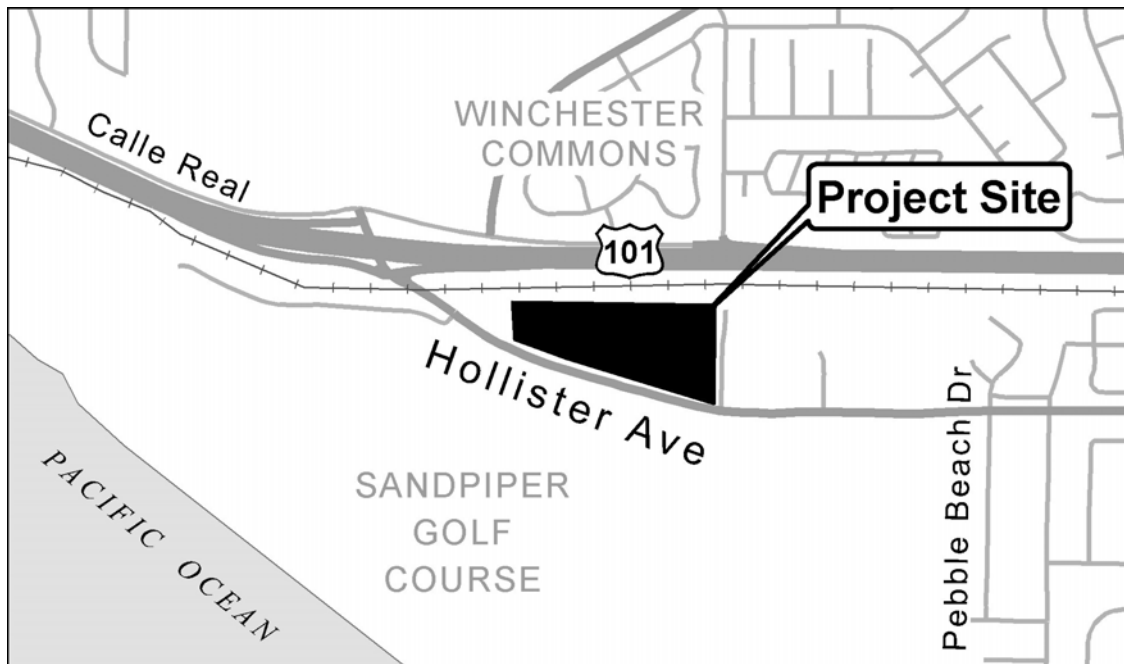


TO: Planning Commission Chair and Members

FROM: Steve Chase, Director, Planning and Environmental Services

CONTACT: David Stone, Contract Planner

SUBJECT: 07-102-GP, -OA/, - TM, -DP, -RN;
Haskell's Landing Project; Northwestern Corner of
Hollister Avenue/Las Armas Road intersection; APN 079-210-049



RECOMMENDATION

The Planning Commission's action should include the following:

1. Amend Planning Commission Resolution 09-___ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta Recommending to the City Council Approval of Various Actions Related to the Haskell's Landing Project; Case No. 07-102-GP, -TM, -DP, -OA, -RN; Northwestern Corner of the Hollister Avenue/Las Armas Road intersection; APN 079-210-049" to include the following information.

Refer back to staff if the Planning Commission decides to make another recommendation to the City Council.

APPLICANT

Chuck Lande
Oly Chadmar Sandpiper
General Partnership
1933 Cliff Drive Suite 6
Santa Barbara, CA 93109

AGENT

Mary Meaney Reichel
Lucon, Ltd.
66 Hollister Ranch
Gaviota, CA 93117

REQUEST

A continued hearing from the November 17, 2008 Planning Commission meeting on the request of Mary Reichel, representing Oly Chadmar Sandpiper General Partnership, LLC, property owner, for approval of: revisions to City General Plan Policies including Conservation Element 2 (Protection of Creeks and Riparian Areas), Housing Element 11.5, (Inclusion of Very-Low, Low-, and Moderate-Income Housing in New Development),; an Ordinance Amendment for a Development Agreement (DA) between the City of Goleta and Oly Chadmar Sandpiper General Partnership to address funding of infrastructure addressing General Plan concurrency policies PF 3.2, 3.3, 3.4, as well as Section PF 9, particularly PF 9.6 and 9.7; Modifications for Front Yard Setback, Parking Area Setback, and Parking Designs; a Vesting Tentative Tract Map to create a one-lot subdivision of the 14.46-acre property for airspace condominium purposes; a Development Plan to provide for 101 residential units within 42 two-story buildings, associated infrastructure, and common open space under Goleta Municipal Code, Chapter 21 Subdivision Regulations and Chapter 35, Article II, Sections 35-222 and 35-317; and naming of eight interior roadways under Article V, Road Naming and Address Numbering Ordinance. The request is also to accept an Addendum dated November 10, 2008 to the Aradon Project EIR (94-EIR-9), Residences at Sandpiper Supplemental EIR, and the City of Goleta General Plan/Coastal Land Use Plan EIR pursuant to the State Guidelines for the Implementation of the California Environmental Quality Act.

Application Filed: May 8, 2007
Application Complete: February 19, 2008
Processing Deadline: 90 Days from approval of the Addendum

DISCUSSION

The following provides responses and discussion to issues raised by the Planning Commission at the meeting of November 17, 2008 (Meeting Minutes are included as Attachment 1)

1. Air Quality

The Santa Barbara Air Pollution Control District has submitted to letters on the project, on November 17, and December 8, 2008 (see Staff Report Attachment 2). Responses to these letters follow by topic.

Project Site Proximity to US 101

The Santa Barbara County Air Pollution Control District comment letter references the California Air Resources Board *Air Quality and Land Use Handbook: A Community Health Perspective* (2005). The Handbook addresses the importance of considering health risk issues when siting sensitive land uses including residential development within the vicinity of intensive air quality emission sources including: freeways on high traffic roads; distribution centers; ports; petroleum refineries; chrome plating operations; dry cleaners; and gasoline dispensing facilities. As stated in the EIR Addendum provided in the Staff Report of 11/17/08, the Handbook draws upon studies evaluating the health effects of traffic traveling on major interstate highways in metropolitan California centers within Los Angeles (the I-405 and I-710), Sacramento (I-80), San Francisco Bay, and San Diego. Recommendations identified by CARB, including siting residential uses no closer than 500 feet from freeways, are consistent with those adopted by the State of California for location of new schools. The APCD cites this guidance and considers that the proposed residential development on the Haskell's Landing project site would result in a potentially significant impact on future sensitive receptors, particularly younger residents.

Importantly, the CARB Handbook Introduction identifies these guidelines as strictly advisory: "Land use decisions are a local government responsibility. The Air Resources Board is advisory and these recommendations do not establish regulatory standards of any kind." Also, CARB recognizes that there may be land use objectives that need to be considered by a governmental jurisdiction relative to the general recommended setbacks: "These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues (page 4)."

The Handbook provides abundant evidence that truck traffic generating diesel particulates poses a health risk to sensitive receptors, particularly children. The numerous studies cited in the Handbook identify a health risk within 500 feet of a freeway. As stated above, these studies are based on emissions generated by traffic on major interstate commerce freeways. The study states: "On a typical urban freeway (truck traffic of 10,000-20,000 day), diesel particulate matter (PM) represents 70 percent of the potential cancer risk from the vehicle traffic (page 9)." US 101 currently carries approximately 3,400 trucks a day. About 1,700 of these trucks are larger 4- and 5-axle sizes that are powered by diesel engines,

while the remaining are 2- and 3-axle vehicles that are mostly gasoline powered (personal communication Dan Dawson, Associated Transportation Engineers, Caltrans 2007 data).

This comparison illustrates that the CARB land use advisories are based on data collected from substantially larger freeways throughout metropolitan California centers compared to those trucks traveling on US 101.

No thresholds of significance have been established by CARB or the APCD. ADT on US 101 (conservatively estimated at in the EIR Addendum to be 38,000 in 2008) are substantially below the CARB guideline established for rural roadways of 50,000 ADT.

In summary, the recommendations of the CARB *Air Quality and Land Use Handbook: A Community Health Perspective* are characterized by the following:

1. They are not intended to be land use restrictions, but are completely advisory. Therefore, the guidelines do not reflect a CEQA threshold of significance under CEQA.
2. They are based on studies that identify health risks primarily related to trucks generating diesel particulates.
3. These studies have gathered data from traffic on extremely large interstate freeways in major metropolitan centers including San Diego, Los Angeles, San Francisco, and Sacramento.

US 101 traffic within the vicinity of the proposed project site, and particularly truck traffic generating harmful diesel particulates, are substantially below those modeled by CARB. The closest proposed residences to US 101 are approximately 200 feet to south of the freeway; the farthest are approximately 700 feet away.

Although no significant adverse impacts related to air quality pursuant to the City's CEQA Guidelines are identified, the following measures are recommended to ensure consistency with Goleta General Plan Policy CE12.1:

AQ-7: Ventilation systems that are rated at Minimum Efficiency Reporting Value of "MERV13" or better for enhanced particulate removal efficiency shall be provided on all units. The residents of these units shall also be provided information regarding filter maintenance/replacement. **Plan Requirements and Timing:** The aforementioned requirement shall be shown on applicable plans submitted for approval of any Land Use and Building permits.

Monitoring: City of Goleta staff shall ensure that the aforementioned requirements are included on plans submitted for approval of any Land Use and Building permits and shall verify compliance onsite prior to occupancy

clearance. Staff shall also review the future Covenants, Conditions, and Restrictions (CC&Rs) for inclusion of guidelines pertaining to the proper maintenance/replacement of filters.

AQ-8 The applicant shall provide an Air Quality Disclosure Statement to potential buyers of units, summarizing the results of technical studies that reflect a health concern resulting from exposure of children to air quality emissions generated within 500 feet of a freeway. **Plan Requirements and Timing:** The applicant shall provide this disclosure statement as part of the project CCRs to the City Attorney and Planning & Environmental Services to verify the disclosure statement is fair and adequate. The disclosure shall be reviewed and approved prior to recordation of the Final Map.

Monitoring: City staff shall verify that the Air Quality Disclosure Statement has been incorporated into the CCRs prior to sale of homes. Planning & Environmental Services shall review and approve the statement for objectivity, balance, and completeness.

Measure AQ-7 was recently conditioned on the Citrus Village residential project, also located within 500 feet of US 101. Measure AQ-8 is included to further address concerns expressed by the APCD. The EIR Addendum (11-17-08 Staff Report Attachment 2, page 81 and 88) and the project's General Plan Consistency Discussion (Staff Report Attachment 3, page 453) will be annotated to include this information. The conditions will be added to 11-17-08 Staff Report Attachment 1, Exhibit 2 Conditions as Conditions 13A and 13B.

The December 8, 2008 APCD letter provides additional requests for clarification and additional data. These requests are addressed below:

The following revisions (in strikeouts for deletions, underlines for additions) are hereby incorporated in the Staff Report:

Attachment 2, Addendum

2. Air Quality, Previous Review, page 12, paragraph 4

"The EIR found that future residents ~~se~~of the project would likely be affected by odor emissions from potential future malfunctions of the neighborhood oil processing facility as well as from offshore seepage."

2. Air Quality, Regulatory Setting, page 13, paragraph 4

"The criteria pollutants of primary concern that are considered in this air quality assessment include ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter less than 10 microns in diameter (PM₁₀), and particulate matter

less than 2.5 microns in diameter (PM_{2.5}). A major source of PM₁₀ is diesel engine exhaust. The ARB has identified diesel particulates as the number one toxic contaminant that represents 70 percent of the estimated cancer risk in the state of California (Molly Pearson, APCD, 12/8/08).

2. Air Quality, Regulatory Setting, page 13, paragraph 4

Santa Barbara County Attainment Status

“Presently, Santa Barbara County is in attainment for all NAAQS ~~with the exception of the PM₁₀ standard~~. Currently, there is not enough data available to determine whether the County attains the national PM_{2.5} standards. Santa Barbara County is designated as a federal ozone attainment area for the 8-hour ozone NAAQS (the 1-hour federal ozone standard was revoked for Santa Barbara County).”

2. Air Quality, Project Specific Impacts, page 16, paragraph 4

Impact AQ-1: *Construction Activity Ground Disturbances.* The project site grading of approximately 105,610 c.y. of cut and 75,126 c.y. of fill is increased over the previous 77,958 c.y. of cut and 75,126 c.y. of fill for the Residences at Sandpiper Project, but the material would still be balanced on site. The Santa Barbara County APCD does not maintain significance thresholds for short-term construction grading dust activity (Santa Barbara County APCD (Scope and Content of Air Quality Sections in Environmental Documents, Revised June 2008, page 6). Impacts of grading short-term PM₁₀ emissions would remain *adverse, but less than significant* (Class III). The short-term construction emissions are quantified for information purposes below:

Table 3a							
Construction Emissions Associated with the Proposed Project (lbs/day)							
<u>Emission Source</u>	<u>ROC</u>	<u>NO_x</u>	<u>CO</u>	<u>SO₂</u>	<u>PM₁₀</u>	<u>PM_{2.5}</u>	<u>CO₂</u>
<u>Construction (Unmitigated)</u>	<u>129.58</u>	<u>68.54</u>	<u>52.97</u>	<u>0.01</u>	<u>42.89</u>	<u>12.11</u>	<u>6,493.00</u>
<u>Construction (Mitigated)</u>	<u>67.19</u>	<u>68.54</u>	<u>52.97</u>	<u>0.01</u>	<u>14.74</u>	<u>6.23</u>	<u>6,493.00</u>
<u>Significance Threshold</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Threshold Exceeded?</u>	No	No	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>

2. Air Quality, Project Specific Impacts, page 18, paragraph 2

Impact AQ-5: *Exposure to HAP emissions within the region.*

The APCD requests that the most recent information generated relative to the Venoco Ellwood Onshore oil and gas processing plant and potential hazards on future project site sensitive receptors be included in this discussion. The Addendum presently states:

“The Venoco Ellwood Onshore oil and gas processing plant has implemented measures identified in a Risk Reduction Audit and Plan from January 25, 2001, such that levels of acute non-cancer airborne toxins are under the APCD threshold identified in the Air Toxics “Hot Spots’ Program (CSLC, 2008).”

The most recent EIR prepared for extension of the Venoco operations concluded that potential HAP emission impacts are less than significant. No further analysis is required.

2. Air Quality, Greenhouse Gas Impacts, page 27, paragraph 1

Construction Impacts

“Greenhouse gas emissions would be associated with the construction phase of the proposed project through the use of heavy equipment and vehicle trips. Emissions of greenhouse gases would be short-term. The complete URBEMIS modeling results are in the EIR Addendum, Attachment 5 Air Quality. The project would generate an estimated 6,493.00 lbs/day (3.25 tons/day) during construction.”

2. Air Quality, Greenhouse Gas Cumulative Impacts, page 27-28

The 11-17-08 Staff Report EIR Addendum (pages 27-28) correctly identifies the cumulative importance of global warming impacts, and the need to incorporate as many feasible mitigation measures to reduce proposed project energy consumption:

Project Cumulative Impacts

“While global climate change is, by definition, a cumulative environmental impact and the impacts of climate change on California human and natural systems would also be substantial, there currently is no agreed-upon methodology to adequately identify, under CEQA, when project-level GHG emissions contribute considerably to this cumulative impact.

While no significant impacts have been identified due to the speculative nature of greenhouse gas impact assessment, Mitigation Measures AQ-1 through AQ-7

would reduce the amount of GHG emissions generated during construction and operation.

At this time, there are no adopted thresholds of significance for GHG emissions and the methodology of analysis is evolving. The project-specific and cumulative contribution to impacts associated with GHG emissions is considered less than significant in the absence of an adopted threshold and given that climatic change is global in scale.”

The APCD has not proposed any additional measures to complement those identified in the EIR Addendum on 11/17/08.

2. Biological Resources

Conservation Element 2.2

The proposed project CE-2.2 GPA has been revised to mirror the City proposal that is being evaluated in the Track 3 GPA Process (see Staff Report Attachment 3 for the existing and proposed policy wording). The revised proposed language follows:

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

- a. *In areas where land has already been fully subdivided and developed, the SPA shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. Exceptions may be allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer if: (1) there is no feasible alternative siting for the development that will avoid the SPA; (2) the new development will not extend into the ESHA, and the resulting buffer will not be less than 25 feet; and (3) the new development will not encroach further into the SPA than the existing development on the parcel.*
- b. *In all other instances, the SPA shall not be less than 50 ~~400~~ feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater.*

- c. *If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.”*

Justification for this wording that reduces the existing 100-foot development setback from a riparian corridor top of bank to 50-feet is provided by:

- a. Previous EIRs addressing impacts with this development setback on Devereux Creek habitat including: the Aradon EIR 94-EIR-9; Residences at Sandpiper SEIR (2001); and the Elwood Shores Specific Plan for Comstock Homes Project;
- b. As identified in the upcoming GPA Track 3 analysis, an upland buffer is still required. Though the buffer would be reduced, the protection of the habitat’s integrity is ensured through consistency with other CE policies that require ESHA restoration, enhancement, and preservation;
- c. Revised CE 2.2 policy provides for case-by-case assessment of appropriate development setback; and
- d. A 50-foot development setback on Devereux Creek is consistent with the previously approved Comstock Santa Barbara Bluffs project directly to the south.

Secondary Trail Across Native Grassland and Devereux Creek

The Citizens for Goleta Valley (letter from Diane Conn dated 11/17/08, Attachment 4) identify a concern that a secondary trail passing through native grassland habitat and requiring a second clear span bridge across Devereux Creek would increase intrusion and disturbance to the Devereux Creek ESHA. This improvement, suggested by the City Design Review Board during their review of the proposed project, would intensify potentially significant biological impacts by disrupting additional native grassland. However, Conservation Element Policy 2.3, Allowable Uses and Activities in Streamside Protection Areas, would allow for “construction and maintenance of foot trails, bicycle, paths and similar low-impact facilities for public access.” (see Staff Report Attachment 3, page 448). The decision to require this trail is within the discretion of the Planning Commission.

3. Housing

Housing Element 11.5 Options

The proposed project HE 11.5 GPA has been revised (Chuck Lande, January 20, 2009; see Staff Report Attachment 5) to mirror the City proposal that is being evaluated in the Track 3 GPA Process (see Staff Report Attachment 2 for the existing and proposed policy wording). The revised proposed language follows:

HE 11.5 Establishment of Unit Percentages and Income Levels. [GP]
~~*Except for designated affordable housing sites as set forth in HE 11.6, The inclusionary housing requirement shall be as follows:*~~

- a. ~~*Proposed rental projects shall be required to provide 5 percent of the total number of units within the project at rent levels affordable to very low- and low-income households. unless at least 50% of the units proposed will be rented at market rate rents affordable to moderate income households.*~~
- b. *Proposed for-sale projects, including subdivisions for purposes of condominium conversions, will be required to provide 5 percent of the units at prices affordable to very low-income households, 5 percent affordable to low-income households, 5 10 percent affordable to moderate-income households, and 5 10 percent affordable to households earning 120 to 200 150 percent of the median income.*

Requirements for provision of inclusionary units in for-sale projects for very low- and low-income households may be satisfied by providing the same number of rental units at rent levels affordable to these households.”

The proposed project would provide 5 studios (equal to 5 percent of all units) affordable to moderate-income (80 to 120 percent of median) households, and 5 one-bedroom (equal to 5 percent of all units) affordable to households earning 120 to 200 percent of the median income, all subject to a 55-year resale restriction. In addition the proposed project would provide in-lieu fees equivalent to 5 units (equal to 5 percent of the units) at prices affordable to very low-income households, and 5 units (or 5 percent affordable to low-income households).

The City currently identifies an affordable unit in-lieu fee of \$80,650. Therefore, proposed project in-lieu fees would total at this time \$806,500.

Staff has concluded that the proposed project GPA is appropriate in this instance due to the following factors:

- a. The project site is in a peripheral, gateway location, rather than in the urban Los Carneros Opportunity Site core area where both social and economic infrastructure is planned and/or exists;
- b. The proposed project site zoning of DR-8 does not provide sufficient density to feasibly develop the numbers of very low and low income affordable units on site;
- c. The project does not request bonus density, while providing for 20 affordable units onsite;
- d. Proposed affordable units would be integrated within the market rate development buildings, rather than constituting a segregated component of lower quality; and
- e. Payment of in-lieu fees that the City can redirect to very low and low affordable housing projects as they are proposed is a pragmatic option.

Affordable Housing Resale Restrictions

The applicant has revised the proposed resale restriction covenant from 30-years to 55-years to be consistent with General Plan Policy HE 11.7.

4. Aesthetics

Construction Period Trash Mitigation

The project EIR Addendum Impact AES-1 (page 74 of the 11-17-08 Staff Report) identifies the potential for refuse to inadvertently become nuisance litter during short-term construction activity. The resulting mitigation AES-1 (page 75 of the 11-17-08 Staff Report packet) identifies the exact measure previously identified in the Residences at Sandpiper Project SEIR, and has been implemented on other City of Goleta projects.

5. Noise

Landscaping of Sound Wall

Landscaping of the proposed sound wall is addressed in EIR Addendum Mitigation Measure AES-4 (see 11-17-08 Staff Report Attachment 2, page 76). The exterior of the wall would be screened with vegetation.

“Landscaping shall be compatible with the character of the surroundings, the architectural style of the structures, and shall include landscape planters outside and adjacent to any perimeter noise walls such that irrigation systems

can provide for watering of the screening plantings on both sides of the walls (interior and exterior).”

6. Geological Resources

Erosion Control

The project EIR Addendum identified potentially significant impacts on geological processes resulting from erosion and sedimentation (Impact GEO-1; page 107 of the 11-17-08 Staff Report packet), expansive clays (Impact GEO-5, page 108 of the 11-17-08 Staff Report packet), and compressible soils (Impact GEO-6, page 108 of the 11-17-08 Staff Report packet). The Geology/Soils summary on page 10 of the 11-17-08 Staff Report packet refers to standard erosion control measures in Mitigation GEO-1 (pages 108-109 of the 11-17-08 Staff Report packet). Standard engineering recommendations to address expansive clays and compressible soils are identified in Mitigation GEO-2 (see 11-17-08 Staff Report Attachment 2, pages 109-110).

7. Transportation and Parking

Transportation Element 13.4

The proposed project has been revised to eliminate an amendment to this policy. See Staff Report Attachment 3.

Cathedral Oaks Overpass Impact Discussion

Proposed programmatic improvements including the construction of the Cathedral Oaks Overpass are discussed in the EIR Addendum, pages 130-131 of the 11-17-08 Staff Report packet. Details are provided in the Transportation Appendix, EIR Addendum Attachment 8, (see 11-17-08 Staff Report Attachment 2, pages 312-313). The configuration is identified in Figure 11 of the 11-17-08 Staff Report at Appendix, page 314. Access on and off Northbound US 101 would remain unchanged.

Construction of the Overpass would have no effect on the number of peak hour trips generated by cumulative related project buildout. It would, however, result in a redistribution of traffic away from the some intersections. Without the Overpass, cumulative + project traffic would result in a P.M. Level of Service (LOS) D at the US 101 Southbound Ramps/Storke Road intersection, and LOS E at the Hollister Avenue/Storke Road intersection (see page 323 of the 11-17-08 Staff Report packet). The project’s incremental contribution to these impacts would be less than significant. Construction of the Overpass would not affect the LOS at these intersections. Onramps to US 101 at the new Cathedral Oaks Overpass would remain at an acceptable LOS of A or B (see 11-17-08 Staff

Report Attachment 2, page 325). The project's contribution to this impact would again be less than significant.

Las Armas Street Improvements

Mitigation Measure TR-6 and Condition 53 (Attachment 1, Exhibit 2 of the 11-17-08 Staff Report, page 55) will be revised to provide for a Reimbursement Agreement between the Applicant and City for improvement of the eastern half of the street frontage, as the timing of other related projects in the vicinity and their ability to provide for these improvements coincident with proposed project buildout is uncertain. This would maximize project consistency with General Plan Policy TE 13.4 Facilities in New Development [GP].

TR-6 The project shall construct half-street improvements on Las Armas Road from Hollister Avenue to Campasino Drive along the project frontage. The improvements shall provide the required sight distance for vehicles entering or exiting from the site. The project shall provide a Reimbursable Agreement that shall provide for constructing, if necessary, the eastern half-street improvements on Las Armas Road until future related project development responsible for these improvements is constructed. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Community Services Department prior to issuance of any LUP for the project. **Timing:** Improvements shall be implemented prior to occupancy. (*Addresses Impact TR-4*)

Monitoring: Community Services Department shall verify implementation of improvements pursuant to approved plans.

Parking

Barbara Massey's reference to a requirement for three covered parking spaces for residential units exceeding 3,000 square feet is to Ordinance No. 03-05, which modified both Article II and Article III parking requirements (adopted 8/4/03). As applied to the Coastal Zone, the Article II Coastal Zoning Ordinance Section 35-108.2 requirements state:

Residential Type	Parking Spaces
Single Family or Duplex Over 3,000 Square Feet	Two spaces per dwelling unit, except for three spaces shall be required for any dwelling unit containing 3,000 square feet or more of gross area, excluding the area within a garage. All spaces shall be provided within a garage.

The proposed development provides only one unit type exceeding 3,000 square feet: the 4-bedroom market single family unit is 3,081 square feet. However, the proposed 2-car garage exceeds 100 square feet, such that the 4-bedroom unit

area excluding the garage is under 3,000 square feet. Therefore, the two space car garage requirement applies to the proposed 4-bedroom market single family units, and the project complies with Article II parking requirements.

8. Development Agreement

As discussed previously, the applicant has revised the proposed project's approach to complying with City General Plan Housing Element Policy 11.5. The proposed Development Agreement language has been revised accordingly (see Attachment 6).

9. Public Facilities

In discussions with the applicant subsequent to the Planning Commission hearing of November 17, 2008, Planning & Environmental Services staff has communicated that a General Plan Amendment (GPA) to Policy PF 3.2 New Fire Station in Western Goleta and the accompanying Figure 8-1 Public Facilities Map are not required to ensure potential project consistency with this policy. Staff does not recommend changes to this policy because the existing policy correctly describes the new County Fire Station No 10 to be located in western Goleta and refers to Figure 8-1 for the location. Figure 8-1 provides a conceptual location and therefore does not commit to a particular site. In response to this analysis, the applicant has agreed to eliminate this GPA from the proposed project description.

As a result, all potential environmental impacts associated with the originally proposed GPA to PF 3.2 and Figure 8-1 identified in the EIR Addendum, including Impact NS-5 (see 11-17-08 Staff Report Attachment 2, page 118) would not be relevant to the project.

10. Requested Modifications

Consistent with the analysis provided in 11-17-08 Staff Report Attachment 4 CZO Analysis, pages 474-475, the applicant is requesting the following modifications per the provisions of §35-174.8(1), Article II of the City Code (Coastal Zoning Ordinance or CZO):

- Reduction of the front yard setback requirement (20 ft. from road right-of-way or 50 ft. from centerline) to allow for construction of 15 units between 11 - 18 feet from the Hollister Avenue right of way, and for construction of 10 units between 11 – 13 feet from the Las Armas Road right of way, as shown on the Development Plan (07-102-DP).
- Modification of the parking setback of requiring that uncovered areas be screened from street and adjacent residences to a height of 4' by plantings, fences or walls, by providing for 40 guest parking spaces within extended

driveways, and 45 on-street parking spaces as shown on the Development Plan (07-102-DP).

- Modification of the parking standards requiring no encroachment into a street or a sidewalk when backing out of space, by providing for 40 guest parking spaces within single family unit driveways that would back on to private streets as shown on the Development Plan (07-102-DP).

These modifications are required to provide for preservation of sensitive biological resources along the Devereux Creek corridor, vernal pools, and native grasslands. This is evident by the fact that: 1) proposed building coverage of 21.92 percent of total project area is well below the 30 percent CZO maximum; building heights of 27 feet maximum are well below the 35 foot height CZO maximum; 3) the total proposed landscape / open space of 55 percent substantially exceeds the CZO minimum of 40 percent; and 4) the proposed project provides a 30-foot landscaping strip along Hollister Avenue and a minimum 10-foot landscaping along Las Armas Road, exceeding the CZO standard of 10 feet.

11. Revisions to the November 17, 2008 Staff Report

The following minor revisions refer to the 11-17-08 Staff Report submittal. The revisions are shown in ~~strikeout~~ (deletions) and underline (additions).

Attachment 1, Exhibit 2, Conditions

a. Condition 17, page 14 (Large Page 42)

17. The final landscape plan shall include barrier plantings of native riparian shrub and understory species (e.g., blackberry, California rose, and other thorny species) on the existing margin of the proposed protected area and the Devereux Creek channel combined with appropriate new fencing to reduce encroachment into the area by humans and domestic pets.

b. Condition 40, page 24 (Large Page 52)

40. The proposed 6-foot high sound wall to be constructed along the project's northerly property line shall be extended approximately 50 feet ~~southward to the west and east beyond~~ along the northwest and northeast property boundaries in City right of way, in order to ensure that 1st floor patios and second story balconies on the northwest and northeast project site corners are properly attenuated (see Figure 18 [to be revised]).

c. Condition 46, page 25-26 (Large Page 53)

- 46, Should the Cathedral Oaks Overpass improvements not be completed, tThe applicant shall provide for a pedestrian controlled signalized crosswalk at the corner of Hollister Avenue and Las Armas Road to provide a safe pedestrian crossing to the adjacent Santa Barbara Shores County Park.

This condition is revised as the City Community Services Department (Steve Wagner, personal communication) considers that the recent signalized stop light improvements to the east of the project at Ellwood School, and the proposed crossing associated with the Cathedral Oaks Overpass to the west of the project site, would provide adequate recreational pedestrian coastal access to the south.

d. Condition 85, page 35-26 (Large Page 63)

85. The applicant shall pay all applicable development impact fees under the City of Goleta Development Impact Fee program in full, except where otherwise specified in the approved Final Development Agreement between the applicant and the City of Goleta.

Attachment 2 EIR Addendum

a. page 2 (Large Page 68), Paragraph 3:

“There are no new significant impacts (i.e. no new Class I, significant and unavoidable or Class II, significant, but feasibly mitigated to less than significant impacts) or a substantial increase in the severity of previously identified impacts (i.e. a Class ~~II~~ III impact identified in 94-EIR-9 or the Sandpiper Project EIR Supplement is not characterized as a Class II or Class I impact with the Haskell’s Landing Project; a Class II impact identified in 94-EIR-9 or the Sandpiper Project EIR Supplement is not characterized as a Class I impact with the Haskell’s Landing Project).”

b. Attachment 2 EIR Addendum page 28 (Large Page 94), Paragraph 2:

“While no significant impacts have been identified due to the speculative nature of greenhouse gas impact assessment, Mitigation Measures AQ-1 through AQ-~~7~~ 6 would reduce the amount of GHG emissions generated during construction and operation.”

c. Attachment 2 EIR Addendum page 33 (Large Page 99), Paragraph 1 (Mitigation Measure BIO-1):

“In addition, the plan shall specifically provide for redirection of the Creek from its current course along the ~~DPRR~~ UPRR tracks back to the original Devereux Creek channel crossing the property. This would potentially require excavation of the channel invert to remove accumulated sediment and to restore appropriate elevations. Construction and habitat improvement activities in the channel shall be limited to dry

season (May 1 to October 31) unless otherwise stipulated in permits from the Army Corps of Engineers or CDFG (see BIO-5). It may also require contributing to the design and construction of a structural solution to ensure continued flow across the UPRR ~~DPRR~~ and onto the project property in cooperation with UPRR DPRR. The plan shall include details of planting and maintenance of barrier plantings identified in BIO-4 (below). **Plan Requirements:** The plan, including an agreement with UPRR DPRR to allow access to provide for redirection of the Creek from its current course along the UPRR DPRR tracks back to the original Devereux Creek channel crossing the property, shall be submitted with the Final Development Plan and Tract Map and shall be reviewed and approved by Planning & Environmental Services prior to issuance of any LUP for the project.”

d. Attachment 2 EIR Addendum page 33 (Large Page 99), Paragraph 3 (Mitigation Measure BIO-2):

“**Timing:** These components shall be addressed with the Final Development Plan and Tract Map prior to recordation of final map and prior to issuance of any LUP for the project. The applicant shall receive approval of the ~~Board of Supervisors~~ City Council and shall record the easement.”

e. Attachment 2 EIR Addendum page 45 (Large Page 111), Paragraph 3

“As a result of the revised project, there would be no changes to impacts from exposure to electro-magnetic fields described in the Final EIR (Class ~~III~~ I).”

f. Attachment 2 EIR Addendum page 52 (Large Page 118), Paragraph 5

“The intensity of continuous, operation vehicular trips associated with a proposed County Fire Station ~~40-11~~ west of the proposed project site would be extremely low, given the low number of employee and delivery trips throughout the day.”

Attachment 4 Zoning Ordinance Consistency Analysis

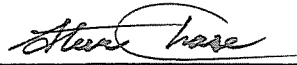
a. Large Page 474

	Required	Proposed	Consistent Y/N
Side Yard Setback	Exterior Boundaries: 40 feet. <u>Half the proposed structural height (25 feet height).</u>	12.5 feet	Yes
Rear Yard Setback	Exterior Boundaries: 40 feet. <u>Half the proposed structural height (25 feet height)..</u>	12.5 feet	Yes

SUMMARY AND CONCLUSION

1. The following GPAs originally proposed by the applicant would be revised based on discussions with staff and interpretation of General Plan Policies.
 - *Policy CE 2.2 Streamside Protection Areas. [GP/CP]* “The City may consider increasing or decreasing the width of the streamside protection area (SPA) upland buffer on a case-by-case basis at the time of environmental review.”
 - *Policy HE 1.5 Establishment of Unit Percentages and Income Levels [GP/CP]* Five units (five percent) of units onsite would be provided onsite for both affordable to moderate-income households, and for affordable to households earning 120 to 200 150 percent of the median income. In lieu fees would be provided to the City for equivalent to constructing 5 percent of the housing units at prices for both affordable to very low-income households, and for affordable to low-income households,
2. The following GPAs originally proposed by the applicant are removed from the project description based on discussions with staff and interpretation of General Plan Policies.
 - Policy TE 13.4, Options If Traffic Mitigations Are Not Fully Funded [GP];
 - Policy PF 3.2, New Fire Station in Western Goleta [GP/CP]; and
 - Figure 8.1 Public Facilities Map.
3. Changes to project conditions would include:
 - Provide Ventilation systems on all units that are rated at Minimum Efficiency Reporting Value of “MERV13” or better for enhanced particulate removal efficiency.
 - Provide an Air Quality Disclosure Statement to potential buyers of units, summarizing the results of technical studies that reflect a health concern resulting from exposure of children to air quality emissions generated within 500 feet of a freeway (New Condition 13A).
 - Provide for a Reimbursement Agreement between the Applicant and City for improvement of the eastern half of the Las Armas Road frontage, as the timing of other related projects in the vicinity and their ability to provide for these improvements coincident with proposed project buildout is uncertain (Revised Condition 53).

Submitted By:



Planning & Environmental Services Director

ATTACHMENTS

1. Planning Commission November 17, 2008 Hearing Minutes
2. Letter from Molly Pearson, APCD, November 17, 2008, December 8, 2008.
3. Haskell's Landing General Plan Amendment Summary Table, January 2009
4. Letter from Diane Conn, 11-17-08
5. Letter from Chuck Lande regarding Proposed Project Affordable Housing Provisions
6. Proposed Development Agreement Revisions, Richard Monk, 1-28-09

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Attachment 1

Planning Commission Hearing Minutes November 17, 2008



**UNAPPROVED
PLANNING COMMISSION
SPECIAL MEETING MINUTES
MONDAY, NOVEMBER 17, 2008**

6:00 P.M.
City Hall
130 Cremona Drive, Suite B
Goleta, California

Members of the Planning Commission

*Brent Daniels, Vice Chair
Edward Easton
Doris Kavanagh
Julie Kessler Solomon*

*Patricia Miller, Secretary
Tim W. Giles, City Attorney
Linda Gregory, Recording Clerk*

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:00 p.m. by Vice Chair Daniels followed by the Pledge of Allegiance.

ROLL CALL OF PLANNING COMMISSION

Present: Planning Commissioners Daniels, Easton, Kavanagh, and Solomon.

Absent: None.

Staff present: Director of Planning and Environmental Services Steve Chase, Advance Planning Manager Anne Wells, Contract Planner David Stone; Principal Civil Engineer Marti Schultz; City Attorney Tim W. Giles, and Recording Clerk Linda Gregory.

PUBLIC FORUM

Barbara Massey, Goleta, requested that the public hearing on the Haskell's Landing Project be continued until the new Planning Commissioners are appointed. She stated that the application deadline for appointment to the Planning Commission is December 1, 2008.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. ADMINISTRATIVE AGENDA

A.1 07-102-GPA, -TM, -DP: Haskell's Landing Project located at Hollister Avenue/Las Armas Road; APN 079-210-049.

Recommendation:

1. Adopt Planning Commission Resolution No. 08-__ (Attachment 1), entitled "A Resolution of the Planning Commission of Goleta Recommending to the City Council Approval of Various Actions Related to the Haskell's Landing Project; Case No. 07-102-GP, -OA, -TM, -DP, -RN; Northwestern Corner of Hollister Avenue / Las Armas Road Intersection; APN 079-210-049".

Recused: Commissioner Easton recused himself.

Site visits: Reported by Vice Chair Daniels.

Ex-parte conversations: Commissioner Kavanagh reported a meeting with Chuck Lande, applicant, and Mary Reichel, agent. Commissioner Solomon reported a meeting with Chuck Lande and Mary Reichel. Vice Chair Daniels reported a meeting with Chuck Lande and Mary Reichel at the site.

Documents: 1) Letter received by e-mail on November 17, 2008, from Diane Conn, representing Citizens for Goleta Valley (CGV), indicating they are satisfied that the environmentally sensitive habitat within the development envelope was protected and enhanced; 2) Letter from Molly Pearson, Air Quality Specialist, Santa Barbara County Air Pollution Control District (APCD) pertaining to concerns regarding the location of the subject project adjacent to U.S. Highway 101.

David Stone, Contract Planner, provided a brief overview of the project and a PowerPoint presentation. He stated that the plans were reviewed at five meetings of the Design Review Board (DRB). He noted the absence of red tile roofs and extensive Spanish Mediterranean architectural styles. He stated that one important aspect of this project is the Vegetation Enhancement Plan for Devereux Creek that would provide for complete restoration, enhancement and creek flow through the project site.

Steve Chase, Director of Planning and Environmental Services, discussed the proposed Development Agreement.

Chuck Lande, Oly Chadmar Sandpiper, applicant, presented an overview of the project. He stated that after several years of community input and collaboration with staff, the applicant has made refinements to the plans. He stated that all of the changes requested by the DRB were made with the exception of adding a pedestrian bridge across the drainage canal and paving one of the areas on the east side, which were not made per requests from the environmental community. He summarized what the applicant believes are the benefits of the project as follows: a) Funding in the amount of \$1.5 million to be provided for construction of a new fire station in western Goleta; b) Vegetation enhancement and preservation of native grasses; c) Twenty

percent of the project is affordable housing; d) The affordable housing is mixed in throughout the community; d) The housing is created on infill sites; and f) The project provides for 63 percent of open space.

Mary Meaney Reichel, agent and project planner, presented details of the project and a PowerPoint presentation. She pointed out that the design concept was chosen to minimize the massing and scale of the buildings through the use of different architectural elements and detailing. She stated that 18 more parking spaces are provided than required by code. She commented that there are approximately 108 additional ancillary spaces that could be accounted for on site. She noted that the project incorporates green building elements that exceed the threshold for the California Green Builders program.

Marti Schultz, Principal Civil Engineer, clarified that at this time the City is requiring only that the western side of Las Armas Road be improved as part of the proposed project. She stated that the east side of Las Road would be improved with future development in the area and that the improvements would mirror the western side.

PUBLIC HEARING OPENED: 7:11 P.M.

Keith Busby spoke in support of the project, stating that the housing providing by the project is needed in the community. He noted that his daughter and son have both moved away because they could not afford housing in this area.

John Kiffee, Goleta, encouraged acceptance of the project, stating that the housing is needed in the area and that the revised plans for the homes are very nice. He appreciates that funding will be provided by the applicant to build a fire station in western Goleta.

Paul Giambo, a long-time resident in the area, spoke in support of the project, stating that it would be of benefit to the community and improve the quality of the area. He stated that more housing is needed and it would allow more families to stay in the community. He believes that the plans are professional and compatible with the environment.

Jonathan Raimer, Goleta, who stated that he is a recent graduate of Westmont College and works in the area, spoke in support of the project. He pointed out that that is it important that more housing opportunities be provided that would allow people his age to remain in the community. He also expressed appreciation for the addition of funding to build a fire station, stating that responsiveness is very important, particularly when considering the recent local Gap Fire and Tea Fire disasters.

Barbara Massey, Goleta, spoke in opposition to the project, stating that she believes the project is too dense, with too few parking spaces for the site, and that there are other numerous problems. She expressed concern that changes to the General Plan will be required whereas she believes that allowing modifications are a disservice to the community. She believes there should be a section in the document that clearly states each proposed change to the General Plan. She believes that the following items are not consistent with the General Plan: a) Policy CE 2.2b Streambed

Protection Area, because there is a 100-foot setback requirement; b) Policy CE 8.2 Protection of Habitat Areas, because there are California red-legged frogs in the vicinity of the project; and c) Policy HE 11.5 Establishment of Unit Percentages and Income Levels, because these units are not affordable under the General Plan or RHNA because they are proposed for higher incomes. She noted that the currently proposed project, which is 138,000 square feet for 101 units, is larger than the earlier design which was 126,000 square feet for 102 units; and that the height has increased from 24 feet to 27 feet. She believes that the following items have not been adequately addressed: a) The proposed fire station; b) Noise; and c) Visual Resources with regard to the view corridor. She also expressed concern that driveways should not be counted as guest parking space and that the units with 3,050 square feet require additional an enclosed parking space, or garage, according to Section 35.26 of the Zoning Code. In summary, she believes there are a number of problems that need to be discussed over a longer period of time. She requested that the documents, which contain a large amount of material, be made available sooner, particularly for those who do not have internet access.

Hans Balke, resident in the area, spoke in support of the project, stating that he believes it is well-proportioned and will be of benefit to the community. He believes it is time to do something productive in this area.

Robert Rice spoke in support of the project because it serves the housing needs in the area and provides a twenty percent affordable housing component. He appreciates that the site will now have some positive development and that the project design is environmentally sensitive and includes green building elements. He supports the concept that the project is an infill site that protects agricultural land from further development. He is in favor of the proposed fire station.

PUBLIC HEARING CLOSED AT 7:30 P.M.

RECESS HELD FROM 7:30 P.M. TO 7:40 P.M.

PUBLIC HEARING REOPENED AT 7:41 P.M.

Frank Arredondo, Chumash, stated that the proposed project is within a vicinity or district of known Chumash sites. He requested serious consideration with regard to conducting background research, and spoke in support of checking with many different sources, stating that he would not want to see any unexpected occurrences. He recommended that the Army Corps of Engineers and Caltrans be contacted. He believes that Senate Bill 18 (SB 18) procedures should be initiated early. He requested further clarification of the SB 18 process at this time before the project moves forward.

PUBLIC HEARING RECLOSED AT 7:45 P.M.

Steve Chase, Director of Planning and Environmental Services provided an explanation and clarification with regard to the proposed amendments to the Goleta General Plan as part of the project.

Anne Wells, Advance Planning Manager, read into the record the staff recommended revised language for General Plan Policy CE 2.2 Streamside Protection Area. She stated that the revision is part of Track 3 of the General Plan Amendment work program.

Mary Meaney Reichel, agent, stated that the applicant's intention for the proposed General Plan Amendment with regard to affordable housing inclusionary standards (Housing Element Policy HE 11.5) was to provide a range of options which she further explained.

Chuck Lande, applicant, suggested that the local preference for affordable housing be conducted as a tiered process.

Commissioner Solomon commented that the proposed project is complex and addresses some important matters that require consideration. She appreciates that the applicant's agent provided an explanation of the proposed amendment with regard to affordable housing inclusionary standards but she is not completely comfortable at this time with a change that may apply throughout most of the City.

Anne Wells, Advance Planning Manager, summarized the proposed two amendments to Public Facilities Policy 3.2 and Figure 8 that are associated with locations identified for constructing a County Fire Station directly west of the site.

David Stone, Contract Planner, clarified that Senate Bill 18 applies to the project as a result of the proposed General Plan Amendments associated with this project and provided an overview of the SB 18 process. He stated that work that has been done to date with regard to cultural resources, stating that the work is completely consistent with professional standards. He said that the City's intent is to provide the most thorough information and evaluation of the project site to the local Native American Tribes for their reference. He reported that no potentially significant prehistoric or historic archaeological resources were located during an intensive Phase 1 archaeological survey performed by a city-qualified archaeologist. At this point, he stated that there has been some communication with the local Tribes but an initiation to engage in the consultation process has not yet been received by the City.

David Stone, Contract Planner, addressed the letter received from the Santa Barbara County Air Pollution Control District (APCD) that expressed concerns with regard to the location of the project adjacent to U.S. Highway 101. He noted at this point that no thresholds have been identified by the County or City, and that the information presented by the APCD is recommendations.

Vice Chair Daniels requested that the applicant be prepared to further discuss the following items at the next meeting: 1) Fifty-five year affordability vs. the applicant's request for thirty years with regard to affordable housing; and b) Local preference, with possible additional approaches presented for consideration.

Vice Chair Daniels requested that the following information be provided by staff for the next meeting: a) More clarity in the language in Section 4.01.03.03 of the Development Agreement with regard to the application process for affordable housing;

b) Revised language recommended by staff for Policy CE 2.2; c) Review of the language in Geology Soils on Page 10 of the staff report with regard to expansive and compressive soils; d) Impacts and the relationship of the project with the proposed Hollister/Cathedral Oaks Interchange project in the area; and e) Clarification with regard to obligations of parties in the Development Agreement, on Page 8, including public information and “affordable range” language.

Commissioner Solomon requested that possible solutions be presented at the next meeting to provide for the incomplete street on Los Aramas to be completely finished at the end of this project. She also requested that recommendations be presented for a specific plan for this property with regard to the affordable element, and if that does not meet legal requirements, perhaps language that would be acceptable with regard to properties outside the site.

MOTION: Commissioner Kavanagh moved/seconded by Commissioner Solomon, to continue the public hearing for the Haskell’s Landing Project located at Hollister Avenue/Las Armas Road; 07-102-GPA, -TM, -DP: APN 079-210-049; to December 8, 2008.

VOTE: Motion carried by the following voice vote. Ayes: Vice Chair Daniels; Commissioners Kavanagh and Solomon; Recused: Commissioner Easton; Noes: None .

C. DIRECTOR’S REPORT

Steve Chase, Director of Planning and Environmental Services, reported that the Goleta Valley Cottage Hospital project and the Marriott Residence Inn project will be on the City Council agenda for November 18, 2008. He also reported that the City is currently in the process to consider updating the Cost Allocation User Fees.

D. PLANNING COMMISSION COMMENTS

Commissioner Easton re-entered the meeting at 10:00 p.m. He commented that he has enjoyed his service on the Planning Commission and his role as the first Chair. He stated that he looks forward to serving as a member of the City Council and also receiving recommendations from the Planning Commission to the City Council.

Commissioner Solomon expressed appreciation for the opportunity to work with Commissioner Easton and wished him the best as a member of the City Council.

Commissioner Kavanagh expressed appreciation to Commissioner Easton for his service on the Planning Commission and wished him well as a member of the City Council.

Vice Chair Daniels thanked Commissioner Easton for his service on the Planning Commission and expressed good wishes on his new role as a member of the City Council.

In the spirit of thanksgiving, Vice Chair Daniels expressed thanks for the services of all the men and women who helped during the Gap Fire in Goleta last summer and the Tea Fire in Santa Barbara last weekend.

E. ADJOURNMENT: 10:05 P.M.

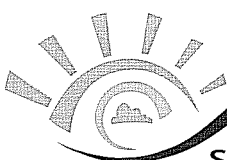
Prepared by Linda Gregory, Recording Clerk.

GOLETA PLANNING COMMISSION

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Attachment 2

**Letter from Molly Pearson, APCD
November 17, 2008
December 8, 2008**



Santa Barbara County Air Pollution Control District

November 17, 2008

David Stone, Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: **Notice of Public Hearing, Haskell's Landing Project, Case Nos. 07-102-GP, -TM, -DP, -RN, Assessor Parcel Number 079-210-049**

Dear Mr. Stone:

The Santa Barbara County Air Pollution Control District (APCD) received the above-referenced Notice of Public Hearing for the Haskell's Landing Project, located at the northwestern corner of the Hollister Avenue/Las Armas Road intersection. The Planning Commission hearing is to consider the approval of revisions to the City General Plan Policies; a Vesting Tentative Tract Map to create a one-lot subdivision of the 14.46-acre property for airspace condominium purposes; a Development Plan to provide for 101 residential units, associated infrastructure, and common open space; naming of eight interior roadways; and, to accept an Addendum dated November 10, 2008 to the Aradon Project (94-EIR-9), The Residences at Sandpiper Project Supplemental Environmental Impact Report, and the Goleta General Plan/Coastal Land Use Plan EIR.

APCD staff has reviewed documents related to the proposed projects, and has concerns about the air quality impacts that were analyzed in the subject Addendum. As discussed in the Addendum, the project site is located adjacent to U.S. Highway 101 and railroad tracks that are used for passenger and freight trains. APCD staff has expressed concern regarding the human health impacts posed by existing sources of air pollution (reference: 8/1/07 email communication, Vijaya Jammalamadaka at APCD to Mary Reichel at LUCON, Inc.), and we feel that the subject Addendum does not adequately address those concerns.

The location of the subject property adjacent to U.S. Highway 101 presents human health impacts related to exposure to motor vehicle emissions. In their *Air Quality and Land Use Handbook: A Community Health Perspective*, the California Air Resources Board (CARB) recommends that sensitive land uses such as residences, schools, day care centers, playgrounds, and medical facilities should not be sited within 500 feet of:

- A freeway
- Urban roads with 100,000 or more vehicles/day
- Rural roads with 50,000 or more vehicles/day

Many studies show that living in proximity to freeways and other high traffic roadways leads to adverse health effects beyond those associated with regional air pollution. A number of studies that focused on children have found slower lung development and significant increases in the incidence of lung disease, such as asthma, bronchitis, and decreased lung function, in children who live or attend school near heavily travelled roadways. In addition to children, seniors and people with heart and lung conditions are considered particularly sensitive to effects of air pollution.

The subject Addendum states at the bottom of Page 15: "CARB recommends 100,000 vehicles/day as the sensitive land use siting limit for urban roads, and 50,000 vehicles/day for rural roads. The average daily trips (ADTs) for the segment of U.S.101 between the Storke Road and Hollister/Winchester Avenue interchanges for 2008 is 34,500. As such, the ADTs on the segment of US. 101 closest to the project site are 65,500 less than CARB's 100,000 vehicles/day recommended sensitive land use siting limit for urban roads and 15,500 less than its 50,000 vehicles/day recommendation for rural roads. Thus, CARB's and APCD's 500 foot siting recommendation is not applicable to the project site."

As indicated above, CARB recommends against siting sensitive land uses within 500 feet of a freeway. Therefore, APCD staff disagrees with the assertion that these criteria do not apply to the proposed project.

The subject Addendum (Page 15, third paragraph), states that the northern property line of the project is approximately 500 feet from US Highway 101. This statement appears to be in error; the northern property line appears to be much closer than 500 feet from the freeway, and a large portion of the proposed residences appear to be within 500 feet of the freeway.

Based on our telephone conversation today, there will be additional time for APCD staff to provide comments related to the air quality analysis and proposed mitigation measures related to the project. Please note that these comments are forthcoming. Feel free to contact me at 961-8838 (mmp@sbcapcd.org) if you have any questions.

Sincerely,



Molly Pearson
Air Quality Specialist
Technology and Environmental Assessment Division

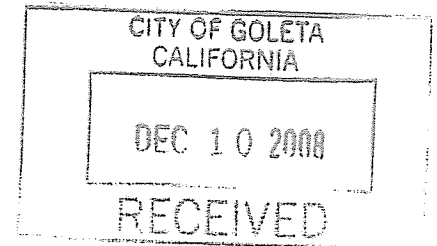
cc: TEA Chron File
Project File
Terry Dressler, APCD
Steve Chase, City of Goleta



**Santa Barbara County
Air Pollution Control District**

December 8, 2008

David Stone, Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117



RE: **Additional APCD Comments, Addendum to EIR for Haskell's Landing Project, Case Nos. 07-102-GP, -TM, -DP, -RN, Assessor Parcel Number 079-210-049**

Dear Mr. Stone:

The Santa Barbara County Air Pollution Control District (APCD) submitted comments on November 17, 2008 regarding the environmental analysis that was done for the above-referenced project. In those comments, we stated that we would be submitting additional comments, which are included in this letter.

APCD staff would again like to emphasize the subject matter discussed in our November 17, 2008 letter, regarding the recommendation not to locate sensitive land uses within 500 feet of a freeway. The fact that traffic volumes on U.S. 101 near the subject property are below the stated values for high volume urban and rural roadways (100,000 ADT and 50,000 ADT, respectively) does not eliminate the recommendation. The U.S. 101 freeway in the City of Goleta meets the intended definition of a freeway in the California Air Resources Board (CARB) document (*Air Quality and Land Use Handbook: A Community Health Perspective*, CARB, April 2005); therefore, the recommendation applies.

Following are additional comments on the air quality impacts that were analyzed in the subject Addendum dated November 10, 2008 to the Environmental Impact Report for the Aradon Project (94-EIR-9), The Residences at Sandpiper Project Supplemental Environmental Impact Report, and the Goleta General Plan/Coastal Land Use Plan EIR:

Section 2, Air Quality:

1. **Previous Review, Page 12:** The last sentence in the first paragraph states, "*The EIR found that future resident so the project would likely be affected by odor emissions form potential future malfunctions of the neighborhood oil processing facility as well as from offshore seepage; these impacts were determined to be potentially significant and mitigable through required inclusion of buyer beware provisions in the proposed project's CC&Rs.*" This sentence does not read clearly and should be revised.
2. **Haskell's Landing Project, Regulatory Setting, Pages 13 and 14:** This section should discuss toxic air contaminants, including diesel particulate, which has been designated as the state's number one toxic air contaminant and represents 70% of the estimated cancer risk in the state.
3. **Santa Barbara County Attainment Status, Page 15:** The first sentence of this section states that, "Presently, Santa Barbara County is in attainment for all NAAQS with the exception of the

PM₁₀ standard." Actually, the county is designated attainment for the federal PM₁₀ standard of 150 µg/m³ for a 24-hour period.

4. **APCD Health and High Traffic, Page 15:** Please refer to APCD's November 17, 2008 letter, as well as comments in the second paragraph of this letter.
5. **Project-Specific Impacts, Impacts AQ-1 and AQ-2, Page 16:** The impact analysis from the Residences at Sandpiper EIR and the subject addendum identify these construction-related impacts as less than significant (Class III). APCD's Scope and Content of Air Quality Sections in Environmental Documents, updated June 2008 (available at www.sbapcd.org/apcd/landuse.htm) discusses short-term construction emissions in Section 4.2, Page 6. APCD recommends that appropriate mitigation measures to reduce or avoid dust, NO_x, and diesel particulate emissions to the maximum extent feasible be applied to the project. Mitigation measures AQ-1 and AQ-2, presented on pages 19 and 20 of the subject addendum, are included for the project; therefore, the text in this section should be revised to reflect the potential for impacts and the application of mitigation measures.
6. **Project-Specific Impacts, Impact AQ-5, Exposure to HAP emissions within the region, Page 18:** This discussion should be expanded to discuss the most recent Health Risk Assessment (HRA) that was done for the Venoco Ellwood Onshore Facility (EOF), as mentioned in an earlier section of text in the air quality section of the subject addendum (Page 16, Venoco Ellwood Onshore Facility, second paragraph). In addition, this section should describe project consistency with the City of Goleta General Plan Conservation Element Section 12.1, which deals with providing sensitive receptors with adequate buffers from existing sources of air pollutants (such as the U.S. 101). This section should also evaluate whether sensitive receptors would be exposed to diesel particulate associated with railroad operations.
7. **Greenhouse Gas Emissions and CEQA, Construction Impacts and Operational Impacts, Page 27:** The discussions for construction and operational greenhouse gas (GHG) emissions should present the CO₂ emissions that were quantified for the subject project using the URBEMIS program.
8. **Greenhouse Gas Emissions and CEQA, Project Cumulative Impacts, Pages 27 and 28:** APCD acknowledges that currently, no lead agency has formally adopted a numeric level, or "threshold," at which GHG emissions are considered cumulatively significant for CEQA purposes. However, it is widely acknowledged that land-use projects in general, when considered cumulatively, contribute to a significant impact on global climate change. Recent legislation, such as Senate Bill 375 (signed into law September 30, 2008), as well as recent climate change documents, such as the Draft Scoping Plan for the Global Warming Solutions Act of 2006, clearly acknowledge that land use developments and land use decisions contribute to global climate change impacts. As stated in Section 4.4 of APCD's *Scope and Content* document, referenced above, global climate change is a cumulative impact; a project participates in this

potential impact through its incremental contribution combined with the cumulative increase of other sources of greenhouse gases. Therefore, we strongly recommend the implementation of all feasible mitigation measures to reduce the emissions of greenhouse gases under long-term impacts.

Please feel free to contact me at 961-8838 (mmp@sbcapcd.org) if you have any questions.

Sincerely,



Molly Pearson
Air Quality Specialist
Technology and Environmental Assessment Division

cc: TEA Chron File
Project File

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Attachment 3

**General Plan Amendment Summary Table
January 2009**

HASKELL'S LANDING GENERAL PLAN AMENDMENT SUMMARY – JANUARY 2009

Policy #	Policy Text in Adopted General Plan	City Council Initiated Amendment (3/4/08)	Staff Notes
CE 2.2	<p>CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the streamside protection area in a natural state in order to protect the associated riparian habitats and ecosystems. The streamside protection area shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the streamside protection area shall be as follows:</p> <p>a. In areas where land has already been fully subdivided and developed, the SPA shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. Exceptions may be allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer if: (1) there is no feasible alternative siting for the development that will avoid the SPA; (2) the new development will not extend into the ESHA, and the resulting buffer will not be less than 25 feet; and (3) the new development will not encroach further into the SPA than the existing development on the parcel.</p> <p>b. In all other instances, the SPA shall not be less than 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater.</p> <p>c. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.</p>	<p>CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the streamside protection area in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the streamside protection area shall be as follows:</p> <p>a. In areas where land has already been fully subdivided and developed, the SPA shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. Exceptions may be allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer if: (1) there is no feasible alternative siting for the development that will avoid the SPA; (2) the new development will not extend into the ESHA, and the resulting buffer will not be less than 25 feet; and (3) the new development will not encroach further into the SPA than the existing development on the parcel.</p> <p>b. In all other instances, the SPA shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater.</p> <p>c. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.</p> <p>Note from Staff An alternative to the above initiated amendment is under consideration, per a January 16, 2009 applicant-staff meeting. The alternate language builds on the currently adopted General Plan CE 2.2 policy text with a clarification that smaller buffers may be considered in certain</p>	<p><u>Discussion</u> The following amendment is based on Track 3 Draft Supplemental EIR Alternative 3:</p> <p>CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA streamside protection area in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA streamside protection area shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer-streamside protection area shall be as follows:</p> <p>a. In areas where land has already been fully subdivided and developed, the SPA upland buffer shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The City may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The City may allow portions of a SPA upland buffer to be less than 50 feet wide based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream. Exceptions may be allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer if: (1) there is no feasible alternative siting for the development that will avoid the SPA; (2) the new development will not extend into the ESHA, and the resulting buffer will not be less than 25 feet; and (3) the new development will not encroach further into the SPA than the existing development on the parcel.</p> <p>b. In all other instances, the SPA shall not be less than 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater.</p> <p>b-e. If the provisions above would result in any</p>

HASKELL'S LANDING GENERAL PLAN AMENDMENT SUMMARY – JANUARY 2009

Policy #	Policy Text in Adopted General Plan	City Council Initiated Amendment (3/4/08)	Staff Notes
HE 11.5	<p>HE 11.5 Establishment of Unit Percentages and Income Levels. [GP] Except for designated affordable housing sites as set forth in HE 11.6, the inclusionary housing requirement shall be as follows:</p> <p>a. Proposed rental projects shall be required to provide 5 percent of the total number of units within the project at rent levels affordable to very low- and low-income households.</p> <p>b. Proposed for-sale projects, including subdivisions for purposes of condominium conversions, will be required to provide 5 percent of the units at prices affordable to very low-income households, 5 percent affordable to low-income households, 10 percent affordable to moderate-income households, and 10 percent affordable to households earning 120 to 150 percent of the median income.</p> <p>Requirements for provision of inclusionary units in for-sale projects for very low- and low-income households may be satisfied by providing the same number of rental units at rent levels affordable to these households.</p>	<p><i>circumstances.</i></p> <p>HE 11.5 Establishment of Unit Percentages and Income Levels. [GP] Except for designated affordable housing sites as set forth in HE 11.6, The inclusionary housing requirement shall be as follows:</p> <p>a. Proposed rental projects shall be required to provide 5 percent of the total number of units within the project at rent levels affordable to very low- and low-income households. unless at least 50% of the units proposed will be rented at market rate rents affordable to moderate income households.</p> <p>b. Proposed for-sale projects, including subdivisions for purposes of condominium conversions, will be required to provide 5 percent of the units at prices affordable to very low-income households, 5 percent affordable to low-income households, 5-10 percent affordable to moderate-income households, and 5-10 percent of the median income.</p> <p>Requirements for provision of inclusionary units in for-sale projects for very low- and low-income households may be satisfied by providing the same number of rental units at rent levels affordable to these households.</p> <p>Note from Staff <i>An alternative to the above initiated amendment is under consideration, per a January 16, 2009 applicant-staff meeting. The alternate language builds on the currently adopted General Plan HE 11.5 policy text with a clarification that inclusionary requirements for properties at the City limits may reflect lower affordability inclusionary percentages.</i></p>	<p>legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.</p> <p><i>City Council Direction on 4-1-08:</i> HE 11.5 Establishment of Unit Percentages and Income Levels. [GP] Except for designated affordable housing sites as set forth in HE 11.6, The inclusionary housing requirement shall be as follows: a. Proposed rental projects shall be required to provide 5 percent of the total number of units within the project at rent levels affordable to very low- and low-income households. a. Proposed for-sale projects, including subdivisions for purposes of condominium conversions, will be required to provide 5 percent of the units at prices affordable to very low-income households, 5 percent affordable to low-income households, 5-10 percent affordable to moderate-income households, and 5-10 percent affordable to households earning 120 to 200-150 percent of the median income. Requirements for provision of inclusionary units in for-sale projects for very low- and low-income households may be satisfied by providing the same number of rental units at rent levels affordable to these households.” <i>Further Council Discussion on 4-1-08</i> Direction to consider increasing the median income range to something larger than 200%. Direction to prepare a study on the feasibility of a range of inclusionary rates for both Opportunity Sites and Citywide. City retained EPS, Inc to conduct study.</p>

Notes:

On March 4, 2008, the City Council initiated amendments to LU 1.13, LU Table 2-1, and VH 1.4 for the Haskell's Landing Project. These amendments are no longer considered as part of the Haskell's Landing Project because they were subsequently adopted by the Council on June 17, 2008 as part of the Track 2 amendments. In addition to the above amendments that were adopted as part of Track 2, the City Council initiated amendments to HE Table 10A-16, PF 3.2, PF Figure 8-1, PF 9.3 and TE 13.4. These amendments were subsequently dropped by the applicant because they were determined by staff to not be necessary for project approval.

Attachment 4

**Letter from Diane Conn
November 17, 2008**

November 17, 2008

To: Planning Commission
City of Goleta
From: Diane Conn
Citizens for Goleta Valley

Citizen's for Goleta Valley (CGV), represented by the Environmental Defense Center, worked with Chuck Lande and his team, to make sure that the Environmentally Sensitive Habitat (ESHA) within the development envelope was protected and enhanced. I think we did that. As I understand it, the Design Review Board is recommending a bridge at mid-creek and asphalt instead of greencrete. CGV requests that the Planning Commission does not require either.

All infrastructure in and around ESHA needs to protect and enhance their function. Structures that encourage people to walk through creek or native grassland areas lead to their degradation. We are just beginning to understand how to restore and enhance creeks and native grasslands. One of the biggest challenges is people and their pets. Until we know more about how we can co-exist with habitat, the best strategy is to discourage intrusion. That is the approach with this project. The bridge will be detrimental to the creek, both during construction and throughout the life of the project - that is why both CGV and Urban Creeks Council opposed a bridge. We hope you will too.

The greencrete provides an opportunity for the road surface necessary, and a buffer that will accommodate native grasses. Mr. Lande was willing to agree to this as an accommodation, to further the commitment to protection and enhancement of all ESHA within the project. The Fire Department approved it - we hope you will too.

Thank you very much for your consideration.

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Attachment 5

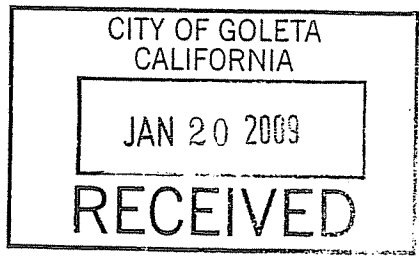
**Letter from Chuck Lande
Proposed Project Affordable Housing Provisions
January 20, 2009**

Wells

January 20, 2009

VIA HAND DELIVERY

Steve Chase
Director
Planning & Environmental Services Department
City of Goleta
130 Cremona Drive
Goleta, CA 93117



**Re: Haskell's Landing
Case 07-102 GP, TM, DP, DRB**

Dear Mr. Chase:

At the Planning Commission hearing of November 17, 2008 regarding the Haskell's Landing Project, there was considerable discussion regarding the Project's affordable housing component in light of the city's General Plan requirements. Following that hearing and after extensive discussions with City Staff, the Applicant has determined to modify the Project description so as to be consistent with City Housing Element Policy HE 11.5 as approved by the Planning Commission on February 25, 2008 and consistent with the "key issues" language approved by the City Council on April 1, 2008 which states:

"Proposed for-sale projects, including subdivisions for purposes of condominium conversions, will be required to provide five (5) percent of the units at prices affordable to very low-income households, five (5) percent affordable to low-income households, five (5) percent affordable to moderate-income households, and five (5) percent affordable to households earning 120 to 200 percent of the median income."

In order to implement the above Policy, the Applicant intends to modify the Haskell's Landing Project so as to provide five (5) percent of the project units for sale to moderate-income households, and five (5) percent for sale to households earning 120 to 200 percent of the median income. The remainder of the affordable units required, specifically five (5) percent at low and five (5) percent at very low by Policy HE 11.5, would be provided through the payment of in lieu fees as allowed for by adopted Polices HE 11.2 and HE 11.4.


The Project's location at the edge of the city, distant from shopping, public transportation and other urban services, coupled with the extreme difficulty for potential buyers of very low and low-income units obtaining loans to purchase such units, makes the payment of in lieu fees, together with the provision of moderate and upper-moderate, for sale, affordable homes on site a

Steve Chase
Director
Planning & Environmental Services Department
January 20, 2009
Page 2

more realistic approach to funding and creating affordable housing at the Project site. Moreover, the in lieu monies contributed by the Project and other projects can be more effectively used to build very low and low income units in areas of the City more proximate to the retail urban core thereby allowing residents of such units to walk to or otherwise readily access necessary foodservice, shopping, healthcare, public transportation and other primary services.

Very truly yours,

OLY CHADMAR SANDPIPER
GENERAL PARTNERSHIP

By 
Charles R. Lande

CRL/dtc

Attachment 6

**Letter from Richard Monk
Proposed Development Agreement Revisions
January 28, 2009**

MEMORANDUM

TO: Tim Giles
Brian Pierik
Steve Chase

FROM: Richard C. Monk

SUBJECT: Haskell's Landing Development Agreement

DATE: January 31, 2009

Tim, Brian and Steve:

Attached please find requested changes to relevant sections of the Development Agreement making it consistent with the revised affordable housing component and in lieu fee discussed by my client and City Staff.

Also attached please find revised Exhibit B to the Development Agreement which is consistent with the revised affordable housing component and in lieu fee provision.

If this meets with your approval, would you please make the changes and send me a redlined and clean copy of the Development Agreement.

I will be out of state from January 30 – February 4, and back in the office on February 5. Thank you for your cooperation.

Richard Monk

cc: Chuck Lande
Greg Hillgren
Mary Reichel

duplex configurations and attached townhomes as depicted on Exhibit "B" hereto and as more particularly described in Owner's Project Application (Case 07-102-GP, -TM, -DP, -DRB) and in the Environmental Document, the Project Approvals as defined below, and in those exhibits identified in Exhibit B hereto (the "Project").

H. Development of the Project will further the comprehensive planning objectives contained within the City's General Plan/Coastal Land Use Plan and will result in public benefits, including, among others, the following:

1. Providing housing which will help to satisfy City's obligation to meet City's share of regional housing needs;

~~2. Providing 20 housing units in the affordable range, which units will provide a variety of unit types from studio to two-bedroom units, and will be subject to a 55-year resale restriction;~~

2. Providing 5 studio housing units in the affordable range of 80-120% of median income, which will be subject to a 55 year resale restriction;

3. Providing 5 one-bedroom units in the affordable range of 120-200% of median income, which will be subject to a 55 year resale restriction;

4. Providing an in lieu fee equivalent to 5 housing units in the affordable range of low;

5. Providing an in lieu fee equivalent to 5 housing units in the affordable range of very low;

36. Fulfilling the long-term economic goals for the City by providing housing to help offset the job/housing imbalance;

47. Providing fiscal benefits to City's General Fund in terms of increased property taxes;

58. Providing short-term construction employment within the City;

69. In accordance with the provisions of Section 4.01.03.01 below, Owner's making a contribution of One Million Five Hundred Thousand Dollars (\$1,500,000) to City to be earmarked for the funding of the construction of Fire Station No. 10.

I. On _____, 2008, the City Planning Commission of the City of Goleta held a duly noticed public hearing and recommended: certification of the Environmental Document, approval of Owner's Project Application(Case 07-102-GP, - TM, - DP, -DRB) and adoption of this Development Agreement.

J. On _____, 2008, the City Council of the City of Goleta held a duly noticed public hearing, certified the Environmental Document, adopted Ordinance No. _____, approving this Development Agreement, approved Owner's Project Application (Case 07-102-GP, -TM, -DP, -DRB) and approved the other Project Approvals (as defined herein) associated with the Project.

K. This Development Agreement is intended to be, and shall be construed as, a development agreement within the meaning of the Development Agreement Statute and the Enabling Resolution, and, in that connection, will, among other things, assure Owner that the Project can be completed in accordance with the "Applicable Law of the Project" (as hereinafter defined) and for the uses and to the density and intensity of development set forth in the Project Approvals and this Development Agreement. The City and the Owner have taken all actions mandated by and have fulfilled all requirements set forth in the Development Agreement Statute and the Enabling Resolution.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Owner and City agree as follows:

Section 1. Incorporation of Recitals.

The parties agree the foregoing Recitals are true and correct.

Section 2. Definitions.

2.01 Defined Terms. The following terms used in this Agreement, unless the context otherwise requires, shall have the following meanings:

(a) "Affordable Range" shall mean:

~~(1) 10 of the affordable units at moderate income level (affordable to households earning 125-150% of median income). The units at this range shall include two (2) two bedroom units, two (2) one bedroom units and six (6) studio units.~~

(1) 5 of the affordable units at moderate income level (affordable to households earning 80-120% of median income). The units at this range shall include five (5) studio units.

~~(2) 10 of the affordable units at upper moderate income level (affordable to households earning 150-200% of median income) where at least one member of the qualifying household is employed within the Goleta. The units at this range shall include six (6) two bedroom units and four (4) one bedroom units.~~

(2) 5 of the affordable units at upper moderate income level (affordable to households earning 120-200% of median income). The units at this range shall include five (5) one-bedroom units.

(b) "Agreement" shall mean this Development Agreement.

(c) "Applicable Law of the Project" shall mean all of the statutes, ordinances, rules, regulations and official policies applicable to the Project as defined in Section 3.03 hereof.

(d) "CEQA" shall mean the California Environmental Quality Act, California Public Resources Code § 21000 et seq.

(e) "Conditions of Approval" shall mean those Conditions of Approval applicable to the Project and contained in Exhibit "C" hereto.

(f) "City" shall mean the City of Goleta, California, or its successors in interest.

(g) "Development Agreement Statute" shall mean California Government Code Sections 65864-65869.5.

(h) "Owner" shall collectively mean Oly Chadmar Sandpiper General Partnership, or its successors in interest and assignees pursuant to this Agreement.

(i) "Development Plans" shall mean the development plans for the Property as defined in Recital G above and in Section 2.01(l) below.

(j) "EIR" shall mean that certain EIR Addendum identified as _____ prepared in connection with the adoption of this Agreement.

(k) "Effective Date" shall mean the 30th day following the date of adoption by the City Council of Ordinance No. ____ approving this Agreement.

(l) "Mortgagee" shall mean the holder of any mortgage or the beneficiary of any deed of trust covering all or part of the Property or any successor or assignee of any such mortgage holder or beneficiary, provided that such mortgage holder or beneficiary has delivered written notice to the City stating its desire to receive notices of default pursuant to Section 8.02.

(m) "Project" shall mean the development of the Property as defined in Recital G above.

(n) "Project Approvals" shall mean those certain entitlement approvals issued by City for the Project concurrently with approval of this Agreement, including but not

4.01.03.01 Owner shall make a contribution of One Million Five Hundred Thousand Dollars (\$1,500,000) to City to be earmarked for the funding of the construction of Fire Station No. 10. Said contribution shall be due and payable at the time the first building permit is issued. In consideration of Owner's very substantial contribution to the funding of the construction of Fire Station No. 10, the City has been advised that the County of Santa Barbara has represented the County shall waive fire related plan check and inspection fees for the Project. Said contribution of \$1,500,000 shall be a firm financial obligation such that Owner shall not be required to pay any additional amount for Fire Station No. 10, nor shall Owner receive any reimbursement for said contribution.

~~4.01.03.02 The Project will provide 20 housing units in the affordable range, which units will provide a variety of unit types from studio to two-bedroom units, and will be subject to a 55-year resale restriction. (~~

4.01.03.02 The Project will provide 10 housing units in the affordable range, which units will provide unit types of studio and one-bedroom units, and will be subject to a 55 year resale restriction. The Project will also provide an in lieu fee equivalent to 5 housing units in the affordable range of low and an in lieu fee equivalent to 5 housing units in the affordable range of very low.

4.01.03.03 The Project applicant will conduct affordable housing workshops to inform the public of the parameters of the Project's affordable units and to facilitate, correct and complete applications.

4.01.03.04 The Project will provide ~~84~~91 for sale market rate housing units including multiplex and detached units resulting in a positive impact to the housing inventory in the City of Goleta and the South Coast Housing Market area.

4.01.03.05 The Project's housing will help to satisfy the City's obligation to meet its share of regional housing needs.

4.01.03.06 The Project will provide additional homes to the City of Goleta's housing inventory to contribute to the improvement of the job/housing imbalance thereby potentially reducing overcrowding, long distance commuting between regions, and the resulting negative effects on families within the City of Goleta.

4.01.03.07 A total of approximately 3.48 acres onsite, comprising currently degraded riparian, wetland and grassland resources, will be restored, enhanced and maintained in perpetuity as protected open space.

4.01.03.08 The Project will provide a pedestrian connection to a certain adjacent parcel of property described as APN 79-210-048 and will further provide safe access to Ellwood Elementary School for Project residents.

