



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 24, 2012

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Zoning Ordinance Amendment For Veronica Meadows Specific Plan
And Veronica Meadows Bridge Ballot Measure

RECOMMENDATION: That Council:

- A. Direct City Clerk's staff and the City Attorney to prepare the necessary resolutions required to call a special City election for Tuesday, June 5, 2012, and to consolidate the City election with the statewide primary election being conducted by the County of Santa Barbara, to place a ballot measure before City voters on whether the City Council should grant a construction right-of-way for a City street and bridge to be constructed across Arroyo Burro Creek utilizing a corner of City-owned park open space property adjacent to Las Positas Road in order to provide access for the Veronica Meadows residential subdivision project as required by City Charter §520; and
- B. Defer the Council's consideration of the adoption of An Ordinance of the Council of the City of Santa Barbara Amending Municipal Code Title 28 by Amending Chapter 28.50, the "Veronica Meadows Specific Plan," until after the special City election of June 5, 2012.

DISCUSSION:

On November 22, 2011, the City Council introduced an Ordinance to amend Santa Barbara Municipal Code Chapter 28.50, the "Veronica Meadows Specific Plan." The item was scheduled for adoption on December 6, 2011; however, the adoption was continued to a future Council agenda so that all seven Council members could be present because the ordinance adoption requires a five vote majority. As a result of staff and City Attorney discussions with the owners of the property that is the subject of this Specific Plan, staff is now recommending that Council defer consideration of the Veronica Meadows Specific Plan ordinance (as modified by the State Coastal Commission) until after a June 5, 2012, Special Election. Refer to Attachment 1 for a complete discussion of the ordinance amendment.

The deferment will allow for a City ballot measure to be included in that election, as required by City Charter §520, on whether the City Council should grant a construction right-of-way for a City street and a bridge to be constructed across Arroyo Burro Creek, utilizing a corner of City-owned park open space property adjacent to Las Positas Road, in order to provide access for the Veronica Meadows residential subdivision project.

BUDGET/FINANCIAL INFORMATION:

In preparing the paperwork for placing a Veronica Meadows bridge ballot measure on the June 2012 ballot, staff recommends that the owners of the Veronica Meadows subdivision agree to reimburse the City for 100% of the election cost by posting a cash deposit for the estimated full cost for consolidating this special City election with the statewide primary. This reimbursement deposit requirement would be a pre-condition to action by the City Council to officially call the Special Election.

ATTACHMENT: Council Agenda Report dated November 22, 2011

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 22, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Local Coastal Program Amendment And Zoning Ordinance Amendments For Veronica Meadows Specific Plan

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Acknowledging Receipt of the California Coastal Commission's Resolution of Certification, Accepting and Agreeing to Suggested Modifications for the Final Certification, and Agreeing to Issue Coastal Development Permits for the Total Area Included in the Certified Local Coastal Program; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Municipal Code Title 28 by Amending Chapter 28.50, the "Veronica Meadows Specific Plan."

EXECUTIVE SUMMARY:

On June 24, 2008, the City Council adopted Local Coastal Program (LCP) and Zoning Ordinance Amendments for the Veronica Meadows Specific Plan Area (SP-9), located north of the terminus of Alan Road and west of Las Positas Road. On August 5, 2008, City Staff submitted the LCP Amendment application to the California Coastal Commission (CCC) for approval. On August 12, 2010, the CCC approved the City's application with nine Suggested Modifications.

Suggested Modifications 1 and 2 amend the City's Local Coastal Plan description of Component 1 (Western City Limit to Arroyo Burro Creek) to include discussion of the project site. Suggested Modifications 3 through 9 are changes to the Zoning Ordinance for the Veronica Meadows Specific Plan Area (Chapter 28.50 – SP-9 Zone). The CCC changes to the Zoning Ordinance are more protective of environmental resources in the coastal zone, and, primarily, create a larger creek buffer and reduce the uses allowed within the creek buffer. As such, staff is supportive of the Suggested Modifications.

These CCC Suggested Modifications to the City's application require that the Council introduce and adopt an ordinance amending the City's Zoning Ordinance (Chapter 28.50), and adopt a Resolution accepting proposed changes to our LCP text. The only other

changes proposed to the Ordinance are staff recommendations to avoid unintended consequences of the CCC's Suggested Modifications on those portions of the Specific Plan area that are located outside the coastal zone, and to simplify the exhibits to facilitate future implementation of the Ordinance.

This Council Agenda Report summarizes the CCC's action and recommends that the City accept the Suggested Modifications. The Ordinance changes would become effective once the CCC certifies the City's final actions. The City Council must take action on the CCC Suggested Modifications by February 12, 2012.

DISCUSSION:

The City processed the Veronica Meadows development project along with the annexation, zoning amendment, and General Plan/Local Coastal Plan Amendment for the project site. The Local Coastal Program (LCP) amendment approved by Council in June 2008 established zoning [Veronica Meadows Specific Plan (SP-9) and Coastal Overlay Zone (S-D-3)] and land use designations (Residential – 2 units per acre, Buffer/Stream and Pedestrian/Equestrian) for the portion of the Veronica Meadows property located in the coastal zone. The development project itself was also approved in June 2008, but is not currently before the City Council. The only action requested today is a legislative land use designation with respect to the City's LCP. However, given the project's long and somewhat complex history, a complete project description and chronology are provided below. Please refer to the Resolution and Ordinance for the actions currently requested of the Council.

Project Description

In June 2008, the City Council approved a tentative subdivision map and coastal development permit for the following development on the project site:

Subdivision of the project site into 25 residential parcels and construction of 25 units, three of which are located at the terminus of Alan Road (proposed cul-de-sac), three of which are located immediately north of the cul-de-sac homes, and 19 homes in the main development loop. Two of the homes are affordable to middle-income homebuyers at 170% of the Area Median Income. The residential lots range in size from approximately 5,000 to 9,600 square feet. The remaining lots are comprised of common open space areas and public roads. Generally, the project includes two-story single-family homes, each with a maximum of 2,500 to 3,800 square feet of living area. A duplex-style unit is proposed to serve as the affordable units, with each unit approximately 1,000 square feet in size.

The site plan was shaped by a desire to cluster the residences to avoid encroaching on the site's steep slopes and creek. A setback of 100 feet from the top of creek bank to all residential structures was required.

The project also includes a comprehensive creek stabilization and restoration plan for approximately 1,800 linear feet of Arroyo Burro Creek adjacent to the development site, and restoration work on the adjacent City-owned parcel.

Site access to all but three lots is provided via a public bridge over Arroyo Burro Creek that intersects with Las Positas Road and connects to the new public street serving the development. The remaining three homes are accessed from the end of Alan Road. A public pedestrian path along the western edge of the creek provides pedestrian and bicycle access from Alan Road to Las Positas Road.

History / Chronology

The project site has a long history of review with the City. The approved project involved the annexation of approximately 50.5 acres of land, located between Campanil Hill and Las Positas Road, from an unincorporated portion of Santa Barbara County to the City, and a residential subdivision. As part of the annexation, the lots received General Plan, Coastal Plan and zoning designations. Specific Plan 9 (Veronica Meadows Specific Plan) was adopted as the site's zoning designation. Because a portion of the site is located within the coastal zone, the California Coastal Commission (CCC) must certify the City's proposed Coastal Plan and land use designations before they can become effective in the coastal zone.

The following is a summary of the most relevant recent history:

- December 1, 2005 – Planning Commission certified the Final EIR and referred the project (23-unit subdivision with access via a bridge from Las Positas Road), to the City Council for a decision due to a deadlock (3-3).
- March 2006 – City Council reviewed the project and directed the applicant to reduce the number of residential units, provide all vehicular access via Alan Road, and provide a pedestrian/bicycle bridge across Arroyo Burro Creek.
- April - September 2006 – A revised version of the project (15 units with all vehicular access from Alan Road, and a pedestrian bridge across Arroyo Burro Creek) was reviewed by the ABR, the Park and Recreation Commissions, the Creeks Advisory Committee and the Planning Commission.
- October 3, 2006 – City Council reviewed the revised project (15 units with all vehicular access from Alan Road, and a pedestrian bridge across Arroyo Burro Creek) and continued the item, with the direction to return with a project design and density similar to the prior 23-unit project (including a bridge for vehicular and pedestrian access from Las Positas, a traffic signal at Las Positas Road/bridge intersection and an affordable housing component of 2 to 4 units).
- December 2006 – City Council certified the EIR, approved a 25-unit project that included a bridge for vehicular and pedestrian access from Las Positas, a traffic signal

at Las Positas Road/bridge intersection and 2 affordable housing units) and adopted the Ordinance initiating the annexation and adopting proposed zoning, General Plan Map and Coastal Plan Map amendments. This decision was litigated in Santa Barbara Superior Court.

- January 2008, SB Superior Court invalidated the City approvals and EIR certification, and directed that the City revise the EIR before reconsidering the proposed project.
- February 2008 – City Council rescinded project approvals in accordance with the court direction received in January 2008.
- March 14, 2008 – Draft Revised EIR released.
- April 17, 2008 – Planning Commission held an environmental hearing on the Draft Revised EIR.
- May 15, 2008 – Planning Commission certified the Final EIR.
- June 2008 – City Council approved the subdivision project (25 residential lots – refer to Project Description above for a complete description) and adopted all associated Resolutions and Ordinances to allow the annexation of the property to the City.
- July 3, 2008 – LAFCO approved annexation.
- July 14, 2009 – Annexation completed.

The property has been officially annexed into the City, and is zoned SP-9 – Veronica Meadows Specific Plan. However, the portion of the property located within the coastal zone remains without zoning or a land use designation until the CCC finally approves the site's land use and coastal land use designations.

On August 12, 2010, the CCC approved the LCP amendment application with the Suggested Modifications discussed below, and a one year time extension was approved by the CCC on February 10, 2011. Prior to the final certification of the LCP Amendment by the CCC, the City Council must adopt a revised ordinance that reflects the CCC's Suggested Modifications.

Coastal Commission Suggested Modifications

While the City's LCP Amendment put forth goals from a local perspective, it is the role of the Coastal Commission to look at broader statewide issues for consistency with the Coastal Act and the greatest protection of coastal resources.

Because the CCC was not reviewing the actual development of the site, but rather just the language of the LCP and Zoning Ordinance, the CCC proposed changes to the Zoning Ordinance (SP-9) that would ensure that certain environmental protections (e.g. integrated

pest management, lighting, restoration and stabilization, erosion control, storm water management, etc.) would occur. Many of these issues were addressed in the project's Environmental Impact Report, and were included as mitigation measures and/or conditions of approval for the project itself.

The CCC changes to the Zoning Ordinance (Chapter 28.50) are more protective of environmental resources in the coastal zone, and, primarily, create a larger creek buffer and reduce the uses allowed within the creek buffer. City staff and the applicant worked with CCC staff through the development of the proposed changes and attended the CCC hearing on August 12, 2010. The proposed Modifications are acceptable to staff.

In the proposed Ordinance, Coastal Commission changes are indicated by underline for added text and ~~strikeout~~ for deleted text, and City staff changes are indicated by double underline for added text and ~~strikeout with underline~~ for deleted text. Staff changes are merely meant to clarify and aid in future implementation of the Ordinance.

Suggested Modification 1 – amends the City's Local Coastal Plan description of Component 1 (Western City Limit to Arroyo Burro Creek) to include discussion of the project site (refer to Attachment 3, p. 1-2 for exact text).

Suggested Modification 2 – amends the Local Coastal Plan sub-component analysis of Component 1 (relative to locating new development) to address the project site (refer to Attachment 3, p. 2-3 for exact text).

Suggested Modification 3 – amends the "Uses Permitted" section of the Zoning Ordinance to add two new subsections (the "Creek Buffer & Limited Activity Zone" and the "Creek Buffer") to limit the types of uses allowed within 100 feet of the creek/riparian habitat to uses such as a public trail (5 feet wide), a multi-use public access way (16 feet wide), utility lines, a gazebo for, common open space and passive recreational use, fencing, creek stabilization and maintenance, water quality improvements. This is to ensure that an adequate buffer between residential development and the riparian habitat is provided. City Staff amended the labeling on Map A to give each sub-area a distinct reference (i.e. Area 1 (Residential Development), Area 2 (Creek Buffer & Limited Activity Zone), Area 3 (Creek Buffer) and Area 4 (Open Space) rather than just Areas A and B) for easier implementation. City staff has also slightly amended the Suggested Modifications in this section to be clear that these additional use limitations only apply in the coastal zone. Refer to Attachment 3, p. 3-6 for exact text.

Suggested Modification 4 – adds a new section ("Owner Covenants, Conditions and Restrictions") to outline required restrictions for new development, particularly related to landscaping and lighting, and to inform future homeowners of their resource protection responsibilities. These requirements had previously been included solely in the subdivision project's conditions of approval. Refer to Attachment 3, p. 6-7 for exact text.

Suggested Modification 5 – adds a new section ("Lighting") to limit exterior lighting to protect sensitive wildlife habitat that may be adversely affected by excessive night

lighting by shielding it and directing it to the ground, using the lowest output permissible, prohibiting lighting near the creek and limiting lighting types. This issue was previously addressed by the subdivision project's conditions of approval and the City's Outdoor Lighting Ordinance. Refer to Attachment 3, p. 7-8 for exact text.

Suggested Modification 6 – amends the “Setback and Open Yard Requirements” section to add a new subsection (E. Coastal Zone) to require a 100-foot setback buffer from Arroyo Burro Creek for all residential development. The only exceptions are for restoration, erosion control and public access improvements including the multi-use public access way and related driveway access improvements. Refer to Attachment 3, p. 8-9 for exact text.

Suggested Modification 7 – adds new sections (“Arroyo Burro Creek Restoration and Stabilization Plan; Veronica Meadows Riparian Habitat Enhancement Plan; Creek and Riparian Habitat Management Plan” and “Arroyo Burro Creek Upland Restoration Plan”) to require restoration, enhancement and management of the creek and upland habitat, with details about required components of such restoration, etc. These requirements were previously addressed in the subdivision project's conditions of approval. Refer to Attachment 3, p. 10-12 for exact text.

Suggested Modification 8 – adds a new section (“Water Quality”) to address erosion control, both short- and long-term, storm water management, and water quality. These requirements were previously addressed solely in the subdivision project's conditions of approval. Refer to Attachment 3, p. 12-17 for exact text.

Suggested Modification 9 – amends two sections (“Home Size and Development Restrictions” and “Fencing”) to require all residential development to be located a minimum of 100 feet from the creek, and specifies the types of fencing permitted within this setback area, respectively. Refer to Attachment 3, p. 17-18 for exact text.

Environmental Review

The City Council certified a Final Environmental Impact Report (2008 Final EIR) for the Veronica Meadows Specific Plan on June 17, 2008 (Resolution No. 08-049). At that time the Council adopted findings of fact, a Mitigation Monitoring and Reporting Program and a Statement of Overriding consideration for the project. The CCC's Suggested Modifications are more protective of the environment (increased creek setback) or have no impact on the environmental analysis done in the 2008 Final EIR. No changes to the certified 2008 Final EIR are required. Environmental findings are included in the Resolution and Ordinance.

Bridge Decision

The City's approval of the Veronica Meadows subdivision included an temporary encroachment permit over a very small strip of land that is designated City park (open space) property in order to allow the construction of a public road and bridge from Las

Positas Road to the project site on a portion of a City-owned parcel (outside the coastal zone). This aspect of the project was the subject of litigation between Citizens Planning Association and the Veronica Meadows developer, Mark Lee over whether the City's approval of a vehicular bridge (which would ultimately become part of a dedicated City street) for access to the development over a small City park parcel requires a City voter approval. Ultimately, the Superior Court ruled that such approval will be required. Consequently, the court's decision requires the project developer to either address the need for access to the project site without impacting the City park parcel or for the City to act to have the voters review and approve the required bridge access. Even though the handling of this concern is unresolved, staff does not think that it has any present bearing on the LCP Amendment. The subject property is now located within the City of Santa Barbara, and will remain without any coastal zoning or a coastal land use designation until the City accepts the Coastal Commission's Suggested Modifications. It should be noted that Suggested Modification No. 7 includes the following limitation to the Specific Plan: "No bridge crossings shall be permitted over Arroyo Burro Creek within the Coastal Zone." (Section 28.50.092) The bridge, as originally approved, is located across from the Jerry Harwin Parkway (entrance driveway to Elings Park) and is not within the Coastal Zone.

CONCLUSION:

Planning Staff has reviewed the Suggested Modifications to the LCP amendment package, and recommends the City Council make the Suggested Modifications to the ordinance. The Suggested Modifications are in keeping with the Specific Plan and provide for additional protection of coastal resources.

Therefore, Planning Staff recommends the City Council adopt the resolution, and introduce and subsequently adopt the ordinance incorporating the CCC's revisions. Following Council's adoption of the ordinance, Planning Staff will forward the ordinance, along with the resolution, to the Executive Director of the CCC for a determination of consistency with the CCC's certification and exclusion orders. Once final certification has been obtained from the CCC, the amendments to the LCP will be effective.

- ATTACHMENTS:**
- 1 Letter from the CCC, City of Santa Local Coastal Program Amendment MAJ 3-09 (Veronica Meadows) dated January 12, 2011
 2. CCC Staff Report and Addendums, dated July 29, 2010, August 9, 2010 and August 11, 2010
 3. Final Adopted Suggested Modifications

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office