



TO: Planning Commission Chair and Members

SUBMITTED BY: Luz “Nina” Buelna, Public Works Director

PREPARED BY: Teresa Lopes, Senior Project Engineer

SUBJECT: General Plan Conformity Determination for the Acquisition of Property from APN’s 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011; required for the San Jose Creek Multipurpose Path – Northern and Southern Segments Project; Capital Improvement Program Project No. 9006

RECOMMENDATION:

Adopt Resolution 25-___, entitled “A Resolution of the Planning Commission of the City of Goleta, California, Reporting that the Acquisition of Properties with Assessor Parcel Numbers 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 required for the San Jose Creek Multipurpose Path – Northern and Southern Segments Project is in Conformance with the Goleta General Plan/Coastal Land Use Plan Pursuant to Section 65402 of the Government Code.”

BACKGROUND:

Section 65402 of the California Government Code requires that, for any acquisition, disposition, vacation, or abandonment of any real property by the City, the proposed real property transaction be submitted to the Planning Commission to determine and report to the City Council as to whether the location, purpose, and extent of such proposed real property transaction is in conformance with the General Plan / Coastal Land Use Plan (General Plan).

The San Jose Creek Bike Path - Northern and Southern Segments Project (Project) (Capital Improvement Program Project No. 9006) will construct a multipurpose path adjacent to San Jose Creek connecting areas north of U.S. Route 101 with the Class I Atascadero Creek Bikeway (Obern Trail) east of State Route 217 (SR 217). The project is included in many City and regional planning documents and is widely supported by the community.

The City of Goleta (City) was awarded approximately \$18 million in ATP grant funding at the California Transportation Commission meeting on January 30, 2019.

The San Jose Creek Multipurpose path will impact 14 parcels which are not owned by the City. This includes 9 parcels along the Northern Segment and 5 along the Southern Segment. Of these 14 parcels 2 are owned by Caltrans, 5 are owned by Santa Barbara County (including 2 owned by County Flood Control), 2 parcels are owned by Union Pacific Railroad (UPRR), and 5 are owned by other private owners (including 1 owned by Southern California Gas Company). Permanent Easements and/or Temporary Construction Easements (TCEs) are required from each of these properties to construct the San Jose Creek Multipurpose Path. A figure showing the properties requiring easements for construction of the Project are included in Attachment 2. The City has entered into agreements and acquired property necessary from twelve (12) of the affected properties to date. Staff is continuing to work with Union Pacific Railroad (UPRR) regarding the approvals and execution of the Construction and Maintenance (C&M) Agreement required to construct the Project across UPRR right of way (ROW).

The Planning Commission is requested to consider whether the location, purpose, and extent of the property acquisitions are in conformance with the General Plan and to adopt Resolution Adopt Resolution 25-___, entitled "A Resolution of the Planning Commission of the City of Goleta, California, Reporting that the Acquisition of Properties with Assessor Parcel Numbers 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 required for the San Jose Creek Multipurpose Path – Northern and Southern Segments Project is in Conformance with the Goleta General Plan/Coastal Land Use Plan Pursuant to Section 65402 of the Government Code, included in Attachment 1.

DISCUSSION:

Under Section 65402 of the Government Code, the Planning Commission is required to review the location, purpose, and extent of all real property acquisitions and report on their conformance to the General Plan. The purpose of the Planning Commission review is to acknowledge the objectives and policy standards established in the General Plan.

The property acquisitions for the San Jose Creek Multipurpose Path – Northern and Southern Segments Project are as follows:

Parcels Acquired (Escrow Closed)

Parcel No.	Owner	Project R/W Required	Cose of Escrow Date
071-090-074	Kellogg Trust	31,808 sqft. in Fee	11/14/2023 (COE)
071-350-009	Ochsner Trust et. Al.	2,326 sqft. Permanent Easement	11/14/2023 (COE)
071-090-083	Schwan Brothers Properties, LLC	5,027 sqft. Permanent Easement	11/14/2023 (COE)
071-090-082	Goleta Self Storage Partners	2,923 sqft. Permanent Easement 3,285 sqft. TCE	2/7/2025 (COE)

071-200-011	Southern California Gas Company	5,093 sqft. Permanent Easement 15,837 sqft. TCE	11/22/2024
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TCE – Temporary Construction Easement

Parcels Covered by Other Acquisition Documents, Construction Permits, or Other Permits

Parcel No. or Location Post Mile	Owner	Project R/W Required	Document/Permit Type	Effective Date of Contract
County/ Flood Control Parcels 071-090-047; 071-090-048; 071-140-055; 071-140-060; 071-190-017	County of Santa Barbara/Santa Barbara County Flood Control	071-090-047: 7,431 sqft. 071-090-048: 2,118 sqft. 071-140-055: 1,120 sqft. 071-140-060: 631 sqft. 071-190-017: 322 sqft.	Secondary Use Agreement	12-01-23
US 101 (21.6) & SR 217 (1.0/2.2)	Caltrans	N/A	Encroachment Permit	02-20-24
US 101 (21.6) & SR 217 (1.0/2.2)	Caltrans	N/A	Encroachment Permit	1/15/24
071-010-010	Union Pacific Railroad	2,877 sqft. Permanent Easement 428 sqft. TCE	Construction and Maintenance Permit	TBD
071-010-011	Union Pacific Railroad	644 sqft. Permanent Easement 1009 sqft TCE	Construction and Maintenance Permit	TBD

The properties listed in the tables above are located along the proposed multipurpose path alignment. The properties are necessary to construct the Project. The Project has been designed to follow all state and local standards and minimize right of way impacts. The proposed project incorporates the use of retaining walls to minimize the surface area of adjacent properties impacted by construction.

The completed project will enhance bicycle and pedestrian access from northern Goleta to the southern portion of the City by connecting the existing multipurpose path system constructed by the County north of Calle Real to the Obern Trail system. The location of the Project was determined by the City to be the most beneficial and viable from a cost standpoint and an operationally effective option. The Project will close an important gap

in the regional active transportation network by connecting neighborhoods north of US 101 to Goleta Old Town, and south to the Obern Trail, Goleta Beach, UCSB and facilities to the east in the City and County of Santa Barbara. The Project removes barriers for bicyclists and pedestrian to travel north and south, such as crossing US 101, the Union Pacific Railroad tracks and San Jose Creek. The Project will improve deficiencies in Goleta's active transportation network by proving a safe direct connection to Goleta Old Town and services, shopping, education, employment and recreation to the north and south.

The Right of Way (ROW) Impact Exhibits in Attachment 2 show the location of the parcels and portions that are needed.

The acquisition of all the properties for the San Jose Creek Multipurpose Path – Northern and Southern Segments Project conform with the General Plan as they all facilitate the Project. The Project specifically addresses the following General Plan policies in Chapter 7.0 Transportation Element (TE):

- 7.2 Guiding Principles and Goals Item 6 - Create and maintain a balanced and diversified transportation system with choice of modes, including expanded bus transit, rail, bicycle, and pedestrian facilities, to manage congestion and improve mobility; and Item 7 - Improve connectivity between the various travel modes, including auto bicycle, and pedestrian facilities..
- 7.4 City Policies: General Plan Policy 1(TE 1): Integrated Multi-Modal Transportation System, Transportation Elements TE 1.1 which encourages the use of alternative modes of transportation include bicycling and walking; and TE 1.3 addressing improved connectivity in Street, Pedestrian and Bikeway systems, placing priority on creating additional non-interchange crossing of US 101 to connect the community from north to south. The Project provides a separated multipurpose path for active transportation users which will cross under US 101 and the UPRR tracks; removing vulnerable road users from high volume traffic interchanges and roadways.
- 7.4 City Policies; General Plan Policy 10 (TE 10): Pedestrian Circulation; Objective to encourage increased walking for recreational and other purposes by developing an interconnected, safe, convenient, and visually attractive pedestrian circulation system. TE 10.6 – Study of Grade-Separated Pedestrian Crossing of US-101 in Old Town. The project will provide a new undercrossing of both US 101 and the UPRR tracks.
- 7.4 City Policies; General Plan Policy 11 (TE 11): Bikeways Plan; Objective to encourage increased bicycle use for community and recreational purposes by developing an interconnected circulation system for bicycles that is safe, convenient, and within a visually attractive environment. TE 11.1 – Bikeways Plan Map; the project is included in Figure 7-6 which identifies locations of planned Class I, II, and III dedicated bike paths that are intended to serve as bike routes.

- 7.4 City Policies; General Plan Policy 15 (TE 15): Regional Transportation; Objective to participate in developing regional transportation solutions to expand choices for local citizens including creating an interconnected system of bicycle routes and trails. The Project will close the multipurpose path gap in the regional active transportation network, specifically between existing Class I bikeway facilities north of Calle Real to residential, commercial, and recreational areas south of US 101 and between South Kellogg Avenue and the existing Class I Atascadero Creek Bikeway facility. The project will comprise an important link in the regional active transportation network.

ENVIRONMENTAL REVIEW

The San Jose Creek Multipurpose Path Northern and Southern Segments Project has already secured environmental review through a Mitigated Negative Declaration under CEQA. The 65402 action does not require further CEQA approval.

SUMMARY AND CONCLUSION

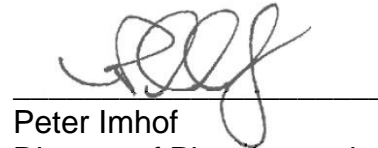
After review of the proposed acquisitions required to construct the San Jose Creek Multipurpose Path project, staff recommends that the Planning Commission adopt the attached Resolution memorializing the Planning Commission's report to the City Council that the proposed acquisition conforms with the General Plan.

Legal Review By:



Winnie Cai
Assistant City Attorney

Approved By:



Peter Imhof
Director of Planning and
Environmental Review

ATTACHMENTS:

1. A Resolution of the Planning Commission of the City of Goleta, California, Reporting that the Acquisition of Properties with Assessor Parcel Numbers 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 required for the San Jose Creek Multipurpose Path – Northern and Southern Segments Project is in Conformance with the Goleta General Plan/Coastal Land Use Plan Pursuant to Section 65402 of the Government Code
2. Right of Way Impact Exhibits

Attachment 1

A Resolution of the Planning Commission of the City of Goleta, California, Reporting that the Acquisition of Properties with Assessor Parcel Numbers 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 required for the San Jose Creek Multipurpose Path – Northern and Southern Segments Project is in Conformance with the Goleta General Plan/Coastal Land Use Plan Pursuant to Section 65402 of the Government Code

RESOLUTION NO. 25-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA, CALIFORNIA, REPORTING THAT THE ACQUISITION OF PROPERTIES WITH ASSESSOR PARCEL NUMBERS 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 REQUIRED FOR THE SAN JOSE CREEK MULTIPURPOSE PATH – NORTHERN AND SOUTHERN SEGMENTS PROJECT IS IN CONFORMANCE WITH THE GOLETA GENERAL PLAN/COASTAL LAND USE PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE

WHEREAS, the Goleta General Plan / Coastal Land Use Plan (General Plan) is a comprehensive, long-term plan that guides land use and physical development of the geographic area of the incorporated City of Goleta (City) limits; and

WHEREAS, the General Plan provides policy direction regarding land uses that are intended to serve the community based on the buildout of the community as anticipated by the General Plan through the year 2030; and

WHEREAS, the City has the ability to acquire, dispose of, vacate or abandon real property in conformance with its General Plan; and

WHEREAS, Government Code Section 65402(a) requires that no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, until the location, purposes and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the Planning Commission as to the conformity with the General Plan; and

WHEREAS, on October 4, 2022, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approved the Development Plan for the San Jose Creek Multipurpose Path – Northern and Southern Segments project; and

WHEREAS, on June 20, 2023, the City Council conducted a public hearing at which time all interested persons were given an opportunity to be heard; and adopted a Resolution identifying the necessity for the acquisition of properties Assessor Parcel Nos (APN's) 071-350-009; 071-090-074; 071-090-083; 071-090-082; and 071-200-011 required for the San Jose Creek Multipurpose Path – Northern and Southern Segments project; and

WHEREAS, on August 15, 2023 the City Council approved the execution of the Right of Way (ROW) Agreement including any required escrow transactional documents and authorized the City Clerk to accept the Easement Deed for Assessor Parcel Numbers (APN's) 071-350-009 and 070-090-083, and

WHEREAS, on September 19, 2023 the City Council approved the execution of the Right of Way (ROW) Agreement including any required escrow transactional documents and authorized the City Clerk to accept the Easement Deed for Assessor Parcel Number (APN) 071-090-074, and

WHEREAS, on May 21, 2024 the City Council approved the execution of the Right of Way (ROW) Agreement including any required escrow transactional documents and authorized the City Clerk to accept the Easement Deed for Assessor Parcel Numbers (APN's) 071-090-082 and 071-200-011 and the execution of a Right of Entry Permit for Assessor Parcel Number (APN) 071-200-011, and

WHEREAS, on March 10, 2025, the Planning Commission conducted a public meeting on the location, purpose, and extent of the acquisitions from Assessor Parcel Numbers (APN's) 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, acquisitions are required south of Calle Real and north of Armitos Avenue on the west side of San Jose Creek and on the east side of State Route 217 (SR 217) just north of the SR217 crossing of the San Jose Creek and consist of fee takes, permanent easements and temporary construction easements; and

WHEREAS, existing barriers such as US 101 and the Union Pacific Railroad inhibit active transportation travel and travel between areas north of US 101 and south to Goleta Old Town and gaps existing in the north south regional active transportation network; and

WHEREAS, the project, for the first time, will provide Goleta residents direct north-south access to services, educational, employment, and recreational opportunities, increase safety by providing an alternative path for vulnerable road users, reduces Vehicle Miles Traveled and greenhouse emissions by incentivizing and encouraging active transportation; and

WHEREAS, the General Plan includes in its policies the need to construct the San Jose Creek Multipurpose Path – Northern and Southern Segments Project to increase bicycle and pedestrian safety by providing a separated multipurpose path for vulnerable road users to close the gap in the regional active transportation network, specifically between existing Class I bikeway

facilities north of Calle Real to residential, commercial, and recreational areas south of US 101 and between South Kellogg Avenue and the existing Class I Atascadero Creek Bikeway facility, and that the purpose of the acquisitions of properties from 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 is to enable the construction of the multipurpose path; and

WHEREAS, the San Jose Creek Multipurpose Path Northern and Southern Segments Project (“Project”) will remove barriers to active transportation users and close an important gap in the regional active transportation network by connecting neighborhood north of US 101 to Goleta Old Town, and south to the existing Obern Trail, and the project will improve deficiencies in the City of Goleta’s (“City”) active transportation network by providing a safe direct connection to Goleta Old Town and services, shopping, education, employment and recreation to the north and south; the General Plan Transportation element TE 11 “Bikeways Plan” objective is to encourage increased bicycle use for commuting and recreational purpose by developing and interconnected circulation system for bicycles that is safe, convenient, and within a visually attractive environment; and

WHEREAS, the San Jose Creek Multipurpose Path – Northern and Southern Segments project is shown in the General Plan Figure 7-6: Bicycle Plan Map; and

WHEREAS, the Planning Commission has considered the entire administrative record, including the staff report and oral and written testimony from interested persons.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Goleta as follows:

SECTION 1. Recitals

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

SECTION 2. Reporting of Conformity and Report to the City Council

Pursuant to Section 65402 of the Government Code, the Planning Commission has evaluated the location, purpose, and extent of the acquisitions of property on APN’s 071-350-009; 071-090-074; 071-090-083; 071-090-082; 071-200-011 and finds that the location, purpose and extent of the acquisition conform to the General Plan, which supports the acquisitions for the purposes of construction the San Jose Creek Multipurpose Path – Northern and Southern Segments Project. The Planning Commission hereby directs staff to report this finding to the City

Council.

SECTION 4. Documents

The General Plan and other relevant materials are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 5. Certification

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 10th day of March 2025.

JENNIFER FULLERTON
CHAIR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

WINNIE CAI
ASSISTANT CITY ATTORNEY

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

I, DEBORAH LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 25-__ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 10th day of March 2025, by the following roll call vote of the Planning Commission:

AYES:

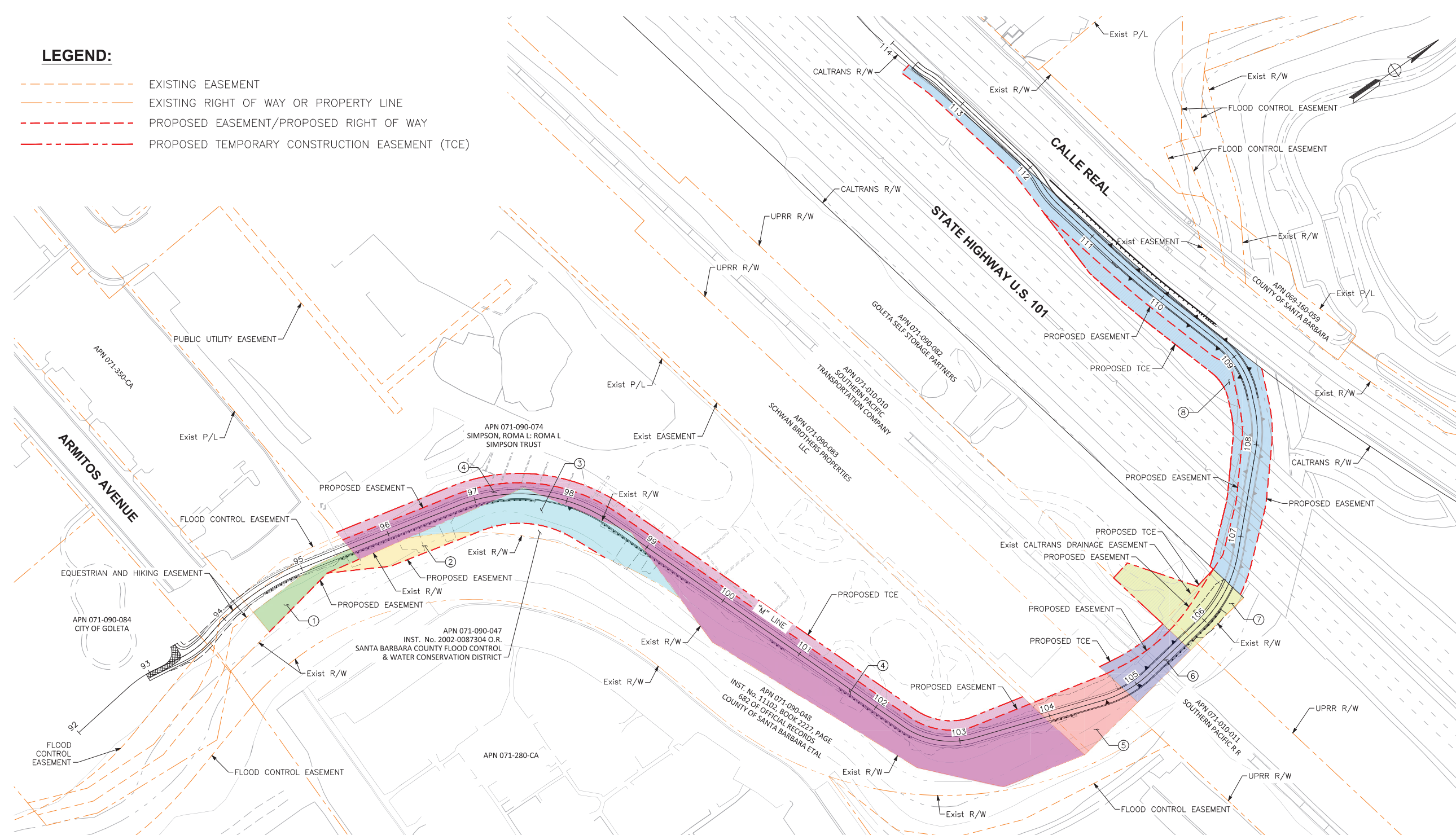
NOES:

ABSENT:

(SEAL)

DEBORAH LOPEZ
CITY CLERK

Attachment 2
ROW IMPACT EXHIBITS



LEGEND:

- EXISTING EASEMENT
- EXISTING RIGHT OF WAY OR PROPERTY LINE
- PROPOSED EASEMENT/PROPOSED RIGHT OF WAY
- PROPOSED TEMPORARY CONSTRUCTION EASEMENT (TCE)

#	APN	OWNER	EASEMENT		TCE	
			SQFT	ACRES	SQFT	ACRES
①	071-350-009	COMMON AREA	2,326	0.05	0	0.00
②	071-090-048	COUNTY OF SANTA BARBARA ETAL	2,118	0.05	0	0.00
③	071-090-047	SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT	7,431	0.17	0	0.00
④	071-090-074	SIMPSON, ROMA L; ROMA L SIMPSON TRUST	31,808	0.73	8,321	0.91
⑤	071-090-083	SCHWAN BROTHERS PROPERTIES LLC	5,027	0.12	0	0.00
⑥	071-010-010	SOUTHERN PACIFIC TRANSPORTATION COMPANY	2,848	0.07	825	0.02
⑦	071-090-082	GOLETA SELF STORAGE PARTNERS	2,923	0.07	3,285	0.08
⑧		CALTRANS	16,574	0.38	5,501	0.13

RIGHT OF WAY REQUIREMENTS EXHIBIT SAN JOSE CREEK MULTIPURPOSE PATH NORTHERN SEGMENT

SCALE: 1" = 40'

Dewberry
MARCH 2023

