

HASKELL'S LANDING GENERAL PLAN CONSISTENCY ANALYSIS

Land Use Element

LU 1.2 Residential Character. [GP/CP] — *The Land Use Plan map shall ensure that Goleta's land use pattern remains predominately residential and open, with the majority of nonresidential development concentrated along the primary transportation corridor—east and west along Hollister Avenue and US-101. The intent of the Land Use Plan is to protect and preserve residential neighborhoods by preventing intrusion of nonresidential uses that would be detrimental to the preservation of the existing character of the neighborhoods.*

LU 1.7. — New Development and Protection of Environmental Resources. [GP/CP] *Approvals of all new development shall require adherence to high environmental standards and the preservation and protection of environmental resources, such as environmentally sensitive habitats, consistent with the standards set forth in the Conservation Element and the City's Zoning Code.*

Policy LU 1.8. — New Development and Neighborhood Compatibility. [GP/CP] *Approvals of all new development shall require compatibility with the character of existing development in the immediate area, including size, bulk, scale, and height. New development shall not substantially impair or block important viewsheds and scenic vistas, as set forth in the Visual and Historical Resources Element.*

Consistent. These policies are intended to ensure that new development is compatible with the surrounding neighborhood. The development is located adjacent to Hollister Avenue, Goleta's main transportation corridor. The two-story, mostly attached single family and multiple family structures' bulk, mass, and scale would be compatible with the surrounding commercial and residential uses, including the recently completed Comstock Homes Ali D'Oro residential project directly to the southeast, across Hollister Avenue. While the project would result in some viewshed interruption as experienced from Hollister Avenue when compared to the currently unobstructed view across a vacant parcel, a substantial view corridor of over 500 feet closest to Hollister Avenue would remain in open space, on either side of the enhanced Devereux Creek riparian corridor. This area would maintain a view corridor to portions of the foothills and the Santa Ynez Mountain skyline. The maximum height of the structures is proposed to be 27 feet, 8 feet below the maximum height of 35' allowed by the zoning ordinance. Consistency with recommended building density and intensity standards are discussed below under Policy LU 2.5, Planned Residential (R-P). Aesthetic impacts would be addressed through use of landscaping that is appropriately sized and located to screen and soften the visual impacts of

buildings fronting Hollister Avenue. Therefore, the proposed project is considered consistent with this policy.

LU 1.9. Quality Design in the Built Environment. [GP/CP] — *The City shall encourage quality site, architectural, and landscape design in all new development proposals. Development proposals on sites larger than 5 acres shall be subject to requirements of a “planned development” to achieve the advantages of coordinated site planning, circulation, and design. Public open spaces with quality visual environments shall be included to create attractive community gathering areas with a sense of place and scale.*

Consistent. The proposed project is clustered, consistent with planned development concepts, which allows for preservation and restoration of the Devereux Creek riparian corridor, as well as all designated wetlands, and primary native grassland concentrations.

LU 1.11. Multiple-Use Development. [GP/CP] — *New larger developments, including multifamily, commercial, retail, office, and industrial uses, shall be designed to incorporate features that enable a choice of various alternative modes of travel, such as transit, biking, and walking. Mixed-use development, where certain commercial and residential uses are provided in a single integrated development project, shall be allowed in appropriate areas, including, but not limited to, the Hollister corridor in Old Town.*

Consistent. The proposed project would provide sidewalks along Hollister Avenue and Las Armas Road, and would provide access to the Elwood Shores preserve south of Hollister Avenue. It would be located on a Metropolitan Transit District bus route traveling Hollister Avenue, allowing for access on the Hollister corridor through Goleta.

LU 1.13. — Adequate Infrastructure and Services. [GP/CP] — *For health, safety, and general welfare reasons, approvals of new development shall be subject to a finding that adequate infrastructure and services will be available to serve the proposed development. This includes water, sewer, roads, parks, energy availability and any other necessary services and infrastructure. Funding for costs associated with project-related infrastructure improvement and/or project related service extensions shall be the responsibility of the developer.*

Consistent. This policy is intended to ensure that new development is coordinated with the availability and/or provision of adequate public facilities and infrastructure to adequately serve it. Adequate water, sewer, and utility services are already available from the Goleta Water and Goleta West Sanitary Districts, local utility service providers, fire and police protection services, based on letters received from these agencies during project review. Project impacts on local school enrollment would be mitigated

pursuant to State statute by payment of development impact fees to the various school districts so impacted. As such, the proposed project is considered consistent with this policy.

LU 2.2. Residential Use Densities. [GP/CP] — All proposed residential projects shall be consistent with the standards for density and building intensity set forth in this plan. The densities described in the policies for the residential use categories and in Table 2-1 are maximum permitted densities but are not guaranteed. Density of development allowed on any site shall reflect site constraints, including:

- a. Environmentally sensitive habitat areas (ESHA).
- b. Areas prone to flooding and geologic, slope instability, or other natural hazards.
- c. Areas with stormwater drainage problems.
- d. Presence of other significant hazards or hazardous materials.
- e. Protection of significant public and private views.
- f. Exposure to exterior noise levels that exceed a Community Noise Exposure Level (CNEL) of 60 dBA (see related Subpolicy NE 1.2).
- g. Areas with archaeological or cultural resources.
- h. Deficiencies in the type or level of services necessary for urban development, such as transportation facilities (roadway and pedestrian), sewer and water service, and emergency service response time.
- i. Prevailing densities of adjacent developed residential areas.

Consistent: The project site is designated for up to 8 acres under the Medium Density Residential designation. The proposed project would result in development at 7 units per acre, and would preserve and restore the Devereux Creek ESHA, wetlands, and native grasslands.

LU 2.3. Residential Development Standards. [GP/CP] — The following standards or criteria shall be applicable to residential development proposals:

- a. The privacy of existing residential uses in the immediate area shall be protected in the design of new or expanded structures.
- b. Solar access of residential uses shall be protected in the design of new or expanded structures.
- c. Proposals for construction of new or expanded homes shall be required to have a size, bulk, scale, and height that are compatible with the character of the immediate existing neighborhood.

Consistent: Proposed residential structures on the north side of Hollister Avenue would be distanced from existing development to the south on Elwood Shores by the roadway and screening landscaping. The two-story, mostly attached single family and multiple family structures' bulk, mass, and scale would be compatible with the surrounding commercial and residential uses, including the recently completed Comstock Homes Ali D'Oro residential project, south of Hollister Avenue.

LU 2.5. Planned Residential (R-P). [GP/CP] — The intent of the Planned Residential designation is to allow flexibility and encourage innovation and diversity in design of residential developments. This is accomplished by allowing a wide range of densities and housing types while requiring provision of a substantial amount of open space and other common amenities within new developments. Clustering of residential units is encouraged where appropriate to provide efficient use of space while preserving natural, cultural, and scenic resources of a site. Planned residential areas may also function as a transition between business uses and single-family residential neighborhoods. This designation permits single-family detached and attached dwellings, duplexes, apartments in multiunit structures, and accessory uses customarily associated with residences. This designation is intended to provide for development of residential units at densities ranging from 5.01 units per acre to 13.0 units per acre, with densities for individual parcels as shown on the map in Figure 2-1. Assuming an average household size of 2.0 to 3.0 persons, this use category will allow population densities between 10 persons per acre and 39 persons per acre.

LAND USE ELEMENT, TABLE 2-1:

**TABLE 2-1
ALLOWABLE USES AND STANDARDS FOR RESIDENTIAL USE CATEGORIES**

Allowed Uses and Standards	Residential Use Categories				
	R-SF	R-P	R-MD	R-HD	R-MHP
Residential Uses					
One Single-Family Detached Dwelling per Lot	X	X	-	-	-
Single-Family Attached and Detached Dwellings	X	X	X	X	-
Multiunit Apartment Dwellings	-	X	X	X	-
Mobile Home Parks	-	-	-	-	X
Second (Accessory) Residential Units	X	X	-	-	-
Assisted-Living Residential Units	-	-	X	X	-
Other Uses					
Religious Institutions	X	X	X	X	-
Small-Scale Residential Care Facility	X	X	-	-	-
Small-Scale Day Care Center	X	X	X	X	X
Public and Quasi-public Uses	X	X	X	X	-
Accessory Uses					
Home Occupations	X	X	X	X	X
Standards for Density and Building Intensity					
Recommended Standards for Permitted Density					
Maximum Permitted Density (units/acres)	5 or less	5.01–13	20	30	15
Minimum Permitted Density (units/acres)	N/A	N/A	15	15	N/A
Recommended Standards for Building Intensity					
Maximum Floor Area Ratios (FAR)	N/A	0.30	0.50	1.10	N/A
Maximum Structure Height (Inland Area)	25 feet	35 feet	35 feet	35 feet	25 feet
Maximum Structure Height (Coastal Zone)	25 feet	25 feet	25 feet	25 feet	25 feet
Maximum Lot Coverage Ratio	N/A	0.30	0.30	0.40	N/A

Allowed Uses and Standards	Residential Use Categories				
	R-SF	R-P	R-MD	R-HD	R-MHP
Minimum Open Space Ratio	N/A	0.40	N/A	N/A	N/A
Minimum Lot Size	7,000 s.f.	4,500 s.f.	N/A	N/A	2,500 s.f.

Notes:

1. Use Categories: R-SF– Single-Family Residential; R-P – Planned Residential; R-MD – Medium-Density Residential; R-HD – High-Density Residential; R-MHP – Mobile Home Park.
2. X indicates use is allowed in the use category; - indicates use not allowed.
3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code.
4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause.
5. N/A = Not applicable.

Consistent. This policy designated the project site as Planned Residential with a maximum allowable density of 8 units/acre. The proposed density is 7.0 units/acre and as such, is consistent with this policy.

The applicable land use table for the proposed project, Table 2-1, Allowable Uses and Standards for Residential Use Categories, shown above states a recommended maximum residential floor area ratio (FAR) of 0.30 for the Planned Residential Land Use Designation. The applicant proposes a FAR of 0.22 with 42 studio, two-story, and three bedroom (with an option for a fourth bedroom in some models), ranging from 566 to 3,050 gross square feet including garages. The Open Space Ratio would be 0.63. This would meet the recommended FAR and Open Space standards outlined in Table 2-1. The proposed heights from finished floor to roof ridgeline of 26.5 feet and 27.0 feet would be 1.5 and 2 feet above the Land Use Element standard. For such exceptions to be granted, a good cause finding must be made, per the GP/CLUP Glossary, if the exception is:

“defined as a better site or architectural design, will result in better resource protection, will provide a significant community benefit and/or does not create an adverse impact to the community character, aesthetics or public views.

This good cause finding can be made based on

- a. The supportive comments received from the City DRB for the overall building configuration and size, bulk and scale;
- b. The reduction of 46 detached residential units originally proposed to the current 5 units, as requested by DRB, translates to a reduction in the total number of buildings from 83 to 42. The substantial increase in clustering of structures compensates for a slightly higher roof line. The central area of the property would remain open, maintaining a view corridor through the parcel to the backdrop of the foothills and Santa Ynez Mountain skyline, which

does not create an adverse impact to the community character, aesthetics, or public views.

The scale and design of the Haskell's Landing project would allow it to function as a gateway to the western Hollister Avenue corridor transition to business uses and single-family residential neighborhoods. These project components and conditions of approval for the development would make the project consistent with this policy.

Open Space Element

OS 8.4. Evaluation of Significance. [GP/CP] — *For any development proposal identified as being located in an area of archaeological sensitivity, a Phase I cultural resources inventory shall be conducted by a professional archaeologist or other qualified expert. All sites determined through a Phase 1 investigation to potentially include cultural resources must undergo subsurface investigation to determine the extent, integrity, and significance of the site. Where Native American artifacts have been found or where oral traditions indicate the site was used by Native Americans in the past, research shall be conducted to determine the extent of the archaeological significance of the site.*

OS 8.6. Monitoring and Discovery. [GP/CP] — *Onsite monitoring by a qualified archaeologist and appropriate Native American observer shall be required for all grading, excavation, and site preparation that involves earth moving operations on sites identified as archaeologically sensitive. If cultural resources of potential importance are uncovered during construction, the following shall occur:*

- a. The grading or excavation shall cease and the City shall be notified.*
- b. A qualified archeologist shall prepare a report assessing the significance of the find and provide recommendations regarding appropriate disposition.*
- c. Disposition will be determined by the City in conjunction with the affected Native American nation.*

OS 8.7. Protection of Paleontological Resources. [GP/CP] — *Should substantial paleontological resources be encountered during construction activities, all work that could further disturb the find shall be stopped and the City of Goleta shall be notified within 24 hours. The applicant shall retain a qualified consultant to prepare a report to the City that evaluates the significance of the find and, if warranted, identifies recovery measures. Upon review and approval of the report by the City, construction may continue after implementation of any identified recovery measures.*

Consistent. These policies are intended to provide for protection of archaeological and cultural resources. Two Phase 1 Archaeological Surveys of the project site have not identified any potentially significant archaeological resources, though archaeological sites are recorded in other

reaches of the Devereux Creek watershed in the vicinity. The project site soils are not known to contain paleontological resources, and the site is vacant, so no historical resources exist. Implementation of the conditions of approval would provide for monitoring of initial grading by a city-qualified archaeologist and local Native American, that would ensure identification and assessment of unknown cultural resources if they are encountered during grading/construction activities. As such, the project is considered consistent with these policies.

Conservation Element

CE 1.6: Protection of ESHAs. [GP/CP] — *ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within ESHAs or their buffers. The following shall apply:*

- a. *No development, except as otherwise allowed by this policy, shall be allowed within ESHAs.*
- b. *A setback or buffer separating all permitted development from an adjacent ESHA shall be required and shall have a minimum width as set forth in subsequent policies of this element. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area.*
- c. *Public accessways and trails are considered resource-dependent uses and may be located within or adjacent to ESHAs. These uses shall be sited to avoid or minimize impacts on the resource to the maximum extent feasible. Measures such as signage, placement of boardwalks, and limited fencing or other barriers—shall be implemented as necessary to protect ESHAs.*
- d. *The following uses and development may be allowed in ESHAs or ESHA buffers only where there are no feasible, less environmentally damaging alternatives and will be subject to requirements for mitigation measures to avoid or lessen impacts to the maximum extent feasible; 1) public road crossings, 2) utility lines, 3) resource restoration and enhancement projects, 4) nature education, and 5) biological research.*
- e. *If the provisions herein would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel. This use shall not exceed a development footprint of 20 percent of the parcel area and shall be subject to approval of a conditional use permit. Alternatively, the City may establish a program to allow transfer of development rights for such parcels to receiving parcels that have areas suitable for and are designated on the Land Use Plan map for the appropriate type of use and development.*
- f. *Any land use, construction, grading, or removal of vegetation that is not listed above is prohibited.*

Consistent. The project incorporates a 50-foot development setback from the Devereux Creek top bank within the ESHA. The Vegetation Enhancement Plan would restore riparian habitat, as well as improve drainage capabilities throughout the creek prism, such that intermittent flows would be conveyed from north of the project site, through the project site, and southward towards the Devereux Slough. A proposed creek crossing along the northern project boundary would incorporate a 10-foot wide clear span bridge that would allow for restoration on creek banks, and wildlife passage underneath. A second bridge crossing in the central portion of the project site, as requested by the City DRB, would also be designed to avoid encroachment within the restored riparian corridor. Mitigation measures requiring that all utility excavations that would require crossing the drainage be directionally drilled under the ESHA area would ensure avoidance and potential erosion and sedimentation during construction. These conditions would ensure project consistency with this policy.

CE 1.7. Mitigation of Impacts to ESHAs. [GP/CP] — *New development shall be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Any impacts that cannot be avoided shall be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on site. If impacts to onsite ESHAs occur in the Coastal Zone, any offsite mitigation area shall also be located within the Coastal Zone. All mitigation sites shall be monitored for a minimum period of 5 years following completion, with changes made as necessary based on annual monitoring reports. Where appropriate, mitigation sites shall be subject to deed restrictions. Mitigation sites shall be subject to the protections set forth in this plan for the habitat type unless the City has made a specific determination that the mitigation is unsuccessful and is to be discontinued.*

Consistent. The project incorporates a 50-foot development setback from the Devereux Creek top bank within the ESHA. The Vegetation Enhancement Plan would restore riparian habitat, as well as improve drainage capabilities throughout the creek prism, such that intermittent flows would be conveyed from north of the project site, through the project site, and southward towards the Devereux Slough. This would ensure project consistency with this policy.

CE 1.9. Standards Applicable to Development Projects. [GP/CP] — *The following standards shall apply to consideration of developments within or adjacent to ESHA:*

- a. *Site designs shall preserve wildlife corridors or habitat networks. Corridors shall be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds.*

- b. *Land divisions for parcels within or adjacent to an ESHA shall only be allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes.*
- c. *Site plans and landscaping shall be designed to protect ESHAs. Landscaping, screening, or vegetated buffers shall retain, salvage, and/or reestablish vegetation that supports wildlife habitat whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of nonnative, invasive species shall not be allowed in ESHAs and buffer areas adjacent to ESHAs.*
- d. *All new development shall be sited and designed so as to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater and to prevent net increases in baseline flows for any receiving water body.*
- e. *Light and glare from new development shall be controlled and directed away from wildlife habitats. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs.*
- f. *In order to minimize adverse impacts related to fish and wildlife habitat conservation areas and noise, noise levels from new development should not exceed an exterior noise level of 60 Ldn (day-night noise level) at the habitat site. During construction, noise levels may exceed these levels when it can be demonstrated that significant adverse impacts on wildlife can be avoided or will be temporary.*
- g. *All new development shall be sited and designed to minimize the need for fuel modification, or weed abatement, for fire safety in order to preserve natural vegetation within and adjacent to ESHAs. Development shall use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques, that will reduce or avoid fuel modification activities.*
- h. *The timing of grading and construction activities shall be controlled to minimize potential disruption of wildlife during critical time periods such as nesting or breeding seasons.*
- i. *Grading, earthmoving, and vegetation clearance adjacent to an ESHA shall be prohibited during the rainy season, generally from November 1 to March 31, except where necessary to protect or enhance the ESHA itself. An exception to this prohibition may be allowed if these actions are necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.*
- j. *In areas that are not adjacent to ESHAs and where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.*

Consistent. The project incorporates a 50-foot development setback from the Devereux Creek top bank within the ESHA. The Vegetation Enhancement Plan would restore riparian habitat, as well as improve drainage capabilities throughout the creek prism, such that intermittent flows would be conveyed from north of the project site, through the project site, and southward towards the Devereux Slough. Mitigations would require that only indigenous native species be used in the Vegetation Enhancement Plan within the ESHA. Mitigation measures would ensure that lighting is hooded and directed away from the Devereux Creek area, erosion control and Best Management Practices would be used during grading, and grading in this area would avoid the rainy season (November 1 to May 1) unless Planning & Environmental Services and a City-qualified biologist or restoration specialist determine that erosion and sediment control measures are sufficient to avoid impacts during the rainy season. This would ensure project consistency with this policy.

CE 1.10. Management of ESHAs [GP/CP] — The following standards shall apply to the ongoing management of ESHAs.

- a. *The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs shall be prohibited within and adjacent to such areas, except where necessary to protect or enhance the ESHA itself.*
- b. *The use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of City facilities and open space lands shall be minimized.*
- c. *Mosquito abatement within or adjacent to ESHAs shall be limited to the implementation of the minimum measures necessary to protect human health and shall be undertaken in a manner that minimizes adverse impacts to the ESHAs.*
- d. *Weed abatement and brush-clearing activities for fire safety purposes shall be the minimum that is necessary to accomplish the intended purpose. Techniques shall be limited to main and other low-impact methods such as hand crews for brushing, tarping, and hot water/foam for weed control. Disking shall be prohibited.*
- e. *Where there are feasible alternatives, existing sewer lines and other utilities that are located within an ESHA shall be taken out of service, abandoned in place, and replaced by facilities located outside the ESHA to avoid degradation of the ESHA resources, which could be caused by pipeline rupture or leakage and be routine maintenance practices such as clearing of vegetation.*
- f. *Removal of nonnative invasive plant species within ESHAs may be allowed and encouraged, unless the nonnatives contribute to habitat values.*
- g. *The following flood management activities may be allowed in creek and creek protection areas: desilting, obstruction clearance, minor vegetation removal, and similar flood management methods.*

Consistent. The project proposes to avoid use of all insecticides and herbicides within the ESHA. Fire suppression brushing would not be required within this corridor, as is not within a high fire hazard area. Reestablishment of positive drainage through the ESHA would be accomplished by desilting the creek prism.

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

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

Consistent. The proposed General Policy Amendment would reduce the development buffer identified in CE 2.2 b. from 100 to 50 feet from top of bank. The proposed project provides for a minimum 50-foot development setback from the Devereux Creek top bank, a reduction from the existing 100-foot standard in Policy CE.2.2 b. The proposed project would be consistent with all other applicable General Plan/Coastal Land Use Plan

Conservation Element Policies. In particular the Devereux Creek VEP and the 50-foot setback would ensure consistency with the intent of this policy, as well as CE Policies 1.6, 1.7, 1.8, 1.9, 1.10, 2.3, 2.5, and 2.6.

A 50-foot development setback from the Devereux Creek top bank, in combination with the project's consistency with the above CE policies relative to compatible uses within the creek corridor, the corridor's revegetation and enhancement, and improvement of the creek's hydrological capacity, would ensure consistency with the intent of the streamside protection area identified in Conservation Element Figure 4-1.

Similarly, a reduction in the City of Goleta General Plan/Coastal Land Use Plan Policy CE.2.2 b., Streamside Protection Areas top of bank setback from 100 to 50 feet would provide for sufficient opportunities to achieve consistency with all other Conservation Element Policies such as CE 1.6-1.10, and CE 2.3, 2.5, and 2.6.

CE 2.3. Allowable Uses and Activities in Streamside Protection Areas.
[GP/CP] — *The following compatible land uses and activities may be allowed in SPAs, subject to all other policies of this plan, including those requiring avoidance or mitigation of impacts:*

- a. *Agricultural operations, provided they are compatible with preservation of riparian resources.*
- b. *Fencing along property boundaries and along SPA boundaries.*
- c. *Maintenance of existing roads, driveways, utilities, structures, and drainage improvements.*
- d. *Construction of public road crossings and utilities, provided that there is no feasible, less environmentally damaging alternative.*
- e. *Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access.*
- f. *Resource restoration or enhancement projects.*
- g. *Nature education and research activities.*
- h. *Low-impact interpretive and public access signage.*

Any land use, construction, grading, or removal of vegetation that is not listed above is prohibited.

Consistent. A sound wall and trail would be constructed along the northern property boundary, but would be constructed as to allow for drainage and wildlife passage below and through the Devereux Creek prism. Positive drainage through the ESHA would be reestablished so that flows would drain southward and continue to the Devereux Slough. Vegetation would be restored and enhanced as part of the Vegetation Enhancement Plan. A second trail crossing through the south central portion of the ESHA, as requested by the City DRB, would provide for

potential nature educational opportunities. Therefore, the proposed project would be consistent with this policy.

CE 2.5. Maintenance of Creeks as Natural Drainage Systems. [GP/CP] — *Creek banks, creek channels, and associated riparian areas shall be maintained or restored to their natural condition wherever such conditions or opportunities exist. Creeks carry a significant amount of Goleta's stormwater flows. The following standards shall apply:*

- a. The capacity of natural drainage courses shall not be diminished by development or other activities.*
- b. Drainage controls and improvements shall be accomplished with the minimum vegetation removal and disruption of the creek and riparian ecosystem that is necessary to accomplish the drainage objective.*
- c. Measures to stabilize creek banks, improve flow capacity, and reduce flooding are allowed but shall not include installation of new concrete channels, culverts, or pipes except at street crossings, unless it is demonstrated that there is no feasible alternative for improving capacity.*
- d. Drainage controls in new development shall be required to minimize erosion, sedimentation, and flood impacts to creeks. Onsite treatment of stormwater through retention basins, infiltration, vegetated swales, and other best management practices (BMPs) shall be required in order to protect water quality and the biological functions of creek ecosystems.*
- e. Alteration of creeks for the purpose of road or driveway crossings shall be prohibited except where the alteration is not substantial and there is no other feasible alternative to provide access to new development on an existing legal parcel. Creek crossings shall be accomplished by bridging and shall be designed to allow the passage of fish and wildlife. Bridge abutments or piers shall be located outside creek beds and banks.*

Consistent. The project incorporates a 50-foot development setback from the Devereux Creek top bank within the ESHA. The Vegetation Enhancement Plan would restore riparian habitat, as well as improve drainage capabilities throughout the creek prism, such that intermittent flows would be conveyed from north of the project site, through the project site, and southward towards the Devereux Slough. No other development improvements such as driveways or utility corridors would occur within the ESHA.

CE 3.3. Site-Specific Wetland Delineations. [GP/CP] — *In considering development proposals where an initial site inventory or reconnaissance indicates the presence or potential for wetland species or indicators, the City shall require the submittal of a detailed biological study of the site, with the addition of a delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations. A preponderance of hydric soils or a preponderance of wetland indicator species will be considered presumptive*

evidence of wetland conditions. At a minimum, the delineation report shall contain:

- a. A map at a scale of 1":200' or larger showing topographic contours.
- b. An aerial photo base map.
- c. A map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the locations of sampling points.
- d. A description of the survey methods and surface indicators used for delineating the wetland polygons.
- e. A statement of the qualifications of the person preparing the wetland delineation.

Consistent. Biological investigations completed during preparation of the 2001 Residences at Sandpiper Project Supplemental EIR identified several wetlands onsite based on variables defined in Section 13577(b) of Title 14 of the California Code of Regulations, including hydric soils and wetland indicator species. The wetlands were reassessed in the Spring of 2008 for the proposed project by a city-qualified botanist, Erin Harwayne. The previous wetlands were systematically reassessed on the basis of wetland indicator species. The distribution of the wetlands was determined to be consistent with that previously identified in the 2001 Residences at Sandpiper Project Supplemental EIR study. The Spring 2008 wetland reassessment has been reviewed and approved by the City of Goleta biologist. The project would be consistent with this policy.

CE 8.2. Protection of Habitat Areas. [GP/CP] — All development shall be located, designed, constructed, and managed to avoid disturbance of, or adverse impacts to, special-status species and their habitats, including spawning, nesting, rearing, roosting, foraging, and other elements of the required habitats.

Consistent. Biological assessments for the 2001 Residences at Sandpiper Project Supplemental EIR and for the proposed project by city-qualified biologists concluded that the segment of Devereux Creek onsite was found to not provide desirable or optimal habitat for any special status species identified elsewhere in the project site vicinity, including steelhead, California red-legged frog, or tidewater goby. Devereux Creek habitat, however, would be restored and enhanced as part of the project's Vegetation Enhancement Plan. The project would be consistent with this policy.

CE 8.4. Buffer Areas for Raptor Species [GP/CP] — Development shall be designed to provide a 100-foot buffer around active and historical nest sites for protected species of raptors when feasible. In existing developed areas, the width of the buffer may be reduced to correspond to the actual width of the buffer for adjacent development. If the biological study described in CE 8.3 determines that

an active raptor nest site exists on the subject property, whenever feasible no vegetation clearing, grading, construction, or other development activity shall be allowed within a 300-foot radius of the nest site during the nesting and fledging season.

Consistent. This policy requires buffer areas for special status species. There are no known active historical nest sites for protected species of raptors within 100 feet of the project. However, to ensure that the potential for impacts to protected species is avoided, conditions of approval require surveys of possible raptor nesting sites within 100 feet of any construction area during the nesting and fledging season. Implementation of this condition would ensure project consistency with this policy.

CE 10.1. New Development and Water Quality. [GP/CP] — *New development shall not result in the degradation of the water quality of groundwater basins or surface waters; surface waters include the ocean, lagoons, creeks, ponds, and wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely affect these resources.*

CE 10.2. Siting and Design of New Development. [GP/CP] — *New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:*

- a. Protection of areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota, and areas susceptible to erosion and sediment loss.*
- b. Limiting increases in areas covered by impervious surfaces.*
- c. Limiting the area where land disturbances occur, such as clearing of vegetation, cut-and-fill, and grading, to reduce erosion and sediment loss.*
- d. Limiting disturbance of natural drainage features and vegetation.*

CE 10.3. Incorporation of Best Management Practices for Stormwater Management [GP/CP] — *New development shall be designed to minimize impacts to water quality from increased runoff volumes and discharges of pollutants from non-point sources to the maximum extent feasible consistent with the requirements and standards of the Central Coast Regional Water Quality Control Board. Post construction structural BMPs shall be designed to treat, infiltrate, or filter stormwater runoff in accordance with the City's Stormwater Management Program. Examples of BMPs include the following:*

- a. Retention and detention basins;*
- b. Vegetated swales;*
- c. Infiltration galleries or injection wells;*
- d. Use of permeable paving materials;*
- e. Mechanical devices such as oil-water separators and filters;*
- f. Revegetation of graded or disturbed areas.*

- g. *Other measures that are promoted by the Central Coast Regional Water Quality Control Board and those described in the BMP report of the Bay Area Association of Stormwater Management Agencies.*

Consistent: Development would be setback a minimum of 50 feet from the Devereux Creek ESHA top of bank. Surface runoff from the project site would be controlled pursuant to requirements of the State Water Resources Control Board, and City Storm Water Pollution Prevention Plan Best Management Practice measures would be implemented during both the construction period and the long-term project occupation. Therefore, the proposed project would substantially minimize adverse effects on Devereux Creek water quality, and be consistent with this policy.

CE 10.4. New Facilities. [GP/CP] — New bridges, roads, culverts, and outfalls shall not cause or contribute to creek bank erosion or creek or wetland siltation and shall include BMPs to minimize impacts to water quality. BMPs shall include construction phase erosion control, polluted runoff control plans, and soil stabilization techniques. Where space is available, dispersal of sheet flow from roads into vegetated areas, or other onsite infiltration practices, shall be incorporated into the project design.

Consistent: Development would be setback a minimum of 50 feet from the Devereux Creek ESHA top of bank, except for two, 10-foot wide clear span bridges providing pedestrian access (the southerly bridge was requested by the City DRB). The bridges would allow for restoration and enhancement of creek vegetation, and positive drainage through the site to the south.

CE 10.6. Stormwater Management Requirements. [GP/CP] — The following requirements shall apply to specific types of development:

- a. *Commercial and multiple-family development shall use BMPs to control polluted runoff from structures, parking, and loading areas.*

Consistent. Project design provides numerous storm water BMPs in the site design, including but not limited to permeable pavement in parking areas, and bioswales (including existing wetlands). Through the use of these measures, the City's water quality standards will be met and storm water impacts will be minimized to the maximum extent feasible, in accordance with the City's Storm Water Management Plan. Therefore, the project is consistent with this policy.

CE 10.8. Maintenance of Stormwater Management Facilities [GP/CP] —New development shall be required to provide ongoing maintenance of BMP measures where maintenance is necessary for their effective operation. The permittee and/or owner, including successors in interest, shall be responsible for all structural treatment controls and devices as follows:

- a. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year.
- b. Additional inspections, repairs, and maintenance should be performed after storms as needed throughout the rainy season, with any major repairs completed prior to the beginning of the next rainy season.
- c. Public streets and parking lots shall be swept as needed and financially feasible to remove debris and contaminated residue.
- d. The homeowners association, or other private owner, shall be responsible for sweeping of private streets and parking lots.

Consistent. This policy requires new development to provide long-term maintenance of all stormwater runoff control facilities and water quality protection best management practices (BMPs). The City will require through the conditions of approval that the homeowners association CC&Rs include provisions for such long-term BMP maintenance in accordance with the manufacturer's specifications, with enforcement authority granted to the City.

CE 12.1. Land Use Compatibility [GP] — *The designation of land uses on the Land Use Plan Map (Figure 2-1) and the review of new development shall ensure that siting of any new sensitive receptors provides for adequate buffers from existing sources of emissions of air pollutants or odors. Sensitive receptors are a facility or land use that includes members of the population sensitive to the effects of air pollutants. Sensitive receptors may include children, the elderly, and people with illnesses. If a development that is a sensitive receptor is proposed within 500 feet of U.S. Highway 101 (US-101), an analysis of mobile source emissions and associated health risks shall be required. Such developments shall be required to provide an adequate setback from the highway and, if necessary, identify design mitigation measures to reduce health risks to acceptable levels.*

Consistent. This policy is intended to ensure that adequate buffers are provided for sensitive receptors for air pollutants. The project would be within 500 feet of US Highway 101. An analysis of mobile source air emissions and associated health risks was conducted and found that exposure to mobile source emissions would not be significant. Therefore, this project is considered consistent with this policy.

CE 12.2. Control of Air Emissions from New Development. [GP] — *The following shall apply to reduction of air emissions from new development:*

- a. Any development proposal that has the potential to increase emissions of air pollutants shall be referred to the Santa Barbara County Air Pollution Control District for comments and recommended conditions prior to final action by the City.
- b. All new commercial and industrial sources shall be required to use the best-available air pollution control technology. Emissions control equipment shall be properly maintained to ensure efficient and effective operation.

- c. *Wood-burning fireplace installations in new residential development shall be limited to low-emitting State- and U.S. Environmental Protection Agency (EPA)-certified fireplace inserts and woodstoves, pellet stoves, or natural gas fireplaces. In locations near monarch butterfly ESHAs, fireplaces shall be limited to natural gas.*
- d. *Adequate buffers between new sources and sensitive receptors shall be required.*

Any permit required by the Santa Barbara County Air Pollution Control District shall be obtained prior to issuance of final development clearance by the City.

Consistent. The project is conditioned to incorporate all long-term operation air quality reduction Best Management Practices as identified by *Santa Barbara County Air Pollution Control District*. An analysis of mobile source air emissions was conducted and found that generation of mobile source air emissions would be less than significant. Therefore, this project is considered consistent with this policy.

CE 12.3. Control of Emissions during Grading and Construction. [GP] —
Construction site emissions shall be controlled by using the following measures:

- a. *Watering active construction areas to reduce windborne emissions.*
 - b. *Covering trucks hauling soil, sand, and other loose materials.*
 - c. *Paving or applying nontoxic solid stabilizers on unpaved access roads and temporary parking areas.*
 - d. *Hydroseeding inactive construction areas.*
 - e. *Enclosing or covering open material stockpiles.*
- Revegetating graded areas immediately upon completion of work.*

Consistent. The project is conditioned to incorporate all short-term construction air quality Best Management Practices as identified by *Santa Barbara County Air Pollution Control District*. Therefore, this project is considered consistent with this policy.

CE 12.4. Minimizing Air Pollution from Transportation Sources. [GP] —
The following measures are designed to reduce air pollution from transportation sources:

- a. *Hollister Corridor Mixed Use. The Land Use Plan for the Hollister Corridor is designed to:*
 - 1) *Provide new housing near existing workplaces and commercial services to encourage short trips by foot and bicycle.*
 - 2) *Provide new housing near existing bus routes with convenient and high frequency service.*
 - 3) *Provide new housing near the US-101 ramps so as to minimize the length of auto trips on streets within the community.*
 - 4) *Provide new housing at locations near the existing Amtrak line, which could be considered for commuter rail service in the future.*

- b. *Other Land Use Policies: The following land use policies are designed to reduce demand for auto travel and promote less polluting modes such as bus transit, walking, and bicycling:*
- 1) *Clustering of moderate density housing and incorporation of residential apartments on upper floors of buildings, particularly in Goleta Old Town.*
 - 2) *Integration of new housing into existing neighborhood commercial centers.*
 - 3) *Emphasis on moderate density residential development rather than low-density sprawl.*
 - 4) *Integrating pedestrian, bicycle, and transit facilities into new development.*
 - 5) *Establishment of a fixed urban boundary to reduce sprawl outward from the existing urbanized area.*
- c. *Transportation Policies: The following transportation measures are designed to lower emissions of air pollutants by promoting efficient use of the street system:*
- 1) *Fine-tuning of intersections and their operations to minimize delays.*
 - 2) *Coordinated signal timing to improve traffic flow.*
 - 3) *Promotion of improved transit services.*
 - 4) *Creation of a linked pedestrian circulation system.*
 - 5) *Provision of a bikeway system.*
 - 6) *Encouragement of employer-based trip reduction measures such as subsidized bus fares, flexible work hours, vanpools, and similar measures.*

Consistent. The residential project location adjacent to Hollister Avenue and the U.S. 101 Winchester Canyon southbound onramp makes the site consistent with this policy.

CE 15.3. Water Conservation for New Development. [GP] — In order to minimize water use, all new development shall use low water use plumbing fixtures, water-conserving landscaping, low flow irrigation, and reclaimed water for exterior landscaping, where appropriate.

Consistent. Conditions of approval require the use of drought-tolerant native or Mediterranean landscaping and drip irrigation. Therefore, this project is considered consistent with this policy.

Safety Element

SE 1.3. Site-Specific Hazards Studies [GP/CP] — Applications for new development shall consider exposure of the new development to coastal and other hazards. Where appropriate, an application for new development shall include a geologic/soils/geotechnical study and any other studies that identify geologic hazards affecting the proposed project site and any necessary mitigation

measures. *The study report shall contain a statement certifying that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. The report shall be prepared and signed by a licensed certified engineering geologist or geotechnical engineer and shall be subject to review and acceptance by the City.*

Consistent. This policy is intended to protect new development against geologic hazards such as earthquake faults, liquefaction, slope instability and seismic related settlement. Potentially significant impacts were identified related to expansive and compressible soils. Conditions of approval require implementation of requirements identified in a final Geotechnical and Engineering Geology report related to excavation, recompaction, removal and replacement of fill materials and expansive soils, thus ensuring project consistency with these policies.

SE 1.4. Deed Restriction in Hazardous Areas. [GP/CP] — As a condition of development on property subject to the hazards addressed in this Safety Element, the property owner shall be required to execute and record a deed restriction that acknowledges and assumes responsibility for the risks; waives any future claims of damage or liability against the City; and agrees to indemnify and hold harmless the City against any and all liability, claims, damages, and/or expenses arising from any injury to any person or damage to property due to such hazards.

Consistent. The project would be conditioned to require that the applicant provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and information materials to potential buyers of units along the eastern property boundary. The applicant would also be required to request that the California Department of Real Estate provide a buyer beware statement in the final Subdivision Public Report. The project would therefore be consistent with this policy.

SE 1.9. Reduction of Radon Hazards. [GP] — The City shall require the consideration of radon hazards for all new construction and require testing of radon levels for construction of homes and buildings located in areas subject to moderate or high potential for radon gas levels exceeding 4.0 picocuries as shown on maps produced by the California Division of Mines and Geology. The City shall require new homes to use radon-resistant construction where needed based on U.S. Environmental Protection Agency guidelines.

Consistent. The project is not located within an area of moderate or high potential for radon gas levels exceeding 4.0 picocuries as shown on maps produced by the California Division of Mines and Geology. The project would therefore be consistent with this policy.

SE 4.11. Geotechnical Report Required. [GP/CP] — The City shall require geotechnical and/or geologic reports as part of the application for construction of

habitable structures and essential services buildings (as defined by the building code) sited in areas having a medium-to-high potential for liquefaction and seismic settlement. The geotechnical study shall evaluate the potential for liquefaction and/or seismic-related settlement to impact the development, and identify appropriate structural-design parameters to mitigate potential hazards.

SE 5.2. Evaluation of Soil-Related Hazards [GP/CP] —*The City shall require structural evaluation reports with appropriate mitigation measures to be provided for all new subdivisions, and for discretionary projects proposing new nonresidential buildings or substantial additions. Depending on the conclusions of the structural evaluation report, soil and geological reports may also be required. Such studies shall evaluate the potential for soil expansion, compression, and collapse to impact the development; they shall also identify mitigation to reduce these potential impacts, if needed.*

Consistent. These policies are intended to protect new development against geologic hazards such as earthquake faults, liquefaction, slope instability and seismic related settlement. Potentially significant impacts were identified related to expansive and compressible soils. Conditions of approval require implementation of requirements identified in a final Geotechnical and Engineering Geology report related to excavation, recompaction, removal and replacement of fill materials and expansive soils thus ensuring project consistency with these policies.

SE 6.6. Enforcement of Watercourse Setback Ordinance. [GP/CP] — *A minimum 50-foot setback shall be required from streambanks and flood control channels for all new development (see related Subpolicy CE 2.2). For projects that would be rendered infeasible by the application of such minimum setbacks, the project applicant shall provide a site-specific engineering study with recommended mitigation measures to allow for a reduced setback that would not expose development to unacceptable risk. Furthermore, in these cases, the City shall consult with the Santa Barbara County Flood Control District to determine whether the proposed lesser setback would be appropriate, in that it would allow access for flood control maintenance and enable proper operation of the channels. The City shall maintain and enforce the policies and standards within a Water Course Setback Ordinance.*

Consistent. Project development would be setback a minimum 50 feet from the Devereux Creek top of bank.

SE 7.2. Review of New Development. [GP/CP] — *Applications for new or expanded development shall be reviewed by appropriate Santa Barbara County Fire Department personnel to ensure they are designed in a manner that reduces the risk of loss due to fire. Such review shall include consideration of the adequacy of “defensible space” around structures at risk; access for fire suppression equipment, water supplies, construction standards; and vegetation*

clearance. Secondary access may be required and shall be considered on a case-by-case basis. The City shall encourage built-in fire suppression systems such as sprinklers, particularly in high-risk or high-value areas.

Consistent. This policy is intended to ensure adequate fire protection infrastructure is incorporated into the design of new development. Access to the residential development would be provided from Hollister Avenue and the driveway design has been approved by the Fire Department.

SE 10.7. Identification, Transport, and Disposition of Potentially Contaminated Soil. [GP] — *The City shall require a Soil Management Plan and a project-specific Health and Safety Plan for all new development and redevelopment within areas containing potentially contaminated soil. The Soil Management Plan and Health and Safety Plan should establish standards and guidelines for the following:*

- *Identification of contaminated soil.*
- *Identification of appropriate personal protective equipment to minimize potential worker exposure to contaminated soil.*
- *Characterization of contaminated soil.*
- *Soil excavation.*
- *Interim and final soil storage.*
- *Verification sampling.*
- *Soil transportation and disposal.*

The Soil Management Plan and Health and Safety Plan should also address naturally occurring hazardous materials that may be present in the soil, such as methane and Radon-222, and include contingencies (e.g., characterization, management, and disposal) if they are present.

Consistent: No evidence of previous hazardous material storage has been identified associated with Elwood Oil Field exploration south of Hollister Avenue. In the event that potentially hazardous materials were encountered during grading, the project is conditioned to implement the Soil Management Plan and a project-specific Health and Safety Plan. Therefore, the project would be consistent with this policy.

Visual & Historic Resources Element

VH 1.1. Scenic Resources [GP/CP] — *An essential aspect of Goleta's character is derived from the various scenic resources within and around the city. Views of these resources from public and private areas contribute to the overall attractiveness of the city and the quality of life enjoyed by its residents, visitors, and workforce. The City shall support the protection and preservation of the following scenic resources:*

- a. *The open waters of the Pacific Ocean/Santa Barbara Channel, with the Channel Islands visible in the distance.*
- b. *Goleta's Pacific shoreline, including beaches, dunes, lagoons, coastal bluffs, and open costal mesas.*
- c. *Goleta and Devereux Sloughs.*
- d. *Creeks and the vegetation associated with their riparian corridors.*
- e. *Agricultural areas, including orchards, lands in vegetable or other crop production, and fallow agricultural lands.*
- f. *Lake Los Carneros and the surrounding woodlands.*
- g. *Prominent natural landforms, such as the foothills and the Santa Ynez Mountains.*

VH 1.4. Protection of Mountain and Foothill Views [GP/CP] — *Views of mountains and foothills from public areas should be preserved. View preservation associated with development that may affect views of mountains or foothills should be accomplished first through site selection and then by use of design alternatives that enhance, rather than obstruct or degrade, such views. To minimize structural intrusion into the skyline, the following development practices should be used where appropriate:*

- a. *Limitations on the height and size of structures.*
- b. *Limitations on the height of exterior walls (including retaining walls) and fences.*
- c. *Stepping of buildings so that the heights of building elements are lower near the street and increase with distance from the public viewing area. Increased setbacks along major roadways to preserve views and create an attractive visual corridor.*
- d. *Downcast, fully shielded, full cut off lighting of the minimum intensity needed for the purpose.*
- e. *Limitations on removal of native vegetation.*
- f. *Use of landscaping for screening purposes and/or minimizing view blockage as applicable.*
- g. *Revegetation of disturbed areas.*
- h. *Limitations on the use of reflective materials and colors for roofs, walls (including retaining walls), and fences.*
- i. *Selection of colors and materials that harmonize with the surrounding landscape.*
- j. *Clustering of building sites and structures.*

VH 2.3. Development Projects Along Scenic Corridors [GP] — *Development adjacent to scenic corridors should not degrade or obstruct views of scenic areas. To ensure visual compatibility with the scenic qualities, the following practices shall be used, where appropriate:*

- a. *Incorporate natural features in design.*
- b. *Use landscaping for screening purposes and/or for minimizing view blockage as applicable.*
- c. *Minimize vegetation removal.*

- d. *Limit the height and size of structures.*
- e. *Cluster building sites and structures.*
- f. *Limit grading for development including structures, access roads, and driveways. Minimize the length of access roads and driveways and follow the natural contour of the land.*
- g. *Preserve historical structures or sites.*
- h. *Plant and preserve trees.*
- i. *Minimize use of signage.*
- j. *Provide site-specific visual assessments, including use of story poles.*
- k. *Provide a similar level of architectural detail on all elevations visible from scenic corridors.*
- l. *Place existing overhead utilities and all new utilities underground.*
- m. *Establish setbacks along major roadways to help preserve views and create an attractive scenic corridor. On flat sites, step the heights of buildings so that the height of building elements is lower close to the street and increases with distance from the street.*

Consistent. These policies are intended to protect the City's scenic resources as defined in Policy VH 1.1 of the General Plan, public views of the mountains and foothills, public views of open space, and natural landforms, as well as ensure that new development adjacent to designated scenic corridors does not obstruct or degrade public views of scenic resources as seen from these view corridors. The maximum height of the structures is proposed to be 26.5 and 27 feet, 8.5 and 8 feet below the maximum height of 35' allowed by the zoning ordinance. With the reduction of detached units to five total, open space has been maximized. Although the project site is directly visible from Hollister Avenue, a scenic corridor in the General Plan, it would not block a continuous view from the roadway, given the open space dedicated to Devereux Creek preservation through the middle of the project site, such that mountain views would remain. Therefore, with implementation of conditions of approval relating to submittal of final improvement plans for DRB review identifying colors and materials, shielded lighting fixtures, and landscaping that is appropriately sized and located to screen and soften the visual impacts of buildings fronting Hollister Avenue, the proposed project is considered consistent with these policies.

VH 3.2 Neighborhood Identity [GP] — *The unique qualities and character of each neighborhood shall be preserved and strengthened. Neighborhood context and scale shall be maintained. New development shall be compatible with existing architectural styles of adjacent development, except where poor quality design exists.*

VH 3.3 Site Design [GP] — *The City's visual character shall be enhanced through appropriate site design. Site plans shall provide for buildings, structures, and uses that are subordinate to the natural topography, existing vegetation, and*

drainage courses; adequate landscaping; adequate vehicular circulation and parking; adequate pedestrian circulation; and provision and/or maintenance of solar access.

VH 3.4. Building Design [GP] — *The City's visual character shall be enhanced through development of structures that are appropriate in scale and orientation and that use high quality, durable materials. Structures shall incorporate architectural styles, landscaping, and amenities that are compatible with and complement surrounding development.*

Consistent. These policies are intended to ensure that the architectural design of new development is compatible with the City's visual character. The proposed architecture proposed for both detached and attached units is described as a mix of Coastal, Ranch, and Monterey styles. Perimeter units would be oriented toward Hollister Avenue; no sound wall along the roadway is proposed. Units adjacent to Devereux Creek would be oriented to take advantage or proposed restoration of this biologically sensitive area. All units would have private outdoor areas. The maximum height of the structures is proposed to be 26.5 and 27 feet, 8.5 and 8 feet below the maximum height of 35' allowed by the zoning ordinance. A total of 87 eucalyptus and 8 cypress trees over 6 inches in diameter measured at breast height would be replaced with a total of 282 drought tolerant Mediterranean and native tree species, both ornamental (e.g., Melaluca, London Plane Tree, etc.) and indigenous to the area (e.g., coast live oak and sycamore). Project perimeter and internal landscaping is proposed to screen and soften views of the buildings. Total project open space would be 63% of all the project area and include the Devereux Creek ESHA and wetlands.

Access to the residential development would be provided from Hollister Avenue and Las Armas Road, and the private drive design has been approved by the Fire Department. The project exceeds the parking space requirement per the zoning ordinance. The project's scale, site design, mass, and height of the project along with its architecture would be compatible with the surrounding visual character and as such, the project is considered consistent with these policies.

VH 3.5. Pedestrian-Oriented Design [GP] — *The city's visual character shall be enhanced through provision of aesthetically pleasing pedestrian connections within and between neighborhoods, recreational facilities, shopping, workplaces, and other modes of transportation, including bicycles and transit.*

Consistent. The project is located in an area within walking distance to public transit for access to jobs opportunities, retail outlets, and recreational facilities. Therefore, the project is considered consistent with this policy.

VH 4.4. Multifamily Residential Areas [GP] — In addition to the items listed in VH 4.3, the following standards shall be applicable to multifamily residential development (see LU 1.9 and LU 2.3):

- a. *Roof lines should be varied to create visual interest.*
- b. *Large building masses should be avoided, and where feasible, several smaller buildings are encouraged rather than one large structure. Multiple structures should be clustered to maximize open space.*
- c. *Multifamily residential developments shall include common open space that is appropriately located, is functional, and provides amenities for different age groups.*
- d. *Where multifamily developments are located next to less dense existing residential development, open space should provide a buffer along the perimeter.*
- e. *Individual units shall be distinguishable from each other. Long continuous wall planes and parking corridors shall be avoided. Three-dimensional façades are encouraged.*
- f. *Extensive landscaping is encouraged to soften building edges and provide a transition between adjacent properties.*
- g. *Storage areas for recycling and trash shall be covered and conveniently located for all residents and screened with landscaping or walls.*
- h. *Safe and aesthetically pleasing pedestrian access that is physically separated from vehicular access shall be provided in all new residential developments whenever feasible. Transitional spaces, including landscape or hardscape elements, should be provided from the pedestrian access to the main entrance. Main entrances should not open directly onto driveways or streets. Safe bicycle access should be considered in all residential developments.*

VH 4.9. Landscape Design [GP] — Landscaping shall be considered and designed as an integral part of development, not relegated to remaining portions of a site following placement of buildings, parking, or vehicular access. Landscaping shall conform to the following standards:

- a. *Landscaping that conforms to the natural topography and protects existing specimen trees is encouraged.*
- b. *Any specimen trees removed shall be replaced with a similar size tree or with a tree deemed appropriate by the City.*
- c. *Landscaping shall emphasize the use of native and drought-tolerant vegetation and should include a range and density of plantings including trees, shrubs, groundcover, and vines of various heights and species.*
- d. *The use of invasive plants shall be prohibited.*
- e. *Landscaping shall be incorporated into the design to soften building masses, reinforce pedestrian scale, and provide screening along public streets and off-street parking areas.*

Consistent. These policies establish architectural guidelines for project design and landscaping. The nine units are located within four buildings, arranged along either side of a central drive aisle, leaving the northern portion of the property open. Open space would cover 63% of the parcel and include the Devereux Creek ESHA and wetlands. The proposed single family residences and townhomes include varied rooflines, building articulation, and architectural details that help avoid monolithic structures, as well as a drought tolerant plant palette in the landscape plan that integrates with the proposed structures to break up their mass and scale. Large canopy trees proposed along the northern property boundary and retention of the existing eucalyptus grove along the southern property boundary would provide a buffer to Hollister Avenue traffic. As such, the project is considered consistent with these policies as conditioned.

VH 4.12. Lighting. [GP] — *Outdoor lighting fixtures shall be designed, located, aimed downward or toward structures (if properly shielded), retrofitted if feasible, and maintained in order to prevent over-lighting, energy waste, glare, light trespass, and sky glow. The following standards shall apply:*

- a. *Outdoor lighting shall be the minimum number of fixtures and intensity needed for the intended purpose. Fixtures shall be fully shielded and have full cut off lights to minimize visibility from public viewing areas and prevent light pollution into residential areas or other sensitive uses such as wildlife habitats or migration routes.*
- b. *Direct upward light emission shall be avoided to protect views of the night sky.*
- c. *Light fixtures used in new development shall be appropriate to the architectural style and scale and compatible with the surrounding area.*

Consistent: The Haskell's Landing project would be reviewed by DRB for preliminary and final approval prior to approval of land use permit. This review would include provision of appropriate lighting standards, fixtures, and styles to minimize night sky lighting and maintain consistency with the surrounding area. Therefore, with conditions of approval, the project would be considered consistent with this policy.

VH 4.14. Utilities [GP] — *New development projects shall be required to place new utility lines underground. Existing overhead utility lines should be placed underground when feasible. Undergrounding of utility hardware is encouraged. Any aboveground utility hardware, such as water meters, electrical transformers, or backflow devices, shall not inhibit line of sight or encroach into public walkways and, where feasible, should be screened from public view by methods including, but not limited to, appropriate paint color, landscaping, and/or walls.*

Consistent. This policy requires all utilities serving new development to be placed underground. Conditions of approval for the project require all new

utility service connections to be undergrounded. Therefore, the proposed project is considered consistent with these policies as conditioned.

VH 4.15. Site-Specific Visual Assessments. [GP] — *The use of story poles, physical or software-based models, photo-realistic visual simulations, perspectives, photographs, or other tools shall be required, when appropriate, to evaluate the visual effects of proposed development and demonstrate visual compatibility and impacts on scenic views.*

Consistent. The project application includes aerial views of the existing project site. Artistic representations of how the 101-unit project would look from Hollister Avenue were provided.

Transportation Element

TE 9.2. Adequacy of Parking Supply in Proposed Development. [GP/CP] — *The City shall require all proposed new development and changes/intensifications in use of existing nonresidential structures to provide a sufficient number of off-street parking spaces to accommodate the parking demand generated by the proposed use(s), and to avoid spillover of parking onto neighboring properties and streets.*

TE 9.3. Parking in Residential Neighborhoods. [GP/CP] — *Any proposed new or expanded use in residential areas shall provide adequate onsite parking to support the use. Adequate parking shall be provided to minimize the need for parking in public rights-of-way and to avoid spillover of parking onto adjacent uses and into other areas. The existing supply of on-street parking spaces shall be preserved to the maximum extent feasible. Off-street parking for proposed new single-family dwellings in all residential use categories shall be provided in enclosed garages. Driveway aprons in single-family residential neighborhoods shall have sufficient widths and depths to allow parking of two standard-sized vehicles in front of the garage.*

Consistent. Proposed parking would exceed zoning ordinance requirements and no modification is being requested. On-site parking is provided in accordance with the City's Zoning Ordinance parking requirements. The Zoning Ordinance requires the project to provide a total of 218 parking spaces (198 Resident/20 Visitor). The project provides a total of 258 parking spaces. These include 218 Resident spaces and 40 visitor spaces of which 173 are enclosed, 40 driveway guest, and 45 on-street. The spaces meet the Zoning Ordinance requirement and provide a reserve of 40 on-site spaces. An additional 59 additional parking spaces would be available within the longer driveways that serve a portion of the residential units. An additional estimated 20 parking spaces would also become available on Las Armas Road as a result of the project improvements on the

western side of the roadway. As such, the project is considered consistent with these policies.

TE 11.4. Facilities in New Development [GP] — *Bicycle facilities such as lockers, secure enclosed parking, and lighting shall be incorporated into the design of all new development to encourage bicycle travel and facilitate and encourage bicycle commuting. Showers and changing rooms should be incorporated into the design of all new development where feasible. Transportation improvements necessitated by new development should provide onsite connections to existing and proposed bikeways.*

Consistent. This condition is intended to focus on non-residential development; therefore it includes provisions for bicycle commuters that are standard for any residential unit and not applicable to this project. As described in reference to the previous policy, the project includes on site connections to existing bikeways as well as a proposed new bikeway through the project site. As such, the project is considered consistent with this policy.

TE 13.4. Facilities in New Development [GP] — *If the transportation capital improvements needed to maintain adopted transportation LOS standards are **not** able to be funded, then the City shall take one of the following three actions:*

- a. Phase or delay development until such time that adequate fiscal resources can be provided to build the necessary facilities transportation improvements (or to include them in the impact fee system).*
- b. Require the developer to construct the necessary transportation system improvements, with a reimbursement agreement which utilizes future payments of impact fees by other projects.*
- c. Reduce the scope of the development to reduce the traffic generation below the thresholds set in Policy TE-4.*
- d. Require the developer to identify alternative strategies to mitigate minimize potential traffic impact to achieve the thresholds set in Policy TE-4.*

Consistent. The project-specific and contributions to cumulative impacts on transportation systems would be adverse, but less than significant. The project applicant would be conditioned to pay impact mitigation fees toward the Goleta Transportation Improvement Program (GTIP). However, the proposed GPA language deviates from that initiated by the City of Goleta on January 29, 2008, and to be considered during the Track 3 GPA process. This language follows

- a. Phase or delay development until such time that adequate fiscal resources can be provided to build the necessary facilities transportation improvements (or to include them in the impact fee system).

- b. Require the developer to construct the necessary transportation system improvements, with a reimbursement agreement that uses future payments of impact fees by other projects.
- c. Reduce the scope of the development to reduce the traffic generation below the thresholds set in Policy TE 4.
- d. Require the developer to identify alternative strategies, such as transit improvements, improving signalization, improving other streets, adding pedestrian or bicycle improvements, etc., to ~~mitigate~~ minimize potential traffic impacts.

This proposed word change would retain the priorities (phase/delay projects; construct improvements; reduce scope of projects; use alternative strategies to mitigate impacts) that are required in the event that a traffic improvement is needed (e.g. an overpass) but is unfunded. The policy is consistent with CEQA Thresholds that establish level of service etc so as to keep traffic congestion at a reasonable level. The proposed change from “mitigate” to “minimize” is consistent with CEQA, which defines these terms synonymously. The revised language would ensure that alternative strategies to alleviate traffic are fully supported in the City’s General Plan. With these changes to the applicant’s proposed TE 13.4 language, the project would be considered consistent with this policy.

However, City staff consider that no change to the existing Policy text is required to achieve the benefits of the project. Therefore, the proposed GPA is not recommended.

Public Facilities Element

PF 3.1. Fire Protection Standards. [GP] — *The Santa Barbara County Fire Department employs the following three standards with respect to provision of fire protection services:*

- a. *A firefighter-to-population ratio of one firefighter on duty 24 hours a day for every 2,000 in population is considered “ideal,” although a countywide ratio (including rural areas) of one firefighter per 4,000 population is the absolute minimum standard. Considering the daytime population in Goleta due to employees and customers, all fire stations within Goleta fell short of this service standard as of 2005.*
- b. *A ratio of one engine company per 16,000 population, assuming four firefighters per station, represents the maximum population that the Santa Barbara County Fire Department has determined can be adequately served by a four-person crew. Fire stations 11 and 12 (see Table 8-1) did not satisfy this standard as of 2005. Currently, all three fire engines that serve Goleta are staffed with only three-person crews. The National Fire Protection Association (NFPA) guidelines state that engine companies shall be staffed with a minimum of four on-duty personnel.*

c. *The third fire protection standard is a 5-minute response time in urban areas.*

Consistent. Existing deficiencies in service to the project site currently served by Fire Station 11, on Storke Road and Phelps Road, would be alleviated by the establishment of a New Fire Station 10 as defined in Policy PF 3.2, as amended by the proposed project. The new station would be located adjacent to and west of the project site. This would ensure adequate fire protection response times in the vicinity, and the project's consistency with this policy.

PF 3.2. New Fire Station in Western Goleta [GP/CP] — The Santa Barbara County Fire Department has determined that the most under-served area in Goleta is the extreme western portion near Winchester Canyon. In conjunction with the fire department, the City shall provide a site consisting of approximately two acres of land for a new Fire Station 10 to serve the western area of the City, as shown on the map in Figure 8-1. The Santa Barbara County Fire Department will construct Fire Station 10 as soon as funding becomes available.

Consistent. Existing deficiencies in service to the project site currently served by Fire Station 11, on Storke Road and Phelps Road, would be alleviated by the establishment of a New Fire Station 10 as defined in Policy PF 3.2 and Figure 8-1, as amended by the proposed project to include this potential location adjacent to and west of the project site. This would ensure adequate fire protection response times in the vicinity, and the project's consistency with this policy.

PF 9.3. Coordination of Facilities with Future Development. [GP/CP] — *Except for needed public facilities that are expressly provided for in other policies of this Public Facilities Element, (e.g. PF 3.3 regarding Fire Station 10), construction permits shall not be granted until the developer provides for the installation and/or financing or there is in existence a fair share cost-sharing agreement among developers/property owners desirous of developing property in the geographic area of the needed public facility. If adequate facilities are currently unavailable and public funds are not committed to provide such facilities, the burden shall be on the developer to arrange appropriate financing, or provide such facilities in order to develop. Developers shall provide or pay for the costs of generating technical information as to impacts the impacts the proposed development will have on public facilities and services. The City shall require new development to finance the facilities needed to support the development wherever a direct connection or nexus of benefit of impact can be demonstrated.*

Consistent. The applicant and the City of Goleta are working on a Draft Development Agreement to address terms relative to funding development, including facility construction and provision of infrastructure, of the Fire Station 10 adjacent to and west of the project site. When completed, the Fire Station

would ensure adequate fire protection response times in the vicinity, and the project's consistency with this policy.

PF 9.7. Essential Services for New Development [GP/CP] — *Development shall be allowed only when and where all essential utility services are adequate in accord with the service standards of their providers and only when and where such development can be adequately served by essential utilities without reducing levels of service below the level of service guidelines elsewhere:*

- a. Domestic water service, sanitary sewer service, stormwater management facilities, streets, fire services, schools, and parks shall be considered essential for supporting new development.*
- b. A development shall not be approved if it causes the level of service of an essential utility service to decline below the standards referenced above unless improvements to mitigate the impacts are made concurrent with the development for the purposes of this policy. "Concurrent with the development" shall mean that improvements are in place at the time of the development or that a financial commitment is in place to complete the improvements.*
- c. If adequate essential utility services are currently unavailable and public funds are not committed to provide such facilities, developers must provide such facilities at their own expense in order to develop.*

Consistent. These policies are intended to ensure that new development is coordinated with the availability and/or provision of adequate public facilities and infrastructure to adequately serve it. Adequate water, sewer, and utility services are already available from the Goleta Water and Goleta West Sanitary Districts, local utility service providers, fire and police protection services, based on letters received from these agencies during project review. Project impacts on local school enrollment would be mitigated pursuant to State statute by payment of development impact fees to the various school districts so impacted. As such, the proposed project is considered consistent with these policies.

Noise Element

NE 1.1. Land Use Compatibility Standards. [GP] — *The City shall use the standards and criteria of Table 9-2 to establish compatibility of land use and noise exposure. The City shall require appropriate mitigation, if feasible, or prohibit development that would subject proposed or existing land uses to noise levels that exceed acceptable levels as indicated in this table. Proposals for new development that would cause standards to be exceeded shall only be approved if the project would provide a substantial benefit to the City (including but not limited to provision of affordable housing units or as part of a redevelopment project), and if adequate mitigation measures are employed to reduce interior noise levels to acceptable levels.*

NE 1.2. Location of New Residential Development. [GP] — Where sites, or portions of sites, designated by the Land Use Element for residential use exceed 60 dBA CNEL, the City shall require measures to be incorporated into the design of projects that will mitigate interior noise levels and noise levels for exterior living and play areas to an acceptable level. In the event that a proposed residential or mixed-use project exceeds these standards, the project may be approved only if it would provide a substantial benefit to the City, including, but not limited to, provision of affordable residential units. Mitigation measures shall reduce interior noise levels to 45 dBA CNEL or less, while noise levels at exterior living areas and play areas should in general not exceed 60 dBA CNEL and 65 dBA CNEL, respectively.

NE 6.4. Restrictions on Construction Hours. [GP] — The City shall require, as a condition of approval for any land use permit or other planning permit, restrictions on construction hours. Noise-generating construction activities for projects near or adjacent to residential buildings and neighborhoods or other sensitive receptors shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. Construction in non-residential areas away from sensitive receivers shall be limited to Monday through Friday, 7:00 a.m. to 4:00 p.m. Construction shall generally not be allowed on weekends and State holidays. Exceptions to these restrictions may be made in extenuating circumstances (in the event of an emergency, for example) on a case by case basis at the discretion of the Director of Planning and Environmental Services. All construction sites subject to such restrictions shall post the allowed hours of operation near the entrance to the site, so that workers on site are aware of this limitation. City staff shall closely monitor compliance with restrictions on construction hours, and shall promptly investigate and respond to all noncompliance complaints.

NE 6.5. Other Measures to Reduce Construction Noise. [GP] — The following measures shall be incorporated into grading and building plan specifications to reduce the impact of construction noise:

- a. All construction equipment shall have properly maintained sound-control devices, and no equipment shall have an unmuffled exhaust system.
- b. Contractors shall implement appropriate additional noise mitigation measures including but not limited to changing the location of stationary construction equipment, shutting off idling equipment, and installing acoustic barriers around significant sources of stationary construction noise.
- c. To the extent practicable, adequate buffers shall be maintained between noise-generating machinery or equipment and any sensitive receivers. The buffer should ensure that noise at the receiver site does not exceed 65 dBA CNEL. For equipment that produces a noise level of 95 dBA at 50 feet, a buffer of 1600 feet is required for attenuation of sound levels to 65 dBA.

NE 7.5. Implementation of Recommendations from Acoustical Analyses. [GP] — For projects where an acoustical analysis is required because of potential noise impacts, the City, through its development review and building

permit processes, shall ensure that all appropriate noise reduction measures are incorporated.

NE 7.6. Noise-Insulation Standards for Multi-Family Dwellings. [GP] — *In compliance with state law, the City shall require all multi-family residential developments that are proposed within the 60-dBA-CNEL noise contour to include appropriate noise-insulation measures.*

NE 7.7. Acoustic Design Manual Requirements. [GP] — *For residential projects where mitigation is required to reduce interior noise levels to 45 dBA CNEL, the City Building Official shall require incorporation of measures listed in the current version of the Acoustic Design Manual for the appropriate amount of noise reduction.*

Consistent. These policies are intended to ensure that new development is not exposed to unacceptable noise levels for the type and nature of the use involved and to protect sensitive noise receptors such as residential units from excessive levels of construction noise. The northern project boundary would be exposed to exterior noise levels exceeding 65 dB CNEL. Conditions of approval require that a proposed noise wall along the northern project boundary be extended 50 feet southward along the western and eastern boundaries, and implementation of the standard construction techniques to reduce interior noise levels below 45 dBA CNEL. Short-term construction activities would generate a potentially significant short-term impact in the immediate vicinity, particularly on residences to the south, and the Elwood School to the east. Therefore, construction hours would be limited according to conditions of approval for the project, and temporary construction sound walls would be erected on the eastern and southeastern project boundaries. Therefore, as conditioned, the project is considered consistent with these policies.

Housing Element

HE 11.2 Applicability of Inclusionary Requirements. [GP] — *Inclusionary requirements shall apply to residential projects as follows:*

- c. Projects of five or more units shall be required to construct the applicable number of units, except that the City, at its sole discretion, may allow the inclusionary requirement for these projects to be satisfied by alternative means as set forth in Subpolicies HE 11.3 and 11.4.*

HE 11.3 Priorities for Meeting Inclusionary Requirements. [GP] — *The primary intent of the inclusionary requirement is to achieve the construction of new units on-site. A second priority is construction of units off-site or the transfer of sufficient land and cash to the City or a nonprofit housing organization to develop the required number of affordable units. If these options are determined to be infeasible by the City, other alternatives of equal value, such as, but not*

necessarily limited to, payment of in-lieu fees or acquisition and rehabilitation of existing units, may be considered at the sole discretion of the City.

HE 11.5 (b) Establishment of Unit Percentages and Income Levels. [GP] —

Except for designated affordable housing sites as set forth in HE 11.6, the inclusionary housing requirement shall be as follows:

- b. Proposed for-sale projects, including subdivisions for purposes of condominium conversions, will be required to provide 5 percent of the units at prices affordable to very low-income households, 5 percent affordable to low-income households, 10 percent affordable to moderate-income households, and 10 percent affordable to households earning 120 to 150 percent of the median income.*

Consistent. The proposed project would provide for 20 of the 101 units in the affordable range. The project also includes a General Plan Amendment that would revise for-sale provision requirements to include: 15 percent affordable to low income households, or 10% affordable to moderate income households, and 10% affordable to households earning 120-150% of median income. Requirements for provision of inclusionary units in for-sale projects for low-income households may be satisfied by providing the same number of rental units at rent levels affordable to these households; or providing 10% of the units affordable to households earning 120-150% of median income and 10% of the units affordable to households earning 150-200% of median income where at least one member of the qualifying household is employed within the Goleta City limits. The proposed amendment would provide for equivalent affordable housing units as presently required. Therefore, the project is considered consistent with these policies.