



TO: Mayor and Councilmembers

FROM: Peter T. Imhof, Planning and Environmental Review Director

CONTACT: Anne Wells, Advance Planning Manager

SUBJECT: Public Hearing to Consider Case No. 19-135-GPA: Initiation of a General Plan Amendment to Consider Amending the Streamside Protection Areas Buffer Policy, Sub-policy CE 2.2

RECOMMENDATION:

Adopt Resolution No. 20-____, entitled "A Resolution of the City Council of the City of Goleta, California, Initiating the Processing of a City-Requested General Plan Amendment to Consider Amending Conservation Element Subpolicy CE 2.2: Streamside Protection Areas."

BACKGROUND:

The City's first General Plan/Coastal Land Use Plan (General Plan) was adopted on October 2, 2006 and became effective on November 1, 2006. The General Plan governs land use and physical development within the City and establishes policy direction for the City's growth. The General Plan includes land use, open space, conservation, safety, visual and historic resources, transportation, public facilities, noise, and housing elements, all of which have implications for land use planning and zoning. The policies of the Conservation Element are designed to preserve and protect Goleta's environmental resources, including valuable habitat areas, to the maximum extent feasible while allowing reasonable development in conformance with the provisions of the Land Use Element. The Conservation Element includes fifteen policies for these purposes. Most pointedly, Conservation Element Policy CE 2: Protection of Creeks and Riparian Areas seeks to enhance, maintain, and restore the biological integrity of creek courses and their associated wetlands and riparian habitats as important natural features of Goleta's landscape.

General Plan Amendments

The General Plan amendment process is governed by Article 6 of State Planning and Zoning Law (Government Code Section 65350 et seq.). Pursuant to State law, General Plan amendments require the Planning Commission's consideration and

recommendation. The final decision is a legislative action and is reserved for the City Council to make.

City Council Resolution 12-13 established procedures for the initiation of processing requests for General Plan amendments. These procedures require that all requests for General Plan amendments be referred to the City Council for initiation at a public hearing prior to processing. Resolution 12-13 provides five factors the City Council must consider for the initiation of a General Plan amendment. These five factors are:

- The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;
- The amendment proposed appears to have no material effect on the community or the General Plan;
- The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;
- Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or
- The amendment proposed is required under other rules or regulations.

Once initiated, the General Plan amendment and related environmental document are prepared and considered by the Planning Commission and a recommendation is made to the City Council via resolution. The City Council takes final action at a second public hearing. The most recent amendment occurred on December 3, 2019, adding rental units to the City's inclusionary housing policy.

DISCUSSION:

The General Plan Conservation Element includes Policy CE 2.2: Streamside Protection Areas. This policy establishes a streamside protection area (SPA) buffer along both sides of City creeks. The purpose of the designation is to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The policy currently states the size of the required buffer, 100 feet, and identifies under what situations a reduction in the buffer may be allowed. Policy CE 2.2 was originally adopted in 2006 and was amended twice in 2009 (see Attachment 2). More recently, through the New Zoning Ordinance adoption process, concern was expressed about the application of CE 2.2, with a Council request to reconsider the language of this policy.

The General Plan amendment initiation requested would authorize staff to process and propose revisions to CE 2.2 and any other related policies to articulate the City's policy intent with respect to the protection of streamside buffer areas. The City is presently undertaking preparation of a Creek and Watershed Management Plan, which may help inform development of revised policy wording. Staff's informal consultation with Coastal Commission staff preliminary to submittal of a Local Coastal Program for Coastal Commission certification may also inform development of revised policy wording.

As noted previously in this staff report, Council must consider a specific set of factors when determining whether to initiate a General Plan amendment. Pursuant to Resolution 12-13, staff presents the following discussion of the General Plan amendment initiation factors for Council consideration:

- It is anticipated that the proposed amendment will be consistent with the Guiding Principles and Goals of the General Plan. In particular, the proposed amendment conforms to Conservation Element Guiding Principles and Goals to “[p]rotect, maintain, and enhance natural ecosystem processes and functions in Goleta and its environs in order to maintain their natural ecological diversity” and to “[p]reserve, restore, and enhance the physical and biological integrity of Goleta’s creeks and natural drainages and their associated riparian and creekside habitats”;
- It is anticipated that the proposed amendment will have no material effect on the community or the General Plan because the potential amendment would not allow for greater or more dense development than already envisioned in the General Plan;
- The proposed amendment would potentially provide public benefit to the community through requiring clearer protection of environmentally sensitive habitat in and adjacent to the City’s creeks;
- The proposed amendment would be unlikely to alter the demand for public facilities because the policy change would not allow for greater or more intense development than is already envisioned in the General Plan; and
- The amendment proposed is not required under other rules or regulations.

The initiation of a General Plan Amendment is not a project under the California Environmental Quality Act (CEQA). The initiation merely instructs staff to further consider the amendment and does not obligate the City to any further action in the future and does not result in any direct physical change in the environment or any reasonably foreseeable change in the environment.

FISCAL IMPACTS:

The fiscal impacts of Council’s direction to initiate the processing of possible, future General Plan amendments would be the staff time needed in preparation of said amendments. This General Plan amendment is contemplated in the FY 19-20 Annual Work Program for the Planning and Environmental Review Department and staff time for processing this amendment was included in the current year budget.

ALTERNATIVES:

The City Council has the prerogative to initiate or not to initiate processing of the General Plan amendment. If not initiated, the General Plan will remain unchanged and the City will continue applying CE 2.2 as currently written. If initiated, City staff will proceed with analysis and evaluation, including environmental review, and return with possible amendments for Planning Commission's consideration and recommendation to the City Council for final action.

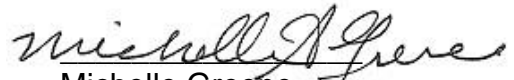
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution No. 20-____, entitled "A Resolution of the City Council of the City of Goleta, California, Initiating the Processing of a City-Requested General Plan Amendment to Consider Amending Conservation Element Subpolicy CE 2.2: Streamside Protection Areas"
2. Conservation Element Subpolicy CE 2.2 – Existing and Historic Versions

Attachment 1

**Resolution No. 20-____, entitled
“A Resolution of the City Council of the City of Goleta, California,
Initiating the Processing of a City-Requested General Plan
Amendment to Consider Amending Conservation Element Subpolicy
CE 2.2: Streamside Protection Areas”**

RESOLUTION NO. 20- _

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, INITIATING THE PROCESSING OF A CITY-REQUESTED GENERAL PLAN AMENDMENT TO CONSIDER AMENDING CONSERVATION ELEMENT SUBPOLICY CE 2.2: STREAMSIDE PROTECTION AREAS

WHEREAS, the Goleta General Plan / Coastal Land Use Plan (General Plan) is the City's official policy that guides land use and physical development of the geographic area of the incorporated City limits; and

WHEREAS, California Government Code Section 65350 et seq., authorizes cities and counties to prepare, adopt and amend General Plans and their elements; and

WHEREAS, California Government Code, Section 65358(a) reads, "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment"; and

WHEREAS, City Council Resolution No. 12-13 establishes a procedure for the initiation of processing of requests for a General Plan Amendment; and

WHEREAS, City Council Resolution No. 12-13 requires the City Council to consider certain factors for the initiation of General Plan amendments, including consistency with the Guiding Principles and Goals of the General Plan, consistency with the surrounding community or General Plan, possible public benefits, the availability of public services, or rules or regulations that may drive the need to amend the General Plan; and

WHEREAS, the General Plan Conservation Element Policy includes a policy detailing the required buffers adjacent to creeks as Policy CE 2.2; and

WHEREAS, the City Council conducted a duly noticed public hearing on January 21, 2020, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council considered the entire administrative record, including staff reports, the General Plan, and oral and written testimony from interested persons.

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

SECTION 1.

The City Council makes the following findings regarding the initiation factors outlined in City Council Resolution No. 12-13:

- (a) It is anticipated that the proposed amendment will be consistent with the Guiding Principles and Goals of the General Plan. In particular, the proposed amendment conforms to Conservation Element Guiding Principles and Goals to “[p]rotect, maintain, and enhance natural ecosystem processes and functions in Goleta and its environs in order to maintain their natural ecological diversity” and to “[p]reserve, restore, and enhance the physical and biological integrity of Goleta’s creeks and natural drainages and their associated riparian and creekside habitats”;
- (b) It is anticipated that the proposed amendment will have no material effect on the community or the General Plan because the potential amendment would not likely allow for greater or more dense development than already envisioned in the General Plan;
- (c) The proposed amendment would potentially provide public benefit to the community through clearer protection of environmentally sensitive habitat in and adjacent to the City’s creeks;
- (d) The proposed amendment would be unlikely to alter the demand for public facilities because the policy change would not likely allow for greater or more intense development than already envisioned in the General Plan; and
- (e) The amendment proposed is not required under other rules or regulations.

The foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2.

The City Council hereby initiates processing of the proposed General Plan Amendment to Policy CE 2.2: Streamside Protection Areas and to any other policies as needed. The initiation of the General Plan Amendment does not suggest how the City may ultimately act on the General Plan Amendment when it is brought forward for City Council consideration. The initiation of the General Plan Amendment shall not influence the City Council’s consideration of the General Plan Amendment.

SECTION 3.

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 21st day of January, 2020.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
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. 20-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 21st day of January, 2020 by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 2

Conservation Element Subpolicy CE 2.2 – Existing and Historic Versions

2006 Original General Plan

CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the streamside protection area in a natural state in order to protect the associated riparian habitats and ecosystems. The streamside protection area shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the streamside protection area shall be as follows:

- a. In areas where land has already been fully subdivided and developed, the SPA shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. Exceptions may be allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer if: (1) there is no feasible alternative siting for the development that will avoid the SPA; (2) the new development will not extend into the ESHA, and the resulting buffer will not be less than 25 feet; and (3) the new development will not encroach further into the SPA than the existing development on the parcel.
- b. In all other instances, the SPA shall not be less than 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater.
- c. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.

As revised through Resolution 09-30

CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer shall be as follows:

- a. In areas where land has already been fully subdivided and developed, the SPA upland buffer shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater. Exceptions may be allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer, only if:
 - (1) there is no feasible alternative siting for the development that will avoid the SPA;
 - (2) the new development will not extend into an ESHA, and the resulting buffer will not be less than 25 feet; and
 - (3) the new development will not encroach further into the SPA than the existing development on the parcel.
- b. In all other instances, the SPA upland buffer shall not be less than 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater. If there is no feasible alternative siting for the development that will avoid the SPA, the City may consider changing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. Based on a site-specific assessment, the City may designate portions of an SPA upland buffer to be less than or greater than 100 feet wide, but not less than 50 feet, only if:
 - (1) substantial beneficial environmental improvements to the creek, its SPA, and/or related ESHAs are to be made as part of the project;
 - (2) the new development will not extend into an ESHA, and the resulting buffer will not be less than 50 feet; and
 - (3) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.
- c. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.

Existing CE 2.2 Policy (As revised through Resolution 09-59)

CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer shall be as follows:

- a. The SPA upland buffer shall be 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The City may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The City may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.
- b. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.