# Los Carneros ROW and Heritage Ridge Apartments



## Overview of Easements Currently Held by City on Heritage Ridge Property

- Old LCR Alignment: Remnant ROW of former alignment of Los Carneros Road. LCR was realigned approx. 1990
- ▶ 50' Landscaping Easement: Imposed in 1980s as part of Raytheon and Los Carneros Community Specific Plans. These SPs no longer exist. Heritage Ridge, L.P. (Applicant) now owns LCC property

- 1983-84: County conducted planning exercise for Raytheon and Los Carneros Community properties
- Entire LCR corridor planned for industrial uses
- County knew that LCR was going to be realigned shortly
- 1983-84: County adopted Specific Plans for Raytheon and Los Carneros Community properties

- ▶ It was the two properties that made LCR realignment possible:
  - Raytheon contributed \$ and new ROW; County deeded back all interest in old LCR alignment
  - Los Carneros Community contributed \$ and new ROW; County deeded back fee but kept easement because realignment had not yet occurred
  - Property Exchange Agreement between County and LCC stated that, after realignment, hearing would be held to "abandon or vacate the public road easement retained" by the County

- ▶ In 1990 Los Carneros Road was realigned.
- In an omission, County never calendared the hearing to deed back the easement for old alignment
- Applicant bought the LCC property after realignment
- City of Goleta stepped into County's shoes upon incorporation, but has not yet calendared hearing to deed back easement

- What is current status of old LCR ROW alignment?
  - all pavement and improvements removed by County
  - no maintenance performed by County or (since 2002) by City
  - old alignment is completely fenced off
  - No City of Goleta maps show the old LCR alignment as a public road
  - Old LCR alignment has been completely abandoned for almost 30 years

### 50' Landscape Easement

- ▶ 1983-84: Raytheon and Los Carneros Community Specific Plans each required 50' Landscape Easement on each side of LCR
- Purpose was to buffer visual impact of industrial development
- City of Goleta General Plan in 2006 changed land uses of both properties to Residential – "industrial" buffer no longer needed

### 50' Landscape Easement

- Goleta City Council rescinded both Specific Plans
  - Los Carneros Community SP in 2012 and Raytheon Specific Plan in 2014
- In doing so, City Council made findings that old SPs are outdated
- No 50' landscape easement was required on west side of LCR when City Council approved the Villages at Los Carneros project in 2014
- No City regulation requires 50' landscape easement on east side of LCR

### Is There Any Basis for City to Continue to Hold These Easements?

- Old LCR Alignment Easement
  - Property Exchange Agreement memorializes agreement to deed easement back to owner
  - Old ROW has been abandoned for nearly 30 years
- ▶ 50' Landscape Easement
  - ► The Specific Plan which authorized this easement on applicant's property has been rescinded
  - City rescinded the Raytheon SP and its 50' landscaping easement when City approved the VLC project
  - In any event, City can't use a landscaping easement for ROW purposes

# Processing of Heritage Ridge Project

- Applicant began meeting with City staff in 2012
- Project application filed in 2013
- Application included request that City abandon old LCR ROW and 50' easement
- City deemed this application complete in 2014
- Project is long overdue for permit hearings

### Overview of Easements Recap

- Old LCR ROW easement must be returned
  - Legal agreement binds City
  - Old ROW has been abandoned for nearly 30 years
  - ▶ If City refuses to return old ROW, what owner in the future will ever agree to a property exchange with City?
- 50' landscape easement has no policy basis, and can't be used for ROW
- Heritage Ridge project processing cannot be further delayed

# Los Carneros Road Current Condition



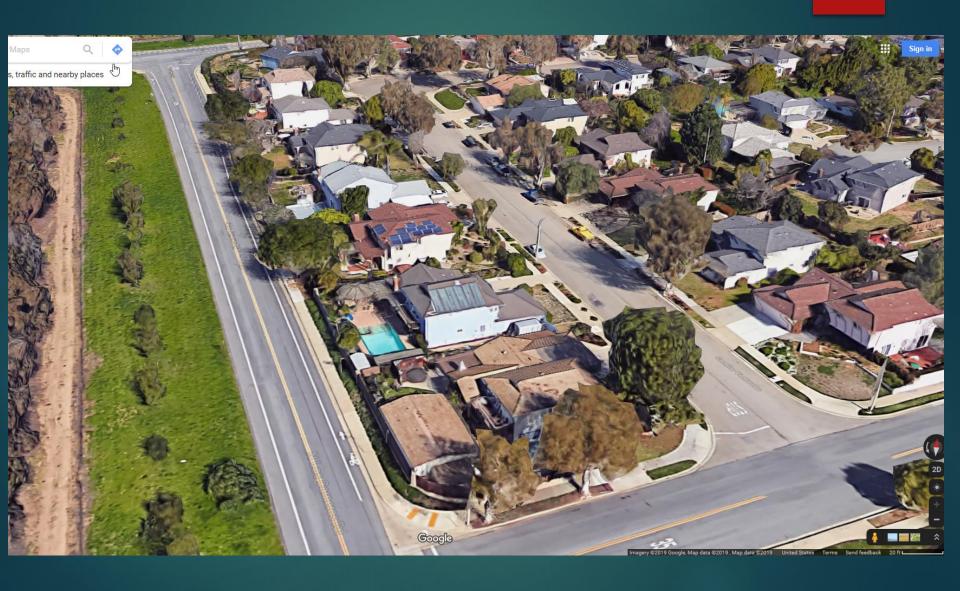
### **Dangerous Pedestrian Crossing**



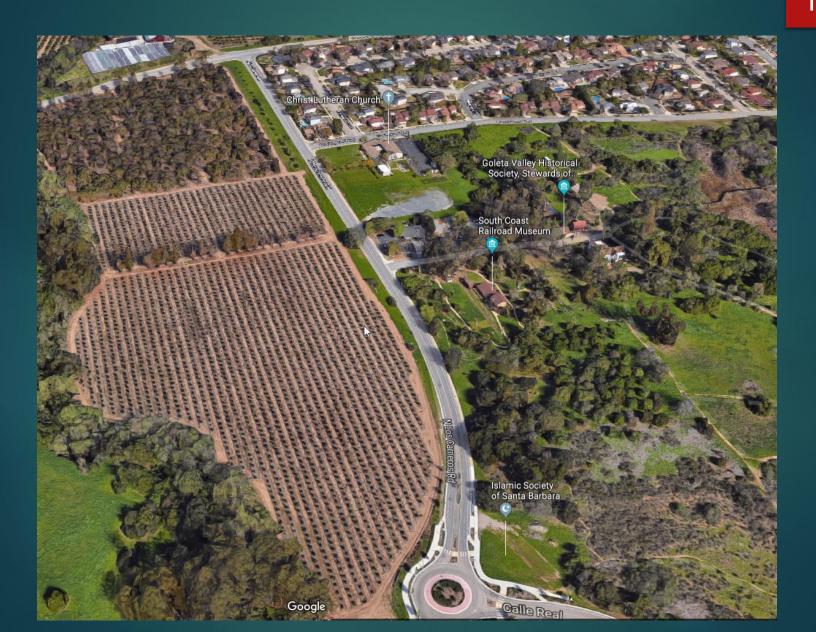
### Lack of Available Land



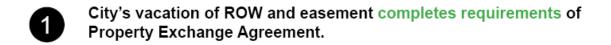
### Neighborhood Impact



### A Feasible Alternative



### Los Carneros ROW Collaborative Accomplishments





Property owner agrees to offer additional ROW as requested by Public Works Director.



ROW offer includes strip of land not currently available for use by City.



- Property owner ROW offer accontmodates:
  - GTIP Projects R-13, R-18, and I-20.
  - Class II, Class IV or modified Class I bike lanes (consistent with Bicycle Master Plan).



GTIP and bike lane plans includes collaborative efforts with Public Works, MNS Engineers, and property owner's civil engineer.



Property owner responsible for landscaping and maintaining slope/ landscape easement to be vacated.



Property owner completed outreach with Goodland Coalition.



Vacation facilitates further public input through PC and Council hearings on Heritage Ridge project.

