

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA MAKING CERTAIN FINDINGS UNDER SANTA BARBARA CITY CHARTER SECTION 520 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 City 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 then 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 members of the public ) and make comments on the Project design concept;

WHEREAS, the City 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 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 Project concept review work session on March 6, 2003;

WHEREAS, the Planning Commission held an Environmental Impact Report (EIR) Scoping Hearing on the Project 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 City 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 Los 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 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 provide for recirculation of only the revised sections of the EIR and limitation of 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 Draft Revised EIR;

WHEREAS, on May 9, 2008, a Final Revised 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; and

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.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Santa Barbara as follows:

**Section 1.** The City Council makes the following findings pursuant to Section 520 of the Santa Barbara City Charter in connection with the issuance of any future construction encroachment permit necessary for the Project:

- A. The Specific Plan includes construction of a road and bridge from Las Positas Road to the Specific Plan site over a portion of a parcel of land owned by the City of Santa Barbara and known as APN No. 047-061-09 ("City Parcel"). Following construction of the road and bridge, both will be dedicated to the City for public use.
- B. The City Parcel was acquired by the City by grant deed recorded on December 8, 1998. The Certificate of Acceptance recorded with the Grant Deed states that the property was acquired "for public park purposes."
- C. The construction of a road and bridge is compatible with the park use of the City Parcel because both will facilitate public access to the City Parcel from nearby residential neighborhoods to the west, including the Alan Road neighborhood, the Braemar Ranch neighborhood, and Arroyo Burro Beach. In the absence of the road and bridge, people wishing to access the City Parcel from these areas would be required to travel along Las Positas Road, a thoroughfare on which motor vehicles travel at high speeds, and for which there are no sidewalks. The road and bridge will provide a safer, quieter, and more appropriate means of public access to the City Parcel.
- D. The construction of a road and bridge is accessory to the purposes for which the City Parcel is devoted by the City. The road and bridge will occupy just 0.05 acres of the 5.89 acre City Parcel (which equals less than 1% of the surface area of the City Parcel), and will be located at one end of the City Parcel, thus enabling users of the City Parcel to utilize all of the remainder of the City Parcel for park purposes.

**Section 2.** This resolution shall not take effect unless and until the Veronica Meadows Specific Plan ordinance (City Ordinance No. \_\_\_\_ as introduced on June 17, 2008) is duly adopted by the City Council.