



**TO:** Mayor and Councilmembers

**FROM:** Steve Chase, Director, Planning and Environmental Services

**CONTACT:** Patricia S. Miller, Manager, Current Planning  
Cindy Moore, Senior Planner, Current Planning

**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:**

- A. Adopt Resolution 09-\_\_ entitled "A Resolution of the City Council of the City of Goleta, California Approving Case No. 07-102-GP, Amending the General Plan/Coastal Land Use Plan Policy CE 2.2 and HE Policy 11.5". (Attachment 1)
- B. Conduct the second reading (by title only) waive further reading and adopt City Council Ordinance 09-\_\_ entitled "An Ordinance of the City Council of the City of Goleta, California Approving Case No. 07-102-OA, a Development Agreement for the Proposed Haskell's Landing Project; Hollister Avenue/Las Armas Road Intersection; APN 079-210-049". (Attachment 2)
- C. Adopt City Council Resolution 09-\_\_ entitled "A Resolution of the City Council of the City of Goleta, California Approving Case No. 07-102-TM, -DP, -RN; a Vesting Tentative Map, Development Plan, and Road Naming for the Haskell's Landing Project, Hollister Avenue/Las Armas Road Intersection; APN 079-210-049." (Attachment 3)

Refer back to staff if the City Council decides to take action other than the recommended action.

**BACKGROUND:**

The proposed project is described in the staff reports for the April 7, 2009 and May 5, 2009 City Council hearings. It includes a residential project of 101 units and associated infrastructure that would be constructed in western Goleta at the northwest corner of Hollister Avenue and Las Armas Road.

At the May 5, 2009 hearing, the Council adopted the project CEQA resolution and conducted the first reading of the ordinance for the Development Agreement. The

Council also conceptually approved the resolution for the General Plan Amendments and the Tract Map, Development Plan and Road Naming.

**DISCUSSION:**

The item appears on the Council’s May 19, 2009 agenda for the purpose of adopting the resolution for the General Plan Amendments, conducting the second reading and adoption of the ordinance for the Development Agreement, and adopting the resolution approving the Tract Map, Development Plan and Road Naming that would allow the Haskell’s Landing project to be developed.

**ALTERNATIVES:**

None are recommended.

**FISCAL IMPACTS:**

The processing costs associated with the Haskell’s Landing Project are paid by the applicant.

Legal Review By:

Reviewed by:

Approved By:

\_\_\_\_\_  
Tim W. Giles  
City Attorney

\_\_\_\_\_  
Michelle Greene,  
Administrative Services  
Director

\_\_\_\_\_  
Daniel Singer  
City Manager

**ATTACHMENTS:**

1. City Council Resolution 09-\_\_\_; entitled “A Resolution of the City Council of the City of Goleta, California Approving Case No. 07-102-GP, Amending the General Plan/Coastal Land Use Plan Policy CE 2.2 and HE Policy 11.5”.
2. City Council Ordinance 09-\_\_\_; entitled an “Ordinance of the City Council of the City of Goleta, California Approving Case No. 07-102-OA, a Development Agreement for the Haskell’s Landing Project; Hollister Avenue/Las Armas Road Intersection; APN 079-210-049”.
3. City Council Resolution 09-\_\_\_ entitled “A Resolution of the City Council of the City of Goleta, California Approving Case No. 07-102-TM, -DP, -RN; a Vesting Tentative Map, Development Plan, and Road Naming for the Haskell’s Landing Project, Hollister Avenue/Las Armas Road Intersection; APN 079-210-049.”
4. General Plan/Coastal Land Use Plan and California Coastal Act Consistency Analysis

# **ATTACHMENT 1**

**Resolution for General Plan/Coastal Land Use Plan Amendments**

**RESOLUTION NO. 09-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA,  
CALIFORNIA TO APPROVE CASE NO. 07-102-GP AMENDING GENERAL  
PLAN/COASTAL LAND USE PLAN POLICY CE 2.2 AND HE 11.5**

**WHEREAS**, an application was submitted by Lucon, Ltd., agent, for the property owner, Oly Chadmar Partnership, LLC, on May 8, 2007 requesting approval of General Plan Amendments to provide the flexibility to preserve and enhance Devereux Creek Environmentally Sensitive Habitat Area (ESHA), preserve all onsite wetland habitats and primary native grassland habitats as open space, restore Devereux Creek flows through the site, implement Best Management Practices ensuring enhancement of runoff water quality, and to provide for 10 onsite affordable housing units; the project application was deemed complete on February 19, 2008; and

**WHEREAS**, the application is an element of a proposal to construct a 101-unit residential condominium project; and

**WHEREAS**, it was determined that the proposed project, inclusive of all of its various components including the requested General Plan/Coastal Land Use Plan amendments, is subject to the California Environmental Quality Act, that one or more significant effects on the environment may occur, and that preparation of an Addendum 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 is required; and

**WHEREAS**, a Draft Addendum 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 was prepared by Dudek under contract to the City and circulated to the public with the Planning Commission Staff Report of November 17, 2008 between November 11, 2008 and the Planning Commission hearing of February 9, 2009; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on November 17, 2008, and February 9, 2009, at which time all interested persons were given an opportunity to be heard; and on February 9, 2009 a motion to approve the project did not pass (2 ayes; 2 noes), no substitute motion was made and as a matter of procedure, the lack of a majority vote on a motion and the lack of a substitute motion results in the project being "deemed denied" by the Planning Commission; and

**WHEREAS**, in response to written public comments received, a proposed Addendum Revisions was released on March 27, 2009, pursuant to the requirements of the State and City CEQA Guidelines; and

**WHEREAS**, the City Council conducted duly noticed public hearings on April 7, 2009 and May 5, 2009, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, on May 5, 2009, the City Council adopted Resolution 09-\_\_\_, adopting findings pursuant to the California Environmental Quality Act (CEQA) and accepting the Addendum dated November 10, 2008 and Addendum Revisions dated March 27, 2009 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; and

**WHEREAS**, the City Council has considered the entire administrative record, including the staff reports, the Draft and Final EIRs, comments and responses to comments, the application materials, the recommendation of the Planning Commission, and oral and written testimony from interested persons.

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

**Section 1. Recitals**

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

**Section 2. Amendment to the General Plan/Coastal Land Use Plan**

This resolution amends the General Plan/Coastal Land Use Plan Conservation Element Policy CE 2.2 and Housing Element Policy HE 11.5 as shown in Exhibit 1, subject to adoption of Resolution 09-\_\_, "A Resolution of the City Council of the City of Goleta, California to Amend the City of Goleta General Plan/Coastal Land Use Plan Related to Case No. 07-102-GPA, Conservation Element Policy CE 2.2 and Housing Element Policy HE 11.5, and Case No. 09-020-GPA, City-Initiated Track 2.5 Amendments".

**Section 3. Findings**

The findings set forth in Exhibit 1 to this resolution are hereby adopted and incorporated herein by reference.

**Section 4. Documents**

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

**Section 5. Certification**

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

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
ROGER S. ACEVES, MAYOR

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Resolution No. 09-\_\_ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2009, by the following vote of the Council members:

AYES:

NOES:

ABSENT:

(SEAL)

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

**EXHIBIT 1  
FINDINGS**

**AMENDMENT TO GENERAL PLAN/COASTAL LAND USE PLAN  
POLICY CE 2.2 and POLICY HE 11.5; CASE NO. 07-102-GP**

1.0 GENERAL PLAN/COASTAL LAND USE PLAN AMENDMENT LANGUAGE

Conservation Element, Policy CE 2.2

**CE 2.2 Streamside Protection Areas. [GP/CP]**

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

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



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

Housing Element, Policy HE 11.5

**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.
- 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 percent affordable to moderate-income households, and 5 percent affordable to households earning 120 to 200 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.

2.0 ADMINISTRATIVE FINDINGS

*Government Code Section 65358 requires that any adopted general plan amendment must be in the public interest.*

Conservation Element, Policy CE 2.2

**CE 2.2 Streamside Protection Areas. [GP/CP]**

The amendment to CE 2.2 would maintain the standard of a 100-foot buffer for streamside protection areas. In instances where there is no feasible alternative siting for the development that would avoid the SPA, the width of the buffer could be changed, subject to certain criteria. These include provision of substantial environmental benefits to the creek, its SPA, and/or related ESHAs; and, that the project would not have a detrimental impact on streamside vegetation or the biotic quality of the stream. In no case can the buffer be reduced to less than 50 feet.

This amendment is consistent with the intent of the original policy language and would ensure consistency with the following other existing General Plan/Coastal Land Use Plan policies:

CE 1.6	Protection of ESHAs
CE 1.7	Mitigation of Impacts to ESHAs
CE 1.8	ESHA Buffers
CE 1.9	Standards Applicable to Development Projects

CE 1.10	Management of ESHAs
CE 2.3	Compatible Land Uses and Activities in Streamside Protection Areas (SPAs)
CE 2.5	Maintenance of Creeks as Natural Drainage Systems
CE 2.6	Restoration of Degraded Creeks

The amendments to CE 2.2, together with the above existing policies, would provide for appropriate protection of biological resources. Specifically, protection of special status habitats, listed species, native species, wildlife linkages, and flood management would still be provided for. The amendment would allow consideration of a buffer of less than 100 feet on undeveloped properties under certain circumstances and would result in the public benefit of greater flexibility in promoting other goals and objectives of the General Plan/Coastal Land Use Plan.

Housing Element, Policy HE 11.5

**HE 11.5 Establishment of Unit Percentages and Income Levels. [GP]**

This amendment reduces the inclusionary requirement on for-sale housing projects from 30% to 20%. Additionally, the inclusionary requirement on for-sale projects would be distributed at 5% over the very low, low, moderate, and above moderate income categories.

The reduction in the inclusionary requirement on for-sale housing projects from 30% to 20%, distributed equally among the four targeted income groups, is in the public interest in that it increases the opportunity for development of new for-sale housing stock. The 20% requirement is more consistent with inclusionary requirements in other jurisdictions, particularly those with similar higher land costs. The intent of the original policy language to provide for-sale opportunities for the four targeted income groups is preserved and the actual provision of such units on the ground is more likely since the percentage requirement is more achievable. Additionally, the option for providing very low and low units as rental housing is retained.

The amendment to HE 11.5 result in the public benefit of the increased likelihood of the provision of new for-sale housing stock through the removal and/or reduction of the stricter inclusionary requirements. This would also result in promoting the intention of underlying land use designations and would allow sustained economic growth. The finding under Government Code Section 65358 can therefore be made.

## **ATTACHMENT 2**

### **Ordinance for Development Agreement**

**ORDINANCE NO. 09-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA  
APPROVING CASE NO. 07-102-OA, AN ORDINANCE AMENDMENT FOR A  
DEVELOPMENT AGREEMENT FOR THE HASKELL'S LANDING PROJECT;  
HOLLISTER AVENUE/LAS ARMAS ROAD INTERSECTION; APN 079-210-049**

**WHEREAS**, an application was submitted by Lucon, Ltd., agent, for the property owner, Oly Chadmar Partnership, LLC, on May 8, 2007 requesting approval of an General Plan Amendment, Development Agreement (Ordinance Amendment), Vesting Tentative Tract Map, Final Development Plan; and Road Naming); the project application was deemed complete on February 19, 2008; and,

**WHEREAS**, the Development Agreement would allow for constructing a 101-unit residential condominium project and,

**WHEREAS**, it was determined that the proposed project, inclusive of all of its various components including the Development Agreement, is subject to the California Environmental Quality Act, that one or more significant effects on the environment may occur, and that preparation of an Addendum 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 is required;

**WHEREAS**, a Draft Addendum 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 was prepared by Dudek under contract to the City and circulated to the public with the Planning Commission Staff Report of November 17, 2008 between November 11, 2008 and the Planning Commission hearing of February 9, 2009; and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on November 17, 2008, and February 9, 2009, at which time all interested persons were given an opportunity to be heard; and at the February 9, 2009 hearing, a motion to approve the project did not pass (2 ayes; 2 noes), no substitute motion was made, and as a matter of procedure, the lack of a majority vote on a motion and the lack of a substitute motion results in the project being "deemed denied" by the Planning Commission; and,

**WHEREAS**, in response to written public comments received, a proposed Addendum Revisions was released on March 27, 2009, pursuant to the requirements of the State and City CEQA Guidelines; and

**WHEREAS**, the City Council conducted a duly noticed public hearings on April 7, 2009 and May 5, 2009 at which time all interested persons were given an opportunity to be heard; and,

**WHEREAS**, on May 5, 2009, the City Council adopted Resolution 09-\_\_\_, adopting findings pursuant to the California Environmental Quality Act (CEQA) and accepting the Addendum dated November 10, 2008 and Addendum Revisions dated March 27, 2009 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; and

**WHEREAS**, the City Council has considered the entire administrative record, including the staff reports, the Draft Addendum and Addendum Revisions 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, comments and responses to comments, the application materials, the Planning Commission recommendation, and oral and written testimony from interested persons.

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

**Section 1. Recitals**

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

**Section 2. Administrative Findings**

The findings set forth in Exhibit 1 to this Ordinance are hereby adopted and incorporated herein by reference.

**Section 3. Ordinance and Development Agreement**

The City Council hereby adopts the proposed Ordinance and Development Agreement between the City and the Oly Chadmar Partnership, LLC as set forth in Exhibit 2 to this Ordinance.

**Section 4. Documents**

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

**Section 5. Effective Date**

This ordinance shall take effect on the 31<sup>st</sup> day following the date of its final adoption.

**Section 6. Publication**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

**INTRODUCED ON the 5<sup>th</sup> day of May, 2009.**

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
ROGER S. ACEVES, MAYOR

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Ordinance No. 09-\_\_ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2009, by the following vote of the Council members:

AYES:

NOES:

ABSENT:

(SEAL)

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

**EXHIBIT 1  
FINDINGS**

**DEVELOPMENT AGREEMENT FOR THE HASKELL'S LANDING PROJECT;  
HOLLISTER AVENUE/LAS ARMAS ROAD INTERSECTION; APN 079-210-049**

ADMINISTRATIVE FINDINGS

1.0 *Ordinance Amendment/Development Agreement: An ordinance amendment for approval of a development agreement between the City and a project application shall only be approved if the legislative body makes the following findings:*

1.1 *A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.*

The proposed development agreement between the Oly Chadmar Partnership, LLC would be approved by Ordinance 09-\_\_ and would be subject to referendum.

1.2 *A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plans.*

The proposed Development Agreement is consistent with the applicable General Plan, as well as consistent with Government Code Sections 66498.1 and 66474.2 authorizing the City to impose conditions on any project approval to protect the health, safety, and welfare of the residents of the City as well as to ensure compliance with State and Federal law. The Development Agreement furthers the goals of the General Plan (as applicable) and is in the interest of the general community welfare in that the Agreement will result in an increase in the City's overall housing supply facilitating the City's efforts to meet regional housing goals set by the State, results in an increase in the City's supply of affordable housing,

results in the provision of \$1.5 million for the construction of County Fire Station No. 10 (adjacent to the west) that would serve western Goleta, including the project site, and provides opportunities to reduce traffic levels and vehicular emissions in the area due to the proximity of the proposed residential units to job, shopping, public transit, and recreational opportunities. The Development Agreement provides for certainty in planning and construction as well as orderly, phased development and it also provides for the appropriate timing of the installation of necessary improvements and payment of development impact mitigation fees.



- 1.3 *A development agreement that includes a subdivision, as defined in Section 66473.7, shall not be approved unless the agreement provides that any tentative map approval prepared for the subdivision will comply with the provisions of Section 66473.7.*

The Vesting Tentative Tract Map for the project (TM 32,032) complies with Section 664737.7 because the developer has made provisions for securing an adequate water supply for the project pursuant to Section 667437.7.

DEVELOPMENT AGREEMENT BY AND BETWEEN:  
CITY OF GOLETA AND OLY CHADMAR SANDPIPER GENERAL PARTNERSHIP

HASKELL'S LANDING RESIDENTIAL DEVELOPMENT PROJECT

CASE NUMBER 07-102-GP, -OA, -TM, -DP, RN

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DEVELOPMENT AGREEMENT BY AND BETWEEN  
CITY OF GOLETA AND OLY CHADMAR SANDPIPER GENERAL PARTNERSHIP  
HASKELL'S LANDING RESIDENTIAL DEVELOPMENT PROJECT

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into this 19th day of May 2009, by and between Oly Chadmar Sandpiper General Partnership, a Delaware general partnership ("Owner"), and the City of Goleta, a municipal corporation ("City") pursuant to the authority of Sections 65864 et seq. of the Government Code of the State of California.

RECITALS

This Agreement is entered into with reference to the following facts:

- A. Government Code Sections 65864-65869.5 (the "Development Agreement Statute") authorize the City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property.
- B. Owner has requested the City to consider entering into a development agreement regarding an approximate 14.46 acre parcel of real property located in the City of Goleta, commonly known as APN 79-210-049 and more particularly described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein by this reference (the "Property") and in regards to a residential development described below in paragraph G.
- C. On March 4, 2008, the City Council authorized initiation of a development agreement regarding Owner's proposed development of the Property.
- D. Appropriate proceedings have been taken to consider a development agreement for the Property, in accordance with the City's rules and regulations.
- E. The City Council has found that the development agreement is consistent with the applicable General Plan provisions.
- F. The City has conducted an environmental review of the Project and of the parties' proposed execution of a development agreement, as reflected in the EIR Addendum dated November 10, 2008 and Addendum Revisions dated March 13, 2009 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, as well as CEQA Findings and a Mitigation Monitoring and Reporting Program (the "Environmental Document").

G. Owner's proposed development of the Property (the "Project") will be known as "Haskell's Landing" and is generally described as: the development of 101 homes consisting of a variety of housing opportunities such as single family , detached, and 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, -OA, -TM, -DP, -RN) 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 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 3 one-bedroom units and 2 two-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 income level (affordable to households earning 50-80% of median income);
5. Providing an in lieu fee equivalent to 5 housing units in the affordable range of very low income level (affordable to households earning less than 50% of median income);
6. Fulfilling the long-term economic goals for the City by providing housing to help offset the job/housing imbalance;
7. Providing fiscal benefits to City's General Fund in terms of increased property taxes;
8. Providing short-term construction employment within the City; and
9. In accordance with the provisions of Section 4.01.03.01 below, Owner makes 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.
10. Providing restoration, enhancement and maintenance, in perpetuity, of approximately 3.48 acres onsite that currently comprises degraded riparian, wetland and grassland resources.

I. On February 9, 2009, the City Planning Commission of the City of Goleta held a duly noticed public hearing and forwarded the project to the City Council without a recommendation, based on a two – two vote, with one member absent.

J. On April 7, 2009 and May 5, 2009 the City Council of the City of Goleta held a duly noticed public hearing, at which time the following actions were taken

1. Adopted Resolution 09-\_\_ accepting the Addendum dated November 10, 2008 and Addendum Revisions dated March 13, 2009 to the Aradon Project EIR (94-EIR-9), Residences at Sandpiper Supplemental EIR, and the General Plan/Coastal Land Use Plan EIR and adopted CEQA Findings and a Mitigation Monitoring and Reporting Program.
2. Introduced and conducted the first reading (by title only) and waived further reading of City Council Ordinance 09-\_\_ entitled “An Ordinance of the City Council of the City of Goleta, California Approving Case 07-102-OA, a new Development Agreement for the Haskell’s Landing Project.
3. Conceptually approved the Haskell’s Landing Project by conditionally adopting City Council Resolution 09-\_\_ entitled “A Resolution of the City Council of the City of Goleta, California Approving a Development Plan for the Haskell’s Landing Project.
4. Continued the item to May 19, 2009 in order to conduct the second reading and adoption of the Ordinance for a new Development Agreement for the proposed Haskell’s Landing Project and to adopt a City Council Resolution thereby approving the Haskell’s Landing Project.

K. On May 19, 2009, the City Council of the City of Goleta held a duly noticed public meeting, at which time the second reading and adoption of Ordinance 09-\_\_ was conducted in regards to this Development Agreement for the Haskell’s Landing Project, and also at which time City Council Resolution 09-\_\_ was adopted, thereby approving the Haskell’s Landing Project.

L. 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) 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. Each of these units shall be subject to a 55-year resale restriction that maintains their affordability to households earning 80-120% of median income.

(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 three (3) one-bedroom units and two (2) two-bedroom units. Each of these units shall be subject to a 55-year resale restriction that maintains their affordability to households earning 120-200% of median income.

(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 the Addendum dated November 10, 2008 and Addendum Revisions dated March 13, 2009 to the Aradon Project EIR (94-EIR-9), Residences at Sandpiper Supplemental EIR, and the General Plan/Coastal Land Use Plan EIR and adopted CEQA Findings and a Mitigation Monitoring and Reporting Program prepared in connection with the adoption of this Agreement.

(k) “Effective Date” shall mean the 31st day following the date of adoption by the City Council of Ordinance 09-\_\_ 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 limited to certification of the Environmental Document and approval of the General Plan Amendments, Vesting Tentative Map, Development Plan, and Road Naming, subject to the Conditions of Approval. A list of exhibits reflecting the Project Approvals is attached hereto as Exhibit B.

(o) “Property” shall mean that certain real property as defined in Recital B, above.

(p) “Subsequent Approvals” shall mean those certain future approvals for the Project which the City agrees to grant pursuant to Section 4.02.01 below.

(q) “Tentative Map” shall mean that Vesting Tentative Map for the Property as described in Section 2.01(n) above.

2.02 Additional Defined Terms. To the extent that any capitalized terms contained in this Agreement are not defined above, then such terms shall have the meaning otherwise ascribed to them in this Agreement.

Section 3. Project and Property Subject to This Agreement; Applicable Regulations.

3.01 Permitted Uses; Terms and Conditions of Development. All of the Project and the Property shall be subject to this Development Agreement. The permitted uses, the density and intensity of use, the location of uses, the maximum height and size of proposed buildings, and other standards of Project design applicable to the Property shall be those set forth in the Project Approvals.

3.02 Vested Right to Develop; Effect of Agreement. Owner shall have the vested right to develop the Project on the Property in accordance with the Project Approvals and the provisions of this Development Agreement. The parties agree that the purpose and effect of this Agreement is to authorize the development of the Project pursuant to the Project Approvals and subject to the Applicable Law of the Project. The Project Approvals, Applicable Law of the Project, and this Agreement shall supersede any inconsistent ordinances, rules, regulations or official policies which either currently exist or may be enacted in the future, except as specifically set forth herein. The Project Approvals, once granted by City, shall remain valid for the Term of this Agreement, notwithstanding any City regulation or provision of law to the contrary. By way of example only, the Tentative Map shall remain valid for the Term of this Agreement, regardless of the timing of filing of the final map.

3.03 Applicable Law of the Project. Except as otherwise provided in this Agreement, the statutes, ordinances, rules, regulations, and official policies of City governing permitted uses of the Property, governing density and governing design, improvement and construction standards and specifications applicable to development of the Property – including, but not limited to, the law governing the issuance of permits and approvals for the Project and the zoning and General Plan applicable to the Project – shall be those ordinances, rules, regulations, fees, and official policies in effect on the date of City's approval of this Agreement, except as otherwise specifically provided herein (Applicable Law of the Project). The City agrees that the Project as conditioned meets the requirements of and complies with the Applicable Law of the Project.

3.04 Exception for Uniform Codes. The provisions of Section 3.03 shall not govern the application to the Project of the Uniform Building Code, Uniform Fire Code and other uniform construction codes, and other codes, ordinances and regulations enforced by City relating to building or construction standards, which shall apply to the Project as in force and effect at the time of building permit or construction permit issuance.

3.05 Subsequent Enactments. This Agreement shall not preclude the City, in subsequent actions applicable to the Property or the Project, from applying new rules, regulations and official policies which do not conflict with the Applicable Law of the Project, the Project Approvals or this Agreement, which carry out the objectives of this Agreement, and which facilitate the development of the Project. No moratorium, initiative, or other limitation affecting building permits or other land use entitlements or

the rate, timing or sequencing thereof which is enforced by City shall apply to the Property or the Project Approvals, provided however that the provisions of this Section 3.05 shall not affect City's compliance with moratoria mandated by other governmental agencies or orders from a court of competent jurisdiction.

3.06 State and Federal Laws. This Agreement shall not preclude the application to the Project of changes in City ordinances, rules, regulations and official policies, to the extent that such changes are specifically required to be applied to development such as the Project by changes in state or federal laws or regulations. In the event that any subsequent changes in state or federal laws or regulations prevent or preclude compliance with one or more provisions of this Agreement, such provision shall be modified or deleted to comply with state or federal law.

To the extent that any (i) actions of Federal or State agencies, (ii) actions of regional and local agencies, including the City, required by Federal or State agencies, or (iii) actions of the City taken in good faith in order to prevent adverse impacts upon the City by actions of Federal or State agencies have the effect of preventing, delaying or modifying development of the Project or any portion thereof, the City shall not in any manner be liable for such prevention, delay or modification of said development.

3.07 Development Timing. Commencement of construction framing for the Project shall occur within 5 years of approval of the Coastal Development Permit by the California Coastal Commission and the building permit for the final unit shall be issued within 10 years of approval of the Coastal Development Permit by the California Coastal Commission. Construction of the Project may proceed upon satisfaction of the Conditions of Approval. It is the parties' specific intent that this Agreement shall prevail over any later-adopted initiative that might otherwise have the effect of restricting or limiting the timing or sequencing of development of the Project.

3.08 Fees, Conditions and Dedications. As an element of the Applicable Law of the Project, Owner shall be obligated to pay those fees, charges, exactions and assessments including, without limitation, dedications and any other fee or tax (including any excise and/or construction or any other tax) relating to development or the privilege of developing (hereinafter "fees") and to make those dedications and improvements, as are set forth in the Applicable Law of the Project, the Project Approvals, including any conditions of approval and this Agreement. Specifically, for the Term of this Agreement, the Project shall be required to pay those development impact fees to mitigate potential impacts created by the Project as provided in City fee ordinances and resolutions in effect as of the date of execution of this Agreement and Owner shall not be required to pay to City any new fees that may be enacted subsequent to said date of execution; provided, however, to the extent any City fee ordinance or resolution in effect as of said date provides for a cost of living or other indexed type increase in the fee(s) covered by such ordinance and/or resolution, Owner shall be subject to such increase.

Notwithstanding the provisions of this Section 3.08, to the extent any federal or state law or regulation, adopted subsequent to the date of execution of this Agreement, requires the City to pay a fee that would, absent the provisions of this Agreement, be passed through to Owner, Owner shall be required to pay such fee; provided, however, if such federal or state law or regulation in any way makes the City's imposition of a fee optional (and not mandatory), such fee shall not be applicable to Owner or the Project.

In addition the City may charge processing fees for land use permit approvals, building permits, and other similar permits and entitlements as the same are in force and effect on a City-wide basis at the time application is submitted for such permits and entitlements. This section shall not operate to exempt the Project from the payment of uniform property taxes.

3.08.01 Goleta Transportation Impact Mitigation Fees. Owner shall pay City's Transportation Impact Mitigation fee on a building by building basis, as indicated in Exhibit E attached hereto, prior to the issuance of building permits for each residential unit, except for the affordable units for which the Transportation Impact Mitigation fee shall be paid upon the date of final inspection or the date the final certificate of occupancy is issued, whichever occurs first. Certain costs that Owner shall incur to construct improvements that are required to mitigate certain Project-specific impacts shall be treated as a credit against the Transportation Impact Mitigation fees that Owner is required to pay to City. The parties agree that Owner shall be entitled to such a credit for costs incurred by Owner for the pavement, curb, gutter, streetlights and sidewalk improvements of Hollister Avenue. The fee shall be paid in accordance with Exhibit "E" and shall be indexed monthly based on the Engineering News Record ("ENR") Construction Cost Index for the Los Angeles area.

3.08.02 Construction of Improvements. Pursuant to the conditions of approval and as provided in the Environmental Document, the public improvements must be constructed prior to issuance of the first certificate of occupancy for any residential unit in the Project, as set forth in the Project's Conditions of Approval contained in Exhibit "C" hereto.

The public improvements shall be constructed by Owner. City will cooperate in Owner's construction of the public improvements by, without limitation, timely issuance of all required permits and consultation with Owner regarding appropriate construction cost containment measures.

3.08.03 Park Fees. City's Recreation (Parks) – Applicable Quimby fees shall be paid prior to the recordation of the Final Map. The fee shall be paid in accordance with Exhibit F attached hereto and shall be indexed monthly based on the Consumer Price Index (the "CPI Index") – All Urban Consumers for Los Angeles-Riverside-Orange County.

3.09 Amendments to Entitlements. It is contemplated by City and the Owner that Owner may, from time to time, seek amendments to one or more of the Project Approvals. Any such amendments are contemplated by City and Owner as being within the scope of this Agreement as long as they are consistent with the Applicable Law of the Project and shall, upon approval by the Director of the Planning and Environmental Services Department for the City, continue to constitute the Project Approvals as referenced herein. The parties agree that any such amendments shall not constitute an amendment to this Agreement nor require an amendment to this Agreement.

#### Section 4. Obligations of the Parties.

4.01 Obligations of Owner. Owner shall satisfy the following obligations in its development of the Project:

4.01.01 Compliance with Conditions. Owner shall comply with the Project Approvals, including but not limited to the payment of any and all fees and the construction of all on-site and off-site improvements required thereunder.

4.01.02 Compliance with Mitigation Monitoring Program. Pursuant to the requirements of the California Environmental Quality Act (CEQA), an Environmental Document was prepared for the Project and certified by the City. Mitigation measures were included in the Environmental Document, and a corollary Mitigation Monitoring Program was adopted. All terms and provisions of the Project Mitigation Monitoring Program shall be adhered to by the Owner and are incorporated herein by this reference.

4.01.03 Provision of Extraordinary Benefits to City. Owner will provide the following extraordinary benefits to City beyond those mitigation measures and conditions otherwise permitted by applicable law:

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 paid prior to the issuance of the first building permit. 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 Owner shall provide 5 studio units in the affordable range of moderate (80-120% of median household income) and 3 one-bedroom units and 2 two-bedroom units in the affordable range of above moderate (120-200% of median household income). Owner shall record a Resale Restriction, in a form acceptable to the City, on each of these 10 units, that maintains the specified affordable range standard for a period of 55-years. Owner shall also provide an in lieu fee equivalent to 5 housing units in the affordable range of low (50-80% of median household income) and an in lieu fee

equivalent to 5 housing units in the affordable range of very low (less than 50% of median household income).

4.01.03.03 Owner shall 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 Owner shall provide up to 91 for sale market rate housing units including multiplex and detached units.

4.01.03.05 Owner shall restore, enhance and maintain as protected open space, in perpetuity, 3.48 acres of riparian, wetland and grassland resources that are located onsite.

4.01.03.06 Owner shall provide a pedestrian connection to the parcel of property described as APN 79-210-048.

4.01.03.07 Owner shall widen and improve Las Armas Way and Hollister Avenue in accordance with City standards.

4.01.03.8 Owner shall cooperate with the Union Pacific Railroad in Union Pacific's efforts to reconnect Devereux Creek hydrologically to its upstream source. Diversion of clean surface waters into the Creek and reconnection of stream flows would enhance recovery of the Devereux Creek system on site.

4.01.03.9 Owner shall underground any new electric power lines crossing the Project site.

4.01.03.14 Owner shall incorporate sprinklers in all residential structures.

4.01.03.15 Owner shall implement "green" building design and greenhouse gas emission reduction standards.

4.01.04 Dismissal of Litigation. The following lawsuit (hereafter "**Lawsuit**") has been filed by Owner against the City: *Oly Chadmar Sandpiper General Partnership v. City of Goleta, The City Council of the City of Goleta, et al.* Santa Barbara Superior Court Case No. 01241927. Upon (i) approval of this Agreement by the City Council, and (ii) the expiration of 90 days following approval of the project by the City provided that no action has been filed challenging such approval, or, upon Resolution of all such legal challenges which are timely commenced, Owner agrees to file a dismissal with prejudice of the Lawsuit and to execute a mutual release in the standard form which shall include, among other things, a statement of release of the City for any liability for the acts referenced in the Lawsuits and a provision that each party to the Lawsuits shall bear their own costs and attorneys fees.

4.02 Obligations of City. City shall satisfy the following obligations in its review of the Project pursuant to this Agreement:

4.02.01 Processing and Approvals. Provided that Owner is not in default under this Agreement, upon submission by Owner of all completed applications for permits and approvals for the Project and payment of all appropriate processing fees as provided in this Agreement, City shall commence and complete with reasonable diligence all steps necessary to issue, and shall issue, all permits or approvals required for development of the Project, as contemplated by the Project Approvals and Applicable Law of the Project including but not limited to (a) the holding of all required public hearings and provision of notice for such public hearings, and (b) the granting of the requested permit or approval if the City determines that it complies with this Agreement and the Project Approvals. Such permits and approvals shall include, but not necessarily be limited to building permits, road encroachment permits, use and land use permits, site clearance, grading plans and permits, landscape plans, Design Review Board review, and certificates of occupancy (the "Subsequent Approvals").

City shall exercise reasonable diligence to expedite the processing of Owner's permit applications for the development of the Project. Owner, in a timely manner, will provide City with all documents, applications, plans or other information necessary for City to carry out its obligations hereunder and will cause the Owner's architects, planners, engineers and all other consultants to submit in a timely manner all required materials and documents therefor.

If, at the time of submittal or resubmittal of any application for a permit or approval, City determines it is unable to process the application in a timely fashion, City shall, upon request of Owner and for the purpose of processing the application in a timely fashion, contract or employ a private entity or persons on a temporary basis to perform services necessary to permit City to process the application in a timely fashion. However, City need not enter into a contract or employ those persons if it reasonably determines either of the following:

- (a) No entities or persons are available or qualified to perform the services; or
- (b) City would be able to perform services in a more rapid fashion by modifying its own work schedule than would any available qualified entities or persons.

City may charge Owner in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing such services.

City shall not require Owner to obtain any further approvals or permits for the development of the Project during the Term of the Agreement unless such permits or approvals are required by the Applicable Law of the Project. The City agrees that any

conditions of approval or departmental conditions imposed upon the issuance of such further approvals or permits shall not be in conflict with this Agreement or with the Applicable Law of the Project, as defined above.

4.02.02 Environmental Review. In approving this Development Agreement and the Project, City has taken whatever actions are reasonably required by the California Environmental Quality Act. City agrees that in reviewing subsequent land use applications by Owner that are in conformance with the Project, it will be performing a ministerial act for which no further environmental analysis will be required unless otherwise required under applicable law.

4.02.03 Land Use, Building and Grading Permits. Upon application by Owner, payment of applicable processing fees, and submittal by Owner and approval by City of construction plans and details, City shall issue Building Permits to Owner consistent with the Project Approvals. In addition, upon application by Owner, City shall issue site clearance permits, rough and final grading permits, permits for installation of storm drains, utilities, offsite improvements, and similar improvements, and grading permits of any type required by Owner for grading or development operations of any type consistent with this Agreement. The above permits shall be issued in conformity with the Applicable Law of the Project and with Section 4.02.01 hereof.

4.02.04 Other Governmental Permits. City shall provide Owner a Final Action Letter in a timely manner, including findings, permit conditions, CEQA documents and other such documents as appropriate, should the Project receive City Council approval. Owner shall be responsible for applying, and shall apply from time to time, and for gaining other permits and approvals as may be required by other governmental or quasi-governmental agencies having jurisdiction over the Project, at Owner's sole cost, in connection with the development of, or provision of services to, the Project. Owner shall also be responsible for coordinating with all non-City providers of utilities to ensure the proper installation and construction of said utilities.

4.02.05 Withholding of Permits. Except as provided herein, permits or approvals for the development of the Project shall not be withheld unless allowing such development to proceed prior to completion of construction would (i) violate a court order, (ii) violate an order of a governmental agency with jurisdiction over City, or (iii) pose a threat dangerous to public health and safety as reasonably determined by City.

## Section 5. Implementation of this Agreement.

5.01 Effective Date. This Agreement shall be approved by City Ordinance pursuant to Government Code section 65867.5, and shall be deemed in full force and effect on the Effective Date.

5.02 Term. The Term of this Agreement shall commence upon the Effective Date and shall extend until the 25<sup>th</sup> anniversary of the Effective Date. The running of this Term



shall be automatically stayed for the period of time during which the parties apply to a court of competent jurisdiction for relief or further proceedings pursuant to this Agreement, provided that the issue that is the subject of the requested relief or further proceedings is one of substantial materiality to the Development Agreement as a whole. The parties further agree to consult regarding possible tolling of the Term should delay in permit processing or review by a public agency with jurisdiction over the Project or its improvements pose a substantial impediment to Owner's ability to complete construction of the Project within the Term.

## Section 6. Amendment of Agreement and Discretionary Permits.

6.01 Amendment of Agreement. This Agreement and the underlying discretionary permits (hereinafter "Agreement") may be amended from time to time by mutual consent of the parties or their successors in interest, in accordance with California Government Code section 65868, with City costs being paid by Owner. Amendments to this Agreement and any exhibits thereto shall be governed by the Applicable Law of the Project.

6.02 Minor Amendments. Any amendment to this Agreement which does not relate to the Term of this Agreement, the payment of fees, or the permitted uses set forth in the Project Approvals may be processed and approved by City as a "Minor Amendment." Examples of Minor Amendments include, without limitation, substitution of comparable landscaping for any landscaping shown on any development plan or any landscape plan, variations in the location or installation of utilities and other infrastructure connections and changes which do not substantially alter the design of the Project considered as a whole.

Upon the written request of Owner for a Minor Amendment, the Director of the Planning and Environmental Services Department for the City (the "Director") shall determine whether the requested amendment is a Minor Amendment and whether it is consistent with the Applicable Law of the Project. The determination whether such amendment is a Minor Amendment shall refer to whether the change in this Agreement is minor and not material in the context of the overall Project, is in substantial conformity with the Project Approvals, is consistent with the findings adopted by the City in approving the Project, and does not have the potential to create greater environmental impacts than those identified in the Environmental Document. If the Director finds that the proposed amendment is a Minor Amendment and consistent with the Applicable Law of the Project, he/she may approve said Minor Amendment without notice and public hearing. If he/she determines that the proposed amendment is not a Minor Amendment or is inconsistent with the Applicable Law of the Project, he/she shall forward the proposed amendment to the Planning Commission, along with his/her recommendation for action thereon. The Planning Commission shall approve or deny the proposed amendment in conformity with the Applicable Law of the Project.

Decisions of the Director shall be subject to the procedures for appeal set forth in Goleta Municipal Code Inland Zoning Ordinance, Article II.

Section 7. Default and Remedies; Annual Review; Impossibility of Performance; Cooperation in the Event of Legal Challenge; Applicable Law; Termination upon Completion of Development; Processing During Third Party Litigation.

7.01 Default; General Provisions. No party shall be in default of this Agreement unless it has failed to perform under this Agreement for a period of thirty (30) days after written notice from the other party of an event of default. The notice of an event of default shall specify the nature of the alleged default and the manner in which said default may be satisfactorily cured. If the nature of the alleged default is such that it cannot reasonably be cured within such 30-day period, the commencement of the cure within such time period and the diligent and continuous prosecution to completion of the cure as soon as is reasonably possible shall be deemed a cure within such period.

7.01.01 Default of Owner. Owner shall be in default under this Agreement upon a finding and determination by the City Council of the City that, upon the basis of substantial evidence, Owner has not complied with any one or more of the material terms and conditions of this Agreement. Neither City nor Owner shall bear any obligation to the other under this Agreement should Owner fail to commence construction of the Project within the Term of this Agreement.

7.01.02 Default of City. The City shall be in default under this Agreement if it fails to comply with any material term or condition of this Agreement applicable to City. In the event of default by City, Owner, at its sole discretion and without obligation to do so, may apply for and process permits and seek development approval under the City's Land Use Planning process then in effect as applicable to the Property. The enactment of any' ordinances, rules, regulations and official policies other than the Applicable Law of the Project shall in no manner restrict the specific enforceability of this Agreement.

7.01.03 Remedies Upon Default. Except as provided herein, upon the default by any party under this Agreement, the party not in default shall have all rights and remedies provided by law, including but not limited to the right to terminate this Agreement pursuant to California Government Code Section 65865.1, the right to seek specific performance, or other injunctive or declaratory relief, and the right to seek writs of mandate compelling performance with the terms of this Agreement or requiring other action consistent with this Agreement.

7.01.04 Reference. Pursuant to Code of Civil Procedure Section 638, et seq., all legal actions may be heard by a referee who shall be a retired judge from either a California Superior Court, the California Court of Appeal, the United States District Court or the United States Court of Appeals, provided that the selected referee shall have experience in resolving land use and real property disputes. Owner and City shall

agree upon a single referee, who shall then try all issues, whether of fact or law, and report a finding and judgment thereon and issue all legal and equitable relief appropriate under the circumstances of the controversy before such referee. If Owner and City are unable to agree on a referee within ten days of a written request to do so by either party hereto, either party may seek to have one appointed pursuant to Code of Civil Procedure Section 640. The cost of such proceeding shall initially be borne equally by the parties. Any referee selected pursuant to this Section 7.01.04 shall be considered a temporary judge appointed pursuant to Article 6, Section 21 of the California Constitution. Notwithstanding the provisions of this Section 7.01.04, either party shall be entitled to seek declaratory and injunctive relief in any court of competent jurisdiction to enforce the terms of this Agreement, or to enjoin the other party from an asserted breach thereof, pending the selection of a referee as provided in this Section 7.01.04, on a showing that the moving party would otherwise suffer irreparable harm.

7.01.05 Compliance with the California Claims Act. Compliance with the procedures set forth in this Section 7.01 shall be deemed full compliance with the requirements of the California Claims Act (Government Code §§900 et seq.), including, but not limited to, the notice of an event of default hereunder constituting full compliance with the requirements of Government Code §910.

7.02 Annual Review. Pursuant to Government Code Section 65865.1, throughout the Term of this Agreement, good faith compliance and reporting with the terms of this Agreement by Owner shall be reviewed by the Director on or about each anniversary of the Effective Date. Annually for the Effective Term of this Agreement, Owner shall provide the Director with a written report that identifies compliance activities and matters of concern related thereto. If as a result of such review, the Director reasonably determines, on the basis of substantial evidence, that Owner has not complied in good faith with the terms and conditions of this Agreement, the Director shall provide written notice thereof (“Notice of Non-Compliance”) to Owner, stating in specific detail and specific reasons for such finding. After the Director provides the Notice of Non-Compliance to Owner, Owner shall have the right to cure such non-compliance as provided in Section 7.01 above. In addition, Owner shall have the right to appeal the Director’s determination of non-compliance to the Planning Commission. If the Planning Commission determines, on the basis of substantial evidence, that Owner has complied in good faith with the terms and conditions of this Agreement, the Planning Commission’s decision shall be deemed to be final and non-appealable. If, however, the Planning Commission determines Owner has not complied in good faith with the terms and conditions of this Agreement, Owner shall have the right to appeal that determination to the City Council. The Director’s failure to perform an annual review pursuant to the terms of this Section 7.02 shall not constitute or be asserted as a default by Owner, nor shall it constitute a waiver of the opportunity to perform annual review. This provision shall in no manner limit City’s ability to provide Owner with notice of any failure to comply with this Agreement.

7.03 Impossibility of Performance. Nonperformance by Owner or City hereunder shall not be deemed to be a default if such nonperformance is attributable to events beyond the reasonable control of Owner or City, such as acts of God, war, strikes, riots, floods, earthquakes, fires, casualties, acts of public enemy, other similar causes, the failure of any non-City governmental entity of competent jurisdiction (i.e., special districts) to issue permits required for the development of the Project or a commitment to serve the Project after all requirements for such issuance or commitment are met, the rescission or suspension of a commitment which has already been made to serve the Project by a public entity, litigation or administrative appeals to a governmental entity to set aside any Project Approval or this Agreement or any component thereof, or the issuance of a court order preventing development of the Project or a recession. As used herein, "recession" shall mean an economic recession as determined by the National Bureau of Economic Research or any successor organization charged with the duty of determining the state of the United States economy. If performance has been delayed by any such cause, the Term of this Agreement and times for performance under this Agreement shall be extended for the period of the delay, with such period commencing to run from the time of the commencement of the cause.

7.04 Cooperation in the Event of Legal Challenge; City's Indemnification. If any legal or equitable action or other proceeding (hereafter "actions") is brought by any person, private entity, governmental entity or official challenging the validity of any provision of this Agreement, the Project Approvals, or the Environmental Document, the parties shall cooperate in defending such action or proceeding. Owner agrees to hold harmless the City from any such actions and shall defend and indemnify the City for all attorneys' fees, litigation costs, settlement payments and judgments arising from or in any way related to such actions. Owner shall pay for the defense of the City, as the costs of defense are incurred, with counsel selected by the City, which counsel shall be subject to approval by Owner, such approval being not unreasonably withheld. If this Agreement is adjudicated or determined to be invalid or unenforceable, in whole or in part, City and Owner agree to seek a declaration from the Court as to the extent to which the Agreement is still valid and enforceable. After obtaining such declaration and after consultation with Owner, City agrees, to the extent permitted by law, to consider appropriate modifications to the Agreement, the intent of the parties being to accomplish the objectives of this Agreement, including development of the Property as conditioned by the City. If this Agreement is adjudicated or determined to be unenforceable or invalid, in whole or in part, Owner shall reimburse City for all fees and/or costs assessed against the City by the Court.

7.05 Agreement Constitutes Legislative Act. Owner acknowledges and agrees that City has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity and meaning of this Agreement shall be that accorded legislative acts of City.

7.06 Processing During Third Party Litigation. The filing of any third party actions against City or Owner relating to the Environmental Document, this Agreement, the Project Approvals or to other development issues affecting the Property shall not delay or stop the development, processing or construction of the Project or issuance of any Subsequent Approvals, unless the third party obtains a court order preventing the activity or such delay is requested by Owner. City shall not stipulate to the issuance of any such order.

## Section 8. General and Miscellaneous Provisions.

8.01 Covenants Running with the Land. All of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the parties and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, devisees, administrators, representatives, lessees, and all other persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law or in any manner whatsoever, and shall inure to the benefit of the parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. All of the provisions of this Agreement shall be enforceable during the Term hereof as equitable servitudes and shall constitute covenants running with the land pursuant to applicable law, including but not limited to Section 1468 of the Civil Code of the State of California. Each covenant to do or refrain from doing some act on the Property hereunder, or with respect to any City-owned property or property interest: (i) is for the benefit of such properties and is a burden upon such property, (ii) runs with such properties, and (iii) is binding upon each party and each successive owner during its ownership of such properties or any portion thereof, and each person or entity having any interest therein derived in any manner through any owner of such properties, or any portion thereof, and shall benefit each party and its property hereunder, and each other person or entity succeeding to an interest in such properties.

### 8.02 Mortgagee Rights and Protections.

8.02.01 Notification of Mortgagee. City shall notify any Mortgagee who has sent City a written request for such notice of any event of default by Owner under this Agreement and provide to any such Mortgagee the same opportunity to cure such event of default as is provided to Owner under this Agreement. Failure to so notify any Mortgagee shall not give rise to any liability on the part of City, provided that this Agreement shall not be terminated by City as to any Mortgagee to which either of the following is true:

- (a) the Mortgagee cures any default by Owner involving the payment of money within sixty (60) days after the notice of default;
- (b) as to defaults requiring title or possession of the Property or any portion thereof to effectuate a cure: (i) the Mortgagee agrees in writing, within

ninety (90) days after the written notice of default, to perform the proportionate share of Owner's obligations under this Agreement allocable to that part of the Property in which the Mortgagee has an interest conditioned upon such Mortgagee's acquisition of the Property or portion thereof by foreclosure (including a trustee sale) or by a deed in lieu of foreclosure; (ii) the Mortgagee commences foreclosure proceedings to reacquire title to the Property or applicable portion thereof within said ninety (90) days and thereafter diligently pursues such foreclosure to completion; and (iii) the Mortgagee promptly and diligently cures such default after obtaining title or possession. Subject to the foregoing, in the event any Mortgagee records a notice of default as to its mortgage or deed of trust, City shall consent to the assignment of all of Owner's rights and obligations under this Agreement to the Mortgagee or to any purchaser of the Owner's interest at a foreclosure or trustee sale and Owner shall remain liable for such obligations unless released by City or unless the applicable portion of the Property is transferred in accordance with Section 8.03.

8.02.02 Encumbrances on the Subject Property. This Agreement shall be superior and senior to the lien of any mortgage on the Property, and shall be senior to any construction financing recorded against the Property. Owner shall provide City with subordination agreements as required evidencing the priority of this Agreement over all other encumbrances. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Property or any portion thereof by a Mortgagee (whether pursuant to foreclosure, trustee's sale, deed in lieu of foreclosure, lease termination or otherwise) shall be subject to all of the terms and conditions of this Agreement.

### 8.03 Assignments and Transfers of Ownership.

8.03.01 Right to Assign. Owner shall have the right to assign (by sale, transfer, or otherwise) its rights, duties and obligations under this Agreement as to any portion of the Property subject to the provisions contained in this Section 8.03. Any such assignment shall be accompanied with Owner's transfer of fee title of that portion of the Property being transferred. Any attempt to assign or delegate this Agreement, other than in accordance with the provisions of this Section 8.03, shall be void and of no force or effect.

8.03.02 Assignment to Owner's Affiliated Entities. Owner shall have the absolute right to assign its rights, duties and obligations under this Agreement to any entity in which one of the following entities is a managing member: (a) W/S Chadmar, LLC, a California Limited Liability Company ("W/S Chadmar"), Chadmar SB Partners, LLC, a Delaware Limited Liability Company ("Chadmar SB"), W/S Realty Advisors, LLC, a California Limited Liability Company ("W/S Realty"), or an affiliate of W/S Chadmar, Chadmar SB or W/S Realty, or Calvest Advisory Fund III, Inc., a California Corporation

("Calvest"), or an affiliate of Calvest, or Oly Real Estate Partners II, a Texas Limited Partnership ("Olympus"), or an affiliate of Olympus or (b) in which W/S Chadmar, Chadmar SB, W/S Realty, Calvest, Olympus or affiliates thereof are responsible for the development of the property. As used in this Agreement, the term "affiliate" shall mean an entity controlling, controlled by or under common control with the entity to which the term applies, whether by ownership, contract or voting control. Owner and the entity to whom the rights are to be assigned (the "Assignee") shall sign an Assignment and Assumption Agreement in the form of Exhibit "D" attached hereto ("Assignment and Assumption Agreement") and Owner shall provide City with a signed copy of the Assignment and Assumption Agreement.

8.03.03 Assignment to Qualified Developers. Owner shall have the absolute right to assign its rights, duties and obligations under this Agreement upon satisfaction of the following conditions:

(i) Owner is not in default under this Agreement at the time of the assignment with respect to the assigned portion;

(ii) Owner and the Assignee have signed an Assignment and Assumption Agreement and furnished a copy to the City;

(iii) The Assignee, or an affiliate of the Assignee, has not less than five years of experience in residential real estate development;

(iv) The Assignee, or an affiliate of the Assignee, has the financial capability to construct that portion of the Project which is being transferred to the Assignee as evidenced by the Assignee (and/or the Assignee's affiliate) either (a) having a net worth of at least Seven Million Dollars (\$7,000,000) (as evidenced by a statement of financial condition dated not more than ninety (90) days prior to the date of transfer, which is accompanied either by an opinion of a certified or chartered public accountant or by a certificate by the chief financial or accounting officer of the Assignee confirming the statement fairly represents the financial condition of the transferee) or (b) having furnished Owner with evidence of a term sheet issued by a financial institution, which term sheet reflects equity and/or debt financing sufficient to complete the portion of the Property being acquired by the Assignee; and

(v) Owner has provided City written notice of the satisfaction of conditions (i) through (iv) and a signed copy of the Assignment and Assumption Agreement.

8.03.04 Assignment to Other Developers. Except as set forth in Section 8.03.02 and 8.03.03, no assignment shall be valid without the City's prior written consent which consent shall not be unreasonably withheld, conditioned or delayed. In order to obtain that consent, Owner shall provide City with all reasonable information required by City and shall reimburse City for all reasonably legal costs incurred by it in reviewing a

request for a proposed assignment. A consent by City to one assignment shall not be deemed to be a consent to any subsequent assignment.

8.03.05 Events Not Constituting an Assignment. The following shall not be considered assignments for the purpose of this Agreement:

(i) Any mortgage, deed of trust or other form of conveyance for financing pertaining to all, or any portion of, the Property;

(ii) Any mortgage, deed of trust or other form of conveyance for restructuring or refinancing any amount of indebtedness described in subparagraph (i);

(iii) The granting of easements to any public agency or utility to facilitate the development of all, or any portion of, the Property; or

(iv) The sale of a completed dwelling unit to an individual purchaser.

(v) Any foreclosure of the Property by a lender of record or the acquisition of the Property by a lender of record pursuant to a deed in lieu of foreclosure.

8.03.06 Limited Effect or Default. A default by any Assignee shall only apply to that portion of the Property owned by the Assignee and shall not cancel or diminish in any way Owner's rights under this Agreement with respect to any other portion of the Property not owned by the Assignee. The Assignee shall be responsible for the reporting and annual review requirements relating to the portion of the Property owned by the Assignee. Any amendment to this Agreement between City and Assignee shall only affect that portion of the Property owned by the Assignee and shall not cancel or diminish in any way Owner's rights under this Agreement with respect to any portion of the Property not owned by the Assignee.

8.03.07 Release of Owner. Upon any transfer of any portion of the Property in accordance with the provisions of this Section 8.03, City agrees to look solely to the Assignee for compliance by the Assignee with the provisions of this Agreement as such provisions relate to the portion of the Property acquired by Assignee. Following any assignment, City shall, if requested by Owner, provide the Owner with a release in writing of Owner's obligations under this Agreement arising subsequent to the effective date of the assignment with respect to that portion of the Property which is subject to the assignment.

8.03.08 Release of Transferring Order. As of the effective date of the Assignment, City shall, if requested by Owner, provide the transferring Owner with a release in writing of Owner's obligations under this Agreement arising subsequent to the effective date of the Assignment with respect to the Property or such portion thereof which is subject to the Assignment.



8.04 Insurance. Concurrently with the execution of this Agreement by Owner, and prior to the commencement of any work, Owner shall furnish evidence to City that all of the following insurance requirements have been satisfied.

(a) General. Owner shall, throughout the duration of this Agreement, maintain, or cause to be maintained, the insurance specified below, to insure Owner and its employees for liability arising out of the work in connection with the Property, Project and this Agreement at the minimum levels set forth herein, with the City being an additional insured on the Commercial General Liability and excess or umbrella liability insurance.

(b) Commercial General Liability. Commercial General Liability (“CGL”) insurance with coverage in an amount not less than \$2,000,000.00 general aggregate, \$1,000,000.00 per occurrence and \$2,000,000.00 products/completed operations, and including contractual liability insurance for the indemnification heretofore provided to the City (subject to the policy terms, conditions, definitions and exclusions).

(c) Business Auto Coverage. Business Automobile Liability insurance with coverage in an amount not less than \$1,000,000.00 per accident for bodily injury and property damage, covering all vehicles used by the Owner (personal, company) and its employees, on or within the Project or Property or associated therewith.

(d) Excess or Umbrella Liability Insurance (Over Primary Coverage). Such excess coverage shall be at least as broad as the underlying coverage and be provided on a “pay on behalf” basis. The excess or umbrella coverage shall be no less than \$2,000,000 per occurrence/annual aggregate.

(e) Workers’ Compensation. Coverage shall be maintained as required by the State of California.

(f) Insurance Coverage to be Maintained by Owner’s Contractors and Subcontractors. Owner shall require by contract that its contractors and subcontractors maintain the same CGL, business auto, excess or umbrella liability and workers’ compensation insurance as set forth in subsections (b) through (e), inclusive, hereof, except that the required minimum limits for the CGL coverage shall be \$1,000,000 general aggregate, \$1,000,000 per occurrence and \$1,000,000 products/completed operations, with excess or umbrella liability insurance in the amount of \$1,000,000 per occurrence/annual aggregate. The CGL policy shall include contractual liability insurance (subject to the policy terms, conditions, definitions and exclusions).

8.05 Severability. If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, then to the extent that the invalidity or unenforceability does

not impair the application of this Agreement as intended by the parties, the remaining provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect.

8.06 Relationship of Agreement and Project Approvals. This Agreement and the Project Approvals were approved by City as a single interdependent group of approvals for development of the Property, each of which depends on the others for its effectiveness. In the event that Owner challenges this Agreement, the Project Approvals, or any portion thereof, in an action filed in a court of law, which action is brought within the time period provided for by law, this Agreement and the Project Approvals shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any portion of this Agreement or the Project Approvals is invalidated by a court of law in a manner which impairs the application of this Agreement as intended by the parties, the entire Agreement and all Project Approvals shall be reviewed by City for reconsideration of said Agreement and Project Approvals.

8.07 Further Actions. Each party shall promptly take such further actions and execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

8.08 Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between City and Owner, and the refinements and further development of the Project may demonstrate that clarifications are appropriate with respect to the details of performance of City and Owner. If and when, from time to time, during the Term of this Agreement City and Owner agree that such clarifications are necessary or appropriate, they shall effectuate such clarifications, without public notice or hearing, through operating memoranda approved by City (acting through its City Manager without City Council or Planning Commission action being required) and Owner. City, in its sole discretion, shall determine whether a requested clarification may be effectuated pursuant to this Section or whether the clarification is of such a character as to constitute an amendment hereof pursuant to Section 6 above. Each such operating memorandum shall become an attachment to this Agreement.

8.09 Construction. This Agreement has been reviewed and revised by legal counsel for both Owner and City, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement, which shall be interpreted and enforced according to the plain meaning thereof.

8.10 Notices. All notices, approvals, acceptances, demands and other communications required or permitted under this Agreement shall be in writing and shall be delivered in person or by U.S. mails (postage prepaid, certified, return receipt requested) or by Federal Express or other similar overnight delivery service to the party to whom the notice is directed at the address of such party as follows:

To the City, to:

Director, Planning & Environmental Services  
City of Goleta  
130 Cremona Drive, Suite B  
PO Box 250  
Goleta, CA 93117

With a copy to:

City Attorney  
City of Goleta  
130 Cremona Drive, Suite B  
PO Box 250  
Goleta, CA 93117

To Owner:

Charles R. Lande  
Oly Chadmar Sandpiper General Partnership  
2716 Ocean Park Boulevard, Suite 1064  
Santa Monica, CA 90405

With a copy to:

Richard C. Monk, Esq.  
Hollister & Brace  
1126 Santa Barbara Street  
P.O. Box 630  
Santa Barbara, CA 93102

Any written communication given by mail shall be deemed delivered two (2) business days after such mailing date; any written communication given by overnight delivery service shall be deemed delivered one (1) business day after the dispatch date; any delivery in person shall be deemed delivered when delivered to the party to whom it is addressed. Either party may change its address by giving the other party written notice of its new address as provided above.

8.11 Estoppel Certificate. Either party may, at any time and from time to time, deliver written notice to the other party requesting such party to certify in writing that, to the knowledge of the certifying party: (i) this Agreement is in full force and effect and a binding obligation of the Parties, (ii) this Agreement has not been amended or modified either orally or in writing or, if so amended, identifying the amendments, and (iii) the requesting party is not known to be in default of the performance of its obligations under this Agreement, or if in default, describing therein the nature and amount of any such defaults. A party receiving a request hereunder shall execute and return such certificate within fifteen (15) days following the receipt thereof, unless City, in order to determine the appropriateness of the certificate, shall promptly commence and proceed to conclude a review pursuant to the provisions of Section 7.02 hereof. The City Manager shall be authorized to execute for City; Owner's Managing Partner shall be authorized to execute for Owner.

If a party fails to deliver a certificate within the fifteen (15) day period, the party requesting the certificate may deliver a second notice (Second Notice) to the other party stating that the failure to deliver the certificate within ten (10) working days following the receipt of the Second Notice shall constitute conclusive evidence that this Agreement is in full force and effect without modification and there are no unexcused defaults in the performance of the requesting party. Failure to deliver the requested certificate within the ten (10) working day period shall then constitute conclusive evidence upon the party which fails to deliver such certificate that this Agreement is in full force and effect without modification and there are no unexcused defaults in the performance of the requesting party.

8.12 Owner's Interest. Owner represents that the Property is owned by Owner or that Owner has control of the Property described in Exhibit A.

8.13 No Third Party Beneficiary. This Agreement is made and entered into for the sole protection and benefit of the parties hereto. No other party shall have any right of action based upon any provisions of this Agreement.

8.14 Relationship of Parties. It is understood that Owner is not an agent of the City and City is not an agent of Owner. It is specifically understood and agreed by and between the Parties hereto that the development of the Property is a separately undertaken private development. No partnership, joint venture, or other association of any kind between Owner and City is formed by this Agreement. The only relationship between City and Owner is that of a governmental entity regulating the development of private property with Owner as Owner of such private property.

8.15 Waiver. No waiver of any provision of this Agreement shall be effective unless made in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. No waiver of any right or remedy in respect to any occurrence or event shall be deemed a waiver of any right or remedy in respect to any other occurrence or event.

8.16 Applicable Law. The laws of the State of California shall govern the interpretation and enforcement of this Agreement, with venue for any legal action lying in a court of competent jurisdiction in the County of Santa Barbara, State of California.

8.17 Time of Essence. Time is of the essence for this Agreement.

8.18 Recordation. The Agreement shall be recorded, at Owner's sole cost and expense, upon execution by the parties.

8.19 Entire Agreement and Amendment. This Agreement, together with all documents and exhibits referred to herein, contains all of the agreements of the parties with respect to the matters contained herein, and no other prior agreement or understanding pertaining to any such matter shall be effective for any purpose. No provision of this Agreement may be amended except by an agreement in writing signed by the parties hereto or their respective successors in interest.

8.20 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

8.21 Counterparts and Exhibits. This Agreement is executed in four (4) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of 27 pages, including notary acknowledgment forms, and, in addition, \_\_\_\_\_ exhibits which constitute the entire understanding and agreement of the parties to this Agreement. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

Exhibit A: Legal Description of the Property (OWNER TO PREPARE)

Exhibit B: Depiction of Residential Units (OWNER TO PREPARE)

Exhibit C: Conditions of Approval (CITY TO PREPARE)

Exhibit D: Form of Assignment and Assumption Agreement

Exhibit E: Estimated Goleta Transportation Impact ("GTIP") Mitigation Fees (CITY TO PREPARE)

Exhibit F: Estimated Park/Recreation/Quimby Fees (CITY TO PREPARE)

8.23 Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Owner and City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

8.24 Inconsistency. In the event of any inconsistency between any Applicable Law of the Project and a Project Approval, the provisions of the Project Approval shall control. In the event of any inconsistency between any Applicable Law of the Project or Project Approval and this Agreement, the provisions of this Agreement shall control.

IN WITNESS WHEREOF, Owner and City have executed this Agreement as of the date first hereinabove written.

**CITY OF GOLETA,  
a municipal corporation**

**OLY CHADMAR SANDPIPER  
GENERAL PARTNERSHIP, a  
Delaware general partnership**

\_\_\_\_\_  
Roger S. Aceves, Mayor

\_\_\_\_\_  
By: Charles R. Lande  
Its: Authorized Representative

**APPROVED TO ADMINISTRATION**

\_\_\_\_\_  
Daniel Singer, City Manager

\_\_\_\_\_  
By: Richard C. Monk  
Attorney for Owner

**ATTEST:**

\_\_\_\_\_  
Deborah Constantino, City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
Tim W. Giles, City Attorney

ACKNOWLEDGMENT

STATE OF CALIFORNIA )

COUNTY OF SANTA BARBARA )

On \_\_\_\_\_, before me, [here insert the name and title of the officer] \_\_\_\_\_, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature (Seal)





ACKNOWLEDGMENT

STATE OF CALIFORNIA )

COUNTY OF SANTA BARBARA )

On \_\_\_\_\_, before me, [here insert the name and title of the officer] \_\_\_\_\_, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature (Seal)

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT B

DEPICTION OF RESIDENTIAL UNITS

HASKELL'S LANDING RESIDENTIAL  
DEVELOPMENT PROJECT EXHIBITS

07-102-GP, -OA, - TM, -DP, -RN: Haskell's Landing Development Plan

Project Data (Development Plan Sheet 2 of 4 dated January 28, 2009)

Overall Site Plan (Development Plan Sheet 2 of 4 dated January 28, 2009)

Site Plan (Development Plan Sheet 2 of 4 dated January 28, 2009)

Preliminary Grading and Drainage Plan (Development Plan Sheet 3 of 4 dated March 30, 2009)

Ground Floor Plan (Sheets 1, 7, and 12, dated August 15, 2008)

Second Floor Plan (Sheets 2, 8, and 13, dated August 15, 2008)

Exterior Elevations (Sheets 1-8, dated October 1, 2008; supercedes Sheets 3-6, 9-11 dated August 15, 2008)

Duplex Homes, Triplex Homes, and Fourplex Homes Area Calculations (Sheets 1, 2, and 3, dated February 25, 2009)

Conceptual Landscape Plan (dated August 18, 2008)

Vegetation Enhancement Plan (Sheets VEP-1 through -4 and 5<sup>th</sup> Sheet dated June 19, 2008)

Vesting Tentative Tract Map 32,032 (dated August 18, 2008)

Vesting Tentative Map - Preliminary Grading and Drainage Plan (Sheet 3 of 4; and Details and Cross Sections Sheet 4 of 4; dated August 18, 2008)

Pedestrian Circulation Plan (Sheet 5 dated August 18, 2008)

07-102-TM: Vesting Tentative Tract Map

Vesting Tentative Tract Map No. 32,032 dated August 18, 2008

**EXHIBIT 2  
CONDITIONS OF APPROVAL  
HASKELL'S LANDING PROJECT  
07-102-TM, -DP**

1. **AUTHORIZATION:** This Development Plan and Vesting Tentative Tract Map and the conditions set forth below authorize development proposed in Case No. 07-102-TM, -DP, -RN marked "Officially Accepted, May 19, 2009 City Council Exhibits 1 and 2." Any deviations from the exhibits, project description, or conditions must be submitted to the City of Goleta for its review and approval. Deviations without the above-described approval will constitute a violation of the permit approval. The exhibits associated with this permit include:

07-102-GP, -OA, - TM, -DP, -RN: Haskell's Landing Development Plan  
Project Data (Development Plan Sheet 2 of 4 dated January 28, 2009)  
Overall Site Plan (Development Plan Sheet 2 of 4 dated January 28, 2009)  
Site Plan (Development Plan Sheet 2 of 4 dated January 28, 2009)  
Preliminary Grading and Drainage Plan (Development Plan Sheet 3 of 4 dated March 30, 2009)  
Ground Floor Plan (Sheets 1, 7, and 12, dated August 15, 2008)  
Second Floor Plan (Sheets 2, 8, and 13, dated August 15, 2008)  
Exterior Elevations (Sheets 1-8, dated October 1, 2008; supercedes Sheets 3-6, 9-11 dated August 15, 2008)  
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Vesting Tentative Tract Map 32,032 (dated August 18, 2008)  
Vesting Tentative Map - Preliminary Grading and Drainage Plan (Sheet 3 of 4; and Details and Cross Sections Sheet 4 of 4; dated August 18, 2008)  
Pedestrian Circulation Plan (Sheet 5 dated August 18, 2008)

07-102-TM: Vesting Tentative Tract Map  
Vesting Tentative Tract Map No. 32,032 dated August 18, 2008

2. **AUTHORIZED DEVELOPMENT:**

Vesting Tentative Tract Map (07-102-TM): A one lot subdivision of the 14.46-acre tract for airspace condominium purposes to provide for 101 residential units, associated infrastructure, and common open space.

Development Agreement (07-102-OA): A Development Agreement (DA) between the City of Goleta and Oly Chadmar Sandpiper General Partnership, LLC addresses funding of infrastructure as identified in General

Plan concurrency policies PF 3.2, 3.3, 3.4, as well as Section PF 9, particularly PF 9.6 and 9.7. The DA is included as Attachment 4.

Development Plan (07-102-DP): A Final Development Plan for the construction of a 101-unit residential condominium project. A total of 42 buildings will be constructed.

Unit and Building Design: Six residential two-story building types are arranged around two loop road configurations, accessed from Hollister Avenue on the west and Las Armas Road on the east. Single family residence (SFR detached) and single family attached duplex units will provide three bedrooms, with half of the units having an option for an additional bedroom. These units will have a maximum height from finished floor and finished grade to roof ridgeline of 26.5 feet. Townhouse (T.H., attached) triplex and four-plex units will have a maximum height of 27 feet. The 2- and 3-bedroom T.H. floor plan to be offered at the market sales category will provide for an extra optional bedroom. Habitable building areas will vary as identified in Table 1. Optional conversion of up to eleven (11) market rate two-bedroom units to three-bedroom units will add up to a maximum 1,408 additional s.f. (the decision to add a 128 s.f. bedroom to each of the 11 individual units will be made prior to their individual sale and construction); as the additional bedrooms will be only second story units, they will not change the project's building coverage calculation.

**Table 1: Haskell's Landing Residential Habitable Building Areas**

Unit Type	Unit Count	Gross Floor Area	Garage Square Footage	Sales Category
Three-Bedroom* SFR	19	2,981	576	Market
Three-Bedroom* SFR Detached	3	2,981	576	Market
Three-Bedroom SFR	19	2,612	543	Market
Three-Bedroom SFR Detached	1	2,612	543	Market
Three-Bedroom * T.H.	17	2,324	415	Market
Two-Bedroom* T.H.	17	1,834	412	Market
Two-Bedroom* T.H. Detached	2	1,834	412	Market
Two-Bedroom* T.H. Carriage	9	1,365/1,493	225	Market
Two-Bedroom* T.H. Carriage	2	1,365/1,493	225	Affordable
One-bedroom T.H. Carriage	3	764	225	Market
Studio T.H. Carriage	1	570	0	Market
One-bedroom T.H. Carriage	3	764	225	Affordable
Studio T.H. Carriage	5	570	0	Affordable

*Gross Floor Area as defined by the City of Goleta General Plan*

*Note: \* Option for one additional bedroom. Additional bedroom square footage is included within the gross floor area calculation, with the exception of the Two-Bedroom\* T.H. Carriage unit. This additional 128 square foot bedroom option will result in a total unit size of 1,493 s.f., (up to an additional 1,408 s.f. of total project gross floor area for eleven such optional bedrooms), but as a second story unit, will not change the project's building coverage calculation.*

**Affordable Housing:** The permit allows five (5) studios (equal to 5 percent of all the units) affordable to moderate-income (80 to 120 percent of median) households, three (3) one-bedroom units (equal to 5 percent of all the units), and two (2) two-bedroom 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 provides in-lieu fees equivalent to five (5) units (equal to 5 percent of all the units) at prices affordable to very low-income households, and five (5) units (or 5 percent of all the units) affordable to low-income households. As illustrated in Table 2, the ten (10) affordable units will be distributed throughout the project site.

Parking: The project provides 218 spaces (173 enclosed and 45 on-street within designated pockets) for residents and visitors. All market-rate SFR and non-carriage unit Townhomes will include a private 2-car garage, while the two-bedroom market rate and one-bedroom affordable carriage units will include a private 1-car garage. In addition, 40 parking spaces in excess of the 218 spaces required under Zoning Ordinance requirements can be accommodated within driveways for a total of 258 spaces.

Access: Access to and from the condominiums will be provided from Hollister Avenue and Las Armas Road. A minimum 28-foot wide interior loop is provided on each side of Devereux Creek. A portion of the eastern interior loop adjacent to the proposed open space landscape restoration area will incorporate a "grass-crete" type substructure material that will allow for natural dispersal of native grass seed.

A pedestrian trail linking the eastern and western residential components is located adjacent and south of the northern property boundary; a 10-foot wide pre-fabricated clear-span steel bridge will span Devereux Creek. A meandering perimeter sidewalk will parallel Hollister Avenue and Las Armas Road within the public right of way. A third pedestrian trail crossing Devereux Creek to facilitate pedestrian access is located within the southern half of the property.

Architecture and Landscaping: The architecture for both detached and attached units will be a mix of Coastal, Ranch, and Monterey styles (Exterior Elevations Sheets 1-8, dated October 1, 2008). Perimeter units will be oriented toward Hollister Avenue; no sound wall along the roadway is proposed. Units adjacent to Devereux Creek will be oriented to take advantage of proposed restoration of this biologically sensitive area. All units will have private outdoor areas. Common open space will total approximately up to 346,080 square feet (55%) exclusive of the right-of-way area along Hollister Avenue to be dedicated to the City of Goleta, and includes a children's play area, and trail, with benches throughout the proposed Devereux Creek restoration area. Private open space will equal 49,992 square feet (8%). The total project open space will be 63%.

The project includes a 6-foot high sound wall along the northern property boundary as measured from finished grade; the footings of the wall could extend up to three feet lower when measured from existing grade due to the undulation along some of the northern boundary slopes). The project will not



have a perimeter wall along any other property lines. Instead, project residential units will be oriented outwards with their front yards towards Hollister Avenue, Devereux Creek, or towards interior landscaped common areas.

The project's conceptual landscaping includes a Vegetation Enhancement Plan for the Devereux Creek corridor. All landscaping will be maintained with a pesticide- and herbicide-free program. A total of 87 eucalyptus and 8 cypress trees will be replaced with a total of 282 drought tolerant Mediterranean and native tree species, both ornamental (e.g., Melaluca, London Plane Tree, etc.) and indigenous to the area (e.g., coast live oak and sycamore) (see VEP 4 and 5<sup>th</sup> Sheet ).

Site Preparation: The site would require approximately 21,050 c.y. of cut and 20,900 c.y. of fill, which due to anticipated shrinkage of 25 percent, on site redistribution, and compaction will be balanced on site. Maximum vertical height of cut and fill slopes will be 4 feet. A retaining/sound wall on the northern project boundary will have a maximum 6-foot height above finished grade.

Utilities: The Goleta Water District and Goleta West Sanitary District will provide water and sewer service to the site.

Public Services: Fire protection is provided by the County of Santa Barbara Fire Department. Police protection will be provided by the City of Goleta. School facilities will be provided by the Goleta Valley Unified School District, including Elwood Elementary School, Goleta Valley Junior High, and Dos Pueblos High School.

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

Modifications Approved: As part of the project, the approval includes the following modifications to certain standards of the Article II, Coastal Zoning Ordinance, as follows:

- 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) (Section 35.74.8.1).
- Reduction of the front yard setback requirement (20 ft. from road right-of-way or 50 ft. from centerline) to allow for construction of the units a minimum distance of 5 feet from the right of way, and 19 feet from the centerline of the interior roads, as shown on the Development Plan (07-102-DP) (Section 35.74.8.1).
- Modification of the parking setback requiring that uncovered areas be screened from street and adjacent residences to a height of 4' by plantings, fences or walls, for on-street parking spaces as shown on the Development Plan (07-102-DP) (Section 35.74.12.2.b).
- Modification of the parking standards requiring no encroachment into a street or a sidewalk when backing out of space, by providing parking pockets that would back on to private streets as shown on the Development Plan (07-102-DP) (Section 35.114.3.d).

Road Naming (07-102-RN): The proposed project includes naming of eight internal street segments, as approved by the Santa Barbara County Fire Department, Public Safety Dispatch, and Surveyor (November 6, 2008): Sanderling Lane; Whimbrel Lane; Samwill Court; Willet Drive, Curlew Drive, Scaup Court, Stilt Court; and Grebe Drive.

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

## MITIGATION MEASURES FROM EIR ADDENDUM AND REVISIONS

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

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

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

4. The design, scale and character of the project architecture, landscaping and signage shall be compatible with vicinity development. The preliminary development plans shall be revised to address issues raised by DRB in its Conceptual Review and shall incorporate all applicable mitigation measures and conditions of approval. The exterior elevations shall be fully dimensioned, showing existing grade, finished grade, finished floor, average height and peak height. **Plan Requirements and Timing:** Architectural drawings, lighting plans, landscape plans, grading plans, and signs shall be submitted to Planning & Environmental Services prior to Design Review Board (DRB) plan filing and plans shall be approved prior to approval of Land Use Permits for the project.

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

5. All exterior night lighting shall be of low intensity/low glare design, and shall be hooded to direct light downward onto the subject tract and prevent spill over onto adjacent tracts. Exterior lighting fixtures shall be kept to the minimum number and intensity needed to ensure the public safety of residents and visitors. All upward directed exterior lighting shall be prohibited to protect night sky views of the stars and "dark-sky" lighting fixtures shall be used throughout. All exterior lighting fixtures shall be appropriate for the architectural style of the proposed structures and the surrounding area. The applicant shall develop a common area lighting plan incorporating these requirements and provisions for dimming lights after 11:00 p.m. to the maximum extent practical without compromising public safety. The final lighting plan shall be amended to include identification of all types, sizes, and intensities of wall mounted building lights and landscape accent lighting. Wall

wash type lighting should be avoided, except if required for safety reasons. "Moonlighting" type fixtures that illuminate entire tree canopies should also be avoided (up-lighting and down-lighting as separate methods are acceptable). **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the preliminary/final lighting plan and shall be reviewed and approved by DRB and City staff. The preliminary/final lighting plan shall be reviewed and approved by DRB and City staff prior to issuance of any LUP for the project.

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

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

The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species which adequately complement the project design and integrate the site with surrounding land uses. Landscaping shall be compatible with the character of the surroundings, the architectural style of the structures and shall where feasible include landscape planters adjacent to any perimeter noise walls such that irrigation systems can provide for watering of the screening plantings on the walls. **Plan Requirements and Timing:** Landscape plans shall be submitted to Planning & Environmental Services prior to Design Review Board (DRB) plan filing and plans shall be approved prior to approval of Land Use Permits for the project.

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

7. All new utility service connections and above-ground mounted equipment such as backflow devices, etc, shall be screened from public view and/or painted in a soft earth-tone color(s) (red is prohibited) so as to blend in with the project. Screening may include a combination of landscaping and/or masonry or lattice walls. Whenever possible and deemed appropriate by City staff, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building. All gas, electrical, backflow prevention devices and communications equipment shall be completely concealed in an enclosed portion of the building, on top of the building, or within a screened utility

area. All transformers and vaults that must be located within the right-of-way shall be installed below grade unless otherwise approved by the City, and then must be completely screened from view. **Plan Requirements and Timing:** The site and building plans shall be submitted for DRB Preliminary/Final Review and shall identify the type, location, size, and number of utility connections and above-ground mounted equipment as well as how such equipment would be screened from public view and the color(s) that it would be painted so as to blend in with the project and surrounding area. Plans shall be determined to be compliant with this condition prior to issuance of an LUP.

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

### **Air Quality**

8. To mitigate fugitive dust emissions, the applicant shall implement APCD dust control measures, including the following:
  - a. Use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the construction area. At a minimum, this would include wetting down such areas in the late morning and after work is completed for the day, and whenever wind exceeds 15 miles per hour. Reclaimed water should be used whenever possible.
  - b. Minimize the amount of disturbed area and speeds of on-site vehicles.
  - c. Install gravel pads at all access points to prevent tracking of mud onto public roads.
  - d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
  - e. After completion of clearing, grading, earthmoving, or excavation, treat the disturbed areas by watering, revegetation, or by spreading soil binders until they are paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent the transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

**Plan Requirements and Timing:** All APCD required dust control measures shall be noted on all construction plans and shall be submitted for approval

by City staff prior to issuance of any LUP for the project. The name and telephone number of a designated person to monitor the dust control program shall be provided to City staff and the APCD.

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

9. In order to minimize NOx emissions during construction in compliance with sections 2449, 2449.1, 2449.2, and 2449.3 of Title 13, Article 4.8, Chapter 9 of the California Code of Regulations (CCR) to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use off-road diesel-fueled vehicles, the following equipment control measures shall be implemented:
  - a. All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the Santa Barbara County Air Pollution Control District.
  - b. The engine size of construction equipment shall be the minimum practical size.
  - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
  - h. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - i. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
  - j. Drivers of diesel fueled commercial vehicles weighing more than 10,000 pounds:
    1. shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location; and
    2. shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.

- k. Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- l. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

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

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

- 10. The project shall comply with all Rules and Regulations required by the Santa Barbara County APCD, including, but not limited to:
  - a. Compliance with APCD Rule 339, governing application of cutback and emulsified asphalt paving materials;
  - b. Obtaining required permits for any emergency diesel generators or large boilers prior to any LUPs;
  - c. Obtaining APCD permits prior to handling or treating any contaminated soil onsite, if identified;

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

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

- 11. Mechanical air conditioners shall use non-CFC refrigerants. The air conditioning systems shall utilize HCFC-123 or other refrigerants which are determined to have a minimal effect on ozone depletion. If feasible, the systems shall be designed to accommodate new non-ozone depleting refrigerants as they become available. **Plan Requirements and Timing:** Air conditioner information shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

12. The following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of Planning & Environmental Services staff prior to approval of Land Use Permits:
  - a. Installation of low NOx water heaters and space heaters per specifications in the Clean Air Plan;
  - b. Installation of heat transfer modules in furnaces;
  - c. Use of light colored water-based paint and roofing materials;
  - d. Installation of solar panels and/or use of water heaters that heat water only on demand;
  - e. Use of passive solar cooling/heating;
  - f. Use of natural lighting;
  - g. Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
  - h. Installation of energy efficient appliances;
  - i. Installation of energy efficient lighting;
  - j. Use of landscaping to shade buildings and parking lots;
  - k. Installation of sidewalks and bike paths;
  - l. Installation of covered bus stops, with Metropolitan Transit District (MTD) bus route schedules and rideshare information on a central location on a covered message board to encourage use of mass transportation.

**Plan Requirements and Timing:** Measure components shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

13. To reduce daily ROC and NOx emissions during winter days from combined project sources, residences shall be built without wood-burning fireplaces or only with natural gas-fired burning units. **Plan Requirements and Timing:** Measure components shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.



14. 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.

15. 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 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. City staff shall review and approve the statement for objectivity, balance, and completeness.

### **Biological Resources**

16. The applicant shall submit a final Vegetation Enhancement Plan (VEP) for Devereux Creek and adjacent wetland and native grassland habitat for review and approval by City Planning & Environmental Services. The VEP shall include specific goals for habitat restoration and include performance criteria by which replanting success is measured; any necessary stream channel and creek flow modifications to ensure restoration success; a planting plan including native wetland plants of known local genotype and an irrigation plan; an exotic vegetation management plan; methods to protect the plantings until established; and a contingency plan in the event performance criteria are not met. The plan shall include provisions for maintaining and enhancing the native grassland areas onsite. In addition, the plan shall specifically provide for redirection of the Creek from its current course along the UPRR tracks to the Devereux Creek channel crossing the property. This would potentially require excavation of the channel invert to

remove accumulated sediment and to provide 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 Condition No. 21). It may also require contributing to the design and construction of a structural solution to ensure continued flow across the UPRR and onto the project property in cooperation with UPRR. The plan shall include details of planting and maintenance of barrier plantings identified in Condition No. 20. **Plan Requirements:** The plan shall be reviewed and approved by City staff prior to issuance of any LUP for the project. Performance securities for installation and maintenance for at least five (5) years shall be subject to review and approval by City staff. At a minimum, performance securities guaranteeing installation of the habitat restoration shall be furnished by the applicant prior to issuance of any LUP for the project. The habitat restoration maintenance agreement shall be signed and filed with the city prior to approval of issuance of any LUP for the project. **Timing:** Implementation of the VEP, including redirection of the channel and plantings, shall be in place prior to occupancy of the last building.

**Monitoring:** The VEP shall include monitoring by a City-approved biologist or restoration specialist to determine the success of mitigation.

17. An open space easement including the protected area and creek corridor of Devereux Creek shall be established and recorded on the Final Map to ensure that the restoration area shall remain in perpetuity. Within this approximately 2-acre area, riparian habitat and adjacent wetland, native grassland, and related upland habitat shall be enhanced through eradication of invasive non-native plants and the planting of native species, of known local genotype according to a plan developed by a City-approved biologist. **Plan Requirements:** The terms and conditions of the easement to cover initial restoration and maintenance costs (trail, planting, etc.), ongoing habitat restoration, and limited public access shall be indicated as a note on the Final Map and shall be reviewed and approved by City staff. The Homeowners Association will be the party responsible for ongoing restoration and providing maintenance costs, including regular pick up of trash and litter and barrier plantings. **Timing:** The applicant shall record the open space easement on the final map.

**Monitoring:** The terms and conditions of the easement shall provide for City staff or third-party evaluation by a City-approved biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.

18. The final grading plan shall identify measures to minimize sedimentation into the protected area adjacent to the creek channel, and protected wetlands and native grassland. Grading in this area shall avoid the rainy season

(November 1 to May 1) unless Planning & Environmental Services and a City-qualified biologist or restoration specialist determine that erosion and sediment control measures are sufficient to avoid impacts during the rainy season. Sediment control structures (e.g., straw bales, silt curtains/fences, sediment basins, etc.) shall be placed between graded areas and the protected area to direct runoff and remove silt. The structures shall remain in place and be regularly maintained until all disturbed soils are stabilized by structures or vegetation. **Plan Requirements:** The erosion and sediment control structures shall be indicated on the final grading plan. **Timing:** The erosion and sediment control plan shall be reviewed and approved by the Planning & Environmental Services and Community Services prior to issuance of any LUP for the project.

**Monitoring:** The structures shall be monitored by City staff during construction, and recommendations for corrective actions reported to the Planning & Environmental Services Department immediately when maintenance is needed.

19. 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 to reduce encroachment into the area by humans and domestic pets. **Plan Requirements:** The vegetation barrier between the protected area and the development shall be identified on the final landscape plan. Details of its planting and maintenance shall be included in the Vegetation Enhancement Plan. **Timing:** The final landscape plan shall be reviewed and approved by Planning & Environmental Services and Community Services prior to issuance of any LUP for the project.

**Monitoring:** The performance of the barrier plantings shall be monitored by a City-approved biologist or restoration specialist to determine the success of mitigation.

20. The applicant shall obtain any required federal, state or local permits or authorizations including but not limited to: a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), a Section 404 permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification or Waiver from the Regional Water Quality Control Board. Copies shall be submitted to Planning & Environmental Services. **Plan Requirements:** Applicant shall submit necessary plans to CDFG and USACE with copies to Planning & Environmental Services. **Timing:** Waivers and Permits shall be provided to Planning & Environmental Services prior to issuance of any LUP for the project.

**Monitoring:** City staff shall confirm receipt of permits and coordinate monitoring of permit compliance with CDFG and USACE.

21. Sedimentation, silt, and grease traps or other storm water runoff treatment control measures shall be installed in paved areas to act as filters to minimize pollution reaching the Devereux Creek channel and downstream habitats. Appropriate measures shall address both short-term construction and long-term operational impacts of runoff from the site. The measures shall be maintained in working order for the life of the project. The applicant shall submit grading and building plans showing these storm water runoff treatment control measures to Planning & Environmental Services for review and approval prior to receiving Coastal Development Permit approval for grading. Prior to and during grading, installation and maintenance of appropriate sediment control measures shall be photo-documented and submitted by the applicant to Planning & Environmental Services. Similarly, prior to completion of the project, installation of the long term stormwater runoff treatment control measures shall be photo-documented and submitted by the applicant to Planning & Environmental Services. The Homeowners association (HOA) will be responsible for long-term operation and maintenance of the filters in working order. The City shall inspect and ensure filters are maintained.

**Plan Requirements:** Grading and building plans shall contain specifications. The applicant may be required to record an agreement for long-term maintenance of storm water control measures per City of Goleta Storm Water Management Plan conditions to ensure maintenance is completed over the life of the project. **Timing:** Specifications shall be submitted prior to issuance of any LUP for the project for grading, and implemented during construction and thereafter.

**Monitoring:** City staff shall monitor mitigation implementation prior to and throughout the construction period as well as throughout a minimum 3-year landscape establishment period.

22. Non-invasive landscape plants to be included in the landscape plan for the site shall be selected for their attractiveness to Monarch butterflies, and their capacity to provide nectar, basking and/or roosting habitat between the months of October and December. **Plan Requirements and Timing:** Landscape plan shall be submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall monitor mitigation implementation during landscape installation and throughout a minimum 3-year establishment period thereafter.

23. Night lighting in the vicinity and within the Devereux Creek channel and buffer area, including the native grassland, wetland, eucalyptus grove, and nature trail, shall be minimized. Lights on homes adjacent to the creek, and

within the buffer, native grassland or wetland enhancement area shall be directed away from the protected area, be of low intensity, and shall be connected to timing devices that shut off after 10 PM. **Plan Requirements and Timing:** A lighting plan submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall confirm installation and shall respond to complaints.

24. Improvements to the hydrology and water quality of Devereux Creek channel shall be effectuated. This shall be accomplished by grading and designing the site to facilitate runoff to riparian and wetland habitats rather than to the sewer system, as described below:
  - a. Include sediment and erosion control measures in the grading/drainage plan, and maintain these measures throughout the construction period. Install and maintain erosion control measures (such as jute netting or coir fabric/rolls) along the creek channel and in protected areas until native plants or landscaping is established.
  - b. Install native wetland plants of known local genotype that shall filter or absorb runoff or pollutant materials that may enter the Devereux Creek channel.
  - c. Include pervious surfaces in the project design in key areas (adjacent to concrete walkways and impervious roads) so that runoff percolates into the ground to the maximum extent feasible.
  - d. Collect and filter all runoff prior to its discharge into the Devereux Creek channel.
  - e. Direct runoff from rooftops and large impervious areas to a filtering system and thence to the Devereux Creek channel to provide supplemental water to the riparian corridor and aquatic biota.

**Plan Requirements and Timing:** A revised grading and drainage plan and water quality improvement plan shall be submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall monitor mitigation implementation during construction.

25. The Enhancement Plan area shall contain indigenous native plant material known local genotypes only.
- a. Where native plants are proposed in natural protected areas or in landscape plans, seed, cuttings or plants shall be obtained from known sources in the watershed or in the Goleta Valley. Local experts shall be contacted to assist with verifying and contract growing plant stock from appropriate known local genotypes.
  - b. Invasive non-natives shall be eradicated from the site. Invasive ornamentals (such as periwinkle, fountain grass, cape ivy, English ivy, Algerian ivy, bamboo, etc.) shall not be included in the landscape plan. The California Exotic Plant Pest Council (CalEPPC) list of Exotic Invasive Species should also be consulted to ensure that species on this list are not introduced to the site.

**Plan Requirements and Timing:** The applicant shall verify the source of plant material prior to issuance of any LUP for the project for grading. Removal of exotic species from the Enhancement Plan area shall take place prior to implementation of the Enhancement Plan. Removal of exotic species shall be ongoing, as necessary.

**Monitoring:** City staff shall monitor mitigation implementation during construction and for the minimum three-year establishment period.

26. Sewer lateral extensions or other utility connections that must cross the Devereux Creek channel shall minimize disturbance to the creek and adjacent buffer and protected areas. This shall be accomplished by directional drilling/boring or other technology. Exceptions to this measure include electrical conduit to light the pedestrian pathway that can be buried within the pathway (and cross Devereux Creek on the pedestrian bridge) and installation of the clean water drainage system identified in the Vegetation Enhancement Plan subsequent to its review and approval by the City. **Plan Requirements and Timing:** A revised grading and drainage plan, depicting construction methods for sewer and other utilities, shall be submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall monitor mitigation implementation during, and after construction.

27. During construction, washing of concrete, paint and equipment shall be designated where polluted water and materials can be contained for removal from the site. **Plan Requirements and Timing:** Measure components shall be provided on project grading plans and shall be reviewed and approved by City staff prior to issuance of grading permits.

**Monitoring:** City staff shall verify conformance with this measure on project plans prior to issuance of any LUP for the project and shall verify installation in conformance prior to certificate of occupancy.

### **Cultural Resources**

28. A City-qualified archaeologist and local Chumash observer shall monitor the initial brushing of vegetation and earth removal activity of the first 1-foot of soils to ensure that any unknown, sparse prehistoric materials are identified and assessed consistent with City of Goleta Cultural Resources Guidelines. After grading has reached below a one-foot depth, the monitoring archaeologist shall periodically spot check excavations after construction activity has ceased for the day to ensure that no previously unknown deeply buried cultural remains are encountered. In the event that prehistoric cultural remains are identified, grading shall be temporarily redirected in this area. The archaeologist shall complete an assessment of the resource's extent and significance pursuant to the City's Cultural Resources Guidelines. If the resource is found to be significant, a Phase 3 Data Recovery Program shall be completed pursuant to the City's Cultural Resources Guidelines. The findings of the archaeological investigations shall be submitted to the City Planning & Environmental Services Department and reviewed and approved prior continuing grading in the area of concern. **Plan Requirements and Timing:** Measure components shall be provided on project grading plans and shall be reviewed and approved by City staff prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall verify conformance with this measure on project building plans (review and approve the archaeological monitoring report) prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

### **Energy**

29. The following energy-conserving techniques shall be incorporated into project design unless the applicant demonstrates their infeasibility to the satisfaction of City staff:
- a. Installation of energy-efficient appliances; and
  - b. Installation of energy-efficient lighting.

**Plan Requirements and Timing:** The applicant shall incorporate the provisions in building and improvement plans or shall submit proof of unfeasibility prior to issuance of any LUP for the project.

**Monitoring:** Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

30. The applicant shall install exterior motion sensitive light switches. **Plan Requirements:** Type of light switch shall be denoted on building plans. **Timing:** Motion sensitive light switches shall be installed prior to occupancy.

**Monitoring:** City staff shall inspect prior to occupancy.

31. Landscaping in common areas shall be designed in a manner to shade buildings and vehicle parking areas to lessen demand for air conditioning. **Plan Requirements:** Landscaping plan and summer shade study shall be submitted for review and approval by City staff and the City DRB prior to issuance of any LUP for the project. **Timing:** Landscaping shall be planted prior to occupancy clearance.

**Monitoring:** City staff shall inspect prior to occupancy.

### ***Geological Processes***

32. The applicant shall submit grading and drainage plans that shall include, but not be limited to, the following:
- a. Temporary berms and sedimentation traps shall be installed in association with project grading to minimize erosion of soils into Devereux Creek. The sedimentation basins shall be cleaned after large rain events, and as further directed by City staff, and the silt shall be removed and disposed of in a location approved by Community Services.
  - b. Revegetation or restoration shall be completed, including measures to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include native, fast-growing, vined plants that shall quickly cover drainage features. Local native species shall be emphasized. A landscape revegetation plan shall be included as part of the Grading Plan.
  - c. Graded areas shall be revegetated immediately after completion of installation of utilities with deep-rooted, native, drought-tolerant species, as specified in a landscape restoration plan to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used as necessary to hold soils until vegetation is established.
  - d. Drains shall be designed to cause exiting flow of water to enter sub-parallel downstream (60 degrees or less) to existing Devereux Creek stream flow to avoid eddy currents that would cause opposite bank erosion.
  - e. An energy dissipater or a similar device such as trash racks or baffles shall be installed at the base end of drainpipe outlets to minimize erosion during storm events. Pipes shall be covered to prevent children from entering the storm drain.



- f. Storm drains shall be designed to minimize environmental damage and shall be shown on drainage plans.
- g. With the exception of limited ground disturbance in association with construction of the proposed bridge and adjoining walkway, grading shall be prohibited within 25 feet of the Devereux Creek top-of-bank. Where possible, hand equipment shall be utilized during ground disturbances adjacent to the proposed bridge.
- h. The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect.
- i. Temporary siltation protection devices such as silt fencing, straw bales, and sand bags shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. City staff shall determine these locations.

**Plan Requirements and Timing:** Erosion control components shall be listed on the grading plan that shall be reviewed and approved by City staff prior to issuance of any LUP for the project for grading. These measures shall be implemented prior to approval of LUPs for structural development.

**Monitoring:** City staff shall verify as to plan in the field.

- 33. All grading and earthwork recommendations by Padre Associates (1999) or as subsequently revised and approved by Community Services shall be incorporated into the final project design, including the Final Grading Plan. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. These recommendations would include, but not be limited, to the following:
  - a. Within the footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper.
  - b. Foundations shall be constructed to compensate for consolidation settlement of 1 inch.
  - c. Where feasible, building areas shall be backfilled with nonplastic, low expansion soils to mitigate the potential effects of expansive soils. If highly expansive soil is placed within the upper 3 feet below buildings, measures recommended in Padre Associates (1999) or as subsequently revised and approved by Community Services, such as providing positive drainage away from slabs, presoaking soils prior to pouring slabs, and using post-tensioned slabs, perimeter moisture barriers, and grade beam foundation systems, shall be completed.

**Plan Requirements and Timing:** Earthwork components recommended by Padre Associates (1999) or as subsequently revised and approved by Community Services shall be listed on the grading plan to be reviewed and approved by City staff prior to issuance of any LUP for the project. These measures shall be implemented during construction.

**Monitoring:** City staff shall verify as to plan in the field.

### **Hazards**

34. The applicant shall provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and information materials to potential buyers of units along the eastern property boundary. **Plan Requirements and Timing:** The applicant shall provide this disclosure and Information Package as part of the project CCRs to the City Attorney and City staff to verify the disclosure and Information Package 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 disclosure and Information Package has been incorporated into the CCRs prior to sale of homes and that an adequate EMF Information Package has been assembled by the applicant and has been made easily available for review by prospective buyers. City staff shall review and approve the contents of the Package for objectivity, balance, and completeness.

35. The applicant shall request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located near power lines and a power substation. Purchasers should be aware that there is ongoing research on adverse health effects associated with long-term exposure to low-level magnetic fields. Although no causal link is established, there is sufficient evidence to require reasonable safety precautions. The buyer may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan Requirements and Timing:** The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. The disclosure shall be reviewed and approved prior to issuance of any LUP for the project.

**Monitoring:** City staff shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement or has been requested to do so.

36. The applicant shall underground all utility lines within the project site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Community Services Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

**Monitoring:** City staff shall verify completion as to plan in the field.

37. In the unlikely event that hazardous materials are encountered during grading, excavation shall be temporarily suspended or redirected. The applicant shall prepare and implement a soil remediation plan for these areas. **Plan Requirement and Timing:** The remediation plan shall be reviewed and approved by County Fire PSD prior to continuing excavation. The applicant shall obtain a compliance letter from County Fire PSD prior to continuing grading in the affected area. Approval and implementation of all required specifications shall be completed prior to grading in the affected area.

**Monitoring:** City staff shall ensure that County Fire PSD inspects remediation activities as to plan in the field.

### **Noise**

38. Noise generating construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, and no construction shall occur on State holidays (e.g. Christmas, Thanksgiving, Memorial Day, 4<sup>th</sup> of July, Labor Day). Exceptions to these restrictions may be made in extenuating circumstances (in the event of an emergency, for example) on a case by case basis at the discretion of the Director of Planning & Environmental Services. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Prior to commencement of activities such as pile driving operations, neighbors within the vicinity of the site shall be notified not less than 72 hours in advance of commencement. Said notice shall provide neighbors with the anticipated time and duration of such activities and shall be reissued if there is a substantial change in scheduling. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site prior to commencement of construction. **Timing:** The signs shall be in place prior to beginning of and throughout all grading and construction activities. Violations may result in suspension of permits.

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

39. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures to City staff's satisfaction and shall be located at a minimum of 200 feet from occupied residences and other noise sensitive uses as far as possible from the eastern property line of the project site. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated. **Plan Requirements and Timing:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

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

40. Temporary noise barriers shall be used and relocated as needed to block line-of-sight between project construction equipment and the eastern property boundary (Ellwood Elementary School) and southeastern property boundary (The Bluffs residential development) to reduce effects of construction noise on these sensitive receptors below 65 dBA CNEL. **Plan Requirements and Timing:** The sound walls shall be included on the grading plan, and reviewed and approved by City staff prior to approval of any LUP for the project. The measure shall be implemented during construction.

**Monitoring:** City staff shall verify as to plan in the field during construction.

41. The project applicants shall notify the sensitive noise receptors in advance of any and all construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be communicated. **Plan Requirements:** This notification clause shall be included on the grading plan, and reviewed and approved by City staff prior to approval of any LUP for the project. **Timing:** The measure shall be implemented prior to and during construction.

**Monitoring:** City staff shall verify as to plan in the field during construction.

42. The proposed 6-foot high sound wall as measured from finished grade to be constructed along the project's northerly property line shall be extended approximately 50 feet 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. The 6-foot sound wall height shall be measured from finished grade. The sound wall shall be constructed of any masonry or other material, such as wood or earthen berm, with a surface density of at least 4 pounds per square foot. The sound wall shall

present a solid surface and have no openings or cracks. **Plan Requirements and Timing:** The sound wall location, construction material, base elevation and overall height shall be incorporated on building plans and reviewed and approved by a City staff and DRB prior to approval of any LUP for the project.

**Monitoring:** City staff shall perform plan and site inspection to ensure compliance prior to occupancy clearance.

43. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure to 45 dBA CNEL or below. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a City-approved acoustic engineer and designated on the building plan. City staff shall review and approve the building plan prior to land use clearance.

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

### **Public Services**

44. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Community Services Department for review and approval. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all construction recoverable/recyclable material. Recoverable construction material shall include but not be limited to: asphalt, lumber, concrete, glass, metals, and drywall. Said plan shall indicate how a 50% diversion goal shall be met during construction. **Plan Requirements and Timing:** A copy of the City-approved hauler shall be provided to the City for review and approval by the Community Services Department. Applicant shall submit a WRRP for review and approval by City staff with submittal of LUPs. At the completion of all permitted construction, the owner shall provide the City's Solid Waste Coordinator with a Construction Phase - Final Waste Reduction and Recycling Report. Said report shall designate all materials landfilled and recycled, broken down into material types.

**Monitoring:** City staff shall review and approve the WRRP prior to issuance of any LUP for the project. The final Construction Phase - Final Waste Reduction and Recycling Report shall be approved by the Community Services Department prior to certificate of occupancy.

45. The applicant/permittee and all future residents shall develop and implement a Waste Reduction and Recycling Plan (WRRP), including designated storage areas for recyclable materials, provision of recycling bins at the construction site, separation of construction materials, and composting of lawn clippings and other landscape materials. **Plan Requirements and Timing:** Applicant shall submit a WRRP for review and approval by City staff with submittal of LUPs.

**Monitoring:** City staff shall review and approve the WRRP prior to approval of any LUP for the project.

46. The applicant shall notify the Goleta Union School District and Santa Barbara High School District of the expected buildout date of the project to allow the Districts to plan in advance for new students. **Plan Requirements and Timing:** A copy of the notice shall be sent to the City of Goleta prior to map recordation.

**Monitoring:** City staff shall receive acknowledgement of receipt of the notification from the Goleta Union School District and Santa Barbara High School District prior to map recordation.

47. A Can and Will Serve (CAWS) letter from GWSD shall be provided indicating that adequate water treatment capacity is available to serve the project upon demand and without exception (or equivalent guarantee). Based on the final construction drawings, the applicant shall pay the following fees as determined by GWSD: (i) sewer connection fees; and (ii) mitigation fees to offset the difference between allocated capacity to the site and projected volumes attributable to the proposed project, if any. **Plan Requirements and Timing:** A CAWS shall be forwarded to the City of Goleta prior to map recordation.

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

48. A Can and Will Serve (CAWS) letter from Goleta Water District (GWD) shall be provided indicating that adequate domestic water capacity is available to serve the project upon demand and without exception (or equivalent guarantee). Based on the final construction drawings, the applicant shall pay the following fees as determined by GWD: (i) water connection fees; and (ii) mitigation fees to offset the difference between allocated capacity to the site and projected volumes attributable to the proposed project, if any. **Plan**

**Requirements and Timing:** Applicant shall provide proof of adequate water supplies consistent with the above requirements prior to map recordation.

**Monitoring:** A CAWS, with firm reservation of water availability for the project from the GWD shall be submitted to the City prior to map recordation.

### **Recreation**

49. Should the Cathedral Oaks Overpass improvements not be completed, the 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 City-owned Sperling Preserve. **Plan Requirements:** Construction plans for this improvement shall be reviewed and approved by City staff with submittal of LUPs. **Timing:** Improvements shall be implemented prior to occupancy, if required.

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

50. Recreational facilities such as play structures shall be developed within common open space areas. **Plan Requirements:** Design of the facilities shall be submitted for review and approval by City staff. Provisions for maintenance shall be discussed in the project CC&R's to be reviewed and approved by the City staff. **Timing:** Plans shall be submitted prior to LUP approval. Recreational facilities shall be installed prior to occupancy clearance.

**Monitoring:** City staff shall review plans prior to issuance of any LUP for the project.

### **Transportation/Circulation**

51. The applicant shall prepare a Construction Transportation Plan that designates heavy equipment routes, schedules, and the need for any special flag persons to direct traffic during peak volume periods, with special attention to Ellwood School drop-off and pick-up activity. **Plan Requirements and Timing:** The Construction Transportation Plan shall be reviewed and approved by City staff prior to issuance of any LUP for the project.

**Monitoring:** City staff shall monitor during construction for compliance with the approved plan.

52. The project applicant shall pay impact mitigation fees toward the Goleta Transportation Improvement Program (GTIP) except where otherwise specified in the approved Final Development Agreement between the

applicant and the City of Goleta. **Plan Requirements and Timing:** The applicant shall pay GTIP fees in the amount, time and manner prescribed by Ordinance or Resolution of the City of Goleta.

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

53. Owner shall submit to the Community Services Department two copies of separate public improvement plans prepared by a registered civil engineer for review and approval by the City Engineer. This plan may be incorporated into the Building Plan set, with additional public improvement plan sheets provided unbound. The PIP shall include but not be limited to:

**Las Armas Road Public Improvements:**

- a) Full width improvements with sidewalk, parkway, curb, gutter, street lights and asphalt paving on base for a 60-foot right of way.
- b) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
- c) Slurry seal the street except for new paving areas.
- d) An approved terminus to the end of the street to the satisfaction of the City Engineer and the Fire Department.
- e) The developer may request an Agreement for Reimbursement for the improvements on the easterly half of Las Armas Road. The estimated reimbursement costs shall be reviewed and approved by the City Engineer prior to the execution of the Reimbursement Agreement.

**Hollister Avenue Public Improvements:**

- f) Provide full width improvements with sidewalk, parkway, street lights, curb, gutter, and asphalt paving on base for northerly side of Hollister Avenue.
- g) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
- h) Slurry seal at a minimum to the centerline of the street along entire subject property frontage and a minimum of fifty feet (50') beyond the limits of all trenching and new street striping in the roadway.



- i) Install pavement traffic striping as determined by the City Engineer to facilitate ingress/egress from the westerly driveway on Hollister Avenue and to and from Las Armas Road.

**Plan Requirements and Timing:** The project public improvement plans shall be reviewed and approved by the City's Community Services Department prior to map recordation. Reproducible Record Drawings and an electronic signed copy of the Record Drawings for the revised street striping and public improvements (i.e., sidewalk, curb cut, drainage/bio filter, etc.) on Hollister Avenue and Las Armas Road shall be reviewed and approved by the City's Community Services Department prior to certificate of occupancy.

**Monitoring:** Community Services Department shall verify submittal of final plans in compliance with public improvement plans. City staff shall inspect and approve the completed street improvements prior to any occupancy clearance.

- 54. The applicant shall provide a signed Agreement for Public Improvements, and an Engineer's Estimate, signed and stamped by a registered civil engineer and approved by the City Engineer. The applicant shall be required to post securities for construction of improvements prior to execution of the Agreement. Securities shall be submitted at 100% of the engineer's estimate for the performance of the work and 100% of the engineer's estimate for labor and materials. **Plan Requirements and Timing:** The Agreement for Public Improvements shall be reviewed and approved by the City's Community Services Department prior to map recordation.

**Monitoring:** Community Services Department shall verify compliance with the requirement for submittal of Agreement for Public Improvements.

- 55. The applicant shall repair any damaged public improvements (curbs, gutters, sidewalks, etc.) in the vicinity of the project site caused by construction. **Plan Requirement and Timing:** The Community Services Department shall review and approve public improvements in the vicinity of the project site prior to certificate of occupancy.

**Monitoring:** The Community Services Department shall inspect the project vicinity for any needed repairs prior to any occupancy clearance.

- 56. The street system shall be reviewed and approved by the Santa Barbara County Fire Department and designed to provide adequate access and circulation for emergency vehicles. **Plan Requirement and Timing:** Review by the Santa Barbara County Fire Department shall be verified by the Planning & Environmental Services and Community Services Department prior to issuance of any LUP for the project.

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

### **Water Resources**

57. Outdoor water use shall be limited through the following measures: (i) landscaping shall be primarily with native and/or drought tolerant species; (ii) drip irrigation or other water-conserving methods shall be used; (iii) plant material shall be grouped by water needs; (iv) extensive mulching shall be used to improve water holding capacity of the soil by reducing evaporation and soil compaction; (v) soil moisture sensing devices shall be installed to prevent un-necessary irrigation; and reclaimed water shall be used for all common area exterior landscaping if available. Indoor water use shall be limited through the following measures: (i) all hot water lines shall be insulated; (ii) recirculating, point-of-use, on-demand or other energy efficient water heaters shall be installed; (iii) water efficient clothes washers and dishwashers shall be installed; and (iv) lavatories and drinking fountains shall be equipped with self-closing valves. **Plan Requirements and Timing:** The outdoor water conserving measures shall be incorporated into the final landscape plan that is submitted for review and approval by DRB. Documentation shall be provided verifying the efforts made to procure reclaimed water for irrigation purposes. If available, irrigation plans shall identify the necessary fixtures and separate plumbing systems to allow for this use. The indoor water-conserving measures shall be graphically depicted on building plans and approved prior to issuance of any LUP for the project.

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

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

sediment discharge measures shall be specified on a separate sheet attached to the grading and building plans. These measures shall be implemented during and after project construction, as appropriate after installation, the applicant shall be responsible for on-going maintenance of all on-site storm water pollution control devices in accordance with the manufacturer's specifications.

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

59. A pesticide, herbicide and fertilizer maintenance plan shall be prepared that minimizes their use, particularly during the rainy season. Biodegradable pesticides and herbicides shall be maximized. Grasses not generally susceptible to pest disease shall be planted in turf areas. **Plan Requirement and Timing:** The landscape plan shall include this maintenance plan component, which shall be reviewed and approved by DRB and City staff prior to issuance of LUPs.

**Monitoring:** City staff shall periodically inspect and verify compliance with the approved maintenance plan.

60. To ensure adequate design and sizing of drainage conveyance infrastructure (drop inlets, outlet pipes, connections to existing infrastructure, flood water retention areas, etc.) and positive drainage from north of the project site southward through Devereux Creek, final grading and drainage plans shall be reviewed and approved by Community Services staff prior to Land Use Permits to prevent on- and off-site flooding (in particular, to accommodate drainage from the UPRR culvert north of the project site) and to ensure compliance with the Stormwater Management Program. **Plan Requirements and Timing:** Detailed final grading and drainage plans shall be submitted to Community Services and City staff for review and approval prior to issuance of any LUP for the project. After installation, the applicant shall be responsible for on-going maintenance of on-site drainage infrastructure.

**Monitoring:** City staff shall review plans to ensure appropriate grading and drainage design prior to issuance of LUPs and shall perform periodic site inspections to verify installation according to approved grading and drainage plan as well to verify on-going maintenance.

61. Dog waste pollution shall be minimized in the vicinity of Devereux Creek. Mutt-mitt dispensers shall be installed on both sides of the creek. **Plan Requirement and Timing:** The location of Mutt-mitt dispensers shall be included on the landscaping plan, which shall be reviewed and approved by DRB and City staff prior to issuance of LUPs.

**Monitoring:** City staff shall periodically inspect and verify compliance with the approved landscaping plan.

## PROJECT SPECIFIC CONDITIONS

62. Five (5) studios (equal to 5 percent of all units) at moderate-income levels (80 to 120 percent of median) and five (5) one-bedroom (equal to 5 percent of all units) at above moderate-income levels (120 to 200 percent of the median) shall be provided.
63. Required affordable units shall remain affordable for 55 (fifty-five) years and the compliance term shall restart with each subsequent sale of an affordable unit unless preempted by state or federal programs. The applicant shall enter into and record an Agreement to Provide Affordable Housing and shall record a Resale Restrictive Covenant and Preemptive Right. Both documents shall be subject to review and approval by the City of Goleta and City Attorney prior to recordation of the vesting tentative map. These documents shall specify affordability consistent with the terms described above and shall include provisions describing marketing and lottery requirements for the initial sale of units. Income eligibility of prospective purchasers/renters shall be determined by the City of Goleta or its designee at applicant's expense. An intent to reside statement shall be required for potential owners of the affordable units.
64. Construction of the affordable units shall be concurrent with the construction of the market rate units. Occupancy clearance for no more than 50% of the market rate units shall be allowed prior to occupancy clearance for all of the affordable units. **Implementation and Timing:** Prior to land use permit approval, this requirement shall be included in the Agreement to Provide Affordable Housing and shall be printed on all grading and building plans.

**Monitoring:** Staff shall ensure compliance during construction.

65. Prior to land use permit approval, developer shall submit a plan for marketing the affordable units and selecting and qualifying the buyers, subject to review and approval by the Planning and Environmental Services Department and the City Attorney.
66. Prior to map recordation, developer shall pay the affordable housing in-lieu fee for the equivalent of 10 affordable units. The amount of the fee shall be \$80,645.00 per affordable unit required, with the total fee calculated as \$806,450.00 (10 units multiplied by \$80,645.00).
67. Developer shall provide written notice to all purchasers of lots or homes within the subdivision of the location and zoning for the affordable housing.

The disclosure shall explicitly note that the housing may be developed for moderate and above moderate income residents. Wording is subject to review and approval by the City of Goleta as part of the required CC&Rs.

68. All drainage control facilities as noted in the Project Description and shown on Sheet 3 of 4 and Details and Cross Sections Sheet 4 of 4 of the civil engineering plans for the Vesting Tentative Tract Map and Development Plan dated August 18, 2008 shall be maintained for the life of the project by the applicant and/or operator. **Plan Requirements:** Maintenance of all drainage facilities for two (2) years from occupancy clearance of the last building shall be ensured through a performance security provided by the applicant. **Timing:** All drainage control facilities shall be installed (landscaped and irrigated subject to City inspection and approval) prior to approval of the first Land Use Permit for a building. The performance security shall be released upon expiration of the two (2) year period provided such facilities have been installed per plans and maintained in good working order.

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

69. The project landscaping shall be installed per the DRB-approved landscape plan and maintained for the life of the project. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit for general site grading and utility improvements, the applicant shall enter into an agreement with the City to install landscaping and water-conserving irrigation systems per the DRB approved final landscape plan. In addition, the applicant shall enter into a separate agreement for the maintenance of required landscaping for the life of the project and post a performance security for such maintenance for a period of not less than five (5) years from release of the installation security. Prior to occupancy clearance for the first residential building, installation of all street frontage right-of-way and public trail easement landscaping shall be completed. Installation of landscaping for each individual structure (outside of any sidewalk landscaping, landscaping within any public right-of-way, or public trail easement) shall be completed prior to any occupancy clearance for that structure. The performance security shall be released upon expiration of the five (5) year period provided such landscaping has been installed in accordance with the approved project plans and maintained in accordance with these Conditions.

**Monitoring:** City staff shall verify compliance with requirements for landscaping installation and maintenance, including posting of the required bonds, prior to approval of a Land Use Permit for general site grading and

utility improvements. City staff shall verify landscape/ irrigation system installation per the DRB approved final landscape plan prior to occupancy clearance. City staff shall photo document installation and check maintenance as needed. Release of any performance security requires City staff signoff.

70. Sufficient bicycle parking areas/spaces shall be shown on final plans. Bicycle racks shall be the "Inverted U" type in compliance with the SBCAG Traffic Solutions recommended bicycle rack.

## **RECORDATION CONDITIONS**

71. The vesting tentative tract map approval shall take effect as of the date of final action by the City Council.
72. The vesting tentative map shall expire three (3) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code § 66452.6, or as otherwise specified in the Development Agreement.
73. Prior to recordation of the proposed Tract Map and subject to City approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the final map(s). All applicable conditions and mitigation measures for the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. For any subsequent development on any tracts created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
74. If the proposed Tract Map is substantially revised from the approved tentative map, or if substantial changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map. Non-substantial changes may be approved by the Director of Planning and Environmental Services. If the development plan is altered, approval shall be in the manner required by ordinance
75. Five (5) copies of the proposed Tract Map and required review fees in effect at the time shall be submitted to Planning and Environmental Services/Community Services for compliance review of conditions before Planning and Environmental Services will issue map clearance to the Surveyor.
76. If prior to City action on the proposed Tract Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the City or is operating

under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the City an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted.

77. Prior to recordation of the proposed Tract Map, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the City a set of prints of the Tract Map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable pursuant to Section 21-30, Chapter 21 of the Goleta Municipal Code.
78. Prior to recordation of the proposed Tract Map, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
79. Pursuant to Section 66441 of the State Subdivision Map Act the tract map shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. Property lines shall be monumented in accordance with Section 21-16 of said City Code.
80. No permit for development, including grading, shall be issued prior to recordation of the Tract Map. Grading associated with any permit for site remediation would not be subject to this restriction.
81. The vesting tentative tract map approval runs with the land and the rights and obligations thereof, including the responsibility to comply with conditions of approval, and shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.

#### **DEVELOPMENT PLAN CONDITIONS**

82. Approval of the Final Development Plan shall expire five (5) years after approval, except as otherwise specified in the Development Agreement, unless prior to the expiration date, substantial physical construction has been completed on the Development Plan or a Time Extension has been applied for by the applicant. The decision maker with jurisdiction over the request, may upon good cause shown, grant a time extension for one year.
83. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas,

drainage facilities, and landscaped areas shall be developed in substantial conformity with the approved exhibit maps. Substantial conformity shall be determined by the Director of Planning and Environmental Services.

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

## **GENERAL CONDITIONS**

87. If the applicant requests a time extension beyond the term of the approved Development Agreement or beyond the scope of said Development Agreement, the project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of required fee payment.
88. The applicant shall obtain preliminary and final DRB approval for the proposed project prior to Land Use Permit issuance.
89. All plans submitted for Land Use Permit issuance, building, and/or grading permit shall include all applicable conditions of project approval.
90. Prior to land use permit approval for each phase of development, preparation of a Monitoring and Compliance Program (MCP) shall be funded by the applicant and submitted to the City of Goleta for review and approval. The MCP shall at minimum include the following:



- a. All conditions imposed on this project and the impact areas they are mitigating by subject area. A plan for coordination and implementation of all conditions and the plans and programs required therein.
  - b. The MCP preparer and contractor shall be selected by the City of Goleta. These individuals shall be under contract and responsible to the City of Goleta. All costs shall be funded by the applicant. Planning and Environmental Services shall oversee the MCP.
  - c. In addition to funding the MCP, the Developer shall pay Permit Compliance fees prior to approval of a Land Use Permit for grading/installation of tract improvements.
  - d. The decision of the Director shall be final in the event of any dispute.
91. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, demolition, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from the City of Goleta. These permits are required by ordinance and are necessary to ensure implementation of the conditions imposed on the project by the City. Before any permit may be issued by the City of Goleta, the applicant shall obtain written clearance for each development phase from all Departments/Agencies having conditions or project approval. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning & Environmental Services.
- Land Use Permit for grading and installation of site improvements, and for the Final Development Plan for the condominiums (07-102-DP).
  - Land Use Permit to record the Map.
92. 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. Payment amounts are estimated below, and shall be based on the fees in effect and applicable at time of required payment:

Quimby/Park	\$9,509/unit for 101 units (\$960,409)	Due at Map Recordation
Transportation	\$13,509/unit* for 6 SFR units (\$81,054)  \$7,222/unit* for 95 Condominium units (\$686,090)	Due at Map Recordation
Fire Protection	\$0.20/SF for 138,061 SF (\$276,122)	Due at Final Inspection
Library	\$384/unit for 101 units (\$38,784)	Due at Final Inspection
Public Admin	\$1,705/unit for 101 units (\$172,205)	Due at Final Inspection
Sheriff	\$439/unit for 101 units (\$44,339)	Due at Final Inspection

\* Actual fee amount paid for each building shall be indexed to the most recent monthly Engineering News Record Construction Cost Index for the Los Angeles area.

A GTIP Fee credit for the portion of improvements on the northerly side of Hollister Avenue for the construction of curb, gutter, street lights and sidewalk shall be provided to the Development. All costs for the improvements subject to the GTIP Fee credit shall be reviewed and approved by the City Engineer prior to the issuance of a contract with the Developer's Contractor for construction of the improvements.

93. The applicant shall pay the statutory school fees in effect at the time of issuance of each building permit to the appropriate school districts and/or shall mitigate school impacts by other measures consistent with State law. The applicant shall submit final square footage calculations and a copy of the fee payment to the school districts prior to issuance of each building permit. The City of Goleta shall ensure payment prior to issuance of building permits.

94. All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted on the building plans. The applicant shall obtain all necessary encroachment permits from the City of Goleta Community Services Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, water meters, backflow devices, signs, and curb/gutter/sidewalk improvements.
95. Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting that includes monitor(s), project superintendent, architect, subcontractors, as well as City representatives including Planning and Environmental Services and Community Services.
96. Any temporary building, trailer, commercial coach, etc. installed or used in connection with construction of this project shall comply with the requirements of Section 35-132.2, Article II of the City's Municipal Code.
97. All trees planted or preserved in accordance with this approval shall be maintained according to the latest adopted American National Standard Institute (ANSI) guidelines for tree care, generally referred to as ANSI A300 (various parts), and the companion publications "Best Management Practices" published by the International Society of Arboriculture (ISA). Any pruning of trees, other than light pruning of no more than 25 percent (25%) of the foliage within any one growing season, requires review and approval of the City of Goleta prior to commencement of the work.
98. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Goleta Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
99. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
100. Compliance with Department/Agency Letters:
  - a. Community Services Department, letter dated February 25, 2009.
  - b. County of Santa Barbara Fire Department, letter dated April 23, 2008.
  - c. Goleta West Sanitary District, letter dated September 4, 2007.
  - d. Metropolitan Transit District, letter dated March 18, 2008.
  - e. SB County Air Pollution Control District, letter dated March 13, 2009.
  - f. Goleta Water District, letter dated February 14, 2008.
101. No new signs are authorized with this permit. All signs require separate permits and shall comply with, Article I, Chapter 35 of the City of Goleta

Municipal Code (Sign Regulations) and with setbacks specified in Article II, Chapter 35 of the Municipal Code (Coastal Zoning Ordinance).

102. The applicant shall be responsible for the completeness and accuracy of all forms and supporting materials submitted in connection with any application. Any errors or discrepancies found therein may constitute grounds for the revocation of any approvals.
103. The developer agrees, as a condition of this approval, at the developer's own expense, to indemnify, defend, and hold harmless the City and its agents, officers, and employees from and against any claim, action, or proceeding to attack, review, set aside, void or annul, in whole or in part, the City's approval of the vesting tentative map and development plan or any condition attached thereto or any proceedings, acts, or determinations taken, done or made prior to the approval that were part of the approval process.
104. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and no approval shall be issued unless substitute feasible mitigation measures are imposed.



## MEMORANDUM

DATE: February 25, 2009

TO: Cindy Moore, Senior Planner

FROM: Marti Schultz, Principal Civil Engineer

SUBJECT: Northwest Corner of Hollister Avenue and Las Armas Road, APN 079-210-049, Case No. 07-102-GP, OA, TM, DP, RN, Recommended Conditions of Approval (Haskell's Landing)

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Community Services recommended Conditions of Approval for the subject project at Northwest Corner of Hollister Avenue and Las Armas Road, APN 079-210-049 are:

### A. PRIOR TO MAP RECORDATION

1. Owner shall submit to the Community Services Department two copies of a separate public improvement plan prepared by a registered civil engineer for review and approval by the City Engineer. This plan may be incorporated into the Building Plan set, with additional public improvement plan sheets provided unbound. The improvement plan shall include but not be limited to:

#### **Las Armas Road Public Improvements:**

- a) Full width improvements with sidewalk, parkway, curb, gutter, street lights and asphalt paving on base for a 60 foot right of way.
- b) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
- c) Slurry seal the street except for new paving areas.
- d) An approved terminus to the end of the street to the satisfaction of the City Engineer and the Fire Department.
- e) The developer may request an Agreement for Reimbursement for the improvements on the easterly half of Las Armas Road. The estimated reimbursement costs shall be review and approved by the City Engineer prior to the execution of the Reimbursement Agreement.

**Hollister Avenue Public Improvements:**

- f) Provide full width improvements with sidewalk, parkway, street lights, curb, gutter, street lights and asphalt paving on base for northerly side of Hollister Avenue.
  - g) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
  - h) Slurry seal at a minimum to the centerline of the street along entire subject property frontage and a minimum of fifty feet (50') beyond the limits of all trenching and new street striping in the roadway.
  - i) Install pavement traffic striping as determined by the City Engineer to facilitate ingress/egress from the westerly driveway on Hollister Avenue and to and from Las Armas Road.
2. A signed Agreement for Public Improvements, an Engineer's Estimate, signed and stamped by a registered civil engineer and approved by City Engineer. The applicant shall be required to post securities for construction of improvements prior to execution of the Agreement. Securities will be submitted at 100% of the engineer's estimate for the performance of the work and 100% of the engineer's estimate for labor and materials.
  3. Payment of Quimby Fees in accordance with the Development Agreement.

**B. PRIOR TO LAND USE PERMIT**

1. Payment of Development Impact Fees for Transportation (GTIP Fees) in accordance with the Development Agreement. A GTIP Fee credit for the portion of improvements on the northerly side of Hollister Avenue for the construction of curb, gutter, street lights and sidewalk shall be provided to the Development. All costs for the improvements subject to the GTIP Fee credit shall be reviewed and approved by the City Engineer prior to the issuance of a contract with the Developer's Contractor for construction of the improvements.
2. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Community Services Department for review and approval. Said plan shall indicate how a 50% diversion goal shall be met during construction.
3. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all construction recoverable/recyclable material. (Copy of Contract to be provided to the City). Recoverable construction

material shall include but not be limited to: asphalt, lumber, concrete, glass, metals, and drywall.

4. All existing survey monuments within the limits of construction shall be preserved and/or tied out and recorded prior to at the County of Santa Barbara's Surveyor's Office.
5. Applicant shall submit final drainage and grading plans with a final hydrology report for review and approval by Community Services and Building staff. The plan shall incorporate appropriate Best Management Practices to minimize storm water impacts to the maximum extent feasible in accordance with the City's Storm Water Management Plan. The plans shall include but not be limited to bio-swales, permeable paving, on site detention, fossil filters and other operational features. The plans shall also include an erosion control plan for review and approval by Community Services staff prior to the issuance of any LUP for the project. After installation of any drainage improvements or erosion control measures, the applicant shall be responsible for on-going maintenance of all improvements in accordance with the manufacturer's specifications or the approved plans.

C. PRIOR TO Certificate Of Occupancy (C of O):

1. Complete all Public Improvements along Hollister Avenue and Las Armas Road, as shown on the public improvement plans.
2. At the completion of all permitted construction, the owner shall provide the City's Solid Waste Coordinator with a Construction Phase - Final Waste Reduction and Recycling Report. Said report shall designate all materials landfilled and recycled, broken down into material types. The final report shall be approved by the Community Services Department prior to C of O.
3. All existing survey monuments shall that were preserved and/or tied out shall be reset in coordination with the County of Santa Barbara's Surveyor's Office.
4. Submit reproducible Record Drawings and an electronic signed copy of the Record Drawings for the revised street striping and public improvements (i.e., sidewalk, curb cut, drainage/bio filter, etc.) on Hollister Avenue and Las Armas Road.
5. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) caused by construction subject to the review and approval of the Community Services Department.

If you have any questions, please contact me at x7562.



Fire Department

"Serving the Community since 1926"

HEADQUARTERS

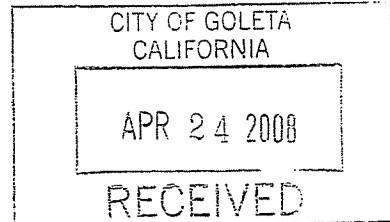
4410 Cathedral Oaks Road  
Santa Barbara, CA 93110-1042  
(805) 681-5500 FAX: (805) 681-5563

John M. Scherrei  
Fire Chief

Tom Franklin  
Deputy Fire Chief

April 23, 2008

Ms. Cindy Moore, Planner  
Planning and Environmental Services  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117



Dear Ms. Moore:

SUBJECT: APN: 079-210-049; Permit #: 07GPC-102-GP/TM/DP/DRB  
Site: Hollister Avenue/Las Armas, Goleta  
Project Description: Haskell's Landing – 102 New Single Family Dwellings

*This Memorandum Supersedes the Previous Memorandum Dated March 24, 2008  
Clarification of Road Width Requirements for Roads A, B, C, D, and E  
All Other Conditions Remain the Same*

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

**PRIOR TO MAP RECORDATION  
THE FOLLOWING CONDITIONS MUST BE MET**

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

The proposed roads A, B, C, D, and E shall be constructed to the widths specified and shown on plans dated March 5, 2008.



The secondary access/egress road onto Las Armas Road on the south side of the project shall have an open and unobstructed width of no less than twenty (20) feet.

Red curbs and no parking signs shall be installed at the direction of the fire department. A parking and striping plan will be required to be submitted for review and approval by the fire department prior to erection of combustible materials.

#### GENERAL NOTICE

2. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

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

3. Twelve (12) fire hydrants shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department.
4. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

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

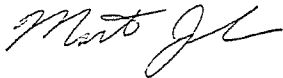
4. Ten road names will be required for this project. Please contact the City of Goleta Planning Department at (805) 961-7543 for application information.
5. The fire department shall determine and assign all address numbers and shall issue such numbers to property owners and occupants.
6. Building address numbers shall be posted in conformance with fire department standards.
7. When access ways are gated, a fire department approved locking system shall be installed.

8. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

The developer has agreed to an in-lieu fee payment to be credited against the required fee to be paid pursuant to section 15-53 of Chapter 15 of the County Code. This in-lieu payment shall be deposited into the Fire Station 10 construction account pursuant to this article.

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

In the interest of life and fire safety,



*Fid* - Glenn Fidler, Inspector

GF:jmd

c APN



P.O. Box 4 Goleta CA 93116-0004  
805 968-2617 FAX 805 968-8987

September 4, 2007

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

RE: SEWER AVAILABILITY LETTER FOR APN: 079-210-049  
PROJECT: Haskell's Landing - Hollister Ave., Goleta

Dear Sirs:

The property referenced above at Hollister Avenue, Goleta, CA APN# (079-210-049) is within the boundary of the Goleta West Sanitary District (GWSD).

Santa Barbara County sewer policy and District Ordinance No. 60 requires that any sewage generating uses constructed on this property be connected to a community sewer system.

Sewer capacity of one-hundred-two (102) ERU in District facilities is presently available to serve the property, and is expected to be available to serve the property if it is connected to the District sewer system pursuant to a District Sewer Service Connection Permit within one year from the date of this letter. The District makes no representation concerning sewer capacity beyond the period stated above.

In order to secure a District Sewer Service Connection Permit for the property, it will be necessary to comply with all District requirements for the issuance of a Connection Permit including payment of all required fees. In addition, sewer connection must comply with the District's standard specifications for sewer construction.

Please confirm your acceptance of the terms and conditions outlined herein by signing the acceptance statement below.

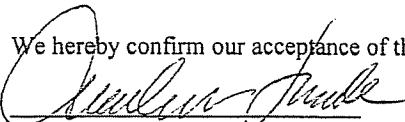
Sincerely,

GOLETA WEST SANITARY DISTRICT

TO: GOLETA WEST SANITARY DISTRICT

RE: APN 079-210-049

We hereby confirm our acceptance of the terms and conditions outlined in this Sewer Availability Letter.

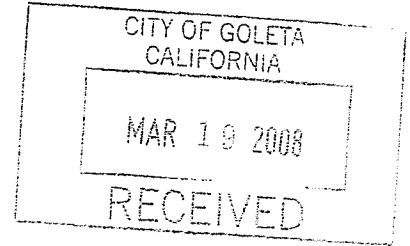
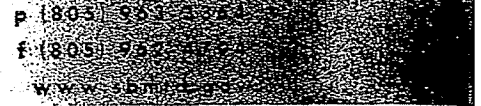
  
Signature of Owner or their agent.

Date 1/11/08

\_\_\_\_\_  
Date \_\_\_\_\_



Metropolitan Transit District  
550 Olive Street  
Santa Barbara, CA 93101



18 March 2008

City of Goleta  
Planning & Environmental Services  
Attn: Cindy Moore  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Re: Development Review Committee Case Number 07-102-GP, -TM, -DP, -DRB

Dear Cindy,

Thank you for giving us the opportunity to review plans for the Haskell's Landing development.

As you know, the Santa Barbara Metropolitan Transit District (MTD) provides fixed route transit service for southern Santa Barbara County. The site of the proposed project is served by Lines 23 and 25. There are existing bus stops on both sides of Hollister Avenue at Sandpiper Golf Course.

Because the residents of this development will likely place additional demands on transit service in the area, MTD requests that the developer be required to do the following as part of this project:

- Make improvements to the bus stops on both sides of Hollister at Sandpiper Golf Course to make the stops ADA-compliant and to bring them up to current MTD Bus Stop Standards. Improvements should include ADA-compliant pads, benches, trash receptacles, and bus stop shelters with night lighting for safety.
- Create safe, direct, and ADA-compliant pedestrian access from the residential units to the bus stop on the North side of Hollister Avenue.
- Provide a crosswalk or other improvements that will allow pedestrians to safely cross Hollister Avenue to access the bus stop on the south side of Hollister Avenue.

Thank you again for allowing us to comment on this project. Should you have any questions, please feel free to contact me by phone at 805-963-3364 extension 218 or by email at the address below.

Sincerely,

Cynthia Boche  
Assistant Planning Manager  
cboche@sbmtd.gov



**Santa Barbara County  
Air Pollution Control District**

March 13, 2009

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

RE: Conditions of Approval, 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) is responding to your request for recommended conditions of approval for the above-referenced project. You provided us with a set of proposed conditions of approval related to air quality on March 6, 2009. Those proposed conditions of approval are included in this letter, *with suggested revisions in italics*.

APCD staff submitted previous comments on the air quality impacts associated with the proposed project (reference APCD letters dated November 17, 2008 and December 8, 2008). Again, we would like to express concern regarding the placement of sensitive land uses (i.e., residences) in close proximity to toxic air contaminant sources such as the Union Pacific Railroad right-of-way and the U.S. 101 Freeway. Although the proposed conditions of approval include mitigations that are intended to reduce the severity of these impacts (conditions 7 and 8), APCD staff does not consider these impacts to be mitigated to a level that is less than significant under the California Environmental Quality Act (CEQA). It should also be noted that condition number 7, related to installation and maintenance of "MERV-13" air filters at the proposed residences, is anticipated to lose effectiveness over time, unless there is an ongoing inspection and maintenance program for the air filtration equipment.

**Proposed Air Quality Conditions of Approval for Haskell's Landing project:**

1. To mitigate fugitive dust emissions, the applicant shall implement APCD dust control measures, including the following:
  - a. Use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the construction area. At a minimum, this would include wetting down such areas in the late morning and after work is completed for the day, and whenever wind exceeds 15 miles per hour. Reclaimed water should be used whenever possible. *However, reclaimed water should not be used in or around crops for human consumption.*
  - b. ~~Minimize the amount of disturbed area and speeds of on-site vehicles.~~
  - c. Install gravel pads at all access points to prevent tracking of mud onto public roads.
  - d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

- e. After completion of clearing, grading, earthmoving, or excavation, treat the disturbed areas by watering, revegetation, or by spreading soil binders until they are paved or otherwise developed so that dust generation will not occur.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent the transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

**Plan Requirements and Timing:** All APCD required dust control measures shall be noted on all construction plans and shall be submitted for approval by City staff prior to issuance of any LUP for the project. The name and telephone number of a designated person to monitor the dust control program shall be provided to City staff and the APCD.

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

2. *As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. In order to minimize ~~ROC~~ and NOx and PM<sub>10</sub> emissions during construction, the following ~~measures~~ equipment control measures shall be implemented:*
  - a. ~~Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used.~~
  - a. All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the District.
  - b. The engine size of construction equipment shall be the minimum practical size.
  - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
  - h. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - i. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
  - j. Drivers of diesel fueled commercial vehicles weighing more than 10,000 pounds:
    1. shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location; and

2. shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.
- k. Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- l. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

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

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

3. The project shall comply with all Rules and Regulations required by the Santa Barbara County APCD, including, but not limited to:
  - a. Compliance with *APCD Rule 329*, governing application of cutback and emulsified asphalt paving materials;
  - b. Obtaining required permits for any emergency diesel generators or large boilers prior to any LUPs;
  - c. Obtaining APCD permits prior to handling or treating any contaminated soil onsite, if identified;
  - ~~d. Limited idling of heavy duty diesel trucks during loading and unloading to five minutes at any location and auxiliary power units should be used whenever possible. State law requires that drivers of diesel fueled commercial vehicles weighing more than 10,000 pounds shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location. Such heavy vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (residential uses and schools). (This is not an APCD rule, it is a CARB rule, and is already presented in conditions 2.i. and 2.j.)~~

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

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

4. Mechanical air conditioners shall use non-CFC refrigerants. The air conditioning systems shall utilize HCFC-123 or other refrigerants which are determined to have a minimal effect on ozone depletion. If feasible, the systems shall be ~~installed shall be~~ designed to accommodate new non-ozone depleting refrigerants as they become available. **Plan Requirements and Timing:** Air conditioner information shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

5. The following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of Planning & Environmental Services staff prior to approval of Land Use Permits:
  - a. Installation of low NOx water heaters and space heaters per specifications in the Clean Air Plan;
  - b. Installation of heat transfer modules in furnaces;
  - c. Use of light colored water-based paint and roofing materials;
  - d. Installation of solar panels and/or use of water heaters that heat water only on demand;
  - e. Use of passive solar cooling/heating;
  - f. Use of natural lighting;
  - g. Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
  - h. Installation of energy efficient appliances;
  - i. Installation of energy efficient lighting;
  - j. Use of landscaping to shade buildings and parking lots;
  - k. Installation of sidewalks and bike paths;
  - l. Installation of covered bus stops, with Metropolitan Transit District (MTD) bus route schedules and rideshare information on a central location on a covered message board to encourage use of mass transportation.

**Plan Requirements and Timing:** Measure components shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

6. To reduce daily ROC and NOx emissions during winter days from combined project sources, residences shall be built without wood-burning fireplaces or only with natural gas-fired burning units. **Plan Requirements and Timing:** Measure components shall be provided on project



building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

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.

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. City staff shall review and approve the statement for objectivity, balance, and completeness.

Thank you for the opportunity to review the proposed project conditions of approval. Please feel free to contact me at 961-8838 ([mmp@sbcapcd.org](mailto: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



4699 HOLLISTER AVENUE  
GOLETA, CALIFORNIA 93110-1999  
TELEPHONE 805/964-6761  
FAX 805/964-7002

## PRELIMINARY CONDITIONS LETTER 2<sup>nd</sup> REVISION

February 14, 2008

Mary Meaney Reichel  
66 Hollister Ranch  
Gaviota, CA 93117

Re: GWD Project No. 02-3386 – Haskell’s Landing - TM 32,032 (formerly Residences at Sandpiper)  
APN 079-210-49 – 7925 Hollister Avenue  
City of Goleta Case #07-102-GP,-TM,-DP  
Formerly Santa Barbara County Case No. 99-DP-051, TM 14,541

Dear Ms. Reichel:

The Goleta Water District has reviewed the application for new water service submitted by Charles Lande for the referenced project. Based on our review of that application, we have determined that new water service will be provided for the proposed project subject to the conditions stated below. Reference is made to the original GWD Preliminary Conditions letter dated 12/14/2001 and the 1<sup>st</sup> Revision to same dated 4/29/2002. **This letter takes into account all fees/deposits previously paid and supersedes all previous Preliminary Conditions Letters for your project.**

For obtaining a Can and Will Serve Letter:

1. Payment of the New Water Supply Charge in the amount of \$0.00. See Attachment A for details.
2. Payment of the New Meter Installation fee in the amount of \$0.00. See Attachment B for details.
3. Provide a design of water system improvements and dedication of necessary easements for the water system improvements in accordance with the District’s standards and specifications. See Attachment C for details.

Submit a Plan Check deposit in the amount of \$ 0.00 .

Submit a Construction Inspection deposit in the amount of 20% of the GWD determined construction cost estimate. (Already deposited).

Provide a Letter of Credit for Performance, Labor, Materials and Warranty in the amount of 150% of the construction cost estimate.

4. Provide approved project Conditions of Approval and letters from City of Goleta Planning and S.B. County Fire Departments.

For having water service activated:

Meet conditions 1 through 4 stated above and

5. Construct water system improvements and install approved backflow devices as may be required by the District. See Attachment C for details.

This Application is unusual due to the formation of the City of Goleta relative to the Applicant's completion of GWD's pre-construction requirements. In 2002, subject Applicant paid all fees required by the 4/29/2002 Revision to the Preliminary Conditions Letter. Due to the formation of the City of Goleta in 2002, this project was put on hold due to now resolved issues regarding the City of Goleta's Conditions vs. the County of Santa Barbara Planning Dept. Conditions, the latter up to that time having had jurisdiction. To date, no construction has yet taken place. At this time, the project is again active. Although no additional fees are required, current Letters of Credit and revised easements are required.

If the project changes during the course of City of Goleta or S.B. County Fire Dept. review or otherwise, these conditions including the fees indicated, may be changed. Please contact the District when you are prepared to begin the design of the water system improvements for the project.

Please provide a copy of this letter to the Project Engineer, Contractor and other consultants working on this project. If you have any questions regarding this matter, contact Carrie Bennett at (805) 879-4636.

Sincerely,  
GOLETA WATER DISTRICT



Misty Williams  
Engineering Associate

MMW/ddi

Attachments: A, B, C, D

**Attachment A - New Water Supply Charges**

The applicant shall submit payment of a New Water Supply Charge (NWSC) in the amount of \$0.00 determined as follows:

Based on the following excerpts from 4/29/2002 Revised Preliminary Conditions Letter:

Per GWD Code, Sec. 5.16, Appendix A, Item 14-B, Single-Family Residences to be charged @ Multiple Family Residential Rate.

\$516,769.00 = \$4,741.00 x 109 units based on the Density Calculation and the NWSC Charge for multi-family residences (MFR). (Paid 5/1/2002)

Per revisions to project in 2007:

(\$ 33,187.00) = \$4,741.00 x 7 MFR units NWSC deducted due to reduction in units per 2007 Application

\$ 42,934.00 = two 1" landscape meters @ \$21,467.00 ea. NWSC increase due to increase in proposed landscape irrigation area per 2007 revisions. Was 3.89 acres, now is 5.01 acres

\$ 9,747.00 - NWSC per 2007 revisions to project - (Credited against interest earned since payment of original fees in 2002)

No New Water Supply Charge for  
 Central laundry rooms  
 Community rooms  
 Community pools  
 Common-area landscaping, provided:

Irrigated area	≤	<u>Number of Units</u>
(Acres)		24

per 8/1/2007 Water Use Analysis for Residences Haskell's Landing, per GWD Code, Sec. 5.2.2, Appendix A-12-B:

Irrigated area	≤	<u>102</u>	=	4.25	- therefore, there is a NWSC
(5.01 Acres)		24			

**Attachment B - New Meters, Installation and Meter Fees**

Per GWD Code, Appendix A:

**Summary of New Meter Requirements**

Meter Type	Number Required	Meter Size	Service Size	GWD or Contractor to install service (GWD or C)	Manifold (Yes/No)	Unit Cost	Subtotal Cost
Fireline	66	5/8"	Varies	C	No	\$230	\$15,180
MFR	12	5/8"	1"	C	Yes	\$230	\$2,760
MFR	90	3/4"	1"	C	No	\$241	\$21,690
Landscape Irrigation	2	1"	1"	C	No	\$337	\$674
Meter	2	1"				\$150	\$300
Installation	78	5/8"				\$100	\$7,800
Fee	90	3/4"				\$100	\$9,000
<b>Total No. of Meters</b>					<b>Total Cost</b>		*\$57,404

\*Credited against interest earned since payment of original fees in 2002

For Fire Line Connections:

Per GWD Code, Sec. 5.16, Appendix A, Item 9, Meter Only Installation Charges:

These 5/8" detector meters will be installed on the proposed firelines @ 1 fireline per building, whether detached SFR or multiple dwellings in one building.

Customers with an un-metered fire line serving private fire protection sprinklers and hydrant systems shall pay a base charge of \$8.00 per year per 2-inch fireline connection and a monthly base charge of \$2.00 per private fire hydrant. This minimum un-metered fire line charge shall be for standby service only and shall not be credited toward monthly meter charges for water service. Please note that these yearly and monthly fees are subject to change.

General:

Please note that your licensed contractor shall install the stub services. These stub services shall be designed and installed per GWD Standards and Specifications and shall appear on the construction plans for the water system improvements. See Attachment C, Water System Improvements and Easements for more information.

The applicant /owner is responsible for installation and maintenance of the piping and plumbing connection from the downstream side (outlet) of the GWD meter to the

**Attachment B - New Meters, Installation and Meter Fees - continued**

subject parcel and on-site facilities. Any and all easements required for the piping and plumbing downstream of GWD meters is the responsibility of the applicant /owner.

All meter installations, backflow prevention devices and on-site piping are subject to inspection and testing by GWD inspectors for cross connection control and backflow prevention. GWD inspectors shall verify proper construction and installation. See Attachment D, Cross Connection Control and Backflow Prevention for more information.

**Attachment C Water System Improvements and Easements**

For issuance of a Can and Will Serve letter from GWD, the applicant shall provide to GWD the design and construction drawings for the water mains, valves, service connections, fire hydrants, appurtenances, right of way and easements necessary to serve the proposed project. Prior to water service activation, the applicant will have all the necessary water system improvements including backflow prevention devices constructed, installed, inspected and tested to the satisfaction of GWD.

Water system improvements for this project shall be installed within public right of way or GWD easements and shall include, but not be limited to the following:

New public fire hydrants as required by the Fire Dept.:

All stub services and meters listed in Attachment B.

Since a looped water main system is not possible due to environmental issues, a dual connection shall be installed in the entrance roads to subject tract to GWD's existing water mains in Las Armas Rd. and Hollister Ave. That is, instead of 1 pipeline connecting GWD's water mains to your tract's water system, there will be 2. This allows for the maximum possible water supply in the event one of the pipelines in the tract is out of service. With isolation valves strategically placed, water outages will then be minimized.

Narrow streets often prevent optimal horizontal spacing relative to other utilities. Every effort should be made, indeed extra effort should be expended, to comply with GWD's specifications relative to location of the pipeline in the street: 7 feet minimum from curb face. If this is not possible due to the constraints mentioned above, elbows, angle points and bends in the pipeline shall be no nearer than 2 feet from curb face/edge of pavement. Use additional elbows as needed to comply with this requirement. Centerline of pipeline shall be no nearer than 3 feet to curb face/edge if pavement. Note that per GWD Std. Det. 1-04, a minimum of 4 feet horizontal separation from sewer is allowed for parallel construction since class 200 PVC pipe is specified for this project, provided water and sewer pipelines are at the same elevation or the sewer line is deeper than the water line. Accordingly, align the pipeline with 4 feet minimum separation when the specified 7 feet from curb face cannot be achieved.

GWD pipe lateral(s), connecting to the private fire lines which will serve the proposed project, shall be located within the public road right of way or GWD easements. The backflow prevention device for each fireline shall be installed on private property as close as physically possible to the District's main. The Project Engineer shall recommend a fire line size based on hydraulic calculations.

The applicant is responsible for the installation and maintenance of service connections from the DDCVA to the subject property and to the project facilities and for any and all easements required for the same.

All required backflow prevention devices which shall be shown on the plans.

**Attachment C Water System Improvements and Easements - continued**

Traffic lids which shall be installed on the meter boxes in traffic areas.

All wells on the subject parcel shall be plotted on the plans and identified with State Well numbers and the following comments where appropriate, "to be destroyed per S.B. County Health Regulations" or "to be retained for irrigation purposes".

The applicant's Project Engineer shall submit hydraulic calculations for water mains and fire lines to be installed and dedicated to GWD. The Project Engineer shall submit to the District hydraulic calculations demonstrating the adequacy of the selected pipe size. Peak flows, fire flows, pressures, velocities, and hydraulic gradient shall be presented. If the GWD system is unable to meet these requirements then the applicant is responsible to have the necessary improvements designed and constructed or determine an alternative method of fire protection acceptable to the Fire Department.

The applicant shall submit a copy of a map of the approved fire hydrant locations, signed and stamped with the Fire Department's approval.

The applicant's Project Engineer shall submit an itemized cost estimate for the water system improvements detailed above which are to be dedicated to GWD. This information will be used by GWD to determine the surety and construction inspection deposit amounts.

The owner shall grant easements acceptable to the District for access to and maintenance of all water system facilities to be dedicated to the District. These easements shall be based on the enclosed GWD Easement template and shall include descriptions for all necessary on-site easements. The applicant's engineer shall submit preliminary, i.e. draft, easements for GWD review and comment. GWD will notify the project engineer when the easements are acceptable for notarization and dedication. The easements shall be recorded prior to GWD signing the construction plans.

With the preliminary easements, submit verification of property ownership, such as a copy of the title report, of all landowners involved in granting the easement to GWD.

All documents, calculations, design, construction drawings and easements for the water mains, valving, service connections, fire hydrants, appurtenances, right of way and easements necessary to serve the proposed project shall be prepared by or under the direction of a civil engineer licensed in the State of California (Project Engineer) and shall be in accordance with District Standards and Specifications. All preliminary documents, calculations, design, construction drawings and easements submitted for review or plan check shall have the name and license number of the Project Engineer printed on them. All final documents, calculations, design, construction drawings and easements shall be signed and stamped by the Project Engineer.



**Attachment C Water System Improvements and Easements - continued**

Prior to beginning design, calculations and preparation of construction drawings for the water mains, valving, service connections, fire hydrants, appurtenances, right of way and easements necessary to serve the proposed project, the applicant's Project Engineer should obtain the appropriate record drawings from GWD of the District's existing water system facilities.

The applicant shall submit three sets of construction plans. The Plan Check Deposit in the amount of \$1,200.00 has already been paid. This deposit is for GWD-incurred costs for plan check and administration. Per GWD Standards and Specifications, you will either be invoiced if the actual cost for plan check to GWD exceeds the amount of the deposit or you will be refunded the balance after GWD costs are deducted.

A Plan Check Sheet checklist is enclosed for your engineer's use in developing the water system improvement plans. Be sure to confirm that all items on the Plan Check Sheet checklist have been reviewed and implemented as appropriate prior to submitting your plans for review. The construction plans will go through a revision process or Plan Check. Once the plans are acceptable to GWD and all other necessary conditions are met, GWD will sign the construction plans for construction of the public water system improvements.

Enclosed is a Water Meter Work Order Information Spreadsheet. Using this spreadsheet, please list as much information as possible for all of the meters to be installed for the subject project. Your engineer will be able to provide some of the information. This spreadsheet shall be submitted prior to GWD signing the construction plans.

ALL new GWD meters shown on the construction plans (including fire line by-pass meters) shall be included on this spreadsheet.

Surety for Labor, Materials, Performance and Warranty shall be provided by the applicant in the form of a Letter of Credit, in an amount equivalent to 150% of the GWD determined construction cost estimate. The letter of credit submitted shall include the terms and conditions of the GWD standard template. Enclosed is a copy of the GWD Letter of Credit template for your use.

The applicant shall submit a Construction Inspection Deposit in an amount of 20% of the GWD determined construction cost estimate (already deposited). This deposit is for GWD-incurred costs for inspection and administration. Per GWD Standards and Specifications, the applicant will either be invoiced if the actual cost to GWD exceeds the amount of the Construction Inspection Deposit, or will be refunded the balance after GWD costs are deducted.

Prior to activation of water service, the applicant shall submit two copies of the recorded Final Tract map, Final Parcel Map or Lot Line Adjustment Map shall be submitted to the District.

Prior to activation of water service, the applicant shall submit the new Assessor Parcel Numbers for the proposed lots.

**Attachment D - Cross Connection Control and Backflow Prevention**

Prior to water service activation, GWD and EHS will perform a cross-connection survey. All connections from unapproved water sources or water lines crossing the new property line(s) shall be terminated prior to receiving service. GWD Inspector shall confirm proof of severance.

Per the California Code of Regulations, Title 17, Section 7583-7605 and Goleta Water District Code Title 6, a GWD approved backflow prevention device shall be installed on all domestic, irrigation, and fire line services as specified by GWD and shall be installed by and at the expense of the customer to prevent backflow from the customer's premises to the public water supply. All backflow devices shall be installed on private property while being as close to the meter as is physically possible. Enclosed for your information is a backflow prevention device information package.

A charge of \$2.50 shall be assessed on the bill of each customer who has a backflow prevention device installed to protect the potable water system. This charge will be assessed per backflow device per month. Please note that this monthly charge is subject to change.

Please consult with Goleta Water District's Backflow Certified Specialist, Ginger Kaufman at (805) 879-4652, prior to having the backflow assemblies installed.

Meters will be installed locked off until the device is certified and is properly functioning. Note that this test must be witnessed by one of the District's Certified Cross-Connection Specialists.

As a result of recent rule changes by the State Department of Health Services regarding the operation of public water systems and backflow prevention, the Goleta Water District has been forced to modify some of our requirements and procedures. One of the areas affected is the timing of the installation of new water meters and the testing of backflow prevention devices. We have made every effort to make our modified requirements and procedures as user friendly and efficient as possible while complying with State regulations.

**Please Inform Your Contractor that:**

**Testing and certification of a backflow prevention device shall not be performed until after the District installs the accompanying new meter. The District will not install new meters until after the service connection has been installed and inspected per GWD standards and specifications. Therefore GWD water will be unavailable through a service connection until after the backflow prevention device has been tested and certified by a Certified Backflow Tester. Also, this test must be witnessed by one of the District's Certified Cross-Connection Specialists.**

EXHIBIT C

CONDITIONS OF APPROVAL

EXHIBIT D

FORM OF ASSIGNMENT AND ASSUMPTION AGREEMENT

Recording Requested By and  
When Recorded Mail To:  
HOLLISTER & BRACE  
1126 Santa Barbara Street  
Santa Barbara, CA 93101  
Attn: Richard C. Monk, Esq.

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ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT (“Agreement”) is made and entered into by and between Oly Chadmar Sandpiper General Partnership, a Delaware general partnership (“Assignor”), and \_\_\_\_\_, a \_\_\_\_\_ (“Assignee”).

RECITALS

A. The City of Goleta (“City”) and Assignor entered into that certain Development Agreement dated \_\_\_\_\_, 2008 (the “Development Agreement”), with respect to the real property located in the City of Goleta, State of California more particularly described in Exhibit “A” attached hereto (the “Property”).

B. Assignor has obtained from the City certain development approvals with respect to the development of the Property, including, but not limited to, approval of General Plan amendments (\_\_\_\_\_ - \_\_\_\_\_-GPA); Vesting Tentative Map No. \_\_\_\_\_ affecting lot \_\_\_\_\_ of Tentative Map \_\_\_\_\_; Development Plan for the development of the property (\_\_\_\_\_ -PD), including conditions of approval dated \_\_\_\_\_, 2008, for the Property (collectively the “Project Approvals”).

C. Assignor intends to sell, and Assignee intends to purchase that portion, of the Property more particularly described in Exhibit “B” attached hereto (“Transferred Property”).

D. In connection with such purchase and sale, Assignor desires to transfer all of the Assignor’s right, title, and interest in and to the Development Agreement and the Project Approvals with respect to the Transferred Property. Assignee desires to accept such assignment from Assignor and assume the obligations of Assignor under the Development Agreement and the Project Approvals with respect to the Transferred Property.

THEREFORE, the parties agree as follows:

1. Assignment. Assignor hereby assigns and transfers to Assignee all of Assignor's right, title and interest in and to the Development Agreement and the Project Approvals with respect to the Transferred Property. Assignee hereby accepts such assignment from Assignor.

2. Assumption. Assignee expressly assumes and agrees to keep, perform and fulfill all the terms, conditions, covenants, and obligations required to be kept, performed and fulfilled by Assignor under the Development Agreement and the Project Approvals with respect to the Transferred Property, including but not limited to those obligations specifically allocated to the Transferred Parcel as set forth on Exhibit "C" attached hereto.

3. Effective Date. This Agreement shall be effective upon its recordation in the Official Records of Santa Barbara County, California.

4. Remainder of Project. Any and all rights and obligations pertaining to the Property, other than the Transferred Property, are expressly excluded from the assignment and assumption provisions set forth in Sections 1 and 2 above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates set forth next to their signatures below.

"ASSIGNOR"

OLY CHADMAR SANDPIPER GENERAL  
PARTNERSHIP, a Delaware general partnership

Date: \_\_\_\_\_

By: \_\_\_\_\_

Charles R. Lande

Its: Authorized Representative

"ASSIGNEE"

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF CALIFORNIA )

COUNTY OF SANTA BARBARA )

On \_\_\_\_\_, before me, [here insert the name and title of the officer] \_\_\_\_\_, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature (Seal)

ACKNOWLEDGMENT

STATE OF CALIFORNIA )

COUNTY OF SANTA BARBARA )

On \_\_\_\_\_, before me, [here insert the name and title of the officer] \_\_\_\_\_, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature (Seal)

EXHIBIT E ESTIMATED GOLETA TRANSPORTATION IMPACT (“GTIP”) MITIGATION  
FEES

EXHIBIT F

ESTIMATED PARK/RECREATION/QUIMBY FEES



## **ATTACHMENT 3**

**Resolution for Tract Map, Development Plan, and Road Naming**

**RESOLUTION NO. 09-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA APPROVING CASE NO. 07-102-TM, -DP; A VESTING TENTATIVE TRACT MAP, A DEVELOPMENT PLAN, AND A ROAD NAMING FOR THE HASKELL'S LANDING PROJECT; HOLLISTER AVENUE/LAS ARMAS ROAD INTERSECTION; APN 079-210-049**

**WHEREAS**, an application was submitted by Lucon, Ltd., agent, for the property owner, Oly Chadmar Partnership, LLC, on May 8, 2007 requesting approval of an General Plan Amendment, Development Agreement (Ordinance Amendment), Vesting Tentative Tract Map, Final Development Plan; and Road Naming; and

**WHEREAS**, the application was found complete for processing on February 19, 2008; and

**WHEREAS**, the application includes two General Plan Amendments, a Development Agreement, a Vesting Tentative Tract Map, a Final Development Plan, and Road Naming for Oly Chadmar Partnership, LLC to construct a 101-unit residential condominium project; and

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

**WHEREAS**, it was determined that the proposed project, inclusive of all of its various components, was subject to the California Environmental Quality Act and that preparation of an Addendum 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 is required, and an EIR Addendum dated November 10, 2008 and Addendum Revisions dated March 27, 2009 were prepared; and

**WHEREAS**, on November 17, 2008, and February 9, 2009 the City of Goleta Planning Commission conducted a duly noticed public hearing on the project application, at which time all interested persons were given an opportunity to be heard; and considered the entire administrative record, including application materials, staff report, the Addendum 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, and oral and written testimony from interested persons; and

**WHEREAS**, at the City of Goleta Planning Commission hearing on February 9, 2009, a motion to approve the project did not pass (2 ayes; 2 noes), no substitute motion was made, and as a matter of procedure, the lack of a majority vote on a motion and the lack of a substitute motion results in the project being "deemed denied" by the Planning Commission; and

**WHEREAS**, on April 7, 2009 and May 5, 2009, the City Council conducted a duly noticed public hearing on the project application, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, on May 5, 2009, the City Council adopted Resolution 09-\_\_\_, adopting findings pursuant to the California Environmental Quality Act (CEQA) and accepting the Addendum dated November 10, 2008 and Addendum Revisions dated March 27, 2009 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; and

**WHEREAS**, on May 19, 2009, the City Council adopted Resolution 09-\_\_\_, amending City of Goleta General Plan/Coastal Land Use Plan Conservation Element Policy CE 2.2 and Housing Element Policy HE 11.5; and

**WHEREAS**, by adoption on May 19, 2009 of Ordinance 09-\_\_\_, the City Council has approved, an Ordinance Amendment for a Development Agreement for the Haskell's Landing Project; and

**WHEREAS**, the City Council considered the entire administrative record, including application materials, staff report, the Addendum, and Addendum Revisions, and oral and written testimony from interested persons.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GOLETA FINDS AND DETERMINES AS FOLLOWS:**

**SECTION 1.            Recitals**

The City Council hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

**SECTION 2.            Adoption of Findings**

The findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference. This includes the "good cause" finding for exception to the recommended maximum height identified in the General Plan/Coastal Land Use Plan, Land Use Element, Table 2-2, for the R-P land use designation.

**SECTION 3.            Approval of Vesting Tentative Tract Map**

The Vesting Tentative Tract Map for the subject application, Case No. 07-102-TM is hereby approved subject to the conditions set forth as Exhibit 2 to this Resolution and incorporated herein by this reference.

**SECTION 4.            Approval of Development Plan**

The Development Plan for the subject application, Case No. 07-102-DP, is hereby approved subject to the conditions set forth as Exhibit 2 to this Resolution and incorporated herein by this reference.

**SECTION 5.            Approval of Road Naming**

The Road Naming for the subject application, Case No. 07-102-RN, is hereby approved.

**SECTION 6.            Documents**

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

**SECTION 7.            Certification**

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

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
ROGER S. ACEVES, MAYOR

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Resolution No. 09-\_\_ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2009, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

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

**EXHIBIT 1  
FINDINGS**

**HASKELL'S LANDING PROJECT  
VESTING TENTATIVE TRACT MAP TM 32,032, FINAL DEVELOPMENT  
PLAN, & ROAD NAMING APPLICATION;  
CASE NO. 07-102-TM, -DP, AND -RN;  
HOLLISTER AVENUE/LAS ARMAS ROAD INTERSECTION;  
APN 079-210-049**

**ADMINISTRATIVE FINDINGS**

- 1.0 Vesting Tentative Tract Map (TM 32,032):** Pursuant to Section 66474 of the State Subdivision Map Act and Chapter 21, Subdivision Regulations, of the Goleta Municipal Code, a Vesting Tentative Tract Map shall be approved only if all of the following findings can be made:

1.1 *The proposed map is consistent with applicable general and specific plans.*

The proposed one-lot subdivision for condominium purposes is fully consistent with the General Plan's Planned Residential land use designation of the property, as well as General Plan policies for provision of adequate access and infrastructure, protection of environmental resources, and provision of additional housing units to the City's existing housing supply. With approval of requested modifications, the proposed project would comply with other applicable requirements of state law and local ordinances as identified in the staff report. There is no specific plan that applies to the subject property. Therefore, the proposed use can be found to be consistent with the General Plan.

1.2 *That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

As conditioned, the design of the proposed subdivision is consistent with the applicable General Plan policies including the General Plan's land use designation of Planned Residential, policies regarding the provision of adequate infrastructure and public facilities/services to serve such development, policies for the provision of adequate access, policies for protection of sensitive environmental resources, and policies for aesthetically pleasing design that are compatible with surrounding development. There is no specific plan that applies to the subject property.

1.3 *That the site is physically suitable for the type of development.*

The topography, geologic conditions, and availability of necessary infrastructure are such that the site is physically suitable for buildout of the 101-unit Haskell's Landing residential project, including proposed structures, parking, landscaping, and amenities. The site's generally flat topography does not contain slopes that would adversely affect the proposed development. The appropriate water and sanitary districts would serve the property. Access to the residential development would be provided from Hollister Avenue and Las Armas Road, and the interior private street design has been approved by the Fire Department.

The project site is located within an urban area surrounded by commercial, recreational, and residential uses. The project can be constructed in this location in compliance with the recommended conditions of approval, and such residential development would be compatible with the surrounding development. Therefore, the site is physically suitable for the type of development proposed.

1.4 *That the site is physically suitable for the proposed density of development.*

The parcel is zoned Design Residential, maximum 8.0 dwelling units per gross acre. The Design Residential zone district allows a wide range of densities and housing types while requiring provision of at least 40% of the net area of the property be devoted to common open space. The 101 condominium units with associated garages and common open space over 14.46 acres would result in a density of approximately 7.0 dwelling units per gross acre. The provision of 218 parking spaces would meet the number of spaces required under the Coastal Zoning Ordinance Parking Regulations Division 6, Section 35-108. In addition, 40 parking spaces in excess of the 218 spaces required can be accommodated within driveways. The provision of 396,072 square feet (55%) net common open space would exceed the DR zone district requirement of 40 percent. Therefore, the site is physically suitable for the density of development proposed.

1.5 *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.*

With implementation of the mitigation measures outlined under the recommended conditions of approval, the design of the subdivision and accompanying improvements would not cause substantial damage to sensitive environmental resources or substantially and unavoidably injure fish or wildlife or their habitat.

1.6 *That the design of the subdivision or type of improvements are not likely to cause serious public health problems.*

The proposed land division and development of 101 condominium units with associated infrastructure and common open space is not expected to result in the use of substantial quantities of hazardous materials or result in activities that would have the potential to result in significant health and safety impacts. Goleta West Sanitary District and Goleta Water District will provide services. The project would have adequate police and fire protection services, and, as conditioned, the project would minimize impacts from freeway related vehicular emissions and noise by the installation of ventilation systems on all units, and 6-foot high walls along the northern property boundary. Therefore, the design of the subdivision or type of improvements are not likely to cause serious public health problems.

1.7 *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

No conflict with public easements would occur with the proposed project.

**2.0 Final Development Plan:** Pursuant to Sections 35-174.7 of Article II, Chapter 35, of the Goleta Municipal Code (Coastal Zoning Ordinance or CZO), a Final Development Plan shall be approved only if all of the following findings can be made:

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

The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of residential development proposed, including structures, parking, landscaping, and amenities necessary to accommodate project design. The Design Review Board was supportive of the revised project's scale and design, particularly with the emphasis on attached rather than detached residential units. The proposed common open space totaling 55 percent (net) of the entire project site allows for preservation and enhancement of the Devereux Creek ESHA corridor, vernal pools, and largest expanses of native grasslands onsite.

The site's generally flat topography does not contain slopes that would adversely affect the proposed development. The appropriate water and sanitary districts would serve the property. Access to the residential



development would be provided from Hollister Avenue and Las Armas Road, and the interior private street design has been approved by the Fire Department. The project site is located within an urban area surrounded by commercial, recreational, and residential uses. The scale and design of the Haskell's Landing project would allow it to function as a gateway to western Goleta. The 101 condominium units with associated garages and common open space of over 9.09 acres would result in a density of approximately 7.0 dwelling units per gross acre, which is less than the maximum allowed density of 8.0 dwelling units per gross acre. A total of 258 parking spaces would be provided, exceeding the 218 spaces required under the CZO Parking Regulations Division 6, Section 35-108.

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

Potentially significant, adverse project generated impacts involving Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Noise, Recreation, Public Services, and Transportation/Circulation would be reduced to less than significant levels through implementation of the mitigation measures identified under the recommended conditions of approval.

*2.3 That streets and highways are adequate and properly designed.*

Trip generation estimates calculated based on trip generation rates in the Institute of Transportation Engineers Manual indicate that the 101-unit residential development would generate approximately 76 PM peak hour trips. The addition of project-generated traffic would not exceed any adopted thresholds for project-specific or cumulative traffic impacts. Access to the residential development would be provided from Hollister Avenue and Las Armas Road, and the private internal street design has been approved by the Fire Department. All existing streets and highways serving the proposed project are adequate and properly designed and, subject to the improvements and fee payments specified in conditions of approval, can feasibly accommodate the traffic generated by the project.

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

The proposed project would be served by the Santa Barbara County Fire Department, the Goleta Water District, the Goleta West Sanitary District, and the City of Goleta Police Department. These agencies and districts have adequate personnel and capacity to serve proposed Haskell's Landing residential project. The proposed project will provide \$1.5 million through a Development Agreement for the construction of County Fire

Station No. 10 (adjacent to the west) that will serve western Goleta, including the project site.

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

The proposed land division and development of 101 condominium units with associated infrastructure and common open space is not expected to result in the use of substantial quantities of hazardous materials or result in activities that would have the potential to result in significant health and safety impacts. Goleta West Sanitary District and Goleta Water District will provide services. The project would have adequate police and fire protection services, and, as conditioned, project design measures would minimize impacts from freeway related vehicular emissions by the installation of ventilation systems on all units, and on noise by constructing a 6-foot high wall along the northern project boundary. Therefore, the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

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

The project is in conformance with the Planned Residential land use designation and applicable policies of the City's General Plan as specified in Attachment 7 of the staff report dated April 7, 2009, including the "good cause" finding for an exception to the recommended maximum height identified in the General Plan/Coastal Land Use Plan, Land Use Element, Table 2-2, for the R-P land use designation. With implementation of the mitigation measures identified in the recommended conditions of approval, the project would be consistent with General Plan policies regarding protection of environmentally sensitive resources, community aesthetics and visual quality, provision of adequate infrastructure and services to serve new development, and requirements for the provision of affordable housing pursuant to the Housing Element of the General Plan. With approval of the requested modifications, the proposed project would be considered compliant with all applicable provisions of §35-174.8(1), Article II of the City Code (CZO), as specified in Attachment 8 of the staff report dated April 7, 2009.

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

No conflict with public easements would occur with the proposed project.

**3.0 Road Naming:** Pursuant to Section 35-507 of Chapter 35, Article V, Road Naming and Address Numbering Ordinance, of the Goleta Municipal Code, a Road Naming shall be approved only if all of the following findings can be made:

a) *Proposed road names should be pleasant sounding; easy to read; and add to pride of community.*

The street names Sanderling Lane, Whimbrel Lane, Samwill Court, Willet Drive, Curlew Drive, Scaup Court, Stilt Court, and Grebe Drive, taken after local shorebird species, are appropriate for the proposed residential project named "Haskell's Landing," are pleasant sounding, and will assist in identifying the residential project within Goleta.

b) *Road names shall meet the following standards:*

1. *Road names shall not be duplicated within the area served by the same United States post office or police or fire department. No name should duplicate another road name used elsewhere in the county.*
2. *Roads shall not be named after surnames of living persons.*
3. *Roads may be named after family surnames prominent in Santa Barbara County history, even if family members still reside in the area.*
4. *Road names shall have less than 24 letters, including punctuation, spacing, and road classification.*
5. *Road names shall be easy to pronounce and spell.*
6. *Road names shall be grammatically correct whether in English or a foreign language.*
7. *Road names shall include an appropriate road classification (e.g. street, lane, way, etc).*

The names Sanderling Lane, Whimbrel Lane, Samwill Court, Willet Drive, Curlew Drive, Scaup Court, Stilt Court, and Grebe Drive are consistent with all of the above standards. The proposed road names were reviewed by the Santa Barbara County Surveyor, the Santa Barbara County Public Safety Dispatch and the Santa Barbara County Fire Department. All affected agencies/departments found the proposed names acceptable.

c) *Continuity:*

1. *A continuous road, or one proposed to be continuous, shall have the same name throughout its length.*
2. *If an otherwise continuous road is interrupted by a drainage channel, freeway, railroad, etc., with no planned connection, the segments shall have different names.*
3. *Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.*

The names Sanderling Lane, Whimbrel Lane, Samwill Court, Willet Drive, Curlew Drive, Scaup Court, Stilt Court, and Grebe Drive are consistent with all of the above criteria.

d) *Unnecessary words are to be avoided. Words that may be used are:*

1. *"East", "West", "North", and "South" indicating direction from a numbering base line; and*
2. *"Street", "Road", "Place", "Way", "Lane", etc., indicating road classification in English.*

The names Sanderling Lane, Whimbrel Lane, Samwill Court, Willet Drive, Curlew Drive, Scaup Court, Stilt Court, and Grebe Drive do not include any unnecessary words.

**EXHIBIT 2  
CONDITIONS OF APPROVAL  
HASKELL'S LANDING PROJECT  
07-102-TM, -DP**

1. **AUTHORIZATION:** This Development Plan and Vesting Tentative Tract Map and the conditions set forth below authorize development proposed in Case No. 07-102-TM, -DP, -RN marked "Officially Accepted, May 19, 2009 City Council Exhibits 1 and 2." Any deviations from the exhibits, project description, or conditions must be submitted to the City of Goleta for its review and approval. Deviations without the above-described approval will constitute a violation of the permit approval. The exhibits associated with this permit include:

07-102-GP, -OA, - TM, -DP, -RN: Haskell's Landing Development Plan  
Project Data (Development Plan Sheet 2 of 4 dated January 28, 2009)  
Overall Site Plan (Development Plan Sheet 2 of 4 dated January 28, 2009)  
Site Plan (Development Plan Sheet 2 of 4 dated January 28, 2009)  
Preliminary Grading and Drainage Plan (Development Plan Sheet 3 of 4 dated March 30, 2009)  
Ground Floor Plan (Sheets 1, 7, and 12, dated August 15, 2008)  
Second Floor Plan (Sheets 2, 8, and 13, dated August 15, 2008)  
Exterior Elevations (Sheets 1-8, dated October 1, 2008; supercedes Sheets 3-6, 9-11 dated August 15, 2008)  
Duplex Homes, Triplex Homes, and Fourplex Homes Area Calculations (Sheets 1, 2, and 3, dated February 25, 2009)  
Conceptual Landscape Plan (dated August 18, 2008)  
Vegetation Enhancement Plan (Sheets VEP-1 through -4 and 5<sup>th</sup> Sheet dated June 19, 2008)  
Vesting Tentative Tract Map 32,032 (dated August 18, 2008)  
Vesting Tentative Map - Preliminary Grading and Drainage Plan (Sheet 3 of 4; and Details and Cross Sections Sheet 4 of 4; dated August 18, 2008)  
Pedestrian Circulation Plan (Sheet 5 dated August 18, 2008)

07-102-TM: Vesting Tentative Tract Map  
Vesting Tentative Tract Map No. 32,032 dated August 18, 2008

2. **AUTHORIZED DEVELOPMENT:**

Vesting Tentative Tract Map (07-102-TM): A one lot subdivision of the 14.46-acre tract for airspace condominium purposes to provide for 101 residential units, associated infrastructure, and common open space.

Development Agreement (07-102-OA): A Development Agreement (DA) between the City of Goleta and Oly Chadmar Sandpiper General Partnership, LLC addresses funding of infrastructure as identified in General

Plan concurrency policies PF 3.2, 3.3, 3.4, as well as Section PF 9, particularly PF 9.6 and 9.7. The DA is included as Attachment 4.

Development Plan (07-102-DP): A Final Development Plan for the construction of a 101-unit residential condominium project. A total of 42 buildings will be constructed.

Unit and Building Design: Six residential two-story building types are arranged around two loop road configurations, accessed from Hollister Avenue on the west and Las Armas Road on the east. Single family residence (SFR detached) and single family attached duplex units will provide three bedrooms, with half of the units having an option for an additional bedroom. These units will have a maximum height from finished floor and finished grade to roof ridgeline of 26.5 feet. Townhouse (T.H., attached) triplex and four-plex units will have a maximum height of 27 feet. The 2- and 3-bedroom T.H. floor plan to be offered at the market sales category will provide for an extra optional bedroom. Habitable building areas will vary as identified in Table 1. Optional conversion of up to eleven (11) market rate two-bedroom units to three-bedroom units will add up to a maximum 1,408 additional s.f. (the decision to add a 128 s.f. bedroom to each of the 11 individual units will be made prior to their individual sale and construction); as the additional bedrooms will be only second story units, they will not change the project's building coverage calculation.

**Table 1: Haskell's Landing Residential Habitable Building Areas**

Unit Type	Unit Count	Gross Floor Area	Garage Square Footage	Sales Category
Three-Bedroom* SFR	19	2,981	576	Market
Three-Bedroom* SFR Detached	3	2,981	576	Market
Three-Bedroom SFR	19	2,612	543	Market
Three-Bedroom SFR Detached	1	2,612	543	Market
Three-Bedroom * T.H.	17	2,324	415	Market
Two-Bedroom* T.H.	17	1,834	412	Market
Two-Bedroom* T.H. Detached	2	1,834	412	Market
Two-Bedroom* T.H. Carriage	9	1,365/1,493	225	Market
Two-Bedroom* T.H. Carriage	2	1,365/1,493	225	Affordable
One-bedroom T.H. Carriage	3	764	225	Market
Studio T.H. Carriage	1	570	0	Market
One-bedroom T.H. Carriage	3	764	225	Affordable
Studio T.H. Carriage	5	570	0	Affordable

*Gross Floor Area as defined by the City of Goleta General Plan*

*Note: \* Option for one additional bedroom. Additional bedroom square footage is included within the gross floor area calculation, with the exception of the Two-Bedroom\* T.H. Carriage unit. This additional 128 square foot bedroom option will result in a total unit size of 1,493 s.f., (up to an additional 1,408 s.f. of total project gross floor area for eleven such optional bedrooms), but as a second story unit, will not change the project's building coverage calculation.*

**Affordable Housing:** The permit allows five (5) studios (equal to 5 percent of all the units) affordable to moderate-income (80 to 120 percent of median) households, three (3) one-bedroom units (equal to 5 percent of all the units), and two (2) two-bedroom 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 provides in-lieu fees equivalent to five (5) units (equal to 5 percent of all the units) at prices affordable to very low-income households, and five (5) units (or 5 percent of all the units) affordable to low-income households. As illustrated in Table 2, the ten (10) affordable units will be distributed throughout the project site.

Parking: The project provides 218 spaces (173 enclosed and 45 on-street within designated pockets) for residents and visitors. All market-rate SFR and non-carriage unit Townhomes will include a private 2-car garage, while the two-bedroom market rate and one-bedroom affordable carriage units will include a private 1-car garage. In addition, 40 parking spaces in excess of the 218 spaces required under Zoning Ordinance requirements can be accommodated within driveways for a total of 258 spaces.

Access: Access to and from the condominiums will be provided from Hollister Avenue and Las Armas Road. A minimum 28-foot wide interior loop is provided on each side of Devereux Creek. A portion of the eastern interior loop adjacent to the proposed open space landscape restoration area will incorporate a "grass-crete" type substructure material that will allow for natural dispersal of native grass seed.

A pedestrian trail linking the eastern and western residential components is located adjacent and south of the northern property boundary; a 10-foot wide pre-fabricated clear-span steel bridge will span Devereux Creek. A meandering perimeter sidewalk will parallel Hollister Avenue and Las Armas Road within the public right of way. A third pedestrian trail crossing Devereux Creek to facilitate pedestrian access is located within the southern half of the property.

Architecture and Landscaping: The architecture for both detached and attached units will be a mix of Coastal, Ranch, and Monterey styles (Exterior Elevations Sheets 1-8, dated October 1, 2008). Perimeter units will be oriented toward Hollister Avenue; no sound wall along the roadway is proposed. Units adjacent to Devereux Creek will be oriented to take advantage of proposed restoration of this biologically sensitive area. All units will have private outdoor areas. Common open space will total approximately up to 346,080 square feet (55%) exclusive of the right-of-way area along Hollister Avenue to be dedicated to the City of Goleta, and includes a children's play area, and trail, with benches throughout the proposed Devereux Creek restoration area. Private open space will equal 49,992 square feet (8%). The total project open space will be 63%.

The project includes a 6-foot high sound wall along the northern property boundary as measured from finished grade; the footings of the wall could extend up to three feet lower when measured from existing grade due to the undulation along some of the northern boundary slopes). The project will not



have a perimeter wall along any other property lines. Instead, project residential units will be oriented outwards with their front yards towards Hollister Avenue, Devereux Creek, or towards interior landscaped common areas.

The project's conceptual landscaping includes a Vegetation Enhancement Plan for the Devereux Creek corridor. All landscaping will be maintained with a pesticide- and herbicide-free program. A total of 87 eucalyptus and 8 cypress trees will be replaced with a total of 282 drought tolerant Mediterranean and native tree species, both ornamental (e.g., Melaluca, London Plane Tree, etc.) and indigenous to the area (e.g., coast live oak and sycamore) (see VEP 4 and 5<sup>th</sup> Sheet ).

Site Preparation: The site would require approximately 21,050 c.y. of cut and 20,900 c.y. of fill, which due to anticipated shrinkage of 25 percent, on site redistribution, and compaction will be balanced on site. Maximum vertical height of cut and fill slopes will be 4 feet. A retaining/sound wall on the northern project boundary will have a maximum 6-foot height above finished grade.

Utilities: The Goleta Water District and Goleta West Sanitary District will provide water and sewer service to the site.

Public Services: Fire protection is provided by the County of Santa Barbara Fire Department. Police protection will be provided by the City of Goleta. School facilities will be provided by the Goleta Valley Unified School District, including Elwood Elementary School, Goleta Valley Junior High, and Dos Pueblos High School.

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

Modifications Approved: As part of the project, the approval includes the following modifications to certain standards of the Article II, Coastal Zoning Ordinance, as follows:

- 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) (Section 35.74.8.1).
- Reduction of the front yard setback requirement (20 ft. from road right-of-way or 50 ft. from centerline) to allow for construction of the units a minimum distance of 5 feet from the right of way, and 19 feet from the centerline of the interior roads, as shown on the Development Plan (07-102-DP) (Section 35.74.8.1).
- Modification of the parking setback requiring that uncovered areas be screened from street and adjacent residences to a height of 4' by plantings, fences or walls, for on-street parking spaces as shown on the Development Plan (07-102-DP) (Section 35.74.12.2.b).
- Modification of the parking standards requiring no encroachment into a street or a sidewalk when backing out of space, by providing parking pockets that would back on to private streets as shown on the Development Plan (07-102-DP) (Section 35.114.3.d).

Road Naming (07-102-RN): The proposed project includes naming of eight internal street segments, as approved by the Santa Barbara County Fire Department, Public Safety Dispatch, and Surveyor (November 6, 2008): Sanderling Lane; Whimbrel Lane; Samwill Court; Willet Drive, Curlew Drive, Scaup Court, Stilt Court; and Grebe Drive.

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

## MITIGATION MEASURES FROM EIR ADDENDUM AND REVISIONS

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

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

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

4. The design, scale and character of the project architecture, landscaping and signage shall be compatible with vicinity development. The preliminary development plans shall be revised to address issues raised by DRB in its Conceptual Review and shall incorporate all applicable mitigation measures and conditions of approval. The exterior elevations shall be fully dimensioned, showing existing grade, finished grade, finished floor, average height and peak height. **Plan Requirements and Timing:** Architectural drawings, lighting plans, landscape plans, grading plans, and signs shall be submitted to Planning & Environmental Services prior to Design Review Board (DRB) plan filing and plans shall be approved prior to approval of Land Use Permits for the project.

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

5. All exterior night lighting shall be of low intensity/low glare design, and shall be hooded to direct light downward onto the subject tract and prevent spill over onto adjacent tracts. Exterior lighting fixtures shall be kept to the minimum number and intensity needed to ensure the public safety of residents and visitors. All upward directed exterior lighting shall be prohibited to protect night sky views of the stars and "dark-sky" lighting fixtures shall be used throughout. All exterior lighting fixtures shall be appropriate for the architectural style of the proposed structures and the surrounding area. The applicant shall develop a common area lighting plan incorporating these requirements and provisions for dimming lights after 11:00 p.m. to the maximum extent practical without compromising public safety. The final lighting plan shall be amended to include identification of all types, sizes, and intensities of wall mounted building lights and landscape accent lighting. Wall

wash type lighting should be avoided, except if required for safety reasons. "Moonlighting" type fixtures that illuminate entire tree canopies should also be avoided (up-lighting and down-lighting as separate methods are acceptable). **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the preliminary/final lighting plan and shall be reviewed and approved by DRB and City staff. The preliminary/final lighting plan shall be reviewed and approved by DRB and City staff prior to issuance of any LUP for the project.

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

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

The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species which adequately complement the project design and integrate the site with surrounding land uses. Landscaping shall be compatible with the character of the surroundings, the architectural style of the structures and shall where feasible include landscape planters adjacent to any perimeter noise walls such that irrigation systems can provide for watering of the screening plantings on the walls. **Plan Requirements and Timing:** Landscape plans shall be submitted to Planning & Environmental Services prior to Design Review Board (DRB) plan filing and plans shall be approved prior to approval of Land Use Permits for the project.

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

7. All new utility service connections and above-ground mounted equipment such as backflow devices, etc, shall be screened from public view and/or painted in a soft earth-tone color(s) (red is prohibited) so as to blend in with the project. Screening may include a combination of landscaping and/or masonry or lattice walls. Whenever possible and deemed appropriate by City staff, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building. All gas, electrical, backflow prevention devices and communications equipment shall be completely concealed in an enclosed portion of the building, on top of the building, or within a screened utility

area. All transformers and vaults that must be located within the right-of-way shall be installed below grade unless otherwise approved by the City, and then must be completely screened from view. **Plan Requirements and Timing:** The site and building plans shall be submitted for DRB Preliminary/Final Review and shall identify the type, location, size, and number of utility connections and above-ground mounted equipment as well as how such equipment would be screened from public view and the color(s) that it would be painted so as to blend in with the project and surrounding area. Plans shall be determined to be compliant with this condition prior to issuance of an LUP.

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

### ***Air Quality***

8. To mitigate fugitive dust emissions, the applicant shall implement APCD dust control measures, including the following:
  - a. Use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the construction area. At a minimum, this would include wetting down such areas in the late morning and after work is completed for the day, and whenever wind exceeds 15 miles per hour. Reclaimed water should be used whenever possible.
  - b. Minimize the amount of disturbed area and speeds of on-site vehicles.
  - c. Install gravel pads at all access points to prevent tracking of mud onto public roads.
  - d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
  - e. After completion of clearing, grading, earthmoving, or excavation, treat the disturbed areas by watering, revegetation, or by spreading soil binders until they are paved or otherwise developed so that dust generation will not occur.
  - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent the transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

**Plan Requirements and Timing:** All APCD required dust control measures shall be noted on all construction plans and shall be submitted for approval

by City staff prior to issuance of any LUP for the project. The name and telephone number of a designated person to monitor the dust control program shall be provided to City staff and the APCD.

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

9. In order to minimize NOx emissions during construction in compliance with sections 2449, 2449.1, 2449.2, and 2449.3 of Title 13, Article 4.8, Chapter 9 of the California Code of Regulations (CCR) to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use off-road diesel-fueled vehicles, the following equipment control measures shall be implemented:
  - a. All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the Santa Barbara County Air Pollution Control District.
  - b. The engine size of construction equipment shall be the minimum practical size.
  - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
  - h. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - i. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
  - j. Drivers of diesel fueled commercial vehicles weighing more than 10,000 pounds:
    1. shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location; and
    2. shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.

- k. Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- l. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

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

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

- 10. The project shall comply with all Rules and Regulations required by the Santa Barbara County APCD, including, but not limited to:
  - a. Compliance with APCD Rule 339, governing application of cutback and emulsified asphalt paving materials;
  - b. Obtaining required permits for any emergency diesel generators or large boilers prior to any LUPs;
  - c. Obtaining APCD permits prior to handling or treating any contaminated soil onsite, if identified;

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

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

- 11. Mechanical air conditioners shall use non-CFC refrigerants. The air conditioning systems shall utilize HCFC-123 or other refrigerants which are determined to have a minimal effect on ozone depletion. If feasible, the systems shall be designed to accommodate new non-ozone depleting refrigerants as they become available. **Plan Requirements and Timing:** Air conditioner information shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

12. The following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of Planning & Environmental Services staff prior to approval of Land Use Permits:
  - a. Installation of low NOx water heaters and space heaters per specifications in the Clean Air Plan;
  - b. Installation of heat transfer modules in furnaces;
  - c. Use of light colored water-based paint and roofing materials;
  - d. Installation of solar panels and/or use of water heaters that heat water only on demand;
  - e. Use of passive solar cooling/heating;
  - f. Use of natural lighting;
  - g. Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
  - h. Installation of energy efficient appliances;
  - i. Installation of energy efficient lighting;
  - j. Use of landscaping to shade buildings and parking lots;
  - k. Installation of sidewalks and bike paths;
  - l. Installation of covered bus stops, with Metropolitan Transit District (MTD) bus route schedules and rideshare information on a central location on a covered message board to encourage use of mass transportation.

**Plan Requirements and Timing:** Measure components shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

13. To reduce daily ROC and NOx emissions during winter days from combined project sources, residences shall be built without wood-burning fireplaces or only with natural gas-fired burning units. **Plan Requirements and Timing:** Measure components shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.



14. 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.

15. 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 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. City staff shall review and approve the statement for objectivity, balance, and completeness.

### ***Biological Resources***

16. The applicant shall submit a final Vegetation Enhancement Plan (VEP) for Devereux Creek and adjacent wetland and native grassland habitat for review and approval by City Planning & Environmental Services. The VEP shall include specific goals for habitat restoration and include performance criteria by which replanting success is measured; any necessary stream channel and creek flow modifications to ensure restoration success; a planting plan including native wetland plants of known local genotype and an irrigation plan; an exotic vegetation management plan; methods to protect the plantings until established; and a contingency plan in the event performance criteria are not met. The plan shall include provisions for maintaining and enhancing the native grassland areas onsite. In addition, the plan shall specifically provide for redirection of the Creek from its current course along the UPRR tracks to the Devereux Creek channel crossing the property. This would potentially require excavation of the channel invert to

remove accumulated sediment and to provide 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 Condition No. 21). It may also require contributing to the design and construction of a structural solution to ensure continued flow across the UPRR and onto the project property in cooperation with UPRR. The plan shall include details of planting and maintenance of barrier plantings identified in Condition No. 20. **Plan Requirements:** The plan shall be reviewed and approved by City staff prior to issuance of any LUP for the project. Performance securities for installation and maintenance for at least five (5) years shall be subject to review and approval by City staff. At a minimum, performance securities guaranteeing installation of the habitat restoration shall be furnished by the applicant prior to issuance of any LUP for the project. The habitat restoration maintenance agreement shall be signed and filed with the city prior to approval of issuance of any LUP for the project. **Timing:** Implementation of the VEP, including redirection of the channel and plantings, shall be in place prior to occupancy of the last building.

**Monitoring:** The VEP shall include monitoring by a City-approved biologist or restoration specialist to determine the success of mitigation.

17. An open space easement including the protected area and creek corridor of Devereux Creek shall be established and recorded on the Final Map to ensure that the restoration area shall remain in perpetuity. Within this approximately 2-acre area, riparian habitat and adjacent wetland, native grassland, and related upland habitat shall be enhanced through eradication of invasive non-native plants and the planting of native species, of known local genotype according to a plan developed by a City-approved biologist. **Plan Requirements:** The terms and conditions of the easement to cover initial restoration and maintenance costs (trail, planting, etc.), ongoing habitat restoration, and limited public access shall be indicated as a note on the Final Map and shall be reviewed and approved by City staff. The Homeowners Association will be the party responsible for ongoing restoration and providing maintenance costs, including regular pick up of trash and litter and barrier plantings. **Timing:** The applicant shall record the open space easement on the final map.

**Monitoring:** The terms and conditions of the easement shall provide for City staff or third-party evaluation by a City-approved biologist or restoration specialist of riparian enhancement measures and the effectiveness of controlled public access.

18. The final grading plan shall identify measures to minimize sedimentation into the protected area adjacent to the creek channel, and protected wetlands and native grassland. Grading in this area shall avoid the rainy season

(November 1 to May 1) unless Planning & Environmental Services and a City-qualified biologist or restoration specialist determine that erosion and sediment control measures are sufficient to avoid impacts during the rainy season. Sediment control structures (e.g., straw bales, silt curtains/fences, sediment basins, etc.) shall be placed between graded areas and the protected area to direct runoff and remove silt. The structures shall remain in place and be regularly maintained until all disturbed soils are stabilized by structures or vegetation. **Plan Requirements:** The erosion and sediment control structures shall be indicated on the final grading plan. **Timing:** The erosion and sediment control plan shall be reviewed and approved by the Planning & Environmental Services and Community Services prior to issuance of any LUP for the project.

**Monitoring:** The structures shall be monitored by City staff during construction, and recommendations for corrective actions reported to the Planning & Environmental Services Department immediately when maintenance is needed.

19. 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 to reduce encroachment into the area by humans and domestic pets. **Plan Requirements:** The vegetation barrier between the protected area and the development shall be identified on the final landscape plan. Details of its planting and maintenance shall be included in the Vegetation Enhancement Plan. **Timing:** The final landscape plan shall be reviewed and approved by Planning & Environmental Services and Community Services prior to issuance of any LUP for the project.

**Monitoring:** The performance of the barrier plantings shall be monitored by a City-approved biologist or restoration specialist to determine the success of mitigation.

20. The applicant shall obtain any required federal, state or local permits or authorizations including but not limited to: a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), a Section 404 permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification or Waiver from the Regional Water Quality Control Board. Copies shall be submitted to Planning & Environmental Services. **Plan Requirements:** Applicant shall submit necessary plans to CDFG and USACE with copies to Planning & Environmental Services. **Timing:** Waivers and Permits shall be provided to Planning & Environmental Services prior to issuance of any LUP for the project.

**Monitoring:** City staff shall confirm receipt of permits and coordinate monitoring of permit compliance with CDFG and USACE.

21. Sedimentation, silt, and grease traps or other storm water runoff treatment control measures shall be installed in paved areas to act as filters to minimize pollution reaching the Devereux Creek channel and downstream habitats. Appropriate measures shall address both short-term construction and long-term operational impacts of runoff from the site. The measures shall be maintained in working order for the life of the project. The applicant shall submit grading and building plans showing these storm water runoff treatment control measures to Planning & Environmental Services for review and approval prior to receiving Coastal Development Permit approval for grading. Prior to and during grading, installation and maintenance of appropriate sediment control measures shall be photo-documented and submitted by the applicant to Planning & Environmental Services. Similarly, prior to completion of the project, installation of the long term stormwater runoff treatment control measures shall be photo-documented and submitted by the applicant to Planning & Environmental Services. The Homeowners association (HOA) will be responsible for long-term operation and maintenance of the filters in working order. The City shall inspect and ensure filters are maintained.

**Plan Requirements:** Grading and building plans shall contain specifications. The applicant may be required to record an agreement for long-term maintenance of storm water control measures per City of Goleta Storm Water Management Plan conditions to ensure maintenance is completed over the life of the project. **Timing:** Specifications shall be submitted prior to issuance of any LUP for the project for grading, and implemented during construction and thereafter.

**Monitoring:** City staff shall monitor mitigation implementation prior to and throughout the construction period as well as throughout a minimum 3-year landscape establishment period.

22. Non-invasive landscape plants to be included in the landscape plan for the site shall be selected for their attractiveness to Monarch butterflies, and their capacity to provide nectar, basking and/or roosting habitat between the months of October and December. **Plan Requirements and Timing:** Landscape plan shall be submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall monitor mitigation implementation during landscape installation and throughout a minimum 3-year establishment period thereafter.

23. Night lighting in the vicinity and within the Devereux Creek channel and buffer area, including the native grassland, wetland, eucalyptus grove, and nature trail, shall be minimized. Lights on homes adjacent to the creek, and

within the buffer, native grassland or wetland enhancement area shall be directed away from the protected area, be of low intensity, and shall be connected to timing devices that shut off after 10 PM. **Plan Requirements and Timing:** A lighting plan submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall confirm installation and shall respond to complaints.

24. Improvements to the hydrology and water quality of Devereux Creek channel shall be effectuated. This shall be accomplished by grading and designing the site to facilitate runoff to riparian and wetland habitats rather than to the sewer system, as described below:
  - a. Include sediment and erosion control measures in the grading/drainage plan, and maintain these measures throughout the construction period. Install and maintain erosion control measures (such as jute netting or coir fabric/rolls) along the creek channel and in protected areas until native plants or landscaping is established.
  - b. Install native wetland plants of known local genotype that shall filter or absorb runoff or pollutant materials that may enter the Devereux Creek channel.
  - c. Include pervious surfaces in the project design in key areas (adjacent to concrete walkways and impervious roads) so that runoff percolates into the ground to the maximum extent feasible.
  - d. Collect and filter all runoff prior to its discharge into the Devereux Creek channel.
  - e. Direct runoff from rooftops and large impervious areas to a filtering system and thence to the Devereux Creek channel to provide supplemental water to the riparian corridor and aquatic biota.

**Plan Requirements and Timing:** A revised grading and drainage plan and water quality improvement plan shall be submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall monitor mitigation implementation during construction.

25. The Enhancement Plan area shall contain indigenous native plant material known local genotypes only.
  - a. Where native plants are proposed in natural protected areas or in landscape plans, seed, cuttings or plants shall be obtained from known sources in the watershed or in the Goleta Valley. Local experts shall be contacted to assist with verifying and contract growing plant stock from appropriate known local genotypes.
  - b. Invasive non-natives shall be eradicated from the site. Invasive ornamentals (such as periwinkle, fountain grass, cape ivy, English ivy, Algerian ivy, bamboo, etc.) shall not be included in the landscape plan. The California Exotic Plant Pest Council (CalEPPC) list of Exotic Invasive Species should also be consulted to ensure that species on this list are not introduced to the site.

**Plan Requirements and Timing:** The applicant shall verify the source of plant material prior to issuance of any LUP for the project for grading. Removal of exotic species from the Enhancement Plan area shall take place prior to implementation of the Enhancement Plan. Removal of exotic species shall be ongoing, as necessary.

**Monitoring:** City staff shall monitor mitigation implementation during construction and for the minimum three-year establishment period.

26. Sewer lateral extensions or other utility connections that must cross the Devereux Creek channel shall minimize disturbance to the creek and adjacent buffer and protected areas. This shall be accomplished by directional drilling/boring or other technology. Exceptions to this measure include electrical conduit to light the pedestrian pathway that can be buried within the pathway (and cross Devereux Creek on the pedestrian bridge) and installation of the clean water drainage system identified in the Vegetation Enhancement Plan subsequent to its review and approval by the City. **Plan Requirements and Timing:** A revised grading and drainage plan, depicting construction methods for sewer and other utilities, shall be submitted prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall monitor mitigation implementation during, and after construction.

27. During construction, washing of concrete, paint and equipment shall be designated where polluted water and materials can be contained for removal from the site. **Plan Requirements and Timing:** Measure components shall be provided on project grading plans and shall be reviewed and approved by City staff prior to issuance of grading permits.

**Monitoring:** City staff shall verify conformance with this measure on project plans prior to issuance of any LUP for the project and shall verify installation in conformance prior to certificate of occupancy.

### **Cultural Resources**

28. A City-qualified archaeologist and local Chumash observer shall monitor the initial brushing of vegetation and earth removal activity of the first 1-foot of soils to ensure that any unknown, sparse prehistoric materials are identified and assessed consistent with City of Goleta Cultural Resources Guidelines. After grading has reached below a one-foot depth, the monitoring archaeologist shall periodically spot check excavations after construction activity has ceased for the day to ensure that no previously unknown deeply buried cultural remains are encountered. In the event that prehistoric cultural remains are identified, grading shall be temporarily redirected in this area. The archaeologist shall complete an assessment of the resource's extent and significance pursuant to the City's Cultural Resources Guidelines. If the resource is found to be significant, a Phase 3 Data Recovery Program shall be completed pursuant to the City's Cultural Resources Guidelines. The findings of the archaeological investigations shall be submitted to the City Planning & Environmental Services Department and reviewed and approved prior continuing grading in the area of concern. **Plan Requirements and Timing:** Measure components shall be provided on project grading plans and shall be reviewed and approved by City staff prior to issuance of any LUP for the project for grading.

**Monitoring:** City staff shall verify conformance with this measure on project building plans (review and approve the archaeological monitoring report) prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

### **Energy**

29. The following energy-conserving techniques shall be incorporated into project design unless the applicant demonstrates their infeasibility to the satisfaction of City staff:
- a. Installation of energy-efficient appliances; and
  - b. Installation of energy-efficient lighting.

**Plan Requirements and Timing:** The applicant shall incorporate the provisions in building and improvement plans or shall submit proof of unfeasibility prior to issuance of any LUP for the project.

**Monitoring:** Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.

30. The applicant shall install exterior motion sensitive light switches. **Plan Requirements:** Type of light switch shall be denoted on building plans. **Timing:** Motion sensitive light switches shall be installed prior to occupancy.

**Monitoring:** City staff shall inspect prior to occupancy.

31. Landscaping in common areas shall be designed in a manner to shade buildings and vehicle parking areas to lessen demand for air conditioning. **Plan Requirements:** Landscaping plan and summer shade study shall be submitted for review and approval by City staff and the City DRB prior to issuance of any LUP for the project. **Timing:** Landscaping shall be planted prior to occupancy clearance.

**Monitoring:** City staff shall inspect prior to occupancy.

### ***Geological Processes***

32. The applicant shall submit grading and drainage plans that shall include, but not be limited to, the following:
- a. Temporary berms and sedimentation traps shall be installed in association with project grading to minimize erosion of soils into Devereux Creek. The sedimentation basins shall be cleaned after large rain events, and as further directed by City staff, and the silt shall be removed and disposed of in a location approved by Community Services.
  - b. Revegetation or restoration shall be completed, including measures to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include native, fast-growing, vined plants that shall quickly cover drainage features. Local native species shall be emphasized. A landscape revegetation plan shall be included as part of the Grading Plan.
  - c. Graded areas shall be revegetated immediately after completion of installation of utilities with deep-rooted, native, drought-tolerant species, as specified in a landscape restoration plan to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used as necessary to hold soils until vegetation is established.
  - d. Drains shall be designed to cause exiting flow of water to enter sub-parallel downstream (60 degrees or less) to existing Devereux Creek stream flow to avoid eddy currents that would cause opposite bank erosion.
  - e. An energy dissipater or a similar device such as trash racks or baffles shall be installed at the base end of drainpipe outlets to minimize erosion during storm events. Pipes shall be covered to prevent children from entering the storm drain.



- f. Storm drains shall be designed to minimize environmental damage and shall be shown on drainage plans.
- g. With the exception of limited ground disturbance in association with construction of the proposed bridge and adjoining walkway, grading shall be prohibited within 25 feet of the Devereux Creek top-of-bank. Where possible, hand equipment shall be utilized during ground disturbances adjacent to the proposed bridge.
- h. The applicant shall limit excavation and grading to the dry season of the year (i.e., April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect.
- i. Temporary siltation protection devices such as silt fencing, straw bales, and sand bags shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. City staff shall determine these locations.

**Plan Requirements and Timing:** Erosion control components shall be listed on the grading plan that shall be reviewed and approved by City staff prior to issuance of any LUP for the project for grading. These measures shall be implemented prior to approval of LUPs for structural development.

**Monitoring:** City staff shall verify as to plan in the field.

- 33. All grading and earthwork recommendations by Padre Associates (1999) or as subsequently revised and approved by Community Services shall be incorporated into the final project design, including the Final Grading Plan. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. These recommendations would include, but not be limited, to the following:
  - a. Within the footprint of proposed buildings and foundations, and extending to a minimum distance of 5 feet beyond the foundation footprint, soils should be overexcavated to a depth of 3 feet below existing grade, or 1 foot below bottom of foundation, whichever is deeper.
  - b. Foundations shall be constructed to compensate for consolidation settlement of 1 inch.
  - c. Where feasible, building areas shall be backfilled with nonplastic, low expansion soils to mitigate the potential effects of expansive soils. If highly expansive soil is placed within the upper 3 feet below buildings, measures recommended in Padre Associates (1999) or as subsequently revised and approved by Community Services, such as providing positive drainage away from slabs, presoaking soils prior to pouring slabs, and using post-tensioned slabs, perimeter moisture barriers, and grade beam foundation systems, shall be completed.

**Plan Requirements and Timing:** Earthwork components recommended by Padre Associates (1999) or as subsequently revised and approved by Community Services shall be listed on the grading plan to be reviewed and approved by City staff prior to issuance of any LUP for the project. These measures shall be implemented during construction.

**Monitoring:** City staff shall verify as to plan in the field.

### **Hazards**

34. The applicant shall provide an EMF Disclosure Statement and an EMF Information Package containing a balanced range of EMF educational and information materials to potential buyers of units along the eastern property boundary. **Plan Requirements and Timing:** The applicant shall provide this disclosure and Information Package as part of the project CCRs to the City Attorney and City staff to verify the disclosure and Information Package 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 disclosure and Information Package has been incorporated into the CCRs prior to sale of homes and that an adequate EMF Information Package has been assembled by the applicant and has been made easily available for review by prospective buyers. City staff shall review and approve the contents of the Package for objectivity, balance, and completeness.

35. The applicant shall request that the California Department of Real Estate insert the following into the final Subdivision Public Report: "The subject property is located near power lines and a power substation. Purchasers should be aware that there is ongoing research on adverse health effects associated with long-term exposure to low-level magnetic fields. Although no causal link is established, there is sufficient evidence to require reasonable safety precautions. The buyer may wish to become informed on the issue before making a decision on a home purchase in this location." **Plan Requirements and Timing:** The applicant shall provide this disclosure request to the California Department of Real Estate for inclusion in the Subdivision Public Report. The disclosure shall be reviewed and approved prior to issuance of any LUP for the project.

**Monitoring:** City staff shall verify that the California Department of Real Estate Subdivision Public Report contains this disclosure statement or has been requested to do so.

36. The applicant shall underground all utility lines within the project site. **Plan Requirement:** Construction plans for these improvements shall be reviewed and approved by the Community Services Department prior to Coastal Development Permit approval. **Timing:** Improvements shall be implemented prior to occupancy.

**Monitoring:** City staff shall verify completion as to plan in the field.

37. In the unlikely event that hazardous materials are encountered during grading, excavation shall be temporarily suspended or redirected. The applicant shall prepare and implement a soil remediation plan for these areas. **Plan Requirement and Timing:** The remediation plan shall be reviewed and approved by County Fire PSD prior to continuing excavation. The applicant shall obtain a compliance letter from County Fire PSD prior to continuing grading in the affected area. Approval and implementation of all required specifications shall be completed prior to grading in the affected area.

**Monitoring:** City staff shall ensure that County Fire PSD inspects remediation activities as to plan in the field.

### **Noise**

38. Noise generating construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, and no construction shall occur on State holidays (e.g. Christmas, Thanksgiving, Memorial Day, 4<sup>th</sup> of July, Labor Day). Exceptions to these restrictions may be made in extenuating circumstances (in the event of an emergency, for example) on a case by case basis at the discretion of the Director of Planning & Environmental Services. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Prior to commencement of activities such as pile driving operations, neighbors within the vicinity of the site shall be notified not less than 72 hours in advance of commencement. Said notice shall provide neighbors with the anticipated time and duration of such activities and shall be reissued if there is a substantial change in scheduling. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site prior to commencement of construction. **Timing:** The signs shall be in place prior to beginning of and throughout all grading and construction activities. Violations may result in suspension of permits.

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

39. Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures to City staff's satisfaction and shall be located at a minimum of 200 feet from occupied residences and other noise sensitive uses as far as possible from the eastern property line of the project site. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated. **Plan Requirements and Timing:** The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

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

40. Temporary noise barriers shall be used and relocated as needed to block line-of-sight between project construction equipment and the eastern property boundary (Ellwood Elementary School) and southeastern property boundary (The Bluffs residential development) to reduce effects of construction noise on these sensitive receptors below 65 dBA CNEL. **Plan Requirements and Timing:** The sound walls shall be included on the grading plan, and reviewed and approved by City staff prior to approval of any LUP for the project. The measure shall be implemented during construction.

**Monitoring:** City staff shall verify as to plan in the field during construction.

41. The project applicants shall notify the sensitive noise receptors in advance of any and all construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be communicated. **Plan Requirements:** This notification clause shall be included on the grading plan, and reviewed and approved by City staff prior to approval of any LUP for the project. **Timing:** The measure shall be implemented prior to and during construction.

**Monitoring:** City staff shall verify as to plan in the field during construction.

42. The proposed 6-foot high sound wall as measured from finished grade to be constructed along the project's northerly property line shall be extended approximately 50 feet 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. The 6-foot sound wall height shall be measured from finished grade. The sound wall shall be constructed of any masonry or other material, such as wood or earthen berm, with a surface density of at least 4 pounds per square foot. The sound wall shall

present a solid surface and have no openings or cracks. **Plan Requirements and Timing:** The sound wall location, construction material, base elevation and overall height shall be incorporated on building plans and reviewed and approved by a City staff and DRB prior to approval of any LUP for the project.

**Monitoring:** City staff shall perform plan and site inspection to ensure compliance prior to occupancy clearance.

43. Second story structure windows adjacent to Hollister Avenue shall be double-glazed or incorporated with other suitable noise-attenuating design to reduce interior noise exposure to 45 dBA CNEL or below. **Plan Requirements and Timing:** Noise attenuation design for second-floor window designs for structures adjacent to Hollister Avenue shall be developed by a City-approved acoustic engineer and designated on the building plan. City staff shall review and approve the building plan prior to land use clearance.

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

### **Public Services**

44. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Community Services Department for review and approval. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all construction recoverable/recyclable material. Recoverable construction material shall include but not be limited to: asphalt, lumber, concrete, glass, metals, and drywall. Said plan shall indicate how a 50% diversion goal shall be met during construction. **Plan Requirements and Timing:** A copy of the City-approved hauler shall be provided to the City for review and approval by the Community Services Department. Applicant shall submit a WRRP for review and approval by City staff with submittal of LUPs. At the completion of all permitted construction, the owner shall provide the City's Solid Waste Coordinator with a Construction Phase - Final Waste Reduction and Recycling Report. Said report shall designate all materials landfilled and recycled, broken down into material types.

**Monitoring:** City staff shall review and approve the WRRP prior to issuance of any LUP for the project. The final Construction Phase - Final Waste Reduction and Recycling Report shall be approved by the Community Services Department prior to certificate of occupancy.

45. The applicant/permittee and all future residents shall develop and implement a Waste Reduction and Recycling Plan (WRRP), including designated storage areas for recyclable materials, provision of recycling bins at the construction site, separation of construction materials, and composting of lawn clippings and other landscape materials. **Plan Requirements and Timing:** Applicant shall submit a WRRP for review and approval by City staff with submittal of LUPs.

**Monitoring:** City staff shall review and approve the WRRP prior to approval of any LUP for the project.

46. The applicant shall notify the Goleta Union School District and Santa Barbara High School District of the expected buildout date of the project to allow the Districts to plan in advance for new students. **Plan Requirements and Timing:** A copy of the notice shall be sent to the City of Goleta prior to map recordation.

**Monitoring:** City staff shall receive acknowledgement of receipt of the notification from the Goleta Union School District and Santa Barbara High School District prior to map recordation.

47. A Can and Will Serve (CAWS) letter from GWSD shall be provided indicating that adequate water treatment capacity is available to serve the project upon demand and without exception (or equivalent guarantee). Based on the final construction drawings, the applicant shall pay the following fees as determined by GWSD: (i) sewer connection fees; and (ii) mitigation fees to offset the difference between allocated capacity to the site and projected volumes attributable to the proposed project, if any. **Plan Requirements and Timing:** A CAWS shall be forwarded to the City of Goleta prior to map recordation.

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

48. A Can and Will Serve (CAWS) letter from Goleta Water District (GWD) shall be provided indicating that adequate domestic water capacity is available to serve the project upon demand and without exception (or equivalent guarantee). Based on the final construction drawings, the applicant shall pay the following fees as determined by GWD: (i) water connection fees; and (ii) mitigation fees to offset the difference between allocated capacity to the site and projected volumes attributable to the proposed project, if any. **Plan**

**Requirements and Timing:** Applicant shall provide proof of adequate water supplies consistent with the above requirements prior to map recordation.

**Monitoring:** A CAWS, with firm reservation of water availability for the project from the GWD shall be submitted to the City prior to map recordation.

### **Recreation**

49. Should the Cathedral Oaks Overpass improvements not be completed, the 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 City-owned Sperling Preserve. **Plan Requirements:** Construction plans for this improvement shall be reviewed and approved by City staff with submittal of LUPs. **Timing:** Improvements shall be implemented prior to occupancy, if required.

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

50. Recreational facilities such as play structures shall be developed within common open space areas. **Plan Requirements:** Design of the facilities shall be submitted for review and approval by City staff. Provisions for maintenance shall be discussed in the project CC&R's to be reviewed and approved by the City staff. **Timing:** Plans shall be submitted prior to LUP approval. Recreational facilities shall be installed prior to occupancy clearance.

**Monitoring:** City staff shall review plans prior to issuance of any LUP for the project.

### **Transportation/Circulation**

51. The applicant shall prepare a Construction Transportation Plan that designates heavy equipment routes, schedules, and the need for any special flag persons to direct traffic during peak volume periods, with special attention to Ellwood School drop-off and pick-up activity. **Plan Requirements and Timing:** The Construction Transportation Plan shall be reviewed and approved by City staff prior to issuance of any LUP for the project.

**Monitoring:** City staff shall monitor during construction for compliance with the approved plan.

52. The project applicant shall pay impact mitigation fees toward the Goleta Transportation Improvement Program (GTIP) except where otherwise specified in the approved Final Development Agreement between the

applicant and the City of Goleta. **Plan Requirements and Timing:** The applicant shall pay GTIP fees in the amount, time and manner prescribed by Ordinance or Resolution of the City of Goleta.

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

53. Owner shall submit to the Community Services Department two copies of separate public improvement plans prepared by a registered civil engineer for review and approval by the City Engineer. This plan may be incorporated into the Building Plan set, with additional public improvement plan sheets provided unbound. The PIP shall include but not be limited to:

**Las Armas Road Public Improvements:**

- a) Full width improvements with sidewalk, parkway, curb, gutter, street lights and asphalt paving on base for a 60-foot right of way.
- b) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
- c) Slurry seal the street except for new paving areas.
- d) An approved terminus to the end of the street to the satisfaction of the City Engineer and the Fire Department.
- e) The developer may request an Agreement for Reimbursement for the improvements on the easterly half of Las Armas Road. The estimated reimbursement costs shall be reviewed and approved by the City Engineer prior to the execution of the Reimbursement Agreement.

**Hollister Avenue Public Improvements:**

- f) Provide full width improvements with sidewalk, parkway, street lights, curb, gutter, and asphalt paving on base for northerly side of Hollister Avenue.
- g) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
- h) Slurry seal at a minimum to the centerline of the street along entire subject property frontage and a minimum of fifty feet (50') beyond the limits of all trenching and new street striping in the roadway.



- i) Install pavement traffic striping as determined by the City Engineer to facilitate ingress/egress from the westerly driveway on Hollister Avenue and to and from Las Armas Road.

**Plan Requirements and Timing:** The project public improvement plans shall be reviewed and approved by the City's Community Services Department prior to map recordation. Reproducible Record Drawings and an electronic signed copy of the Record Drawings for the revised street striping and public improvements (i.e., sidewalk, curb cut, drainage/bio filter, etc.) on Hollister Avenue and Las Armas Road shall be reviewed and approved by the City's Community Services Department prior to certificate of occupancy.

**Monitoring:** Community Services Department shall verify submittal of final plans in compliance with public improvement plans. City staff shall inspect and approve the completed street improvements prior to any occupancy clearance.

- 54. The applicant shall provide a signed Agreement for Public Improvements, and an Engineer's Estimate, signed and stamped by a registered civil engineer and approved by the City Engineer. The applicant shall be required to post securities for construction of improvements prior to execution of the Agreement. Securities shall be submitted at 100% of the engineer's estimate for the performance of the work and 100% of the engineer's estimate for labor and materials. **Plan Requirements and Timing:** The Agreement for Public Improvements shall be reviewed and approved by the City's Community Services Department prior to map recordation.

**Monitoring:** Community Services Department shall verify compliance with the requirement for submittal of Agreement for Public Improvements.

- 55. The applicant shall repair any damaged public improvements (curbs, gutters, sidewalks, etc.) in the vicinity of the project site caused by construction. **Plan Requirement and Timing:** The Community Services Department shall review and approve public improvements in the vicinity of the project site prior to certificate of occupancy.

**Monitoring:** The Community Services Department shall inspect the project vicinity for any needed repairs prior to any occupancy clearance.

- 56. The street system shall be reviewed and approved by the Santa Barbara County Fire Department and designed to provide adequate access and circulation for emergency vehicles. **Plan Requirement and Timing:** Review by the Santa Barbara County Fire Department shall be verified by the Planning & Environmental Services and Community Services Department prior to issuance of any LUP for the project.

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

### **Water Resources**

57. Outdoor water use shall be limited through the following measures: (i) landscaping shall be primarily with native and/or drought tolerant species; (ii) drip irrigation or other water-conserving methods shall be used; (iii) plant material shall be grouped by water needs; (iv) extensive mulching shall be used to improve water holding capacity of the soil by reducing evaporation and soil compaction; (v) soil moisture sensing devices shall be installed to prevent un-necessary irrigation; and reclaimed water shall be used for all common area exterior landscaping if available. Indoor water use shall be limited through the following measures: (i) all hot water lines shall be insulated; (ii) recirculating, point-of-use, on-demand or other energy efficient water heaters shall be installed; (iii) water efficient clothes washers and dishwashers shall be installed; and (iv) lavatories and drinking fountains shall be equipped with self-closing valves. **Plan Requirements and Timing:** The outdoor water conserving measures shall be incorporated into the final landscape plan that is submitted for review and approval by DRB. Documentation shall be provided verifying the efforts made to procure reclaimed water for irrigation purposes. If available, irrigation plans shall identify the necessary fixtures and separate plumbing systems to allow for this use. The indoor water-conserving measures shall be graphically depicted on building plans and approved prior to issuance of any LUP for the project.

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

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

sediment discharge measures shall be specified on a separate sheet attached to the grading and building plans. These measures shall be implemented during and after project construction, as appropriate after installation, the applicant shall be responsible for on-going maintenance of all on-site storm water pollution control devices in accordance with the manufacturer's specifications.

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

59. A pesticide, herbicide and fertilizer maintenance plan shall be prepared that minimizes their use, particularly during the rainy season. Biodegradable pesticides and herbicides shall be maximized. Grasses not generally susceptible to pest disease shall be planted in turf areas. **Plan Requirement and Timing:** The landscape plan shall include this maintenance plan component, which shall be reviewed and approved by DRB and City staff prior to issuance of LUPs.

**Monitoring:** City staff shall periodically inspect and verify compliance with the approved maintenance plan.

60. To ensure adequate design and sizing of drainage conveyance infrastructure (drop inlets, outlet pipes, connections to existing infrastructure, flood water retention areas, etc.) and positive drainage from north of the project site southward through Devereux Creek, final grading and drainage plans shall be reviewed and approved by Community Services staff prior to Land Use Permits to prevent on- and off-site flooding (in particular, to accommodate drainage from the UPRR culvert north of the project site) and to ensure compliance with the Stormwater Management Program. **Plan Requirements and Timing:** Detailed final grading and drainage plans shall be submitted to Community Services and City staff for review and approval prior to issuance of any LUP for the project. After installation, the applicant shall be responsible for on-going maintenance of on-site drainage infrastructure.

**Monitoring:** City staff shall review plans to ensure appropriate grading and drainage design prior to issuance of LUPs and shall perform periodic site inspections to verify installation according to approved grading and drainage plan as well to verify on-going maintenance.

61. Dog waste pollution shall be minimized in the vicinity of Devereux Creek. Mutt-mitt dispensers shall be installed on both sides of the creek. **Plan Requirement and Timing:** The location of Mutt-mitt dispensers shall be included on the landscaping plan, which shall be reviewed and approved by DRB and City staff prior to issuance of LUPs.

**Monitoring:** City staff shall periodically inspect and verify compliance with the approved landscaping plan.

## PROJECT SPECIFIC CONDITIONS

62. Five (5) studios (equal to 5 percent of all units) at moderate-income levels (80 to 120 percent of median) and five (5) one-bedroom (equal to 5 percent of all units) at above moderate-income levels (120 to 200 percent of the median) shall be provided.
63. Required affordable units shall remain affordable for 55 (fifty-five) years and the compliance term shall restart with each subsequent sale of an affordable unit unless preempted by state or federal programs. The applicant shall enter into and record an Agreement to Provide Affordable Housing and shall record a Resale Restrictive Covenant and Preemptive Right. Both documents shall be subject to review and approval by the City of Goleta and City Attorney prior to recordation of the vesting tentative map. These documents shall specify affordability consistent with the terms described above and shall include provisions describing marketing and lottery requirements for the initial sale of units. Income eligibility of prospective purchasers/renters shall be determined by the City of Goleta or its designee at applicant's expense. An intent to reside statement shall be required for potential owners of the affordable units.
64. Construction of the affordable units shall be concurrent with the construction of the market rate units. Occupancy clearance for no more than 50% of the market rate units shall be allowed prior to occupancy clearance for all of the affordable units. **Implementation and Timing:** Prior to land use permit approval, this requirement shall be included in the Agreement to Provide Affordable Housing and shall be printed on all grading and building plans.

**Monitoring:** Staff shall ensure compliance during construction.

65. Prior to land use permit approval, developer shall submit a plan for marketing the affordable units and selecting and qualifying the buyers, subject to review and approval by the Planning and Environmental Services Department and the City Attorney.
66. Prior to map recordation, developer shall pay the affordable housing in-lieu fee for the equivalent of 10 affordable units. The amount of the fee shall be \$80,645.00 per affordable unit required, with the total fee calculated as \$806,450.00 (10 units multiplied by \$80,645.00).
67. Developer shall provide written notice to all purchasers of lots or homes within the subdivision of the location and zoning for the affordable housing.

The disclosure shall explicitly note that the housing may be developed for moderate and above moderate income residents. Wording is subject to review and approval by the City of Goleta as part of the required CC&Rs.

68. All drainage control facilities as noted in the Project Description and shown on Sheet 3 of 4 and Details and Cross Sections Sheet 4 of 4 of the civil engineering plans for the Vesting Tentative Tract Map and Development Plan dated August 18, 2008 shall be maintained for the life of the project by the applicant and/or operator. **Plan Requirements:** Maintenance of all drainage facilities for two (2) years from occupancy clearance of the last building shall be ensured through a performance security provided by the applicant. **Timing:** All drainage control facilities shall be installed (landscaped and irrigated subject to City inspection and approval) prior to approval of the first Land Use Permit for a building. The performance security shall be released upon expiration of the two (2) year period provided such facilities have been installed per plans and maintained in good working order.

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

69. The project landscaping shall be installed per the DRB-approved landscape plan and maintained for the life of the project. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit for general site grading and utility improvements, the applicant shall enter into an agreement with the City to install landscaping and water-conserving irrigation systems per the DRB approved final landscape plan. In addition, the applicant shall enter into a separate agreement for the maintenance of required landscaping for the life of the project and post a performance security for such maintenance for a period of not less than five (5) years from release of the installation security. Prior to occupancy clearance for the first residential building, installation of all street frontage right-of-way and public trail easement landscaping shall be completed. Installation of landscaping for each individual structure (outside of any sidewalk landscaping, landscaping within any public right-of-way, or public trail easement) shall be completed prior to any occupancy clearance for that structure. The performance security shall be released upon expiration of the five (5) year period provided such landscaping has been installed in accordance with the approved project plans and maintained in accordance with these Conditions.

**Monitoring:** City staff shall verify compliance with requirements for landscaping installation and maintenance, including posting of the required bonds, prior to approval of a Land Use Permit for general site grading and

utility improvements. City staff shall verify landscape/ irrigation system installation per the DRB approved final landscape plan prior to occupancy clearance. City staff shall photo document installation and check maintenance as needed. Release of any performance security requires City staff signoff.

70. Sufficient bicycle parking areas/spaces shall be shown on final plans. Bicycle racks shall be the "Inverted U" type in compliance with the SBCAG Traffic Solutions recommended bicycle rack.

## **RECORDATION CONDITIONS**

71. The vesting tentative tract map approval shall take effect as of the date of final action by the City Council.
72. The vesting tentative map shall expire three (3) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code § 66452.6, or as otherwise specified in the Development Agreement.
73. Prior to recordation of the proposed Tract Map and subject to City approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the final map(s). All applicable conditions and mitigation measures for the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. For any subsequent development on any tracts created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
74. If the proposed Tract Map is substantially revised from the approved tentative map, or if substantial changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map. Non-substantial changes may be approved by the Director of Planning and Environmental Services. If the development plan is altered, approval shall be in the manner required by ordinance
75. Five (5) copies of the proposed Tract Map and required review fees in effect at the time shall be submitted to Planning and Environmental Services/Community Services for compliance review of conditions before Planning and Environmental Services will issue map clearance to the Surveyor.
76. If prior to City action on the proposed Tract Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the City or is operating

under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the City an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted.

77. Prior to recordation of the proposed Tract Map, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the City a set of prints of the Tract Map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable pursuant to Section 21-30, Chapter 21 of the Goleta Municipal Code.
78. Prior to recordation of the proposed Tract Map, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
79. Pursuant to Section 66441 of the State Subdivision Map Act the tract map shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. Property lines shall be monumented in accordance with Section 21-16 of said City Code.
80. No permit for development, including grading, shall be issued prior to recordation of the Tract Map. Grading associated with any permit for site remediation would not be subject to this restriction.
81. The vesting tentative tract map approval runs with the land and the rights and obligations thereof, including the responsibility to comply with conditions of approval, and shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.

#### **DEVELOPMENT PLAN CONDITIONS**

82. Approval of the Final Development Plan shall expire five (5) years after approval, except as otherwise specified in the Development Agreement, unless prior to the expiration date, substantial physical construction has been completed on the Development Plan or a Time Extension has been applied for by the applicant. The decision maker with jurisdiction over the request, may upon good cause shown, grant a time extension for one year.
83. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas,

drainage facilities, and landscaped areas shall be developed in substantial conformity with the approved exhibit maps. Substantial conformity shall be determined by the Director of Planning and Environmental Services.

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

## **GENERAL CONDITIONS**

87. If the applicant requests a time extension beyond the term of the approved Development Agreement or beyond the scope of said Development Agreement, the project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of required fee payment.
88. The applicant shall obtain preliminary and final DRB approval for the proposed project prior to Land Use Permit issuance.
89. All plans submitted for Land Use Permit issuance, building, and/or grading permit shall include all applicable conditions of project approval.
90. Prior to land use permit approval for each phase of development, preparation of a Monitoring and Compliance Program (MCP) shall be funded by the applicant and submitted to the City of Goleta for review and approval. The MCP shall at minimum include the following:



- a. All conditions imposed on this project and the impact areas they are mitigating by subject area. A plan for coordination and implementation of all conditions and the plans and programs required therein.
  - b. The MCP preparer and contractor shall be selected by the City of Goleta. These individuals shall be under contract and responsible to the City of Goleta. All costs shall be funded by the applicant. Planning and Environmental Services shall oversee the MCP.
  - c. In addition to funding the MCP, the Developer shall pay Permit Compliance fees prior to approval of a Land Use Permit for grading/installation of tract improvements.
  - d. The decision of the Director shall be final in the event of any dispute.
91. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, demolition, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from the City of Goleta. These permits are required by ordinance and are necessary to ensure implementation of the conditions imposed on the project by the City. Before any permit may be issued by the City of Goleta, the applicant shall obtain written clearance for each development phase from all Departments/Agencies having conditions or project approval. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning & Environmental Services.
- Land Use Permit for grading and installation of site improvements, and for the Final Development Plan for the condominiums (07-102-DP).
  - Land Use Permit to record the Map.
92. 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. Payment amounts are estimated below, and shall be based on the fees in effect and applicable at time of required payment:

Quimby/Park	\$9,509/unit for 101 units (\$960,409)	Due at Map Recordation
Transportation	\$13,509/unit* for 6 SFR units (\$81,054)  \$7,222/unit* for 95 Condominium units (\$686,090)	Due at Map Recordation
Fire Protection	\$0.20/SF for 138,061 SF (\$276,122)	Due at Final Inspection
Library	\$384/unit for 101 units (\$38,784)	Due at Final Inspection
Public Admin	\$1,705/unit for 101 units (\$172,205)	Due at Final Inspection
Sheriff	\$439/unit for 101 units (\$44,339)	Due at Final Inspection

\* *Actual fee amount paid for each building shall be indexed to the most recent monthly Engineering News Record Construction Cost Index for the Los Angeles area.*

A GTIP Fee credit for the portion of improvements on the northerly side of Hollister Avenue for the construction of curb, gutter, street lights and sidewalk shall be provided to the Development. All costs for the improvements subject to the GTIP Fee credit shall be reviewed and approved by the City Engineer prior to the issuance of a contract with the Developer's Contractor for construction of the improvements.

93. The applicant shall pay the statutory school fees in effect at the time of issuance of each building permit to the appropriate school districts and/or shall mitigate school impacts by other measures consistent with State law. The applicant shall submit final square footage calculations and a copy of the fee payment to the school districts prior to issuance of each building permit. The City of Goleta shall ensure payment prior to issuance of building permits.

94. All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted on the building plans. The applicant shall obtain all necessary encroachment permits from the City of Goleta Community Services Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, water meters, backflow devices, signs, and curb/gutter/sidewalk improvements.
95. Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting that includes monitor(s), project superintendent, architect, subcontractors, as well as City representatives including Planning and Environmental Services and Community Services.
96. Any temporary building, trailer, commercial coach, etc. installed or used in connection with construction of this project shall comply with the requirements of Section 35-132.2, Article II of the City's Municipal Code.
97. All trees planted or preserved in accordance with this approval shall be maintained according to the latest adopted American National Standard Institute (ANSI) guidelines for tree care, generally referred to as ANSI A300 (various parts), and the companion publications "Best Management Practices" published by the International Society of Arboriculture (ISA). Any pruning of trees, other than light pruning of no more than 25 percent (25%) of the foliage within any one growing season, requires review and approval of the City of Goleta prior to commencement of the work.
98. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Goleta Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
99. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
100. Compliance with Department/Agency Letters:
  - a. Community Services Department, letter dated February 25, 2009.
  - b. County of Santa Barbara Fire Department, letter dated April 23, 2008.
  - c. Goleta West Sanitary District, letter dated September 4, 2007.
  - d. Metropolitan Transit District, letter dated March 18, 2008.
  - e. SB County Air Pollution Control District, letter dated March 13, 2009.
  - f. Goleta Water District, letter dated February 14, 2008.
101. No new signs are authorized with this permit. All signs require separate permits and shall comply with, Article I, Chapter 35 of the City of Goleta

Municipal Code (Sign Regulations) and with setbacks specified in Article II, Chapter 35 of the Municipal Code (Coastal Zoning Ordinance).

102. The applicant shall be responsible for the completeness and accuracy of all forms and supporting materials submitted in connection with any application. Any errors or discrepancies found therein may constitute grounds for the revocation of any approvals.
103. The developer agrees, as a condition of this approval, at the developer's own expense, to indemnify, defend, and hold harmless the City and its agents, officers, and employees from and against any claim, action, or proceeding to attack, review, set aside, void or annul, in whole or in part, the City's approval of the vesting tentative map and development plan or any condition attached thereto or any proceedings, acts, or determinations taken, done or made prior to the approval that were part of the approval process.
104. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and no approval shall be issued unless substitute feasible mitigation measures are imposed.



## MEMORANDUM

DATE: February 25, 2009

TO: Cindy Moore, Senior Planner

FROM: Marti Schultz, Principal Civil Engineer

SUBJECT: Northwest Corner of Hollister Avenue and Las Armas Road, APN 079-210-049, Case No. 07-102-GP, OA, TM, DP, RN, Recommended Conditions of Approval (Haskell's Landing)

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Community Services recommended Conditions of Approval for the subject project at Northwest Corner of Hollister Avenue and Las Armas Road, APN 079-210-049 are:

### A. PRIOR TO MAP RECORDATION

1. Owner shall submit to the Community Services Department two copies of a separate public improvement plan prepared by a registered civil engineer for review and approval by the City Engineer. This plan may be incorporated into the Building Plan set, with additional public improvement plan sheets provided unbound. The improvement plan shall include but not be limited to:

#### **Las Armas Road Public Improvements:**

- a) Full width improvements with sidewalk, parkway, curb, gutter, street lights and asphalt paving on base for a 60 foot right of way.
- b) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
- c) Slurry seal the street except for new paving areas.
- d) An approved terminus to the end of the street to the satisfaction of the City Engineer and the Fire Department.
- e) The developer may request an Agreement for Reimbursement for the improvements on the easterly half of Las Armas Road. The estimated reimbursement costs shall be review and approved by the City Engineer prior to the execution of the Reimbursement Agreement.

**Hollister Avenue Public Improvements:**

- f) Provide full width improvements with sidewalk, parkway, street lights, curb, gutter, street lights and asphalt paving on base for northerly side of Hollister Avenue.
  - g) Installation of city street tree(s) and other approved landscaping within the public right of way (parkway). Type and location of city street tree(s) and planting(s) shall be as approved by the City Engineer.
  - h) Slurry seal at a minimum to the centerline of the street along entire subject property frontage and a minimum of fifty feet (50') beyond the limits of all trenching and new street striping in the roadway.
  - i) Install pavement traffic striping as determined by the City Engineer to facilitate ingress/egress from the westerly driveway on Hollister Avenue and to and from Las Armas Road.
2. A signed Agreement for Public Improvements, an Engineer's Estimate, signed and stamped by a registered civil engineer and approved by City Engineer. The applicant shall be required to post securities for construction of improvements prior to execution of the Agreement. Securities will be submitted at 100% of the engineer's estimate for the performance of the work and 100% of the engineer's estimate for labor and materials.
  3. Payment of Quimby Fees in accordance with the Development Agreement.

**B. PRIOR TO LAND USE PERMIT**

1. Payment of Development Impact Fees for Transportation (GTIP Fees) in accordance with the Development Agreement. A GTIP Fee credit for the portion of improvements on the northerly side of Hollister Avenue for the construction of curb, gutter, street lights and sidewalk shall be provided to the Development. All costs for the improvements subject to the GTIP Fee credit shall be reviewed and approved by the City Engineer prior to the issuance of a contract with the Developer's Contractor for construction of the improvements.
2. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Community Services Department for review and approval. Said plan shall indicate how a 50% diversion goal shall be met during construction.
3. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all construction recoverable/recyclable material. (Copy of Contract to be provided to the City). Recoverable construction

material shall include but not be limited to: asphalt, lumber, concrete, glass, metals, and drywall.

4. All existing survey monuments within the limits of construction shall be preserved and/or tied out and recorded prior to at the County of Santa Barbara's Surveyor's Office.
5. Applicant shall submit final drainage and grading plans with a final hydrology report for review and approval by Community Services and Building staff. The plan shall incorporate appropriate Best Management Practices to minimize storm water impacts to the maximum extent feasible in accordance with the City's Storm Water Management Plan. The plans shall include but not be limited to bio-swales, permeable paving, on site detention, fossil filters and other operational features. The plans shall also include an erosion control plan for review and approval by Community Services staff prior to the issuance of any LUP for the project. After installation of any drainage improvements or erosion control measures, the applicant shall be responsible for on-going maintenance of all improvements in accordance with the manufacturer's specifications or the approved plans.

C. PRIOR TO Certificate Of Occupancy (C of O):

1. Complete all Public Improvements along Hollister Avenue and Las Armas Road, as shown on the public improvement plans.
2. At the completion of all permitted construction, the owner shall provide the City's Solid Waste Coordinator with a Construction Phase - Final Waste Reduction and Recycling Report. Said report shall designate all materials landfilled and recycled, broken down into material types. The final report shall be approved by the Community Services Department prior to C of O.
3. All existing survey monuments shall that were preserved and/or tied out shall be reset in coordination with the County of Santa Barbara's Surveyor's Office.
4. Submit reproducible Record Drawings and an electronic signed copy of the Record Drawings for the revised street striping and public improvements (i.e., sidewalk, curb cut, drainage/bio filter, etc.) on Hollister Avenue and Las Armas Road.
5. Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) caused by construction subject to the review and approval of the Community Services Department.

If you have any questions, please contact me at x7562.



Fire Department

"Serving the Community since 1926"

HEADQUARTERS

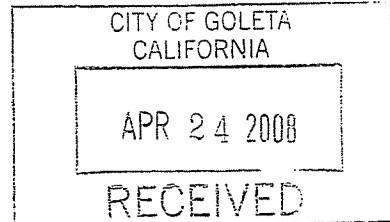
4410 Cathedral Oaks Road  
Santa Barbara, CA 93110-1042  
(805) 681-5500 FAX: (805) 681-5563

John M. Scherrei  
Fire Chief

Tom Franklin  
Deputy Fire Chief

April 23, 2008

Ms. Cindy Moore, Planner  
Planning and Environmental Services  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117



Dear Ms. Moore:

SUBJECT: APN: 079-210-049; Permit #: 07GPC-102-GP/TM/DP/DRB  
Site: Hollister Avenue/Las Armas, Goleta  
Project Description: Haskell's Landing – 102 New Single Family Dwellings

*This Memorandum Supersedes the Previous Memorandum Dated March 24, 2008  
Clarification of Road Width Requirements for Roads A, B, C, D, and E  
All Other Conditions Remain the Same*

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

**PRIOR TO MAP RECORDATION  
THE FOLLOWING CONDITIONS MUST BE MET**

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

The proposed roads A, B, C, D, and E shall be constructed to the widths specified and shown on plans dated March 5, 2008.



The secondary access/egress road onto Las Armas Road on the south side of the project shall have an open and unobstructed width of no less than twenty (20) feet.

Red curbs and no parking signs shall be installed at the direction of the fire department. A parking and striping plan will be required to be submitted for review and approval by the fire department prior to erection of combustible materials.

#### GENERAL NOTICE

2. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

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

3. Twelve (12) fire hydrants shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department.
4. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

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

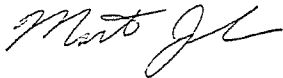
4. Ten road names will be required for this project. Please contact the City of Goleta Planning Department at (805) 961-7543 for application information.
5. The fire department shall determine and assign all address numbers and shall issue such numbers to property owners and occupants.
6. Building address numbers shall be posted in conformance with fire department standards.
7. When access ways are gated, a fire department approved locking system shall be installed.

8. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

The developer has agreed to an in-lieu fee payment to be credited against the required fee to be paid pursuant to section 15-53 of Chapter 15 of the County Code. This in-lieu payment shall be deposited into the Fire Station 10 construction account pursuant to this article.

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

In the interest of life and fire safety,



*FD* - Glenn Fidler, Inspector

GF:jmd

c APN



P.O. Box 4 Goleta CA 93116-0004  
805 968-2617 FAX 805 968-8987

September 4, 2007

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

RE: SEWER AVAILABILITY LETTER FOR APN: 079-210-049  
PROJECT: Haskell's Landing - Hollister Ave., Goleta

Dear Sirs:

The property referenced above at Hollister Avenue, Goleta, CA APN# (079-210-049) is within the boundary of the Goleta West Sanitary District (GWSD).

Santa Barbara County sewer policy and District Ordinance No. 60 requires that any sewage generating uses constructed on this property be connected to a community sewer system.

Sewer capacity of one-hundred-two (102) ERU in District facilities is presently available to serve the property, and is expected to be available to serve the property if it is connected to the District sewer system pursuant to a District Sewer Service Connection Permit within one year from the date of this letter. The District makes no representation concerning sewer capacity beyond the period stated above.

In order to secure a District Sewer Service Connection Permit for the property, it will be necessary to comply with all District requirements for the issuance of a Connection Permit including payment of all required fees. In addition, sewer connection must comply with the District's standard specifications for sewer construction.

Please confirm your acceptance of the terms and conditions outlined herein by signing the acceptance statement below.

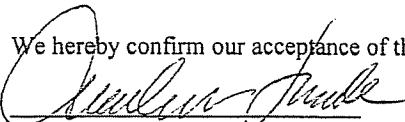
Sincerely,

GOLETA WEST SANITARY DISTRICT

TO: GOLETA WEST SANITARY DISTRICT

RE: APN 079-210-049

We hereby confirm our acceptance of the terms and conditions outlined in this Sewer Availability Letter.

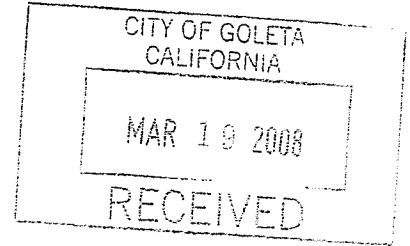
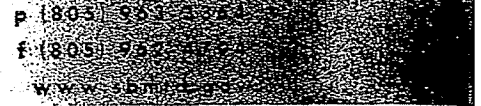
  
Signature of Owner or their agent.

Date 1/11/08

\_\_\_\_\_  
Date \_\_\_\_\_



Metropolitan Transit District  
550 Olive Street  
Santa Barbara, CA 93101



18 March 2008

City of Goleta  
Planning & Environmental Services  
Attn: Cindy Moore  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Re: Development Review Committee Case Number 07-102-GP, -TM, -DP, -DRB

Dear Cindy,

Thank you for giving us the opportunity to review plans for the Haskell's Landing development.

As you know, the Santa Barbara Metropolitan Transit District (MTD) provides fixed route transit service for southern Santa Barbara County. The site of the proposed project is served by Lines 23 and 25. There are existing bus stops on both sides of Hollister Avenue at Sandpiper Golf Course.

Because the residents of this development will likely place additional demands on transit service in the area, MTD requests that the developer be required to do the following as part of this project:

- Make improvements to the bus stops on both sides of Hollister at Sandpiper Golf Course to make the stops ADA-compliant and to bring them up to current MTD Bus Stop Standards. Improvements should include ADA-compliant pads, benches, trash receptacles, and bus stop shelters with night lighting for safety.
- Create safe, direct, and ADA-compliant pedestrian access from the residential units to the bus stop on the North side of Hollister Avenue.
- Provide a crosswalk or other improvements that will allow pedestrians to safely cross Hollister Avenue to access the bus stop on the south side of Hollister Avenue.

Thank you again for allowing us to comment on this project. Should you have any questions, please feel free to contact me by phone at 805-963-3364 extension 218 or by email at the address below.

Sincerely,

Cynthia Boche  
Assistant Planning Manager  
cboche@sbmtd.gov



**Santa Barbara County  
Air Pollution Control District**

March 13, 2009

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

RE: Conditions of Approval, 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) is responding to your request for recommended conditions of approval for the above-referenced project. You provided us with a set of proposed conditions of approval related to air quality on March 6, 2009. Those proposed conditions of approval are included in this letter, *with suggested revisions in italics*.

APCD staff submitted previous comments on the air quality impacts associated with the proposed project (reference APCD letters dated November 17, 2008 and December 8, 2008). Again, we would like to express concern regarding the placement of sensitive land uses (i.e., residences) in close proximity to toxic air contaminant sources such as the Union Pacific Railroad right-of-way and the U.S. 101 Freeway. Although the proposed conditions of approval include mitigations that are intended to reduce the severity of these impacts (conditions 7 and 8), APCD staff does not consider these impacts to be mitigated to a level that is less than significant under the California Environmental Quality Act (CEQA). It should also be noted that condition number 7, related to installation and maintenance of "MERV-13" air filters at the proposed residences, is anticipated to lose effectiveness over time, unless there is an ongoing inspection and maintenance program for the air filtration equipment.

**Proposed Air Quality Conditions of Approval for Haskell's Landing project:**

1. To mitigate fugitive dust emissions, the applicant shall implement APCD dust control measures, including the following:
  - a. Use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the construction area. At a minimum, this would include wetting down such areas in the late morning and after work is completed for the day, and whenever wind exceeds 15 miles per hour. Reclaimed water should be used whenever possible. *However, reclaimed water should not be used in or around crops for human consumption.*
  - b. ~~Minimize the amount of disturbed area and speeds of on-site vehicles.~~
  - c. Install gravel pads at all access points to prevent tracking of mud onto public roads.
  - d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

- e. After completion of clearing, grading, earthmoving, or excavation, treat the disturbed areas by watering, revegetation, or by spreading soil binders until they are paved or otherwise developed so that dust generation will not occur.
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent the transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.

**Plan Requirements and Timing:** All APCD required dust control measures shall be noted on all construction plans and shall be submitted for approval by City staff prior to issuance of any LUP for the project. The name and telephone number of a designated person to monitor the dust control program shall be provided to City staff and the APCD.

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

- 2. *As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. In order to minimize ~~ROC~~ and NOx and PM<sub>10</sub> emissions during construction, the following ~~measures~~ equipment control measures shall be implemented:*
  - a. ~~Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used.~~
  - a. All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the District.
  - b. The engine size of construction equipment shall be the minimum practical size.
  - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.
  - h. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - i. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
  - j. Drivers of diesel fueled commercial vehicles weighing more than 10,000 pounds:
    - 1. shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location; and

2. shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle.
- k. Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- l. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

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

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

3. The project shall comply with all Rules and Regulations required by the Santa Barbara County APCD, including, but not limited to:
  - a. Compliance with APCD Rule 329, governing application of cutback and emulsified asphalt paving materials;
  - b. Obtaining required permits for any emergency diesel generators or large boilers prior to any LUPs;
  - c. Obtaining APCD permits prior to handling or treating any contaminated soil onsite, if identified;
  - ~~d. Limited idling of heavy duty diesel trucks during loading and unloading to five minutes at any location and auxiliary power units should be used whenever possible. State law requires that drivers of diesel fueled commercial vehicles weighing more than 10,000 pounds shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location. Such heavy vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (residential uses and schools). (This is not an APCD rule, it is a CARB rule, and is already presented in conditions 2.i. and 2.j.)~~

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

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

4. Mechanical air conditioners shall use non-CFC refrigerants. The air conditioning systems shall utilize HCFC-123 or other refrigerants which are determined to have a minimal effect on ozone depletion. If feasible, the systems shall be ~~installed shall be~~ designed to accommodate new non-ozone depleting refrigerants as they become available. **Plan Requirements and Timing:** Air conditioner information shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

5. The following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of Planning & Environmental Services staff prior to approval of Land Use Permits:
  - a. Installation of low NOx water heaters and space heaters per specifications in the Clean Air Plan;
  - b. Installation of heat transfer modules in furnaces;
  - c. Use of light colored water-based paint and roofing materials;
  - d. Installation of solar panels and/or use of water heaters that heat water only on demand;
  - e. Use of passive solar cooling/heating;
  - f. Use of natural lighting;
  - g. Use of concrete or other non-pollutant materials for parking lots instead of asphalt;
  - h. Installation of energy efficient appliances;
  - i. Installation of energy efficient lighting;
  - j. Use of landscaping to shade buildings and parking lots;
  - k. Installation of sidewalks and bike paths;
  - l. Installation of covered bus stops, with Metropolitan Transit District (MTD) bus route schedules and rideshare information on a central location on a covered message board to encourage use of mass transportation.

**Plan Requirements and Timing:** Measure components shall be provided on project building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

6. To reduce daily ROC and NOx emissions during winter days from combined project sources, residences shall be built without wood-burning fireplaces or only with natural gas-fired burning units. **Plan Requirements and Timing:** Measure components shall be provided on project



building plans and shall be reviewed and approved by City staff prior to issuance of LUPs for structures.

**Monitoring:** City staff shall verify conformance with this measure on project building plans prior to issuance of LUPs and shall verify installation in conformance prior to certificate of occupancy.

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.

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. City staff shall review and approve the statement for objectivity, balance, and completeness.

Thank you for the opportunity to review the proposed project conditions of approval. Please feel free to contact me at 961-8838 ([mmp@sbcapcd.org](mailto: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



4699 HOLLISTER AVENUE  
GOLETA, CALIFORNIA 93110-1999  
TELEPHONE 805/964-6761  
FAX 805/964-7002

## PRELIMINARY CONDITIONS LETTER 2<sup>nd</sup> REVISION

February 14, 2008

Mary Meaney Reichel  
66 Hollister Ranch  
Gaviota, CA 93117

Re: GWD Project No. 02-3386 – Haskell’s Landing - TM 32,032 (formerly Residences at Sandpiper)  
APN 079-210-49 – 7925 Hollister Avenue  
City of Goleta Case #07-102-GP,-TM,-DP  
Formerly Santa Barbara County Case No. 99-DP-051, TM 14,541

Dear Ms. Reichel:

The Goleta Water District has reviewed the application for new water service submitted by Charles Lande for the referenced project. Based on our review of that application, we have determined that new water service will be provided for the proposed project subject to the conditions stated below. Reference is made to the original GWD Preliminary Conditions letter dated 12/14/2001 and the 1<sup>st</sup> Revision to same dated 4/29/2002. **This letter takes into account all fees/deposits previously paid and supersedes all previous Preliminary Conditions Letters for your project.**

For obtaining a Can and Will Serve Letter:

1. Payment of the New Water Supply Charge in the amount of \$0.00. See Attachment A for details.
2. Payment of the New Meter Installation fee in the amount of \$0.00. See Attachment B for details.
3. Provide a design of water system improvements and dedication of necessary easements for the water system improvements in accordance with the District’s standards and specifications. See Attachment C for details.

Submit a Plan Check deposit in the amount of \$ 0.00 .

Submit a Construction Inspection deposit in the amount of 20% of the GWD determined construction cost estimate. (Already deposited).

Provide a Letter of Credit for Performance, Labor, Materials and Warranty in the amount of 150% of the construction cost estimate.

4. Provide approved project Conditions of Approval and letters from City of Goleta Planning and S.B. County Fire Departments.

For having water service activated:

Meet conditions 1 through 4 stated above and

5. Construct water system improvements and install approved backflow devices as may be required by the District. See Attachment C for details.

This Application is unusual due to the formation of the City of Goleta relative to the Applicant's completion of GWD's pre-construction requirements. In 2002, subject Applicant paid all fees required by the 4/29/2002 Revision to the Preliminary Conditions Letter. Due to the formation of the City of Goleta in 2002, this project was put on hold due to now resolved issues regarding the City of Goleta's Conditions vs. the County of Santa Barbara Planning Dept. Conditions, the latter up to that time having had jurisdiction. To date, no construction has yet taken place. At this time, the project is again active. Although no additional fees are required, current Letters of Credit and revised easements are required.

If the project changes during the course of City of Goleta or S.B. County Fire Dept. review or otherwise, these conditions including the fees indicated, may be changed. Please contact the District when you are prepared to begin the design of the water system improvements for the project.

Please provide a copy of this letter to the Project Engineer, Contractor and other consultants working on this project. If you have any questions regarding this matter, contact Carrie Bennett at (805) 879-4636.

Sincerely,  
GOLETA WATER DISTRICT



Misty Williams  
Engineering Associate

MMW/ddi

Attachments: A, B, C, D

**Attachment A - New Water Supply Charges**

The applicant shall submit payment of a New Water Supply Charge (NWSC) in the amount of \$0.00 determined as follows:

Based on the following excerpts from 4/29/2002 Revised Preliminary Conditions Letter:

Per GWD Code, Sec. 5.16, Appendix A, Item 14-B, Single-Family Residences to be charged @ Multiple Family Residential Rate.

\$516,769.00 = \$4,741.00 x 109 units based on the Density Calculation and the NWSC Charge for multi-family residences (MFR). (Paid 5/1/2002)

Per revisions to project in 2007:

(\$ 33,187.00) = \$4,741.00 x 7 MFR units NWSC deducted due to reduction in units per 2007 Application

\$ 42,934.00 = two 1" landscape meters @ \$21,467.00 ea. NWSC increase due to increase in proposed landscape irrigation area per 2007 revisions. Was 3.89 acres, now is 5.01 acres

\$ 9,747.00 - NWSC per 2007 revisions to project - (Credited against interest earned since payment of original fees in 2002)

No New Water Supply Charge for

Central laundry rooms

Community rooms

Community pools

Common-area landscaping, provided:

Irrigated area	≤	<u>Number of Units</u>
(Acres)		24

per 8/1/2007 Water Use Analysis for Residences Haskell's Landing, per GWD Code, Sec. 5.2.2, Appendix A-12-B:

Irrigated area	≤	<u>102</u>	=	4.25	- therefore, there is a NWSC
(5.01 Acres)		24			

**Attachment B - New Meters, Installation and Meter Fees**

Per GWD Code, Appendix A:

**Summary of New Meter Requirements**

Meter Type	Number Required	Meter Size	Service Size	GWD or Contractor to install service (GWD or C)	Manifold (Yes/No)	Unit Cost	Subtotal Cost
Fireline	66	5/8"	Varies	C	No	\$230	\$15,180
MFR	12	5/8"	1"	C	Yes	\$230	\$2,760
MFR	90	3/4"	1"	C	No	\$241	\$21,690
Landscape Irrigation	2	1"	1"	C	No	\$337	\$674
Meter	2	1"				\$150	\$300
Installation	78	5/8"				\$100	\$7,800
Fee	90	3/4"				\$100	\$9,000
<b>Total No. of Meters</b>					<b>Total Cost</b>		*\$57,404

\*Credited against interest earned since payment of original fees in 2002

For Fire Line Connections:

Per GWD Code, Sec. 5.16, Appendix A, Item 9, Meter Only Installation Charges:

These 5/8" detector meters will be installed on the proposed firelines @ 1 fireline per building, whether detached SFR or multiple dwellings in one building.

Customers with an un-metered fire line serving private fire protection sprinklers and hydrant systems shall pay a base charge of \$8.00 per year per 2-inch fireline connection and a monthly base charge of \$2.00 per private fire hydrant. This minimum un-metered fire line charge shall be for standby service only and shall not be credited toward monthly meter charges for water service. Please note that these yearly and monthly fees are subject to change.

General:

Please note that your licensed contractor shall install the stub services. These stub services shall be designed and installed per GWD Standards and Specifications and shall appear on the construction plans for the water system improvements. See Attachment C, Water System Improvements and Easements for more information.

The applicant /owner is responsible for installation and maintenance of the piping and plumbing connection from the downstream side (outlet) of the GWD meter to the

**Attachment B - New Meters, Installation and Meter Fees - continued**

subject parcel and on-site facilities. Any and all easements required for the piping and plumbing downstream of GWD meters is the responsibility of the applicant /owner.

All meter installations, backflow prevention devices and on-site piping are subject to inspection and testing by GWD inspectors for cross connection control and backflow prevention. GWD inspectors shall verify proper construction and installation. See Attachment D, Cross Connection Control and Backflow Prevention for more information.

**Attachment C Water System Improvements and Easements**

For issuance of a Can and Will Serve letter from GWD, the applicant shall provide to GWD the design and construction drawings for the water mains, valves, service connections, fire hydrants, appurtenances, right of way and easements necessary to serve the proposed project. Prior to water service activation, the applicant will have all the necessary water system improvements including backflow prevention devices constructed, installed, inspected and tested to the satisfaction of GWD.

Water system improvements for this project shall be installed within public right of way or GWD easements and shall include, but not be limited to the following:

New public fire hydrants as required by the Fire Dept.:

All stub services and meters listed in Attachment B.

Since a looped water main system is not possible due to environmental issues, a dual connection shall be installed in the entrance roads to subject tract to GWD's existing water mains in Las Armas Rd. and Hollister Ave. That is, instead of 1 pipeline connecting GWD's water mains to your tract's water system, there will be 2. This allows for the maximum possible water supply in the event one of the pipelines in the tract is out of service. With isolation valves strategically placed, water outages will then be minimized.

Narrow streets often prevent optimal horizontal spacing relative to other utilities. Every effort should be made, indeed extra effort should be expended, to comply with GWD's specifications relative to location of the pipeline in the street: 7 feet minimum from curb face. If this is not possible due to the constraints mentioned above, elbows, angle points and bends in the pipeline shall be no nearer than 2 feet from curb face/edge of pavement. Use additional elbows as needed to comply with this requirement. Centerline of pipeline shall be no nearer than 3 feet to curb face/edge if pavement. Note that per GWD Std. Det. 1-04, a minimum of 4 feet horizontal separation from sewer is allowed for parallel construction since class 200 PVC pipe is specified for this project, provided water and sewer pipelines are at the same elevation or the sewer line is deeper than the water line. Accordingly, align the pipeline with 4 feet minimum separation when the specified 7 feet from curb face cannot be achieved.

GWD pipe lateral(s), connecting to the private fire lines which will serve the proposed project, shall be located within the public road right of way or GWD easements. The backflow prevention device for each fireline shall be installed on private property as close as physically possible to the District's main. The Project Engineer shall recommend a fire line size based on hydraulic calculations.

The applicant is responsible for the installation and maintenance of service connections from the DDCVA to the subject property and to the project facilities and for any and all easements required for the same.

All required backflow prevention devices which shall be shown on the plans.

**Attachment C Water System Improvements and Easements - continued**

Traffic lids which shall be installed on the meter boxes in traffic areas.

All wells on the subject parcel shall be plotted on the plans and identified with State Well numbers and the following comments where appropriate, "to be destroyed per S.B. County Health Regulations" or "to be retained for irrigation purposes".

The applicant's Project Engineer shall submit hydraulic calculations for water mains and fire lines to be installed and dedicated to GWD. The Project Engineer shall submit to the District hydraulic calculations demonstrating the adequacy of the selected pipe size. Peak flows, fire flows, pressures, velocities, and hydraulic gradient shall be presented. If the GWD system is unable to meet these requirements then the applicant is responsible to have the necessary improvements designed and constructed or determine an alternative method of fire protection acceptable to the Fire Department.

The applicant shall submit a copy of a map of the approved fire hydrant locations, signed and stamped with the Fire Department's approval.

The applicant's Project Engineer shall submit an itemized cost estimate for the water system improvements detailed above which are to be dedicated to GWD. This information will be used by GWD to determine the surety and construction inspection deposit amounts.

The owner shall grant easements acceptable to the District for access to and maintenance of all water system facilities to be dedicated to the District. These easements shall be based on the enclosed GWD Easement template and shall include descriptions for all necessary on-site easements. The applicant's engineer shall submit preliminary, i.e. draft, easements for GWD review and comment. GWD will notify the project engineer when the easements are acceptable for notarization and dedication. The easements shall be recorded prior to GWD signing the construction plans.

With the preliminary easements, submit verification of property ownership, such as a copy of the title report, of all landowners involved in granting the easement to GWD.

All documents, calculations, design, construction drawings and easements for the water mains, valving, service connections, fire hydrants, appurtenances, right of way and easements necessary to serve the proposed project shall be prepared by or under the direction of a civil engineer licensed in the State of California (Project Engineer) and shall be in accordance with District Standards and Specifications. All preliminary documents, calculations, design, construction drawings and easements submitted for review or plan check shall have the name and license number of the Project Engineer printed on them. All final documents, calculations, design, construction drawings and easements shall be signed and stamped by the Project Engineer.



**Attachment C Water System Improvements and Easements - continued**

Prior to beginning design, calculations and preparation of construction drawings for the water mains, valving, service connections, fire hydrants, appurtenances, right of way and easements necessary to serve the proposed project, the applicant's Project Engineer should obtain the appropriate record drawings from GWD of the District's existing water system facilities.

The applicant shall submit three sets of construction plans. The Plan Check Deposit in the amount of \$1,200.00 has already been paid. This deposit is for GWD-incurred costs for plan check and administration. Per GWD Standards and Specifications, you will either be invoiced if the actual cost for plan check to GWD exceeds the amount of the deposit or you will be refunded the balance after GWD costs are deducted.

A Plan Check Sheet checklist is enclosed for your engineer's use in developing the water system improvement plans. Be sure to confirm that all items on the Plan Check Sheet checklist have been reviewed and implemented as appropriate prior to submitting your plans for review. The construction plans will go through a revision process or Plan Check. Once the plans are acceptable to GWD and all other necessary conditions are met, GWD will sign the construction plans for construction of the public water system improvements.

Enclosed is a Water Meter Work Order Information Spreadsheet. Using this spreadsheet, please list as much information as possible for all of the meters to be installed for the subject project. Your engineer will be able to provide some of the information. This spreadsheet shall be submitted prior to GWD signing the construction plans.

ALL new GWD meters shown on the construction plans (including fire line by-pass meters) shall be included on this spreadsheet.

Surety for Labor, Materials, Performance and Warranty shall be provided by the applicant in the form of a Letter of Credit, in an amount equivalent to 150% of the GWD determined construction cost estimate. The letter of credit submitted shall include the terms and conditions of the GWD standard template. Enclosed is a copy of the GWD Letter of Credit template for your use.

The applicant shall submit a Construction Inspection Deposit in an amount of 20% of the GWD determined construction cost estimate (already deposited). This deposit is for GWD-incurred costs for inspection and administration. Per GWD Standards and Specifications, the applicant will either be invoiced if the actual cost to GWD exceeds the amount of the Construction Inspection Deposit, or will be refunded the balance after GWD costs are deducted.

Prior to activation of water service, the applicant shall submit two copies of the recorded Final Tract map, Final Parcel Map or Lot Line Adjustment Map shall be submitted to the District.

Prior to activation of water service, the applicant shall submit the new Assessor Parcel Numbers for the proposed lots.

**Attachment D - Cross Connection Control and Backflow Prevention**

Prior to water service activation, GWD and EHS will perform a cross-connection survey. All connections from unapproved water sources or water lines crossing the new property line(s) shall be terminated prior to receiving service. GWD Inspector shall confirm proof of severance.

Per the California Code of Regulations, Title 17, Section 7583-7605 and Goleta Water District Code Title 6, a GWD approved backflow prevention device shall be installed on all domestic, irrigation, and fire line services as specified by GWD and shall be installed by and at the expense of the customer to prevent backflow from the customer's premises to the public water supply. All backflow devices shall be installed on private property while being as close to the meter as is physically possible. Enclosed for your information is a backflow prevention device information package.

A charge of \$2.50 shall be assessed on the bill of each customer who has a backflow prevention device installed to protect the potable water system. This charge will be assessed per backflow device per month. Please note that this monthly charge is subject to change.

Please consult with Goleta Water District's Backflow Certified Specialist, Ginger Kaufman at (805) 879-4652, prior to having the backflow assemblies installed.

Meters will be installed locked off until the device is certified and is properly functioning. Note that this test must be witnessed by one of the District's Certified Cross-Connection Specialists.

As a result of recent rule changes by the State Department of Health Services regarding the operation of public water systems and backflow prevention, the Goleta Water District has been forced to modify some of our requirements and procedures. One of the areas affected is the timing of the installation of new water meters and the testing of backflow prevention devices. We have made every effort to make our modified requirements and procedures as user friendly and efficient as possible while complying with State regulations.

**Please Inform Your Contractor that:**

**Testing and certification of a backflow prevention device shall not be performed until after the District installs the accompanying new meter. The District will not install new meters until after the service connection has been installed and inspected per GWD standards and specifications. Therefore GWD water will be unavailable through a service connection until after the backflow prevention device has been tested and certified by a Certified Backflow Tester. Also, this test must be witnessed by one of the District's Certified Cross-Connection Specialists.**

## **ATTACHMENT 4**

**General Plan/Coastal Land Use Plan and California Coastal Act**

**Consistency Analysis**

**GENERAL PLAN/COASTAL LAND USE PLAN  
and CALIFORNIA COASTAL ACT  
CONSISTENCY ANALYSIS  
HASKELL'S LANDING PROJECT  
07-102- GP, -OA, - TM, -DP, -RN  
NORTHWESTERN CORNER OF  
HOLLISTER AVENUE/LAS ARMAS ROAD INTERSECTION  
APN 079-210-049**

**GENERAL PLAN/COASTAL LAND USE PLAN**

***Land Use Element***

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

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

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

**Consistent.** These policies are intended to ensure that new development is compatible with the surrounding neighborhood. The development is located adjacent to Hollister Avenue, Goleta's main transportation corridor. The two-story, mostly attached single family and multiple family structures' bulk, mass, and scale would be compatible with the surrounding commercial and residential uses, including The Bluffs residential project directly to the southeast, across Hollister Avenue. While the project would result in some viewshed interruption as experienced from Hollister Avenue when compared to the currently unobstructed view across a vacant parcel, a substantial view corridor of over 500 feet closest to Hollister Avenue would remain in open space, on either side of the enhanced Devereux Creek riparian corridor.

This area would maintain a view corridor to portions of the foothills and the Santa Ynez Mountain skyline. The maximum height of the structures as measured from finished floor and finished grade is proposed to be 27 feet, 8 feet below the height of 35' allowed by the Article II, Coastal Zoning Ordinance. Consistency with recommended building density and intensity standards are discussed below under Policy LU 2.5, Planned Residential (R-P). Aesthetic impacts would be addressed through use of landscaping that is appropriately sized and located to screen and soften the visual impacts of buildings fronting Hollister Avenue. Therefore, the proposed project is considered consistent with this policy.

**LU 1.9. Quality Design in the Built Environment. [GP/CP]** — *The City shall encourage quality site, architectural, and landscape design in all new development proposals. Development proposals include coordinated site planning, circulation, and design. Public and/or common open spaces with quality visual environments shall be included to create attractive community gathering areas with a sense of place and scale.*

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

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

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

**LU 1.13. — Adequate Infrastructure and Services. [GP/CP]** — *For health, safety, and general welfare reasons, approvals of new development shall be subject to a finding that adequate infrastructure and services will be available to serve the proposed development in accordance with the Public Facilities and Transportation Elements.*

**Consistent.** This policy is intended to ensure that new development is coordinated with the availability and/or provision of adequate public facilities and infrastructure to adequately serve it. Adequate water, sewer, and utility services are already available from the Goleta Water and Goleta West Sanitary Districts, local utility service providers, fire and police protection services, based on letters received from these agencies during project review. The proposed project would provide \$1.5 million through a Development Agreement for the construction of County Fire Station No. 10 (adjacent to the west) that would serve western Goleta, including the project site. Project impacts on local school enrollment would be mitigated pursuant to State statute by payment of development impact fees to the various school districts so impacted. As such, the proposed project is considered consistent with this policy.

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

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

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

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

- a. *The privacy of existing residential uses in the immediate area shall be protected in the design of new or expanded structures.*
- b. *Solar access of residential uses shall be protected in the design of new or expanded structures.*

- c. *Proposals for construction of new or expanded homes shall be required to have a size, bulk, scale, and height that are compatible with the character of the immediate existing neighborhood.*

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

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

**LAND USE ELEMENT, TABLE 2-1:**

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

Allowed Uses and Standards	Residential Use Categories				
	R-SF	R-P	R-MD	R-HD	R-MHP
<b>Residential Uses</b>					
One Single-Family Detached Dwelling per Lot	X	X	-	-	-
Single-Family Attached and Detached Dwellings	X	X	X	X	-
Multiunit Apartment Dwellings	-	X	X	X	-
Mobile Home Parks	-	-	-	-	X
Second (Accessory) Residential Units	X	X	-	-	-
Assisted-Living Residential Units	-	-	X	X	-
<b>Other Uses</b>					
Religious Institutions	X	X	X	X	-
Small-Scale Residential Care Facility	X	X	-	-	-
Small-Scale Day Care Center	X	X	X	X	X
Public and Quasi-public Uses	X	X	X	X	-

Allowed Uses and Standards	Residential Use Categories				
	R-SF	R-P	R-MD	R-HD	R-MHP
<b>Accessory Uses</b>					
Home Occupations	X	X	X	X	X
<b>Standards for Density and Building Intensity</b>					
<i><b>Recommended Standards for Permitted Density</b></i>					
Maximum Permitted Density (units/acres)	5 or less	5.01–13	20	30	15
Minimum Permitted Density (units/acres)	N/A	N/A	15	15	N/A
<i><b>Recommended Standards for Building Intensity</b></i>					
Maximum Floor Area Ratios (FAR)	N/A	0.30	0.50	1.10	N/A
Maximum Structure Height (Inland Area)	25 feet	35 feet	35 feet	35 feet	25 feet
Maximum Structure Height (Coastal Zone)	25 feet	25 feet	25 feet	25 feet	25 feet
Maximum Lot Coverage Ratio	N/A	0.30	0.30	0.40	N/A
Minimum Open Space Ratio	N/A	0.40	N/A	N/A	N/A
Minimum Lot Size	7,000 s.f.	4,500 s.f.	N/A	N/A	2,500 s.f.
Notes:					
1. Use Categories: R-SF– Single-Family Residential; R-P – Planned Residential; R-MD – Medium-Density Residential; R-HD – High-Density Residential; R-MHP – Mobile Home Park.					
2. X indicates use is allowed in the use category; - indicates use not allowed.					
3. General Note: Some uses requiring approval of a conditional use permit are set forth in text policies, and others are specified in the zoning code.					
4. The standards for building intensity recommended by this General Plan pursuant to Government Code Section 65302(a) may be revised by a Resolution of the decision-making body of the City for specific projects based upon a finding of good cause.					
5. N/A = Not applicable.					

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

The applicable land use table for the proposed project, Table 2-1, Allowable Uses and Standards for Residential Use Categories, shown above states a recommended maximum residential floor area ratio (FAR) of 0.30 for the Planned Residential Land Use Designation. The applicant proposes a FAR of 0.22 with 42 studio, two-story, and three bedroom (with an option for a fourth bedroom in some models), ranging from 570 to 2,981 gross floor area square feet, with garages between 225 and 576 square feet. The Open Space Ratio would be 0.63. This would meet the recommended FAR and Open Space standards outlined in Table 2-1. The proposed heights from finished floor and finished grade to roof ridgeline of 26.5 feet and 27.0 feet would be 1.5 and 2 feet above the Land Use Element standard. For such exceptions to be granted, a good cause finding must be made, per the GP/CLUP Glossary, if the exception is:

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

This good cause finding can be made based on:



- a. The supportive comments received from the City DRB for the overall building configuration and size, bulk and scale;
- b. The reduction from 46 detached residential units as originally proposed down to 6 units translates into a reduction in the total number of buildings from 83 to 42. The substantial increase in clustering of structures compensates for a slightly higher roof line. The central area of the property would remain open, maintaining a view corridor through the parcel to the backdrop of the foothills and Santa Ynez Mountain skyline, which does not create an adverse impact to the community character, aesthetics, or public views.
- c. The project would provide five (5) studios (equal to 5 percent of all the units) to affordable to moderate-income (80 to 120 percent of median) households, and five (5) one-bedroom (equal to 5 percent of all the 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 five (5) units (equal to 5 percent of all the units) at prices affordable to very low-income households, and five (5) units (equal to 5 percent of all the units) affordable to low-income households.
- d. The Ordinance Amendment Development Agreement provides a contribution of \$1.5 million for the construction of Santa Barbara County Fire Station No. 10.

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

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

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

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

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

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

**Consistent.** These policies are intended to provide for protection of archaeological and cultural resources. Two Phase 1 Archaeological Surveys of the project site have not identified any potentially significant archaeological resources, though archaeological sites are recorded in other reaches of the Devereux Creek watershed in the vicinity. The project site soils are not known to contain paleontological resources, and the site is vacant, so no historical resources exist. Implementation of the conditions of approval would provide for monitoring of grading activities by a city-qualified archaeologist and local Native American, that would ensure identification and assessment of unknown cultural resources if they are encountered during grading/construction activities. As such, the project is considered consistent with these policies.

## **Conservation Element**

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

- a. No development, except as otherwise allowed by this policy, shall be allowed within ESHAs.
- b. A setback or buffer separating all permitted development from an adjacent ESHA shall be required and shall have a minimum width as set forth in subsequent policies of this element. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the

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

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

***CE 1.7. Mitigation of Impacts to EHSAs. [GP/CP] — New development shall be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Any impacts that cannot be avoided shall be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully***

*mitigate impacts on site. If impacts to onsite ESHAs occur in the Coastal Zone, any offsite mitigation area shall also be located within the Coastal Zone. All mitigation sites shall be monitored for a minimum period of 5 years following completion, with changes made as necessary based on annual monitoring reports. Where appropriate, mitigation sites shall be subject to deed restrictions. Mitigation sites shall be subject to the protections set forth in this plan for the habitat type unless the City has made a specific determination that the mitigation is unsuccessful and is to be discontinued.*

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

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

- a. Site designs shall preserve wildlife corridors or habitat networks. Corridors shall be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds.*
- b. Land divisions for parcels within or adjacent to an ESHA shall only be allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes.*
- c. Site plans and landscaping shall be designed to protect ESHAs. Landscaping, screening, or vegetated buffers shall retain, salvage, and/or reestablish vegetation that supports wildlife habitat whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of nonnative, invasive species shall not be allowed in ESHAs and buffer areas adjacent to ESHAs.*
- d. All new development shall be sited and designed so as to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater and to prevent net increases in baseline flows for any receiving water body.*
- e. Light and glare from new development shall be controlled and directed away from wildlife habitats. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs.*
- f. In order to minimize adverse impacts related to fish and wildlife habitat conservation areas and noise, noise levels from new development should not exceed an exterior noise level of 60 Ldn (day-night noise level) at the*

*habitat site. During construction, noise levels may exceed these levels when it can be demonstrated that significant adverse impacts on wildlife can be avoided or will be temporary.*

- g. All new development shall be sited and designed to minimize the need for fuel modification, or weed abatement, for fire safety in order to preserve natural vegetation within and adjacent to ESHAs. Development shall use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques, that will reduce or avoid fuel modification activities.*
- h. The timing of grading and construction activities shall be controlled to minimize potential disruption of wildlife during critical time periods such as nesting or breeding seasons.*
- i. Grading, earthmoving, and vegetation clearance adjacent to an ESHA shall be prohibited during the rainy season, generally from November 1 to March 31, except where necessary to protect or enhance the ESHA itself. An exception to this prohibition may be allowed if these actions are necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.*
- j. In areas that are not adjacent to ESHAs and where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.*

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

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

- a. The use of insecticides, herbicides, artificial fertilizers, or other toxic chemical substances that have the potential to degrade ESHAs shall be prohibited within and adjacent to such areas, except where necessary to protect or enhance the ESHA itself.*

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

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

**Existing Text:**

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

- a. *In areas where land has already been fully subdivided and developed, the SPA shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. Exceptions may be*

*allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer if: (1) there is no feasible alternative siting for the development that will avoid the SPA; (2) the new development will not extend into the ESHA, and the resulting buffer will not be less than 25 feet; and (3) the new development will not encroach further into the SPA than the existing development on the parcel.*

- b. In all other instances, the SPA shall not be less than 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater.*
- c. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit.*

**Proposed Text:**

**CE 2.2 Streamside Protection Areas. [GP/CP]**

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

- a. In areas where land has already been fully subdivided and developed, the SPA upland buffer shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater. Exceptions may be allowed in instances where existing permitted development on a subject parcel encroaches within the 50-foot buffer, only if:
  - (1) there is no feasible alternative siting for the development that will avoid the SPA;*
  - (2) the new development will not extend into an ESHA, and the resulting buffer will not be less than 25 feet; and*
  - (3) the new development will not encroach further into the SPA than the existing development on the parcel.**
- b. In all other instances, the SPA shall not be less than 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater. If there is no feasible alternative siting for the development that will avoid the SPA, the City may consider changing the width of the SPA upland buffer on a case-by-case basis at the time of environmental*

*review. Based on a site-specific assessment, the City may designate portions of an SPA upland buffer to be less than or greater than 100 feet wide, but not less than 50 feet, only if:*

- (1) substantial beneficial environmental improvements to the creek, its SPA, and/or related ESHAs are to be made as part of the project;*
- (2) the new development will not extend into an ESHA, and the resulting buffer will not be less than 50 feet; and*
- (3) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.*

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

**Consistent.** The amendment to CE 2.2 would maintain the standard of a 100-foot buffer for streamside protection areas. In instances where there is no feasible alternative siting for the development that would avoid the SPA, the width of the buffer could be changed, subject to certain criteria. These include provision of substantial environmental benefits to the creek, its SPA, and/or related ESHAs; and, that the project would not have a detrimental impact on streamside vegetation or the biotic quality of the stream. In no case can the buffer be reduced to less than 50 feet.

The minimum project building setback from top of bank is 51 feet on the west side of the creek, while the minimum building setback on the east side of the creek is 127 feet. The maximum building setback on the west and east sides of the creek is 360 and 218 feet, respectively; the average building setback on the west and east sides of the creek is 145 and 189 feet, respectively (these measurements were calculated by the applicant based on 20 reference points measured perpendicular from the Devereux Creek top of bank to proposed structures).

The proposed project would be consistent with all other applicable General Plan/Coastal Land Use Plan Conservation Element Policies. In particular, the Devereux Creek VEP and the setback would ensure consistency with the intent of this policy, as well as CE Policies:

- |         |   |
|---------|---|
| CE 1.6  | Protection of ESHAs.                          |
| CE 1.7  | Mitigation of Impacts to ESHAs.               |
| CE 1.8  | ESHA Buffers.                                 |
| CE 1.9  | Standards Applicable to Development Projects. |
| CE 1.10 | Management of ESHAs                           |



- CE 2.3: Compatible land uses and activities in Streamside Protection Areas (SPAs).  
CE 2.5: Maintenance of Creeks as Natural Drainage Systems.  
CE 2.6 Restoration of Degraded Creeks.

The amendments to CE 2.2, together with the above existing policies, would provide for appropriate protection of biological resources. Specifically, protection of special status habitats, listed species, native species, wildlife linkages, and flood management would still be provided for. The amendment would allow consideration of a buffer of less than 100 feet on undeveloped properties under certain circumstances and would result in the public benefit of greater flexibility in promoting other goals and objectives of the General Plan/Coastal Land Use Plan.

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

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

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

**Consistent.** A sound wall and trail would be constructed along the northern property boundary, but would be constructed as to allow for drainage and wildlife passage below and through the Devereux Creek prism. Positive drainage through the ESHA would be reestablished so that flows would drain southward and continue to the Devereux Slough. Vegetation would be restored and enhanced as part of the Vegetation Enhancement Plan. A second trail second pedestrian trail crossing through the south central portion of the ESHA would provide for potential nature educational opportunities. Therefore, the proposed project would be consistent with this policy.

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

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

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

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

- a. A map at a scale of 1":200' or larger showing topographic contours.

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

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

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

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

***CE 8.4. Buffer Areas for Raptor Species [GP/CP] — Development shall be designed to provide a 100-foot buffer around active and historical nest sites for protected species of raptors when feasible. In existing developed areas, the width of the buffer may be reduced to correspond to the actual width of the buffer for adjacent development. If the biological study described in CE 8.3 determines that an active raptor nest site exists on the subject property, whenever feasible no vegetation clearing, grading, construction, or other development activity shall be allowed within a 300-foot radius of the nest site during the nesting and fledging season.***

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

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

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

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

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

- a. Retention and detention basins;*
- b. Vegetated swales;*
- c. Infiltration galleries or injection wells;*
- d. Use of permeable paving materials;*
- e. Mechanical devices such as oil-water separators and filters;*
- f. Revegetation of graded or disturbed areas.*
- g. Other measures that are promoted by the Central Coast Regional Water Quality Control Board and those described in the BMP report of the Bay Area Association of Stormwater Management Agencies.*

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

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

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

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

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

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

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

*a. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30<sup>th</sup> of each year.*

- b. *Additional inspections, repairs, and maintenance should be performed after storms as needed throughout the rainy season, with any major repairs completed prior to the beginning of the next rainy season.*
- c. *Public streets and parking lots shall be swept as needed and financially feasible to remove debris and contaminated residue.*
- d. *The homeowners association, or other private owner, shall be responsible for sweeping of private streets and parking lots.*

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

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

**Consistent.** This policy is intended to ensure that adequate buffers are provided for sensitive receptors for air pollutants. The closest proposed residences to US 101 are approximately 200 feet to south of the freeway; the farthest are approximately 700 feet away. An analysis of mobile source air emissions and associated health risks was conducted and found that exposure to mobile source emissions would not be significant. The project has been conditioned, however, to require that state of the art internal ventilation systems that are rated at Minimum Efficiency Reporting Value of "MERV13" or better for enhanced particulate removal efficiency be provided on all units. Also, the project is conditioned to 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. Therefore, this project is considered consistent with this policy.

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

- a. *Any development proposal that has the potential to increase emissions of air*

*pollutants shall be referred to the Santa Barbara County Air Pollution Control District for comments and recommended conditions prior to final action by the City.*

- b. All new commercial and industrial sources shall be required to use the best-available air pollution control technology. Emissions control equipment shall be properly maintained to ensure efficient and effective operation.*
- c. Wood-burning fireplace installations in new residential development shall be limited to low-emitting State- and U.S. Environmental Protection Agency (EPA)-certified fireplace inserts and woodstoves, pellet stoves, or natural gas fireplaces. In locations near monarch butterfly ESHAs, fireplaces shall be limited to natural gas.*
- d. Adequate buffers between new sources and sensitive receptors shall be required.*

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

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

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

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

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

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

- a. Hollister Corridor Mixed Use. The Land Use Plan for the Hollister Corridor is designed to:*
  - 1) Provide new housing near existing workplaces and commercial services to encourage short trips by foot and bicycle.*

- 2) *Provide new housing near existing bus routes with convenient and high frequency service.*
  - 3) *Provide new housing near the US-101 ramps so as to minimize the length of auto trips on streets within the community.*
  - 4) *Provide new housing at locations near the existing Amtrak line, which could be considered for commuter rail service in the future.*
- b. *Other Land Use Policies: The following land use policies are designed to reduce demand for auto travel and promote less polluting modes such as bus transit, walking, and bicycling:*
- 1) *Clustering of moderate density housing and incorporation of residential apartments on upper floors of buildings, particularly in Goleta Old Town.*
  - 2) *Integration of new housing into existing neighborhood commercial centers.*
  - 3) *Emphasis on moderate density residential development rather than low-density sprawl.*
  - 4) *Integrating pedestrian, bicycle, and transit facilities into new development.*
  - 5) *Establishment of a fixed urban boundary to reduce sprawl outward from the existing urbanized area.*
- c. *Transportation Policies: The following transportation measures are designed to lower emissions of air pollutants by promoting efficient use of the street system:*
- 1) *Fine-tuning of intersections and their operations to minimize delays.*
  - 2) *Coordinated signal timing to improve traffic flow.*
  - 3) *Promotion of improved transit services.*
  - 4) *Creation of a linked pedestrian circulation system.*
  - 5) *Provision of a bikeway system.*
  - 6) *Encouragement of employer-based trip reduction measures such as subsidized bus fares, flexible work hours, vanpools, and similar measures.*

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

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

**Consistent.** State plumbing codes require the installation of low flush toilets. Conditions of approval require the use of drought-tolerant native or Mediterranean landscaping and drip irrigation. Therefore, this project is considered consistent with this policy.



## **Safety Element**

**SE 1.3. Site-Specific Hazards Studies [GP/CP]** — Applications for new development shall consider exposure of the new development to coastal and other hazards. Where appropriate, an application for new development shall include a geologic/soils/geotechnical study and any other studies that identify geologic hazards affecting the proposed project site and any necessary mitigation measures. The study report shall contain a statement certifying that the project site is suitable for the proposed development and that the development will be safe from geologic hazards. The report shall be prepared and signed by a licensed certified engineering geologist or geotechnical engineer and shall be subject to review and acceptance by the City.

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

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

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

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

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

***SE 4.11. Geotechnical Report Required. [GP/CP] — The City shall require geotechnical and/or geologic reports as part of the application for construction of habitable structures and essential services buildings (as defined by the building code) sited in areas having a medium-to-high potential for liquefaction and seismic settlement. The geotechnical study shall evaluate the potential for liquefaction and/or seismic-related settlement to impact the development, and identify appropriate structural-design parameters to mitigate potential hazards.***

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

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

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

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

setback from top of bank is 51 feet on the west side of the creek, while the minimum building setback on the east side of the creek is 127 feet. The maximum building setback on the west and east sides of the creek is 360 and 218 feet, respectively; the average building setback on the west and east sides of the creek is 145 and 189 feet, respectively.

**SE 7.2. Review of New Development. [GP/CP]** — *Applications for new or expanded development shall be reviewed by appropriate Santa Barbara County Fire Department personnel to ensure they are designed in a manner that reduces the risk of loss due to fire. Such review shall include consideration of the adequacy of “defensible space” around structures at risk; access for fire suppression equipment, water supplies, construction standards; and vegetation clearance. Secondary access may be required and shall be considered on a case-by-case basis. The City shall encourage built-in fire suppression systems such as sprinklers, particularly in high-risk or high-value areas.*

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

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

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

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

**Consistent:** No evidence of previous hazardous material storage has been identified associated with Elwood Oil Field exploration south of Hollister Avenue. In the event that potentially hazardous materials were encountered during grading, the project is conditioned to implement the Soil Management

Plan and a project-specific Health and Safety Plan. Therefore, the project would be consistent with this policy.

## **Visual and Historic Resources Element**

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

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

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

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

- i. *Selection of colors and materials that harmonize with the surrounding landscape.*
- j. *Clustering of building sites and structures.*

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

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

**Consistent.** These policies are intended to protect the City's scenic resources as defined in Policy VH 1.1 of the General Plan, public views of the mountains and foothills, public views of open space, and natural landforms, as well as ensure that new development adjacent to designated scenic corridors does not obstruct or degrade public views of scenic resources as seen from these view corridors. The maximum height of the structures is proposed to be 26.5 and 27 feet, 8.5 and 8 feet below the height of 35' allowed by the Article II Coastal Zoning Ordinance. The heights would exceed Land Use Element height recommendations of 25 feet for Planned Residential Development. The project, however, received supportive comments from the City DRB for the overall building configuration and size, bulk and scale. Additionally, the reduction of 46 detached residential units originally proposed to the current 5 units, as requested by DRB, translates to a reduction in the total number of buildings from 83 to 42. The substantial increase in clustering of structures compensates for a slightly higher roof line. With the reduction of detached units to five total, open space has been maximized and the central area of the property would remain open,

maintaining a view corridor through the parcel to the backdrop of the foothills and Santa Ynez Mountain skyline. Although the project site is directly visible from Hollister Avenue, a scenic corridor in the General Plan, it would not block a continuous view from the roadway, given the open space dedicated to Devereux Creek preservation through the middle of the project site, such that mountain views would remain. Therefore, with implementation of conditions of approval relating to submittal of final improvement plans for DRB review identifying colors and materials, shielded lighting fixtures, and landscaping that is appropriately sized and located to screen and soften the visual impacts of buildings fronting Hollister Avenue, the proposed project is considered consistent with these policies.

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

***VH 3.3 Site Design [GP]*** — *The City's visual character shall be enhanced through appropriate site design. Site plans shall provide for buildings, structures, and uses that are subordinate to the natural topography, existing vegetation, and drainage courses; adequate landscaping; adequate vehicular circulation and parking; adequate pedestrian circulation; and provision and/or maintenance of solar access.*

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

**Consistent.** These policies are intended to ensure that the architectural design of new development is compatible with the City's visual character. The proposed architecture proposed for both detached and attached units is described as a mix of Coastal, Ranch, and Monterey styles. Perimeter units would be oriented toward Hollister Avenue; no wall along the roadway is proposed. Units adjacent to Devereux Creek would be oriented to take advantage of proposed restoration of this biologically sensitive area. All units would have private outdoor areas. The maximum height of the structures is proposed to be 26.5 and 27 feet, 8.5 and 8 feet below the maximum height of 35' allowed by the zoning ordinance. The heights would exceed Land Use Element height recommendations of 25 feet for Planned Residential Development. The project, however, received supportive comments from the City DRB for the overall building configuration and size, bulk and scale. Additionally, the reduction of 46 detached residential units originally proposed to the current 5 units, as requested by DRB, translates to a reduction in the total

number of buildings from 83 to 42. The substantial increase in clustering of structures compensates for a slightly higher roof line. The central area of the property would remain open, maintaining a view corridor through the parcel to the backdrop of the foothills and Santa Ynez Mountain skyline, which would not create an adverse impact to the community character, aesthetics, or public views. A total of 87 eucalyptus and 8 cypress trees would be replaced with a total of 282 drought tolerant Mediterranean and native tree species, both ornamental (e.g., Melaluca, London Plane Tree, etc.) and indigenous to the area (e.g., coast live oak and sycamore). Project perimeter and internal landscaping is proposed to screen and soften views of the buildings. Total project open space would be 63% of all the project area and include the Devereux Creek ESHA and wetlands.

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

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

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

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

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

**Consistent.** This policy establishes guidelines for project landscaping. Open space would cover 63% of the parcel and include the Devereux Creek ESHA and wetlands. The proposed single family residences include a drought tolerant plant palette in the landscape plan that integrates with the proposed structures to break up their mass and scale. Large canopy trees proposed along the northern property boundary and retention of the existing eucalyptus grove along the southern property boundary would provide a buffer to Hollister Avenue traffic. As such, the project is considered consistent with these policies as conditioned.

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

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

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

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

**Consistent.** This policy requires all utilities serving new development to be placed underground. Conditions of approval for the project require all new utility service connections to be undergrounded. Therefore, the proposed project is considered consistent with these policies as conditioned.



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

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

## **Transportation Element**

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

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

Consistent. The project provides 218 spaces (173 enclosed and 45 on-street within designated pockets) for residents and visitors. These 218 spaces meet the Zoning Ordinance requirements for the entire project. All market-rate SFR and Townhomes units would include a private 2-car garage, while two-bedroom (market rate and affordable) and one-bedroom (affordable) carriage would include a private 1-car garage. Additional uncovered parking would be provided within 200-feet of the affordable units, as required by ordinance. In addition, 40 parking spaces in excess of the 218 spaces required can be accommodated within driveways, for a total of 258 spaces. An additional estimated 19 parking spaces could be located offsite on Las Armas Road resulting from completion of required standard road improvements. As such, the project is considered consistent with these policies.

**TE 11.4. Facilities in New Development [GP]** — *Bicycle facilities such as lockers, secure enclosed parking, and lighting shall be incorporated into the design*

*of all new development to encourage bicycle travel and facilitate and encourage bicycle commuting. Showers and changing rooms should be incorporated into the design of all new development where feasible. Transportation improvements necessitated by new development should provide onsite connections to existing and proposed bikeways.*

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

## **Public Facilities Element**

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

- a. A firefighter-to-population ratio of one firefighter on duty 24 hours a day for every 2,000 in population is considered “ideal,” although a countywide ratio (including rural areas) of one firefighter per 4,000 population is the absolute minimum standard. Considering the daytime population in Goleta due to employees and customers, all fire stations within Goleta fell short of this service standard as of 2005.*
- b. A ratio of one engine company per 16,000 population, assuming four firefighters per station, represents the maximum population that the Santa Barbara County Fire Department has determined can be adequately served by a four-person crew. Fire stations 11 and 12 (see Table 8-1) did not satisfy this standard as of 2005. Currently, all three fire engines that serve Goleta are staffed with only three-person crews. The National Fire Protection Association (NFPA) guidelines state that engine companies shall be staffed with a minimum of four on-duty personnel.*
- c. The third fire protection standard is a 5-minute response time in urban areas.*

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

**Consistent.** There are existing deficiencies in service to the project site currently served by Fire Station 11, on Storke Road and Phelps Road. The

proposed project would provide \$1.5 million through a Development Agreement for the construction of County Fire Station No. 10 (adjacent to the west) that would serve western Goleta, including the project site. This would ensure adequate fire protection response times in the vicinity, and the project's consistency with these policies.

***PF 9.3. Responsibilities of Developers. [GP/CP] — Construction permits shall not be granted until the developer provides for the installation and/or financing of needed public facilities. If adequate facilities are currently unavailable and public funds are not committed to provide such facilities, the burden shall be on the developer to arrange appropriate financing, or provide such facilities in order to develop. Developers shall provide or pay for the costs of generating technical information as to impacts the proposed development will have on public facilities and services. The City shall require new development to finance the facilities needed to support the development wherever a direct connection or nexus of benefit of impact can be demonstrated.***

**Consistent.** There are existing deficiencies in service to the project site currently served by Fire Station 11, on Storke Road and Phelps Road. The proposed project would provide \$1.5 million through a Development Agreement for the construction of County Fire Station No. 10 (adjacent to the west) that would serve western Goleta, including the project site. This would ensure adequate fire protection response times in the vicinity, and the project's consistency with this policy.

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

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

**Consistent.** These policies are intended to ensure that new development is coordinated with the availability and/or provision of adequate public facilities

and infrastructure to adequately serve it. Adequate water, sewer, and utility services are already available from the Goleta Water and Goleta West Sanitary Districts, local utility service providers, fire and police protection services, based on letters received from these agencies during project review. The proposed project would provide \$1.5 million through a Development Agreement for the construction of County Fire Station No. 10 (adjacent to the west) that would serve western Goleta, including the project site. Project impacts on local school enrollment would be mitigated pursuant to State statute by payment of development impact fees to the various school districts so impacted. As such, the proposed project is considered consistent with this policy.

## **Noise Element**

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

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

**NE 6.4. Restrictions on Construction Hours. [GP]** — *The City shall require, as a condition of approval for any land use permit or other planning permit, restrictions on construction hours. Noise-generating construction activities for projects near or adjacent to residential buildings and neighborhoods or other sensitive receptors shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. Construction in non-residential areas away from sensitive receivers shall be limited to Monday through Friday, 7:00 a.m. to 4:00 p.m. Construction shall generally not be allowed on weekends and State holidays. Exceptions to these restrictions may be made in extenuating circumstances (in the event of an emergency, for example) on a case*

by case basis at the discretion of the Director of Planning and Environmental Services. All construction sites subject to such restrictions shall post the allowed hours of operation near the entrance to the site, so that workers on site are aware of this limitation. City staff shall closely monitor compliance with restrictions on construction hours, and shall promptly investigate and respond to all noncompliance complaints.

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

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

**NE 7.5. Implementation of Recommendations from Acoustical Analyses. [GP]** — For projects where an acoustical analysis is required because of potential noise impacts, the City, through its development review and building permit processes, shall ensure that all appropriate noise reduction measures are incorporated.

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

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

**Consistent.** These policies are intended to ensure that new development is not exposed to unacceptable noise levels for the type and nature of the use involved and to protect sensitive noise receptors such as residential units from excessive levels of construction noise. The northern project boundary would be exposed to exterior noise levels exceeding 65 dB CNEL. Conditions of approval require that a proposed noise wall along the northern project boundary be extended approximately 50 feet to the west and east

beyond 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. The 6-foot sound wall height shall be measured from finished grade. Implementation of standard construction techniques would reduce interior noise levels below 45 dBA CNEL. Short-term construction activities would generate a potentially significant short-term impact in the immediate vicinity, particularly on residences to the south, and the Elwood School to the east. Therefore, construction hours would be limited according to conditions of approval for the project, and temporary construction sound walls would be erected on the eastern and southeastern project boundaries. Therefore, as conditioned, the project is considered consistent with these policies.

## **Housing Element**

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

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

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

**Consistent.** The proposed project would be consistent with these policies as noted below under the discussion for HE 11.5.

### **Existing Text:**

**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.*

- 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.*

*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.*

**Proposed Text:**

**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.
- 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.

**Consistent.** The proposed project would provide for 20 of the 101 units in the affordable range: five (5) studio housing units in the affordable range of 80-120 of median income, which will be subject to a 55-year resale restriction; five (5) one-bedroom housing units in the affordable range of 120-200% of median income, which will be subject to a 55-year resale restriction; an in-lieu fee equivalent to five (5) housing units in the affordable range of low-income households; and an in-lieu fee equivalent to five (5) housing units in the affordable range of very low-income households. The proposed amendment would provide for equivalent affordable housing units as presently required. Therefore, the project is considered consistent with these policies.

This Citywide amendment would be consistent with the intent of the original policy language. Additionally, for-sale projects are more likely to come forward since the percentage inclusionary requirement would be

more achievable. These amendments would result in promoting the intention of underlying land use designations and would allow sustained economic growth.

## **CALIFORNIA COASTAL ACT**

### **Chapter 3. Coastal Resources Planning and Management Policies**

#### **Article 4. Marine Environment**

##### **Coastal Act Section 30231. Biological productivity; water quality.**

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained, and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The proposed project would be consistent with this section regarding biological productivity of coastal waters, streams, wetlands, estuaries, and lakes and minimizing water quality impacts. The project would include a minimum 50-foot buffer from Devereux Creek top-of-bank. The buffer would range from 51 – 127 feet, with an average building setback of 145 – 189 feet. Additionally, the onsite wetland/grassland complex would be set aside in the open space/buffer area. The proposed project also includes numerous water quality protections, including bioswales and use of permeable paving. The proposed project would be consistent with this Coastal Act section.

#### **Article 5. Land Resources**

##### **Coastal Act Section 30240. Environmentally sensitive habitat areas; adjacent developments.**

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*



This Coastal Act section requires protection of ESHAs against any significant disruption of habitat values. The Devereux Creek and onsite wetland/grassland complex would include setback and open space protections as described above. Additionally, these resources would be subject to a Vegetation Enhancement Plan (VEP). The proposed project would be consistent with this Coastal Act section.

## **Article 6. Development**

### **Coastal Act Section 30250(a). Location; existing developed area.**

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than for leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

This Coastal Act section requires new residential development to be contiguous with, or in close proximity to, existing developed areas. The proposed project is located within an area of existing development and is consistent with this Coastal Act section.

### **Coastal Act Section 30251. Scenic and visual qualities.**

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

This Coastal Act section requires the protection of views to and along the ocean and scenic coastal areas, that the alteration of natural landforms be minimized, and that development be visually compatible with the character of surrounding areas. The proposed project does not impact views to and along the ocean, does not result in the alteration of natural landforms, and includes a site design (clustered; inclusion of open space) and architectural

styles/colors/materials (Coastal, Ranch, and Monterey) that are compatible with the character of surrounding areas. The proposed project would be consistent with this Coastal Act section.