



Agenda Item No. \_\_\_\_\_

File Code No. 110.03

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 14, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administrative Services Department,  
City Clerk Services Division  
City Attorney's Office

**SUBJECT:** Special City Election of June 2012 on Veronica Meadows Specific Plan (Road and Bridge Approval Pursuant to Charter Section 520)

**RECOMMENDATION:** That the City Council find and determine as follows:

- A. That an environmental impact report ("2008 Final EIR") was prepared and certified in compliance with the California Environmental Quality Act in connection with the Veronica Meadows Specific Plan Project. The 2008 Final EIR, as duly certified on June 17, 2008 by the City Council (Resolution No. 08-049) is adequate to address a June 2012 City ballot measure seeking voter approval of the Arroyo Burro Road and Bridge aspects of the Veronica Meadows Specific Plan Project as required by City Charter section 520. In accordance with Section 15164 of the state CEQA Guidelines, an Addendum to the Veronica Meadows Specific Plan Project EIR has been prepared to identify the need for voter approval of the bridge across Arroyo Burro Creek and to assess any possible environmental concerns with such voter review and possible approval. Based on this Addendum, the Council finds that a subsequent EIR is not required because the need for voter approval of the road and bridge is a minor change in the Specific Plan Project and, as such, it does not require revisions to the EIR because no new environmental effects would be involved in merely obtaining voter approval or voter rejection of the use of some City undeveloped parkland project for construction of the road and bridge. Further, the Council finds that there would be no change to the severity of potential environmental effects of the Veronica Meadows Project as a result of this ballot measure. Finally, the Council finds that mitigation measures adopted for the Project are still feasible and appropriate and would be unchanged by voter approval. The findings adopted as part of the City Council's prior certification of the EIR are therefore hereby included as part of this Council action as though those findings were fully set forth herein;

- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Calling and Giving Notice of the Holding of a Special Municipal Election to Be Held in the City of Santa Barbara on Tuesday, June 5, 2012, for the Submission of a Proposition Measure to the Voters of the City Pursuant to City Charter Section 520 Concerning the Future Use Of Certain Undeveloped City Parkland Property;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a Special Municipal Election to Be Held on June 5, 2012, with the Statewide Primary Election to Be Held on that Date Pursuant to Section 10403 of the Elections Code;
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Directing the City Attorney to Prepare an Impartial Analysis of the City Measure to be Placed on the Ballot for the June 5, 2012, Special Municipal Election of the City of Santa Barbara; and
- E. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the measure and, if so, adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Filing of a Written Argument Regarding a City Measure to be Placed on the Ballot for the June 5, 2012, Special Municipal Election.

#### **EXECUTIVE SUMMARY:**

At the City Council meeting of January 24, 2012, the Council asked the staff of the Clerk's office 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. The purpose behind calling a special City election is 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.

At that same meeting, Council elected to defer the Council's consideration of the adoption of an ordinance of the Council to amend the Municipal Code by amending SBMC Chapter 28.50, the "Veronica Meadows Specific Plan," until after the special City election of June 5, 2012. In doing so, the Council would know whether the voters approve of the City Council allowing the Veronica Meadows Project to construct a road and bridge over City undeveloped parkland property prior to taking action on the ordinance.

The attached four resolutions, if adopted by the City Council, will accomplish what was requested by the Council – the scheduling and conducting of a special City election as part of a consolidated statewide primary election being conducted by the County in June of this year.

You will see that each of the required election resolutions contain an identical section which is known as the “ballot label.” For elections such as this, the state Elections Code limits the wording of the ballot label to no more than 75 words. As a Council resolution, it is for the City Council to determine the appropriate final wording of the ballot label used in these resolutions and, therefore, the labels to actually appear on the ballot; the suggested example provided here with the draft resolutions is one prepared by the City Attorney’s office in an effort to fully comply with the state Elections Code requirements as well as present an objective and balanced, yet properly informative, ballot label to the voters.

#### **PROJECT BACKGROUND:**

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, as mandated by the state Coastal Act, City Staff submitted the LCP Amendment application to the California Coastal Commission (CCC) for their review and approval or approval with modifications. On August 12, 2010, the CCC approved the City’s application with nine 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.

On November 22, 2011, the City Council introduced a City zoning 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, on December 6<sup>th</sup>, the adoption was continued to a future Council agenda so that all seven Council members could be present since the ordinance adoption requires a five vote majority. Since that time, and as a result of staff discussions with the owners of the Veronica Meadows property, staff has recommended that Council defer consideration of the Veronica Meadows Specific Plan ordinance (with the suggested modifications made by the State Coastal Commission) until after the statewide primary June 5, 2012 and the calling of a Special City Election on that date.

Consequently, on January 24, 2012, the Council again deferred adoption of the City ordinance required to amend the City Local Coastal Plan for the Veronica Meadow Specific Plan Project. This deferment potentially allows for the City ballot measure to be decided and, thus, to provide the Council with appropriate voter input on whether the City should ultimately adopt the necessary zoning ordinance amendment and grant the required construction right-of-way for a City street and a bridge to be constructed across Arroyo Burro Creek. This road and bridge utilizes a small corner of the 5.89 acre City-owned undeveloped parkland property adjacent to Las Positas Road, in order to provide access for the Veronica Meadows residential subdivision project and public access to a public bike/pedestrian trail which the subdivision is required to construct.

### **Veronica Meadows - Project Description:**

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 2009 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 pending review by the Coastal Commission. 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 Project 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, the 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.

As mentioned above, in June 2008, the City Council approved a tentative subdivision map and coastal development permit for the following development on the Veronica Meadows project site:

Subdivision of the project site into 25 residential parcels and construction of 25 homes (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.)

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. 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.

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.

### **Proposition Measure:**

The City Charter and the California Elections Code require that the City Council adopt the resolutions described below to place a measure on a ballot. City staff recommends that the City Council adopt the required resolutions concerning the upcoming June 2012 Primary Election, to allow the proposed Veronica Meadows bridge to be built on a City park parcel:

- Calling for the election;
- Consolidating the election with the Primary Election being conducted by the County of Santa Barbara;
- Directing the City Attorney to prepare an impartial analysis of the City's measure; and
- Setting priorities for determining whether the City Council or any individual member(s) of City Council will file an argument regarding the measure.

### **City Attorney's Impartial Analysis:**

In accordance with the Elections Code, it is also recommended that the City Council direct the City Attorney to prepare an impartial analysis of the proposed measure. Under the State Elections Code, a copy of the City Attorney's impartial analysis will be included in the sample ballot materials provided to each City voter prior to the election. A copy of the proposed ordinance will also either be printed in the sample ballot materials or otherwise be made readily available to the public.

The first day the City Clerk's Office will receive the City Attorney's impartial analysis is February 16, 2012, and the last day will be February 29, 2012.

**Written Ballot Arguments:**

The City Council, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the measure.

The first day the City Clerk's Office will receive typewritten arguments in favor of or against the measure is February 16, 2012, and the last day will be February 29, 2012.

The Elections Code provides that upon authorization by the City Council, an argument prepared and signed by the City Council or by one or more Councilmembers shall be given first priority for placement in the sample ballot election brochure by the City Elections Official.

**Rebuttal Arguments:**

The first day the City Clerk's Office will receive typewritten rebuttal arguments by the authors of direct arguments for and against the measure is March 1, 2012, and the last day will be March 12, 2012.

**Public Examination Period:**

The public examination period of the City Attorney's impartial analysis, and the ballot measure arguments and rebuttal arguments filed with the City Clerk's Office is 10 days, commencing March 13, 2012, and concluding March 22, 2012.

**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, which included the bridge/road that is the subject of the proposed ballot measure. The 2008 Final EIR fully analyzed the impacts of the bridge/road, and no changes to the certified 2008 Final EIR are required for the bridge ballot measure. An Addendum has been prepared by Community Development staff to explain and acknowledge the fact that a portion of the road and bridge for the project will subject to voter approval in addition to approval by the City Council and that this voter approval or rejection will not affect the potential environmental impacts analyzed in the Project EIR nor change any of the Project required mitigation measures.

**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 be required to reimburse the City for 100% of the election cost by posting a \$78,000 cash deposit for the estimated full cost for consolidating this special City election with the statewide primary election being conducted by the County (as those costs have been estimated by the County Elections Office.) These funds would need to be on deposit before the City staff files the official City Election resolution to the Clerk of the County Board of Supervisors and requests the County to call a "consolidated" election.

**ATTACHMENT:** Veronica Meadows Project EIR Addendum #3, dated January 31, 2012

**PREPARED BY:** Allison De Busk, Project Planner  
Stephen P. Wiley, City Attorney

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

**APPROVED BY:** City Administrator's Office





City of Santa Barbara Planning Division

**ADDENDUM #3**  
**TO A CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT**  
**VERONICA MEADOWS PROJECT (MST99-00608)**  
**900-1100 LAS POSITAS ROAD**  
**SCH # 2003091128**  
**JANUARY 31, 2012**

This Addendum is prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164, which provides that an Addendum to an Environmental Impact Report may be prepared under circumstances where only minor changes or additions are necessary to make the prior document adequate for the current project as revised. This Addendum is prepared to address the need for a ballot measure for the bridge across City-owned property to access the development.

**PREVIOUSLY APPROVED ENVIRONMENTAL DOCUMENT**

The Veronica Meadows Final Environmental Impact Report (2008 Final EIR) was certified by the City Council on June 17, 2008 (Resolution No. 08-049). The 2008 Final EIR is comprised of the 2005 Final EIR dated January 2005 and the Final Revised EIR dated May 2008, as well as the first and second addenda to the 2005 Final EIR dated August 19, 2006 and November 17, 2006, respectively.

Litigation over the project related to the project's environmental review ensued; however, the project applicant prevailed and a final judgment was entered in its favor establishing the complete adequacy of the 2008 Final EIR for the purposes of CEQA.

**CHANGES NECESSITATING AN ADDENDUM**

Litigation over the project also resulted in a determination that the project's bridge across Arroyo Burro Creek requires approval by City voters in accordance with City Charter Section 520. This addendum addresses that change in processing.

**ANALYSIS OF ENVIRONMENTAL CIRCUMSTANCES**

Since the time of the 2008 Final EIR analysis, there have been no substantial changes in environmental conditions on the ground, the status of environmental resources, or the City's impact evaluation guidelines.

**CEQA FINDING**

Based on the above review of the project, in accordance with State CEQA Guidelines Section 15162, no subsequent MND or Environmental Impact Report is required for the current project because new information, and changes in circumstances, project description, impacts

Addendum to 2008 Final EIR  
Veronica Meadows (MST99-00608)  
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and mitigations are not substantial and do not involve new potentially significant impacts or a substantial increase in the severity of previously identified impacts.

There are no changes to previously identified project impacts based on the need for voter approval of the bridge. This Addendum, together with the 2008 Final EIR constitutes adequate environmental documentation in compliance with CEQA for the project.

Prepared by: Allison De Busk Date: 1-31-12  
**Allison De Busk, Project Planner**