RESOLUTION NO. 04-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA ADOPTING THE ELLWOOD-DEVREUX COAST OPEN SPACE AND HABITAT MANAGEMENT PLAN AS IT APPLIES TO LANDS SITUATED WITHIN THE BOUNDARY OF THE CITY OF GOLETA, SUBJECT TO CERTAIN REVISIONS

WHEREAS, in March 2003 the City of Goleta entered into a Memorandum of Understanding with the University of California, Santa Barbara, and the County of Santa Barbara to modify and implement various recommendations within the Joint Proposal for the Ellwood – Devreux Coast, a report issued by the University and County in 2002;

WHEREAS, the three entities have participated in the preparation of the proposed Ellwood-Devereux Coast Open Space and Habitat Management Plan (hereafter "Open Space Plan");

WHEREAS, a key component of the proposed Open Space Plan is a land exchange between the City of Goleta and the Santa Barbara Development Partnership / Comstock Homes (SBDP/CH) to transfer potential residential development from the environmentally-sensitive Ellwood Mesa Property, owned by SBDP/CH, along the ocean bluffs to a less-sensitive 36-acre site within the existing City-owned Santa Barbara Shores Park;

WHEREAS, in February of 2003 the City of Goleta entered into a Memorandum of Understanding with Santa Barbara Development Partnership and Comstock, Crosser & Associates Development Company, Inc. setting forth protocols and structure for submission and processing of various development applications for a residential development on a 36-acre portion of the City-owned Santa Barbara Shores Park property and for a property exchange whereby the City would obtain title to the 137-acre Ellwood Mesa property in exchange for the 36-acre portion of Santa Barbara Shores Park;

WHEREAS, the City Council has, by separate action taken on June 21, 2004, approved Resolution 04-27 and thereby certified an Environmental Impact Report addressing all components of the project, including the Ellwood-Devereux Coast Open Space and Habitat Management Plan;

WHEREAS, the City Council has, by separate action taken on the 24th day of June, 2004, adopted Resolution 04-31, thereby approving an Addendum for the EIR, findings pursuant to the California Environmental Quality Act (CEQA), a Statement of Overriding Considerations pursuant to CEQA and the City’s implementing guidelines, and a mitigation monitoring program;
WHEREAS, the City Council has, by separate action taken on the 6th day of July, 2004, approved Resolution 04-32 and thereby repealed the Ellwood Beach – Santa Barbara Shores Specific Plan;

WHEREAS, by separate action taken on the 19th day of July, 2004, the City Council has approved an ordinance to rezone the Ellwood Mesa property and several other parcels situated within the boundaries of the Open Space Plan from residential zoning to the Recreation (REC) zoning district, a district that has as its purpose to provide open space for various forms of outdoor recreation, including passive and coastal-dependent recreation;

WHEREAS, on April 12, 19, and 22, May 10 and 18, and June 21, 24 and July 6, 2004 the City of Goleta Planning Agency and City Council jointly held a duly noticed public hearing to consider the proposed Open Space Plan and various related matters, at which times all interested persons were given an opportunity to be heard;

WHEREAS, the City Council has considered the entire administrative record, including all written and oral testimony offered at the public hearing; and

WHEREAS, the City Council intends that the Open Space Plan shall have the status of a park master plan, and shall not have the effect of a regulatory document.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY DETERMINE AS FOLLOWS:

SECTION 1: Recitals.

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2: Findings

The City Council hereby makes the following findings:

1. The City of Goleta is a recently-incorporated city, having incorporated on February 1, 2002. The California Government Code, at § 65360, allows newly incorporated cities a period of 30 months, along with any OPR-approved time extensions, to prepare and adopt a general plan. As of the date of this action, the City has not adopted its first general plan. In such circumstances, § 65360 further provides that the City is not subject to the
requirement that its decisions be consistent with the general plan, provided that certain requirements are met. The City Council hereby finds that:

a. There is a reasonable probability that the proposed Ellwood-Devereux Coast Open Space and Habitat Management Plan will be consistent with the general plan proposal currently being considered. The City intends to incorporate various provisions of the Ellwood-Devereux Coast Open Space and Habitat Management Plan into its first general plan and local coastal land use plan.

b. There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed Open Space Plan is ultimately inconsistent with the future general plan.

c. The proposed Open Space Plan complies with all other applicable requirements of state law and City ordinances.

2. The portion of the Open Space Plan within the boundaries of the City of Goleta is consistent with the applicable policies of Chapter 3 of the California Coastal Act in that:

a. The site is located between the sea and the first public road parallel to the shoreline.

b. The proposed Open Space Plan conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act in that it proposes to relocate and expand the existing coastal access parking lot at Santa Barbara Shores Park. The number of coastal access parking spaces will be more than doubled, from 15 spaces in the existing lot to about 45 in the proposed relocated lot.

c. The proposed Open Space Plan conforms to § 30211 of the Coastal Act in that it will not interfere with the public’s right of access to the sea, but will increase the existing public access to the shoreline by securing public ownership of the 137-acre Ellwood Mesa property, which is located along the coastal bluffs. New trail segments are proposed to connect the relocated parking lot to the existing informal trail network within Santa Barbara Shores Park and the Ellwood Mesa. Existing informal trails will be maintained except where segments traverse sensitive habitats such as vernal pools.

d. The proposed Open Space Plan conforms to § 30212 of the Coastal Act in that it will provide additional vertical access to the shoreline and coastal bluffs. The Open Space Plan is part of a larger project that includes public acquisition by the City of Goleta of the Ellwood Mesa property. This acquisition will provide the general public with both increased vertical access and increased lateral access, along both the blufftop and the sandy beach areas below the bluffs.

e. The proposed Open Space Plan advances the policy set forth in § 30221 of the Coastal Act in that it will protect 137 acres of existing,
privately-owned oceanfront land known as the Ellwood Mesa property for passive recreation and open space through acquisition of those lands by the City of Goleta.

f. The proposed Open Space Plan conforms to § 30231 of the Coastal Act in that the proposed parking lot is designed to maintain water quality by minimizing grading and by use of a permeable concrete surface or other surfacing material that will minimize stormwater runoff, and trail improvements are designed to minimize runoff and erosion.

g. The proposed Open Space Plan conforms to § 30240 of the Coastal Act in that the proposed parking lot and trails have been sited to avoid and protect environmentally sensitive habitat areas and to provide buffers adjacent to such resources. The planned trail system is based on the network of existing informal trails, with closure of those existing trail segments that traverse sensitive habitat areas such as vernal pools. The plan intends that such habitats will be restored at the sites of trail closures.

h. The proposed Open Space Plan conforms to § 30251 of the Coastal Act in that the parking lot is sited at an elevation lower than Hollister Avenue in order to protect the scenic and visual qualities of the site, in particular the views from Hollister Avenue seaward to the Channel Islands. The parking lot will be landscaped to provide for an attractive appearance from Hollister Avenue.

SECTION 3: Action to Approve the Open Space Plan, Subject to Revisions

The City Council hereby adopts the Ellwood-Devereux Coast Open Space and Habitat Management Plan as it applies to lands located within the boundaries of the City of Goleta, subject to the revisions set forth in Exhibit A, attached and incorporated herein by this reference.

SECTION 4: Effective Date

The adoption of the Ellwood-Devereux Coast Open Space and Habitat Management Plan within the City of Goleta shall take effect immediately upon recordation of a deed vesting title to the Ellwood Mesa property with the City of Goleta.

SECTION 5: Amendments

Amendments to the Open Space Plan shall be adopted by Resolution of the City Council and approved by a majority vote of the Council. There shall be no limit on the number of amendments that may be considered in any calendar year.
PASSED, APPROVED AND ADOPTED this 19th day of July, 2004.

CYNTHIA BROCK, MAYOR

ATTEST:

CYNTHIA M. RODRIGUEZ
CITY CLERK

JULIE HAYWARD BIGGS
CITY ATTORNEY
STATE OF CALIFORNIA )
COUNTY OF SANTA BARBARA ) ss.
CITY OF GOLETA )

I, CYNTHIA M. RODRIGUEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 04-37 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 19th day of July, 2004, by the following vote of the Council:

AYES: COUNCILMEMBERS BLOIS, CONNELL, HAWXHURST, MAYOR PRO TEMPORE WALLIS AND MAYOR BROCK.

NOES: NONE.

ABSENT: NONE.

(SEAL)

[Signature]

CYNTHIA M. RODRIGUEZ
CITY CLERK
EXHIBIT A TO RESOLUTION 04-37

LIST OF REVISIONS TO THE OPEN SPACE PLAN

REVISIONS CONSIDERED AT THE JULY 13 MEETING

1. **VARIOUS PAGES.** Maps in the following figures shall be revised to incorporate the parcels within the 36-acre development envelope proposed to be donated by Comstock Homes to the City of Goleta for open space preservation: Figure 5, Figure 6, Figure 12, Figure 14. Other maps should be updated as applicable.

2. **PAGE 8.** Table 1, “Estimated Acreage in the Open Space Plan Area, by Jurisdiction and Subarea” shall be revised to incorporate the additional land areas within the 36-acre development envelope proposed to be donated by Comstock Homes to the City of Goleta for open space preservation.

3. **PAGE 11.** Table 2, “Estimated Acreage in the Open Space Plan Area, by Habitat Type” shall be revised to incorporate the additional land areas within the 36-acre development envelope proposed to be donated by Comstock Homes to the City of Goleta for open space preservation.

4. **MAP FOLLOWING PAGE 58.** Figure 19, “Conceptual Layout for Santa Barbara Shores Parking Lot” shall be revised to reflect the final parking lot design approved by the City.

5. **PAGE 18.** Change Habitat Policy 6 to read: "Use genetic stock for seeds and plants from the Ellwood-Devereux watershed in all native habitat enhancement and restoration on University- and City-owned lands. Use genetic stock for seeds and plants from the South Coast from Carpinteria to Gaviota in County-owned lands."

6. **MAP FOLLOWING PAGE 38.** Change legend for native grassland restoration to a narrow line pattern to be consistent with the way it is depicted on the map.

7. **MAP FOLLOWING PAGE 48.** Change trails on the Ellwood Mesa to correspond to the Map in Exhibit B, incorporated herein by this reference. Add proposed trails on the open space parcels proposed to be donated to the City by Comstock Homes within the 36-acre development envelope.

8. **PAGE 50.** Change Table 5, “Trail Lengths (feet) by Jurisdiction and Trail User,” to include a total that is the sum of “proposed trails” and “trails to be closed.” The total for Goleta is 77,790. The table should be further
revised to include proposed trails on the open space parcels proposed to
be donated to the City by Comstock Homes within the 36-acre
development envelope.

9. **MAP FOLLOWING PAGE 50.** (Figure13) Change trails on the Ellwood
Mesa to correspond to the Map in Exhibit B, incorporated herein by this
reference. Add proposed trails on the open space parcels proposed to be
donated to the City by Comstock Homes within the 36-acre development
envelope.

10. **FIGURE 14, FOLLOWING PAGE 50.** Change trails on the Ellwood Mesa
to correspond to the Map in Exhibit B, incorporated herein by this
reference. Add proposed trails on the open space parcels proposed to be
donated to the City by Comstock Homes within the 36-acre development
envelope.

11. **FIGURE 15, FOLLOWING PAGE 50.** Change trails on the Ellwood Mesa
to correspond to the Map in Exhibit B, incorporated herein by this
reference.

12. **PAGE 55.** Change Table 8, “Lengths (feet) of Trail Design Options” to
include proposed trails on the open space parcels proposed to be donated
to the City by Comstock Homes within the 36-acre development envelope.

13. **PAGE 59.** Change Table 10, “Summary of Open Space Parking
Facilities,” to indicate up to 45 parking spaces at the Santa Barbara
Shores Parking lot, and delete the statement in parenthesis: “(with up to
35-more if needed)”

14. **PAGE 64.** Change the first bullet under “Uses that May Require a
Notification or Permit” to read as follows: “Small Special events such as
walk-a-thons, competitive bicycle and track and field races, or public
gatherings”

15. **PAGE 64.** Add under “Prohibited Uses” the following bullet: “All
temporary or ongoing commercial uses, including commercial recreation
uses”

**ADDITIONAL REVISIONS DIRECTED AT JULY 13, 2004 MEETING**

16. **PAGE 6.** In paragraph 1 of Section 2.2.1, change the last sentence to
read as follows: “These transactions will increase the size of the open
space area from 116.16 to about 230 acres through the addition of the
Ellwood Mesa property.”
17. **PAGE 19** (and thereafter). Add the historical autumnal and overwintering monarch sites that may no longer be active to the applicable habitat maps. Add language to Policy 3 regarding enhancements to these habitat areas to help re-establish their use by the monarchs as follows: “Initial improvements may focus on inactive sites in order to evaluate the effectiveness of such interventions prior to their application to active sites.”

18. **PAGE 22.** Change the second sentence of the first paragraph of Section 3.2.4 to read: “It is the intent of the three sponsoring agencies to incorporate these goals and policies into their Local Coastal Programs.”

19. **PAGE 22.** Section 3.2.5, change the first bullet to read: “Existing public access around the perimeter of the Sandpiper aggregation site would be maintained. Pedestrian access is provided by a trail connecting to Hollister Avenue along the boundary with the Sandpiper Golf Course and by Trail 24. Bicyclists would be routed around the perimeter on Trail 24 rather than having access through the center of the aggregation site.”

20. **PAGE 30.** Change the second sentence of Section 3.4.4 to read: “It is the intent of the three sponsoring agencies to incorporate these goals and policies into their Local Coastal Programs.”

21. **PAGE 34.** Change the second sentence of Section 3.5.4 to read: “It is the intent of the three sponsoring agencies to incorporate these goals and policies into their Local Coastal Programs.”

22. **PAGE 37.** Change the second sentence of Section 3.6.4 to read: “It is the intent of the three sponsoring agencies to incorporate these goals and policies into their Local Coastal Programs.”

23. **PAGE 40.** Change the second sentence of Section 3.7.4 to read: “It is the intent of the three sponsoring agencies to incorporate these goals and policies into their Local Coastal Programs.”

24. **PAGE 44.** Change the second sentence of Section 3.8.3 to read: “It is the intent of the three sponsoring agencies to incorporate these goals and policies into their Local Coastal Programs.”

25. **PAGE 47.** Change Public Access Policy 1.2 to read: “Integrate the trail system with existing separately-managed open space areas and with existing and proposed residential development.”

26. **PAGE 48.** Add a new Public Access Policy 4.3 to read: “Provide at least one continuous trail extending from the public parking lot at Hollister Avenue to the coastal bluff top that is for exclusive use by pedestrians, in order to provide a coastal access opportunity that avoids safety issues
associated with joint use by bicycles and/or equestrians.” Change the trail map in Figure 12 to show trail 23 as this pedestrian-only trail.

27. PAGE 56. Add the following as the last sentence in Section 4.4: “In the City of Goleta, public access points shall be designed to allow pedestrian access but to prevent the passage of motorcycles and other similar motorized vehicles, where feasible.”

28. PAGE 61. Change the last paragraph to read: “As an alternative to improvements to the Anza Trail (trail 6), the City of Goleta may consider a boardwalk or prefabricated span bridge along the Windrow Trail (trail 14). The boardwalk would span Devereux Creek and connect to a multi-user trail on Goleta property at the end of Phelps Road. This alternative would provide all-weather pedestrian and bicycle access to the Anza Trail from Hollister Avenue.

29. PAGE 64. Under the heading “Uses that May Require a Notification or Permit,” change the 4th bullet to read: “Small-scale special events or public gatherings,” and the 4th bullet to read: “Scientific studies that involve handling or tagging of butterflies or studies in restricted habitat areas.”

30. PAGE 64. Under the heading “Prohibited Uses,” add bullets for the following: fireworks; amplified music; radio-controlled motorized equipment, such as model airplanes and model cars; organized competitive sporting events, such as track and field events and bicycle races; and large special events or public gatherings.

31. PAGE 71. Under the heading “Erosion and Sedimentation Control Management Options, add a new bullet at the top of the page to read: “Design trail improvement and other projects to avoid modifications to natural drainage patterns; in particular, the Anza trail improvements shall be designed to maintain existing sheet flow of storm water runoff to Devereux Creek to sustain the eucalyptus woodland at the Ellwood Main monarch aggregation site.” Change the heading to add “Drainage” as the first word in the heading.

32. PAGE 73. Change the 2nd sentence in the 2nd paragraph to read: “The access gate at the southerly terminus of Santa Barbara Shores Drive, which provides access to the Ellwood Mesa portion of the open space area for emergency vehicles, will be owned and maintained by the City of Goleta.

33. PAGE 76. Under Section 6.1.1, “Management Coordination,” delete the 2nd paragraph as follows:
A proposed organization chart is presented in Figure 27 for the three jurisdictions responsible for implementing the Open Space Plan. This management framework identifies jurisdictional authority and responsibility for each sponsoring agency while allowing subarea managers to coordinated programs and projects as needed.

34. **FIGURE 27, FOLLOWING PAGE 76**. Delete the figure.

35. **PAGE 77**. Change the first sentence of the last paragraph before Section 6.1.2 to read: "A Joint Review Committee, comprised of one or more representatives from each of the three sponsoring entities, shall be established and will meet on an as-needed basis to provide a forum for discussion and resolution of ongoing issues related to implementation of the Open Space Plan."
EXHIBIT B TO RESOLUTION 04-37

MAP SHOWING CORRECTED TRAIL LOCATIONS IN THE ELLWOOD MESA PORTION OF THE OPEN SPACE PLAN