

RESOLUTION NO. _____

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;

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. _____). 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 City 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.

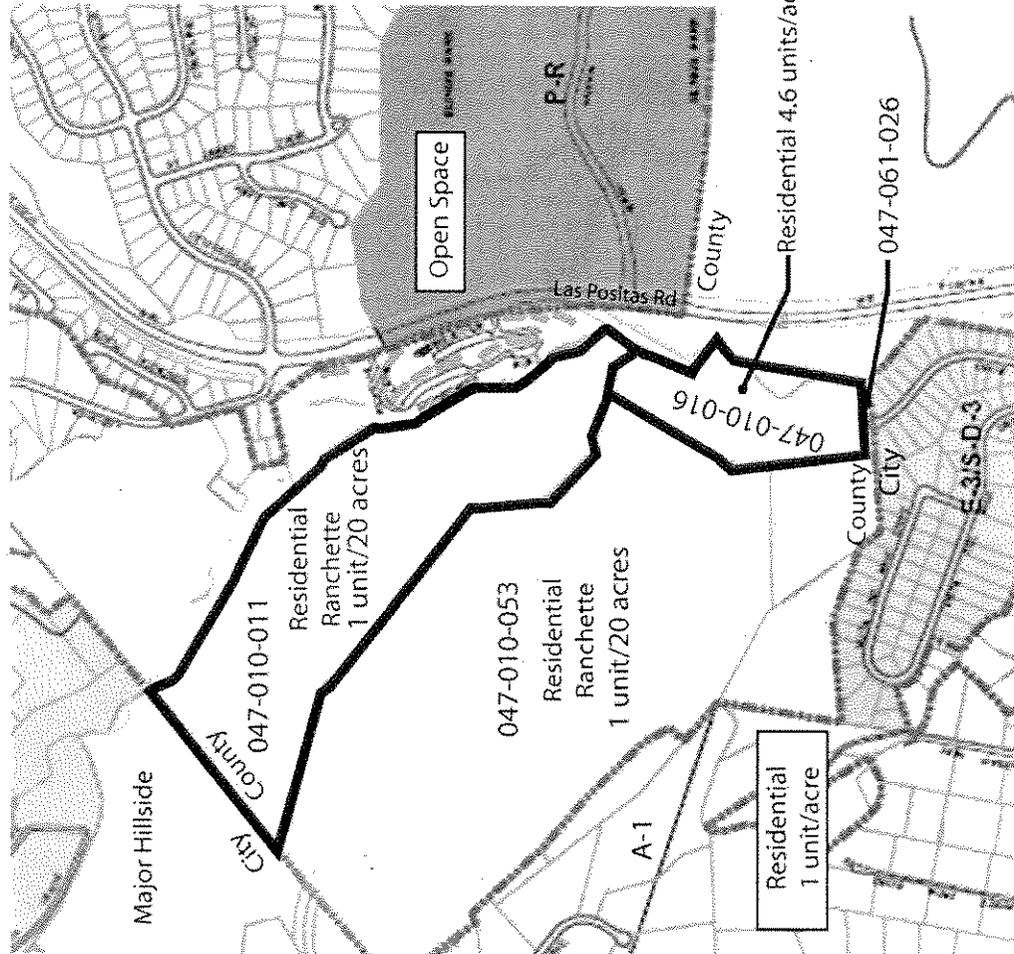
Section 6. This resolution shall not take effect unless and until the Veronica Meadows Specific Plan Ordinance (City Ordinance No. ___ as introduced on June 17, 2008) has been duly adopted by the City Council.

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

