



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Director

CONTACT: Lisa Prasse, Current Planning Manager
Kathy Allen, Supervising Senior Planner

SUBJECT: Second Reading of Proposed Ordinance adopting a Second Amendment to Development Agreement for SyWest/Goleta Gardens LLC, 907 South Kellogg Avenue, APN 071-190-035; Case No. 23-0002-ORD

RECOMMENDATION:

Conduct second reading (by title only) and waive further reading of Ordinance No. 23-____, entitled "An Ordinance of the City Council of the City of Goleta, California, Approving a Second Amendment to the Goleta Gardens LLC Development Agreement to Provide that the Term of the Development Agreement Must Not Extend Beyond the Date the Coastal Commission Certifies the City's Local Coastal Program or December 31, 2024, Whichever Occurs First; 907 S Kellogg Avenue; Case No. 23-0002-ORD."

PROPERTY OWNER/APPLICANT

Goleta Gardens, LLC
c/o Robert Atkinson
150 Pelican Way
San Rafael, CA 94901

BACKGROUND:

On September 5, 2023, the City Council introduced first reading of the Ordinance of the proposed second amendment to an existing Amended Development Agreement (DA) between the City of Goleta and the applicant, SyWest Development, that grants a license to the City to use a private access road to the San Jose Creek Channel in exchange for an extension of the deadline to use the City's former zoning ordinance (Article 35 Coastal Zoning Ordinance) to December 31, 2024 for review of the applicant's pending development proposal (Case No 17-121-DP-DRB).

On May 18, 2021, the City Council adopted Ordinance No.21-04 approving the DA in concept pending the Coastal Commission action as the project is in the Coastal Zone. On April 6, 2022, the Coastal Commission approved the DA with the condition to add that the

termination date does not extend beyond the date the City's Local Coastal Program is certified. On September 6, 2022, the City Council approved the first Amendment to the DA incorporating the Coastal Commission's condition.

DISCUSSION:

On September 5, 2023, the City Council introduced the attached DA Second Amendment Ordinance on first reading (Attachment 1), which provides that the term of the DA must not extend beyond the date the City's Local Coastal Program is certified or December 31, 2024, whichever occurs first.

Exhibit A to the City Council Ordinance provides the proposed Second Amendment to the DA for Goleta Gardens, LLC. The purpose of this second Amendment is to revise the existing Amended DA that grants a license to the City to use a private access road to the San Jose Creek Channel in exchange for an extension of the deadline to use the City's former zoning ordinance (Article 35 Coastal Zoning Ordinance) to December 31, 2024 for review of the applicant's pending development proposal (Case No 17-121-DP-DRB). The second Amendment, extending the term of the DA to December 31, 2024, would allow for the processing of the underlying development project to be completed, including environmental review, and the entitlement hearings to be held.

State law requires ordinances to come before the City Council a second time prior to their adoption. The City Council can adopt the Ordinance at this meeting.

FISCAL IMPACTS:

The review costs associated with this request are the responsibility of the applicant.

ALTERNATIVES:

Considering Council's introduction of the ordinance on September 5, 2023, alternatives include:

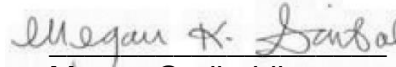
- 1) Amend the ordinance and reintroduce it and/or refer the matter back to the Planning Commission; or
- 2) Direct staff to return with further information; or
- 3) Take no action.

Each of these alternatives would prevent adoption at this time.

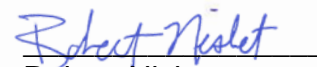
Reviewed By:


Kristine Schmidt
Assistant City Manager

Legal Review By:


Megan Garibaldi
City Attorney

Approved By:


Robert Nisbet
City Manager

ATTACHMENTS:

1. Ordinance to the City Council of the City of Goleta, California, Approving a Second Amendment to the Goleta Gardens LLC Development Agreement to Provide that the Term of the Development Agreement Must Not Extend Beyond the Date the Coastal Commission Certifies the City's Local Coastal Program or December 31, 2024, Whichever Occurs First; 907 S Kellogg Avenue; Case No. 23-0002-ORD.

Exhibit A – Second Amendment to Development Agreement By and Between City of Goleta and Goleta Gardens, LLC

Exhibit B – Notice of Exemption

ATTACHMENT 1
ORDINANCE NO. 23-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE GOLETA GARDENS LLC DEVELOPMENT AGREEMENT TO PROVIDE THAT THE TERM OF THE DEVELOPMENT AGREEMENT MUST NOT EXTEND BEYOND THE DATE THE COASTAL COMMISSION CERTIFIES THE CITY'S LOCAL COASTAL PROGRAM OR DECEMBER 31, 2024, WHICHEVER OCCURS FIRST; 907 S KELLOGG AVENUE; CASE NO. 23-0002-ORD.

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE GOLETA GARDENS LLC DEVELOPMENT AGREEMENT TO PROVIDE THAT THE TERM OF THE DEVELOPMENT AGREEMENT MUST NOT EXTEND BEYOND THE DATE THE COASTAL COMMISSION CERTIFIES THE CITY'S LOCAL COASTAL PROGRAM OR DECEMBER 31, 2024, WHICHEVER OCCURS FIRST; 907 S. KELLOGG AVENUE; CASE NO. 23-0002-ORD.

WHEREAS, on May 18, 2021, the City Council approved a Development Agreement with Goleta Gardens LLC (the "Development Agreement" or "DA") to grant the City a license to use a private access road to the San Jose Creek Channel in exchange for the City's extension of the deadline to use the City's former zoning ordinance (Article 35 Coastal Zoning Ordinance) to December 31, 2023, for review of the applicant's pending development proposal at 907 S. Kellogg Avenue (Case No 17-121-DP-DRB); and

WHEREAS, the California Coastal Commission approved the Development Agreement with a condition that the term of the Development Agreement, currently set to expire on December 31, 2023, must not extend beyond the date the Coastal Commission certifies the City's Local Coastal Program. Subsequently, the applicant submitted an application to amend the Development Agreement to implement the Coastal Commission's condition ("First Amendment"); and

WHEREAS, on July 25, 2022, the Planning Commission recommended that the City Council approve the First Amendment to the Development Agreement to set the term of the DA to December 31, 2023, or the adoption date of the City's Local Coastal Program, whichever occurred earlier; and

WHEREAS, on September 6, 2022, the City Council adopted the first Development Agreement Amendment to set the term of the DA to December 31, 2023, or the adoption date of the City's Local Coastal Program, whichever occurred earlier; and

WHEREAS, the applicant has been diligently processing its underlying project under a different case and will not be able to get the case to hearing by December 31, 2023, and the City's Local Coastal Program has not been approved yet; and

WHEREAS, on April 3, 2023, Robert Atkinson/SyWest Development (“applicant”) on behalf of Goleta Gardens LLC, owner of 907 S. Kellogg Avenue (Assessor Parcel Number 071-190-035) submitted an application for a second amendment to the Goleta Gardens LLC Development Agreement (the “Second Amendment”) with the City; and

WHEREAS, the application for Case No. 23-0002-ORD was deemed complete on June 8, 2023; and

WHEREAS the applicant seeks a one-year extension to the term of the Development Agreement so that the term of the Development Agreement is set to expire on December 31, 2024, or the adoption date of the City’s Local Coastal Program, whichever occurs earlier (“Second Amendment”); and

WHEREAS, Government Code Sections 65684 et seq. recognize an efficiency for development projects to rely on existing policies, rules and regulations, while also recognizing that development agreements can facilitate the provision of public facilities as part of new development; and

WHEREAS, Government Code Sections 65865 et seq. authorize local agencies to enter into Development Agreements with persons having legal or equitable development interests in real property located within that jurisdiction and provide guidance for adoption of development agreements by local agencies; and

WHEREAS, Chapter 17.65 of the Goleta Municipal Code establishes the process and findings for Development Agreements proposed within the City of Goleta; and

WHEREAS, on July 24, 2023, the Planning Commission conducted a noticed public hearing on the Second Amendment, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on July 24, 2023, the Planning Commission recommended the City Council approve the Second Amendment; and

WHEREAS, on August 18, 2023, the site was posted for the September 5, 2023, City Council meeting by the applicant (a minimum of 15 days prior to the City Council meeting); and

WHEREAS, on August 24, 2023, notice of the public hearing was published in the Santa Barbara Independent and notices were mailed to owners and occupants within 500 feet of the project site; and

WHEREAS, on September 5, 2023, the City Council conducted a duly noticed public hearing on the Second Amendment, at which time all interested persons were

given an opportunity to be heard; and

WHEREAS, the City Council considered the entire administrative record, including the staff report, the Draft Second Amendment and oral and written testimony from interested persons.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1: *Findings of Facts.* The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2: *Development Agreement Findings.* Pursuant to Goleta Municipal Code Section 17.65.040(C):

- A. The Second Amendment is consistent with the goals, objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan.

The Development Agreement facilitates the ability of the City of Goleta and other local agencies to access and maintain the lower San Jose Creek Channel, a major flood control channel and public works project called out to be completed in the City's General Plan, consistent with the City of Goleta General Plan, Conservation Element policies 1.10, 2.5, and 2.6. The Second Amendment would change the date of the termination clause to either be at the time the Local Coastal Program is certified by the California Coastal Commission or December 31, 2024, whichever occurs first. This clarification on timing does not change the Development Agreement's consistency with the goals, objectives, and policies of the General Plan. Instead, it allows for time to complete the preparation of the applicant's pending project Environmental Impact Report (EIR) and conduct the associated public hearings.

- B. The Second Amendment is or will be compatible with the uses authorized in this Title, the district, and any applicable Specific Plan in which the property is located.

The Second Amendment does not affect the uses allowed or conditionally allowed as provided for in the applicable Service Industrial (I-S) land use designations. Further, the purpose of the Second Amendment is to clarify the duration of the term of the Development Agreement to terminate either on the date the California Coastal Commission certifies the City of Goleta's Local Coastal Program or December 31, 2024, whichever occurs first.

- C. The Second Amendment will provide substantial public benefits.

The Second Amendment to the DA does not change the previously identified public benefits as adopted in Ordinance 21-04, which is incorporated herein by reference.

The DA grants a license agreement by Goleta Gardens LLC to allow the City and County Flood Control District to access the San Jose Creek Channel. The City and Flood Control District would be able maintain the creek channel and provide flood protection to the surrounding properties and area. As stated, the purpose of the Second Amendment is to clarify that the term of the Development Agreement either terminates on the date the California Coastal Commission certifies the City of Goleta Local Coastal Program or December 31, 2024, whichever occurs first.

- D. The Second Amendment will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood, and to property and improvements in the neighborhood.

The Second Amendment does not pose public health, safety and general welfare concerns to the surrounding neighborhood or residents near the project site in that it only authorizes the time for the review of the proposed development application using the previous zoning standards and process. As stated above, the Second Amendment has the effect of protecting the public health, safety, and general welfare of persons in the neighborhood because it allows the City and County Flood Control District the right to access the San Jose Creek Channel to maintain it and provide flood protection.

- E. The Second Amendment complies with the provisions for the implementation of the California Environmental Quality Act.

The Second Amendment complies with the provisions for implementation of the California Environmental Quality Act (CEQA) and can be found exempt per CEQA Guidelines 15061(b)(3). The Second Amendment does not involve physical development of the property at issue, nor does it approve the underlying development project, which will undergo its own process under CEQA and be subject to the full entitlement process under the City's zoning regulations.

SECTION 3: *Environmental Assessment for the Second Amendment.* The City Council makes the following environmental findings:

- A. The Second Amendment was analyzed for its potential environmental impacts and is exempt pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.; "CEQA") and CEQA Guidelines (14 Cal. Code Regs. Sections 15000 et seq.). Specifically, the project is statutorily exempt from environmental review pursuant to the following CEQA Guidelines: no possibility of significant effect [Section 15061 (b)(3)]; the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment [Section 15060(c)(2)].
- B. There is substantial evidence in the record showing that the Exemption is appropriate for the Second Amendment.

C. A Notice of Exemption was prepared in full compliance with CEQA.

SECTION 4: *Actions.* The City Council take the following actions:

A. Approve the Second Amendment to the Development Agreement by and between the City of Goleta and Goleta Gardens, LLC for the property located at 907 S Kellogg provided as Exhibit A to this Ordinance based on the findings provided in Sections 1-4 above.

B. Direct staff to file the Notice of Exemption (NOE) within five (5) business days after Council action.

SECTION 5: *Reliance on Record.* Each and every one of the findings and determinations of this Ordinance is based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the second Amendment to the DA. 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 6: *Repeals.* To the extent any provision of this Ordinance repeals or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or precluded prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repeal or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: *Limitations.* The City Council's analysis and evaluation of the second Amendment to the DA is based on the best information currently available. It is inevitable that, in evaluating a project, absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the Development Agreement Second Amendment and Project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions.

SECTION 8: *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 9: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and, to this end, the provisions of this Ordinance are severable.

SECTION 10: *Mailing to Applicant.* The City Clerk is directed to mail a copy of this Ordinance to The Goleta Gardens LLC and to any other person requesting a copy.

SECTION 11: *Certification of City Clerk.* The City Clerk shall certify to the passage and adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 12: *Effective Date.* This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ____ day of ____ 2023.

PASSED, APPROVED, AND ADOPTED this ____ day of ____ 2023.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

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 Ordinance No. 23-__ was introduced on_____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____ day of _____, 2023 by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 1, EXHIBIT A

Second Amendment to Development Agreement

By and Between

City of Goleta and Goleta Gardens, LLC

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT BY AND

BETWEEN CITY OF GOLETA

AND

GOLETA GARDENS LLC

THIS SECOND AMENDMENT (“Second Amendment”) by and between the CITY OF GOLETA, a municipal corporation (the “City”), and GOLETA GARDENS LLC, a California limited liability corporation (“Goleta Gardens” or “Owner”) (together “Parties”) to the DEVELOPMENT AGREEMENT between the Parties which was approved by the City Council on May 18, 2021 (“Original Development Agreement”) and amended by the City Council on September 6, 2022 (“First Amendment”).

RECITALS

- A. Goleta Gardens is the owner of a 11.71-acre parcel of real property designated as APN 071-191-035-00 and located at 907 S. Kellogg Avenue in the City of Goleta, California (“Property”). A legal description of the Property is attached hereto as **Exhibit A**.
- B. The City Council approved the Original Development Agreement on May 18, 2021, that among other things set the term of the Development Agreement to December 31, 2023.
- C. The City Council approved the First Amendment to the Original Development Agreement on September 6, 2022, to incorporate a condition that the California Coastal Commission imposed in its approval of the Original Development Agreement that the term not exceed the adoption date of the City’s Local Coastal Program. The First Amendment set the term of the Development Agreement to December 31, 2023, or the adoption date of the City’s Local Coastal Plan, whichever occurred earlier.
- D. Owner has been diligently processing its underlying project under a different permit application and will not be able to get the case to hearing by December 31, 2023, and the City’s Local Coastal Program has not been approved yet.
- E. Goleta Gardens now seek a one-year extension to the term of the Development Agreement so that the term of the Development Agreement is set to expire on December 31, 2024, or the adoption date of the City’s Local Coastal Program, whichever occurs earlier (“Second Amendment”).
- F. On April 13, 2023, the Coastal Commission staff indicated via email that the Coastal Development Permit issued for the Development Agreement would not need to be amended to extend the term of the Development Agreement to December 31, 2024, or the date the Coastal Commission certifies the City’s Local Coastal Program, whichever occurs first.

- G. The terms and conditions of this Second Amendment have been found by the City to be fair, just, and reasonable.
- H. The public health, safety, and welfare of the citizens of the City will be served by entering into this Second Amendment by virtue of the Owner's commitment to license the City's and SBFCD's use of the Creek Access Road during the term of the Development Agreement and a conditional commitment to convey an easement to the City and SBFCD.
- I. This Second Amendment will bind future City Councils to the terms and obligations specified in this Amendment and limit, to the degree specified in this Amendment, the future exercise of the City's ability to regulate development on the Property.
- J. This Second Amendment will serve to implement the policies, objectives, and standards of the elements of the City of Goleta General Plan and is consistent with the General Plan.
- K. This Second Amendment and the consent of Owner and City to each of its terms and conditions will eliminate uncertainty in planning and provide for the orderly development of the Property and generally serve the public interest.
- L. On July 6, 2023____, the site was posted for the July 24, 2023, Planning Commission meeting by the applicant (a minimum of 15 day prior to the Planning Commission meeting);
- M. On July 13, 2023, notice of the public hearing was published in the Santa Barbara Independent and notices were mailed to owners and occupants within 500 feet of the project site; and
- N. On July 24, 2023, the Planning Commission conducted a duly noticed public meeting on the Goleta Gardens LLC Development Agreement, at which time all interested persons were given an opportunity to be heard; and
- O. On July 24, 2023, the Planning Commission considered the entire administrative record, including the staff report, the Draft Second Amendment to the Original Development Agreement and oral and written testimony from interested persons and on a ____ vote, recommended/did not recommend adoption to the City Council.
- P. On____ 2023, the City Council conducted a duly noticed public meeting on the Goleta Gardens, LLC Development Agreement, at which time all interested persons were given an opportunity to be heard and considered the entire administrative record, including the staff report, the Draft Second Amendment to the Original Development Agreement and oral and written testimony from interested persons.

SECOND AMENDMENT TO ORIGINAL DEVELOPMENT AGREEMENT

NOW THEREFORE, in consideration of the above recitals, the mutual covenants and conditions herein contained, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agrees as follows:

SECTION 1. DEFINITIONS

For purposes of this Amendment, except as otherwise expressly provided or unless the context otherwise requires:

- a) "Original Development Agreement" means this Development Agreement by and between the City and Owner, approved by City Council on May 18, 2021.
- b) "Approval Date" means the date on which the Approval Ordinance for the Second Amendment is adopted by the City Council.
- c) "Approval Ordinance" means Ordinance No. _____, adopted by the City Council of the City on _____, approving this Second Amendment.
- d) "CEQA" means the California Environmental Quality Act, Section 21000, et seq., of the California Public Resources Code.
- e) "City" means the City of Goleta, California.
- f) "City Council" means the City Council of the City of Goleta.
- g) "Code" means the Municipal Code of the City of Goleta.
- h) "Commencement Date" means that date which is 30 days following the Approval Date, provided, however, (i) if the Approval Ordinance is made the subject of a referendum, the Commencement Date shall be the date when the referendum proceedings have been concluded by any process which results in the Approval Ordinance, and (ii) if litigation challenging the validity of the Original Development Agreement (with the Amendment) and/or environmental review pursuant to CEQA should be brought after the Approval Date, the Commencement Date shall be the date such litigation is concluded in a manner that permits the commencement or continuation of the parties' rights and obligations under the Original Development Agreement
- i) "Development Agreement Act" means Section 65864 et seq., of the California Government Code.
- j) "First Amendment" means the Development Agreement as amended by ordinance approved by City Council on September 6, 2022.
- k) "Owner" means Goleta Gardens LLC, a California limited liability corporation and each of its respective successors and assigns to all or any portion of the Property

during such time as such portion is subject to the Original Development Agreement. Goleta Gardens represents that it is the legal owner of the entire Property as of the date of adoption of the Approval Ordinance.

- l) "Term" means the term of the Original Development Agreement, as amended in this Amendment.
- m) "Zoning Ordinance" means the comprehensive Zoning Ordinance of the City, found in Title 17 of the Code of the City of Goleta as it exists on the Approval Date.

SECTION 2. SECOND AMENDMENT TO ORIGINAL DEVELOPMENT AGREEMENT

(1) Section 7.01 of the Original Development Agreement shall be amended to read in its entirety: "Term. This Agreement shall terminate on December 31, 2024, except to the extent that (i) it has been extended by written instrument executed by the Parties, or (ii) the "Commencement Date" has been delayed as a result of referendum proceedings or litigation as set forth in Section 1(h). This Agreement, including any extensions, shall terminate no later than the date that a coastal land use plan for the City is effectively certified by the Coastal Commission."

IN WITNESS WHEREOF, the parties have each executed this Amendment on the date first written above.

(signatures on next page)

CITY OF GOLETA

GOLETA GARDENS, LLC
A Limited Liability Corporation

By:

Robert Nisbet, City Manager

By:_____
William Vierra, Senior Vice President

ATTEST

By:_____

Deborah Lopez, City Clerk

APPROVED AS TO FORM:

By:_____

Megan Garibaldi City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

Legal Description FOR APN/Parcel ID(s): 071-190-035

Parcel "B" of Parcel Map No. 11950, in the City of Goleta, County of Santa Barbara, State of California, in Book 13, Page 58 of Parcel Maps, in the Office of The County Recorder of said County

ATTACHMENT 1, EXHIBIT B

Notice of Exemption

NOTICE OF EXEMPTION (NOE)

To: ☐ Office of Planning and Research
P.O. Box 3044, 1400 Tenth St. Rm. 212
Sacramento, CA 95812-3044

☒ Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117



Subject: Filing of Notice of Exemption

Project Title:

Goleta Gardens LLC Development Agreement Amendment
Case No. 23-0002-ORD

Project Applicant:

Goleta Gardens LLC

Project Location (Address and APN):

907 S. Kellogg Avenue
Goleta, CA 93117
County of Santa Barbara
APN 071-190-035

Description of Nature, Purpose and Beneficiaries of Project:

The Goleta Gardens LLC (SyWest as agent) is requesting approval for a second amendment to an existing Development Agreement (DA) that grants a license to the City to use a private access road to the San Jose Creek Channel in exchange for an extension of the deadline to use the City's former zoning ordinance (Article 35 Coastal Zoning Ordinance) to December 31, 2023 for review of the applicant's pending development proposal (Case No 17-121-DP-DRB). The proposed second amendment would extend the DA term to December 31, 2024, or the adoption date of the City's Local Coastal Program, whichever occurs first.

The beneficiaries of the projects are the property owner and the City of Goleta.

Name of Public Agency Approving the Project:

Goleta City Council

Name of Person or Agency Carrying Out the Project:

Goleta Gardens LLC

NOTICE OF EXEMPTION (NOE)

Exempt Status: *(check one)*

- ☐ Ministerial (Sec. 15268)
☐ Declared Emergency (Sec. 15269)
☐ Emergency Project (Sec. 15269)
☒ Statutory Exemption/Other: §15061.B.3 & §15060.C.2

Reason(s) why the project is exempt:

Pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 et seq.), and the City's Environmental Review Guidelines, the project has been found to be exempt from CEQA and a Notice of Exemption is proposed. The City of Goleta is acting as the Lead Agency for this project.

The Development Agreement Second Amendment complies with the provisions for implementation of the California Environmental Quality Act (CEQA) and can be found exempt per CEQA Guidelines 15061(b)(3). The Development Agreement Second Amendment does not involve physical development of the property, nor does it approve the underlying project (Case No. 17-121-DP-DRB), which will undergo its own process under CEQA and be subject to the full entitlement process under the City's zoning regulations. Therefore, the Development Agreement Second Amendment is statutorily exempt from environmental review pursuant to CEQA guidelines: no possibility of significant effect [Section 15061(b)(3); and the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment [Section 15060(c)(2)].

City of Goleta Contact Person, Telephone Number, and Email:

Kathy Allen, Supervising Senior
Planner (805) 961-7545,
kallen@cityofgoleta.org

| Name | Title | Date |
|------|-------|------|
|------|-------|------|

If filed by the applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project?
☐ Yes ☐ No

Date received for filing at OPR: _____

Note: Authority cited: Section 21083 and 211110, Public Resources Code
Reference: Sections 21108, 21152.1, Public Resources Code