



**REGULAR CITY COUNCIL
MEETING MINUTES
TUESDAY, NOVEMBER 17, 2009**

Afternoon Session
1:30 P.M.
City Hall
130 Cremona Drive, Suite B
Goleta, California

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

Members of the City Council

Roger S. Aceves, Mayor
Eric Onnen, Mayor Pro Tempore
Michael T. Bennett, Councilmember
Margaret Connell, Councilmember
Edward Easton, Councilmember

Daniel Singer, City Manager
Deborah Constantino, City Clerk
Tim W. Giles, City Attorney

AFTERNOON SESSION

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Aceves called the meeting to order at 1:30 P.M., followed by the Pledge of Allegiance.

ROLL CALL OF CITY COUNCIL

Present: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett, Connell and Easton.
Absent: None

Staff Present: Dan Singer, City Manager; Tim W. Giles, City Attorney; Vyto Adomaitis, Redevelopment, Neighborhood Services and Public Safety Director, and Deborah Constantino, City Clerk.

PUBLIC FORUM

None

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

A. PRESENTATION

A.1 Employee Recognition

Vyto Adomaitis, Redevelopment, Neighborhood Services, and Public Safety Director and Lieutenant Phil Willis acknowledged George Deluca -Senior Deputy, Goleta Traffic Unit – Motor Officer for his service to the City of Goleta (July 2002 – December 2009) and wished Senior Deputy Deluca success in his future endeavors.

Mayor Aceves presented George Deluca -Senior Deputy, Goleta Traffic Unit – Motor Officer a City Logo Tile for his service and dedication to the City of Goleta.

Steve Chase, Planning and Environmental Services Director acknowledged Anne Wells, Advanced Planning Manager for her five years of service to the City of Goleta.

Steve Wagner, Community Services Director acknowledged Bill Millar, Manager Parks and Open Spaces for his five years of service to the City of Goleta.

Mayor Aceves presented both Anne Wells and Bill Millar with five year pins for their service and dedication to the City of Goleta.

B. CONSENT CALENDAR

B.1 Approval of minutes for the City Council meetings of October 20, and November 3, 2009.

Recommendation: Approve the minutes of the City Council meetings of October 20, and November 3, 2009.

MOTION: Councilmembers Easton/Connell to approve the minutes of the City Council meetings of October 20, and November 3, 2009.

VOTE: Motion approved by a unanimous voice vote.

B.2 Acceptance of October 2009 Check Register

Recommendation: Accept the check register for the month of October 2009.

MOTION: Councilmembers Easton/Connell to accept the check register for the month of October 2009.

VOTE: Motion approved by a unanimous voice vote.

B.3 Amendment of City Manager Employment Contract

Recommendation:

A. Approve adoption of the Fourth Amendment to the "Agreement for Employment of City Manger".

B. Authorize an ongoing five and one half percent (5.5%) salary adjustment to the base pay rate of the City Manager in accordance with Section III, Part A of the Agreement for Employment of City Manager.

MOTION: Councilmembers Easton/Connell to approve adoption of the Fourth Amendment to the "Agreement for Employment of City Manger", and authorize an ongoing five and one half percent (5.5%) salary adjustment to the base pay rate of the City Manager in accordance with Section III, Part A of the Agreement for Employment of City Manager.

VOTE: Motion approved by a unanimous voice vote.

B.4 Emergency Response Contracts

Recommendation: Approve and authorize the City Manager to execute contracts with various contractors who will provide a variety of emergency response activities in the event of flooding from winter storms.

MOTION: Councilmembers Easton/Connell to approve and authorize the City Manager to execute contracts with various contractors who will provide a variety of emergency response activities in the event of flooding from winter storms.

VOTE: Motion approved by a unanimous voice vote.

B.5 Improvement Agreement for Construction of Public Improvements for the Sumida Gardens Development Project

Recommendation:

- A. Authorize the City Manager to execute the attached Improvement Agreement for the construction of public improvements for the extension of Overpass Road (the new Sumida Gardens Lane) and Hollister Avenue.

- B. Adopt Resolution No. 09-___ entitled "A Resolution of the City Council of the City of Goleta, California Authorizing the Filing of a Notice of Completion for the Construction of the Public Improvements as Shown on the Plans Entitled Overpass Road Extension and Hollister Avenue Improvement Plans" and Acceptance of Same Improvements and Accepting Such Improvements."

- C. Direct the City Clerk to file a Notice of Completion.

MOTION: Councilmembers Easton/Connell to authorize the City Manager to execute the attached Improvement Agreement for the construction of public improvements for the extension of Overpass Road (the new Sumida Gardens Lane) and Hollister Avenue, adopt Resolution No. 09-___ entitled "A Resolution of the City Council of the City of Goleta, California Authorizing the Filing of a Notice of Completion for the Construction of the Public Improvements as Shown on the Plans Entitled Overpass Road Extension and Hollister Avenue Improvement Plans" and Acceptance of Same Improvements and Accepting Such Improvements.", and direct the City Clerk to file a Notice of Completion.

VOTE: Motion approved by a unanimous voice vote.

B.6 FY 2009/10 First Quarter Financial Review

Recommendation:

As the City Council:

- A. Adopt Resolution No. 09-___ entitled "A Resolution of the City Council of the City of Goleta, California, Amending the City's Operating and CIP Budget for Fiscal Year 2009-10".

As the Redevelopment Agency:

- B. Adopt Resolution No. 09-___ entitled "A Resolution for the Redevelopment Agency for the City of Goleta, California, Amending the Operating Budget for Fiscal Year 2009-10".

~~MOTION:~~ Councilmembers Easton/Connell to adopt resolution No. 09-54 entitled "A Resolution of the City Council of the City of Goleta, California, Amending the City's Operating and CIP Budget for Fiscal Year 2009-10".

~~VOTE:~~ Motion approved by a unanimous voice vote.

MOTION: Agency Members Easton/Connell to adopt resolution No. 09-06 entitled "A Resolution for the Redevelopment Agency for the City of Goleta, California, Amending the Operating Budget for Fiscal Year 2009-10".

VOTE: Motion approved by a unanimous voice vote

B.7 Request for Full Reconveyance of Deed of Trust Pursuant to the Sumida Gardens Affordable Housing Assistance Agreement

Recommendation: Authorize the Executive Director and Redevelopment Agency Chair to execute a Request for Full Reconveyance of the Deed of Trust securing the Sumida Gardens Affordable Housing Assistance Agreement.

MOTION: Councilmembers Easton/Connell to Authorize the Executive Director and Redevelopment Agency Chair to execute a Request for Full Reconveyance of the Deed of Trust securing the Sumida Gardens Affordable Housing Assistance Agreement.

VOTE: Motion approved by a unanimous voice vote

OPPORTUNITY FOR PUBLIC TO ADDRESS CLOSED SESSION MATTERS

None

ADJOURN TO CLOSED SESSION AT 1:47 P.M.

CLOSED SESSION

The City Council met in closed session:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to the provisions of Government Code Section §54956.9(a) to confer with its legal counsel with regard to the following matter of pending litigation:

- Guggenheim v. City of Goleta USDC CV 0202478 FMC, Ninth Circuit Case No. 06-56306

**RECESS TO EVENING SESSION
CITY COUNCIL MEETING**

6:00 P.M.

**130 Cremona Drive, Suite B
Goleta, California**

EVENING SESSION

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Aceves called the meeting to order at 6:00 P.M., followed by the Pledge of Allegiance.

ROLL CALL OF CITY COUNCIL

Present: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett, Connell and Easton.

Absent: None

Staff Present: Dan Singer, City Manager; Tim W. Giles, City Attorney; Vyto Adomaitis, Redevelopment, Neighborhood Services and Public Safety Director, and Deborah Constantino, City Clerk.

PUBLIC FORUM

None

REPORT FROM CLOSED SESSION - (City Attorney)

Tim W. Giles, City Attorney, reported on Closed Session matters;

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to the provisions of Government Code Section §54956.9(a) to confer with its legal counsel with regard to the following matter of pending litigation:

- Guggenheim v. City of Goleta USDC CV 0202478 FMC, Ninth Circuit Case No. 06-56306

Action: No reportable action

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None

C. DISCUSSION/ACTION ITEM

C.1 City Participation in the Central Coast Energy Independence Program

Recommendation: Approve a formal letter of support advocating the City's participation in the Central Coast Energy Independence Program (CCEIP).

Staff Speakers:
Kirsten Deshler, Public Information Officer

~~MOTION: Councilmembers Easton/Bennett to approve a formal letter of support advocating the City's participation in the Central Coast Energy Independence Program (CCEIP).~~

~~VOTE: Motion approved by a unanimous voice vote.~~

D. PUBLIC HEARING

D.1 General Business License Fee Amendment

Recommendation:

- A. Receive staff presentation and public input;
- B. Introduce and conduct the first reading (by title only and waive further reading) of City Council Ordinance No. 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California Amending Section 5.01.730 and Repealing Section 5.01.740 of the Goleta Municipal Code Relating to General Business Licenses and Business License Fee Schedule."
- C. Continue this item to the next regular meeting for the second reading and adoption.

Staff Speakers:

Dan Singer, City Manager

Tim W. Giles, City Attorney

OPENED THE PUBLIC HEARING AT 6:47 P.M.

Speakers:

Richard Foster questioned the fees and requested that the fees to be prorated based on the size of the business.

CLOSED THE PUBLIC HEARING AT 6:49 P.M.

MOTION: Councilmembers Easton/Bennett to Introduce and conduct the first reading (by title only and waive further reading) of City Council Ordinance No. 09-__ entitled "An Ordinance of the City Council of the City of Goleta, California Amending Section 5.01.730 and Repealing Section 5.01.740 of the Goleta Municipal Code Relating to General Business Licenses and Business License Fee Schedule", and continue this item to the next regular meeting for the second reading and adoption.

VOTE: Motion approved by a unanimous voice vote

RECESS 7:01 P.M. – 7:08 P.M.

D. PUBLIC HEARING

D.2 07-202-GPA, Substantive Revisions (Track 3) General Plan/Coastal Land Use Plan Amendments

Recommendation: Adopt Resolution 09-__, entitled "A Resolution of the City Council of the City of Goleta, California Approving Various Actions Related to and Including Adoption of the Track 3 Amendments to the Goleta General Plan / Coastal Land Use Plan (Case No. 07-202-GPA)".

Staff Speakers:

Steve Chase, Director of Planning and Environmental Services
Anne Wells, Advanced Planning Manager
Dan Nemechek, Senior Planner
Charles Smith, Jones & Stokes

Anne Wells, Advanced Planning Manager, presented a PowerPoint entitled "Track 3 Amendments General Plan/Coastal Land Use Plan Case No.07-202-GPA, November 17, 2009."

PUBLIC HEARING OPENED AT 7:19 P.M.

Speakers:

Barbara Massey, representing the Citizens Planning Association South Coast Land Use Committee, reported that the Environmental Defense Center (EDC) provided Council with advice in a detailed and comprehensive letter discussing the environmental and legal implication of the proposed General Plan Amendments. Ms. Massey urged Council to follow the EDC's advice keeping in mind that without doing so Council is leaving the matter open to litigation. Ms. Massey requested Council reconsider the SEIR and General Plan Amendments.

Treva Yang, spoke to the proposed changes to CE 9.4, noting that while the Planning Commission has recommended no changes to the wording of CE 9.4 the planning staff has recommended changes from "shall" to "should" as well as changes to "critical root zone" to "protection zone". Ms. Yang agreed with the Planning Commission and requested Council let the wording stand as it is unchanged and suggested removing the phrase "except where no feasible alternative exists". Ms. Yang expressed concern that in CE 9.4 the language is not all that strong; "The following impacts to native trees and woodlands shall be avoided in the design of projects except where no feasible alternative exists". Ms. Yang suggested "except where no feasible alternative exists" is not strong and proposed the following new wording, The following impacts to native trees and woodlands should be avoided in the design of projects. Ms. Yang would like to see the "shall" remain and offered that the sentence read,

"The following impacts to native trees and woodlands shall be avoided in the design of projects". Ms. Yang spoke to CE 9.4, "Structures including roads and driveways shall be cited to prevent any encroachment into the critical root zone and to provide an adequate buffer outside the critical root zone" and reported the proposed change is to change not only the "shall" to "should" but the "critical root zone" to "protection zone". Ms. Yang suggesting the resulting sentence structures including roads and driveways should be cited to prevent any encroachment into the protection zone of any protected tree and to provide an adequate buffer outside the protection zone.

Mike Lunsford, representing the Gaviota Coast Conservancy, spoke to policy LU 11 regarding the housing and jobs balance, he noted that the City and the Commission are moving away from a growth management ordinance that relates housing and jobs and noted problems would occur due to the imbalance. In policy CE 2.2, Mr. Lunsford also spoke in support of the Planning Commissions 100 foot setback suggesting that now is the time to set in place strong creek buffers and that development related habitat destruction of related decline of coastal water quality are the primary threat to coast species and it is the leading cause of the species decline in California. Mr. Lunsford reported that in 2006 the eco-regional plan update by the Nature Conservancy noted that the Coastal Santa Ynez mountains is a recognized globally rich biological transition and conversion zone and the coastal wetlands and streams that drains support habitat for a host of plant and animal species.

Karen Keyper reported the Bacara team is seeking a modification to build 50 feet from the center line of Tecolote creek, the building would be in the streamside protection area and existing drains will continue to go into the Tecolote creek. Ms. Keyper reported the Gaviota Coast Conservancy feels this project is inconsistent with the General Plan building setbacks and Political EIR scoping purposes and that it adversely affects open space, public access, environmental sensitivity, creek habitat & scenic vistas available to the public at Haskell's beach.

Tom Figg, HT-Santa Barbara, Inc., expressed concern over the interpretation of policy, words, wordsmith, and language such as feasible, should, shall, and generally include. Mr. Figg expressed concerns that the City is looking to the applicant or by way of the Track 4 processes to correct short comings. Mr. Figg reported that a letter had been provided to Council that outlined a number of areas/illustrations both of policies already taken up and more importantly policies that will be taken up and how these policies can be misapplied and result in unintended consequences. Mr. Figg noted the language in the letter would allow for science to play a role in Council's determination, the application of the individual policies and bring harmony to policies that may not be working well together.

Scott Cooper spoke in support of the 100 foot stream and wetland buffers without exception. He spoke to long standing practices of the Coastal Commission and the Regional Water Quality Control Board assessment that the proposed amendments would increase the risk of degraded water quality, he also noted that the recommendations from scientific reviews and the Regional Board are consistent because although narrower buffer strips may protect water quality, much wider buffers are needed to protect biological resources. Mr. Cooper noted that buffer strips of 300 feet or more are recommended for protecting wildlife and also noted that staff recommendations that buffers for inland wetlands be decreased from 100 feet to 50 feet creating different standards for coastal versus inland wetlands is unsupported by any scientific evidence and overrides the Planning Commissions recommendation and that the SEIR on which recommendations are based lacks modern quantitative modeling or scientific assessments of the affects of proposed amendments on hydrology, geomorphology, water quality and biotic resources.

George Relles, Santa Barbara County Action Network, requested the 100 foot setbacks remain without exception and requested Council keep the 100 foot setbacks as the standard with clearly defined criteria for only narrow exceptions. Mr. Relles suggested exceptions should be granted only when there is no other alternative and when the environmental quality of the parcel and sensitive areas and streams is not reduced and setbacks should not ever be less than 50 feet in undeveloped areas nor less then 30 feet in developed areas. Mr. Relles requested Council cease to use the word feasible or define it clearly and consistently.

Ben Pitterle, Director for the Santa Barbara Channelkeeper, reported that since 2002 the Santa Barbara Channelkeeper has conducted monthly water quality monitoring activities throughout the Goleta slough watershed as well as additional areas in Goleta and raised concerns that some of the proposed General Plan Amendments may negatively affect water quality and the ecology of Goleta's creek, wetlands and beaches. He spoke to the multiple organizations have stated throughout this process that it has been scientifically established that there is a direct link between stream buffers and water quality and that the previous summer the State Water Board updated its official list of water bodies for this region, based on the most current data nearly every stream that runs through the City of Goleta had been identified as impaired for a variety of contaminants. Mr. Pitterle noted the Cities SEIR for the Track 3 amendments clearly states the Goleta slough as an impaired water body. Mr. Pitterle expressed concerns that the Cities proposed reduction to the existing creek setbacks will only make it harder for the City to achieve its water quality goals. Mr. Pitterle reported the Central Coast Regional Board also found that proposed amendment to multiple conservation elements policies potentially weaken protections currently afforded to ESHA's and increase the risk of degradation to water quality and they additionally stated that reduction in streamside protection areas upland buffers are

inconsistent with the goals outlined in the Cities water management plan. Mr. Pitterle requested that the Council consider alternative policy recommendations such as those offered by the Environmental Defense Center that protect water quality and minimize the impacts of flooding, preserve open space and protect the environmental resources.

Dr. Michael McGinnis, UCSB Ocean and Coastal Policy Center Director reported he has been working on issues in the Santa Barbara County climate action strategy with respect to biodiversity protection and also funded work from the National Science Foundation and the European Union on biodiversity protection and watersheds. He stated that 2/3 of all threatened and endangered species depend during sometime of their life cycle on aquatic habitats including riparian areas. He reported that in Southern California there has been a loss of 90 – 92 % of riparian habitat along creeks and rivers, giving climate disturbance and climate change these habitats, riparian areas for example, will become increasingly important for special status species and that many scientist today suggest that we could lose up to 65% of endemic species because of climate disturbance so climate refuge areas like riparian habitats become even more important in time. He encouraged both staff and the City to look at what is happening at the state and federal government level in terms of some recent adaptations strategy discussion papers. Dr. McGinnis noted in terms of creek setbacks they recommend increasing buffer areas around sensitive areas, riparian areas, wetland rather than reducing these setbacks and that the state recommends the need to enhance sensitive habitat protection as apposed to reducing sensitive habitat level protections.

Christina McGinnis spoke in support protecting the creeks and wetlands from the impacts of development and requested that Council adopt the minimum 100 foot setback requirement for creeks and wetlands. Ms. McGinnis suggested if Council considers specific reductions to the 100 foot setback for Old San Jose creek then the policy should be worded to describe why this creek is different and warrants smaller setbacks so as to avoid this reduction in other creeks located within the cities boundaries and if Council considers reductions in the creek setbacks then to include very specific language for when the exception would apply. Ms. McGinnis suggested the reduction should not increase any impacts to the creek habitat and should not encroach into ESHA areas and they should not be allowed to be smaller than previous buffers on the property if the property is already developed.

Mike Pollard, Kellogg Avenue, LLC., reported he owns property that is a portion of keysite 7B and he referred Council to the letter he submitted on November 6, 2009 (on file) regarding the streamside buffer areas CE 2.2. Mr. Pollard reported the purpose of the policy is to maintain the buffers, the streamside protection areas in their natural state. He requested the buffers should not apply to any developed property or property that is in productive use.

Dr. Ingeborg Cox, CE 2.2 Streams and Creeks, requested Council keep a clear buffer of 100 feet outward on both sides of the creek and that the wording on the point (a) the City may consider increasing or decreasing with width of the streamside protection area on a case by case basis needs clarification since the wording is unclear is open to interpretation. Dr. Cox raised concerns that CE 2.3 allowable uses and activities in Streamside protection areas (b) fencing and other access barriers, is open to interpretation and requested Council not remove the phrase, any land use, grading, removing of vegetation that is not listed is prohibited. Dr. Cox reported CE 3.1 definition of a wetland, the original indicators of a wetland have been removed and the original cited definitions amended by the Planning Commission were taken from the Coastal Commission and the Department of Fish and Wildlife. Dr. Cox raised concerns that by just stating a single indicator soil, hydrology or plants is not enough and in there place the City is substituting sources that define wetlands with there own wording and that if there is a lack of consensus it could create a loop hole that a developer could exploit. Dr. Cox requested Council give the preparation of a greenhouse reduction plan more priority and to not wait three more years before implementing a greenhouse reduction plan.

Vic Cox spoke in support of the Environmental Defense Center recommendations to Council. Mr. Cox reported the 100 foot buffers strike him from reading the different proposals, they are ok if they deal with butterfly and raptor habitats but they are not ok if they deal with other parts of streams or riparian habitats, which that in itself is kind of a contradiction and he suggesting that Council redirect staff to consider environmental protection as there number one priority in looking at this SEIR and not approve it at the moment.

Peter Brown, representing John Lund – Keysite 7A, spoke to the support in staff recommendations regarding the amendment of policy CE 2.2. and that neither the City nor environment losses under revised CE 2.2, the policy starts with a presumptive 100 foot buffer and then can be reduced only on the basis of scientific evidence and the results of environmental review. Mr. Brown reported the City retains full discretion to determine the appropriate buffer and that a number of speakers have advocated an inflexible 100 foot as if this was an absolute mandate, he did not think this is the case for two reasons; one is that Council already addressed this issue of project specific buffers in the Haskell's landing hearings earlier this year in which Council determined that based on particular evidence for that property a 50 foot buffer was appropriate for that site. Second, an inflexible 100 foot buffer by definition would have to apply everywhere with the same impact because it would be appropriate everywhere and certainly in Old Town that is not the case. Mr. Brown raised concerns that Mr. Lund's property is long and narrow and that a 100 foot setback would limit Mr. Lund's property to the size of a single lane bowling alley. Mr. Lund's property is not developed and a 50 foot setback is not much better than that and one size does not fit all, flexibility is required based on

circumstances. Mr. Brown reported Mr. Lund is prepared to restore the Old San Jose creek corridor on his property as part of submitting a viable project for small warehousing and service industrial uses and as the Planning Commission recognized flexibility in setting creek setbacks is necessary if redevelopment of Old Town is to occur. Mr. Brown spoke in support staff's recommendations to CE 2.2.

Connie Hannah, League of Women Voters, spoke in opposition of weakening the protection that the General Plan affords creeks, trees and environmentally sensitive habitats and noted the law required that any General Plan Amendments be made in the public interest. Ms. Hannah raised concerns that while some of these amendments would benefit individual property owners, they do not think they can be justified as being in the wider public interest and that it is particularly important in the case of CE 2.2, Streamside Protection Areas. Ms. Hannah reported the League of Women Voters recommends returning to the original language of this section and the distinction between already developed sites and undeveloped land is critical and should be retained and that the City needs to be required to act on our current knowledge of best management practices, and these include 100 foot setbacks from creeks. Ms. Hannah also reported the League has been pleased to see that careful attention was given to each amendment and that the League hopes that Council would choose the strongest environmental protections that they can in these remaining amendments.

Ana Citrin, representing Santa Barbara Urban Creek Council, reminded Council that the CEQA documents and finding are insufficiently detailed and lack substantial evidence to support their conclusions that the amendments to the Conservation Element will not significantly impact the environment. Ms. Citrin spoke to the public testimony and reported all the public hearings overwhelmingly supports strong environmental protections including 100 foot buffers around creeks and wetlands with minimal or no exceptions and that members of the public, expects in numerous fields and resource agencies have provided evidence showing why wide buffers are in the public interest and that they improve water quality, flood protection, open space and habitat for plants and wildlife. Ms. Citrin reported that little has been heard on why the proposed amendments are in the public interest and that the finding state that they would provide for improved direction and flexibility that would result in better management of creeks and wetlands and the few remaining vacant parcels in the City. Ms. Citrin noted that the finding fail to articulate where flexibility and direction is needed and for what purpose it is and urged Council to articulate those reasons and to discuss whether there are other ways to address them that does not require weakening citywide environmental protections. Ms. Citrin raised concerns that establishing 100 foot buffers around creeks and wetland will affect the private interest of certain landowners noting that there are other ways to address those interests while retaining 100 foot buffers such as by loosening height restrictions or transferring density and if Council determines that there are specific areas of

the City in which public interest factors favor reduced buffers she urged Council to treat those buffers specifically and not to apply exceptions city wide.

Brian Trautwein, representing the Environmental Defense Center, reported the EDC has been working for three decades to protect the creeks and wetlands in Goleta and urged Council not to weaken policies 2.2, 2.3, 3.4 and 3.5.

Mr. Trautwein reported policy 2.2 of the Conservation Element should include 100 foot minimum buffers without exception for all creeks in the City to adapt to climate change and increase flooding to recover endanger steelhead and to filter pollution from our creeks.

Mr. Trautwein spoke in opposition of exceptions but if the Council included exceptions it should only be when the site is already developed, when evidence demonstrates that it is necessary for the project to be feasible, if there is a significant public benefit and when development would not impact ESHA. Mr. Trautwein raised concerns that some have said that the Regional Water Quality Control Boards supports smaller buffers; he reported that this is not true and in fact their letter recommends that the City maintain minimum buffers of 50 feet for streams with establishment of much more substantial buffers as necessary, especially for creeks listed as impaired. Mr. Trautwein reported the amendment to policy 2.3 (i) would allow any type of public works projects in creeks are in violation of the Coastal Act, Section 30420 of the Coastal Act only allows uses that are dependant on the resources of an ESHA and Section 30236 only allows flood control projects, water supply projects and habitat restorations projects and also the last policy of 2.3 is very important to maintain, it clarifies that use is not explicitly listed in policy 2.3 are prohibited. Mr. Trautwein noted that with regard to the wetland policies 3.4 and 3.5 the Coastal Commission has informed them that, consistent with their procedural guidelines document, they will not recommend certification of a policy 3.4 with a minimum 50 foot setback and that they recommend that the City adopt a 100 foot setback consistent with their practice and the Coastal Act.

Richard Foster raised concerns regarding the use of words like flexibility and feasible he suggested if these word are to be used than clear definition is recommended. He also raised concerns over policy CE 2.2 & 3.4, noting that the burden is on the City Council to show that the creeks are healthy before they reduce the setbacks and spoke to the and raised concerns regarding the minimum setback under appeal. Mr. Foster closed by stating that Glen Anne road is about to be undermined from erosion from Glen Anne creek and that a larger setback is in the public interest and that it may be more feasible to compensate property owners whose parcel may be made non-conforming.

Rachel Couch, representing the State Coastal Conservancy, spoke to the conservancy climate change policy that was adopted in June that outline the effects and impacts of climate change.

Eddie Harris, representing Santa Barbara Urban Creeks Council, reported they are a 501(c)(3) non-profit dedicated to the protection of creeks and other water resources across the south coast. Mr. Harris urged Council to not certify the SEIR and addendum or adopt the CEQA findings. Mr. Harris raised concerns that the SEIR's conclusion and proposed findings that significant impacts to biological resources have been reduced to insignificant levels is not supported by substantial evidence and noted they support 100 foot minimum buffers throughout the City. Mr. Harris suggested that if a certain creek should have diminished protections, the City must explain the justifications for that exemption and should treat it independently of other creeks without compromising protections for all creeks and that the policy must include specific language for exceptions and that the language must not allow any increased impact to the creek habitat, must not allow encroachment in to ESHA and must not allow smaller setbacks then the previous buffer on the property if the parcel is already developed. Mr. Harris reminded Council that the Regional Water Quality Control Board letter of September 9, 2009, recommends that the City maintain a minimum of 50 foot buffers for SPA's with the establishment of more substantial buffers as necessary, especially for creeks listed as impaired under the Clean Water Act section 303(d). Mr. Harris urged Council to endure that the highest creek and wetland protections consistent with sound resource management and consistent with public interest be upheld for Goleta watersheds.

Rick Frickman expressed concerns that there might be an effort to sacrifice the old part of the creek in order to hold the setbacks to the rest of the creeks in Goleta and hoped that Council does not disregarding the old part of San Jose creek.

RECESS 8:16 P.M. TO 8:27 P.M.

Staff Speakers:

Steve Chase

Anne Wells, Advanced Planning Manager

Charles Smith, Jones & Stokes

RECESS 7:53 P.M. TO 8:11 P.M.

CLOSED THE PUBLIC HEARING AT 8:57 P.M.

RECESS 8:16 P.M. TO 8:27 P.M.

Mayor Aceves clarified procedures for consideration of proposed amendments which will include consideration and tentative decision on each

recommendation with no final action until after consideration of all policies and CEQA documents.

MOTION: Mayor Aceves/Mayor Pro Tempore Onnen to accept recommendation by the Planning Commission with change including the 50 foot buffer to 100 feet with ability for reduction to no less than 25 feet to the current language in CE 2.2.

AMENDED MOTION FAILED:

MOTION: Councilmember Easton/ to make a new section (b) reduction width of any SPA below 50 feet shall require City Council to provide specific approval based upon the findings of element A.1 and A.2 above in a public hearing.

MOTION: Mayor Aceves/Mayor Pro Tempore Onnen to accept recommendation by the Planning Commission with change including the 50 foot buffer to 100 feet with ability for reduction to no less than 25 feet to the current language in CE 2.2.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Aceves; Mayor Pro Tempore Onnen and Councilmembers Bennett and Easton. Noes: Councilmember Connell. Absent: None.

MOTION: Councilmember Connell/Mayor Pro Tempore Onnen to accept Planning Commission recommendation CE 2.3 with the following modification "Public Works projects as identified in the City's adopted Capital Improvement Plan" as in CE 1.6.

VOTE: Motion approved by a unanimous voice vote:

MOTION: Mayor Pro Tempore Onnen/ Councilmember Connell to accept recommendation by the Planning Commission no proposed amendment to CE 2.5.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmembers Easton/Connell to accept recommendation by the Planning Commission proposed amendment to CE 3.1.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Mayor Aceves/Councilmember Easton to accept recommendation by the Planning Commission no proposed amendment to CE 3.4.

VOTE: Motion approved by a unanimous voice vote.

MOTION FAILED

MOTION: Councilmember Easton/ to accept the Planning Commission recommendation to CE 3.5.

AMENDED MOTION:

MOTION: Councilmember Bennett/Mayor Aceves to accept proposed policy amendment (Alt 3 in SEIR) to CE 3.5.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmember Bennett. Noes: Councilmembers Connell and Easton.

MOTION: Mayor Aceves/Councilmember Easton to accept recommendation by the Planning Commission no proposed amendment to CE 9.1.

VOTE: Motion approved by the following voice vote Ayes: Mayor Aceves, Councilmembers Bennett, Connell, and Easton. Noes: Mayor Pro Tempore Onnen. Absent: None.

MOTION: Mayor Pro Tempore Onnen/ Councilmember Bennett to accept proposed policy amendment (Alt 3 in SEIR) as recommendation by the staff to CE 9.3.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmembers Easton/Bennett to accept alternative amendment as recommended by the Planning Commission to CE 1A-4.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Mayor Aceves/ to accept proposed policy amendment (Alt 3 in SEIR) as recommendation by the staff to CE 9.4.

AMENDED MOTION FAILED

MOTION: Councilmembers Connell/ to change under 5) the word "should" to "shall" in the proposed policy amendment (Alt 3 in SEIR) as recommendation by the staff to CE 9.4.

MOTION: Mayor Aceves/Councilmember Bennett to accept proposed policy amendment (Alt 3 in SEIR) as recommendation by the staff to CE 9.4.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Mayor Aceves/Mayor Pro Tempore Onnen to accept proposed policy amendment (Alt 3 in SEIR) as recommendation by the staff to CE 9.5.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Mayor Aceves/Councilmember Easton to accept recommendation by the Planning Commission to CE 10.3.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to abandon Council's prior approval of CE 1.9 to the Planning Commission's recommendation and move approval of CE1.9 proposed policy amendment (Alt 3 in SEIR).

VOTE: Motion approved by the following voice vote: Ayes: Mayor Aceves, Mayor Pro Tempore Onnen, and Councilmember Bennett. Noes: Councilmembers Connell and Easton.

MOTION: Mayor Aceves/Councilmember Bennett to accept recommendation by the Planning Commission to TE 13.4.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to accept recommendation by the Planning Commission to CE 1A-5.

VOTE: Motion approved by a unanimous voice vote.

RECESS 10:15 TO 10:25 P.M.

MOTION FAILED

MOTION: Mayor Pro Tempore Onnen/Councilmember Bennett to add to Council approval of 1.6 an article f) as follows" development may be allowed in ESHA or ESHA buffers where the parcel has previously been developed and such ESHA has occurred in a protection area or as a result of a mitigation imposed as a condition to the prior development of the parcel any such impacts to ESHA and ESHA buffers caused by development shall be fully mitigated."

VOTE: Motion failed by the following voice vote: Ayes: Mayor Pro Tempore Onnen and Councilmember Bennett. Noes: Mayor Aceves, Councilmembers Connell and Easton.

Tim W. Giles, City Attorney spoke to the revised proposed resolution provided to the public and Council and the revised findings based on what staff knew going into the evening. Mr. Giles reported on the clarifications to the revised resolutions, including specifics that have come out of Council's tentative actions. The proposed resolution before Council readopts and amends the findings of the resolution that the Council used to adopt the 2006 General Plan, as well as adopts new additional findings. This proposed resolution needs to be read in conjunction with that prior resolution. The findings set forth in the resolution used to adopt the 2006 General Plan related to those portions of the 2006 General Plan and related EIR that were not proposed to be amended are not changed and are incorporated by reference into the proposed resolution before the Council. The SEIR and Addendum revise the 2006 EIR and, therefore, need to rely upon the findings that underline the certification of that document. Staff attempted to clarify and make the language consistent so that the two documents can be read in concert and flow side by side. With regard to the Council's tentative actions this evening,

there were a couple of changes recommended to be made to the findings that support the adoption of the Track 3 General Plan amendments and the environmental documents underlying them. On CE1.9 staff recommended that the Council make the additional finding that it is in the public interest to allow grading in and adjacent to ESHA during the rainy season and to allow approved economic development when adequate protections are employed. (A finding supported by the straw vote taken by council.) On CE.2.2 staff recommended including a finding that it is in the public interest to increase the SPA buffer to 100 feet allowing exceptions only when scientific evidence supports such a reduction, which assures that scientific justifiable maximum protection is maintained without unjustifiable interference with private property rights and economic interests. Staff recommended that Council make this finding to support the language change that was proposed this evening. These are specific changes to Exhibit 3 of the proposed resolution. Staff recommended that Council make a general finding and allow staff to insert it at appropriate places, in Exhibit 2 "Findings and Statement of Overriding Considerations," that there is mitigation of the impacts of allowing grading during the rainy season in and adjacent to ESHA. Staff recommended that staff review and revise Exhibit 1 of the proposed resolution, if necessary, to ensure that it conforms to the Council's votes. Staff recommended that Council take up the question of the SEIR and Addendum by motion and then consideration of the resolution as presented with the modifications that staff recommended. That resolution would document the certification of the SEIR and Addendum.

MOTION: Councilmember Bennett/ Mayor Pro Tempore Onnen to approve the 2006 Final EIR as revised by the SEIR and the 2006 CEQA Addendum.

VOTE: Motion approved by the following voice vote: Ayes: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett and Connell. Abstain: Councilmember Easton.

MOTION: Councilmember Bennett/Mayor Aceves to adopt resolution 09-55, entitled "A Resolution of the City Council of the City of Goleta, California Approving Various Actions Related to and Including Adoption of the Track 3 Amendments to the Goleta General Plan / Coastal Land Use Plan (Case No. 07-202-GPA)", proposed by staff as amended to reflect staff recommendations made at the City Council meeting of November 17, 2009 and including the policy changes preferred by the City Council through tentative vote (shown in attached table).

VOTE: Motion approved by a roll call vote: Ayes: Mayor Aceves, Mayor Pro Tempore Onnen, Councilmembers Bennett and Connell. Abstain: Councilmember Easton.

E. COUNCIL COMMENTS

Councilmember Easton reported attending the Annual League of Cities held in San Antonio Texas.

Mayor Aceves also reported his attendance at the Annual League of Cities held in San Antonio Texas. Mayor Aceves also reported a Joint City of Goleta/ Santa Barbara School District meeting which will be held at Dos Pueblos High School on November 19, 2009, at 4:00 P.M.

Mayor Pro Tempore Onnen reported that the Finance Committee reviewed the General Business License Fee Amendment presentation.

F. CITY MANAGER/STAFF REPORT

Dan Singer, City Manager, reminded the public that City Hall will be closed November 23 - 27, 2009. Mr. Singer announced that Local Agency Formation Commission (LAFCO) will have an opening of a public member alternate position.

G. CITY ATTORNEY REPORT

None

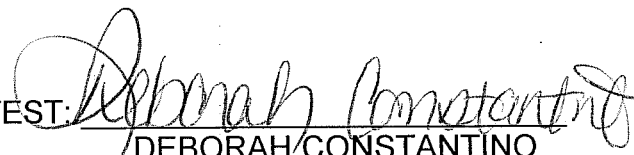
ADJOURNED AT 11:24 P.M.

Prepared by: Deborah Constantino, City Clerk

GOLETA CITY COUNCIL



ROGER S ACEVES
MAYOR

ATTEST: 

DEBORAH CONSTANTINO
CITY CLERK

Exhibit 1

Track 3 Substantive Revisions

TRACK 3 SUBSTANTIVE REVISIONS

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
Nonresidential Growth Management		
<p>LU 11.2 and LU 11.3 plus entirety of LU 11</p>	<p>Policy LU 11: Nonresidential Growth Management [GP] Objective: To manage the amount and timing of nonresidential development within the city based upon actual residential construction so as to maintain an appropriate balance between jobs and housing in the city.</p> <p>LU 11.1 No Limitation on Annual Residential Permits. [GP] The City shall not place limitations on the number of building permits for new residential units that can be approved each year.</p> <p>LU 11.2 Nonresidential Growth Limit Based on New Housing Production. [GP] The quantity of new nonresidential floor area that may be approved for construction each year shall be limited based upon the number of residential units authorized for construction in the preceding year. The nonresidential growth-management system may allow carryover of all or part of any unused portion of the total allocation to the following year.</p> <p>LU 11.3 Annual Cap on Total Allocation. [GP] The growth-management system may establish an annual cap on the total allocation of floor area that is available to be assigned to nonresidential projects each year.</p> <p>LU 11.4 Exemption of Certain Old Town Projects. [GP] The growth-management system may exempt projects located on selected sites within the redevelopment project area defined by the Goleta Old Town Revitalization Plan.</p> <p>LU 11.5 Priority Projects. [GP] The growth-management system may establish a list of priority projects, or categories of projects, that shall have priority for assignment of allocations of floor area each year.</p> <p>LU 11.6 Competitive Assignment of Annual Allocation. [GP] The growth-management system shall establish a method of evaluating projects that are not exempt or in a priority category and a method for determining which projects are to be assigned allocations based upon their relative scores from the evaluation. The growth-management system may include a procedure of assigning annual allocations for larger projects that are phased over a period of several years.</p>	<p>Policy LU 11: Growth Management [GP] Objective: To manage the timing of future growth based on maintenance of service levels and quality of life.</p> <p>LU 11.1 Pacing of Growth. [GP] <u>The City shall ensure that the timing of new development is consistent with resource and service constraints, including, but not limited to, transportation infrastructure, parks, water supply, sewer system capacity, and energy availability. (See also LU Guiding Principle and Goal #9; LU 1.13; TE 1.2; TE 13; TE 14; PF Guiding Principles and Goals #6, 7 and 9; PF 4; PF 7.1; PF 7.2; HE 3)</u></p> <p>Objective: To manage the amount and timing of nonresidential development within the city based upon actual residential construction so as to maintain an appropriate balance between jobs and housing in the city.</p> <p>LU 11.1 No Limitation on Annual Residential Permits. [GP] The City shall not place limitations on the number of building permits for new residential units that can be approved each year.</p> <p>LU 11.2 Nonresidential Growth Limit Based on New Housing Production. [GP] The quantity of new nonresidential floor area that may be approved for construction each year shall be limited based upon the number of residential units authorized for construction in the preceding year. The nonresidential growth-management system may allow carryover of all or part of any unused portion of the total allocation to the following year.</p> <p>LU 11.3 Annual Cap on Total Allocation. [GP] The growth-management system may establish an annual cap on the total allocation of floor area that is available to be assigned to nonresidential projects each year.</p> <p>LU 11.4 Exemption of Certain Old Town Projects. [GP] The growth-management system may exempt projects located on selected sites within the redevelopment project area defined by the Goleta Old Town Revitalization Plan.</p> <p>LU 11.5 Priority Projects. [GP] The growth-management system may establish a list of priority projects, or categories of projects, that shall have priority for assignment of allocations of floor area each year.</p> <p>LU 11.6 Competitive Assignment of Annual Allocation. [GP] The growth-management system shall establish a method of evaluating projects that are not exempt or in a priority category and a method for determining which projects are to be assigned allocations based upon their relative scores from the evaluation. The growth-management system may include a procedure of assigning annual allocations for larger projects that are phased over a period of several years.</p>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
LU-IA-2	<p>LU-IA-2 Update of Goleta Growth Management Ordinance. The existing growth management ordinance may need to be amended to conform to the provisions of this plan. The ordinance may be codified as part of the new zoning code.</p> <p>Time period: 2006 to 2007</p> <p>Responsible parties: Planning and Environmental Services Department, Planning Commission, and City Council.</p>	<p>LU-IA-2 Update of Goleta Growth Management Ordinance. The existing growth management ordinance may need to be amended to conform to the provisions of this plan. The ordinance may be codified as part of the new zoning code.</p> <p>Time period: 2006 to 2007</p> <p>Responsible parties: Planning and Environmental Services Department, Planning Commission, and City Council.</p> <p><i>Note: Renumber remaining Implementation Actions (LU-IA-3, -4, -5, -6, and -7) accordingly. Also, change the Implementation Action Summary Tab located at the back of the General Plan/Coastal Land Use Plan to reflect the removal of this action item.</i></p>
ESHAs – Definition and Designation		
CE Table 4-2	Conservation Element Table 4-2 Summary of Environmentally Sensitive Habitats	Change Table 4-2 to include coastal bluff scrub as a significant native plant community and to add the word "designated" before reference to coastal beaches and bluffs and before the reference to Planning Area. Update to reflect proposed CE 1.2 amendments. This additional change identifies ESHA locations in Table 4-2 as examples only.
CE Figure 4-1	Conservation Element Figure 4-1 Special-Status Species and Environmentally Sensitive Habitat Areas.	Change Figure 4-1 to reflect the correct raptor/butterfly ESHA along Comstock Homes northern and western boundary consistent with the Comstock Homes FEIR; <u>identify Old San Jose Creek with a creek pattern; and correct ESHA designation from "Riparian/Marsh/Vernal Pool" to "Native Upland Woodlands/Savannah" for parcels 069-090-050, 069-380-001, 069-380-003, 069-380-004, 069-391-001, 069-391-002, 069-391-006, 069-391-007, 069-391-008, 069-401-001, 069-401-002, 069-401-003, 069-401-013, 069-401-016, 069-401-017.</u>
CE 1.1	<p>CE 1.1 Definition of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria:</p> <ol style="list-style-type: none"> Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments. Any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments; plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened; and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas. Any area that has been previously designated as an ESHA by a competent authority. 	<p>CE 1.1 Definition of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria:</p> <ol style="list-style-type: none"> Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments. Any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments; plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened; and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas. Any area that has been previously designated as an ESHA by <u>the California Coastal Commission, the California Department of Fish and Game, City of Goleta, or other agency with jurisdiction over the designated area a competent authority.</u>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
CE 1.2	<p>CE 1.2 Designation of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs in Goleta are generally shown in Figure 4-1, and Table 4-2 provides a summary of the ESHAs and examples of each. The provisions of this policy shall apply to all designated ESHAs. ESHAs include the following resources:</p> <ol style="list-style-type: none"> Creek and riparian areas. Wetlands, such as vernal pools. Coastal dunes, lagoons or estuaries, and coastal bluffs. Beach and shoreline habitats. Marine habitats. Coastal sage scrub and chaparral. Native woodlands and savannahs, including oak woodlands. Native grassland. Monarch butterfly aggregation sites, including autumnal and winter roost sites, and related habitat areas. Beach and dune areas that are nesting and foraging locations for the western snowy plover. Nesting and roosting sites and related habitat areas for various species of raptors. Other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law. Any other habitat areas that are rare or especially valuable from a local, regional, or statewide perspective. 	<p>CE 1.2 Designation of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs in Goleta are generally shown in Figure 4-1, and Table 4-2 provides <u>examples</u> a summary of the ESHAs and <u>some locations</u> examples of each. The provisions of this policy shall apply to all designated ESHAs. ESHAs <u>generally</u> include <u>but are not limited to</u> the following resources:</p> <ol style="list-style-type: none"> Creek and riparian areas. Wetlands, such as vernal pools. Coastal dunes, lagoons or estuaries, and coastal bluffs/<u>coastal bluff scrub</u>. Beach and shoreline habitats. Marine habitats. Coastal sage scrub and chaparral. Native woodlands and savannahs, including oak woodlands. Native grassland. Monarch butterfly aggregation sites, including autumnal and winter roost sites, and related habitat areas. Beach and dune areas that are nesting and foraging locations for the western snowy plover. Nesting and roosting sites and related habitat areas for various species of raptors. Other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law. Any other habitat areas that are rare or especially valuable from a local, regional, or statewide perspective.
CE 1.5	<p>CE 1.5 Corrections to Map of ESHAs. [GP/CP] If a site-specific biological study contains substantial evidence that an area previously shown as an ESHA on Figure 4-1 does not contain habitat that meets the definition of an ESHA for reasons other than that set forth in CE 1.4, the City biologist and the Planning Commission shall review all available information and determine if the area in question should no longer be considered an ESHA and therefore not be subject to the ESHA protection policies of this plan. If the final decision-making body determines that the area is not an ESHA, a map modification shall be included in the next Coastal Land Use Plan amendment; however, Local Coastal Program policies and standards for protection of ESHAs shall not apply, and approval of development consistent with all other requirements of this plan may be considered prior to the map revision.</p>	<p>CE 1.5 Corrections to Map of ESHAs. [GP/CP] If a site-specific biological study contains substantial evidence that an area previously shown as an ESHA on Figure 4-1 does not contain habitat that meets the definition of an ESHA for reasons other than that set forth in CE 1.4, the City biologist and the Planning Commission shall review all available information and determine if the area in question should no longer be considered an ESHA and therefore not be subject to the ESHA protection policies of this plan. If the final decision-making body determines that the area is not an ESHA, a map modification shall be included in the next <u>General Plan/ Coastal Land Use Plan</u> amendment; however, Local Coastal Program policies and standards for protection of ESHAs shall not apply, and approval of development consistent with all other requirements of this plan may be considered prior to the map revision.</p>
CE 5.1	<p>CE 5.1 Designation of ESHAs. [GP/CP] The following habitats, which are not specifically included in other policies, are hereby designated ESHAs:</p> <ol style="list-style-type: none"> Native grasslands. Coastal sage scrub and chaparral. 	<p>CE 5.1 Designation of <u>Other Terrestrial</u> ESHAs. [GP/CP] The following habitats, which are not specifically included in other policies, are hereby designated ESHAs:</p> <ol style="list-style-type: none"> Native grasslands. <u>Coastal bluff scrub</u>, coastal sage-scrub and chaparral.

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
ESHAs – Protection and Buffers		
CE 1.6	<p>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:</p> <ul style="list-style-type: none"> a. No development, except as otherwise allowed by this element, 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. 	<p>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:</p> <ul style="list-style-type: none"> a. No development, except as otherwise allowed by this element, shall be allowed within ESHAs <u>and/or ESHA buffers.</u> 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, <u>and 6) Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.</u> 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.

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
CE 5.3	<p>CE 5.3 Protection of Coastal Sage Scrub and Chaparral. [GP/CP] In addition to the provisions of Policy CE 1, the following standards shall apply:</p> <ul style="list-style-type: none"> a. For purposes of this policy, existing coastal sage scrub is defined as a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush (<i>Artemisia californica</i>), coyote bush (<i>Baccharis pilularis</i>), and California encelia (<i>Encelia californica</i>). It is found at lower elevations in both coastal and interior areas where moist maritime air penetrates inland. Chaparral is composed mainly of fire- and drought-adapted woody, evergreen, shrubs and generally occupies hills and lower mountain slopes. b. To the maximum extent feasible, development shall avoid impacts to coastal sage scrub and chaparral habitats that would destroy, isolate, interrupt, or cause a break in continuous habitat that would (1) disrupt associated bird and animal movement patterns and seed dispersal, and (2) increase erosion and sedimentation impacts to nearby creeks or drainages. c. Impacts to coastal sage scrub and chaparral habitats shall be minimized by providing at least a 25-foot buffer restored with native species around the perimeter of the delineated habitat area. d. Removal of nonnative and invasive exotic species shall be allowed; revegetation shall be with plants or seeds collected within the same watershed whenever feasible. 	<p>CE 5.3 Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral ESHA. [GP/CP] In addition to the provisions of Policy CE 1, the following standards shall apply:</p> <ul style="list-style-type: none"> a. For purposes of this policy, <u>existing coastal bluff scrub is defined as scrub habitat occurring on exposed coastal bluffs. Example species in bluff scrub habitat include Brewer's saltbush (<i>Atriplex lentiformis</i>), lemonade berry (<i>Rhus integrifolia</i>), seashore blight (<i>Suaeda californica</i>), seacliff buckwheat (<i>Eriogonum parvifolium</i>), California sagebrush (<i>Artemisia californica</i>), and coyote bush (<i>Baccharis pilularis</i>).</u> Coastal sage scrub is defined as a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush (<i>Artemisia californica</i>), coyote bush (<i>Baccharis pilularis</i>), and California encelia (<i>Encelia californica</i>). It is found at lower elevations in both coastal and interior areas where moist maritime air penetrates inland. <u>Chaparral is defined as composed mainly of fire- and drought-adapted woody, evergreen, shrubs and generally occurring on occupies hills and lower mountain slopes. The area must have both the compositional and structural characteristics of coastal bluff scrub, coastal sage scrub, or chaparral habitat as described in Preliminary Descriptions of Terrestrial Natural Communities of California (Holland 1986) or other classification system recognized by the California Department of Fish and Game.</u> b. To the maximum extent feasible, development shall avoid impacts to <u>coastal bluff scrub, coastal sage scrub, and or chaparral habitat that is part of a wildlife movement corridor and the impact would preclude animal movement or isolate ESHAs previously connected by the corridor that would destroy, isolate, interrupt, or cause a break in continuous habitat that would</u> such as (1) disrupting associated bird and animal movement patterns and seed dispersal, and/or (2) increasing erosion and sedimentation impacts to nearby creeks or drainages. c. Impacts to <u>coastal bluff scrub, coastal sage scrub, and chaparral ESHAs</u> habitats shall be minimized by providing at least a 25-foot buffer restored with native species around the perimeter of the <u>ESHA, delineated habitat area, unless the activity is allowed under other CE subpolicies and mitigation is applied per CE 1.7.</u> d. Removal of nonnative and invasive exotic species shall be allowed; revegetation shall be with plants or seeds collected within the same watershed whenever feasible.

ESHAs – Development Standards

CE 1.9	<p>CE 1.9 Standards Applicable to Development Projects. [GP/CP] The following standards shall apply to consideration of developments within or adjacent to ESHAs:</p> <ul style="list-style-type: none"> 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 	<p>CE 1.9 Standards Applicable to Development Projects. [GP/CP] The following standards shall apply to consideration of developments within or adjacent to ESHAs:</p> <ul style="list-style-type: none"> 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
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Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 native and/or nonnative supporting habitats. Development shall use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques, that will reduce or avoid fuel modification activities.</p> <p>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.</p> <p>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.</p> <p>j. In areas that are not adjacent to ESHAs, where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.</p>	<p>protect, support, and enhance wildlife habitat values. Planting of nonnative, invasive species shall not be allowed in ESHAs and buffer areas adjacent to ESHAs.</p> <p>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.</p> <p>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.</p> <p>f. All new development should minimize potentially significant noise impacts on special-status species in adjacent ESHAs. 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.</p> <p>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 native and/or nonnative supporting habitats. Development shall use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques, that will reduce or avoid fuel modification activities.</p> <p>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.</p> <p>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 as follows: <u>1) where erosion control measures such as sediment basins, silt fencing, sandbagging, or installation of geofabrics have been incorporated into the project and approved in advance by the City; 2) where necessary to protect or enhance the ESHA itself; or 3) An exception to this prohibition may be allowed if these actions are where necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.</u></p> <p>j. In areas that are not adjacent to ESHAs, where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.</p>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
Streams and Creeks		
<p>CE 2.2</p>	<p>CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA 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:</p> <p>a. In areas where land has already been fully subdivided and developed, the SPA upland buffer shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of 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:</p> <ol style="list-style-type: none"> (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. <p>b. In all other instances, the SPA upland buffer 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:</p> <ol style="list-style-type: none"> (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. <p>c. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit. <i>(Amended by Reso. 09-30, 5/19/09)</i></p>	<p>CE 2.2 Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA 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:</p> <p>a. In areas where land has already been fully subdivided and developed, the SPA upland buffer shall not be less than 50 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The City may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The City may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer, and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.</p> <p>b. In all other instances, the SPA upland buffer 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:</p> <ol style="list-style-type: none"> (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. <p>b-e. 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. <i>(Amended by Reso. 09-30, 5/19/09)</i></p>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
CE 2.3	<p>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:</p> <ul style="list-style-type: none"> 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. <p>Any land use, construction, grading, or removal of vegetation that is not listed above is prohibited.</p>	<p>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:</p> <ul style="list-style-type: none"> a. Agricultural operations, provided they are compatible with preservation of riparian resources. b. Fencing <u>and other access barriers</u> 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. i. <u>Other such Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternative.</u> <p>Any land use, construction, grading, or removal of vegetation that is not listed above is prohibited.</p>
CE 2.5	<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>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:</p> <ul style="list-style-type: none"> 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, <u>unless an environmentally superior alternative exists.</u>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
Wetlands		
CE 3.1	<p>CE 3.1 Definition of Wetlands. [GP/ICP] <i>Wetlands</i> are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Lands classified as wetlands generally have one or more of three indicators: (1) a substrate that is predominately undrained hydric soils; (2) at least periodically, the land supports a preponderance of plants adapted to moist areas, or hydrophytic plants; or (3) a surface or subsurface water source that is present for sufficient periods of time to promote formation of hydric soils or growth of hydrophytic plant species.</p>	<p>CE 3.1 Definition of Wetlands. [GP/ICP] <i>Wetlands</i> are defined as <u>any area that meets the definition of a wetland as defined by the California Coastal Commission, California Department of Fish and Game, and U.S. Fish and Wildlife Service. The most protective of definitions shall be applied and used to determine the boundary of a wetland. The City of Goleta uses the identification of a single indicator (soil, hydrology, or plants) to determine the boundary of a wetland.</u> those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Lands classified as wetlands generally have one or more of three indicators: (1) a substrate that is predominately undrained hydric soils; (2) at least periodically, the land supports a preponderance of plants adapted to moist areas, or hydrophytic plants; or (3) a surface or subsurface water source that is present for sufficient periods of time to promote formation of hydric soils or growth of hydrophytic plant species.</p>
CE 3.4	<p>CE 3.4 Protection of Wetlands in the Coastal Zone. [CP] The biological productivity and the quality of wetlands shall be protected and, where feasible, restored. The filling, diking, or dredging of open coastal waters, wetlands, estuaries, and lakes is prohibited unless it can be demonstrated that:</p> <ol style="list-style-type: none"> There is no feasible, environmentally less damaging alternative to wetland fill. The extent of the fill is the least amount necessary to allow development of the permitted use. Mitigation measures have been provided to minimize adverse environmental effects. The purposes of the fill are limited to: incidental public services, such as burying cables or pipes; restoration of wetlands; and nature study, education, or similar resource-dependent activities. <p>A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland shall be required, but in no case shall wetland buffers be less than 100 feet. The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion.</p>	<p>CE 3.4 Protection of Wetlands in the Coastal Zone. [CP] The biological productivity and the quality of wetlands shall be protected and, where feasible, restored; <u>in accordance with the federal and state regulations and policies that apply to wetlands within the Coastal Zone. Only uses permitted by the regulating agencies shall be allowed within wetlands.</u> The filling, diking, or dredging of open coastal waters, wetlands, estuaries, and lakes is prohibited unless it can be demonstrated that:</p> <ol style="list-style-type: none"> There is no feasible, environmentally less damaging alternative to wetland fill. The extent of the fill is the least amount necessary to allow development of the permitted use. Mitigation measures have been provided to minimize adverse environmental effects. The purposes of the fill are limited to: incidental public services, such as burying cables or pipes; restoration of wetlands; and nature study, education, or similar resource-dependent activities. <p>A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland shall be required. <u>Generally the required buffer shall be 100 feet, but in no case shall wetland buffers be less than 50-100 feet. The buffer size should take into consideration the type and size of the development, the sensitivity of the wetland resources to detrimental edge effects of the development to the resources, natural features such as topography, the functions and values of the wetland and the need for upland transitional habitat. A 100-foot minimum buffer area shall not be reduced when it serves the functions and values of slowing and absorbing flood waters for flood and erosion control, sediment filtration, water purification, and ground water recharge.</u> The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion.</p>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
CE 3.5	<p>CE 3.5 Protection of Wetlands Outside the Coastal Zone [GP]. The biological productivity and the quality of inland wetlands shall be protected and, where feasible, restored. The filling of wetlands outside the Coastal Zone is prohibited unless it can be demonstrated that:</p> <ol style="list-style-type: none"> The wetland area is small, isolated, not part of a larger hydrologic system, and generally lacks productive or functional habitat value. The extent of the fill is the least amount necessary to allow reasonable development of a use allowed by the Land Use Element. Mitigation measures will be provided to minimize adverse environmental effects, including restoration or enhancement of habitat values of wetlands at another location on the site or at another appropriate offsite location within the City. <p>A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland shall be required. Generally a wetland buffer shall be 100 feet, but in no case shall a wetland buffer be less than 50 feet. The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion.</p>	<p>CE 3.5 Protection of Wetlands Outside the Coastal Zone, [GP]- The biological productivity and the quality of inland wetlands shall be protected and, where feasible, restored. The filling of wetlands outside the Coastal Zone is prohibited unless it can be demonstrated that:</p> <ol style="list-style-type: none"> The wetland area is small, isolated, not part of a larger hydrologic system, and generally lacks productive or functional habitat value. The extent of the fill is the least amount necessary to allow reasonable development of a use allowed by the Land Use Element. Mitigation measures will be provided to minimize adverse environmental effects, including restoration or enhancement of habitat values of wetlands at another location on the site or at another appropriate offsite location within the City. <p>A wetland buffer of a sufficient size to ensure the biological integrity and preservation of the wetland shall be required. Generally <u>A</u> wetland buffer shall be <u>no</u> 100 feet, but in no case shall a wetland buffer be less than 50 feet. <u>The buffer size should take into consideration the type and size of the development, the sensitivity of the wetland resources to detrimental edge effects of the development to the resources, natural features such as topography, the functions and values of the wetland and the need for upland transitional habitat.</u> The buffer area shall serve as transitional habitat with native vegetation and shall provide physical barriers to human intrusion.</p>
Protection of Trees		
CE 9.1	<p>CE 9.1 Definition of Protected Trees. [GP/CP] New development shall be sited and designed to preserve the following species of native trees: oaks (<i>Quercus</i> spp.), walnut (<i>Juglans californica</i>), sycamore (<i>Platanus racemosa</i>), cottonwood (<i>Populus</i> spp.), willows (<i>Salix</i> spp.), toyon (<i>Heteromeles arbutifolia</i>), or other native trees that are not otherwise protected in ESHAs.</p>	<p>CE 9.1 Definition of Protected Trees. [GP/CP] New development shall be sited and designed to preserve the following species of native trees: oaks (<i>Quercus</i> spp.), walnut (<i>Juglans californica</i>), sycamore (<i>Platanus racemosa</i>), cottonwood (<i>Populus</i> spp.), willows (<i>Salix</i> spp.), toyon (<i>Heteromeles arbutifolia</i>), or other native trees that are not otherwise protected in ESHAs, <u>unless as otherwise allowed in CE 9.</u></p>
CE 9.3	<p>CE 9.3 Native Oak Woodlands or Savannas. [GP/CP] Native oak woodlands and savannas are designated as ESHAs and shall be preserved and protected. A minimum buffer area 25 feet wide shall be provided around the woodland, measured from the outer extent of the canopy of the trees or the critical root zone, whichever is greater.</p>	<p>CE 9.3 Native Oak Woodlands or Savannas. [GP/CP] Native oak woodlands and savannas are designated as ESHAs and shall be preserved and protected. A minimum buffer area <u>shall be established via the implementation of CE-IA-4 Preparation of a Tree Protection Ordinance.</u> 25-foot wide shall be provided around the woodland, measured from the outer extent of the canopy of the trees or the critical root zone, whichever is greater.</p>
CE-IA-4	<p>CE-IA-4 Preparation of a Tree Protection Ordinance. The City may prepare and adopt a Tree Protection Ordinance that addresses standards for: heritage trees; public right-of-way trees; parking lot shade trees; native trees; street and parkway trees; and anti-topping.</p> <p><u>Time period:</u> 2008</p> <p><u>Responsible party:</u> Planning and Environmental Services Department; Community Services Department</p>	<p>CE-IA-4 Preparation of a Tree Protection Ordinance. The City <u>shall</u> may prepare and adopt a Tree Protection Ordinance that addresses standards, <u>for example:</u> heritage trees; public right-of-way trees; parking lot shade trees; native trees; <u>protective buffer widths for native trees, tree protection zones, mitigation ratios,</u> street and parkway trees; and anti-topping.</p> <p><u>Time period:</u> 2008<u>2010</u></p> <p><u>Responsible party:</u> Planning and Environmental Services Department; Community Services Department</p>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
CE 9.4	<p>CE 9.4 Tree Protection Standards. [GP/CP] The following impacts to native trees and woodlands shall be avoided in the design of projects except where no other feasible alternative exists: 1) removal of native trees; 2) fragmentation of habitat; 3) removal of understory; 4) disruption of the canopy, and 5) alteration of drainage patterns. Structures, including roads and driveways, shall be sited to prevent any encroachment into the critical root zone and to provide an adequate buffer outside of the critical root zone of individual native trees in order to allow for future growth.</p>	<p>CE 9.4 Tree Protection Standards. [GP/CP] The following impacts to native trees and woodlands shall <u>should</u> be avoided in the design of projects except where no other feasible alternative exists: 1) removal of native trees; 2) fragmentation of habitat; 3) removal of understory; 4) disruption of the canopy, and 5) alteration of drainage patterns. Structures, including roads and driveways, <u>should</u> be sited to prevent any encroachment into the <u>protection zone of any protected tree</u> critical-root-zone and to provide an adequate buffer outside of the <u>protection zone</u>critical-root-zone of individual native trees in order to allow for future growth. <u>Tree protection standards shall be detailed in the Tree Protection Ordinance called for in CE-IA-4.</u></p>
CE 9.5	<p>CE 9.5 Mitigation of Impacts to Native Trees. [GP/CP] Where the removal of mature native trees cannot be avoided through the implementation of project alternatives or where development encroaches into the protected zone and could threaten the continued-viability-of-the-tree(s), mitigation measures shall include, at a minimum, the planting of replacement trees on site, if suitable area exists on the subject site, at a ratio of 10 replacement trees for every one tree removed. Where onsite mitigation is not feasible, offsite mitigation shall be provided by planting of replacement trees at a site within the same watershed. If the tree removal occurs at a site within the Coastal Zone, any offsite mitigation area shall also be located within the Coastal Zone. Minimum sizes for various species of replacement trees shall be established by ordinance. Mitigation sites shall be monitored for a period of 5 years. The City may require replanting of trees that do not survive.</p>	<p>CE 9.5 Mitigation of Impacts to Native Trees. [GP/CP] Where the removal of mature native trees cannot be avoided through the implementation of project alternatives or where development encroaches into the protected zone and could threaten the continued viability of the tree(s), mitigation measures shall include, at a minimum, the planting of replacement trees on site, if suitable area exists on the subject site, <u>or offsite if suitable onsite area is unavailable, consistent with the Tree Protection Ordinance (see also CE-IA-4).</u> The Tree Protection Ordinance shall establish the mitigation ratios for replacement trees for <u>every tree removed, at a ratio of 10 replacement trees for every one tree removed.</u> Where onsite mitigation is not feasible, offsite mitigation shall be provided by planting of replacement trees at a site within the same watershed. If the tree removal occurs at a site within the Coastal Zone, any offsite mitigation area shall also be located within the Coastal Zone. Minimum sizes for various species of replacement trees shall be established <u>in the Tree Protection Ordinance, by ordinance.</u> Mitigation sites shall be monitored for a period of 5 years. The City may require replanting of trees that do not survive.</p>
Storm Water Management		
CE 10.3	<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>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, <u>consistent with the City's Storm Water Management Plan or a subsequent Storm Water Management Plan approved by the City and the consistent with the requirements and standards of the Central Coast Regional Water Quality Control Board.</u> Post construction structural BMPs shall be designed to treat, infiltrate, or filter stormwater runoff in accordance with <u>applicable standards as required by law, the City's Stormwater Management Program.</u> Examples of BMPs include, <u>but are not limited to,</u> the following:</p> <ul style="list-style-type: none"> 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 <u>as identified in the City's adopted Storm Water Management Plan and other City-approved regulations, 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.</u>

Policy ID #	Policy Text in Adopted General Plan	Amendment ¹
Greenhouse Gas Reduction		
CE-IA-5	N/A	<p><u>CE-IA-5 Preparation of a Greenhouse Gas Reduction Plan.</u> Within 24 months of the adoption of the Track 3 GP/CLUP Amendments, the City of Goleta will develop a <u>Greenhouse Gas Reduction (GHG) Plan with implementation to commence 12 months thereafter. The Plan is intended to address City activities, as well as activities and projects subject to ministerial and/or discretionary approval by the City.</u></p> <p><u>At a minimum, the Plan will:</u></p> <ol style="list-style-type: none"> <u>a. Establish an inventory of current GHG emissions in the City of Goleta including, but not limited to, residential, commercial, industrial, and agricultural emissions.</u> <u>b. Forecast GHG emissions for 2020 for City operations.</u> <u>c. Forecast GHG emissions for areas within the jurisdictional control of the City for business-as-usual conditions.</u> <u>d. Identify methods to reduce GHG emissions.</u> <u>e. Quantify the reductions in GHG emissions from the identified methods.</u> <u>f. Establish requirements for monitoring and reporting of GHG emissions.</u> <u>g. Establish a schedule of actions for implementation.</u> <u>h. Identify funding sources for implementation.</u> <u>i. Identify a reduction goal for the 2030 Planning Horizon.</u> <u>j. Consider a biological resource component.</u> <p><u>During preparation of the GHG Reduction Plan, the City will also continue to implement City policies regarding land use and circulation as necessary to further achieve the 2020 and 2030 reduction goals and measures to promote urban forestry and public awareness concerning climate change.</u></p> <p><u>In addition to the above, the GHG Reduction Plan will include a plan for City Operations that will address, but is not limited to, the following measures: an energy tracking and management system; energy-efficient lighting; lights-out-at-night policy; occupancy sensors; heating, cooling, and ventilation system retrofits; ENERGY STAR appliances; green or reflective roofing; improved water pumping energy efficiency; central irrigation control system; energy-efficient vending machines; preference for recycled materials in purchasing; use of low or zero-emission vehicles and equipment and recycling of construction materials in new city construction; conversion of fleets (as feasible) to electric and hybrid vehicles; and solar roofs.</u></p> <p><u>Time Period: 2009 through 2014</u></p> <p><u>Responsible Party: Planning and Environmental services Department</u></p>

Footnote:

¹ = The proposed project is sorted by subject area instead of General Plan element and policy order to assist in the review of policy content.

