

**APPENDIX A  
COMMENTS RECEIVED ON THE 2014  
SHELBY GENERAL PLAN AMENDMENT  
SUPPLEMENTAL DRAFT EIR**





## Environmental Hearing Officer MINUTES

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**WEDNESDAY, May 22, 2014, 5:30 P.M.**

**GOLETA CITY HALL  
130 CREMONA DRIVE, SUITE B, GOLETA, CALIFORNIA**

**Environmental Hearing Officer**  
Jennifer Carman  
Director of Planning and Environmental Services

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- In compliance with the Americans Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (805) 961-7505. Notification at least 48 hours prior to the meeting will enable the City staff to make reasonable arrangements.

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### **A. CALL MEETING TO ORDER**

The meeting was called to order by Jennifer Carman, Environmental Hearing Officer, at 5:30 p.m. She announced that Shelby Residential Project hearing is comprised of two separate EIRs: the Draft Environmental Impact Report for the Shelby Residential Project and the Draft Supplemental Environmental Impact Report for the Shelby General Plan Amendment.

### **B. PUBLIC HEARING**

**Shelby Residential Project, 7400 Cathedral Oaks Road, Goleta, CA; APN 077-530-019; Case No. 05-154-OA-RZ-VTM-DP**

The project includes a subdivision for 64 lots on a 14.38-acre parcel and development of 60 single-family residences. A retention/detention basin is proposed in the southwest corner of the parcel, and a new storm drain would be installed. Runoff would drain into El Encanto Creek, located to the west of the project site. Additional improvements would consist of a community picnic area, an asphalt walking trail, an open turf area, and a children's tot lot. Infrastructure improvements would include a looped internal road system with one cul-de-sac and two intersections with Cathedral Oaks Road, installation of stormwater curb extensions, installation of landscaping, and installation of a 5-foot-wide interior

sidewalk throughout the subdivision. Preliminary raw earthwork volumes are estimated at 27,500 cubic yards of cut and 23,500 cubic yards of fill.

The Draft EIR has been prepared pursuant to the requirements of the State and local Guidelines for the implementation of the California Environmental Quality Act (CEQA). The Draft EIR identifies and discusses potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. Significant and unavoidable project specific and cumulative impacts (Class I) are identified to aesthetic and visual resources (impact on foothill and mountain views from Cathedral Oaks Road, a scenic corridor). Potentially significant, but mitigable, impacts on the environment (Class II) are anticipated in the areas of: aesthetics and visual resources, biological resources, cultural resources, hydrology and water quality, and transportation and traffic.

**Shelby General Plan Amendment, 7400 Cathedral Oaks Road, Goleta, CA; APN 077-530-019; Case No. 05-154-GPA**

The Shelby GPA includes amendment to two maps of the City's General Plan/Coastal Land Use Plan (GP/CLUP), as described below. The Shelby GPA requires a Supplemental EIR to the GP/CLUP Final EIR certified in October 2006 (2006 Final EIR).

**Amendment to Land Use Plan Map:** The Shelby property is shown on the current Land Use Plan Map (Figure 2-1 in the Land Use Element of the GP/CLUP) with an existing land use designation of Agriculture. The applicant proposes to change the land use designation on the Shelby property to Single-Family Residential, which would allow development of a single-family residential neighborhood for approximately 60 families.

**Amendment to Open Space Plan Map:** The Shelby property is designated as Agriculture on the Open Space Plan Map (Figure 3-5 in the Open Space Element of the GP-CLUP). The Agriculture designation on the Open Space Plan Map is characterized as "Open Space for Managed Production of Resources". The applicant proposes to remove the Shelby property from the Open Space Plan Map.

The Draft SEIR has been prepared pursuant to the requirements of the State and local Guidelines for the Implementation of the California Environmental Quality Act (CEQA). The Draft EIR identifies and discusses potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The Shelby GPA would result in incremental increases to previously identified impacts in the 2006 Final EIR, including significant and unavoidable impacts (Class I) on aesthetics/visual resources, air quality (cumulative), noise, and transportation/circulation. Incremental increases to potentially significant but mitigable impacts (Class II), and less than significant impacts (Class III),

identified in the 2006 Final EIR would result in the areas of aesthetics/visual resources, air quality, biological resources, cultural resources, geology, soils and mineral resources, hazards and hazardous materials, land use and recreation, and water resources. These impacts remain classified as Class II or Class III. The GPA would result in no incremental increases to Class I, II, or III agricultural and farmland impacts identified in the 2006 Final EIR.

Kathleen Allen, Senior Planner, announced that the purpose of tonight's hearing is to receive comments on environmental issues with regard to both the Shelby Residential Project EIR and the Shelby General Plan Amendment Supplemental EIR. She announced that she will be standing in tonight for Associate Planner Shine Ling, project manager for the Shelby Ranch Project, who is not available to attend the hearing.

A PowerPoint report entitled, "Environmental Hearing, May 22, 2014, Shelby Residential Project EIR and Shelby General Plan Amendment Supplemental EIR", was presented by Kathleen Allen, Senior Planner. She stated that comments must be received no later than 5:00 p.m. on June 9, 2014.

**Public Speakers:**

Karen Bunker commented on behalf of the Santa Barbara League of Women Voters and read a brief statement from Susan Shank, co-president for Action and Advocacy, in support of the No Project Alternative: She commented that the Santa Barbara League of Women Voters has had a long-standing interest in the Goleta General Plan and this proposed amendment to it causes us concern. When the City of Goleta was incorporated, it was done because many members of this community wanted growth and development managed to stay within the constraints of traffic, water and land use. The first City Council and staff conducted public workshops and developed a General Plan to solidify the community's vision. One of the key goals of that plan was to protect agricultural lands. Consequently, they believe that the proposed text for the Shelby General Plan Amendment should not be adopted and the original language in Conservation Element CE 11.2 of the General Plan/Coastal Land Use Plan must be retained. At this time when the City is considering Zoning Ordinance changes, the most essential requirements of the General Plan must be protected. We need agriculture much more than we need market-rate residences right now, and that need will become more pressing in the future. The SEIR analysis demonstrates that the No Project Alternative would be best for the City.

Dr. Ingeborg Cox commented:

1. The citizens passed Measure G to protect the agricultural lands and the City is working on a new Zoning Ordinance. She does not believe there should be any changes to either.
2. On Table 3.2 under Pending Projects, the property is listed as 13.92 acres but the Notice of Hearing states it is 14.38 acres. Please clarify.
3. The Streambed Protection Area buffer in CE 2.2 needs to be followed. El Encanto Creek is the major drainage for the watershed and has been mapped as an ESHA.
4. The width of each parcel in the development should not be changed to 60 feet. A minimum lot width is already proposed and the project is too dense.
5. The new storm drain cannot discharge directly into the El Encanto Creek which is mapped as an ESHA. The stormwater discharge rates post-development could be increased by approximately 42 percent with the potential of increasing downstream flooding and streambank erosion, and causing damage to aquatic habitat.
6. Further explanation is requested regarding a statement in a letter from L & P Consultants, dated August 6, 2012, that the owner's obligation to pay the City of Goleta \$1,500,00 will be used for purchase of property for public open space.
7. There appears to be a contradiction with regard to greenhouse gas emissions with regard to statements that greenhouse gasses are global pollutants, have long atmospheric lifetimes, and are inherently cumulative vs. a statement that the level of greenhouse gas emissions due to constructions are not considered significant because they would be considered temporary.
8. More information is requested with regard to the status of the archaeological site. Has it been reviewed by the Native American Heritage Commission?
9. New residences should not continue to be built until the new fire station is open and operating. She noted there is a drought condition.

Barbara Massey commented:

1. The Goleta agricultural land protection initiative is appropriate and adequately listed in LU 7.5. She expressed concern that the proposed amendment would remove the issue that agricultural land conversion is not allowed. There are no changes to CE 11.2 that are required by the initiative.
2. The following CEQA categories should have been covered in the DEIR: agriculture and farm land; geology, soils and materials; hazards and

hazardous materials; land use and recreation; and noise and public services. These are all in the SEIR with Class I, II or III impacts.

3. A number of reports, tables, and figures in both the DEIR and SEIR are outdated and should have been updated. Some reports were prepared by the applicants and not by the City.
4. There is no mention of earthquake faults, soil stability, or erosion. Also, no mention of the use of radon in the vicinity although there was a problem with Bishop Ranch.
5. There should be no encroachment to the 100-foot Streamside Protection Area buffer. The project can be designed not to encroach.
6. The children's tot lot is not a compatible use and is not low impact. The statement in CE 2.3e regarding "similar low impact facilities for public access" refers to trails and paths, not tot lots.
7. The Transportation and Traffic section was prepared from the Traffic Circulation Study by ATE that was prepared in February 2011 from old reports that need to be reviewed.
8. The environmentally superior alternative is a No Project Alternative.

Bill Shelor commented:

1. With regard to the SEIR, he noted that the California Department of Conservation's agricultural viability map classified this site as 12.2 acres of prime land at one time and then, for some unknown reason, it was changed to urban infill. He would be interested in viewing backup information. He noted that in Goleta agriculture doesn't need to be prime land in order to be viable.
2. A local agricultural viability study associated with the proposed conversion of agricultural land needs to be done. Not a changing of a map. He noted a study was done for the Bishop Ranch proposed General Plan Amendment.
3. Clarification is requested with regard to Alternative 1: No Project Alternative as to whether the site remains in current condition or current zoning.
4. Alternative 3: Girsh/Westen Alternative Site needs to be more fully explored because it fits to the sustainability community strategy of infill along a transportation corridor and would not result in conversion of agricultural land.

Amy Boyle, resident in the neighborhood of the project, commented on the Draft EIR as to the visual quality of the project as follows: The homes are well designed with great architecture. The homes would have low roof lines which would not cut off mountain views in the area. The development has a wonderful

neighborhood feel with nice sidewalks and beautiful landscaping. The views from Cathedral Oaks show beautiful landscaping and a bike path in front of the homes. These are an improvement in the nearby condominiums and subdivision retaining walls that are currently along Cathedral Oaks. The EIR should consider these enhancements to this neighborhood and an upgrade to the housing stock in this area.

Rick Frickman, member of the Santa Barbara Urban Creeks Council, commented with regard to El Encanto Creek:

1. He expressed concern that the biological comments in the EIR have a tone that El Encanto Creek is constrained downstream therefore we should not be too concerned about it in this project.
2. The biologist observed two animals but in the appendix there are 26 mammals listed and many of these are nocturnal. The following should be added to the list: badger, ring-tailed cat, weasel, mountain lion, and black bear.
3. The Urban Creeks Council considers that El Encanto Creek is a migration corridor and he believes the EIR should reflect that. The EIR should mention there is a golf course that is being converted to a wetland in this watershed document. This creek could be rehabilitated and could become in the future an important migratory corridor.
4. Migration corridors should be about 1,000 feet. The 100-foot buffer is the minimum that could be done for this corridor.

Karin Kuyper commented with the following concerns: The density will be very tight with 60 housing units on 14 acres. The residents across the street will lose their views. There will be an increase to the traffic that is already generated from Dos Pueblos High School. She questioned whether the units would be affordable for people living in the area.

Kristin Miller, president and CEO of the Goleta Valley Chamber of Commerce, stated that their group has been watching this project for many years and they have considered its relationship to other housing locations and types. They also have studied the City's agricultural viability. She commented that the Chamber's support, including the new information from this EIR, is firm. The 60-unit housing project provides much-needed new housing to Goleta workers and families and it is part of their overall support for a housing plan for Goleta that provides single-family housing in an appropriate location. This balances the mixed-use, rentals, and higher density locations along Hollister Avenue. The EIR's consideration of



“if not here, then another location” does not support the alternative. In their opinion, there are few places within the urban limit line of the City that fit as well as this location.

Karen Lovelace stated that she has been following this project since it was an avocado orchard. She commented: Before Dr. Glynne Couvillion purchased this property it was an actively growing avocado orchard. She believes the water was turned off by the purchaser and then the viable agriculture land turned into parched dirt and was claimed to be not viable agricultural land. She submitted a photograph from July 30, 1948 that shows this parcel with an actively growing orchard on it and commented that water is just needed for the property to be viable farmland. She also expressed concern about the archaeological site because when the Crown Collection was being built, she observed spoils and a large amount of dirt being moved from the lower property and Cathedral Oaks to the upper property. (A comment document and photograph showing the parcel around July 30, 1948, were submitted for the record).

Mark Lloyd, L&P Consultants, representing the applicant, commented:

1. With regard to the SEIR, he recommended a more distinct and pointed discussion as to feasibility aspects of the alternative projects, particularly as to Alternative 3: Girsh/Westen Alternative Site, so decision-makers can make an informed decision.
2. In regard to the visual impacts in the SEIR, the identification of an increase in the Class I impacts might be speculative because there could be mitigations to that Class I impact for project design criteria that would eliminate or maybe reduce those to a non-significant level.
3. In the Shelby Residential Project Draft EIR, it may be more appropriate to look at those impacts specific to the project as to the evaluation of Class I impacts.
4. In regards to the SEIR, and more so to the project Draft EIR, it is important that there be in the project description a narrative that speaks to the Development Agreement that was part of the applications that were part of the City's complete letter as to what applications are being processed.
5. It would be important to enumerate in more detail the aspects of the Development Agreement and the benefits that are inherent when looking at the Class I impacts.

Jennifer Carman, Environmental Hearing Officer, reported that all comments must be received no later than 5:00 p.m. on Monday, June 9, 2014.

**C. ADJOURNMENT: 6:11 P.M.**

**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TTY 711  
<http://www.dot.ca.gov/dist05/>



*Flex your power!  
Be energy efficient!*

June 4, 2014

Shine Ling, Associate Planner  
City of Goleta  
Planning and Environmental Review Department  
130 Cremona Drive, Suite B  
Goleta, CA 93117

SCH# 2012071071  
05-SB-101-25.63

Dear Mr. Ling

**COMMENTS ON THE SHELBY GENERAL PLAN AMENDMENT (GPA)**

After reviewing the Shelby GPA, Caltrans recommends a traffic study that discusses impacts to Glen Annie/ US 101 and the Hollister Ave/ US 101 interchanges and recommended mitigation. This would include a cumulative analysis that identifies a proportional traffic impact fee that will be applied towards a project. The analysis should include discussion of the funding mechanism available and when the fees will be required to be paid.

If you have questions please contact me at (805) 549-3589.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Ochoa".

Jimmy Ochoa  
Development Review  
Caltrans District 5

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June 9, 2014

Mr. Shine Ling, Associate Planner  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

By email to [sling@cityofgoleta.org](mailto:sling@cityofgoleta.org)

Re: Comments on the Shelby Residential Project Draft EIR and Shelby  
General Plan Amendment Draft SEIR

Dear Mr. Ling,

The Goodland Coalition is a group of Goleta residents dedicated to defending the quality of life in Goleta by advocating policies that protect, preserve, and improve Goleta's unique character – its diverse neighborhoods and architecture, open spaces and views, ease of circulation, valued environment, local agriculture and businesses. The Goodland Coalition was formed in 2010 seeking to uphold Goleta's General Plan protections for large parcels zoned for agriculture, and in early 2012 spearheaded the effort to place the Goleta Agricultural Land Protection Measure (G2012) on the ballot, which passed by 72%.

The Goodland Coalition has various concerns regarding the merits of the Shelby Residential Project and Shelby General Plan Amendment, which we will express to decision makers at the appropriate time. This letter addresses our comments regarding the adequacy of the draft Environmental Impact Report ("draft EIR") and draft Supplemental EIR ("draft SEIR").

1. Dual Draft EIRs Improperly Bifurcate the Project

Rather than address the Shelby Residential Project and Shelby General Plan Amendment together in one environmental document, the City bifurcated the Project into two components, and addressed each in a separate draft EIR. This procedure is confusing to the public and decision makers, and has the effect of obscuring the environmental impacts of the project as a whole and the relative impacts the various alternatives considered for each action.

The California Environmental Quality Act ("CEQA") requires that an EIR analyze the "whole of an action" giving rise to environmental impacts and

prohibits “piecemealing” a project into smaller pieces.<sup>1</sup> To comply with CEQA, the City must integrate the residential project and the general plan amendment into a revised draft EIR. The revised draft EIR must then be recirculated to the public to enable meaningful public review and comment.

The Alternatives Analysis is particularly confusing due to the bifurcated project description and analysis, with the draft SEIR concluding that the environmentally superior alternative is an alternative location, and the draft EIR concluding that the environmentally superior alternative is a reduced development alternative. Because the General Plan amendment is proposed to allow residential development of the Shelby property, it is critical that the actions be integrated into one environmental document so the City has meaningful direction on what alternatives are superior to the Project and achieve most of the basic project objectives.

## 2. Flawed and Incomplete Agricultural Impact Analysis

The Shelby property is currently designated for agriculture and as such is protected by existing policies in the City’s General Plan. While the property is no longer identified as Prime Farmland by the California Department of Conservation (“DOC”) because it has not been irrigated recently, the Shelby property still retains prime soils and agricultural potential. Re-commencing irrigation would again render the Shelby property Prime Farmland per the DOC’s criteria.

The draft SEIR improperly concludes that due to DOC’s reclassification, no impacts (either project specific or cumulative) would result (the draft EIR does not even include any analysis of agricultural impacts). While one CEQA threshold does speak to conversion of Prime Farmland, CEQA does not allow the City to ignore potential impacts by relying exclusively on adopted thresholds of significance.<sup>2</sup> Because the Project would result in the loss of prime soils and future agricultural potential, a potentially significant impact will occur. The EIR(s) must be revised to disclose this impact, and identify appropriate mitigation measures and alternatives.

Moreover, the impact to the existing physical conditions, which includes a property with prime soils and agricultural potential, is not only caused by the proposed General Plan amendments, but also by the development atop these soils – further demonstrating why bifurcating the Project into two environmental documents is misleading and avoids consideration of important

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<sup>1</sup> CEQA Guidelines § 15378; *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452; *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1146; *Plan for Arcadia, Inc. v. Arcadia City Council* (1974) 42 Cal.App.3d 712, 726.

<sup>2</sup> *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4<sup>th</sup> 332, 342.

environmental impacts. A comprehensive agricultural impact analysis addressing impacts of both the amendment and the development is required. This analysis must include a thorough assessment of agricultural viability as was done for Bishop Ranch.

Additionally, the General Plan protects “agricultural lands”, and “lands designated for agriculture”, which the Shelby property clearly is. CE 11.8 mandates an analysis of direct and indirect impacts of “new development” on conducting agricultural practices, and mitigation of any potential impacts. This analysis was not done for the Shelby project. Conflicts with policies (including CE 11.2, 11.8 and 11.10) are potentially significant impacts<sup>3</sup> that must be disclosed and avoided or mitigated in a revised and recirculated document.

### 3. Flawed Analysis of Biological Impacts from Encroachment into Streamside Protection Areas

The draft EIR discloses that two residential lots and a portion of the internal road system would be within the 100-foot Streamside Protection Area (“SPA”) buffer. The analysis proceeds to state that because the buffer would exceed the 25-foot minimum buffer, that no policy conflict and associated impact results. Policy CE 2.2 however only allows a reduction from the 100-foot buffer if a site-specific assessment reveals that 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. The analysis of the Project’s conformity with CE 2.2 on p. 4.3-20 completely omits any discussion of infeasibility or avoidance of impacts. Without this site-specific analysis, the Project conflicts with CE 2.2, resulting in significant unmitigated environmental impacts that must be disclosed.

### 4. Conclusion

The CEQA documents for this important project are woefully inadequate, for reasons stated above, among others. We request that first the City integrate the General Plan amendment and residential project into one project description, and address the impacts comprehensively in one environmental document. Because of the magnitude of the changes required, recirculation of the document to permit meaningful public review and comment is clearly required. We also request that the City reassess the agricultural impact of both the General Plan amendment and the residential project, and the biological impact of the residential project’s encroachment into the SPA, taking our above comments into consideration.

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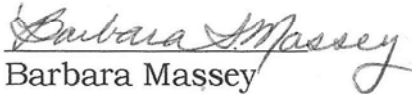
<sup>3</sup> *Pocket Protectors v. City of Sacramento* (2004) 124 Cai.App.4th 903, 930.

The General Plan clearly protects lands designated for agriculture, and the citizens of Goleta spoke loud and clear in support of this protection by passing G2012 by an overwhelming margin. Whether or not the Shelby property is subject to G2012, any approval of this Project clearly requires a robust CEQA analysis of agricultural impacts including impacts related to General Plan conformity.

Sincerely,



Ana Citrin, Esq.  
Goodland Coalition Steering Committee Advisor



Barbara Massey  
Goodland Coalition Steering Committee Member



Mr. Shine Ling, Associate Planner  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, California 93117

4 June 2014

**Subject: Comments on Shelby General Plan Amendment, Case No. 05-154-GPA, 7400 Cathedral Oaks Road (APN 077-530-019), Goleta, California.**

Dear Mr. Ling,

I am professional biologist and consultant with 30 years of experience dealing with impacts of development projects on biological resources in Santa Barbara County. Today though, I am writing as a concerned citizen and resident of Goleta since 1989.

I strongly urge the City not to amend the Land Use Plan map or the Open Space Plan map in the General Plan/Coastal Land Use Plan for the Shelby project, and to adopt either the Environmentally Superior Alternative identified in the SEIR for this proposed project (No Project Alternative), or the Girsh/Westen Alternative Site (Alternative 3). Approving the proposed project, or even a scaled-down version of the project, as analyzed under Alternative 2, establishes a precedent for developing what little remains of agricultural land within the City limits. Amending the Land Use and Open Space maps in the General Plan runs diametrically counter to the intent of the General Plan that identified agricultural land and open space in the City of Goleta as resources worth protecting. According to Figure 2.3 in the SEIR, there are only seven parcels of agricultural land remaining in the Goleta city limits. The City has a slim opportunity to save what little remains of open space and agriculture within the city limits.

Most citizens of Goleta fundamentally agree with the goals of the General Plan. A recent case in point was the significant public outrage that arose in 2011 over proposed development of Bishop Ranch, which resulted in denial of that proposal on the grounds that it was inconsistent with the vision of the City of Goleta, as set forth in the General Plan. Moreover, allowing the General Plan to be amended to change agriculture zoning to residential zoning creates a precedent that future applicants can point to when for parcels such as Bishop Ranch. Developing the Shelby parcel would not simply be an “extension of an existing residential neighborhood”, as stated on p. 4-9 of the SEIR. The apartment complexes north of Cathedral Oaks Road and west of the Shelby property were constructed in the early 1970s, well before the County had created Land Use Plans.

Development of the Shelby property will block views of the Santa Ynez Mountains—a Class I impact identified in the General Plan Amendment SEIR and in the project-specific EIR. The recent flurry of construction activity throughout the Goleta Valley has already removed significant viewsheds (e.g., views of Santa Ynez Mountains from Hollister Avenue as a result of Westar Project; views of Goleta Slough and Hope Ranch from Hollister as a result of Los Carneros Business Park development).

The General Plan was created to preserve the City's historical and natural assets and to provide a sustainable, diversified economy that was not solely dependent upon growth. The Shelby proposal to amend the General Plan to convert this parcel from agriculture to residential will help destroy this opportunity and seal Goleta's trajectory towards becoming another faceless bedroom community.

I have additional concerns about the Shelby project that will be addressed in a separate letter that deals with the project-specific EIR. Thank you for your time.

Sincerely,

*Lawrence E. Hunt*

Lawrence E. Hunt  
5290 Overpass Road, Suite 108  
Goleta, California 93111



3 West Carrillo Street, Suite 205 Santa Barbara, CA 93101  
ph: 805.962.4611 fax: 805.962.4161

June 9, 2014

Jennifer Carman, Planning & Environmental Review Director  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, California 93117

**Subject: (Draft) SEIR 12-EIR-003; Public Circulation Comments**

Dear Ms. Carman:

In regards to the Adequacy Hearing for the subject Supplemental Draft Environmental Impact Report, please consider the following preliminary comments. A more comprehensive comments letter will be provided to you prior to the June 9, 2014 closing of the comment period.

In the third paragraph on Page 1-4, the SEIR notes that “incremental increase in agriculture and farmland impacts can be eliminated with the implementation of a new mitigation measure”. Upon review of the Agriculture section of the document, no new mitigation measure was included.

**1.6 Alternatives to the Proposed Project**

Section 1.6.3 identifies as Alternative 3 the Girsh/Westen Alternative Site, and Section 1.6.5 identifies that when all things are considered, the Girsh/Westen site is the environmentally superior alternative project since no increases to General Plan Final EIR impacts would occur.

In considering this information, it would seem that a decision maker would be left to think that Alternative 3 is a feasible alternative, when in fact is not. It is clear that the Girsh/Westen alternative is not feasible due to the fact that the applicant does not have control of the property and cannot accomplish control or acquisition of the property in a reasonable period of time, or can be assured that it can be acquired in an economically feasible manner. The SEIR is not required to include alternatives that are not feasible, and does not readily identify the alternative as infeasible. Section 5.1 (Alternatives) defines “feasible”, including the control and acquisition factors noted herein. It is requested that the CEQA Guidelines definition of “feasible”, found on Page 5-1, be placed in the Executive Summary Section 1.6 – Alternatives to Proposed

Project, to help clarify the Executive Summary-Alternatives with respect to their feasibility.

It is also requested that the SEIR clarify Section 1.6.5 and Section 5.3.3 to identify that the Girsh/Westen Alternative Site is not a feasible alternative due to the fact that the ability of the applicant to control and/or acquire the site is speculative and cannot be accomplished in a reasonable time frame.

#### **4.4.3.2 Aesthetics and Visual Resources – Project Impacts**

The SEIR identifies on Page 4-7 that the GPA would increase the severity of the Class I impact in GP/CLUP Impacts 3.1-2b (Impacts to the Visual Character of Natural Open Space and Agricultural Lands), 3.1-2c (Impacts to the Visual Character of the Santa Ynez Mountains and Foothills) and 3.1-2d (Impacts to Views from Cathedral Oaks Road) due to residential development of the property.

Impact 3.1-2b identifies impacts that would result from the conversion of open space and agricultural lands to urban uses. This determination seems speculative, in that project design may reduce impacts to a less than Class I level. Additionally, the notion of agricultural lands converting to urban uses, includes the term “urban” which is derived from the Dept. of Conservation (DOC), and is not found on the current General Plan Land Use Map. Impacts associated with conversion of the agricultural lands to urban uses is not specific to use, therefore a determination of Class I impact continues to be speculative.

We request that the SEIR identify GPA impact 3.1-2b as potentially less than Class I (Significant and Unavoidable) impact if mitigated by design that avoids conversion as viewed from public viewing places.

Impact 3.1-2c identifies impacts that would block views of the mountains and foothills. The word “block” means to obstruct, and in this context blockage implies obstruction of the mountain or foothill views.

It seems that this conclusion is speculative in assuming that any and all residential projects would block views to the mountains or foothills. As noted, the City is currently reviewing a project specific residential development for the property, and that such a determination may be a reasonable and feasible conclusion based on the facts of that specific application. However, in the case of the GPA (which has no specific project design), it seems speculative that any and all residential projects would result in blockage of views and an increase in the Class I impact. It is entirely feasible that a residential project can be



designed so as to have a less than Class I impact to visuals, and may in fact have no impact at all, depending on the design of the project in respect to mountain and foothill visual preservation.

Further, we are not aware of any adopted calculations, or Performance Standards that would result in all residential development on the Shelby property block views of the mountains and foothills. The SEIR concludes blockage without adopted metrics to establish a determination. Without a process to measure blockage, the conclusion of Class I Impact continues to be subjective.

We request that the SEIR identify GPA impact 3.1-2c as potentially less than a Class I (Significant and Unavoidable) impact if mitigated by design that avoids blockage of mountain and foothill views.

Impact 3.1-2d identifies impacts that would result from impacts to views from Cathedral Oaks Road. This determination also seems equally as speculative, in that project design may reduce impacts to a less than Class I level. We request that the SEIR identify GPA impact 3.1-2d as potentially less than Class I (Significant and Unavoidable) impact if mitigated by design that avoids impacts to views from Cathedral Oaks Road.

#### **4.5.3.2 Agriculture and Farmland – Project Impacts**

Typo identified: Impact 3.2-1 (Page 4-12), second paragraph, fourth line currently states “As noted above in Section 4.2.1, Existing Condition”; should read Section 4.5.1.

#### **4.12.3.2 Noise – Project Impacts**

Short Term Impacts (Page 4-87): The SEIR Impact 3.11-1 concluded that the GP/CLUP Final EIR identified significant and unavoidable impacts associated with exposure of noise-sensitive land uses to nuisance noise levels from construction, and development that would result from the GPA would also have the potential to result in similar exposure to construction-related noise.

The GP/CLUP Final EIR identified the following policies that would reduce construction-related noise impacts resulting from the buildout of the GP/CLUP, but not to a less-than-significant level in all cases:

Policy NE 1: Noise and Land Use Compatibility Standard  
Policy NE 6: Single-Event and Nuisance Noise, and  
Policy NE 7: Design Criteria to Attenuate.

Upon review of the above policies, it is reasonable to conclude that a typical residential development would comply with all policies that apply to Policy NE 1 and Policy NE 7. Policies NE 1 and NE 7 include standard conditions that every typical residential development has to comply with. Policy NE 6 does not apply to a typical residential development, as the development is not a one-time event or weekend event. In light of this assessment, it seems more appropriate to evaluate Short-Term Impacts of construction noise in the Shelby Project DEIR. The above listed Policies have specific construction noise conditions that would pertain to the Shelby Project, and mitigate the construction noise to a lesser impact level.

For the SEIR to conclude that by incorporating Policy's NE 1 and NE 7 into a typical residential development, the conditions in the Policy's NE 1 and NE 7 would not be sufficient to have a less-than-significant impact is speculative.

We request that the SEIR identify GPA impact 4.12.3.2 (Short-Term Impacts) as potentially less than Class I (Significant and Unavoidable) impact if mitigated by the conditions in Policy's NE 1 and NE 7.

#### **4.15.3.2 Transportation and Circulation - Project Impacts**

Long-Term Impact 3.13-1 (Paragraph at bottom of Page 4-113) The SEIR determines that if development of the Shelby property were to contribute 15 or more trips to the Hollister/Stroke intersection, a significant contribution to a cumulative impact would occur, thereby incrementally increasing the identified significant and unavoidable impact identified in the GP/CLUP Final EIR.

Discussions with the applicant traffic engineers (ATE) have clarified that for cumulative traffic impacts a Volume to Capacity Ratio (V/C Ratio) is used to determine the impacts. For project-specific traffic impacts the number of increased traffic trips is used to determine the impacts. According to our Traffic Engineers, the SEIR has not used the correct values to identify a cumulative traffic impact.



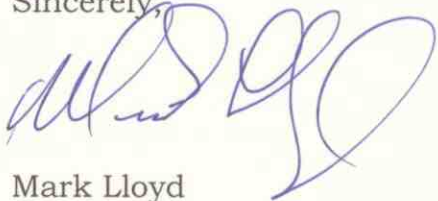
Upon review of the GP/CLUP, dated September 2006, specifically Chapter 7 Transportation Element, we have located Table 7-3 Level of Service (LOS) and V/C Ratio Descriptions (GP Page 7-17). Table 7-3 attributes an LOS to a V/C ratio range. This existing Table 7-3 seems to be the table the SEIR should use to determine a cumulative traffic impact.

We request the SEIR include the GP/CLUP Table 7-3 into Section 4-15, Transportation and Circulation, of the SEIR. The SEIR would then use the correct metrics, the adopted GP/CLUP existing table, to determine a cumulative impact.

We also request that the SEIR identify GPA impact 3.13-1 (Long-Term Impacts) as potentially less than Class I (Significant and Unavoidable) impact if the SEIR uses the V/C ratio to determine if a cumulative impact would not occur.

Thank you for your consideration of these issues.

Sincerely,



Mark Lloyd  
L&P Consultants  
Applicant Agent

Cc: Shelby Family Partnership  
Jim Youngson @ Terrain Consultants  
Chip Wullbrandt @ Price Postel Parma LLP

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## 1.7 MINISTERIAL GP/CLUP AMENDMENT TO INCORPORATE CHANGES REQUIRED BY INITIATIVE

### *Original text in adopted GP/CLUP:*

**CE 11.2 Conversion of Agricultural Lands. [GP/CP]** Conversion of agricultural lands designated on the Land Use Map (Figure 2-1) to other uses shall not be allowed. Lands designated for agriculture within the urban boundary shall be preserved for agricultural use.

### *Shelby's proposed text:*

**CE 11.2 Conversion of Agricultural Lands. [GP/CP]** Conversion of agricultural lands designated on the Land use Map (Figure 2-1) to other uses shall only be processed consistent with Policy LU 7.5 (Goleta Agricultural Land Preservation Initiative). Lands designated for agriculture within the urban boundary shall be preserved for agricultural use.

This proposed amendment to Policy CE 11.2 is necessary to make it consistent with the Initiative.

The Shelby property was continually farmed since prior to 07/30/1948 (see submitted aerial photograph dated 1948. The present owner/developer of subject parcel turned off the water and killed all trees (attested to by tenant).

This developer tactic is used to trick government planning agencies into allowing conversion of our Prime Farmlands.

Subsequently, Dr. Couvillion's LA developer team claimed the parcel was not viable ag land and negotiated a sweet deal with SB County for the Cathedral Oaks R.O.W.

During land prep, huge truckloads of excess soil were moved form the southern portion of the property, along with spoils from the Cath Oaks roadway, were dumped and graded into the northern parcel.

This should not have been ignored in the EIR, nor should archeological findings.

*I favor Alternative 1 - No project*

Karen Loveace  
Goleta

HE TURNED OFF WATER AND ALL TREES DIED. THEN NEGOTIATED W/ SB COUNTY  
ON CATH OAKS R.O.W.



SHERRY  
May 22, 2014

Submitted by:  
Karen Lovelace

## Shine Ling

---

**From:** danandkaren3@gmail.com on behalf of Karen <danandkaren@verizon.net>  
**Sent:** Monday, June 09, 2014 3:18 PM  
**To:** Shine Ling  
**Subject:** Fwd: Shelby Property June 1994  
**Attachments:** Google Photo June 1994.jpg

Dear Shine,

Please accept my comments for the two environmental impact reports (EIRs) for the Shelby General Plan Amendment and Shelby Residential Project, located at **7400 Cathedral Oaks Road** (APN 077-530-019).

Reference: <http://cityofgoleta.org/index.aspx?page=1180>

The applicant real estate developer, Dr. Couvillon, claims that the agriculture-zoned property he purchased is not suitable for agriculture when, in fact, it was an actively farmed avocado orchard at the time he purchased it. The aerial photo below, which records indicate was taken in 1994, show the orchard with the southern parcel's "Westfield" (now "Crown Collection") roadways superimposed on the orchard.

Prior aerials as far back as the 1940's show proof that the land was actively, continuously, farmed up until the time that Dr. Couvillon secured it.

During SB County hearings for development of the southern "Westfield" portion of the property, the residents living in the farmhouse at the time testified that Dr. Couvillon cut off watering the trees, leading to their demise.



The original parcel, as seen above, spanned the Cathedral Oaks "future roadway" and Westfield's conditions of approval demonstrate hard-bargaining on the part of this developer, as many codified development

standards were overlooked in order for the County of SB to secure the right-of-way without a condemnation process.

Soil from the southern parcel and roadway was transferred to the upper "Shelby" parcel, increasing the elevation of the upper parcel by many feet.

The environmental documents for the Shelby property must consider the massive soil importation and should require in-depth (literally) examination with regard to grading, visual, and archeologic resources.

Lastly, yet another Ag conversion for Dr. Couvillon on this parcel, in view of its proximity to Glen Annie Golf Course, is growth-enducing and should not be allowed.

Thank you for your assistance with entering my comments into the record.

Sincerely,

Karen Lovelace



League of Women Voters©

OF SANTA BARBARA

328 East Carrillo Street, Suite A

TEL/FAX (805) 965-2422 email:info@lwvsantabarbara.org

Santa Barbara, California 93101

www.lwvsantabarbara.org

5/21/2014

Shine Ling, Associate Planner  
Goleta Planning Department  
City of Goleta  
sling@cityofgoleta.org

Subject: Shelby Supplemental GPA SEIR Hearing on May 22, 2014

The Santa Barbara League of Women Voters has had a long standing interest in the Goleta General Plan, and this amendment to it causes us concern. When the City of Goleta was incorporated, it was done because so many members of this community wanted to see growth and development managed to stay within the constraints of traffic, water and land use.

To implement that goal, the first City Council and staff spent many long hours in public workshops, developing a General Plan that would solidify the community's vision. One of the key goals of that Plan was to protect agricultural lands. Consequently the League believes that the No Project Alternative should be the preferred alternative for this project.

At the very time that the City is changing zoning regulations, the most essential requirements of the General Plan must be protected. The proposed text for the Shelby amendment should not be adopted, and the original language of CE 11.2 in the adopted GP/CLUP must be retained. We need agriculture much more than we need market rate residences right now, and we know that need will become even more pressing in the future. The SEIR analysis demonstrates that the no-project alternative would be the best for the City.

Susan Shank, Co-President for Action and Advocacy

Contact: Connie Hannah, Vice-President for Advocacy  
967-4720

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RECEIVED

JUN 04 2014

City of Goleta  
Planning & Environmental Svcs.

Shelby General Plan Amendment SEIR comments

I have the impression that due to the need to have most of the impacts mitigated, General Plan Policies were picked broadly for some impacts. Some of the policies seem to have little relevance to the impacts. It is important to list the specific policies which correspond to the impact.

Both the Shelby Project DEIR and The General Plan Amendment SEIR were done by the same company and the SEIR should include relevant information from the DEIR. The disclaimer at the end of many chapters, (NOTE: Impacts of the Shelby Residential Project are analyzed in a separate project-specific EIR [see City EIR No. 12-EIR-005; "Shelby Project EIR"]), doesn't relieve the document from providing adequate coverage of the topics. Several of the chapters in the DEIR do not have a section or discussion of the Chapter mentioned in the SEIR Note. There are no chapters for Geology, Soils and Materials; Hazards and Hazardous Materials; Noise; and Public Services and Utilities in the DEIR.

I am writing my comments by the page number that corresponds to the issue that I am discussing. I hope this will make it easier to review.

Page 1-4, 1.5.1 The document states that the significant impacts to agriculture and farmland "can be eliminated with the implementation of a new mitigation measure". This is not true because there is no mitigation for the loss.

1-6 Impact 3.2.1 The whole point of the GPA is to allow conversion of agricultural land, which is currently prohibited. It cannot be claimed that the GPA doesn't increase the impact of conversion. The GPA is an unmitigatable, Class I impact.

1-33 and 34 There are no changes to CE 11.2 required by the initiative. The Goleta Agricultural Land Protection Initiative is appropriately and adequately listed as LU 7.5. The proposed change to CE 11.2 would remove the important issue that conversion should not be allowed. The reason for the initiative was that should the Council vote to allow rezoning of agricultural land of ten acres or more, the public would have the opportunity to make the final decision on the loss of agricultural land.

1-34 The proposed amendment is not necessary to make it consistent with the Initiative.

Chapter 4 is the Environmental Impact Analysis but the chapter should have been divided into a separate chapter for each section. The current configuration makes it more difficult to find any one topic.

4-7 Impact 3.1-2d. The Shelby Project DEIR states on page 4.1-7 “because this mitigation would not prevent screening of views of the Santa Ynez Mountains and foothills, a significant and unavoidable impact would remain after mitigation.” This is a Class I impact.

4-11, 4.5.1 The reason the Prime Farmland designation was removed is that the land is no longer in irrigated production. The current designation is the result of the landowner turning off the water, removing the avocado trees, grading the site, and chopping firewood and chipping wood on-site. These actions were taken to have the land reclassified so it would appear to not be viable Prime Farmland.

4-12, Impact 3.2.1 The Shelby property is Prime Farmland but to remain in that classification it “must have been in irrigated production sometime during a four year period.” (General Plan Report: Agriculture Background Report No. 17, City of Goleta, May 5, 2004, page 2) The land has been left fallow so that it would have the classification changed. It is still significant because all it takes is irrigation to return it to Prime Farmland again. This is a way for farmers to trick government planning agencies into allowing conversion of our Prime Farmlands.

4-13, Impact 3.2.4 This is a significant cumulative loss of 14.38 acres of farmland. Even if it were not Prime Farmland, the conversion of viable agricultural land is a significant loss.

4.5.3.5 The only mitigation is the avoidance of the loss.

4-19 Why hasn't Table 4.6-1 from 2008 been updated?

4-22 The first sentence regarding the Ellwood Marine Terminal can be removed since there is no longer barging or use of the facility.

4-46 thru 4-55 Each of the Class II impacts should indicate which specific policy under each policy classification will reduce the impacts to less than significant. There are 10 both short and long term biological resources impacts from the Shelby project DEIR and cumulatively these are significant yet it is claimed that they are Class III less than significant. What is the justification for this classification? The Policy titles listed are a strong indication of the significant damage to biological resources by the Shelby Project and the Shelby General Plan Amendment.

4-56, Impact 3.4-13 The benefits claimed were just the opposite of what would be done by this GPA and its incorrect claim of less than significance with mitigation. The mitigation for each impact should be included with each impact.

4-57, 4.7.3.5 The significant impacts acknowledged here can't be claimed to be reduced by biological resource protection policies not clearly described. No specifics have been given on any mitigation.



4-66, Impact 3.6-5 The impact claims less than significant radon gas, “especially along the City’s northern border.” It should be pointed out that there is radon gas at the northern part of Bishop Ranch on the City’s northern border. See Bishop Ranch Property Study page 3-13 (Attachment A) and Appendix G, Figure G-2. A radon study should be done.

4-72, Impact 3.7-4 This can be removed since the Ellwood Marine Terminal is no longer in use.

4-78, 4.11.3.2 It seems this says that there are no Class I impacts if the GPA, a Class I, impact is approved. The point of CEQA is to avoid creating Class I impacts.

4-105, Impact 3.12-2 Considering that fire protection service is already seriously deficient in western Goleta, how can it be a Class II with the increased demand from Shelby?

4-106 “The additional development allowed by the GPA would increase demand and would incrementally add to Class II impact identified in the GP/CLUP Final EIR” is at the end of many impacts. At what point does all the increased demands finally change the impact to Class I?

4-109 Water Resources is not section 4.9, it is section 4.16.

4-113 The Transportation and Circulation section was prepared from the Traffic and Circulation Study by ATE provided in Appendix E. Their study was prepared in February of 2011 for Shelby’s planner and not for the City. It is based on a number of outdated reports such as Intersection Turning Movements by Wiltec from 2/7/08 and Traffic Volumes by NDS from 11/4/09. They used the City’s Cumulative Project List from February 2011. There has been a lot of change since this information was prepared.

According to the Shelby DEIR on page 4.7-9, 20 trips would be added to the Hollister/Storke intersection resulting in an increase to Impact 3.13-1.

4-124, Impact 3.9-2 The section was based on 2011 information and things have changed considerably. The groundwater discussion needs to be redone. Although the GWD claims to have enough water, they are pumping from their wells and are in violation of the Safe Water Supplies Ordinance. With the shortage of State water and low levels at Lake Cachuma, the additional 60 units of Shelby could require the water district to implement water restrictions. The citizens of Goleta should not have their water usage restricted so that the developer can make a lot of money at our expense.

4-127 GWD is pumping from their wells instead of using their full allotment from Lake Cachuma. This doesn’t appear to comply with the Safe Water Supplies Ordinance.

The statement that “groundwater supplies would not be substantially depleted by development anticipated in the buildout of the GP/CLUP” is questionable and Shelby was not anticipated in the buildout.

4-128 GWD would only issue a Conditional “Can and Will Serve” letter. The duration and severity of the drought would determine whether water could be supplied to the project.

5-1, 5.2 Loss of agricultural land, increased traffic on Cathedral Oaks Road and nearby intersections, loss of scenic views, and the projects intrusion into the Streamside Protection Area are Class I significant and unavoidable impacts underuality of Life. (City CEQA Thresholds Manual page 137)

5-7 Under Alternative 3, there would be no need for the GPA.

6-2, 6.2.4 Shelby contributes 20 trips to the Hollister/Storke intersection. (Shelby DEIR, page 4.7-9

Appendix A The California Department of Fish and Game letter requested recent assessments of the flora and fauna. The biological resources study used for the Shelby DEIR and SEIR are not recent. They were done in February, 2011 and should be updated.

Thank you for the opportunity to comment on the SEIR.

Barbara S. Massey

June 4, 2014

## Attachment A

*Bishop Ranch Property Study Chapter 3.  
July 21, 2011 3-13*

*Environmental Characteristics*

for every 1 worker residing in Goleta. For more information regarding population, housing, and demographics, refer to Appendix F.

### 3.7 ONSITE GEOLOGY AND SOILS

The Bishop Ranch property is generally flat with approximately 34 acres of slopes greater than 15 percent and 19 acres with slopes greater than 20 percent. The property is broken into two distinct geological sedimentary Quaternary Units: Qoa and Qa. The quaternary unit Qoa makes up the majority of the property and consists of former alluvial deposits of silt, sand, and gravel. Qa is made up of unconsolidated flood-plain alluvial deposits of silt, sand, and gravel (see Figure 3-3).

The majority of the property contains soils with moderately high erodibility potential including Milpas/Positas deposits (such as MeC, MeD, and MeD2), Goleta fine sand loam (GcA), Agueda silty clay loam (AaC), Diablo clay deposits, and Aqueda clay deposits (DaD, DaC, and AaA). Diablo and Aqueda deposits characteristically have lower erodibility than other onsite soils. The property is located roughly 2,000 feet south of the Glen Annie Fault. Other fault zones in the area include the More Ranch Fault to the south and the Carneros Fault to the north. According to the City of Goleta General Plan Safety Element, none of these faults are classified as active by the State Division of Mines and Geology or subject to an Alquist-Priolo Special Studies Zone. However, the More Ranch Fault is considered active, according to the Santa Barbara County Seismic Safety and Safety Element (SSSE) (2011). Based on the proximity to the More Ranch Fault, which is considered potentially active, geologic and seismic hazards such as ground shaking and liquefaction could occur on the property or within the vicinity. The conditions for other soil-related hazards such as compressible or collapsible soils and expansive soils also occur on the property. Approximately 19 acres are compressible soils. Additionally, Rincon Formations located under the surface formations in the northern part of the property are known to support radon gas, a naturally occurring carcinogen.

### 3.8 POTENTIAL FOR HAZARDOUS MATERIALS

Based on the past history of agricultural production, it is likely that the property was subject to some type of pesticide, herbicide, and/or fertilizer use. However, no soil or groundwater testing has been done to determine whether residual agricultural chemicals remain on the property. A search of government sources and databases was conducted by Environmental Data Resources (EDR) to identify listed hazardous material users, hazardous materials generators, or hazardous release sites within and surrounding the property (EDR 2010). Per the EDR report, there is one Historical Underground Storage Tank (HIST UST) on the property. There is another listing for a Leaking Underground Storage Tank (LUST) Cleanup Site, the status of which is "Completed – Case Closed." There are no other listings on the property. Most of the other sites identified by the EDR report are located south of US-101, down gradient or at lower elevations than the property. The nearest listing is south of the property on the other side of US-101, which contains three hazardous material sites: a drycleaner, an industrial

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## Shine Ling

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**From:** Masseybarb@aol.com  
**Sent:** Monday, June 09, 2014 2:36 PM  
**To:** Shine Ling  
**Cc:** masseybarb@aol.com  
**Subject:** Shelby DEIR and SEIR

Shine,

One point I forgot to include in the Shelby comments was that the both the General Plan Amendment and the Project would be growth inducing opening this property to residential development. This would encourage Glen Annie Golf Course to again consider developing their property with housing.

Barbara Massey

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## Shine Ling

---

**From:** Shane McFee <kazrog@gmail.com>  
**Sent:** Thursday, May 08, 2014 11:50 AM  
**To:** Shine Ling  
**Subject:** Shelby General Plan Amendment

**Importance:** High

Hi,

As a resident of Goleta since 1995, and a resident of Santa Barbara County since 1980, I am very concerned about the massively increased development pace in Goleta, particularly in the last 3 years.

Development in Goleta needs to adhere to the General Plan. Also, we can't allow the General Plan itself to be eroded any further. Amendments like this serve only to benefit corporate interests, to the detriment of the City of Goleta and the environment.

As a side note, I was one of the over 70% of Goleta voters who voted yes on G2012. The overwhelming support for G2012 in this community is the **mandate** of the people of Goleta - a lens through which any proposed developments like Shelby must be viewed through.

The **only** reason why Shelby would ever succeed is through the overt **suppression** of public information by corporate interests - which seems to be the running gag in Goleta since its inception as a city - a trend I'd like to see die immediately.

The local media is starting to take notice:

<http://www.independent.com/news/2014/apr/07/goleta-zoning-test-democracy/>

Sincerely, a concerned citizen.

--

Shane McFee  
(805) 275-1485

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STATE OF CALIFORNIA  
NATIVE AMERICAN HERITAGE COMMISSION

Edmond G. Brown, Jr., Governor

1550 Harbor Blvd., ROOM 100  
West SACRAMENTO, CA 95691  
(916) 373-3710  
Fax (916) 373-5471



clear  
06/09/14  
E  
May 9, 2014

RECEIVED  
MAY 14 2014  
STATE CLEARINGHOUSE

Shine Ling  
City of Goleta  
130 Cremona Dr. Ste B  
Goleta, CA 93117

RE: SCH# 2012081019 Shelby Residential Project, Santa Barbara County.

Dear Mr. Ling:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

*Katy Sanchez*

Katy Sanchez  
Associate Government Program Analyst

CC: State Clearinghouse

**Native American Contact List**  
Santa Barbara County  
May 9, 2014

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Chumash

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Tataviam  
Ferrnandeño

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Chief Mark Steven Vigil  
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Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH #2012081019 Shelby Residential Project; Santa Barbara County.

**Native American Contact List**  
Santa Barbara County  
May 9, 2014

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Chumash

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Salome , AZ 85348

Chumash

Santa Ynez Tribal Elders Council  
Adelina Alva-Padilla, Chair Woman  
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Shoshone Paiute  
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Chumash

This list is current only as of the date of this document.

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH #2012081019 Shelby Residential Project; Santa Barbara County.

**Native American Contact List**  
Santa Barbara County  
May 9, 2014

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reginaUnzueta@gmail.com

Barbareno/Ventureno Band of Mission Indians  
Kathleen Pappo  
2762 Vista Mesa Drive Chumash  
Rancho Pales Verdes , CA 90275  
310-831-5295

PeuYoKo Perez  
11465 Nardo Street Chumash  
Ventura , CA 93004  
grndowl4U@yahoo.com  
805-231-0229 cell

Barbareno/Ventureno Band of Mission Indians  
Raudel Joe Banuelos, Jr.  
331 Mira Flores Court Chumash  
Camarillo , CA 93012  
805-987-5314

Coastal Band of the Chumash Nation  
Janet Darlene Garcia  
P.O. Box 4464 Chumash  
Santa Barbara , CA 93140  
305-689-9528

Coastal Band of the Chumash Nation  
Crystal Baker  
P.O. Box 723 Chumash  
Atascadero , CA 93423  
305-466-8406

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH #2012081019 Shelby Residential Project; Santa Barbara County.

## Shine Ling

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**From:** Danielle Peters <dlpeters2@verizon.net>  
**Sent:** Monday, June 09, 2014 3:44 PM  
**To:** Shine Ling  
**Subject:** Shelby Residential Project

This is my first time submitting comments so I hope that I am doing so correctly.

I would like to voice my support for Project Alternative #1.

I, like many other Goleta residents, voted for Measure G to preserve the agricultural heritage of Goleta. The loss of farmland and conversion to housing affects the environment in many ways that are detrimental to the quality of life here. If houses are built on agricultural land the watershed cannot be as easily recharged. Buildings and paved surfaces are not conducive to groundwater replenishment as is open land. In this area, with a limited water supply that is frequently affected by drought, this is a critical issue.

There is a building/housing boom going on in Goleta right now and it seems to be concentrated in this north end of the city. The added burden on infrastructure – roads, fire & police protection is still to be felt to it's full degree. Traffic along main arteries like Cathedral Oaks, Storke Road and Hollister is already too crowded at peak times and with the additional residents and shoppers that will be added with the new development this will only be exacerbated. Idling vehicles impact the environment with increased emissions.

There is a need to preserve the farmland that we have for food security. People increasingly want locally grown and produced food which benefits the environment by reducing the use of fossil fuels to transport food into the area.

Once farmland is lost to development it won't be coming back. I love Goleta, it is a special place. Part of what makes Goleta so special is it's open spaces and semi-rural character; with increased development we will lose these special features and become like the rest of overdeveloped southern California.

Sincerely,

Danielle Peters  
570 Carlo Drive  
Goleta, CA 93117  
805-964-5522



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

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June 9, 2014

Shine Ling  
City of Goleta  
130 Cremona Drive  
Goleta, CA 93117

E-Mail: [sling@cityofgoleta.org](mailto:sling@cityofgoleta.org)

**Re: Notice of Availability of Draft Supplemental Environmental Impact Report and Notice of Environmental Hearing – Shelby General Plan Amendment**

Dear Mr. Ling,

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report for the City of Goleta's Shelby General Plan Amendment. At this time, the County is submitting the attached letters from the County Fire Department.

The County has no further comments on this project at this time and looks forward to hearing more about the project's progress. If you should have any further questions, please do not hesitate to contact my office directly, or David Lackie, Interim Deputy Director in the Office of Long Range Planning at (805) 568-2023.

Sincerely,

Mona Miyasato  
County Executive Officer

cc: David Lackie, Interim Deputy Director, Long Range Planning Division, Planning & Development Department  
Rob Heckmen, Division Chief/Fire Marshal, Fire Department

Attachments: Fire Department Comment Letter, dated May 30, 2014



# Fire Department

"Serving the community since 1926"

## HEADQUARTERS

4410 Cathedral Oaks Road  
Santa Barbara, CA 93110-1042  
(805) 681-5500 FAX: (805) 681-5563

Michael W. Dyer  
Fire Chief  
County Fire Warden

Eric Peterson  
Deputy Fire Chief

May 30, 2014

Mr. Shine Ling  
Associate Planner  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Dear Mr. Ling:

SUBJECT: Shelby General Plan Amendment  
05-154-GPA

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

### **THE FOLLOWING CONDITIONS ARE FOR THE GENERAL PLAN AMENDMENT**

We submit the following requirements with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions.

1. Fire Protection Certificates will be required.
2. Create a defensible space of 100 feet (or to the property line, whichever is nearer) around the proposed structures and any existing structures on this property.
3. Access plans shall be approved by the fire department prior to any work being undertaken.
  - Access plans shall require civil engineering design and certification.
  - Roads shall have a minimum width of 40 feet.
  - Any portion of the access exceeding 10 percent in slope shall be paved.
  - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.



- Dead-end access exceeding 150 feet shall terminate with a fire department approved turnaround.
  - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
4. New fire hydrants shall be installed (number to be determined).
    - The fire department shall have on file a set of approved fire hydrant plans prior to any work being started.
    - Fire hydrant(s) shall be located per fire department specifications and shall flow 750 gallons per minute at a 20 psi residual pressure.
  5. Road names shall be required for this project. Contact the City of Goleta, Planning Department at 805-961-7543 for application information.
  6. Automatic fire sprinkler system shall be installed.
    - Fire sprinkler plans shall be approved by the fire department prior to installation.
  7. Recorded addressing is required by the fire department.
  8. Address numbers shall be a minimum height of four inches for residential.
    - Address number location(s) shall be approved by the fire department.
  9. When access ways are gated, a fire department approved locking system shall be installed. Plans shall be approved by the fire department prior to installation.
  10. The applicant will be required to pay development impact fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development.

Estimated fees:

\$.10 per square foot for structures with fire sprinklers

Fire Facility Development Impact Fee

*Goleta Planning Area*

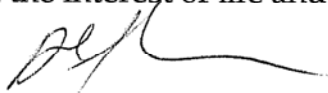
Development impact fees are collected at the current rate at time of payment.

Final occupancy clearance inspection will not be scheduled unless fees have been paid.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information, please telephone Dwight Pepin, 805-681-5528 or 805-681-5523.

In the interest of life and fire safety,



Rob Heckman  
Division Chief/Fire Marshal

DP:mkb

c Goleta Water District, 4699 Hollister Av, Goleta 93110

## Shine Ling

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**From:** Frank Spada <fwspada@gmail.com>  
**Sent:** Thursday, May 08, 2014 11:37 AM  
**To:** Shine Ling  
**Subject:** Shelby development oposition

Dear City of Goleta Planner,

I have 2 comments regarding the Shelby development and city planning in general:

DO NOT re-zone this agriculturally zone land to residential, contrary to Goleta's General Plan.

DO NOT also allow development within the 100 foot setback from a creek, contrary to Goleta's General Plan.

This goes for all possible development in Goleta. There is a reason that it is (was) nice to live in this area, it's not overcrowded like the rest of Southern California. Let's keep it that way. Do not grow beyond the capabilities of our small strip of land that is the Goleta Valley.

Thank you,

Frank Spada

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## Shine Ling

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**From:** Brian Trautwein <bearnewt@gmail.com>  
**Sent:** Monday, June 09, 2014 4:42 PM  
**To:** Shine Ling  
**Subject:** Shelby Draft EIRs  
**Attachments:** Glen Annie Pre-App Letter - revised.pdf; Glen AnnieLUP\_Final 1-2006.pdf

Dear Mr. Ling,

Please accept these comments on the two Draft EIRs for the Shelby Project and Rezone.

1. The project and rezone result in significant growth-inducing impacts. The two attached documents indicate the potential for residential development of the adjacent Glen Annie Golf Course which would be enabled by compromising the effective urban-rural boundary which is formed by Cathedral Oaks

Road. Rural/agricultural/open space uses occur to the north and a mix of high-moderate density residential, institutional and open space uses occur to the south of the road, east of El Encanto Creek. Allowing high-density residential development north of Cathedral Oaks and east of El Encanto Creek removes a barrier to development of the Glen Annie Golf Course, as well as nearby rural, agricultural or open space parcels.

2. The two projects create significant Land Use and Biological Impacts caused by violating General Plan Conservation Element Policy 2.2. This Policy was enacted with tremendous public support due to the policy's ability to protect the City's degraded although important stream habitats, which support numerous state and federal-protected species. The Policy has been weakened over the years but still requires a 100-foot creek setback area, or buffer, for private development -- unless a 100-foot buffer infeasible. The EIRs fail to properly evaluate feasibility of a 100-foot buffer and to properly evaluate consistency with Policy CE 2.2 as a Land Use Impact. Inconsistency with local policies adopted to protect the environment are grounds for the EIRs to find Class I impacts under both Land Use and Biological Resources (El Encanto Creek). It is clear that a 100-foot buffer is feasible and therefore must be required to comply with the General Plan; The EIRs fail to accurately portray the Policy's requirement for a 100-foot buffer, unless infeasible, and incorrectly treat the 100-foot setback requirement as discretionary. The Final EIRs should accurately disclose the policy's mandate and record Class I impacts to Biological Resources and Land Use stemming from failure to comply with the City's most important creek protection policy.

El Encanto Creek is a perennial creek and is very important to wildlife. Failing to provide an adequate buffer would preclude wildlife use of the creek for movement, feeding and watering due to the presence of humans, pets, noise and other anthropogenic factors.

By personal observation, El Encanto Creek currently supports trees which are active raptor roosts and which are protected by local policies. The habitat is very important and the failure to provide a minimum 100-foot buffer for this creek in this location results in significant environmental impacts and General Plan conflicts.

As a planner and biologist, I am qualified to make these statements which constitutes evidence of significant impacts and a General Plan conflict (policy CE 2.2).

Thank you.

Brian Trautwein  
Goleta, CA

June 28, 2006

Laurel Fisher Perez  
Suzanne Elledge Planning and Permitting Services  
800 Santa Barbara Street  
Santa Barbara, CA 93101

RE: *Glen Annie Golf Club Alternative Use, Case # 06PRE-00000-00008, APNs 077-530-028, -012, -029, -030, -020, -021, -031*

Dear Ms. Fisher-Perez:

Thank you for attending the pre-application meeting held on June 20, 2006, regarding your applicant's proposal 06PRE-00000-00008 for alternative use of the Glen Annie Golf Club. The following information is a summary of the meeting.

Attendees: John Dewey, Mike Dingman, Dan Mock, and Ryan Gahagan (applicants), Laurel Fisher Perez (agent), Derek Johnson and Rosie Dyste (Long Range Planning), and Steve Chase, Dianne Meester, Anne Almy, and Alex Tuttle (P&D)

**Project Description: The applicant is requesting a rezone and general plan amendment to allow mixed residential, commercial, and agricultural development of Glen Annie Golf Club. The project would include 90 market rate homes and 38 workforce/affordable units. The workforce/affordable units would be allocated over the very low, low, moderate and workforce income levels at 5%, 5%, 10%, and 10%, respectively. In addition, the proposed project includes a reversion back to agriculture with an 11.2 acre community based farm and approximately 17.6 acres dedicated to agriculture for lemon, avocado, or similar orchard crops. A 10-15,000 square foot commercial structure (e.g. coffee shop, produce stand) would be provided along Cathedral Oaks. The existing restaurant and pro shop would be retained to serve as a restaurant or community center, but the remainder of the golf course and associated facilities would be eliminated. Approximately 17.1 acres of existing sensitive biological areas would be retained on site, combined with the restoration of 4.2 acres of riparian corridors previously displaced. A network of trails and paths would be provided through the property. The project would provide a trail linkage from the property to Los Padres National Forest. The project site consists of approximately 156 acres located north of Cathedral Oaks and west of Glen Annie Road, in the 3<sup>rd</sup> Supervisorial District.**

The following information has been prepared by the Development Review South Division of Planning and Development and the Long Range and Strategic Planning Division of the Chief Executive Office and summarizes the main issues discussed at the meeting.

I. Development Review:

A. Land Use Requirements:

The property currently has a land use designation of A-II-40, which is established for agricultural land in rural areas of the County and identifies a minimum parcel size of 40 acres. The proposed project would be inconsistent with this land use designation. Therefore, the project would require a general plan amendment to establish a residential land use designation that would be appropriate to accommodate the requested parcel sizes and density of development. Additionally, since the project site is located outside of the urban-rural boundary, and the project as proposed would not be permitted in a rural area, a general plan amendment would be required to move the urban boundary to incorporate this project site. A general plan amendment involves an initiation process at the Planning Commission before moving forward with the project. An initiation hearing would also serve as a conceptual review of the project.

B. Zoning Requirements:

The project site is currently zoned AG-II-40. The purpose of this zone district is to establish agricultural land use for prime and non-prime agricultural lands located outside of Urban, Inner Rural, and Rural Neighborhood areas. The intent of this zone district is to preserve these lands for long-term agricultural use. The proposed project would not be consistent with the purpose and intent of this zone district. While a portion of the project site would be set aside for agriculture, the majority of the site would be dedicated to residential use. The proposed project would not be a permitted use in the AG-II-40 zone district, nor would it be permitted under a major or minor Conditional Use Permit. Proceeding with approval of this project would require rezoning the property to an appropriate zone district that would accommodate the proposed uses associated with the project. The new zoning would need to be consistent with the new land use designation.

C. Subdivision Map Act Requirements:

The proposed project would require the processing of a tentative tract map to facilitate subdivision of the project site to accommodate the proposed residential development. Tract maps are subject to the Subdivision Map Act. In order to approve a tentative tract map, the following findings (among others) must be made:

*State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.*

*State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:*

- *The proposed map is not consistent with applicable general and specific plans as specified in §66451.*
- *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*
- *The site is not physically suitable for the type of development proposed.*
- *The site is not physically suited for the proposed density of development.*
- *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

*State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.*

Of these findings, the most critical in terms of this project is the requirement that the project be consistent with the County's Comprehensive Plan, including the Goleta Community Plan.

As discussed in more detail in Section III below, the project would be inconsistent with policies of the Goleta Community Plan and Land Use Element and County Agricultural Element of the Comprehensive Plan, leading to a staff recommendation of denial.

Specifically, Policy LU-GV-1 states that "...the Urban/Rural Boundary shall not be extended prior to the development of existing inventories of vacant land within the urban area. This Boundary shall not be moved except as part of an update of the Community Plan." Land Use Development Policy 3 states "No urban development shall be permitted beyond boundaries of land designated for urban uses except in neighborhoods in rural areas." The project site lies outside of the urban boundary and the level of development proposed would be inconsistent with the purpose and intent of rural areas. The project site is not located within a designated rural neighborhood. The third fundamental goal of the Land Use Element states "In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses." Policy II.D of the Agricultural Element reads "Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands." Even though the project site is not currently in active agricultural production, it was farmed historically up until the late 1980s. Most recently, the project site has been used as a golf course. However, much of the project site contains prime soils and the golf course has not involved permanent disturbance of the property, such that



conversion back to agriculture would be possible. In fact, when the golf course was approved by the Board of Supervisors in 1993, it was stated in the CEQA findings that impacts to agriculture were less than significant because the property could be converted back to agriculture upon termination of the golf course endeavor. Additionally, the project was found to be consistent with goals and policies of the Agricultural Element based on the principle that the golf course was a temporary use and would not permanently disturb the agricultural potential of the site and that the site could revert back to agriculture in the future.

#### D. Processing requirements:

As mentioned above, the project would require a request for a general plan amendment and rezone to apply appropriate land use designations and zone districts for the proposed residential development, as well as to move the urban boundary line. The proposed project would also require processing of a tentative tract map to facilitate the subdivision of the land. Lastly, in order to review the project comprehensively, P&D would recommend that the lots be zoned such that a Development Plan were required (e.g. Design Residential). Included in the Development Plan process would be review by the South County Board of Architectural Review (BAR).

The first step in the process would be the Planning Commission's initiation hearing on the proposed general plan amendments. The initiation hearing would also serve as a concept review of the project as a whole, which would give the applicant initial comments and feedback from the Commission as to the nature and scope of the project before too much time and effort has been invested in the project. Please be advised that the standard for approval of a general plan amendment is that it be in the public interest. You may wish to consider options for enhancing the public benefits of the project, such as incorporating the project into a Transfer of Development Rights (TDR) program (if such a program goes forward at a future date), as discussed further below.

If initiated, given the complexity of this project and controversy associated with this level of development outside of the urban boundary, it is anticipated that this process would last at least two years. This type of project would be subject to public hearings before the County Planning Commission and the Board of Supervisors. Because the project would entail a general plan amendment, the Board of Supervisors would be the ultimate decision maker on the project as a whole. The Planning Commission would review the project first and make recommendations to the Board for their final action. In addition, designs for the residences and other structural development of the project as well as the overall layout of the project site would be subject to approval by the BAR. The County has a voluntary program, the Innovative Building Review Program (IBRP), to promote energy-efficient building design. We strongly encourage you to take advantage of this opportunity to consult with technical experts in the area of energy-efficient building design at no cost. Benefits include expedited building plan-check, a reduction in the energy plan-check fee by 50%, a reduction in utility bills, and a

potential increase in the market value of the project. For more information on the IBRP, please contact Kathy McNeal Pfeifer at (805) 568-2507.

Following the County's initiation of the general plan amendments, the next step in the process would be to submit the remaining application material associated with the rezone, Tentative Tract Map, and Development Plan. Once the project description was sufficiently honed, P&D would then prepare an Initial Study to identify the potential environmental impacts of the project and which issue areas are in need further analysis. It is anticipated that this project would require preparation of an EIR. In order to save time and money, the applicant could choose to skip the Initial Study and instead draft a simple EIR Scoping Document and hold a scoping meeting to identify the impact areas to be analyzed in the EIR.

Preparation of the EIR would be by an independent consultant managed by P&D. Preparation of the EIR would include the CEQA-required public comment period of the Draft EIR, which is a minimum of 45 days, during which time an Environmental Hearing would be conducted to take in public comment on the adequacy of the Draft EIR. After closure of the comment period, the EIR consultant would prepare a Proposed Final EIR. P&D staff would docket the Proposed Final EIR along with a staff report to the Planning Commission for public hearings on the project. A project of this scale and controversy would likely take multiple hearings at both the Planning Commission and Board of Supervisors that could last several months. In summary, it is anticipated that the completeness review, initiation by the Planning Commission, preparation of the EIR, and public hearings would last between two and three years. Assuming approval of the project, follow up ministerial permits (Grading and/or Land Use Permits) would be required for building of the residences and any infrastructure development associated with the project.

Based on the current Fee Schedule, the initial permit fee for the project would be approximately \$24,471 plus \$20/proposed lot. This includes both the deposit to P&D and the fixed fees to other County departments. For projects requiring deposits, the applicant is billed on a monthly basis for costs incurred by staff processing of the application during the previous month.

## II. Environmental Review:

Based on this preliminary review, it is P&D's opinion that the project would require preparation of an EIR. Based on an initial review of the project, the following key environmental issue areas would need to be analyzed in the EIR: aesthetics/visual resources, air quality, agricultural resources, biological resources, cultural resources, land use, public facilities, transportation/circulation, and water resources/flooding.

### A. Aesthetics/Visual Resources:

The project is located in the foothills of Goleta Valley and borders residential development to the south and agriculture to the east, west, and north. Analysis of a project's visual impacts consider the project's effects on the following criteria: a) the obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view; b) change to the visual character of an area; c) glare or night lighting which may affect adjoining areas; and d) visually incompatible structures. Given the topography of the site, it is unlikely that any of the proposed residences would obstruct views of the ocean or mountains or other scenic vistas. However, residential development on the scale proposed could change the visual character of the area, introduce night lighting, and result in visually incompatible structures with the primarily agricultural setting. Aesthetic impacts are difficult to mitigate without significantly reducing the scale or density of the project. More modest mitigations could include design guidelines for the proposed residences, lighting restrictions, height restrictions, and landscape screening.

#### B. Agricultural Resources:

The project site is located in an area that has been historically engaged in agricultural production and is surrounded on three sides by orchards in various degrees of active production. The site consists of both prime and non-prime soils and was last farmed approximately 20 years ago. Conversion of the project site from agriculture to the current golf course was considered a significant and unavoidable (Class I) impact on agricultural resources in the EIR prepared in 1993 for the golf course project.

Pursuant to Appendix G of the State CEQA Guidelines, the significance thresholds for determining a project's impacts on agricultural resources are: a) whether or not the project conflicts with adopted environmental plans and goals of the community where it is located; and b) whether the project converts prime agricultural land to non-agricultural use or impairs the agricultural productivity of prime agricultural land. The property's underlying zone district is AG-II-40 with an agriculture land use designation. At this point in time the project site could be returned to agricultural production since the site is still suitable for agriculture in terms of having adequate water supplies, productive soils, a beneficial climate, and suitable slopes, and little structural development exists on the property. The County has several goals and policies protecting agricultural lands from development, especially in rural areas and when other infill development opportunities exist. For these reasons, it is possible that development of the project site for residential purposes could result in significant agricultural impacts regardless of the fact that the site currently consists of a golf course. Mitigation to reduce these impacts could include setting aside more land for agriculture and reducing the footprint of the residential development, creating sufficient buffers between the residential development and agricultural operation to prevent indirect impacts and nuisance issues, and/or establishing an agricultural easement over the remaining agricultural land to prevent future conversions.

#### C. Air Quality:

The project site is located within the South Central Coast Air Basin (SCCAB). Federal and state standards have been established for certain air pollutants, including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and fine particulates. Santa Barbara County is currently considered a nonattainment area for the state particulate standard (PM<sub>10</sub>), meaning it violates the state standard for that criteria pollutant. The County also violates the state ozone standard. According to the Santa Barbara County Air Pollution Control District, a project would have a significant air quality impact if operation of the project would:

- Emit (from all sources, both stationary and mobile) 240 lbs/day or more of ROC or NO<sub>x</sub> or 80 lbs/day or more of PM<sub>10</sub>;
- Emit 25 lbs/day or more of ROC or NO<sub>x</sub> from motor vehicle trips only;
- Cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone);
- Exceed the APCD health risk public notification thresholds adopted by the APCD Board;
- Be inconsistent with the adopted federal and state air quality plans for Santa Barbara County.

Additionally, the County of Santa Barbara *Environmental Thresholds and Guidelines Manual* states that a significant air quality impact may occur when air pollutant emissions from a project:

- Interfere with progress toward the attainment of the ozone standard by releasing emissions which equal or exceed the established long-term quantitative thresholds for ROC or NO<sub>x</sub>; or
- Equal or exceed the state or federal ambient air quality standards for any criteria pollutant (as determined by modeling).

At 128 units, the proposed project could potentially result in an exceedence of the County's air quality thresholds for ROC or NO<sub>x</sub>, generated by traffic increases associated with the project. This would be determined through a modeling effort. No significance thresholds exist for short-term, construction-related air quality impacts. Standard dust control measures would be applied to the development project to ensure dust generation, which is the primary source of PM<sub>10</sub>, are reduced to the maximum extent feasible.

#### D. Biological Resources:

The project site lies in the foothills of the Santa Ynez Mountains and is characterized by rolling topography with several drainages, including Glen Annie Creek, running through the property in a north-south direction. These drainages are identified as Environmentally Sensitive Habitat in the Goleta Community Plan. In addition to the drainages there is an upland wildlife corridor along the western property boundary that has been preserved and enhanced as part of a Biological Resources Mitigation Plan included with approval of the golf course in 1997. According to the County's *Environmental Thresholds and Guidelines*

*Manual*, disturbance to habitats or species may result in a significant impact if the project substantially reduces or eliminates species diversity or abundance, or substantially reduces or eliminates the quantity or quality of nesting areas. Additionally, impacts to riparian habitats may be considered significant if the project results in the:

- Direct removal of riparian vegetation;
- Disruption of riparian wildlife habitat, particularly animal dispersal corridors and/or understory vegetation;
- Intrusion within the upland edge of the riparian canopy (generally within 50 feet in urban areas, within 100 feet in rural areas, and within 200 feet of major rivers), leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion;
- Disruption of a substantial amount of adjacent upland vegetation where such vegetation plays a critical role in supporting riparian-dependent wildlife species (e.g., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the riparian corridor, which reduces erosion and sedimentation potential; or
- Construction activity that disrupts critical time periods (nesting, breeding) for fish and other wildlife species.

Since these resources do exist on the property, a biological survey would need to be conducted to identify the quality and quantity of existing biological resources on site and to assess the potential impacts to these resources from development of the proposed project.

#### E. Cultural Resources:

A cultural resources survey was conducted for the project site as part of the golf course application in 1991. The survey identified several cultural resources on the site, some of which were considered potentially significant. The project site has received substantial ground disturbance from both historical agricultural operations and, more recently, by the extensive grading associated with development of the golf course. Development of the project site for residential purposes has the potential to degrade any remaining cultural resources, depending on the location of the residences and infrastructure relative to the resource sites. A supplemental cultural resources survey would be required to confirm the status of remaining cultural resources on the property and analyze the potential impacts of the project on those resources. If the project had the potential to impact any resource or site, mitigation could include avoidance or capping.

#### F. Land Use:

The project site is located within the rural area of the Goleta Valley, in the foothills of the Santa Ynez Mountains. It borders the urban boundary line to the south and is surrounded primarily by agricultural operations to the north, east, and west. According to Appendix G of the CEQA Guidelines, a project would have a significant land use impact if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; or
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Other criteria used to assess a project's potential land use impacts, according to Santa Barbara County's Initial Study Checklist, include:

- Whether the project would introduce structures and/or land use that is incompatible with existing land use;
- Whether the project would result in the induction of substantial growth or concentration of population; or
- Whether the project would result in the extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project.

The project would introduce an intensity of development that does not currently exist in this area and would require expansion of the existing urban/rural boundary. Such a project could have the potential to set a precedent for further development in this area, thus changing the dominant land use from agriculture to residential development. This change in use could have potentially significant land use impacts. Such impacts, if found, would be difficult to mitigate without a significant redesign of the project.

#### G. Public Facilities:

The project site is located within the Goleta West Sanitary District and Goleta Water District service areas. Future residential development of this site, therefore, would be served by these agencies as long as sufficient capacity exists. Documentation of the ability of these agencies to serve the proposed project would be required in order to demonstrate that the project would not have a significant impact on these public facilities. The addition of 128 residences would also require services from the County Sheriff's Department and County Fire Department, and would also likely add students to the local public schools. In addition, residential development projects generate solid waste that must be properly stored. According to the County's *Environmental Thresholds and Guidelines Manual*, significant impacts to schools would occur when the project would generate sufficient students to require additional classrooms. A project is considered to have a significant impact on solid waste if it generates 196 tons per year of waste after reduction and recycling efforts, which can reduce waste by up to 50%. The project would be analyzed as part of the EIR to determine if impacts to any of these public facilities would be significant.

#### H. Transportation/Circulation:

The project site is located north of Cathedral Oaks and west of Glen Annie Road, directly across from Dos Pueblos High School. Cathedral Oaks serves as a main travel corridor for neighborhood traffic in the east-west direction in the Goleta Valley, connecting western Goleta with San Marcos Pass. Glen Annie Road south of the site serves as the primary connector with Highway 101 for this neighborhood. Development of 128 residential units in this location would add traffic to area roads and intersections. Depending on the current status of these roadways and intersections, the project's traffic contribution could be significant. According to the County's *Environmental Thresholds and Guidelines Manual*, a significant traffic impact would occur if the addition of project traffic to an intersection increases the volume to capacity (V/C) ratio by 0.20, 0.15, or 0.10 at intersections operating at Level of Service (LOS) A, B, and C, respectively, or sends at least 15, 10, or 5 trips to intersections operating at LOS D, E, or F, respectively. A traffic study would need to be prepared, either as part of the EIR or submitted with the project application, which would identify current and future traffic volumes and intersection delays and assess the project's trip generation and traffic distribution to determine if any impacts may occur as a result of buildout of the project. Depending on the impacts, mitigation could include road and intersection improvements, restrictions on construction-generated traffic, improvements to public transit, supporting alternative means of transportation, and dedication of units to Dos Pueblos High School employees (if feasible).

#### I. Water Resources/Flooding:

The project site is characterized by three watercourses that flow through the property in various capacities in a north-south direction, including Glen Annie Creek running along the eastern boundary of the project site. Construction and operation of the development project has the potential to result in water quality impacts to on-site watercourses, as well as contribute to flooding downstream if drainage issues are not adequately addressed. According to the County's *Environmental Thresholds and Guidelines Manual*, significant water quality impacts are presumed to occur if the project increases the amount of impervious surfaces on the site by 25% or more; results in the channelizations or relocation of a natural drainage channel; or results in the removal or reduction of riparian vegetation or other vegetation (excluding non-native vegetation removed for restoration purposes) from the buffer zone of any streams, creeks, or wetlands. Because the project would disturb more than one acre of land, a Storm Water Quality Management Plan would need to be prepared and implemented to reduce water quality impacts to the maximum extent feasible. A drainage study would need to be prepared in order to analyze the impacts of the project on area drainage and flooding. This study could be prepared as part of the EIR effort or it could be submitted by the applicant and then reviewed by the consultants during preparation of the EIR. Typically, mitigation to address water quality impacts include the establishment of sufficient buffers from watercourses, minimization of impervious surfaces, and the incorporation of Best Management Practices into the development project (e.g. bioswales, filters, etc.). Mitigation to address flooding and drainage issues typically includes on-site detention by various means.

III. Long Range and Strategic Planning:

The project site is designated Rural, Open Lands, Agriculture, AG-II-40 zoning. Overlay designations include Flood Hazard in a small southeast portion of APN 077-530-021 and Environmentally Sensitive Habitat/Riparian Corridor overlays in each parcel except APN 077-530-012. Based on the preliminary information received, the proposed residential development of 128 units is not allowed within this land use designation; as a result the request for a general plan amendment and zone change would be needed.

A. Comprehensive Plan Consistency:

**Land Use Element**

**3<sup>rd</sup> Fundamental Goal of Land Use Element, pg. 81**

*Agriculture: In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.*

This goal is applicable because the project site is within a rural area of the County and does have an agricultural land use designation. Despite its current use as a golf course, much of the project site was historically farmed and remains suitable for reversion back to agriculture. The golf course was granted a Conditional Use Permit to operate its facilities, which served to preserve the underlying agricultural land use designation and zoning. The proposed project, while included an agricultural element, would reserve the majority of the site for residential development. Thus, the proposed project would be inconsistent with this fundamental goal.

**Land Use Development Policy 3, pg. 81**

*No urban development shall be permitted beyond boundaries of land designated for urban uses except in neighborhoods in rural areas.*

This policy is applicable given the proposed urban use on land designated rural. The Glen Annie Golf Club site is not a rural neighborhood which is defined as “a neighborhood area that has developed historically with lots smaller than those found in the surrounding Rural or Inner Rural lands” (Land Use Element pg. 175). The project as proposed is inconsistent with this policy.

**Agricultural Element**

**Policy I.F, pg. 10.**



*The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.*

**GOAL II, pg. 11.**

*Agricultural lands shall be protected from adverse urban influence.*

**Policy II.D, pg. 12.**

*Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.*

**Policy III.A, pg. 12.**

*Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.*

Agricultural Element policies are applicable to this project given the underlying zoning designation is Agriculture, the site has approximately 28.2 acres of prime soils, and the site was historically farmed up until the late 1980s. Although approximately 28.8 acres are proposed for agriculture use on site, the surrounding urban influence would have a significant impact on farming operations and the proposed agricultural use may not be sustainable. While dedicating some acreage to agricultural use is commendable, agricultural viability is generally reduced on smaller parcels. Thus, the project is inconsistent with the policies listed above because it proposes an expansion of urban use into lands zoned for agriculture and infill development within the urban area is available.

**Goleta Community Plan**

***Land Use***

**Policy LU-GV-1, pg. 37**

*The Urban/Rural Boundary around the Goleta community shall separate principally urban land uses and those which are rural and/or agricultural in nature. This boundary shall represent the maximum extent of the Goleta urban area and the Urban/Rural Boundary shall not be extended prior to the development of existing inventories of vacant land within the urban area. This Boundary shall not be moved except as part of an update of the Community Plan.*

This policy is applicable because the Glen Annie project as proposed would require an extension of the urban boundary. Vacant land is currently available within the urban area that could provide development opportunities. Pursuant to this policy, these opportunities should be exhausted prior to extending the urban boundary. An update to the Goleta Community Plan is proposed to be initiated in 2007. It may be premature or inappropriate to proceed with this project and propose to extend the urban boundary outside or in advance of the Plan update. However, at this point the boundaries of the proposed Plan update have yet to be determined. Staff will keep this project in mind when considering the boundaries and inform you once the boundaries have been established. The project as currently proposed is inconsistent with this policy.

### ***Trails***

#### **Policy PRT-GV-2, pg. 123**

*... all opportunities for public recreational trails within those general corridors adopted by the Board of Supervisors as part of the Parks, Recreation and Trails (PRT) maps of the County Comprehensive Plan (and this Community Plan) shall be protected, preserved and provided for during and upon the approval of any development, subdivision and/or permit requiring any discretionary review or approval...*

This policy is applicable because the project description proposes a network of public access trails and trail linkage from the property to the Los Padres National Forest. The project is consistent with this policy as the proposed trail alternatives are shown generally along the proposed trail corridors on the PRT map. However, the application is unclear how the proposed trail alternatives shown on the submittal maps will be routed through a considerable amount of privately owned property to link with existing trails in the Los Padres National Forest.

### ***Circulation***

#### **Policy CIRC-GV-4, pg. 166**

*New development shall be sited and designed to provide maximum access to non-motor vehicle forms of transportation, including well designed walkways, paths and trails between new residential development and adjacent and nearby commercial uses and employment centers.*

The project as proposed is potentially consistent with this policy with the inclusion of access to the public trail at Cathedral Oaks Road and Alameda Avenue.

### ***Resource Protection Policies***

#### **Policy BIO-GV-2, pg. 194, BIO-GV-2.2, pg. 195, BIO-GV-8, pg. 198**

Biological resource policies regarding Environmentally Sensitive Habitat (ESH) areas, riparian corridors, and general resource protection policies are applicable to the Glen Annie project because two ESH/Riparian Corridor overlays are present in the project area. Given the information presented in the Pre-Application Meeting Presentation, the project potentially complies with policies regarding protection and enhancement of riparian corridors. Please note that setbacks from streams and creeks would be required and indicated on all grading and development plans. Also note, additional Resource Protection policies not listed here would apply to the project if it were to move forward as proposed.

### ***Flooding and Drainage***

#### **Policy FLD-GV-1, pg. 210**

Flooding and drainage policies are applicable given that the site has riparian corridors and the 100-flood hazard overlay is present in the southeast corner of the site. The project potentially complies with flood hazard setback policies as no structures are shown on the project site plan within creek channels or adjacent to the flood hazard overlay.

#### **2003 – 2008 Housing Element Policies (adopted May 2006)**

#### **Resource Conservation Policy 5.5, pg. 98**

*The county shall continue to encourage development within existing urban boundaries of the county and the preservation and/or protection of rural land uses outside the urban boundaries.*

This policy is applicable given the proposal to develop outside the urban boundary. The project is inconsistent with this policy.

#### **Inclusionary Housing Program Policy 1.2 and Development Standards pgs. 86-87**

Inclusionary Housing Policy 1.2 and development standard requirements are applicable because the policy applies to all residential developments of five or more primary units. Given that 30% of the total units are proposed as workforce/affordable units, the project is consistent with Inclusionary Housing Policy 1.2. Please note that per Development Standard 1.2.2., of the 30% affordable, 5% must be very low income units, 5% low income units, 10% moderate income units, and 10% workforce income units. Your project as proposed appears consistent with this requirement. Staff would encourage you to pay in-lieu fees for the very low and low income units and build additional moderate and workforce units on-site. Also, please be advised that projects receive density increases of one unit over base density for each required moderate and/or workforce units built on-site.

#### **Submittal Requirements:**

As I identified in the discussion above, there are several studies and reports that would need to be prepared as part of this process. However, since you are requesting a general plan amendment, which requires initiation by the Planning Commission, it would be premature to submit this material with your initial application. Assuming the project is initiated, these reports and studies could be prepared by the consultant as part of the EIR. Thus, in order to proceed with this project the only thing you must submit is an application for the requested general plan amendment. The other applications (Tentative Tract Map, Development Plan, and Rezone), and associated supporting material, can be submitted at a later date if and when the general plan amendment is initiated.

Summary:

The project site is currently zoned AG-II-40 with an A-II land use designation. It is located outside of the urban-rural boundary. The project site is surrounded on three sides by active agriculture and is adjacent to residential development to the south. The project would require a general plan amendment and rezone from agriculture to residential in order to accommodate the proposed residential development. In addition, a general plan amendment would be required in order to extend the urban-rural boundary. As has been detailed in the discussion above, several policy concerns exist with this proposed project. Existing policies in the Goleta Community Plan call for the protection of agriculture and maintenance of the urban-rural boundary, unless modified through an update to the Goleta Community Plan. The County Land Use Element speaks to the avoidance of urban development outside of the urban boundaries and the Agricultural Element calls for the protection and enhancement of agriculture in rural areas of the County. The proposed project constitutes an urban use and development, even at the density proposed, and would result in the permanent conversion from land that once supported active agriculture (and is suitable for conversion back to agriculture) to such use.

In summary, despite the need for housing on the South Coast and the project's proximity to existing residential communities, the project as currently proposed is inconsistent with existing County policies and therefore County staff would recommend against initiation at this time. Aside from the policy inconsistencies, a central question is whether this is the appropriate time in the life cycle of the Goleta Valley to convert rural agricultural land to residential use and extend the urban boundary line. There needs to be a compelling argument that such a conversion would provide a public benefit that would outweigh the costs. The project as proposed does not, from our perspective, offer such an argument. One way in which to gain support for this project and enhance the public benefit may be to integrate the project site into the regional Transfer of Development Rights (TDR) program that is currently being considered as part of the Santa Barbara Ranch project along the Gaviota Coast, should that program or a countywide TDR program go forward at a future date. Including the Glen Annie site as a receiver site in a TDR program could help to promote this project and overcome some of the obstacles it faces. Planning and Development would be happy to work with you further on this element of the project. In addition, assuming the project site is within the proposed boundaries of the Goleta Community Plan update, it may be more appropriate to consider this project in the context of the more comprehensive update, which is scheduled for initiation in 2007. Staff will keep you

apprised as to the progress of that update and the boundaries once they are established. The first step in moving forward with this project would be to bring the requested general plan amendment to the Planning Commission for initiation. This would also serve as a conceptual review of the project by the Planning Commission. You may wish to provide several options to the Planning Commission as part of this conceptual review, given its complexity and the possible integration of the project with the TDR program and/or update to the Goleta Community Plan.

I hope that the pre-application meeting and this follow-up information will assist you with your proposal. Please keep in mind that the analysis is based on preliminary information received, and may be subject to change depending on the timing of the application, additional information that becomes available, or changes to policies and regulations that may be in effect at that time.

Sincerely,

Alex Tuttle, Planner  
Division of Development Review

cc: John Dewey, Dewey Group, 3720 Campus Drive, Ste. 200, Newport Beach, CA 92660  
Anne Almy, Supervising Planner  
Derek Johnson, Long Range Planning Division  
Rosie Dyste, Long Range Planning Division  
Lisa Bodrogi, Agricultural Commissioner's Office  
Claude Garciacelay, County Parks Department  
Pat Gabel, County Housing and Community Development  
Steve Chase, Development Review Deputy Director  
Dianne Meester, Assistant Director  
Patty Miller, City of Goleta, 130 Cremona Drive, Ste. B, Goleta, CA 93117  
Records Management (*first page only*)  
Accounting (*first page only*)  
Case file

Enclosure: Questions and Answers About Fees and Billing

**NOTICE OF FINAL APPROVAL/  
INTENT TO ISSUE A  
LAND USE PERMIT**

Case No.: 05LUP-00000-01214 Planner: Alex Tuttle Initials\_\_\_\_  
Project Name: Glen Annie Golf Club Hole 3/15 Reconfiguration  
Project Address: 405 Glen Annie Road  
A.P.N.: 077-530-021, -031, -020, -012, -028, -030  
Zone District: AG-II-40



Planning & Development (P&D) grants final approval and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**FINAL APPROVAL DATE:** January 5, 2006

**POSTING DATE/APPEAL PERIOD BEGINS:** January 6, 2006

**APPEAL PERIOD ENDS:** January 16, 2006

**DATE OF PERMIT ISSUANCE:** (if no appeal filed) January 17, 2006

**NOTE:** This final approval may be appealed to the Planning Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the **Final Approval Date** identified above. (Secs. 35-327. & 35-489.) If you have questions regarding this project please contact the planner at (805) 884-6844.

**PROJECT DESCRIPTION SUMMARY:** See Attached

**PROJECT SPECIFIC CONDITIONS:** See Attached

**ASSOCIATED CASE NUMBERS:** 05SCD-00000-00016, 91-CP-091 AM02

**TERMS OF PERMIT ISSUANCE:**

**1. Posting Notice.** A weather-proofed copy of this Notice/Permit, with Attachments, shall be posted by the Applicant in three (3) conspicuous places along the perimeter of the subject property. At least one notice shall be visible from the nearest street. Each copy of this Notice shall be posted on the identified **Posting Date** and shall remain posted for a minimum of ten (10) consecutive calendar days. (Secs. 35-326.3 & 35-488.3)

**2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**



## ATTACHMENT A CONDITIONS OF APPROVAL

1. This Land Use Permit is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

**The project description is as follows:**

**The proposed project is for reconfiguration of Holes 3 and 15 at the Glen Annie Golf Club in order to prevent errant golf balls from entering a private residential property. The tees on Hole 3 would be excavated approximately 30 feet and moved westward against an existing hillside. Total cut associated with this excavation would be approximately 8,315 cubic yards. Approximately 4,555 cubic yards of this cut would be used to fill in a low point to the east of the green and create grass-covered containment mounds spanning approximately 190 feet to keep golf balls from rolling too far to the east of the green. The existing sand trap north of the green would be expanded and reshaped. A 10-foot high safety screen would be installed on the west side of the new tee box area (approximately 320 feet in total length); the screen would be constructed on galvanized pipe frame with black or dark green mesh screen made of polyester or polypropylene material. Landscape planting primarily consisting of pine and gum trees would be installed along both sides of the fairway and along the west side of the new tee box to focus golf shots and block errant balls. Trees would be planted in container sizes ranging from 5 gallon to 24-inch box. The tees on Hole 15 would be moved forward. A 10-foot high safety screen of similar construction would be installed on the east side of the new tee box area (approximately 200 feet in total length). The remaining cut from Hole 3 (3,760 cubic yards) would be used to fill in some of the sand traps of Hole 15, towards the end of Drainage A. The sand traps would be reshaped and seeded to blend in with the existing fairway. Landscape planting of a similar palette would be installed along the eastern edge of the tee boxes and fairway to help block errant balls from entering the adjacent property. Cut and fill would be balanced on site. No vegetation other than grass would be removed as part of this project.**

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. The applicant shall comply with all of the conditions of approval of the existing Conditional Use Permit (91-CP-091 AM02).



Case #: 05LUP-00000-01214

Project Name: Glen Annie Golf Club Hole 3/15 Reconfiguration

Project Address: 405 Glen Annie Road

APN: 077-530-021, -031, -020, -012, -028, -030

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3. All site preparation and associated grading activities shall be limited to the hours between 7:30 A.M. and 5:00 P.M., weekdays only. No construction shall occur on State holidays (e.g. Labor Day, Thanksgiving). Construction equipment maintenance shall be limited to the same hours. Non-noise generating activities, such as landscape planting, are not subject to these restrictions.
4. Prior to issuance of the grading permit, the applicant shall do the following to ensure compliance with existing conditions of approval of the CUP (91-CP-091 AM02):
  - a. The applicant shall plant oak seedlings around the perimeter of the driving range such that the total number of seedlings (planted plus existing) equals 110. Seedlings shall be grown from local acorn stock, preferably gathered from within the same watershed as the project site. This shall be done consistent with the Biological Resources Management Plan. The trees shall be irrigated and maintained for five years, the last two without supplemental watering. The trees shall be protected from predation by wild and domestic animals (including gophers) by the use of fencing, both above and below ground, during the maintenance period.
  - b. The applicant shall plant additional understory vegetation near the SCE pole and erosion scarp near the Hole 6 green along the western bank of Glen Annie Creek. Vegetation should consist of California blackberry (*Rubus ursinus*), giant wild rye (*Leymus condensatus*), and California rose (*Rosa californica*), and should focus on open areas within the top of the slope in the vicinity of the erosion scarp. All plants shall be native and grown from local seed stock. All plants shall be irrigated until well established. Native leaf litter shall be allowed to accumulate on the ground surface within the creek buffer along the western bank of Glen Annie Creek in order to maintain the creek buffer in a natural state.
  - c. The applicant shall plant additional native plants along the slope west of the cattail basin and bridge below the Hole 14 green, identified as Lower Drainage A, in the location of the recently installed jute netting. Plantings should consist of coyote brush, California sage (*Artemisia californica*), mulefat (*Baccharis salicifolia*), and California blackberry (*Rubus ursinus*), grown from local seed stock. All plantings shall be irrigated until well established. The failed plantings on the east side of the bridge shall be replaced with larger sized plants (e.g. 5 and 15 gallon containers) that could be placed deeper below the surface and thus further from the eucalyptus leachate. Willows may be used in place of these container plants, as they may be able to better withstand the shading and soil conditions resulting from the nearby eucalyptus.
  - d. The applicant shall plant clusters of native western sycamore (*Platanus racemosa*) trees, coast live oaks (*Quercus agrifolia*), and black cottonwood (*Populus trichocarpa*) in between the fairways along the amphibian corridor connecting Drainage A with the upper drainage. This shall be done consistent with the Biological Resources Management Plan. All trees shall be native and grown from local seed stock.

**Monitoring:** P&D shall site inspect to confirm compliance with these plantings prior to issuance of the grading permit.

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5. All grading shall be conducted consistent with the grading plan identified in the conditions of approval for the existing CUP (91-CP-091 AM02). Grading inspectors shall monitor technical aspects of the grading activities and assess the adequacy of erosion control measures.
6. Grading activities on Hole 15 shall comply with the following requirements:
  - a. Construction fencing shall be installed along the limit of the work area to protect the existing riparian corridor of Drainage A, consistent with the approved plans.
  - b. Work areas shall be haybaled or other County approved erosion measures to minimize erosion and sedimentation into Drainage A if work is to occur during the wet season (November 2 to April 14).
7. The applicant shall limit excavation and grading to the dry season of the year (April 15 to November 1) unless a County approved erosion control plan is in place and all measures therein are in effect. This requirement shall be noted on all grading plans.
8. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this conditional use permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
9. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.