 9, 2010; two additional letters in support of the proposed amendment have been received and included with this second addendum.

Further, a letter regarding the proposed amendment to the City's LCP has been received from William Parkin on behalf of the Santa Barbara Urban Creeks Council and the Citizens Planning Association dated August 10, 2010, requesting that this item either be postponed or, alternatively, that Suggested Modification 3 be revised to delete a reference to development allowed within the creek buffer outside the Coastal Zone, including a bridge across Arroyo Burro Creek. Staff notes that the reference to uses allowed outside the Coastal Zone, including the bridge, was intended for informational purposes only. Regardless, staff agrees that Suggested Modification Three should be revised to delete this reference in its entirety to clarify that the proposed amendment to incorporate the Veronica Meadows Specific Plan (SP-9) into the City's certified LCP only addresses the portions of the subject site within the Coastal Zone and that no development outside the Coastal Zone is part of this amendment. Thus, Suggested Modification Three is modified as shown below:

B. Revision to Suggested Modification Three (3)

The following revisions to Suggested Modification Three are necessary to ensure that: (1) "Map A" of the Specific Plan is revised to show the correct boundary of riparian habitat and the 100 ft. development buffer on the portion of the site within the

Coastal Zone and (2) clarify which components of the Veronica Meadows Specific Plan (SP-9) are located within the Coastal Zone and will be incorporated as part of the certified Local Coastal Program.

Changes to the text of the report are made as follows (language previously inserted as a suggested modification is shown underlined and language to be previously deleted as a suggested modification is shown in ~~line-out~~ while new language to be inserted pursuant to this addendum is shown **underlined** and language to be deleted pursuant to this addendum is shown in ~~**line-out**~~). Other suggested modifications that do not directly change text (e.g., revisions to maps, figures, instructions) are shown in *italics*):

SUGGESTED MODIFICATION NO. 3

Map A of the proposed Specific Plan (SP-9) shall be revised consistent with all provisions of Section 28.50.030, as modified herein, and shall utilize the revised "ESHA Creek Boundary" shown on the "Modified Site Plan (July 2010) included as Exhibit 6 of this staff report to delineate the correct location for the delineated "Top of Bank" and "creek buffer" and "100 ft. setback" lines for areas within the Coastal Zone. In addition, *Subsections A, B, C, and D of Section 28.50.030 ("Uses Permitted") are revised to read as follows:*

Section 28.50.030. Uses Permitted.
The uses permitted in the SP-9 Zone as depicted on ~~**attached revised Exhibit**~~ Map A (~~**Coastal Zone portion**~~ attached as an Exhibit to the Chapter) ~~**and dated as of 05-07-2008**~~ shall be as follows:

A. Area A – Residential Development: Uses permitted in Area A (as depicted on ~~**revised Exhibit**~~ Map A) are:

1. A single residential unit occupying a single lot.
2. Uses, buildings, and structures typically allowed by the City incidental, accessory and subordinate to the permitted residential uses.
3. A Home Occupation.
4. A State-licensed Small Family Day Care Home.
5. A State-licensed Large Family Day Care Home, subject to the provisions in Chapter 28.93 of this Title.
6. State authorized, licensed or certified use to the extent it is required by state Law.
7. ~~Creek stabilization, habitat restoration, and related maintenance~~.
7. **Creek stabilization, habitat restoration, and related maintenance.**
8. Private open space including, but not limited to, patios, decks, and yards for the private use of the residents of individual homes.
9. Common open space and passive recreational areas.
10. Public trails as approved by the City.
11. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.

12. Utilities, storm drain system, flood control projects or other infrastructures as approved by the City.
13. ~~The gazebo structure required by the Environmental Impact Report as mitigation for potentially significant impacts to cultural resources~~. Roads and driveways to access residential development.
14. ~~**Within the Coastal Zone, uUses permitted under Subsections B and C of this Section 28.50.030.**~~

Subsection B of Section 28.50.030 ("Uses Permitted") is revised to read as follows:

B. Area A – Creek Buffer & Limited Activity Zone: **For areas within the Coastal Zone, U**uses permitted in "Area A – Creek Buffer and Limited Activity Zone" (as depicted on ~~revised~~ Map A) are:

1. A public access trail for pedestrian, equestrian, and bicycle (and other non-motorized modes of transportation) use, approximately five (5) feet in width, constructed of permeable material, and which provides improved public access to Arroyo Burro Beach Park by connecting City trails from Las Positas Road near the entrance to Elings Park to the cul-de-sac at the northerly end of Alan Road. The location of the public access trail shall be generally located as depicted on Exhibit 6 (revised Veronica Meadows Exhibit C Modified Site Plan dated July 12, 2010 which identifies the public access trail). The final design and location of the public access trail, fence and kiosk shall be reviewed and approved by a City-approved biologist. Interpretive signage shall be placed along the public access trail that describes the entry road to Veronica Springs and other historical elements of the site. In addition, a small educational kiosk with a 100 sq. ft. or less footprint may be permitted near the terminus of Alan Road. The public access trail and kiosk shall be recorded as dedicated easements and maintained by the developer and subsequent homeowners in perpetuity.

2. A multi-use public access way for bicyclists, wheelchairs, strollers, equestrians, limited vehicular access to each residential lot from the nearest public street outside the Coastal Zone, and a Fire Department turnaround. The location of the multi-use public access way shall be as depicted on Exhibit C. The access way shall be no more than sixteen (16) feet in width and shall be constructed of permeable material. To mitigate for the loss of an adequate development buffer from the riparian habitat on site, construction of the multi-use access way within the Coastal Zone may only occur within the "Creek Buffer and Limited Activity Zone" provided that upland and riparian habitat areas on site are restored ~~at a ratio of 3:1 or greater~~ for all areas disturbed as a result of road/access way

construction, pursuant to the Creek Habitat Plans described in Section 28.50.092 and the Upland Restoration Plan described in Section 28.50.094, and there are recorded agreements ensuring that this restoration is maintained by the permit applicant, or its successor, in perpetuity. The multi-use public access way shall be recorded as dedicated easements and maintained by the permit applicant, or its successor, in perpetuity.

3. Relocated water, sewer and other utility lines, as provided in Section 28.50.092.1 to be located below the surface of the multi-use public access way described in paragraph 2 of this Subsection B.

4. The gazebo structure as required by the Environmental Impact Report as mitigation for potentially significant impacts to cultural resources.

5. Common open space and passive recreational areas with improvements limited to landscaping in accordance with Section 28.50.094. (Arroyo Burro Creek Upland Restoration Plan) within the Coastal Zone and in addition, roads, sidewalks and utilities are allowable uses for areas located outside the Coastal Zone.

6. Uses permitted under Subsection C of this Section 28.50.030.

Subsection C of Section 28.50.030 ("Uses Permitted") is added to read as follows:

C. Area A – Creek Buffer: : **For areas within the Coastal Zone, ~~U~~u**ses permitted in "Area A – Creek Buffer" (as depicted on ~~**revised**~~ Map A) are:

1. The public access trail described in Subsection B.1 of Section 28.50.030. Fencing between the trail and creek shall be installed, as provided in Section 28.50.140.

2. Creek stabilization, habitat restoration and related maintenance in accordance with Section 28.50.092 (Creek Restoration).

3. Improvements related to implementation of the provisions of Section 28.50.098 (Water Quality).

4. Common open space and passive recreational areas.

~~**5. Outside of the Coastal Zone, a city-owned vehicular and pedestrian bridge across Arroyo Burro Creek providing connectivity to Las Positas Road near the entrance to Elings Park (Jerry Harwin Parkway).**~~

Subsection B of Section 28.50.030 (Uses Permitted in Open Space) is amended to be redesignated as Subsection D of Section 28.50.030.

~~B.~~ D. Area B – Open Space: Area B (as depicted on ~~**Exhibit**~~ Map A) shall be maintained in its natural state to preserve the steep slopes from erosion or landslide, preserve the creek environment, and maintain the scenic quality of the area. Uses permitted in Area B are the following:

1. Public trails along the Arroyo Burro Creek corridor.
2. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.
3. Subsurface utilities, flood control projects or other infrastructure as approved by the City.

ATTACHMENT 2