

RESOLUTION NO. 23-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, ADOPTING AMENDMENTS TO THE GENERAL PLAN/COASTAL LAND USE PLAN OPEN SPACE ELEMENT FIGURE 3-5 AND CONSERVATION ELEMENT FIGURE 4-1 FOR APNS 073-060-031 THROUGH -043; CASE NO. 14-049-GPA

WHEREAS, on May 20, 2014, the Towbes Group applied requesting approval of a General Plan/Local Coastal Land Use Plan (GPA/CLUP) amendment (GPA) to the Open Space Element and Conservation Element; a Vesting Tentative Map; and a Development Plan with Modification, for the development of 360 residential apartments and associated improvements on the parcels east of South Los Carneros Road and north of Camino vista Road, APNs 073-060-031 through -043; and

WHEREAS, on October 1, 2014, the application was found to be complete and vested under the Subdivision Map Act; and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.), the City of Goleta is the lead agency for the proposed Project; and

WHEREAS, City staff entered into a contract with Rincon Consultants to prepare an Environmental Impact Report (EIR) in compliance with CEQA Guidelines and the Goleta Guidelines; and

WHEREAS, pursuant to Public Resources Code Section 21083.9 and State CEQA Guidelines Sections 15082 and 15083, the City held a duly noticed Scoping Meeting on April 29, 2015 to solicit comments on the scope of the environmental review of the proposed Project and four comments were received; and

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was prepared, incorporating comments received in response to the NOP; and

WHEREAS, pursuant to State CEQA Guidelines Section 15087(e), the Draft EIR was circulated for at 52-day public review and comment period from June 17, 2016 to August 8, 2016; and

WHEREAS, the City received fourteen written comment letters on the Draft EIR; and

WHEREAS, the current owners are FLT Heritage Ridge TG, LLC and GF Frontier, LLC, and the applicant/permittees are Red Tail Multifamily Land Development, LLC and HASCARBO; and

WHEREAS, in January 2021, the Project was revised to include an affordable housing component; reduce the total number of housing units from 360 to 332 units; provide increased right-of-way along Los Carneros Road, resulting in a building setback shift along this roadway; a request for a Streamside Protection Area (SPA) buffer reduction of up to 33 feet in the northeast corner of the Project site; and address the updated CEQA Guidelines and thresholds; and

WHEREAS, the revised Heritage Ridge Residential Project (the "Project") has been redesigned to develop 332 housing units (102 affordable with 2 manager units, and 228 market-rate) in eight buildings as well as two additional recreational buildings and a public park on a 17.36-gross acre site within the Inland Area of the City of Goleta; and

WHEREAS, the Project is on a currently vacant site north of Camino Vista and east of South Los Carneros Road, comprised of Assessor's Parcel Numbers 073-060-031 through -043, in the City of Goleta, in Santa Barbara County; and

WHEREAS, the Project requires approvals of a General Plan Amendment (14-049-GPA), Development Plan (14-049-DP) with a parking concession as a State Density Bonus project, and Vesting Tentative Map (14-049-VTM); approval from the Design Review Board (14-049-DRB); approval of a road easement vacation and acquisition; a two-acre park acquisition (a 1.85 acre park and a 0.15 acre easement over 13 public parking spaces), and approval of a Park Fee credit for the Affordable Housing Units;

WHEREAS, on April 29, 2021, to address updated CEQA requirements and the redesign of the Project, a Revised Draft EIR was prepared and initially released for a 45-day public review and comment period; and

WHEREAS, shortly after the initial release of the Revised Draft EIR for public review, it was determined that the public comment period should be restarted due to a noticing error as one of the revised topic areas was not listed in the notice. After correcting the notice, the Revised Draft EIR was recirculated for a 45-day public review and comment period from May 14, 2021, to June 28, 2021 and the City held an Environmental Hearing Officer meeting on June 16, 2021, where six comments were received; and

WHEREAS, the City received seven written comment letters on the Revised Draft EIR; and

WHEREAS, the Revised Draft EIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following

resource areas: aesthetics, biological resources, cultural resources, geology and soils, hydrology and water quality, and tribal cultural resources; and

WHEREAS, the Revised Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to cumulative cultural resource impacts, construction noise, and solid waste (project level and cumulative); and

WHEREAS, subsequent to public review of the Revised Draft EIR, the grading plan was revised to reduce soil export, the site plan was revised to reduce total parking, and increase open space in order to achieve a 100-foot buffer from the Los Carneros Creek Streamside Protection Area; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided copies of its responses to commenting public agencies at least ten (10) days prior to the City's Planning Commission initially planned consideration of the Final EIR on February 28, 2022; and

WHEREAS, at the request of the public in order to allow the public ample time to review the Final EIR, the City chose not to hold the February 28, 2022, Planning Commission hearing and continued the matter to March 28, 2022; and

WHEREAS, the Planning Commission commenced review of the project and started taking public comments regarding the adequacy of the Final EIR and the merits of the project on March 28, 2022, and April 25, 2022; and

WHEREAS, the Planning Commission continued the review from the April 25, 2022, to allow staff time to respond to the verbal and written comments received; and

WHEREAS, the City has revised the Final EIR to add a Preface to the beginning of the Final EIR that summarizes the changes and responds to late comments received 10 months after the close of the public comment period; and

WHEREAS, on February 15, 2022 and October 13, 2022, the City released the initial and revised Final EIR ("Final EIR"), which consists of the Draft EIR, Revised Draft EIR, all technical appendices prepared in support of the Draft EIR and Revised EIR, all written comment letters received on the Draft EIR and Revised Draft EIR, written responses to all written comment letters received on the Draft EIR and Revised Draft EIR, and errata to the Draft EIR, Revised Draft EIR and technical appendices; and

WHEREAS, the "EIR" consists of the Final EIR and its attachments and appendices, as well as the Draft EIR and its attachments and appendices, and the Revised Draft EIR and its attachments and appendices (as modified by the Final EIR); and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, on November 14, 2022, the Planning Commission held a noticed public hearing on the GPA, at which time all interested persons were given an opportunity to be heard. Planning Commission, on a 5-0 vote, recommended approval of the GPA to the City Council; and

WHEREAS, on March 7, 2023, the City Council conducted a duly noticed public hearing regarding the adequacy of the Final EIR, at which time all interested parties were given the opportunity to be heard; and

WHEREAS, prior to acting, the City has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, no comments made in the public hearings conducted by the City and no additional information submitted to the City have produced substantial new information requiring recirculation of the EIR or additional environmental review of the Project under Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5; and

WHEREAS, other parts of the Project, not considered in this Resolution include an Environmental Impact Report (EIR), a Vesting Tentative Map and a Development Plan; and

WHEREAS, currently, the GP/CLUP Open Space Element Figure 3-5, Open Space Plan Map and the GP/CLUP Conservation Element Figure 4-1, Special-Status Species and Environmental Sensitive Habitat Areas designate an Environmentally Sensitive Habitat Area (ESHA) and Sage Scrub/Dune/Bluff Scrub on the project site; and

WHEREAS, pursuant to General Plan Policy CE 1.5, a biological assessment of the site was analyzed in the EIR for the project and no ESHA or Sage Scrub/Dune/Bluff Scrub was found on the project site; and

WHEREAS, the amendments to the GP/CLUP figures are set forth graphically in Exhibits A and B to this Resolution; and

WHEREAS, the City Council considered the entire administrative record, Final EIR, Mitigation Monitoring and Reporting Program ("MMRP"), Statement of Overriding Considerations, including staff reports and oral and written testimony from interested persons.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA:

SECTION 1. Environmental Assessment Findings. Resolution No. 23-11 certifies EIR (SCH #2015041014), adopts the MMRP and approves the Statement of Overriding Considerations, among other things, properly assesses the environmental impact of the Project in accordance with CEQA. This Resolution incorporates by reference the environmental findings and analysis set forth in Resolution No. 23-11 as if fully set forth herein.

SECTION 2. General Plan Amendment Findings. Pursuant to Goleta Municipal Code section 17.67.040(C), the City Council finds:

- A. The General Plan Amendment is in the public interest pursuant to Government Code § 65358 as it will provide the City with accurate maps of Environmental Sensitive Habitat Area.

Biological surveys in table below were conducted by Rincon Consultants, hired by the City, indicating no sensitive biological resources were present on site, and updating the City's GP/CLUP maps will reflect what is consistent with the vegetation located on the project site.

March 18, 2015,	Reconnaissance survey
April 2, 2015	Wildlife (nesting bird habitat assessment) and botanical survey
June 10, 2015	Botanical survey
March 26, 2021	Reconnaissance survey

- B. The procedures for processing amendments to the GP/CLUP have been followed as required by state and local laws including GP/CLUP Section 1.8 and Conservation Element Policy CE 1.5. As stated in CE 1.5, if a site-specific biological study contains substantial evidence that an area previously shown as an ESHA on Figure 4-1 does not contain habitat that meets the definition of an ESHA, then a map change is warranted. Based on the multiple biological assessments outlined above, corrections to the Figures 3-5 and 4-1 of the GP/CLUP is warranted.

Corrections to Figures 3-5 and 4-1 listed in Section 4 below will provide the City with accurate GP/CLUP maps of ESHA and Special Species on the project site.

SECTION 3. Action: The City Council takes the following actions:

- A. Direct staff to file a Notice of Determination with five (5) business days for the Heritage Ridge Project including the General Plan Amendment that is the subject of this Resolution;
- B. Approves the following General Plan Amendments:
 1. Revise GP/CLUP Open Space Element, Figure 3-5, Open Space Plan Map, to remove the ESHA designation on the project site, based on the findings outlined in Sections 1 and 2 above, as shown in Exhibit A.
 2. Revise the GP/CLUP Conservation Element, Figure 4-1, Special-Status Species and Environmentally Sensitive Habitat Areas, to remove the designation of Sage Scrub/Dune/Bluff Scrub on the project site, based on the findings outlined in Sections 1 and 2 above, as shown in Exhibit B.

SECTION 4. Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 5. Limitations. The City Council analysis and evaluation of the project, including this Resolution, are based on the entire record, including the best information currently available. This includes competent and substantial evidence, both oral and written. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 6. Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 7. This resolution will remain effective until superseded by a subsequent Resolution.

SECTION 8. The City Clerk is directed to mail a copy of this Resolution to FLT Heritage Ridge TG, LLC, GF Frontier, LLC, and Red Tail Multifamily Land Development, LLC all at 2082 Michelson Dr, 4th Floor, Irvine, CA 92612; and Housing Authority of the County of Santa Barbara, 815 W. Ocean Avenue, Lompoc, CA 93436; and to any other person requesting a copy.

SECTION 9. This Resolution will become effective immediately upon adoption.

SECTION 10. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 7th day of March, 2023




PAULA PEROTTE
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MEGAN GARIBALDI
CITY ATTORNEY

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

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 23-12 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 7th day of March, 2023 by the following roll call vote of the City Council:


AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE RICHARDS,
COUNCILMEMBERS, KASDIN, KYRIACO AND REYES-
MARTÍN

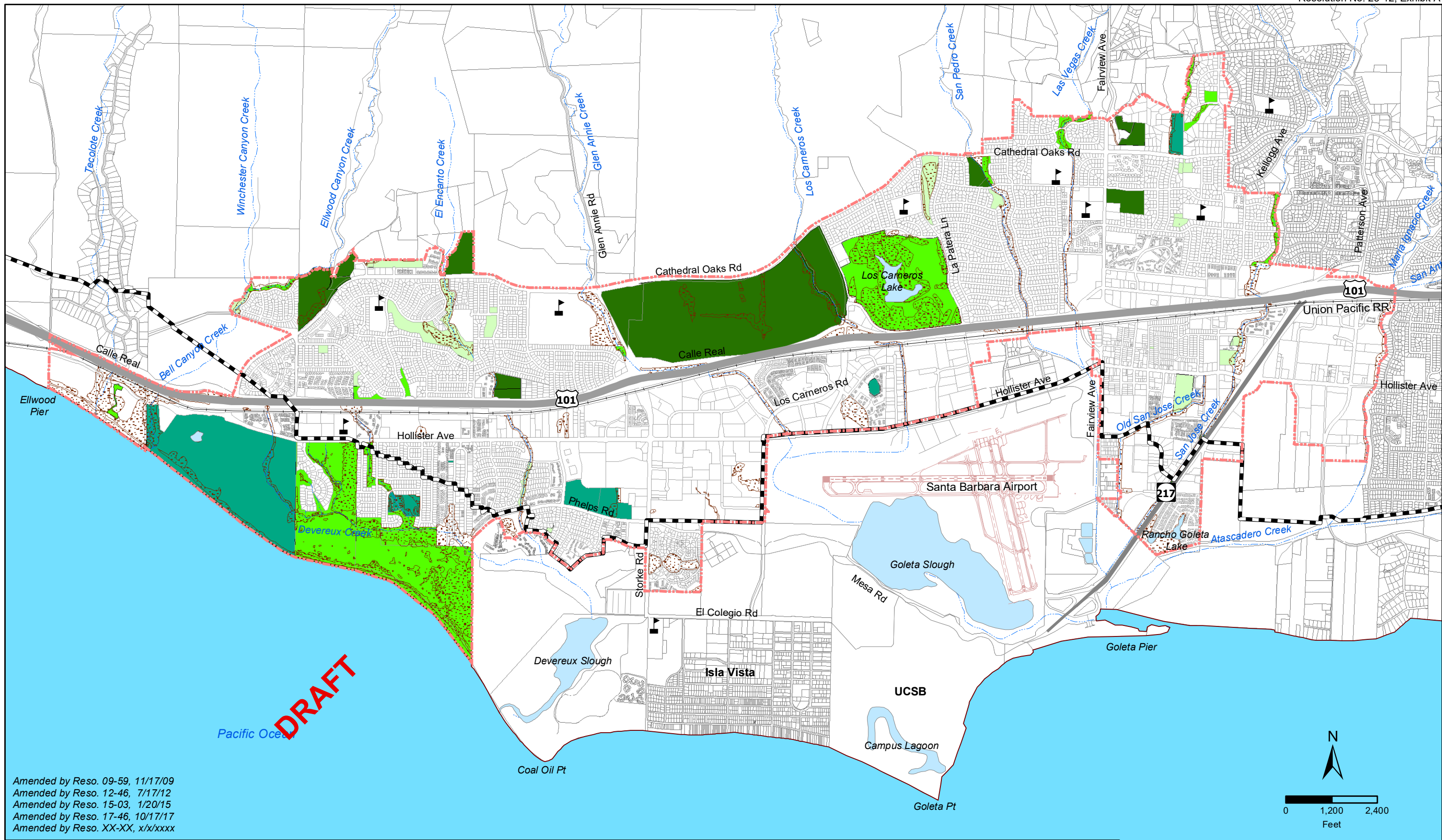
NOES: NONE

ABSENT: NONE

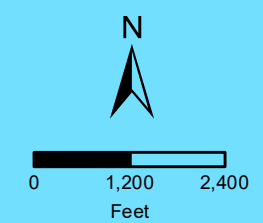
ABSTENTIONS: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK



Amended by Reso. 09-59, 11/17/09
 Amended by Reso. 12-46, 7/17/12
 Amended by Reso. 15-03, 1/20/15
 Amended by Reso. 17-46, 10/17/17
 Amended by Reso. XX-XX, x/x/xxxx



Legend

Open Space for Outdoor Recreation	Agriculture
Active Park Sites	Environmentally Sensitive Habitat Areas
Passive Parks /Open Space Areas	
Private Recreational Areas	
Open Space for Preservation of Natural Resources	

Open Space for Managed Production of Resources
Open Space for Public Health and Safety
Flood Plain(See Note)
Tsunami Run-up Areas(See Note)

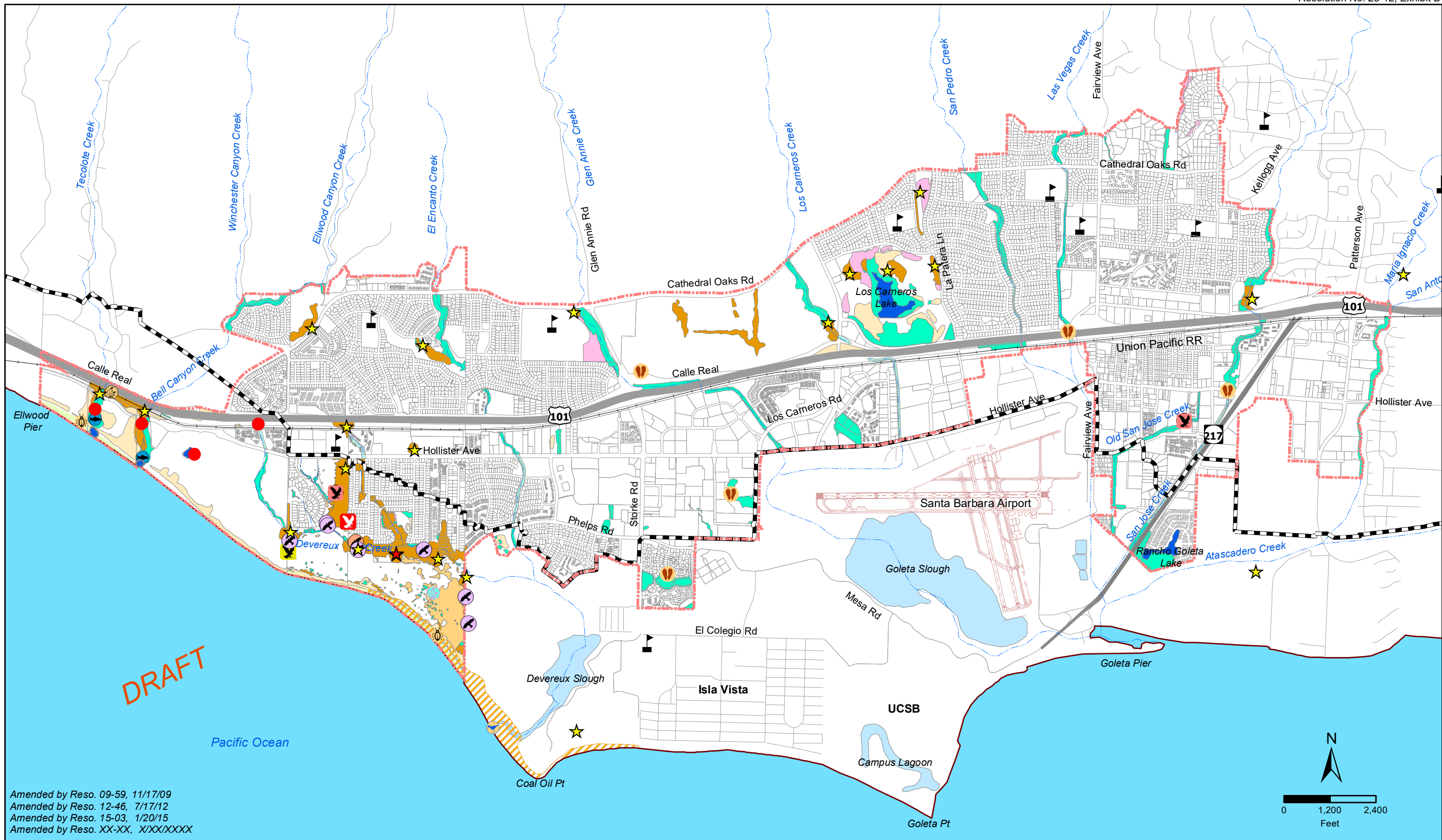
Other Features

Goleta City Boundary
Coastal Zone
Creeks
Schools

Note: Tsunami run-up areas and flood plain information are shown in Safety Element Figure 5-2.

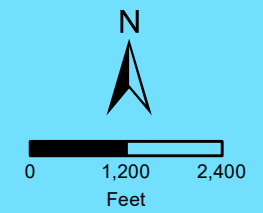
Figure 3-5
OPEN SPACE PLAN MAP

GENERAL PLAN/COASTAL LAND USE PLAN
 January 2023



DRAFT

Amended by Reso. 09-59, 11/17/09
 Amended by Reso. 12-46, 7/17/12
 Amended by Reso. 15-03, 1/20/15
 Amended by Reso. XX-XX, XXX/XXXX



Legend		Special-Status Species		Other Features	
Environmentally Sensitive Habitats		Special-Status Species		Other Features	
Beach and Shoreline	Sage Scrub/Dune/Bluff Scrub	Cooper's Hawk Nest	Tidewater Goby	Goleta City Boundary	Coastal Zone
Unvegetated Open Creek Channel	Native Upland Woodlands/Savannahs	Kite Nest	Red-Legged Frog	Schools	Creeks
Open Water	Monarch Butterfly and/or Raptor Roosting Habitat	Red-Shouldered Hawk Nest	Globose Dune Beetle		
Riparian/Marsh/Vernal Pool	Critical Habitat for the Western Snowy Plover	Red-Tailed Hawk Nest	Santa Barbara Honeysuckle		
Native Grassland		Vulture Roost	Black-Flowered Figwort		
		Western Snowy Plover	Southern Tarplant		
			Monarch Butterfly Aggregation		
			Ellwood Main Monarch Grove		

Sources: Habitat mapping conducted by Jones & Stokes in April-May 2006 based on aerial imagery (1-foot resolution) and field observation, merged with 1) information on the occurrence of special status habitats and species collected by City from recent information from local environmental review ; 2) mapping of creeks, ponds, lakes and reservoir location based on USGS topographic map review and habitat management plan documents, air photo interpretation, and field survey; and 3) review of California Natural Diversity Database (CNDDB) records by Jones & Stokes for occurrence of special status species in the Goleta and Dos Pueblos quadrangles and vicinities (2006 databases). Habitats reflect those comprising an ESHA.

Note: ESHA locations are approximate. Any area not designated on the ESHA map that meets the ESHA criteria shall be accorded the same protections as if the area was shown on the map. ESHA buffers are not shown on this map. Refer to the applicable policy in the General Plan for the specific buffer widths.

Figure 4-1
SPECIAL-STATUS SPECIES AND ENVIRONMENTALLY SENSITIVE HABITAT AREAS
 GENERAL PLAN/COASTAL LAND USE PLAN
 January 2023

