

## **ATTACHMENT 1**

**A Resolution of the Planning Commission of the City of Goleta Recommending to  
the City Council Approval of Various Actions Related to the  
Rincon Palms Hotel and Restaurant Project**



**PLANNING COMMISSION  
RESOLUTION NO. 08-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF VARIOUS ACTIONS  
RELATED TO THE RINCON PALMS HOTEL AND RESTAURANT PROJECT,  
CASE NO. 07-020-OA, -RZ, -DP AT THE NORTHEAST CORNER OF STORKE ROAD  
AND HOLLISTER AVENUE; 6868 and 6878 HOLLISTER AVENUE;  
APN 073-140-004**

**WHEREAS**, an application was submitted on February 15, 2007 by Laurel Perez, agent for Kip Bradley, Cortona Opportunities, LLP, requesting approval of an Ordinance Amendment, Rezone, and Development Plan; and

**WHEREAS**, the application was found complete for processing on March 15, 2007; and

**WHEREAS**, the application is for an Ordinance Amendment to add a Hotel Overlay to Article III, Goleta Zoning Ordinance, a rezone to change the zone district of the parcel from M-RP (Industrial Research Park) to P-I (Professional-Institutional), and a development plan to allow for construction of a 112 room hotel and 6,000 square foot restaurant; and

**WHEREAS**, the procedures for processing the project application have been followed as required by state and local laws; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the project application on July 21, 2008, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA exemption, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that approval of Case No. 07-020-OA, -RZ, -DP would be consistent with the City's General Plan, the provisions of Article III, Chapter 35 of the Goleta Municipal Code (the Inland Zoning Ordinance); and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA AS FOLLOWS:**

**Section 1. Recommendation for Adoption of the Final Mitigated Negative Declaration**

The Planning Commission hereby recommends that the City Council adopt the CEQA findings set forth in Exhibit 1 to this resolution, pursuant to Section 15074

of the State Guidelines for Implementation of the California Environmental Quality Act.

**Section 2. Recommendation for the Ordinance Amendment.**

The Planning Commission hereby recommends that the City Council adopt the findings for an Ordinance Amendment to create a Hotel Overlay, set forth in Exhibit 1 to this resolution, pursuant to Section 35-325 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code.

**Section 3. Recommendation for Rezoning.**

The Planning Commission hereby recommends that the City Council adopt the findings for a rezoning of the property, set forth in Exhibit 1 to this resolution, pursuant to Section 35-325 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code.

**Section 4. Recommendation for the Development Plan.**

The Planning Commission hereby recommends that the City Council adopt the findings set forth in Exhibit 1 and conditions set forth in Exhibit 2 of this resolution pursuant to Section 35-317 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code. This recommendation includes the "good cause" findings for exception to the recommended maximum height identified in the General Plan, Table 2-3, for the I-OI land use designation.

**Section 5. Documents.** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

**Section 6.** The City Clerk shall certify to the adoption of this resolution.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
KENNETH KNIGHT, CHAIR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

\_\_\_\_\_  
JULIE HAYWARD BIGGS  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SANTA BARBARA         )     ss.  
CITY OF GOLETA                         )

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Planning Commission Resolution No. 08-\_\_ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 21st day of July, 2008, by the following vote of the Commission members:

AYES:

NOES:

ABSENT:

(SEAL)

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK



**EXHIBIT 1  
FINDINGS**

**RINCON PALMS HOTEL AND RESTAURANT PROJECT  
CASE NO. 07-020 -OA, -RZ, -DP  
NORTHEAST CORNER STORKE AND HOLLISTER AVENUE  
(APN 073-140-004)**

**1.0 CEQA FINDINGS**

Findings pursuant to the California Environmental Quality Act Guidelines Section 15074:

1.1 *Consideration of the Mitigated Negative Declaration*

The Final Mitigated Negative Declaration for the Rincon Palms Hotel and Restaurant project was presented to the Planning Commission and all voting members of the Commission have reviewed and considered the Final MND, 08-MND-001, prior to recommending that the City Council approve this proposal. In addition, all voting Commissioners have reviewed and considered the testimony and additional information presented at or prior to the public hearing on July 21, 2008. The Final MND reflects the independent judgment of the Planning Commission and is adequate for this proposal pursuant to Section 15074 of the State CEQA Guidelines.

1.2 *Full Disclosure and Findings Regarding No Significant Effects*

The Planning Commission finds that the Final MND is a complete, accurate, adequate, and good faith effort at full disclosure under CEQA. The Planning Commission further finds that the Final MND has been completed in compliance with CEQA. Mitigation measures identified in the Final Mitigated Negative Declaration, which would avoid or reduce potentially significant impacts to less than significant levels, have been agreed to by the applicants and have been incorporated into the project. Based on the whole of the record before it, the Planning Commission finds that there is no substantial evidence that the Marriott Residence Inn and Hollister Center project will have a significant effect on the environment. The Planning Commission recommends to the City Council adoption of the Final Mitigated Negative Declaration, 08-MND-001.

1.3 *Environmental Reporting and Monitoring Program*

Public Resources Code Section 21081.6 requires the City to adopt a reporting or monitoring program for the changes to the project which it has

adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.4 *Location of the Record of Proceedings*

The documents and other materials which constitute the record of proceedings upon which this recommendation is based are in the custody of the Secretary of the Planning Commission, Planning and Environmental Services located at 130 Cremona Drive, Suite B, Goleta, CA 93117.

## ADMINISTRATIVE FINDINGS

**2.0 Ordinance Amendment:** Pursuant to Section 35-325 of Article III, Chapter 35, of the Goleta Municipal Code (Inland Zoning Ordinance), an Ordinance Amendment shall be approved only if all of the following findings can be made:

2.1 *The request is in the interests of the general community welfare.*

The proposed Ordinance Amendment provides for a Hotel Overlay District consistent with the Hotel Overlay included in the General Plan on Figure 2-1 on the subject property. The associated benefits include the provision of needed hotel accommodations and increased transient occupancy tax base to the City of Goleta. These are benefits that contribute to the general community welfare.

2.2 *The request is consistent with the General Plan, the requirements of State planning and zoning laws, and this Article.*

The proposed Ordinance Amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and Article III, as described in the staff report for the Planning Commission hearing of July 21, 2008.

2.3 *The request is consistent with good zoning and planning practices.*

The request is consistent with good zoning and planning practices in that it implements the Hotel Overlay included in the General Plan on Figure 2-1 on the subject property.



**3.0 Rezone:** Pursuant to City of Goleta Municipal Code, Article III, Section 35-325.5, a Rezone shall be approved only if all of the following findings can be made:

*3.1 The request is in the interest of the general community welfare.*

The rezoning of the property would make the proposed hotel and restaurant consistent with the proposed zone district of PI, Professional and Institutional, which would also be consistent with the land use designation of I-OI, Office and Institutional. The purpose and intent of the PI zone district is to provide appropriately located areas for professional uses and for educational, institutional, governmental and other public facilities. This zone district would be the best match for the I-OI land use designation in the General Plan.

Moreover, as discussed in the staff report, the addition of a Hotel Overlay to the Goleta Municipal Code would apply to the subject site because it already has this comparable overlay designated in the Goleta General Plan. The addition of a hotel use to the property would also benefit the City of Goleta through its contribution of transient occupancy taxes, and the provision of hotel rooms needed for UCSB and local industry.

As a result of providing a zoning district consistent with the City's General Plan and its intended use of the site, this proposal is found to be in the interest of the general community welfare.

*3.2 The request is consistent with the General Plan, the requirements of State planning and zoning laws, and this Article.*

The request for a Rezone would be consistent with the General Plan by rendering the subject site consistent with the General Plan's land use designation of Office and Institutional, as specified in the Planning Commission staff report for the hearing of July 21, 2008. The proposal is consistent with the requirements of State planning and zoning laws, and Article III, Chapter 35 of the Goleta Municipal Code.

*3.3 The request is consistent with good zoning and planning practices.*

The proposed zoning designation of PI (Professional and Institutional) would allow implementation of the General Plan's Hotel Overlay and would be consistent with the property's proposed development of a hotel to serve visitors of the local area, UCSB

and surrounding industries such as research and development companies.

**4.0 Final Development Plan:** Pursuant to Section 35-317 of Article III, Chapter 35, of the Goleta Municipal Code (Inland Zoning Ordinance), a Preliminary or Final Development Plan shall be approved only if all of the following findings can be made:

- 4.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.*

The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed, including structures, parking lots, circulation system, and landscaping to accommodate the project design. Overall, there is sufficient acreage onsite to accommodate the density and intensity of development proposed.

- 4.2 *That adverse impacts are mitigated to the maximum extent feasible.*

Potential impacts involving aesthetics, air quality, biological resources, cultural/archaeological resources, geology/soils, hazards and hazardous materials, hydrology/water quality, noise, public services, transportation/traffic and utilities/service systems would be reduced to less than significant levels through implementation of the mitigation measures as incorporated into required conditions of approval included in Exhibit 2.

- 4.3 *That streets and highways are adequate and properly designed.*

All existing streets and highways serving the proposed project are adequate and properly designed and, subject to the improvements, dedications, and fee payments specified in conditions of approval (Exhibit 2), can accommodate the traffic generated by the project. Impacts to Storke Road north of Hollister Avenue would be mitigated by the applicant's responsibility to implement a re-striping of Storke Road to create an additional lane, or depending on the timing of other applicants with the same impact, contribute fees based on its fair share of this roadway impacts. The applicant would also be required to install, or contribute toward (depending on timing of other projects in the pipeline) a traffic signal at the Hollister Avenue/Coromar Drive intersection. The applicant would also pay Goleta Transportation Improvement Fees towards impacts at Storke Road and Hollister Avenue.

- 4.4 *That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.*

The proposed project would be served by the Santa Barbara County Fire Department, the Goleta Water District, the Goleta West Sanitary District, and the City of Goleta Police Department. These agencies and districts have adequate capacity to serve the proposed Rincon Palms Hotel and Restaurant.

- 4.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

The proposed project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and would not be incompatible with the surrounding areas. The project would be served by the appropriate water and sewer districts and, as conditioned (see Exhibit 2), would have safe and adequate primary and emergency/secondary vehicular access. The design of the project would be compatible with surrounding development and would provide a hotel land use and restaurant, complementary to the surrounding uses.

- 4.6 *That the project is in conformance with 1) the General Plan and 2) the applicable provisions of this Article.*

The proposed project is consistent with the General Plan land use designation of I-OI, with Hotel Overlay as well as applicable policies as identified in the Planning Commission staff report for the hearing of July 21, 2008, Attachment 2. The proposed project is also consistent with the PI zone district subject to approval of the requested Ordinance Amendment for the Hotel Overlay District. The project would also be consistent with applicable zoning ordinance standards, subject to approval of requested modifications (see staff report for the hearing of July 21, 2008, Attachment 3).

- 4.7 *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

The property does not include easements for use by the public at large, and would therefore not conflict with such easement for access through the site. Project plans would include improvements within the rights of way of Hollister Avenue and Cortona Drive, subject to Community Services Department review and approval.

These improvements would facilitate pedestrian and transit access in the vicinity.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**RINCON PALMS HOTEL AND RESTAURANT**  
**07-020- DP**

1. **AUTHORIZATION:** This Development Plan conditions set forth below authorize development proposed in Case No. 07-020-DP marked "Officially Accepted, \_\_\_\_\_, 2008, Planning Commission Exhibits 1 and 2." Any deviations from the exhibits, project description, or conditions must be submitted to the City of Goleta for its review and approval. Deviations without the above-described approval will constitute a violation of the permit approval. The exhibits associated with this permit include:

07-020-DP: Rincon Palms Hotel and Restaurant

Site Development Plan (Sheet A-1 dated July 14, 2008, delta February 28, 2008)

Basement & Ground Floor Plan (Sheet A-2, July 14, 2008)

Second & Third Floor Plans (Sheet A-3, July 14, 2008)

Hotel Roof & Equip. Screen Plan, Restaurant Plan, Restaurant Roof & Equip. Screen Plan (Sheet A-4, July 14, 2008)

Hotel Elevations (Sheet A-5, July 14, 2008)

Restaurant Elevations (Sheet A-6, July 14, 2008)

Preliminary Site Grading & Drainage Plan (Sheet C-1, July 14, 2008)

Preliminary Site Grading & Drainage Plan (Sheet C-2, July 14, 2008)

Preliminary Landscape Plan (Sheet L1, dated July 14, 2008)

2. **AUTHORIZED DEVELOPMENT:**

The proposed project is a 112 room hotel and a 6,000 square foot free-standing restaurant on a vacant parcel (073-014-004) located at the northeast corner of Storke Road and Hollister Avenue. The project site occupies an area of 3.05 acres adjacent to an existing business center at 6880 Cortona Drive to the north. Although located on its own parcel, conjunctive parking for the use of 17 parking spaces off site, and shared access at the existing northerly driveway, is proposed with the neighboring property for the purpose of accommodating peak parking demand on weekends and holidays.

The hotel component of the project is approximately 59,600 square feet in total floor area and designed in a rectangular configuration at the northern portion of the site. The front entrance of the hotel faces Hollister Avenue, across a surface parking lot and behind the freestanding restaurant. Hotel amenities include a port-cochere entry, private patios or balconies for each room, guest swimming pool, outdoor lounge patio and roof deck to accommodate community meetings, social gatherings and conference functions ancillary to the hotel. The hotel would be three stories in height with subterranean parking

below for 55 cars. The majority of the hotel structure would be 35 feet high, consistent with the proposed zoning designation and the recommended building height for the Office and Institutional land use designation of the site. The hotel includes two tower elements that are 50 feet high measured from the proposed finished grade, which is approximately 2-3 feet above existing grade, according to project plans. Because the towers are non-habitable areas associated with the building's elevators, they are allowed in the proposed zone district as an exception (Article III, Sec. 35.127.1).

The 6,000-square foot free-standing single-story restaurant would be located at the southwest corner of the property and include a 1,000-square foot outdoor dining area, decorative trellis along the remaining Hollister frontage, and patterned pavement and landscaping to tie the site together visually with the hotel. The restaurant design includes a tower element with a metal décor sphere which would be 32 feet from finished grade, and therefore within the recommended height limit for the Office and Institutional land use designation.

Off-street parking would include 93 surface spaces provided between the restaurant the hotel, and 12 spaces at the rear of the hotel along the common driveway with 6880 Cortona Drive. A subterranean garage beneath the hotel would provide an additional 55 garage spaces, for a total of 160 spaces on the project site. An additional 17 parking stalls would be available to the hotel and restaurant uses through a shared parking agreement with the property at 6880 Cortona. This combined total of 177 spaces would exceed the 152 parking spaces require for the project.

The following modifications are approved:

- A small overhang section of the restaurant building that would encroach into the setback from Hollister by 1-2 feet for a length of approximately 43 feet.
- Exterior stairway encroachment into setback from Storke Road on northwest corner of hotel by 1-2 feet.

The grading, development, use and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall substantially conform to the project description in the staff report and abide by the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the City of Goleta. Minor changes to the project description contained herein shall be subject to the approval of the Director of Planning and Environmental Services.

## MITIGATION MEASURES FROM MND (08-MND-001)

### ***Aesthetics/Visual Resources***

3. The proposed project shall be resubmitted for Preliminary/Final Review by DRB consisting of: (i) updated site plan, architectural floor plans, exterior elevations, landscape drawings and street improvement plans; and (ii) an updated visual simulation of the proposed project. The preliminary development plans shall be revised to address the issues raised by DRB in its Conceptual Review and shall incorporate all applicable mitigation measures and conditions of approval. The updated building exterior elevations shall be fully dimensioned, showing existing grade, finished grade, finished floor, average height and peak height. **Plan Requirements & Timing:** The preliminary development plans shall be revised and resubmitted to DRB for review and approval prior to issuance of a Land Use Permit ("LUP") for the project.

**Monitoring:** City staff shall verify that the project is constructed per the final architectural plans approved by DRB prior to issuance of any certificate of occupancy.

4. The height of structural development shown on final plans shall not exceed the mean height and peak height shown on the approved project exhibit maps. Finish grade shall be consistent with the approved final grading plan. Height limitations shown on preliminary plans shall be carried through on final plans and in the field. **Plan Requirements and Timing:** During the framing stage of construction and prior to commencement of roofing, the applicant shall submit verification from a licensed surveyor demonstrating that the mean height and peak height conform to those shown on the preliminary and final plans. This survey shall be reviewed and approved by the City of Goleta prior to commencement of roofing.

**Monitoring:** City staff shall verify compliance with this requirement prior to commencement of roofing.

5. An Overall Sign Plan for the project shall be prepared and submitted for review and approval by DRB and City staff because conceptual signs shown on Planning Commission exhibits have not been reviewed for compliance with Sign Ordinance standards. **Plan Requirements and Timing:** The Overall Sign Plan shall be reviewed and approved by DRB and City staff prior to and as a condition precedent to installation of any signs for the project. Individual signs shall be reviewed and approved by the DRB and City staff prior to issuance of a Sign Certificate of Conformance.

**Monitoring:** City staff shall verify that project signs are approved and installed according to the Overall Sign Plan.

6. The applicant shall prepare detailed landscape and irrigation plans for the project that identifies the following:
  - a. Type of irrigation proposed;
  - b. All existing and proposed trees, shrubs, and groundcovers by species;
  - c. Size of all planting materials including trees; and
  - d. Location of all planting materials.

The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species which adequately complement the project design and integrate the site with surrounding land uses. Landscaping shall be compatible with the character of the surroundings, the architectural style of the structure and shall be adjusted necessary to: (i) provide adequate vehicle stopping sight distance at all driveway entrances (as determined by the City); (ii) visually screen parking areas from street view to the maximum extent reasonable; and (iii) screen, through plantings and other features, loading and services areas of the proposed hotel. **Plan Requirements & Timing:** The landscape plans shall be revised and resubmitted for review and approval prior to and as a condition precedent to issuance of any LUP for the project. The plans shall be submitted for review and the DRB and City staff prior to issuance of an LUP. All elements of the final landscape plan, including irrigation improvements, shall be installed prior to any occupancy clearance.

**Monitoring:** City staff shall withhold issuance of an LUP pending Final Approval of the landscape plans by DRB. City staff shall also field verify installation of all landscaping and irrigation system improvements per the approved final landscape plan prior to issuance of any certificate of occupancy for the project.

7. The applicant shall install required landscaping and water-conserving irrigation systems in the public right of way, as well as enter into an Agreement with the City to maintain required landscaping for the life of the project. **Plan Requirements & Timing:** Performance and Labor and Materials securities for installation, and a Maintenance security in place for at least three (3) years shall be subject to review and approval by City staff. All required securities and the landscape maintenance agreement shall be signed and filed with the City prior to issuance of any LUP for the project.

**Monitoring:** City staff shall photo document installation prior to occupancy clearance and shall check maintenance as needed. Release of any performance security requires City staff signature.



8. All exterior night lighting shall be of low intensity/low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Exterior lighting fixtures shall be kept to the minimum number and intensity needed to ensure the public safety of employees, residents, and visitors to the commercial center. All upward directed exterior lighting shall be prohibited to protect night sky views of the stars. All exterior lighting fixtures shall be appropriate for the architectural style of the proposed structure and the surrounding area. The applicant shall develop a lighting plan incorporating these requirements and provisions for dimming lights after 11:00 p.m. to the maximum extent practical without compromising public safety. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the preliminary/final lighting plan and shall be reviewed and approved by DRB and City staff. **Timing:** The preliminary/final lighting plan shall be reviewed and approved by DRB and City staff prior to issuance of any LUP for the project.

**Monitoring:** City staff shall inspect all exterior lighting to verify that exterior lighting fixtures have been installed consistent with their depiction on the final lighting plan.

9. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by City staff. **Plan Requirements & Timing:** Prior to and as a condition precedent to issuance of any LUP for the project, the applicant shall designate and provide to City staff the name and phone number of a contact person(s) to monitor construction trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by City staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

**Monitoring:** City staff shall inspect periodically throughout grading and construction activities to verify compliance.

10. The applicant shall prepare a detailed design of the proposed trash enclosures, for recyclables and solid waste, for the proposed hotel and restaurant that exhibits good design and is compatible with the architectural style of the project. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate and a roof. The trash storage area shall be maintained in good repair. A letter from the trash/recycle hauler shall be required that states that the location is accessible. **Plan Requirements & Timing:** Said trash enclosure plans shall be submitted for review and approval by DRB and City staff prior to issuance of any LUP for the project.

**Monitoring:** City staff shall verify compliance on project plans prior to approval of any LUP for the project. City staff shall verify installation of the approved trash enclosure prior to the issuance of any certificate of occupancy for the project.

11. The applicant shall submit a composite utility plan for DRB and City staff Preliminary/Final Review. All external/roof mounted mechanical equipment on the proposed hotel and restaurant (including HVAC condensers, switch boxes, etc.) shall be included on all building plans and shall be designed to be integrated into the structure and/or screened from public view in a manner deemed acceptable to the City. **Plan Requirements & Timing:** Detailed plans showing all external/roof mounted mechanical equipment shall be submitted for review by DRB and City staff prior to and as a condition precedent to issuance of any LUP for the project.

**Monitoring:** City staff shall verify installation of all external/roof mounted mechanical equipment per the approved plans prior to the approval of any certificate of occupancy.

12. All new utility service connections and above-ground mounted equipment such as backflow devices, etc, shall be screened from public view and painted (red is prohibited) so as to blend in with the project. Screening may include a combination of landscaping and/or masonry or lattice walls. Whenever possible and deemed appropriate by City staff, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building. All gas, electrical, backflow prevention devices and communications equipment shall be completely concealed in an enclosed portion of the building, on top of the building, or within a screened utility area. All transformers and vaults that must be located within the right-of-way shall be installed below grade unless otherwise approved by the City, and then must be completely screened from view. **Plan Requirements & Timing:** The site and building plans submitted for DRB Preliminary/Final Review shall identify the type, location, size, and number of utility connections and above-ground mounted equipment as well as how such equipment would be screened from public view and the color(s) that it would be painted so as to blend in with the project and surrounding area.

**Monitoring:** City staff shall verify that all above-ground utility connections and equipment is installed, screened, and painted per the approved plans.

13. All utilities that exist along the Hollister Avenue project frontage shall be installed underground. **Plan Requirements and Timing:** All composite utility plans for the project shall note this undergrounding requirement and

shall be submitted for City staff review and approval prior to issuance of any LUP for the project.

**Monitoring:** City staff shall verify compliance in the field prior to occupancy clearance.

### ***Air Quality***

14. Dust generated by construction activities shall be kept to a minimum with a goal of retaining dust on the site. The following dust control measures listed below shall be implemented by the contractor/builder:
  - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
  - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements and Timing:** All of the aforementioned requirements shall be noted on all construction plans and shall be submitted for approval by City staff prior to issuance of any LUP for the project. The name and telephone number of such persons shall be provided to City staff and the APCD.

**Monitoring:** City staff shall perform periodic site inspections to verify compliance as well as contact the designated monitor as necessary to ensure compliance with dust control measures.

15. The following energy-conserving techniques, that substantially exceed the minimum Title 24 energy conservation requirements, shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of City of Goleta staff:
  - a. Installation of low NOx residential water heaters and space heaters meeting the minimum efficiency requirements of applicable APCD rules;
  - b. Installation of Energy Star Labeled Furnaces;
  - c. Use of water-based paint on exterior surfaces;

- d. Use of solar-assisted water heating for swimming pools and tankless hot water on demand systems if their energy efficiency is demonstrated to exceed that of a central storage tank water heating system;
- e. Use of passive solar cooling/heating;
- f. Use of energy efficient appliances;
- g. Use of natural lighting;
- h. Installation of energy efficient lighting;
- i. Use of drought-tolerant native or Mediterranean landscaping subject to Planning and Environmental Services staff and Design Review Board (DRB) approval to shade buildings and parking lots;
- j. Encouragement of the use of transit, bicycling, and walking by providing infrastructure to promote their use;
- k. Provision of segregated waste bins for recyclable materials; and
- l. Prohibition against the installation and use of wood burning fireplaces.

**Plan Requirements and Timing:** These requirements shall be shown on applicable building plans prior to issuance of any land use permit.

**Monitoring:** City of Goleta staff shall site inspect for compliance prior to issuance of an occupancy permit.

16. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
  - a. Seeding and watering to revegetate graded areas; and/or
  - b. Spreading of soil binders; and/or
  - c. Any other methods deemed appropriate by City staff.

**Plan Requirements and Timing:** These requirements shall be noted on all plans and submitted for approval and approval by City staff prior to and issuance of any LUP for the project.

**Monitoring:** City staff shall perform periodic site inspections to verify compliance.

17. ROC and NO<sub>x</sub> emissions generated by construction equipment shall be reduced by implementing the following equipment control measures:
  - a. The engine size of construction equipment shall be the minimum practical size;
  - b. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time;
  - c. Construction equipment shall be maintained in tune per the manufacturer's specifications;

- d. Construction equipment operating on-site shall be equipped with two-to-four degree engine timing retard or pre-combustion chamber engines;
- e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible;
- f. Diesel catalytic converters shall be installed, if available;
- g. Diesel-powered equipment shall be replaced by electric equipment whenever feasible; and
- h. Construction worker trips shall be minimized by requiring carpooling and by providing for lunch on-site.

**Plan Requirements and Timing:** The project applicant shall include these measures as notes on a separate sheet attached to the grading and building plans. City staff shall review and approve the plans prior to issuance of any LUP for the project. These measures shall be implemented during and after project construction, as appropriate.

**Monitoring:** City staff shall perform periodic site inspections to verify compliance as well as contact the designated monitor as necessary to ensure compliance with equipment control measures.

- 18. The project shall comply with all Rules and Regulations required by the Santa Barbara County Air Pollution Control District (APCD), including but not limited to:
  - a. Compliance with APCD Rule 339, governing the application of cutback and emulsified asphalt paving materials by the contractor;
  - b. Obtaining required permits for any emergency diesel generators or large boilers prior to issuance of any land use permits;
  - c. Obtaining APCD permits prior to handling or treatment of any contaminated soil on site, if required;
  - d. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes at any location and auxiliary power units should be used whenever possible. Compliance with State law provisions require that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location. Such heavy vehicles shall no idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (residential uses and schools).

### **Biological Resources**

- 19. Applicant shall submit drainage and grading plans with a final hydrology report for review and approval by Community Services and Building staff. The plan shall incorporate appropriate Best Management Practices to

minimize storm water impacts to the maximum extent feasible in accordance with the City's Storm Water Management Plan. **Plan Requirements and Timing:** The plans shall include but not be limited to bio-swales, permeable paving, on site detention, fossil filters and other operational features. The plans shall also include an erosion control plan for review and approval by Community Services staff prior to the issuance of any LUP for the project. After installation of any drainage improvements or erosion control measures, the applicant shall be responsible for on-going maintenance of all improvements in accordance with the manufacturer's specifications or the approved plans.

**Monitoring:** City staff shall perform periodic site inspections to verify compliance as well as contact the designated monitor as necessary to ensure compliance with maintenance requirements.

20. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified on the plans submitted for approval of any LUP for the project. The washoff area shall be in place throughout construction. **Plan Requirements and Timing:** The wash off area shall be designated on all plans and shall be reviewed and approved by City staff prior to issuance of any LUP for the project.

**Monitoring:** City staff shall site inspect throughout the construction period to ensure compliance and proper use.

### **Cultural Resources**

21. In the event archaeological artifacts are encountered during grading or other ground disturbing activities, work shall be stopped immediately or redirected until a City approved archaeologist and Native American representative are retained by the applicant (at its cost) to evaluate the significance of the find pursuant to Phase 2 investigations. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program funded by the applicant. **Plan Requirements:** The applicant shall restate the provisions for archeological discovery on all building and grading plans. **Timing:** This condition shall be satisfied prior to issuance of any LUP for the project.

**Monitoring:** City staff shall check plans prior to approval of any LUP for the project and shall conduct periodic compliance inspections during and after construction.

### ***Geology and Soils***

22. The applicant shall adhere to Policy SE 4.4 of the Goleta General Plan and comply with the 50-foot structural set back from the North Ellwood I Fault. The fault line and setback measurement shall be noted on all development plans and construction drawings. At the time of building permit application, the applicant shall demonstrate through a structural soils report, prepared by a certified engineering geologist, that all non-habitate structure improvements located within the 50-foot setback can be appropriately design to withstand or respond to fault rupture or other seismic damage. The recommendations prescribed in the structural soils report shall be implemented through construction plans and documents. **Plan Requirements and Timing:** The structural soils report shall be reviewed and approved by the City Building Official prior to issuance of any LUP for the project.

**Monitoring:** City staff shall periodically perform site inspections to verify compliance with the approved construction documents.

23. The applicant shall demonstrate through a structural soils and corrosivity report, prepared by a certified engineering geologist, that site preparation, structural design criteria, and final footings and foundation design accounts for liquefaction in accordance with the State Building Code and complies with the Preliminary Foundation Investigation and Preliminary Geologic Hazards Evaluation prepared for the proposed project. The structural soils report shall also prescribe recommendations for design and construction of site improvements to minimize long term damage to paved driveways, parking areas, sidewalks and other similar surface features that may be susecptible to possible settlement and lateral movement. The recommendations prescribed in the structural soils report shall be implemented through construction plans and documents. **Plan Requirements and Timing:** The structural soils report shall be reviewed and approved by the City Building Official prior to any LUP for the project.

**Monitoring:** City staff shall periodically perform site inspections to verify compliance with the approved construction documents.

### ***Hazardous Materials/Risk of Upset***

24. Prior to commencement of ground disturbance activities, the applicant shall submit Phase I and Phase II Environmental Site Assessments to the Santa Barbara County Fire Department Fire Prevention Division (FPD), including earlier investigations performed by the parties responsible for the off-site contamination are deemed acceptable. If additional assessment or site remediation is warranted, all such work shall be performed to the satisfaction of the Santa Barbara County Fire Department FPD including, if necessary,

the following: (i) soil vapor survey, comparing collected data against current screening levels including the California Human Health Screening Levels and EPA Region IX Preliminary Remediation Goals; (ii) groundwater assessment to determine the lateral extent of contamination on the project site; (iii) Remedial Action Plan ("RAP") incorporating appropriate mitigation measures (e.g., vapor barriers, vents, etc.) or site remediation to reduce contaminants to acceptable concentrations; This includes a 30 day public notification period prior to approval of the RAP by Santa Barbara County Fire Department FPD, and incorporation of relevant public comments in the RAP implementation; (iv) soils management plan in the event that contamination is encountered during construction; and (v) a dewatering plan if any groundwater is removed during construction, including required permits to discharge into the City's sewer or storm drain system. **Plan Requirements & Timing:** The applicant shall prepare a work plan that outlines the methodology to be followed in undertaking required Phase I and Phase II Environmental Site Assessments, if required. This plan shall be reviewed and approved by the Santa Barbara County Fire Department FPD, prior to commencing work. Thereafter, the various site assessment and remediation actions, if any are required, shall be reviewed and approved by the Santa Barbara County Fire Department FPD prior to issuance of any LUP for the project. All required remediation shall be completed prior to occupancy.

**Monitoring:** City staff shall verify that the Santa Barbara County Fire Department FPD's submittal requirements are satisfied prior to issuance of any LUP for the project. Thereafter, City staff shall verify that all required mitigation is performed before any certificate of occupancy is granted.

25. Prior to commencement of ground disturbance activities, the applicant shall prepare a Worker Awareness Program to acquaint workers (including archeological data recovery personnel) on the hazards and potential exposure to contaminated groundwater, vapor and soil. The program shall described measures to minimize such exposure and medical procedures to be employed in the event of exposure. The applicant shall ensure that all workers are properly briefed on the Worker Awareness Program and that proper precautions are being taken throughout the duration of grading and construction. **Plan Requirements & Timing:** Depending on the results of the Phase I/II analysis, Hazwopper trained workers may be required. The Worker Awareness Program shall be reviewed and approved by the City and prior to issuance of any LUP for the project.

**Monitoring:** City staff shall periodically perform site inspections to verify that workers are properly informed and safety procedures are being followed.



### **Hydrology and Water Resources**

26. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15<sup>th</sup> to November 1<sup>st</sup>) unless a City approved erosion control plan, incorporating appropriate BMPs identified in the EPA guidelines for construction site runoff control (EPA Fact Sheet 2.6, Construction Site Runoff Minimum Control Measures, 01/00), is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within four (4) weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

**Monitoring:** City staff shall site inspect during grading to monitor dust generation and four (4) weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

### **Land Use**

27. Development plans for the proposed project shall be consistent with the March 2008 plans reviewed by County Fire Department and City staff that (i) incorporate at least one loading space; and (ii) ensure compliance relevant to aisleway parking lot standards. **Plan Requirements & Timing:** The project plans shall be resubmitted for review and approval by DRB, the Santa Barbara County Fire Department (Fire Prevention Division), and City staff to determine compliance with relevant driveway and aisleway standards prior to issuance of any LUP for the project.

**Monitoring:** The Preliminary Development Plans shall be installed as shown on plans reviewed in March 2008 by the Fire Department. City staff shall site inspect construction and striping of the parking lot prior to occupancy clearance.

### **Noise**

28. The applicant shall prepare an acoustical study that: (i) includes field measurement of noise levels in the vicinity of the proposed restaurant, with specific assessment of the outdoor seating area; (ii) identifies the noise sources, magnitude of impacts and potential mitigation measures, taking into account existing and future noise exposure; and (iii) specifically addresses the potential and effectiveness of adding glass to proposed screen walls and installation of water features (as "white" noise). The study shall be presented, along with design alterations, for consideration by the DRB in

connection with the Preliminary/Final Review of the project. **Plan Requirements & Timing:** The acoustical study and design modifications for the restaurant (if any are proposed) shall be submitted to DRB for review and approval prior to issuance of a Land Use Permit ("LUP") for the project.

**Monitoring:** City staff shall withhold issuance of an LUP pending approval of the final development plans by DRB. City staff shall verify that the project is constructed per the final architectural plans approved by DRB prior to issuance of any certificate of occupancy.

29. Noise generating construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday, and no construction shall occur on State holidays (e.g. Christmas, Thanksgiving, Memorial Day, 4<sup>th</sup> of July, Labor Day). 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. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Prior to commencement of pile driving operations, businesses within the vicinity of the site shall be notified not less than 72 hours in advance of commencement. Said notice shall provide businesses with the anticipated time and duration of pile driving and shall be reissued if there is a substantial change in scheduling. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site prior to commencement of construction. **Timing:** The signs shall be in place prior to beginning of and throughout all grading and construction activities. Violations may result in suspension of permits.

**Monitoring:** City staff shall spot check to verify compliance and/or respond to complaints.

30. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to the City of Goleta's satisfaction and/or shall be located at a minimum of 1,600 feet from sensitive receptors. **Plan Requirements and Timing:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

**Monitoring:** The City of Goleta compliance staff shall perform site inspections to ensure compliance.

### **Public Services**

31. Site plans shall be consistent with those reviewed and approved by the County Fire Department March 5, 2008, including provision of necessary fire

driveway and aisleway width requirements and utility plans shall be revised to include the installation of necessary fire hydrants. **Plan Requirements & Timing:** The project plans shall be updated and submitted for review and approval by the Santa Barbara County Fire Department prior to and as a condition precedent to: (i) Preliminary/Final Review by DRB; and (ii) issuance of any LUP for the project. The required fire hydrants shall be installed and approved in the field by Santa Barbara County Fire Department personnel prior to any occupancy clearance.

**Monitoring:** City staff shall verify compliance with the requirement to prepare modified plans prior to DBR Preliminary/Final Review of the project. City staff shall verify Fire Department approval of the installed fire hydrants prior to any occupancy clearance.

32. The applicant shall retain a qualified Fire Protection Specialist, approved by the Fire Department, to evaluate the project and devise a fire protection plan. Minimum project requirements include an alarm system, fire sprinklers, stand pipes, and roof access with signage (through one or more interior stair wells). **Plan Requirements and Timing:** The Fire Protection Plan shall be submitted for review and approval by the Fire Department prior to and as a condition precedent to issuance of any LUP for the project.

**Monitoring:** City staff shall verify that a Fire Protection Plan has been prepared and approved by the Fire Department prior to issuance of any LUP for the project.

### ***Transportation/Circulation***

33. Owner shall submit to the Community Services Department two (2) copies of a separate public improvement plan prepared by a registered civil engineer. This plan may be incorporated into the Building plan set, with additional public improvement plan sheets provided unbound. As determined by the Community Services Department, the improvement shall include but not be limited to: CORTONA DRIVE - (i) City standard sidewalk, parkway with landscaping, street striping, and driveway(s) that meets ADA requirements. Driveway at parcel to the north (APN 073-140-003) shall meet ADA requirements if it is to be shared access. HOLLISTER AVENUE - (iii) City standard sidewalk, parkway with landscaping, street striping including a bike lane, curb and gutter, (iv) bus turnout, relocation and reconstruction of an ADA accessible bus stop including concrete pad, signage, bench(es), shelter, trash receptacle (v), access ramps, (vi) Installation of a traffic signal at Hollister Avenue/Coromar Drive or posting of bonds for construction of pro-rata share of traffic signal improvements, and (vii) dedication/alignment of right-of-way along Hollister Avenue and Storke Road as necessary to accommodate perimeter parkway improvements, bike lane and bus turnout.

**Plan Requirements & Timing:** The project plans shall be updated and resubmitted for review and approval by the City's Community Services Department prior to and as a condition precedent to issuance of any LUP for the project. The required street improvements shall be installed by applicant, and accepted City Engineer prior to any occupancy clearance.

**Monitoring:** City staff shall verify compliance with the requirement to prepare modified plans. City staff shall inspect and approve the completed street improvements prior to any occupancy clearance.

34. a) The applicant shall either; 1) install a traffic signal at the Coromar Drive/Hollister Avenue intersection, including a traffic signal interconnect to the adjacent traffic signals on Hollister Avenue as well as modifying the southbound approach on Coromar Drive to provide one left-turn lane and one through-right lane, or 2) bond for installation of this traffic signal and related improvements, to address the Rincon Palms fair share contribution to this improvement of 8.9%. It is noted that this mitigation measure is also included as mitigation for impacts that would occur as a result of the Cabrillo Business Park and Village at Los Carneros developments, as identified in the EIR's for those projects. If the Cabrillo Business Park or Villages at Los Carneros projects are constructed prior to issuance of the first occupancy clearance at Rincon Palms, this measure will not be required for the Rincon Palms project. If the Cabrillo Business Park or Villages at Los Carneros projects are not implemented prior to the timing requirements for this mitigation measure as noted below, the City shall initiate and implement a reimbursement agreement that would require future projects contributing to traffic impacts necessitating these improvements to pay the Rincon Palms project their pro-rata share of the improvement costs.
- b) The applicant shall either 1) install restriping and related improvements within existing right-of-way of Storke Road, north of Hollister Avenue, to provide an additional lane, or 2) bond for installation of these improvements to address the Rincon Palms fair share contribution toward impacts to this roadway, subject to review and determination by the Community Services Department. It is noted that this mitigation measure is also included as mitigation for impacts that would occur as a result of the Cabrillo Business Park development, as identified in the EIR for that project. If the Cabrillo Business Park project is constructed prior to issuance of the first occupancy clearance at Rincon Palms, this measure will not be required for the Rincon Palms project. If the Cabrillo Business Park project is not implemented prior to the timing requirements for this mitigation measure as noted below, the City shall initiate and implement a reimbursement agreement that would require future projects contributing to traffic impacts necessitating these improvements to pay the Rincon Palms project their pro-rata share of the improvement costs.
- Plan Requirements and Timing:** The design of the signal and roadway

improvement shall be reviewed and approved by the City prior to approval of any Land Use Permit for public road improvements. The signal and roadway improvement shall be either; 1) constructed by the applicant and approved by the City prior to the first occupancy clearance for the project, or 2) the applicant shall post a performance security deemed adequate by the City to cover the cost of all such improvements prior to the first occupancy clearance. Occupancy clearance shall not be issued until all of the aforementioned improvements are either fully completed or bonds for such improvements have been posted.

**Monitoring:** City staff shall verify signal and roadway design review and approval prior to recordation of the final map or approval of a Land Use Permit for public road improvements and shall either; 1) verify installation of the signal and all other related improvements as described above prior to the first occupancy clearance for the project, or 2) verify posting of an adequate performance security for these improvements prior to the first occupancy clearance. The performance security shall be released upon completion as determined by the City of the signal and related improvements.

35. The applicant shall prepare and record a Declaration of Shared Parking and Reciprocal Access Agreement to facilitate conjunctive use of access and parking on the project site and the adjacent parcel to the north (APN 073-140-003), and the elimination of fencing that currently obstructs driveway access between the two properties. The agreement shall be in a form acceptable to the City and shall be recorded as a covenant against both parcels. **Plan Requirements & Timing:** The Declaration of Shared Parking and Reciprocal Access Agreement shall be submitted for review and approval by City staff, and thereafter recorded against both properties, prior to issuance of any LUP for the project.

**Monitoring:** City shall verify recordation of the reciprocal access and shared parking agreement prior to issuance of any LUP for the project.

36. The project applicant shall pay impact mitigation fees toward the Goleta Transportation Improvement Program ("GTIP"). **Plan Requirements & Timing:** The applicant shall pay GTIP fees in the amount, time and manner prescribed by Ordinance or Resolution of the City of Goleta.

**MONITORING:** City shall verify compliance with this mitigation measure prior to issuance of any LUP for the project.

### ***Utilities and Service Systems***

37. A Can and Will Serve ("CAWS") letter from the Goleta Sanitary District (GSD) shall be provided indicating that adequate water treatment capacity is available to serve the project upon demand and without exception (or

equivalent guarantee). Based on the final construction drawings, the applicant shall pay the following fees as determined by GSD: (i) sewer connection fees; and (ii) mitigation fees to offset the difference between allocated capacity to the site and projected volumes attributable to the proposed hotel. **Requirements and Timing:** A CAWS letter shall be forwarded to the City of Goleta prior to issuance of any land use permit.

**Monitoring:** A connection permit issued by the GSD, along with evidence that sewer connection and mitigation fees have been paid, shall be submitted to the City prior to recordation. City staff shall withhold occupancy until all necessary permanent or temporary measures have been taken to accommodate effluent from the hotel to the satisfaction of GSD.

38. CAWS letter from the Goleta Water District (GWD) for Parcel 2 shall be provided indicating that adequate water supply is available to serve the project upon demand and without exception (or equivalent guarantee). **Plan Requirements and Timing:** A CAWS letter shall be forwarded to the City of Goleta prior to issuance of any land use permit.

**Monitoring:** A CAWS letter, with firm reservation of water availability for the project from the GWD shall be submitted to the City prior issuance of any land use permit.

39. Outdoor water use shall be limited through the following measures: (i) landscaping shall be primarily with native and/or drought tolerant species; (ii) drip irrigation or other water-conserving irrigation shall be installed; (iii) plant material shall be grouped by water needs; (iii) no turf shall be allowed on slopes of over 4%; (iv) extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction; and (v) soil moisture sensing devices shall be installed to prevent unnecessary irrigation. Indoor water use shall be limited through the following measures: (i) all hot water lines shall be insulated; (ii) recirculating, point-of-use, on-demand, or other energy efficient water heaters shall be installed; (iii) water efficient clothes washers and dishwashers shall be installed; and (iv) lavatories and drinking fountains in commercial structures shall be equipped with self-closing valves. **Plan Requirements and Timing:** The outdoor water conserving measures shall be incorporated into the final landscape plan that is submitted for review and approval by DRB pursuant to Mitigation Measure #4 under Aesthetics. The indoor water-conserving measures shall be graphically depicted on building plans and approved prior to issuance of any LUP for the project.

**Monitoring:** City staff shall inspect and verify installation of all water conserving measures prior to occupancy clearance.

40. The applicant shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project. The program shall include the following measures, but is not limited to those measures:

General

- a. Provision of at least 50% of space and/or bins for storage of recyclable materials within the project site.
- b. Implementation of a green waste source reduction program focusing on recycling of all green waste generated onsite.

Commercial Only

- a. Development of a Source Reduction Plan ("SRP"), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of sending excess fill material to a landfill, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
- b. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. To ensure compliance, the applicant shall develop an integrated solid waste management program, including recommended source reduction, recycling, composting programs, and/or a combination of such programs, subject to City staff review and approval prior to issuance of any certificate of occupancy

**Plan Requirement and Timing:** The applicant shall submit the Solid Waste Management Program to City staff for review and approval prior to approval of any LUP for the project. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

**Monitoring:** City staff shall site inspect during construction and prior to occupancy to ensure solid waste management components are established and implemented.

41. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Community Services Department for review and approval. Said plan shall indicate how a 50% diversion goal shall be met during construction. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all

construction recoverable/recyclable material. (Copy of contract to be provided to the City.) Recoverable construction material shall include but not be limited to asphalt, lumber, concrete, glass, metals, and drywall. At the end of the project, applicant shall submit a Post-Construction Waste Reduction & Recycling Summary Report documenting the types and amounts of materials that were generated during the project and how much was reused, recycled, composted, salvaged, or landfilled. **Plan Requirements and Timing:** This requirement shall be printed on the grading and construction plans. Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

## PROJECT SPECIFIC CONDITIONS

42. All drainage control facilities as noted in the Project Description and shown on Sheets 1-2 of the civil engineering plans and the revised Preliminary Hydraulic Report by MAC Design, July 3, 2008 and associated plans shall be maintained for the life of the project by the applicant and/or operator. **Plan Requirements:** Maintenance of all drainage facilities for two (2) years from occupancy clearance of the last building shall be ensured through a performance security provided by the applicant. **Timing:** All drainage control facilities shall be installed (landscaped and irrigated subject to City inspection and approval) prior to approval of the first Land Use Permit for a building. The performance security shall be released upon expiration of the two (2) year period provided such facilities have been installed per plans and maintained in good working order.

**Monitoring:** City staff shall verify installation of all drainage improvements and posting of the required maintenance security prior to approval of the first Land Use Permit for a residential building. City staff shall field inspect to verify adequate drainage system maintenance by the applicant/Homeowners Association in perpetuity.

43. The project landscaping shall be installed per the DRB approved landscape plan and maintained for the life of the project. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit for general site grading and utility improvements, the applicant shall enter into an agreement with the City to install landscaping and water-conserving irrigation systems per the DRB approved final landscape plan. In addition, the applicant shall enter into a separate agreement for the maintenance of required landscaping for the life of the project and post a performance security for such maintenance for a period of not less than three (3) years from release of the installation security. Prior to occupancy clearance for the first residential building, installation of all street frontage right-of-way and public trail easement landscaping shall be completed. Installation of landscaping for each individual structure (outside of any sidewalk landscaping, landscaping within



any public right-of-way, or public trail easement) shall be completed prior to any occupancy clearance for that structure. The performance security shall be released upon expiration of the three (3) year period provided such landscaping has been installed in accordance with the approved project plans and maintained in accordance with these Conditions.

**Monitoring:** City staff shall verify compliance with requirements for landscaping installation and maintenance, including posting of the required bonds, prior to approval of a Land Use Permit for general site grading and utility improvements. City staff shall verify landscape/ irrigation system installation per the DRB approved final landscape plan prior to occupancy clearance. City staff shall photo document installation and check maintenance as needed. Release of any performance security requires City staff signoff.

#### **DEVELOPMENT PLAN CONDITIONS**

44. Approval of the Final Development Plan shall expire five (5) years after approval, unless prior to the expiration date, substantial physical construction has been completed on the Development Plan or a Time Extension has been applied for by the applicant. The decision maker with jurisdiction over the project map, upon good cause shown, grant a time extension for one year.
45. If the applicant requests a Time Extension, the project may be revised to include updated language to standard conditions and/or may include revised/additional conditions which reflect changed circumstances or additional identified project impacts. Fees shall be those in effect at the time of issuance of a Land Use Permit.
46. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, drainage facilities, and landscaped areas shall be developed in substantial conformity with the approved development plan marked Planning Commission Hearing Exhibits 1 and 2, dated July 21, 2008. Substantial conformity shall be determined by the Director of Planning and Environmental Services.
47. The Final Development Plan approval runs with the land and the rights and obligations thereof, including responsibility to comply with conditions of approval shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.

48. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
49. Revised plans and building elevations incorporating all conditions of approval for this project shall be coordinated and submitted to Planning & Environmental Services as one package in accordance with plan check requirements. All plans, including site, grading, landscape, irrigation, mechanical, and street improvement plans shall be reviewed for condition compliance prior to issuance of any permits such as grading, building, or encroachment permits. Any change to the size, colors, construction materials, design or location of any structure onsite, or other site or landscape improvements, except to the extent such changes are deemed in substantial conformity, shall not be made without prior City approval.

#### **GENERAL CONDITIONS**

50. All plans submitted for Land Use Permit issuance, building, and/or grading permit shall include all applicable conditions of project approval.
51. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, demolition, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from the City of Goleta. These permits are required by ordinance and are necessary to ensure implementation of the conditions imposed on the project by the City. Before any permit may be issued by the City of Goleta, the applicant shall obtain written clearance for each development phase from all Departments/Agencies having conditions or project approval. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning & Environmental Services.
52. Planning and Environmental Services Compliance Review shall be required. The applicant agrees to pay Compliance Review fees prior to Land Use Permit issuance to cover full costs of compliance monitoring. The decision of the Director shall be final in the event of any dispute.
53. Prior to approval of the first Land Use Permit for general grading and/or buildings for development, the applicant shall pay all applicable City of Goleta permit processing fees in full. Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting that includes monitor(s), project superintendent, architect, subcontractors, as well as City representatives including staff from Planning and Environmental Services and Community Services.

54. The applicant shall pay the statutory school fees in effect at the time of issuance of each building permit to the appropriate school districts and/or shall mitigate school impacts by other measures consistent with State law. The applicant shall submit final square footage calculations and a copy of the fee payment to the school districts prior to issuance of each building permit.
55. All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted on the building plans. The applicant shall obtain all necessary encroachment permits from the City of Goleta Community Services Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, water meters, backflow devices, signs, and curb/gutter/sidewalk improvements.
56. Any temporary building, trailer, commercial coach, etc. installed or used in connection with construction of this project shall comply with the requirements of Section 35-281, Article III of the City's Municipal Code.
57. All trees planted or preserved in accordance with this approval shall be maintained according to the latest adopted American National Standard Institute (ANSI) guidelines for tree care, generally referred to as ANSI A300 (various parts), and the companion publications "Best Management Practices" published by the International Society of Arboriculture (ISA). Any pruning of trees, other than light pruning of no more than 25 percent (25%) of the foliage within any one growing season, requires review and approval of the City of Goleta prior to commencement of the work.
58. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Goleta Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
59. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
60. The applicant shall pay all applicable development impact fees under the City of Goleta Development Impact Fee program in full. **Plan Requirements and Timing:** Payment amounts are estimated below, and shall be based on the fees in effect and applicable at time of Land Use Permit approval.

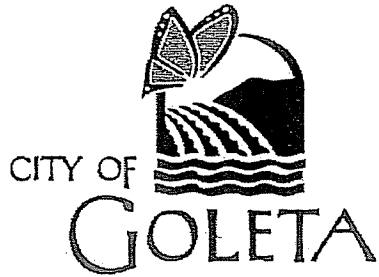
Quimby/Park Fees	\$2,072/ 1000 sq. ft	Due at Final Inspection
Transportation	\$7,832/room for 112 rooms	Due at Land Use Permit
	\$65,115/1000 sq. ft. (quality restaurant)	Due at Land Use Permit
Fire Protection	\$0.20/SF	Due at Final Inspection
Fire Facility	\$700/1000 SF	Due at Final Inspection
Library	\$190/1000 SF	Due at Final Inspection
Public Admin	\$841/1000 SF	Due at Final Inspection
Sheriff	\$433/1000 SF	Due at Final Inspection

**Monitoring:** The City of Goleta shall ensure payment is made as required.

60. Compliance with Department/Agency Letters:
  - a. Community Services Department, letter dated July 8, 2008
  - b. SB County Air Pollution Control District, letter dated July 7, 2008
  - c. County of Santa Barbara Fire Department, letters dated August 6, 2007
  
61. No new signs are authorized with this permit. All signs require separate permits and shall comply with, Article I, Chapter 35 of the City of Goleta Municipal Code (Sign Regulations) and with setbacks specified in Article III, Chapter 35 of the Municipal Code (Inland Zoning Ordinance).
  
62. The applicant shall be responsible for the completeness and accuracy of all forms and supporting materials submitted in connection with any application. Any errors or discrepancies found therein may constitute grounds for the revocation of any approvals.
  
63. The developer agrees, as a condition of this approval, at the developer's own expense, to indemnify, defend, and hold harmless the City and its agents, officers, and employees from and against any claim, action, or proceeding to attack, review, set aside, void or annul, in whole or in part, the City's approval of the development plan or any condition attached thereto or any proceedings, acts, or determinations taken, done or made prior to the approval that were part of the approval process.
  
64. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed

by the City and no approval shall be issued unless substitute feasible mitigation measures are imposed.





July 8, 2008

**CITY COUNCIL**  
Michael T. Bennett  
*Mayor*

Roger S. Aceves  
*Mayor Pro Tempore*

Jean W. Blois  
*Councilmember*

Eric Onnen  
*Councilmember*

Jonny Wallis  
*Councilmember*

**CITY MANAGER**  
Daniel Singer

Mr. Kip Bradley  
Cortona Opportunities, LLP  
5276 Hollister Avenue, #212  
Santa Barbara, CA 93111

**RE: Rincon Palms Hotel and Restaurant – Conditions of Approval**

Dear Mr. Bradley:

Listed below are Community Services recommended Conditions of Approval for the Rincon Palms Hotel and Restaurant project, located at the northeast corner of Storke Road and Hollister Avenue (6868 and 6878 Hollister Avenue).

**A. PRIOR TO ISSUANCE OF LAND USE PERMIT (LUP)**

Owner shall submit the following, or evidence of completion of the following, to the Community Services Department:

1. Agreement for Public Improvements and associated securities for the public improvements on Cortona Drive, Hollister Avenue, and Storke Avenue.
2. Owner shall submit and City Engineer shall accept and approve, a final Hydrology Report prepared by a registered civil engineer for all detention, filtration, and other storm water management needs.

**B. PRIOR TO BUILDING PERMIT ISSUANCE**

1. Provide onsite Parking, Striping and Circulation plan approved by the City Engineer.
2. All existing survey monuments shall be preserved and/or reset in coordination with the County of Santa Barbara's Surveyors Office.

3. Best Management Practices (BMPs) shall be shown on building plans, including but not limited to:
  - a) The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
4. Provide a Storm Water Management Pollution Prevention Plan (SWMP) as approved by the Regional Water Quality Control Board.

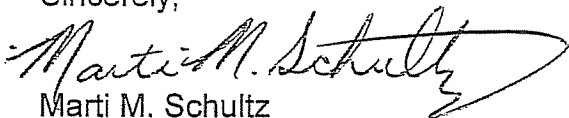
C. PRIOR TO CERTIFICATE OF OCCUPANCY

Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. Complete all Public Improvements along Cortona Drive, Hollister Avenue and Storke Road, as shown on the building plans, including utility service undergrounding.
2. Payment of Parks and Recreation Fees.
3. Submit Record Drawings for the revised street striping and road widening on Hollister Avenue and Cortona Drive.
4. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) caused by construction subject to the review and approval of the Community Services Department.

If you have any questions, please contact Diana White, Assistant Engineer, at (805) 961-7564.

Sincerely,



Marti M. Schultz  
Principal Civil Engineer

DW/

cc: Laura Bridley, Contract Planner





# Fire Department

*"Serving the community since 1926"*

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

John M. Scherrei  
Fire Chief  
County Fire Warden

August 6, 2007

Mr. Thomas Figg, Planner  
Planning & Development, City of Goleta  
PO Box 1226  
Port Hueneme, CA 93041

Dear Mr. Figg:

SUBJECT: APN: 073-140-004; Permit #: 07GPC-020-RZ/DP/DRB  
Site: NE Corner of Storke/Hollister  
Project Description: Rincon Palms Hotel and Restaurant

*This Memorandum Supersedes the Previous Memorandum Dated March 5, 2007*

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

A fire protection specialist shall determine all fire protection needs that include the following:

- Requirement for fire extinguisher type and placement
- Smoke ejection system required for underground parking garage
- 2 ½" stand-pipes required in stairwells, on roof, and in parking garage
- Roof access shall be provided via interior stairwell as shown on plans dated February 5, 2007
- Fire hydrant locations
- Fire department connections
- Automatic fire sprinkler system
- Fire alarm annunciator locations
- Knox Box locations

**PRIOR TO BEGINNING ANY WORK  
THE FOLLOWING CONDITIONS MUST BE MET**

1. Phase One and Phase Two Site Assessments shall be submitted to the Santa Barbara County Fire Department. If the assessment results indicate the need for additional assessment, the additional assessment shall be completed, and all mitigation performed, prior to development approval. Contact Kate Sulka, Hazardous Materials Supervisor, at (805) 686-8169 for questions and additional information.

**PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS  
THE FOLLOWING CONDITIONS MUST BE MET**

2. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Driveway shall be constructed as shown on plans dated February 5, 2007, with the exception of the main driveway access on the south side of the hotel. This driveway shall have a minimum width of 20 feet.

3. New fire hydrants shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department. The hydrants shall consist of one 4-inch outlet and two 2½-inch outlets. The system shall be tested by the fire department to ensure compliance with recognized standards. See Standard #2.

Any work being undertaken by the applicant (including applicant's agents or contractors) shall be in accordance with the following:

- The fire department shall have on file a set of approved plans prior to any work being done.
- A set of approved plans, stamped and dated by the fire department shall be kept at the work site and available upon request.

- Water system(s) shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
  - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a fire department representative.
  - A minimum of 48 hours notice shall be given to the fire department by the applicant prior to scheduling an inspection.
4. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

**PRIOR TO OCCUPANCY CLEARANCE  
THE FOLLOWING CONDITIONS MUST BE MET**

5. An automatic fire sprinkler system must be installed. Fire sprinkler plans are required to be checked and approved by this department, prior to installation. Any system must be in compliance with Santa Barbara County Fire Department Standard #4. The fire department shall determine the location of any fire department connection (FDC) that may be required.

Any work being undertaken by the applicant (including applicant's agents or contractors) shall be in accordance with the following:

- The fire department shall have on file a set of approved plans prior to any work being done.
  - A set of approved plans, stamped and dated by the fire department shall be kept at the work site and available upon request.
  - Water system(s) shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
  - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a fire department representative.
  - A minimum of 48 hours notice shall be given to the fire department by the applicant prior to scheduling an inspection.
6. Fire or emergency alarm system plans shall be submitted to this office for review. Systems shall be installed in conformance with Santa Barbara County Fire Department Standard #5 (attached) and all other applicable standards. Alarm panel location(s) and annunciator graphics to be approved by fire department prior to installation.

- 7. Building address numbers must be a minimum height of six (6) inches for commercial and a color contrasting to the background color. The address number shall be elevated at least three (3) feet from the ground for clear visibility and easy directional identification. The numbers shall be visible from the access road when traveling in either direction. If the driveway is over 150 feet in length or the building is obstructed from view at the access road, numbers shall be posted at any driveway and road intersections as is necessary.
- 8. Portable fire extinguishers are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
- 9. When access ways are gated, a fire department approved locking system shall be installed.
- 10. Permits for the use and storage of hazardous and/or flammable materials/wastes are required.
- 11. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems  
 Goleta Fees at \$681.00 - 1000 square feet, non-retail

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

As always, if you have any questions or require further information please call 681-5500.

In the interest of life and fire safety,



Glenn Fidler, Inspector  
 Fire Prevention Division

GF:reb

c APN/Chron

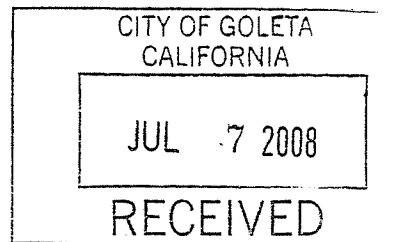


Our Vision Clean Air

**Santa Barbara County  
Air Pollution Control District**

July 7, 2008

Laura Bridley, AICP  
Contract Planner  
City of Goleta Planning & Environmental Services  
130 Cremona Drive, Suite B  
Goleta, CA 93117



**RE: Rincon Palms Hotel and Restaurant Project (07-020-OA, -RZ, -DP): Conditions of Approval**

Dear Laura,

The Santa Barbara County Air Pollution Control District (APCD) recommends the implementation of the following air pollution mitigation measures as conditions of approval for this project:

1. Standard dust mitigations listed in **Attachment A** are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
2. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading and construction and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
3. The project must also comply with **all APCD Rules and Regulations**, as applicable, including obtaining required permits for any emergency diesel generators or large boilers prior to land use clearance.
4. At all times, **idling of heavy-duty diesel trucks** must be limited to five minutes; auxiliary power units should be used whenever possible. State law requires that drivers of diesel-fueled commercial vehicles:
  - o shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location,
  - o shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.

*Goleta Rincon Palms Hotel & Restaurant*

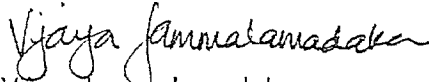
*July 7, 2008*

*Page 2*

5. At a minimum, prior to occupancy, this project should reduce emissions of greenhouse gases by:
- Increasing energy efficiency at least 20% beyond Title 24 requirements;
  - Encouraging the use of transit, bicycling and walking by the hotel employees and guests;
  - Increasing recycling goals (e.g., separate waste and recycling receptacles); and
  - Increasing landscaping (shade trees decrease energy requirements and also provide carbon storage.)

Please contact me by phone at 961-8893, or by e-mail: [VLJ@sbcapcd.org](mailto:VLJ@sbcapcd.org) if you have questions.

Sincerely,



Vijaya Jammalamadaka

Air Quality Specialist

Technology and Environmental Assessment Division

**Attachments:** A and B

cc: TEA Chron File

### Attachment A (Fugitive Dust Control)

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- Prior to land use clearance, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

**Plan Requirements:** All requirements shall be shown on grading and building plans. **Timing:** Requirements shall be shown on plans prior to approval of Land Use Permit. Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

### Attachment B (Diesel Particulate And NOx Emission Mitigations)

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. Therefore, following is an updated list of control strategies that should be implemented to the maximum extent feasible.

- Only heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating on-site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

State law requires that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:

- shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
- shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (homes and schools).
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

**MONITORING:** Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.



## **ATTACHMENT 2**

### **General Plan Consistency Analysis**



**RINCON PALMS  
GENERAL PLAN CONSISTENCY ANALYSIS  
07-020-OA, -RZ, -DP**

***Land Use Element***

***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. This policy is intended to ensure that new development is compatible with the surrounding neighborhood. The bulk, mass, and scale of the project would fit with the surrounding business park and office developments along Cortona as well as the Hollister Avenue corridor. The height of the hotel tower elements in excess of 35' would be consistent with the findings of good cause made per Policy LU 4.3 below. The project would also provide a compatible commercial land use in relation to the Camino Real Marketplace and Kmart Shopping Center. While the project would result in some viewshed interruption from Hollister Avenue, such aesthetic impacts would be addressed through further design review and refinement by DRB. Therefore, the proposed project is considered consistent with this policy.

***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 shall include coordinated site planning, circulation, and design. Public and/or common open spaces with quality visual environments shall be included to create attractive community gathering areas with a sense of place and scale

Consistent. The design of the project includes architecturally innovative features and landscaping deemed appropriate by the DRB. Sidewalks along the project frontages on Hollister Avenue, and attractive landscaping along all three site frontages would provide quality development on this visible corner of the City. Therefore, the proposed project is considered consistent with this policy.

***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 in accordance with the Public Facilities and Transportation Elements.

Consistent. Project related traffic is anticipated to add 625 average daily trips to Storke Road, north of Hollister Avenue, which would exceed thresholds for that roadway link. However, the City has developed an improvement plan to add an additional northbound lane to this street section that is to be funded by Goleta Transportation Impact Fees, and is currently on the City's Capital Improvement Program. The project would be responsible for this roadway improvement as well as the installation of a traffic signal at the Hollister Avenue/Coromar Drive intersection or posting of bonds for construction of the project's fair share payment toward these improvements in association with other developments forecast to impact this section of Storke Road, and the Hollister/Coromar intersection. Payment of Goleta Transportation Impact Fees to help fund improvements at Hollister Avenue/Storke Road would also be made by the project. All other utility service providers have provided letters indicating that such services are available for the development. Therefore, the proposed project as conditioned is considered consistent with this policy.

**LU 4.3 Office and Institutional I-OI. [GP]** — *This designation is intended to provide areas for existing and future office-based uses. Uses allowed include moderate-density business and professional offices, medical and medical-related uses, hospitals, research and development, services oriented primarily to employees such as day care centers, restaurants, personal and professional services, and public and quasi-public uses. In addition, lands designated with a Hotel Overlay may include transient lodging and related uses. Mixed-use developments with residential uses on the same site may be permitted at appropriate locations where the residential uses are compatible with adjacent uses and do not break up the continuity of office and institutional uses.*

*The Office and Institutional use category includes lands intended to support the needs of the Goleta Valley Cottage Hospital and related medical services. These lands, which are in the vicinity of Hollister Avenue and Patterson Avenue, are designated within a Hospital Overlay on the land use plan map Figure 2-1. The following shall apply solely to lands within the Hospital Overlay:*

- a. *The maximum recommended FAR set forth in Table 2-3 is increased from 0.4 to 0.8 for hospital buildings and to 0.5 for medical office buildings. The portions of garage structures devoted to vehicular parking and circulation shall not be included in the calculation of the FAR.*
- b. *The maximum recommended structure height set forth in Table 2-3 is increased from 35 feet to 55 feet for hospital buildings and to 45 feet for medical office buildings, provided however that no building shall exceed 3 stories in height. The heights of hospital and medical office buildings shall be the minimum height necessary to comply with applicable state hospital construction standards and/or technical requirements.*
- c. *The maximum recommended lot coverage ratio set forth in Table 2-3 is increased from 0.4 to 0.6 for hospitals and to 0.5 for medical office buildings.*

**LAND USE ELEMENT, TABLE 2-3:**

**TABLE 2-3  
ALLOWABLE USES AND STANDARDS FOR OFFICE AND  
INDUSTRIAL USE CATEGORIES**

Allowed Uses and Standards	Office and Industrial Use Categories			
	I-BP	I-OI	I-S	I-G
<b>Industrial (Manufacturing)</b>				
General Manufacturing – No Noxious Impacts	X	–	X	X
General Manufacturing – Potential Noxious Impacts	–	–	–	X
Research and Development	X	X	–	X
Scientific and Similar Instruments	X	X	–	X
Bio-Medical Technology	X	X	–	X
Other Advanced Technology	X	X	–	X
<b>Transportation and Utilities</b>				
Transportation (other than right-of-way)	–	–	X	X
Wireless Communications/Telecommunications	X	X	X	X
Utilities	X	X	–	–
<b>Retail Trade</b>				
Building/Landscape Materials and Equipment	–	X	–	X
Eating and Drinking Establishments	X	X	–	–
Other Retail Trade Establishments	X	X	–	–
<b>Services (Including Offices)</b>				
Finance, Insurance, and Real Estate	X	X	–	–
Personal Services	X	X	–	–
Business Services	X	X	–	–
Information Technology Services	X	X	–	–
Professional Services	–	X	–	–
Medical and Health-Related Services	–	X	–	–
Educational Services	–	X	–	–
Entertainment and Recreation Services	–	X	–	–
Building and Construction Services	–	–	X	X
Other Services	–	–	X	X
<b>Auto-Related Uses</b>				
Automotive Sales and Rentals	–	–	X	X
Auto Repair and Painting	–	–	X	X
Auto Wrecking Yard/Junk Yard	–	–	X	X
Auto Service (Gas) Station	–	–	–	X
<b>Wholesale Trade and Storage</b>				
General Wholesale Trade	–	–	X	X
Warehousing – General	X *	–	X	X
Warehousing – Self-Storage	–	–	X	X
Outdoor Storage	–	–	X	X
<b>Residential Uses</b>				
Residential Units	–	X	–	–
One Caretaker Unit Per Parcel	X	X	X	X
Assisted-Living Residential Units	–	X	–	–
<b>Other Uses</b>				
Public and Quasi-public Uses	X	X	X	X
Religious Institutions	–	X	–	–
<b>Standards for Density and Building Intensity</b>				
<i>Recommended Standards for Density</i>				
Maximum Residential Density	N/A	20units/acre	N/A	N/A
<i>Recommended Standards for Building Intensity</i>				
Maximum FAR	0.40	0.40	0.60	0.30
Maximum FAR for Hotels (with Hotel Overlay)	0.50	0.50	N/A	N/A
Maximum Structure Heights	35 feet	35 feet	35 feet	35 feet
Maximum Lot Coverage Ratio	0.35	0.40	N/A	N/A
Minimum Open Space/Landscaping Ratio	0.30	0.10	0.10	0.10

Allowed Uses and Standards	Office and Industrial Use Categories			
	I-BP	I-OI	I-S	I-G
Minimum Lot Size	N/A	N/A	N/A	N/A
<p>Notes:</p> <p>1. Use Categories: I-BP – Business Park; I-OI – Office and Institutional; I-S – Service Industrial; I-G – General Industrial.</p> <p>2. X indicates use is allowed in the use category; - indicates use not allowed.</p> <p>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.</p> <p>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.</p> <p>5. N/A = Not applicable.</p> <p>* Warehousing is allowed on parcels designated Business Park (I-BP) if it's in association with a permitted use.</p>				

Consistent (Policy LU 4.3 and Table 2-3). The subject property (designated Office and Institutional in the City's Land Use Element) has a hotel overlay, which would allow for hotel and restaurant functions in the project site. These commercial amenities would serve the needs of the surrounding business park uses and transition from the light industrial uses along Cortona Drive and north of Hollister to the commercial development at the K Mart Center and Camino Real Marketplace regional shopping center. The project would provide one driveway from Hollister Avenue and one from Cortona Drive, and no direct access to Storke Road.

The project FAR and the project height would meet the recommended standards outlined in this policy and Table 2-3, with the exception of two architectural projections of 50' each (elevator towers). However, these elevator tower projections are reasonable and consistent with the proposed base zone district of PI, which allows for architectural projections to exceed the 35' height limit. 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 for the architectural projections from the City DRB during its conceptual review,
- b. The projections serve to screen proposed elevator shafts which would otherwise be unattractive on the project rooftop,
- c. The elevators provide accessibility to all floors of the hotel, consistent with Americans with Disability Act and building code requirements, and
- d. Because they are not continuous, they do not create a uniform adverse impact to the community character, aesthetics, or public views.

The design of the Rincon Palms Restaurant would otherwise be consistent with all policies of the City's General Plan/Local Coastal Plan, as outlined in the staff report for the July 21, 2008 Planning Commission meeting. These project components and conditions of approval for the development would make the project considered to be consistent with this policy.

### ***Open Space Element***

***OS 8.3 Preservation. [GP/CP]*** — *The City shall protect and preserve cultural resources from destruction. The preferred method for preserving a recorded archeological site shall be by preservation in place to maintain the relationship between the artifacts and the archaeological context. Preservation in place may be accomplished by deed restriction as a permanent conservation easement, avoidance through site planning and design, or incorporation of sites into other open spaces to prevent any future development or use that might otherwise adversely impact these resources.*

***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 8.5 Mitigation. [GP/CP]*** —*If research and surface reconnaissance shows that the project area contains a resource of cultural significance that would be adversely impacted by proposed development and avoidance is infeasible, mitigation measures sensitive to the cultural beliefs of the affected population shall be required. Reasonable efforts to leave these resources in an undisturbed state through capping or covering resources with a soil layer prior to development shall be required. If data recovery through excavation is the only feasible mitigation, the City shall confer with the affected Native American nation or most-likely descendants, as well as agencies charged with the responsibility of preserving these resources and organizations having a professional or cultural interest, prior to the removal and disposition of any artifacts.*

Consistent (Policies OS 8.3 – 8.5). A Phase I archaeological resources evaluation was prepared for this site in 2006 by WPA. This study defined the presence of 16 shellfish fragments dispersed evenly throughout the site. An Extended Phase 1 investigation including nine backhoe trenches, was completed in 2007 by SAIC. This effort also recovered very little cultural material, consisting mostly of shellfish fragments, and noted that the color and texture of the soils is not consistent with the native soil profile. The SAIC

report and subsequent response to public comments received on the draft MND (David Stone, June 26, 2008, personal communication) concluded that the project's contribution to impacts on cultural resources is less than significant due to the lack of prehistoric deposits. The proposed project is considered to be consistent with these policies.

**OS 8.6 Monitoring and Discovery. [GP/CP]** — *On-site 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.*

Consistent: As noted above, the Rincon Palms project site did not contain significant resources as determined by two archaeological investigations. Therefore, according to the project archaeologist, David Stone, construction monitoring would not be necessary to achieve consistency with this policy, making the project consistent with the existing policy.

## **Conservation Element**

**CE 1.9 Standards Applicable to Development Projects. [GP/CP]** — *The following standards shall apply to consideration of developments within or 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.*
- j. *In areas that are not adjacent to ESHAs, 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.*

**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.*

**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 (Policies CE 1.9, 10.2, 10.3 and 10.6). Project design (MAC Design, July 2008) includes numerous storm water BMPs into the site design including but not limited to porous concrete in parking areas, pavers, bio swales and retention basins. Through the use of these measures, the City's water quality standards will be met during construction and ensure

that post-development runoff will closely match pre-development runoff. Therefore, the project can be considered consistent with these policies.

## **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.

**SE 4.3 Geotechnical and Geologic Studies Required. [GP/CP]** — Where appropriate, the City shall require applications for planning entitlements for new or expanded development to address potential geologic and seismic hazards through the preparation of geotechnical and geologic reports for City review and acceptance.

**SE 4.4 Setback from Faults. [GP/CP]** —New development shall not be located closer than 50 feet to any active or potentially active fault line to reduce potential damage from surface rupture. Nonstructural development may be allowed in such areas, depending on how such nonstructural development would withstand or respond to fault rupture or other seismic damage.

Consistent (Policies SE 1.3, 4.3, 4.4). The project site is located in Seismic Zone 4 and is nearly level with a slope of less than 1% across the property. A preliminary foundation investigation (Pacific Materials Laboratory) and geologic hazards evaluation (Campbell Geo, Inc., January 2007) have been performed for the proposed project. These conditions indicate a medium potential for expansion, low liquefaction potential due to the groundwater being located 30 feet below the surface, slight surface settlement potential and susceptibility to ground shaking due to earthquake. With proper foundation design, the proposed hotel structure can be properly supported and minimize risk to property. Therefore, the project can be considered consistent with these policies.

**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. The project plans were revised in early 2008 to incorporate Fire Department requirements for access, emergency access, fire hydrants, and fire hydrant pressure. These plans were reviewed and approved by the Santa Barbara County Fire Department in March 2008. Therefore, the proposed project is consistent with this policy.

**SE 9.2 Height Restrictions. [GP]** — *The City shall ensure that the heights of proposed buildings, other structures, and landscaping conform to airport operational requirements to minimize the risk of aircraft accidents. The City shall establish and maintain standards in its zoning ordinance for building and structure height restrictions for development in proximity to the Santa Barbara Municipal Airport. To ensure compliance with height restrictions, proposed development or uses that require Airport Land Use Commission (ALUC) review pursuant to the Airport Land Use Plan shall be referred to the ALUC for review.*

**SE 9.3 Limitations on Development and Uses. [GP]** — *The City shall establish and maintain standards in its zoning ordinance for use restrictions for development near the Santa Barbara Municipal Airport. These standards should identify uses that may be compatible in each zone. Proposed development or uses that require Airport Land Use Commission (ALUC) review pursuant to the Airport Land Use Plan shall be referred to the ALUC for review.*

Consistent (Policies SE 9.2 and 9.3). The project site is immediately adjacent, but outside, the Clear and Approach Zones to the Airport, as shown in the MND, Figure 13. Therefore, the building height proposed with the Development Plan, including the hotel towers up to 50' from the proposed grade to the top of the roof ridge line, would be consistent with Policy SE 9.2. Additionally, the project is not subject to ALUC review, and would also be consistent with Policy SE 9.3.

**SE 10.6 Responsibility for Cleanup by Responsible Party. [GP]** — *No new development or substantial redevelopment shall be permitted on land determined to contain actionable contamination until the party responsible for such contamination has been identified and has accepted financial responsibility for any required remediation. The posting of a bond or other appropriate surety in an amount and form acceptable to the City shall be required as a condition of development approval. In appropriate circumstances, the City may assist in attempting to obtain outside grants or other resources to address contamination issues and help fund remediation.*

Consistent: As confirmed by the Santa Barbara County Fire Prevention Division, the landowner is currently considered the responsible party for

monitoring soils and groundwater remediation of the site. This effort will continue to be monitored per the County Fire Prevention Division letter of March 2008, which also calls for installation of a soil vapor barrier and protections to workers during construction. The monitoring reports have indicated a lowering trend of pollutant concentrations for several years. Therefore, with these conditions, 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 Cameros 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 shall 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 shall 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.

Consistent (Policies VH 1.1 and 1.4). 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. The project could interrupt intermittent mountain views from Hollister Avenue for the majority of the project site, but would generally be in line with the profile of the existing light industrial buildings immediately north of the site. Additionally, the restaurant structure would be tucked into one corner of the site, not interrupting viewsheds to the mountains. In its conceptual review of the project, the DRB supported the height extension for the towers for the project, as well as the overall project design and site plan. Therefore, with implementation of further DRB review and related conditions of approval requiring a surveyed building height, the proposed project is considered consistent with these policies.

***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. This policy is intended to 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 project will continue DRB review prior to land use permits, and further refine its design and presence on the property. 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 Hollister Avenue as this area is already developed with lower structures over which mountain views remain. Therefore, the proposed project is considered consistent with this policy with conditions of approval.

**VH 3.1 Community Design Character [GP]**—*The visual character of Goleta is derived from the natural landscape and the built environment. The City's agricultural heritage, open spaces, views of natural features, established low-density residential neighborhoods, and small-scale development with few visually prominent buildings contribute to this character. Residential, commercial, and industrial development should acknowledge and respect the desired aspects of Goleta's visual character and make a positive contribution to the city through exemplary design.*

**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 (Policy 3.1 through 3.4). The intent of these policies is to ensure that new development is designed in a manner to be consistent with the City's visual character provided through views of open spaces, natural features, low density neighborhoods, and few prominent buildings and structures. The Rincon Palms project is located in a neighborhood of business park uses and retail centers along the Hollister Corridor. The project would add some variety and presence to this section of Hollister Avenue with the building height and architectural style. Along with generous landscaping proposed and canopy trees, these design features would make the project consistent with these policies, as conditioned.

***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. This policy is intended to promote pedestrian friendly design for aesthetic reasons purposes. The project includes improved pedestrian paths and accessible ramps along the project frontages on Cortona Drive and Hollister Avenue, as well as aesthetically connected walkways within the project site. Therefore, the project is considered consistent with this policy subject to implementation of the required conditions of approval.

***VH 4.7 Office Buildings, Business Parks, Institutional, and Public/Quasi-Public Uses. [GP]*** *The following standards shall be applicable to office and business park development and institutional and public/quasi-public uses:*

- a. Buildings and structures shall be designed to be compatible with adjacent development relative to size, bulk, and scale.*
- b. Street elevations of buildings and structures should enhance the streetscape and should be pedestrian friendly. To create diversity and avoid monotonous façades, varied building setbacks should be provided and be proportionate to the scale of the building.*
- c. Plazas, courtyards, and landscaped open space should be provided to create a campus-like setting and encourage pedestrian access.*
- d. Parking lots should not be the dominant visual element and shall be located behind or beside buildings, where appropriate. Where buildings do not screen parking lots, landscaping, berms, and/or low walls shall be used to screen cars from adjacent roadways and other developments.*
- e. Architectural elements such as arcades are encouraged to identify the main entrance and reinforce the pedestrian scale.*

- f. *Bicycle access shall be provided and encouraged via bike lanes. Sufficient, secure, and protected bicycle parking shall be provided.*
- g. *Public transit shall be encouraged through effective placement of stops for local and regional transit services. Existing stops shall be upgraded as appropriate.*
- h. *Loading areas and recycling and trash facilities shall be easily accessed and screened from view with landscaping and/or fencing or walls. Adjacent uses shall be considered when such areas are sited.*
- i. *Roof mounted equipment shall be screened and considered as part of the structure for height calculations.*

Consistent. The Rincon Palms Restaurant and Hotel would provide a transitional commercial use from the light industrial buildings north of Hollister to the retail activity at the Fairview Center and Camino Real. Site design details including decorative pavers, a landscaped trellis, bicycle parking, and a new bus pullout along Hollister Avenue would add to the project's consistency with the policy above.

**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 proposed project includes entryway and street trees, a landscaped trellis, a drought tolerant plant palette and extensive pervious paving solutions. As such, the project is considered consistent with these policies as conditioned.

**VH 4.10 Streetscape and Frontage Design. [GP]** — *A unified streetscape shall be created to improve the interface between pedestrians and vehicles. The following design elements shall be incorporated where feasible:*



- a. *Abundant street trees and landscaped medians.*
- b. *Landscaping that buffers pedestrians and bicyclists from traffic without creating site distance conflicts.*
- c. *Coordination of landscaping within the public right-of-way and adjacent development to provide an integrated street frontage.*
- d. *Provision of street furniture including benches, planter seating, trash containers, and pedestrian scale light fixtures.*
- e. *Use of pavement treatments and decorative tree wells.*
- f. *Accent planting, textured paving, and specimen trees used to establish identities at building entries.*
- g. *Traffic control and utility hardware such as backflow devices, traffic control cabinets, cable television boxes, and air vacuum and release enclosures shall be screened from view and colored to blend in with the surroundings. Such hardware should be placed outside sidewalks and away from intersections to the extent feasible.*

Consistent: The project design includes the introduction of pedestrian amenities with walkways and landscaping along the project frontage which continue through the use of decorative pavers and plantings into the project site. Along with the provision of new sidewalks, these amenities will enhance the pedestrian experience along the hotel project frontage. Conditions of approval also require screening of utility hardware to maintain an attractive street frontage. Therefore, with implementation of conditions of approval, the project would be consistent with this policy.

**VH 4.11 Parking Lots. [GP—]** *Parking lots shall be adequately designed and landscaped. The following standards shall apply (see related Policy TE 9):*

- a. *Adequate parking requirements shall be established for all zone districts and conditionally permitted uses.*
- b. *Adequate parking space dimensions and aisle widths shall be established.*
- c. *Angled parking spaces are encouraged in order to maximize visibility for drivers and pedestrians. Retail parking lot design that includes 90-degree parking spaces is discouraged.*
- d. *Pedestrian circulation shall be adequate, clearly delineated, and integrated with internal vehicle circulation to allow for safe and convenient pedestrian links from parking areas to building entrances. Planting strips should be used between traffic zones and sidewalks wherever possible.*
- e. *Retail parking lots shall provide for adequate shopping cart storage that is adequately screened.*
- f. *Parking lot landscaping shall provide for adequate visual relief, screening, and shade. Adequate tree density shall be established and shall include*

- approximately one tree for every four parking spaces. Deciduous trees in parking lots are discouraged due to the visual effects of loss of canopy.*
- g. Parking lot lighting shall be considered relative to the selection and location of parking lot trees and their height at maturity.*
  - h. Shared parking arrangements are encouraged where neighboring uses have different peak use periods.*
  - i. Permeable parking surfaces and grass-incorporated paving systems are encouraged to reduce stormwater runoff. Water quality protection measures such as storm drain filters should be used to minimize pollutants that would result in impacts to downstream water bodies or habitat.*

Consistent: The Rincon Palms project would provide sufficient parking for both the hotel and restaurant uses during peak demand periods with the use of 17 stalls provided through a share parking agreement with the parcel directly north of the site. As noted above, the project design includes the introduction of pedestrian amenities with walkways and landscaping along the project frontage which continue through the use of decorative pavers and plantings into the project site. The project plans also include extensive use of bioswales and pervious surfacing to reduce stormwater runoff. Therefore, with the conditions of approval, the project would be deemed consistent with this policy.

**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 Rincon Palms project would continue to be reviewed by DRB for 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 undergrounded. Conditions of approval for the project require all new utility service connections to proposed Parcel 2, as well as all utility connections along Hollister Avenue, to be undergrounded. Therefore, the proposed project is considered consistent with these policies as conditioned.

### ***Transportation Element***

**TE 3.3 Major Arterials. [GP/CP]** — Roads designated as major arterials are shown in Figure 7-2. The following criteria and standards shall apply to roads designated as major arterials:

- a. Definition/Function: Major arterials are continuous routes that carry through traffic between various neighborhoods and communities, frequently providing access to major traffic generators such as shopping areas, employment centers, recreational areas, higher-density residential areas, and places of assembly. Driveway access, especially for residential uses, to a major arterial is generally discouraged or kept to a minimum in order to facilitate traffic flows.
- b. Access to Abutting Properties. Although established patterns of development in Goleta have created driveways along most arterial segments, access to abutting properties shall be managed to maximize safety and functionality for through traffic, including but not limited to the following characteristics:
  - 1) Driveways shall have sufficient width to minimize conflicts between through traffic and turning movements.
  - 2) Driveways shall adhere to safe sight-distance requirements to the extent feasible.
  - 3) New development abutting major and minor arterials shall accommodate safe ingress and egress without necessitating backing movements into the arterial.
  - 4) Where feasible, sharing driveways with adjoining properties is encouraged, with provision of reciprocal access easements.

Where street standards cannot be fully met and access from the arterial must be approved due to the absence of any other feasible and practicable alternative, development intensity may be reduced on the site to lessen or avoid potential traffic safety hazards and vehicular conflicts.

c. Design Standards. The following standards shall apply:

- 1) A principal or major arterial may be a divided or an undivided multi-lane road, with or without center median.
- 2) The maximum number of through-travel lanes shall be two lanes in each direction except for street segments between US-101 and Hollister Avenue, where the maximum number of lanes shall be three lanes in each direction.
- 3) Lane widths and intersection geometrics shall be adequate to accommodate transit vehicles and large trucks.
- 4) Intersections of arterials with cross-routes are provided at grade, although partial control of access may occur at some locations. Intersection controls shall give priority to traffic flow on the arterial rather than the cross-route.
- 5) Major arterials shall include facilities to accommodate pedestrians and bicycles.
- 6) At a minimum, major arterials shall include curbs, gutters, and sidewalks. Major arterials may include landscaped medians and/or landscaped strips between curb and sidewalk.
- 7) Parking may be provided in appropriate segments on either or both

Consistent. The project would provide all access to the site from Cortona Drive, thereby avoiding potential ingress/egress conflicts along Hollister Avenue. The project would be installing a new bus turnout along Hollister, which would help with overall circulation on this arterial. All parking and driveway circulation meets parking ordinance standards, and the project would be providing standard curb and gutter improvements along Cortona and Hollister, subject to Community Services Department's approval. With these improvements and based on conditions of approval, the project would be consistent with this policy.

***TE 3.9 Right-of-Way Dedications and Improvements. [GP/CP] — Existing and future rights-of-way may vary along different segments of individual streets within a single functional classification, based upon the existing patterns of development along the various segments. The appropriate street cross section, frontage improvements, and right-of-way dedications shall be established by the City Engineer when imposing conditions of approval for development applications on abutting parcels. Dedications of right-of-way may be greater in locations where it is appropriate to secure space for utilities, street appurtenances, transit facilities, and landscaped areas.***

Consistent. The project has incorporated dedication of ROW and frontage improvements along Hollister Avenue, and frontage improvements along Cortona Drive. The project will be required to record reciprocal access agreements for the shared driveway and parking with the parcel to the north (6868 Cortona Drive), as provided in the conditions of approval. With these

improvements, subject to final plan review by Community Services Department, the project would be consistent with this policy.

**TE 4.1 General Level of Service Standard. [GP]** — A traffic LOS standard C shall apply citywide to major arterials, minor arterials, and collector roadways and signalized and unsignalized intersections, except as provided in TE 4.2. The standard shall apply to daily traffic volumes and both AM and PM peak hours for intersections, and to average daily traffic volumes (ADT) for roadway segments. Table 7-3 provides descriptions of the LOS categories.

**TE 4.2 Modified Level of Service Standard for Specific Intersections at Planned Capacity. [GP]** — Any intersection or arterial link that is developed to the maximum permitted number of lanes (see Policy TE 3 and TE 6.5) shall be considered to be at “planned capacity,” and the forecasted volume to capacity ratio with all planned transportation improvements, as shown in Table 7-1, shall be the applicable LOS standard. As of 2005, the Storke-Hollister intersection was the only intersection in the city at “planned capacity,” and the applicable volume to capacity standard is 0.89.

Consistent (Policies TE 4.1 and 4.2). As discussed in the project environmental document, the contribution of traffic would not degrade existing levels of service for roadways or intersections, with the exception of the roadway segment of Storke Road, north of Hollister Avenue, and the intersections of Hollister Avenue/Cortona Drive and Hollister Avenue/Storke Road. The applicant will contribute funds on a fair share basis to the planned addition of a northbound lane on Storke Road, as well as funds toward the signalization of the Hollister Avenue/Coromar Drive intersection, which will improve the operation of Hollister Avenue/Cortona Drive. The project’s payment of GTIP fees, as well as frontage improvements along Hollister Avenue, would also contribute to improvement of the Hollister Avenue/Storke Road intersection. Therefore, as conditioned, the project would be consistent with this policy.

**TE 7.8 Hollister Avenue Transit Corridor. [GP]** — Hollister Avenue from the eastern city boundary west to Pacific Oaks Road is designated as the Hollister Avenue Transit Corridor. The public transportation map in Figure 7-4 illustrates that the highest concentration of transit routes and greatest frequency of service occur in this area. The land areas along this corridor include existing and planned future retail commercial and employment centers as well as higher-density housing. These higher-intensity uses are transit oriented; the City supports efforts by MTD and other providers to expand express and local bus services along this corridor as ridership levels warrant.

**TE 7.12 Transit Amenities in New Development. [GP/CP]** — The City shall require new or substantially renovated development to incorporate appropriate measures to facilitate transit use, such as integrating bus stop design with the design of the development. Bus turnouts, comfortable and attractive all-weather shelters, lighting, benches, secure bicycle parking, and other appropriate

*amenities shall be incorporated into development, when appropriate, along Hollister Avenue and along other bus routes within the city. Existing facilities that are inadequate or deteriorated shall be improved or upgraded where appropriate and feasible.*

Consistent (Policies TE 7.8 and 7.12). The project will be constructing a new bus turnout along Hollister Avenue that will enhance transit efficiency and availability in the area. The project is also dedicating additional right of way to create a bike lane and providing 5.5' sidewalks along Hollister Avenue. These improvements would make the project consistent with this policy.

***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.*

Consistent. The project would provide a total of 160 parking spaces on site with 17 additional spaces available through a shared parking agreement with the parcel to the north (6868 Cortona Drive) to address peak demand periods. Such a reciprocal parking agreement would address peak parking demands, even though the project meets the on-site parking requirement of 152 spaces as required by City of Goleta code. With recordation of this agreement required through the conditions of approval, the project would be consistent with this policy.

***TE 9.5 Parking Lot Design. [GP] —***  
*Design standards applicable to retail, commercial, business parks, and parking lots are set forth in the Visual and Historic Resources Element Subpolicies VH 4.5, 4.7, and 4.11. In addition, the following standards and criteria shall apply to parking lots of three or more spaces:*

- a. Parking lot design shall provide that all individual spaces are clearly delineated and have easy ingress and egress by vehicles.*
- b. Proposals that include compact parking spaces shall be subject to discretionary approval by the City, and the number of compact parking spaces shall not exceed 20 percent of the total; parking spaces for oversized vehicles shall be included when appropriate.*
- c. Access driveways and aisles shall have adequate geometrics, and the layout shall be clear, functional, and well organized.*
- d. Pedestrian walkways between the parking area and the street, main entrance, and transit stops should be protected by landscaped or other buffers to the extent feasible.*

- e. *The visual impact of large expanses of parking lots shall be reduced by appropriate response to the design standards set forth in the Visual and Historic Resources Element's Policy VH 4.*

Consistent. The project has been revised to address certain comments from the DRB, as well as staff review of the site plan during the project analysis and environmental review. As designed the Rincon Palms project would provide appropriate parking circulation, driveway access, pedestrian amenities along the project frontages, and extensive landscaping compliant with Visual Resource policies. However, the project includes 23% compact parking stalls, and does not comply with the required number of landscape planters per Policy VH 4, but compliance with these standards is feasible through final site design and the project's ability to share parking with the adjacent parcel. Therefore, as conditioned, and with these revisions, the project would be consistent with this policy.

***TE 10.4 Pedestrian Facilities in New Development. [GP] — Proposals for new development or substantial alterations of existing development shall be required to include pedestrian linkages and standard frontage improvements. These improvements may include construction of sidewalks and other pedestrian paths, provision of benches, public art, informational signage, appropriate landscaping, and lighting. In planning new subdivisions or large-scale development, pedestrian connections should be provided through subdivisions and cul-de-sacs to interconnect with adjacent areas. Dedications of public access easements shall be required where appropriate.***

Consistent. The project would include a sidewalk on both Hollister Avenue and Cortona Drive, along with extensive landscaping and appropriate signage to provide a strong pedestrian component in the project. With these improvements, the project would be consistent with this policy.

***TE 13.3 Maintenance of LOS Standards. [GP] — New development shall only be allowed when and where such development can be adequately (as defined by the LOS standards in Policy TE 4) served by existing and/or planned transportation facilities. Transportation facilities are considered adequate if, at the time of development:***

- a. *Existing transportation facilities serving the development, including those to be constructed by the developer as part of the project, will result in meeting the adopted LOS standards set in Policy TE 4; or*
- b. *A binding financial commitment and agreement is in place to complete the necessary transportation system improvements (except for the planned new grade-separated freeway crossings), or to implement other strategies which will mitigate the project-specific impacts to an acceptable level, within 6 or fewer years; and*

- c. *Any additional offsite traffic mitigation measures are incorporated into the impact fee system for addressing cumulative transportation impacts of future development.*

Consistent. Construction of separate left and right turns at the southbound approach of Cortona Drive would ensure appropriate operation of service levels at this intersection with Hollister Avenue. Impacts to Storke Road north of Hollister Avenue would be mitigated by the applicant's responsibility to implement a re-striping of Storke Road to create an additional lane, or depending on the timing of other applicants with the same impact, contribute fees based on its fair share of this roadway impacts. The applicant would also be required to install, or contribute toward (depending on timing of other projects in the pipeline) a traffic signal at the Hollister Avenue/Coromar Drive intersection. Payment of GTIP fees to offset area wide improvements, including cumulative impacts to the Storke/Hollister intersection and Storke roadway north of Hollister, would be required. With implementation of these required conditions, the project would be consistent with this policy.

## ***Public Facilities Element***

***PF 3.9 Safety Considerations in New Development. [GP]*** — *All proposals for new or substantially remodeled development shall be reviewed for potential demand for and impacts on safety and demand for police services. The design of streets and buildings should reinforce secure, safe, and crime-free environments. Safety and crime reduction or prevention, as well as ease of policing, shall be a consideration in the siting and design of all new development within the city.*

***PF 9.1 Integration of Land Use and Public Facilities Planning [GP/CP]*** — *The Land Use Plan and actions on individual development applications shall be consistent with the existing or planned capacities of necessary supporting public facilities and the fiscal capacity of the City to finance new facilities.*

- a. *The City shall integrate its land use and public works planning activities with an ongoing program of long-range financial planning to ensure that the City's Land Use Plan is supported by quality public facilities.*
- b. *Individual land use decisions, including but not limited to General Plan amendments, shall be based on a finding that any proposed development can be supported by adequate public facilities.*

***PF 9.2 Phasing of New Development [GP/CP]*** — *Development shall be allowed only when and where it is demonstrated that all public facilities are adequate and only when and where such development can be adequately served by essential public services without reducing levels of service elsewhere.*

***PF 9.3 Responsibilities of Developers [GP/CP]*** — *Construction permits shall not be granted until the developer provides for the installation and/or financing of needed public facilities. 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 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 or impact can be demonstrated.*

**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 (Policies PF 3.9, 9.1 – 9.3, 9.7). 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. As such, the proposed project is considered consistent with these policies, as conditioned.

## **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.*

Consistent. This policy is intended to ensure that new development is not exposed to unacceptable noise levels for the type and nature of the use involved. The project is outside of any airport noise contour of 65 dB or greater. Construction hours would be limited according to conditions of approval for the project. Therefore, as conditioned, the project is considered consistent with these policies.

***NE 3.3 Consultation with ALUC Staff and City of Santa Barbara Staff. [GP]***

*The City of Goleta shall continue to monitor and comment on airport-related projects and development proposed for the area surrounding the airport that is under the jurisdiction of the City of Santa Barbara. The City of Goleta shall consult with staff of the Airport Land Use Commission (ALUC) and the Santa Barbara Airport Department for development projects within the clear or approach zones as defined in the Santa Barbara County Airport Land Use Plan (ALUP), as well as any development proposed within the 60 dBA CNEL noise exposure contour as depicted on the Noise contour map in the most recent ALUC-adopted Santa Barbara County Airport Land Use Plan.*

Consistent. The project is adjacent to, but outside the Airport Approach zone. Therefore, the project is consistent with this policy.

***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.*

Consistent. Project construction hours would be limited in accordance with this requirement, making the project consistent with this policy.

***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.*

Consistent. These policies are intended to protect sensitive noise receptors such as residential units from excessive levels of construction noise. The project site is not located near sensitive receptors, and would therefore be considered consistent with this policy.

## ***Housing Element***

***HE 3.2 Mitigation of Employee Housing Impacts from Nonresidential Uses. [GP]*** — *Housing needs of local workers are an important factor for the City when reviewing nonresidential development proposals. The City shall require proposed new nonresidential development and proposed expansion or intensification of existing nonresidential development to contribute to the provision of affordable employee housing. The proposed amount of floor area and type of nonresidential use shall be factors in establishing the requirement for individual projects. Alternatives to satisfy this requirement may, at the discretion of the City, include payment of “in-lieu” housing impact fees, provision of housing on-site, housing assistance as part of employee benefit packages, or other alternatives of similar value.*

***HE 12.3 Local Housing Impact Fees. [GP]*** — *The City shall prepare an appropriate nexus study and consider the adoption of an ordinance that would impose affordable housing impact fees on new nonresidential development based upon the estimated number of jobs generated by the development and the estimated wage levels of those jobs.*

Consistency Determination to be made by City Council. At this time, the City has not yet developed a program for assessment of affordable housing impact fees on new nonresidential development. Therefore, applicability of this policy and any determination of consistency would be a policy decision of the City Council at the time of the hearing before the Council.



## **ATTACHMENT 3**

### **Zoning Ordinance Consistency Analysis**



**RINCON PALMS HOTEL AND RESTAURANT, 07-020-DP  
ZONING ORDINANCE CONSISTENCY ANALYSIS**

The following table identifies applicable requirements of the PI – Professional Office zone district (proposed for the site) and the project’s compliance with each of these requirements:

	Required	Proposed	Consistent Y/N
Front Yard Setback	45 Feet from centerline and 15 feet from ROW line of any street (on all project frontages)	<u>Hollister Avenue</u> : 80’ from centerline; from ROW, 10’ to landscape wall and 11’ to restaurant roof overhang  <u>Cortona Drive</u> : 50’ to patio retaining walls, 23’ from ROW’  <u>Storke Road</u> : 65’ from centerline and 15’ from ROW to hotel and trash enclosure wall near restaurant; retaining walls and stairway partially within 15’ setback, as allowed by Article III, 235-274.8	Yes, subject to modification  Yes  Yes, subject to modification
Side Yard Setback	15 feet	17 feet from rear stairwells and patio walls	Yes
Rear Yard Setback	15 feet	See above	Yes
Building Coverage	≤ 40% net lot area	19.9% (26,400 ft <sup>2</sup> )	Yes
Building Height	35 feet average	35 feet average	Yes
Parking spaces:	Hotel: 122 spaces Restaurant: <u>30 spaces</u> TOTAL: 152 spaces	On site: 160  Shared: 17	Yes
Landscaping/ Open Space	10% minimum	22.1%	Yes
Other:  Minimum Lot Size	  1 acre minimum	  3.79 acres gross/ 3.72 acres net	  Yes





## **ATTACHMENT 4**

**Proposed Amendments to Article III for the City of Goleta  
Creating a Hotel Overlay District definition**



**ZONING ORDINANCE AMENDMENT  
CASE NO. 07-020-0A – RINCON PALMS HOTEL and  
RESTAURANT**

**Sec.35-250F**            **HO - Hotel Overlay**  
**(Amended by Ord. [to be inserted])**

***Sec. 35-250F.1. Purpose and Intent***

This Overlay District is only applicable to property having a land use designation of Business Park (I-BP) or Office and Institutional (I-OI), with a Hotel Overlay as shown on the General Plan Land Use Map. The purpose of this district is to facilitate the co-existence of commerce and hospitality services. By creating diverse and complementary employment opportunities and related economic activities, the intent is to minimize impacts to surrounding neighborhoods, manage traffic patterns and centralize services.

***Sec.35-250F.2. Permit and Processing Requirements***

All new structures and development as well as alterations to existing structures within the HO Overlay District shall be subject to review by the Design Review Board. No permits for development within the Hotel Overlay project shall be issued except in conformance with an approved Development Plan.

***Sec. 35-250F.3. Setbacks, Height Limits, and Other District Restrictions***

Except as stipulated below, all new structures and development as well as alterations to existing structures shall comply with the requirements of the General Plan and base zone district, subject to any modifications that may be granted pursuant to the General Plan and/or Development Plan approval.

1. The recommended standard for FAR for hotel uses within the HO Overlay District shall be 0.50. This recommended standard may be revised by resolution of the decision making body for a specific project based upon a finding of good cause (see also General Plan, Table 2-3; General Plan Glossary).
2. There may be a percentage of joint use of parking spaces. In this regard, conjunctive use shall be defined as the joint use of parking spaces for two or more land uses where the hours of operation and demand for parking are such that the parking spaces can be used by the individual uses at different times of the day or week and, therefore, can serve more than one use. The intent is to provide for possible reduction in the number of parking spaces ordinarily required for two or more land uses and the sharing of parking spaces under a set of unique circumstances, including the compatibility of the land uses, adjacent properties, and lack of need for separate parking facilities. A reduction in the number of required parking spaces may be granted subject to and contingent upon: (i) site-specific parking studies that account for shared uses conducted on the property; (ii) approval as part of the Development Plan.

