

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Park Hill Estates v.2 Subdivision

Hearing Date: December 5, 2011
Staff Report Date: November 18, 2011
Case No.: 10TRM-00000-00001

Deputy Director: Alice McCurdy
Division: Development Review South
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Environmental Document: 11NGD-00000-00013

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This site is identified as Assessor Parcel Number 059-290-041, located at 4700 Via Los Santos, in the Goleta area, 2nd Supervisorial District

Application Complete: August 12, 2010
Processing Deadline: 60 days from approval of ND

1.0 REQUEST

Hearing on the request of Jeff Nelson to consider Case No. 10TRM-00000-00001, [application filed on May 4, 2010] for approval of a Vesting Tentative Tract Map in compliance with County Code Chapter 21 to divide 14.87 acres into 18 lots of varying sizes, including 16 residential lots, on property zoned 1-E-1; and to adopt the Negative Declaration (11NGD-00000-00013) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Land Use, Noise, Public Facilities, Transportation, and Water Resources.

The ND and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara. The ND is also available for review at the Central Branch of the City of Santa Barbara Library, 40 East Anapamu Street, Santa Barbara.

The application involves AP No. 059-290-041, located at 4700 Via Los Santos, in the Goleta area, 2nd Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 11TRM-00000-00001 marked "Officially Accepted, County of Santa Barbara December 5, 2011 County Planning Commission Attachments A-F", based upon the project's consistency with the Comprehensive Plan, including the Goleta Community Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Adopt the Negative Declaration included as Attachment C and adopt the mitigation monitoring program contained in the conditions of approval.
3. Approve the project subject to the conditions included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on Section 21-6 of Chapter 21 which states that the Planning Commission shall be the decision maker for Vesting Tentative Tract Maps that are subject to environmental review.

4.0 ISSUE SUMMARY

Neighborhood Compatibility

The neighborhood around the project site is primarily zoned 1-E-1 (one-acre minimum parcel size), however, property sizes around the project site range widely, with many of the neighboring parcels less than one acre. The average parcel sizes surrounding the project site are 1.07 acres for properties to the north (with a range of 0.46 to 3.58 acres in size), 0.62 acres for properties to the east (with a range of 0.49 to 1.04 acres in size), 0.84 acres for properties to the south (with a range of 0.32 to 1.96 acres in size), and 0.95 acres for properties to the west (with a range of 0.58 to 2.2 acres in size). The subdivision would result in a mix of residential parcels ranging in size from 0.62 acres (as well as 0.39 acres for the affordable lot) to 1.14 acres, with an average size of approximately 0.79 acres (or approximately 0.73 acres when the private roads are excluded from

the parcel size calculations). Thus, the average parcel size under the proposed project would be lower than the average parcel size for properties to the north, south, and west, but consistent with or greater than properties to the east. Overall, the average parcel size is 0.94 within the greater San Antonio Creek Road/Via Los Santos neighborhood, though approximately 26% of the neighborhood parcels are less than two-thirds (0.67) of an acre in size. While the average parcel size within the project site is slightly below the neighborhood average, the range of parcel sizes within the project site is consistent with and well within the range found in the surrounding neighborhood.

Surrounding development is characterized by custom homes with distinct styles, sizes, heights, designs, landscaping, and varied setbacks. Of particular concern to many neighboring residents is the potential for uniformity in design and appearance of future development on the property which would be incompatible with the surrounding neighborhood. Proper controls on future development such as appropriate and varied setbacks between residences, building heights, landscaping, and design review would help to ensure that reduced lot sizes relative to some of the surrounding neighborhood would not result in incompatible development. Mitigation has been included as conditions of approval to minimize this potential and provide for varied development within the site.

In addition to concerns regarding the project density and potential uniformity of development, many neighbors have expressed concerns over the proposal to provide street parking within the project site. The proposed project includes street parking along one side of Cozy Drive, in addition to an 80-foot section of Cozy Lane adjacent to the detention basin that would provide pocket parking for up to approximately 10 cars. Neighbors have cited this parking as being incompatible with the neighborhood since other streets in the neighborhood do not have street parking. However, there would be no parking along Cozy Drive for the first 180 feet from its intersection with San Antonio Creek Road. The parking pullout along Cozy Lane would similarly be set in approximately 180 feet from its intersection with Via Los Santos. As a result, the street parking would be visibly removed from the main public viewing locations. In addition, providing street parking within the project site provides for overflow parking during special events (e.g. private parties, etc.), which would help to keep vehicles from spilling over onto nearby streets where parking could otherwise create a potential public safety hazard or traffic hazard due to the lack of sufficient road shoulders outside of the travel lanes. As designed, the on-street parking would prevent individual private parties from impacting surrounding neighbors. There are no prohibitions on street parking on private roads. For these reasons, this element of the project does not raise any planning concerns.

Native Grasslands

The project site encompasses nine stands of native grasslands totaling 3.07 acres, which are considered a rare plant community by the California Department of Fish and Game. Mitigation for native grasslands affected by projects proposed on this site has been discussed for over ten years. In 2000, a proposal to mitigate loss of native grasslands by preserving existing grasslands on each lot was rejected because it would result in numerous small, isolated and fenced grassland areas. In 2003, preservation of then lots 1 and 8 (now proposed lots 1, 10, and 11) was considered but rejected, because these areas would be isolated. The preferred mitigation at that time was to create a 2-acre lot

on the southern portion of the site and restore native grasslands within that area as well as the rear portions of the southern residential lots. This concept was carried forward through 2005 and 2006, when the prior project for 13 lots (12 residential lots and one open space lot) was approved. At that time, only 1.36 acres of native grasslands were identified as requiring mitigation. The standard for performance of the mitigation was establishment and maintenance of at least a 10 percent relative cover of native grass plants within the 2.72-acre on-site restoration area (2:1 mitigation ratio).

Since that time, the extent of native grassland stands on site has increased to where a 2:1 mitigation ratio would require 6.14 acres of native grassland restoration. When the current project (now 16 residential lots) was proposed, the earlier restoration proposal was revised in July 2010, to reduce the mitigation area to 1.61 acres and incorporate a new minimum cover performance standard of 50% relative cover after 3-5 years. However, a portion of the area to be restored was proposed to be used as an active recreation area, thus potentially reducing or eliminating its effect as mitigation. The County determined that this was not adequate to fully mitigate the project impacts, given the increase in the size and amount of the native grassland stands on the site. Therefore, the applicant has proposed mitigation in the form of an off-site element that includes collaboration with UCSB Cheadle Center for Biodiversity and Ecological Restoration (CCBER). The mitigation for restoring the 3.07 acres of impacts to native grasslands would be assessed at a 2:1 ratio and installed within a 6-acre area on property owned by UCSB located adjacent to and east of Coal Oil Point Reserve. From a biological value perspective, this off-site mitigation is seen as a preferred approach to on-site mitigation in that it would provide for a larger restoration area than would be possible on-site and the restoration would be less fragmented, isolated and disturbed by surrounding residential development.

State Density Bonus Program

The base density for this property is 14 residential lots based on a one-acre minimum parcel size. Pursuant to the State Density Bonus Program (Government Code Section 65915 et seq.), the applicant is entitled to a bonus density of 25% by providing one affordable unit/lot at the “very low income” category as part of the project. Thus, by providing one affordable unit, the density for the property can be increased from 14 units/lots to 18 units/lots (as fractional units are rounded up) and such an increase in density does not require an amendment to the land use designation or zone district for that property. In this case, the applicant is proposing 16 residential lots, reducing the allowable bonus density by two lots in response to concerns by neighbors regarding the density of the project. As a condition of approval, the applicant would be required to construct the affordable unit before 50% of the market rate lots, or eight lots (rounding up) are developed and receive occupancy clearance. There are narrow findings that must be made by a local jurisdiction in denying a project that is proposed in compliance with the State Density Bonus Program. Government Code Section 65915 (e) (State Density Bonus law) precludes the County from applying development standards that have the effect of physically precluding the construction of a development project meeting density bonus criteria. Further, Government Code Section 65589.5 (d) precludes the County from denying a housing project meeting State Density Bonus criteria unless it would have a “specific adverse impact.” Specific adverse impact is defined for the purpose of that section as: “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.”

Pennell Road

Pennell Road is a private road along the north side of the subject property that provides access to the residential lots immediately north of the project site. The road is held in fee by the owners of the Park Hill Estates property, with the exception of a 5-foot strip along the southern portion of the road, which is held in fee by the Jette family. The 5-foot strip separates the subject property to be subdivided from the rest of Pennell Road, creating an intervening fee ownership. Residents who utilize Pennell Road for access do so through existing access easements. In 2007 as part of approval of the original Park Hill Estates project, an agreement was made for the owners of the Park Hill Estates property to transfer their ownership of Pennell Road to the Jette family and the Jette family to quitclaim the 5 foot strip and deed it to the owners of Park Hill Estates. This agreement has not been carried out.

As part of the current proposal, the applicant is seeking a different approach, which is to have the Jette family quit claim the 5-foot strip and deed it to the owners of Park Hill Estates and receive an easement over the land in exchange. This would result in the Park Hill Estates property having contiguous ownership across Pennell Road. Access easements for the lots to the north that are served by Pennell Road would remain in effect.

Follow-up Zoning Clearance Process for Buildout

Pursuant to the County Land Use and Development Code, for subdivisions involving five or more lots, the follow-up development of each residential lot would be processed under the “zoning clearance” process, rather than the land use permit process. There are no noticing requirements or the ability to appeal development approved pursuant to a zoning clearance.

The current project does not include specific development plans or detailed grading plans for the 16 separate residential lots; the residential lots may be developed concurrently or may be sold and developed separately. Regardless, future residential development would be subject to approval by the South County Board of Architectural Review (SBAR) pursuant to the newly adopted Eastern Goleta Design Guidelines. Project neighbors within 300 feet of the lot under consideration would receive notice that the project had been submitted for SBAR review. SBAR approvals (or denials) are appealable. However a BAR appeal is limited to those issues under the SBAR’s specific jurisdiction (e.g., design, landscaping, compatibility with neighborhood development, etc.). The SBAR’s review would be guided by applicable conditions of approval related to visual resources and design guidelines. Specifically, mitigation adopted as conditions of approval require the SBAR to ensure diversity in the build out of the lots.

5.0 PROJECT INFORMATION

5.1 Site Information

| 2.1 Site Information | |
|--------------------------------|---|
| Comprehensive Plan Designation | Urban area of the Goleta Community Plan, Residential 1.0, One unit per acre maximum density |
| Zoning District, Ordinance | County LUDC, 1-E-1, Single Family Residential, One acre minimum lot size |
| Site Size | 14.87 acres gross, 14.71 acres net |
| Present Use & Development | The site is vacant. The South Coast Conduit runs under/through the project site in a 70-foot easement. |
| Surrounding Uses/Zoning | North: Single family residence/1-E-1 South: Single family residence/1-E-1 East: Single family residence/1-E-1 West: Single family residence /1-E-1 |
| Access | Two new private internal roads, one connecting to San Antonio Creek Road and the other connecting to Via Los Santos. |
| Public Services | Water Supply: Goleta Water District Sewage: Proposed annexation to Goleta Sanitary District Fire: Santa Barbara County Fire Department, Station No. 13 School District: Goleta Union School District |

5.2 Setting

The 14-acre property is approximately 5,000 feet north of U.S. Highway 101 and approximately 4,000 feet west of State Highway 154. The site is approximately ¼ of a mile northeast of Tucker's Grove Park (a County Park) and approximately 620 feet west of San Antonio Creek at its closest point. The site is bordered to the north, east, south and west by single family residential development on parcels ranging from approximately 0.5 acres to over one acre (1-E-1 zoning). The site has some frontage on and is visible from Via Los Santos and San Antonio Creek Road.

The 14-acre property is part of an elevated terrace with a minimum surface elevation of approximately 325 feet and a maximum of approximately 375 feet. Slopes are approximately 6%, with steeper slopes in portions of the site, including the western portions of lots 10 and 11. Most of the site slopes toward the south central portion of the site, though a portion of the site drains to the west towards homes off of Via Los Padres. There are scattered rock outcroppings throughout the site, including cobble and boulder material. Lots immediately north of the project site sit slightly higher (365 to 380 feet approximately), while lots immediately west and south of the project site are lower in elevation. Lots immediately east of the project site are at approximately the same topographical elevation.

The property was briefly farmed prior to 1971 and was used for horse grazing between 1971 and 1995. Several patches of native grasslands have been identified on the site with purple needlegrass (*Nasella pulchra*) comprising the dominant species. The remaining areas of the site are composed largely of non-native annual grasslands and coastal sage scrub, although individual specimens of purple needlegrass and other native species are scattered throughout these areas. The periodic surveys of the site have demonstrated that it is a dynamic landscape,

with the extent of native grassland patches increasing in the last several years. Several oak trees are located near the southern property line in the area of the detention basin.

Fauna on site is typical to rural Goleta: gophers, squirrels, coyote, raccoons and an assortment of lizards and snakes. White tailed kites (a "Special Status" species under the California Department of Fish and Game) have been observed foraging on the site; however, no evidence of a roosting or nesting site for this species was observed. The pallid bat, another sensitive species, may also use the site for foraging. No other nesting or roosting sites have been observed for any endangered or protected species.

The site is currently undeveloped with the exception of two existing cement vaults in the southern portion of the property, one near the intersection of Via Los Santos and San Antonio Creek Road, and the second just north of an existing single family lot on San Antonio Creek Rd and west of the proposed entrance for proposed Cozy Drive. These vaults are associated with Goleta Water District facilities and the South Coast Conduit which runs through the entire property in an east-west direction, near the center of the site.

All land surrounding the site is zoned 1-E-1 (one acre residential) and, with three exceptions, all parcels adjacent to the property have been developed with residential uses. The Jette property immediately north of the project site contains one single family dwelling and is approximately 5.16 acres in size, and therefore could be potentially subdivided into five one-acre lots. Most of the surrounding parcels in the project vicinity range from approximately 0.5 acres to over one acre (net) and include varying home sizes and setbacks in between residences. Parcels to the immediate north are primarily one acre or greater, with the exception of the recent La Romana subdivision which consists primarily of ½-acre lots. Parcels to the east are predominantly in the half to two-thirds of an acre size. Parcels to the south are primarily in the three-quarters to one acre size. Parcels to the west are primarily in the two-thirds to three-quarters of an acre in size, with some larger parcels greater than one acre. The project site essentially represents a centrally located key lot with different lot sizes to the north, south, east, and west. The Painted Cave Fire swept through the project area in 1990 and destroyed all but a few homes. Older residences in the project area, located primarily to the south and west, are generally more modest in height, size and design than the newer homes which are larger, include more 2-story components and range in size from 2,000 s.f. to 5,000+ s.f. (with one residence of ~7,400 s.f.). Most of the smaller homes (i.e. less than 3,000 s.f.) occur on parcels that are closer to ½-acre in size or occur on larger parcels that were unaffected by the Painted Cave fire.

5.4 Description

Request of Jeff Nelson, applicant, for approval of a Vesting Tentative Tract Map under Chapter 21 of the County Code (Subdivision Regulations) that would divide the property into 18 lots composed of the following: 16 single family residential lots that range in size from approximately 0.62 acres to 1.14 acres each, including one smaller lot (0.39 acres) for an affordable unit per the State Density Bonus Program; one open space lot of approximately 1.68 acres; and one lot encompassing Pennell Road, a private road held in fee. The open space lot would accommodate storm water retardation in a graded detention basin, a portion of a new access road, and a landscaped area surrounding the basin composed of native and/or drought tolerant grasses and shrubs. The bottom of the detention basin would be used for passive

recreation by the project residents. The current Tentative Tract Map request does not include any specific development plans for the proposed 16 single-family residential parcels.

The acreage for each proposed lot is provided in the following table:

| | | | |
|-------|----------------------------|--------|---|
| Lot 1 | 0.95 ac gross, 0.86 ac net | Lot 10 | 1.12 ac gross and net |
| Lot 2 | 0.70 ac gross, 0.68 ac net | Lot 11 | 0.99 ac gross and net |
| Lot 3 | 0.39 ac gross and net | Lot 12 | 0.67 ac gross and net |
| Lot 4 | 0.64 ac gross and net | Lot 13 | 0.76 ac gross and net |
| Lot 5 | 0.79 ac gross and net | Lot 14 | 0.82 ac gross and net |
| Lot 6 | 0.92 ac gross and net | Lot 15 | 1.14 ac gross and net |
| Lot 7 | 0.65 ac gross and net | Lot 16 | 0.86 ac gross and net |
| Lot 8 | 0.62 ac gross and net | Lot 17 | 1.68 ac gross and net (open space lot) |
| Lot 9 | 0.63 ac gross and net | Lot 18 | 0.51 ac gross, 0.50 ac net (private road) |

State Density Bonus Program

The base density for this property is 14 residential lots based on a one-acre minimum parcel size. Pursuant to the State Density Bonus Program (Government Code Section 65915 et seq.), the applicant is entitled to a bonus density of 25% by providing one affordable unit/lot at the “very low income” category as part of the project. Thus, by providing one affordable unit, the density for the property can be increased from 14 units/lots to 16 units/lots and such an increase in density does not require an amendment to the land use designation or zone district for that property.

Architectural Standards

To ensure compatibility of future build out with the neighborhood, the applicant has proposed architectural standards for future development, as discussed further below. In some instances, these standards reflect existing County Land Use and Development Code requirements as well as recommendations identified in the newly adopted Eastern Goleta Valley Architectural Guidelines. These include measures to address building heights, building materials and colors, grading, drainage, and privacy, as discussed below. The total maximum floor area of all structural development for two of the largest lots (Lots 1 and 15) would be limited to no more than 5,500 square feet, including all garages and accessory structures. Two additional lots (Lots 10 and 11) would be limited to no more than 5,000 net square feet, including all garages and accessory structures. Total floor area for all structural development on the affordable lot would be limited to 2,600 square feet. Total floor area on the remaining 10 lots would be limited to no more than 4,600 square feet. The proposed architectural standards are as follows:

Building Heights (from finished pad grades to highest peak):

| | |
|---------------|----------------|
| Lot 1: 22 ft. | Lot 9: 25 ft. |
| Lot 2: 22 ft. | Lot 10: 22 ft. |
| Lot 3: 18 ft. | Lot 11: 22 ft. |
| Lot 4: 22 ft. | Lot 12: 24 ft. |
| Lot 5: 22 ft. | Lot 13: 22 ft. |
| Lot 6: 22 ft. | Lot 14: 22 ft. |
| Lot 7: 25 ft. | Lot 15: 25 ft. |
| Lot 8: 25 ft. | Lot 16: 22 ft. |

Setbacks

The average side yard setbacks applicable to individual lots, as defined by County Codes, shall be a minimum of 40 feet between buildings on adjacent lots. The 40-foot setback in between residences will be variable as to the allocation between the lots, with the first of the developed lots to have a minimum 15 feet (in which case the adjacent lot would have a 25 foot setback for 40 feet total). The exception to this is Lot 3, the affordable lot, for which the existing code requirements shall be applicable.

Grading

To the extent feasible, unless required for technical or engineering reasons, new buildings, additions, and associated infrastructure shall substantially comply with the preliminary subdivision improvement plan, which incorporates the following standards:

- Minimize filling or placement of earth materials;
- Avoid raising the building pad for any new dwelling or addition above the existing grade except as required for civil engineering purposes;
- Naturalize contours to eliminate abrupt edges; and
- Step down the hillside and blend the structure and usable exterior space into sloping sites.

Public View Corridors

Future buildings on Lots 1 and 2 shall be setback a minimum of 30 feet from the property lines adjacent to San Antonio Creek Road. The existing pepper trees and trees and vegetation that currently line San Antonio Creek are to be removed and replaced per the landscape plan. The height of landscaping and related elements within the first 35 feet from the edge of the pavement along San Antonio Creek Road would be limited to four feet in height.

Landscaping

Use landscaping to balance the competing goals of minimizing high trees which would cut off views of the coast and providing privacy by screening living areas with trees and shrubs to provide a reasonable level of privacy; maintain existing oak trees in the southeast of the property that currently give privacy for neighboring homes.

Second Story Design

To minimize overall massing of a residence, the second story shall be stepped back from existing homes immediately adjacent to the development in a manner that serves the interest of good design.

Materials

Materials on the exterior of the buildings shall be chosen that minimize glare, rapid deterioration and shall be appropriate to the style of the building.

Color

The color of the exterior body of the buildings on site shall balance the aesthetic goal of creating a coherent community of homes consistent with the character of homes in the greater neighborhood along with the goal of incorporating colors similar to those found in the surrounding natural environment in order to blend in with the local vegetation, soils and rock outcroppings. Colors shall be reviewed and approved by the Board of Architectural Review.

Front Yard Fencing/Walls

If fencing and/or walls are desired in front yards of individual lots, it shall be an open type fence, such as split rail or low rock wall (no higher than four feet).

Driveways

Asphalt driveways shall be prohibited.

Access Via Pennell Road

Primary access to Lot 1 is proposed to be off of San Antonio Creek Road. The right to secondary access for this parcel is retained via Pennell Road.

Infrastructure Development

The property is located in the San Antonio Creek area of Goleta and has frontage on the following existing roads: Via Los Santos, San Antonio Creek Road and Pennell Road, a private road (See Vesting Tentative Map in Attachment D). Site access would include a new, 12-foot wide, private driveway off of San Antonio Creek Road, which would serve Lot 1. This driveway would be constructed at the time that Lot 1 is developed. Access to the remainder of the site would be provided by two new, private, internal roadways and a cul-de-sac which would be constructed as part of the initial tract improvements. Neither entrance would be gated. Cozy Drive would provide access from San Antonio Creek Road, between proposed lots 2 and 16. Cozy Lane would provide access from Via Los Santos at the southwest corner of the open space lot and would continue into the project site between lots 13 and 14 before intersecting with Cozy

Drive. The new internal roads would provide two entrance points for the subdivision that would connect inside the project site and create a looped road and cul-de-sac to the north that would serve the lots. Lots 3 through 6 would be served by the cul-de-sac. Cozy Drive would have a 28-foot paved width, with parking on one side, except for the first 180 feet off San Antonio Creek Road. Cozy Lane would have a paved width of 24 feet, except for an 80 ft. long segment that would be 32 ft. wide to allow parking near the north end of lot 17. Parking would not be permitted on Cozy Lane except for within the 32 ft. wide segment of the road.

Additional tract improvements include bio-swales, a proposed retardation basin, rough grading for building pads for proposed lots, trenching and installation of utilities to each lot, and installation of a new pedestrian path running along San Antonio Creek Road. Infrastructure improvements also include removal of the pepper trees along San Antonio Creek Road and the installation and initial maintenance of the landscaping, walking surfaces, and any lighting associated with the pedestrian path, road signs, entry pillars and internal roadways.

Grading

Total grading for the project, including earthwork estimates for individual lot development, is preliminarily estimated at 12,500 cubic yards of cut and 12,500 cubic yards of fill. These grading figures are based on information included on the Subdivision Improvement Plans and Vesting Tentative Subdivision Map, and encompass establishment of the specific pad elevations and rough grading for lots, the grading for the new internal roadways and the retention retardation basin, and drainage swales.

Grading could also be substantially greater than the estimate due to several factors: 1) the known presence of boulders in this area, 2) limited soil testing which has been performed to date on-site, and 3) the final development designs for each of the 16 residential lots, including the location and extent of impervious surfaces beyond the actual building footprint (as all impervious surfaces must drain to the basin in the southern portion of the property).

In particular, the grading calculations do not specifically presume that boulder/cobble material would be encountered during earthwork activities. Therefore, given the likelihood of encountering this material during earthwork activities, significant quantities of such material would likely be exported (trucked) from the site and, consequently, clean fill soil would also need to be imported (trucked) to the site. Rocks and boulders exposed in grading would be re-used onsite for the low rock wall along San Antonio Creek Road and as landscaping boulders to the extent possible. Although preliminary figures for grading quantities are provided, precise figures for future tract improvements and lot by lot grading (cut, fill, export, and import quantities) cannot be determined at this time.

Water would be supplied by the Goleta Water District. Following annexation, the Goleta Sanitary District would provide sewer service to each of the residential lots.

5.5 Background Information

The site is currently vacant. In 2007, the County Planning Commission approved a Tract Map on the subject property (06TRM-00000-00001) to subdivide the property into 12 one-acre residential lots and one 2.2-acre common area lot. The 2007 approved map has not been recorded but remains a valid approval. Approval of the 2007 subdivision could extend as far as 11 years from the date of approval, with the use of state and local extensions, before expiration. Along with this approved Tentative Tract Map, a Road Naming application was approved to name to the two internal roads Cozy Way and Cozy Drive. This Road Naming approval remains valid and the applicant is maintaining these same names as part of the current proposed project.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

A Mitigated Negative Declaration (MND) was prepared (11NGD-00000-00013) to evaluate the environmental impacts of the proposed project, including future buildout of the individual lots. The MND was published on June 17, 2011 and a public environmental hearing was held on July 12, 2011. Oral testimony and numerous comment letters were received on the adequacy of the MND and identified mitigation measures. Many of the commenters asserted that the MND was inadequate and requested that an Environmental Impact Report be prepared based on “substantial evidence that supports a fair argument that a project may have a significant effect on the environment.” Issue areas upon which the commenters contend that the project may have a significant effect on the environment include aesthetics, biological resources, cultural resources, geologic processes, fire protection, land use, recreation, and transportation/circulation. These comment letters, as well as the transcript from the public environmental hearing, are included as an attachment to the proposed Final MND. In order to address the concerns raised by area residents, the applicant made several changes to the project. These include an elimination of two residential lots (from 18 to 16) and a resultant increase in average lot sizes, a reduction in the maximum building heights of the two westernmost lots down to 22 feet, and an increase in the setbacks in between residences to a minimum of 40 feet. The FMND analysis concluded that the project would result in significant but mitigable impacts in the following issue areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Land Use, Noise, Public Facilities, Transportation, and Water Resources. Of these, the key issue areas affected by this project include aesthetics/visual resources, biological resources, fire hazards/traffic, and water quality/drainage. A summary of the impacts and mitigation measures associated with these issue areas is provided below.

Aesthetics/Visual Resources

The 14-acre site is located on the “mesa” area of the broader San Antonio Creek Road neighborhood. While the site can be considered “infill”, it is also one of the last remaining large undeveloped parcels of land in the “mesa” area, and public views across and beyond the site are readily available from the adjacent public roads, including Via Los Santos and San Antonio Creek Road, as well as from private roads and residences. Scenic views across the site from public roads and private residential lots include expansive mountain views and coastal views of the ocean and the Channel Islands and the western Goleta Valley. Based on the maximum structural square footage

proposed for each lot, the project has the potential to eliminate existing view corridors through the site. It could also result in a new project on a currently highly visible property with potentially uniform development that is inconsistent with surrounding development. The proposed height limits of up to 25 feet, with two-thirds of the homes limited to 22 feet in height or less, would assist in maintaining some views across the project site. In addition, requiring minimum 40-foot setbacks in between residences would help to retain view corridors through the project site as experienced from public vantage points. Further, the configuration of and associated residential development on Lot 1, combined with the roadway into the site, would help to maintain significant separation between residences (approximately 160 feet between residences on Lots 1 and 2 and 100 feet between residences on Lots 2 and 16). It would also provide a certain amount of openness along the public viewpoints of San Antonio Creek Road. For lots on the western portion of the site, where the building pads are more uniformly set in relation to one another and future residences on Lots 7-9 would potentially reach 25 feet in height, their impacts on public views across the site would be reduced by virtue of their pad elevations being lower than San Antonio Creek Road by at least 15 feet and their distance from the road of at least 500 feet.

The project proposes that future buildings on Lots 1 and 2 be setback a minimum of 30 feet from the property lines adjacent to San Antonio Creek Road. The existing pepper trees and other trees and vegetation that currently line San Antonio Creek are to be removed and replaced with lower growing shrubs. While existing views cannot be expected to be maintained at their current extent following site development, these provisions would mitigate significant impacts to scenic views and help to maintain view corridors through the site from San Antonio Creek Road.

Initial grading of the entire site and establishment of building pads has the potential in the short-term to create an apparently abandoned, prepared and graded site open to public views due to the fact that it may take years before individual lots are developed. Mitigation reducing the scope and extent of initial grading to that which is minimally necessary to construct the roads, achieve adequate drainage, and install the necessary infrastructure, saving creation of most of the building pads for individual lot development, would help to reduce this impact.

The proposed height and square footage limits placed on future development are intended to ensure that the size and scale of future development are visually compatible with the character of surrounding residences. If the future residential lots were to be developed with a relatively uniform design and appearance, including uniform setbacks and building sizes, the project would be visually incompatible with surrounding development, which is characterized by custom homes with distinct styles, sizes, heights, designs, landscaping, and varied setbacks.

While the neighborhood around the project site is primarily zoned 1-E-1 (one-acre minimum parcel size), property sizes around the project site range widely, with many of the neighboring parcels less than one acre. The subdivision would result in residential parcels ranging in size from approximately 0.62 acres (as well as the 0.39-acre affordable lot) to over one acre, with an average parcel size of approximately 0.79 acres. When the private roads are excluded from the parcel size calculations (for comparison purposes with the surrounding community), the parcels are reduced in size to an average of approximately 0.72 acres, though only four of the 16 residential parcels would be 0.6 acres or less. The average parcel sizes surrounding the project

site are 1.07 acres for properties to the north (with a range of 0.46 to 3.58 acres in size), 0.62 acres for properties to the east (with a range of 0.49 to 1.04 acres in size), 0.84 acres for properties to the south (with a range of 0.32 to 1.96 acres in size), and 0.95 acres for properties to the west (with a range of 0.58 to 2.2 acres in size). 117 of the 278 parcels included in the comparison are one acre or greater in size, representing approximately 42% of the neighborhood parcels. On the other hand, 71 parcels are less than two-thirds of an acre in size, representing approximately 26% of the neighborhood parcels. Overall, the average parcel size is 0.94 acres within the greater San Antonio Creek Road/Via Los Santos neighborhood. Thus, the average parcel size under the proposed project would be lower than the average parcel size for properties to the north, south, and west, but consistent with or greater than properties to the east. While on the lower end of the spectrum, the density and lot sizes of the proposed project are well within the range found in the surrounding neighborhood and thus compatible in character. Also, consistent with the Mesa area is the fact that the proposed lot sizes, while relatively small, also vary. Proper controls on future development such as appropriate and varied setbacks between residences, building heights, landscaping, and design review would help to ensure that reduced lot sizes relative to much of the surrounding neighborhood would not result in incompatible development.

Key mitigation measures to reduce aesthetic impacts and ensure neighborhood compatibility include: 1) BAR review and approval for all future development; 2) requirements that residences shall be designed with unique architectural styles and features (e.g. rooflines, sizes, building layouts, heights, facades, colors, building materials, etc.) to help differentiate them from one another, and that homes be sited and designed so as to avoid a linear, rectangular relationship with the lot lines and adjacent development; 3) limiting the extent of initial rough grading of the building pads; and 4) limiting the height of perimeter landscaping along the boundaries of the site to protect view corridors across the site.

Biological Resources

Purple Needle Grass Grassland (*Nassella pulchra* Alliance) is considered a rare plant community by the California Department of Fish and Game (CDFG, 2010). Based on the most current survey (Watershed Environmental 2010), the site contains nine scattered stands of native grasslands containing purple needle grass (*Nassella pulchra*) totaling 3.07 acres. The nine stands range in size from 0.02 acres to 0.79 acres. The rest of the site is composed of non-native annual grassland and coyote brush scrub vegetation communities. The site provides foraging habitat for white-tailed kite and other raptor species, though no individuals were identified during the site visits and vegetation surveys conducted in 2011.

Impacts associated with development of the site and loss of the protected native grassland plant community would be potentially significant. There is insufficient area within the project site to provide for on-site restoration of the native grassland community based on a minimum 2:1 replacement ratio under CEQA. Therefore, the applicant has proposed to incorporate an off-site element that includes collaboration with UCSB Cheadle Center for Biodiversity and Ecological Restoration (CCBER) on restoring the 3.07 acres of impacts at a 2:1 ratio on a 6-acre area on the UCSB property adjacent to (east of) Coal Oil Point Reserve. Off-site mitigation is considered to be a viable option in this case for the following reasons: (1) there is a minimum of 500-600 ft. of

existing development surrounding the project site separating it from the adjacent natural habitats of San Antonio Creek and Maria Ygnacio Creek; (2) on-site avoidance and/or restoration options would result in isolated, low-functioning grassland areas; and (3) feasible off-site restoration has been proposed.

Foraging habitat for white-tailed kite and other raptors and wildlife species would be lost with the removal of vegetation (native and non-native species) and introduction of a residential population that would result from the proposed residential development on the project site. This loss of foraging habitat on this parcel contributes to the cumulative loss of foraging habitats for these birds throughout the area, as identified in the Goleta Community Plan EIR. The open space/detention basin parcel would retain approximately one acre of the site in undeveloped grassland and shrub cover; however approximately 13 acres throughout the rest of the site would irreversibly be lost or greatly diminished as foraging habitat once the 16 residential lots are developed. The cumulative loss of foraging habitat for white-tailed kites and other raptor species is considered significant and irreversible. However, this significant cumulative impact has already been identified in the Goleta Community Plan EIR associated with buildout of the community, and the Board of Supervisors adopted a Statement of Overriding Considerations. The project would contribute to this cumulative loss but would not be independently significant given that no nesting or roosting is known to occur on-site and given the relatively limited amount of foraging habitat from a regional perspective that would be lost as a result of the project.

There are three on-site oak trees adjacent to the proposed detention basin that are healthy native specimen trees. These trees could be significantly damaged or removed during grading and construction activities if not adequately protected. Impacts would be potentially significant but mitigable.

Mitigation measures to reduce impacts to biological resources resulting from the project include: 1) implementation of a Native Grassland Compensatory Mitigation Plan at an off-site location at a minimum 2:1 replacement ratio; 2) implementation of tree protection measures and replacement of any damaged or removed trees; and 3) limiting landscaping on the rear of lots 10 and 11 to native species only in order to protect any remaining native vegetation on the western slope of those lots.

Fire Hazards/Traffic

The proposed project would add 160 average daily trips and 16 peak hour trips to area roadways and intersections. All of the area intersections are operating at LOS C or better, which is the minimum acceptable level of service. Based on the County's environmental thresholds and Circulation Element policies, the project generated traffic would not cause area roadways or intersections to exceed their acceptable capacities nor would this increase in traffic result in significant congestion. Two new private roads would be constructed as part of the project. These new roads would effectively operate as a looped road. There is adequate sight distance looking north and south along San Antonio Creek Road from the encroachment point of the proposed intersection with Cozy Drive. As such, the new roadways, as indicated on the tentative tract map, would meet Public Works Roads Division standards as well as County Fire Department access requirements.

The site is located in a “High Fire Hazard” area that was directly affected by the Painted Cave Fire of 1990. The area was also subject to evacuations during the Gap and Jesusita fires. Several area residents submitted comments attesting to difficulties they encountered while evacuating the area during the Painted Cave Fire and these recent wildfire events. These difficulties included backed-up traffic on Via Los Santos as residents attempted to exit the neighborhood due to the confluence of multiple roads emptying on to Via Los Santos and San Marcos Road, as well as loose horses and people fleeing on foot slowing the flow of traffic. The project would contribute additional traffic to area roads under evacuation conditions, an adverse impact. However, the project’s contribution of additional traffic will not substantially impact traffic congestion during an emergency evacuation. Alternative evacuation routes exist in the project vicinity, including a route through Tucker’s Grove Park to Cathedral Oaks Road, such that not all of the evacuation traffic would be relying on a single route of egress. The addition of up to 32 vehicles (assuming two vehicles per household) would not significantly add to the traffic delays experienced by area residents during an evacuation event, especially given the multiple options for evacuation. The provision of two access roads to the development that meet Fire Department standards for design, requirement for adequate water pressure for fire-fighting purposes on-site, and under-grounding of utilities would reduce fire safety impacts for this project to a less than significant level.

The traffic generated by the proposed development could result in a significant potential for short-term hazards during construction. The impacts could occur to motor vehicles, pedestrians and bicyclists in the surrounding neighborhoods from ingress and egress of construction vehicles. For example, Via Los Santos is in part a steep and winding road with narrow shoulders and bends and poor sight distance closer to its intersection with San Marcos Road. Further, due to the lack of street parking and minimal shoulders along San Antonio Creek Road and Via Los Santos, construction parking and storage would significantly impact the roadways and traffic safety if permitted off-site. Impacts would be significant but mitigable. Mitigation includes preparation and implementation of a construction traffic control plan and requiring on-site construction parking and staging.

Water Quality and Drainage

The project would create additional storm water runoff as a result of newly constructed impermeable surfaces (i.e. roads, structures, driveways, patios, etc.). With buildout of the project, the increase in impervious surfaces would be greater than 25%, which is a County threshold for a potentially significant impact on water quality. The increase in impermeable surfaces would reduce percolation rates and potentially increase storm water runoff. In order to comply with Flood Control District requirements, the project incorporates an on-site detention basin on lot 17, the open space lot. Grading of the site and future building pads is designed to achieve positive drainage within the site and would ensure that future runoff is conveyed to the site’s detention basin via a combination of bioswales and roadside swales in order to avoid increasing runoff onto neighboring properties.

Construction activities such as grading could also potentially create temporary runoff and erosion problems. The detention basin and associated bioswales would also provide an opportunity for infiltration and filtration of surface runoff before it is conveyed to the adjacent storm drain in order to reduce potential transport of pollutants downstream or into nearby water bodies. In light of the known potential of construction sites to generate considerable sediment, trace metals, nutrients, oil and grease, pesticides, herbicides, and other synthetic organic compounds, potentially significant

short term construction related impacts to water quality are anticipated. Additionally, grease, oil and sediment from runoff affecting parking and driveway areas on the project site could flow through San Antonio Creek and Maria Ygnacio Creek and ultimately into the Pacific Ocean thereby contributing pollutants to area waterways on an ongoing operational basis. Impacts are considered potentially significant but mitigable. Application of standard County grading, erosion, and drainage-control measures would ensure that no significant increase of erosion or storm water runoff would occur.

As discussed above, in response to comments on the MND, the applicant revised the project to eliminate two market rate residential lots, thereby reducing the number of residential lots from 18 to 16 and increasing the parcel sizes of the remaining lots. The applicant has also reduced the proposed building heights on two of the lots and increased the setbacks in between residences to a minimum of 40 feet. This has had the effect of further reducing project impacts, though impacts remain significant but mitigable. Other elements of the project remain largely unchanged. In light of the changes made to the project to address public comments received, there is no substantial evidence to indicate that the project may have a significant and unavoidable effect on the environment. Therefore, the MND has been revised to reflect the recent changes to the project and to address comments raised by the public.

6.2 Comprehensive Plan Consistency

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| <p>Land Use Development Policy #4: Prior to the issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Comprehensive Plan.</p> <p>Land Use Development Policy #5: Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.</p> | <p>Consistent: The Goleta Water District will provide water service to the project. A Water Service Classification Notice was provided by the Water District on May 5, 2010. The District has a large cement vault, associated pipelines and an access easement to these facilities on the project site along the southern property line. These facilities are located near the proposed detention basin and overland escape for the basin. The District will coordinate with the applicant on the specifics of how their facilities will be protected during and following construction as well as with regard to future access to their easement prior to issuing can and will serve letters for water service. The South Coast Conduit runs in an east-west direction through the center of the project site. It is covered by a 70-foot easement. No development is proposed within the easement except for Cozy Lane which would cross the easement in order to provide access into the site. No significant grading or change in elevation is proposed within the easement area.</p> |

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| | <p>As the project is within the District’s sphere of influence, the project would receive sewer service from the Goleta Sanitary District following formal annexation. The Goleta Sanitary District, in a letter dated May 11, 2010, has indicated that currently they have adequate capacity to provide sewer service to the new residential lots.</p> <p>With regard to roadways, please refer to discussion of policy CIRC-GV-3 below.</p> <p>The Fire Dept has approved the proposed internal roads and the project is located within the Fire Department’s 5 minute response time, an adequate response time. Area roadways are designed for and can accommodate peak hour traffic levels at acceptable operational levels.</p> |
| <p>DevStd FIRE-GV-1.3: Two routes of ingress and egress shall be required for any discretionary new development or subdivision of land unless the Fire Department waives the requirement.</p> <p>Policy FIRE-GV-2: All private roads which serve structures served by the Fire Department shall be constructed to Fire Department standards unless the Fire Department waives the standard.</p> <p>Policy FIRE-GV-4: Emergency access shall be a consideration in the siting and design of all new development.</p> | <p>Consistent: The project includes two routes of ingress and egress and the internal roads are designed to meet County Fire Department standards, consistent with these policies. The site is in close proximity to an evacuation route through Tucker’s Grove that provides residents with an alternative to relying on Via Los Santos or San Antonio Creek Road for emergency evacuation.</p> |
| <p>Policy WAT-GV-1: For discretionary projects which would result in a net increase in water use, there shall be a sufficient supply of water to serve known existing commitments plus the proposed project. This policy shall be implemented consistent with the direction of policy WAT-GV-2.</p> <p>Policy WAT-GV-5: Where physically and financially feasible, all new discretionary development shall utilize reclaimed wastewater</p> | <p>Consistent. The Goleta Water District (GWD) issued a water service classification notice letter to the applicant dated May 5, 2010, indicating initiation of application for water service to the proposed new residential units. The GWD currently has adequate capacity to supply the project. No reclaimed wastewater is available to serve this project.</p> <p>The project has been conditioned to conserve outdoor water use by using native and drought-</p> |

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| <p>for exterior landscaping consistent with State and County standards.</p> <p>Policy WAT-GV-6: In order to minimize water use to the maximum extent possible all new development shall utilize water-conserving landscaping and low-flow irrigation.</p> | <p>tolerant species in its landscaping, consistent with Policy WAT-GV-6.</p> |
| <p>Policy CIRC-GV-3: A determination of project consistency with the standards and policies of this Community Plan Circulation Section shall constitute a determination of consistency with LUDP #4 with regard to roadway and intersection capacity.</p> <p><u>Standards for Determination of Project Consistency:</u></p> <p>Roadways: For roadways where the Estimated Future Volume does not exceed the acceptable capacity, a project would be considered consistent with this section of the Community Plan if the number of Average Daily Trips contributed by the project would not cause an exceedance of acceptable capacity.</p> <p>Intersections: Intersection capacity is stated in terms of volume to capacity ratios (V/C). For intersections operating at estimated future Levels of Service A, B, C, D, E and F, no project shall result in a change of V/C greater than 0.20, 0.15, 0.10, 0.03, 0.02, or 0.01 respectively.</p> <p>Policy CIRC-GV-4: New development shall be sited and designed to provide maximum access to non-motor vehicle forms of transportation, including well designed walkways, paths and trails between new residential development and adjacent and nearby commercial uses and employment centers.</p> | <p>Consistent: The project is expected to generate approximately 160 Average Daily Trips and 16 Peak Hour Trips. The additional trips generated by the project and distributed onto the street network would not exceed Circulation Element policy roadway or intersection standards. Levels of Service for nearby roadways and intersections would remain within acceptable levels (LOS C or better). In addition, Public Works surveys of vehicle speeds and the two new site entrances concluded that the safest location for accessing the site on San Antonio Creek Road is the applicant's proposed entrance location for Cozy Drive. The project includes the removal of the existing pepper trees and replacement with more appropriate vegetation that is compatible with improving sight distance and pedestrian safety along the road right-of-way. Combined with conditions imposing restriction on future plantings to ensure no intrusion into roadway sight distance and proposed inclusion of a pedestrian path along San Antonio Creek Road, the project would be consistent with Circulation policies.</p> |
| <p>Policy AQ-GV-1: The County shall impose appropriate restrictions and control measures upon construction activities associated with</p> | <p>Consistent: The project would be conditioned with standard measures to ensure consistency with these policies, similar to other</p> |

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| <p>each future development project, in order to avoid significant deterioration of air quality.</p> <p>DevStd AQ-GV-1.1: Future project construction should follow all requirements of the SBCAPCD, and should institute Best Available Control Technology (BACT) where necessary to reduce emissions below APCD threshold levels.</p> <p>DevStd AQ-GV-1.2: Project construction shall minimize the generation of pollution and fugitive dust during construction.</p> <p>Policy AQ-GV-5: The County shall require the use of techniques designed to conserve energy and minimize pollution.</p> <p>DevStd AQ-GV-5.1: The County shall consider the following energy-conserving techniques to implement Policy AQ-GV-5:</p> <ul style="list-style-type: none"> a. the installation of low-NO_x residential and commercial water heaters and space heaters per specifications in the 1991 SBCAPCD Air Quality Attainment Plan. b. the installation of heat transfer modules in furnaces; c. the use of light colored water based paint and roofing materials; d. the installation of solar panels for residential water heating systems and other facilities and/or the use of water heaters that heat water only on demand; e. the use of passive solar cooling/heating; f. the use of natural lighting; g. use of concrete or other non-pollutant materials for parking lots instead of asphalt; h. installation of energy efficient appliances; i. installation of energy efficient lighting; j. use of landscaping to shade buildings | <p>discretionary development projects in the County. Condition #12 requires the implementation of dust control measures during grading and construction. The condition letter from the Santa Barbara County Air Pollution Control District requires the implementation of measures to reduce diesel emissions. Condition #41 requires the implementation of various energy-conserving techniques into future residential development to the extent feasible.</p> |

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| <p>and parking lots; k. installation of sidewalks and bikepaths; l. installation of covered bus stops to encourage use of mass transportation.</p> | |
| <p>Policy LU-GV-1: The Urban/Rural Boundary around the Goleta community shall separate principally urban land uses and those which are rural and/or agricultural...the Urban/Rural Boundary shall not be extended prior to the development of existing inventories of vacant land within the urban area.</p> | <p>Consistent. The project site is located within the 1-E-1 zone district in the urban area of the Goleta Community Plan.</p> |
| <p>Policy LU-GV-2: Future growth and development shall occur in a manner which minimizes construction related impacts on the community.</p> | <p>Consistent. The proposed subdivision and construction of 16 new residential home-sites are designed to minimize construction related impacts on the surrounding community. Relevant project conditions of approval will: 1) limit construction hours and control construction traffic; 2) require drainage design components which will ensure adequate storm water runoff conveyance that avoids siltation and flooding in the surrounding neighborhood; 3) restrictions on future development on-site to protect scenic public views and neighborhood compatibility; and 4) require the protection of oak trees and archaeological resources on-site during construction activities and for the life of the project.</p> |
| <p>Historic and Archaeological Site Policies. Policy 1: All available measures, ...shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites. Policy 2: When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required to avoid impacts to such cultural sites if possible. Policy 3: When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required....</p> | <p>Consistent: Archaeological survey work performed on-site identified a single bedrock mortar, however no other archaeological artifacts were observed. Project conditions require a setback, fencing, and monitoring for all earthwork near this feature. In addition, project conditions require that the bedrock mortar and the boulder on which it is located remain permanently undisturbed and protected.</p> |

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| <p>Policy 4: Off-road vehicle use, unauthorized collection of artifacts and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.</p> <p>Policy 5: Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.</p> <p>Policy HA-GV-1: Significant cultural, archaeological and historical resources in the Goleta area shall be protected and preserved to the maximum extent feasible.</p> <p>DevStd HA-GV-1.5: In the event that archaeological or paleontological remains are uncovered during construction, excavation shall be temporarily suspended and redirected until the provisions of Public Resources Code section 5097.5, 5097.9 et seq. are satisfied.</p> | |
| <p>Hillside and Watershed Protection Policy #4: Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.</p> | <p>Consistent: The permanent detention basin would be constructed as part of the initial tract improvements. Also, approved erosion control measures would be implemented as part of the grading plan approval pursuant to project conditions (Condition #33). These measures would ensure consistency with this policy.</p> |
| <p>Hillside and Watershed Protection Policy #6: Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.</p> | <p>Consistent: The project description and conditions of approval (Conditions 1, 35, and 37) include a permanent detention basin and measures/features to improve the quality of runoff water, such as bio-swales and conveyance of runoff through the site via pervious surfaces to the detention basin. The design of these measures would facilitate groundwater recharge. Implementation of an erosion and sediment control plan during construction would protect against project-generated erosion, consistent with this policy.</p> |
| <p>Policy BIO-GV-1: The County shall</p> | <p>Consistent. The northwest corner of Lot 5 is</p> |

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| <p>designate and provide protection to important or sensitive environmental resources and habitats in the Goleta Planning Area.</p> <p>Policy BIO-GV-2: Environmentally Sensitive Habitat (ESH) areas and Riparian Corridors within the Goleta Planning Area shall be protected and, where feasible and appropriate, enhanced.</p> | <p>designated as an Environmentally Sensitive Habitat (ESH) on County maps. However, based on field work performed by the applicant’s biologist and P&D staff biologist, it has been determined that this area does not meet the criteria for designation as an ESH area and therefore County ESH policies would not apply. Project conditions that address water quality, such as best management practices during grading to minimize erosion and sediment leaving the site, would minimize impacts to offsite ESH areas, such as San Antonio Creek.</p> |
| <p>Policy BIO-GV-14: To the maximum extent feasible, areas of native grasslands shall be preserved.</p> <p>DevStd BIO-GV-14.1: To the maximum extent feasible, development shall avoid impacts to native grasslands that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding, disease, etc.</p> <p>DevStd BIO-GV-14.2: Impacts to native grasslands shall be minimized by providing a minimum 10 foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where such an action would preclude reasonable use of a parcel.</p> <p>DevStd BIO-GV-14.3: Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development on native grasslands shall be included in the project design as necessary.</p> <p>DevStd BIO-GV-15.3: In those cases where adverse impacts to biological resources cannot be avoided after impacts have been minimized to the greatest extent feasible, on-</p> | <p>Consistent. The site includes native grassland as described fully in the Negative Declaration. Preservation is not feasible given their wide distribution throughout much of the site and the scope of the project with the density and number of lots requested and allowed for under State law. The project, as conditioned, would provide for off-site restoration of native grasslands due to insufficient area within the project site to support effective restoration. The off-site restoration approach would provide for a long-term, protected and contiguous grassland restoration area that is less disrupted by residential development and provides equal or greater ecological value than an isolated on-site restoration area. In addition, project conditions address limiting the scope of initial grading conducted as part of the initial infrastructure development. The planting of invasive plant species would be prohibited in order to help protect any remaining native vegetation left on-site.</p> |

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| <p>site restoration may be required. Restoration may also be required for parcels on which development is proposed and on which disturbance has previously occurred if the currently proposed development would exacerbate the existing impact. Where onsite preservation is infeasible, or not desirable in terms of long-term preservation, an offsite easement and/or restoration which covers comparable habitat/area and will ensure long-term preservation may be considered. The following policies shall be used as guidelines for the restoration effort but shall not preclude reasonable use of a parcel:</p> <ul style="list-style-type: none"> a. The revegetation effort shall include the appropriate diversity and density of plants native to the locality; b. Restoration plans shall incorporate maintenance measures to insure that the remedial action is carried out for the duration of the impact; c. When restoration is proposed, on-site rather than off-site restoration shall be the preferred alternative. <p>DevStd BIO-GV-22.2: A minimum replacement ratio of 2:1 shall be required for significant native habitat areas eliminated. The area to be restored, acquired, or dedicated for a permanent protective easement shall be of comparable biological value to that which is destroyed.</p> | |
| <p>Policy BIO-GV-5: Native woodlands designated as environmentally sensitive habitats shall be preserved and protected.</p> | <p>Consistent. The individual oak trees on the subject parcel do not qualify as an oak woodland and no other native woodlands occur on the property.</p> |
| <p>Policy BIO-GV-16: To the maximum extent feasible, "protected trees" shall be preserved. Protected trees are defined for the purposes of this policy as mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species.</p> | <p>Consistent. Tree protection has been included as a project condition to ensure protection of the oak trees along the southern property line within the open space/detention basin lot. The pepper trees along San Antonio Creek Road are non-native and do not provide significant</p> |

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| <p>DevStd BIO-GV-16.1: All existing "protected trees" shall be protected from damage or removal by development to the maximum extent feasible.</p> <p>DevStd BIO-GV-16.3: Where trees may be impacted by new development, a Tree Protection Plan may be required where either the project site contains native or other biologically valuable trees (e.g., oaks, willows, sycamores, cottonwoods, cypress, eucalyptus,) or where such trees on adjacent properties have drip lines which reach onto the project site.</p> <p>Policy BIO-GV-17: Oak trees shall be protected to the maximum extent feasible. All land use development applications shall be processed in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.</p> <p>Policy BIO-GV-18: Trees serving as known raptor nesting or key raptor roosting sites shall be preserved to the extent feasible.</p> | <p>wildlife habitat value. The pepper trees are proposed for removal to improve sight distance for vehicles along San Antonio Creek Road and to improve pedestrian safety as these trees extend into the right-of-way leaving little space for pedestrians or bicycles beyond the vehicle travel lane.</p> <p>Implementation of the required tree protection condition would ensure that the oak trees are protected and that the proposed project is consistent with this policy. Any trees that are accidentally damaged or removed would be replaced consistent with these policies.</p> <p>Despite the lack of evidence of raptor or bird nesting or roosting within the site currently and the limited extent of suitable nesting habitat on-site, a low potential exists for raptors and other sensitive bird species to nest or roost on this site in the future. Construction activities have been known to disturb occupied nests and roost sites if they are in close proximity to one another and construction commences during the nesting season. In order to ensure consistency with this policy, the project has been conditioned to require pre-construction nesting surveys if construction is to commence during the nesting season to ensure the protection of nesting species and their nesting habitat.</p> |
| <p>Policy BIO-GV-19.1: Additionally, the County shall take effective measures to control the introduction of fertilizers and pesticides into all coastal waters, including rivers, streams, coastal wetlands and intertidal areas.</p> | <p>Consistent. The proposed grading and drainage plan, including the incorporation of bio-swales and a detention basin, will minimize introduction of pollutants into all coastal waters, including drainage courses, wetlands and intertidal areas. Project conditions will ensure necessary review and approval of grading and drainage plans and incorporation of water quality measures into plans and during construction.</p> |
| <p>DevStd BIO-GV-19.1: For all new development, sedimentation, silt, and grease traps shall be installed when necessary as determined by P&D, in paved areas to act as</p> | <p>Consistent. Proposed drainage improvements associated with the project and implementation of project conditions of approval addressing water quality protection would ensure that the</p> |

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| <p>filters to minimize pollution reaching downstream habitats. These filters shall address short-term construction and long-term operational impacts.</p> | <p>project would be consistent with this policy.</p> |
| <p>DevStd BIO-GV-19.2: Washing of concrete, paint, or other equipment shall be allowed only in areas where polluted water can be contained during construction and in industrial settings.</p> | <p>Consistent. Project conditions include this requirement ensuring project consistency with this policy.</p> |
| <p>Policy N-GV-1: Interior noise-sensitive uses (e.g., residential...) shall be protected to minimize significant noise impacts.</p> | <p>Consistent. Project conditions restrict the timing of noise-generating construction activities consistent with this policy.</p> |
| <p>Visual Resources Policy 3: In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</p> <p>Visual Resources Policy 5: Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.</p> <p>Policy VIS-GV-1: The County shall through its discretionary and design review process, ensure the maintenance and where necessary the improvement of the quality in the design and landscaping of industrial, commercial, institutional, and residential facilities.</p> <p>DevStd VIS-GV-1.1: Setbacks, landscaping, and structural treatments shall be emphasized along major roadways to help preserve viewsheds and create an aesthetic visual corridor. Parking lots and other impervious surfaces should be placed in side and rear, rather than frontage, areas in all development along roadways.</p> | <p>Consistent. The proposed project, as conditioned, includes a number of measures to ensure quality design of future residential development and landscaping on-site. These measures include, but are not limited to height limits for structures, maximum square footage of structural development per lot, structural setbacks from property lines and design standards to avoid uniformity of development. Residential development will also be subject to BAR review and approval pursuant to the Eastern Goleta Design Guidelines. Utilities serving the site will be undergrounded, consistent with Policy 5. Project conditions confirm the applicant's proposed removal of existing pepper trees along the San Antonio Creek Road right-of-way (for traffic safety purposes) and specifications for planting of new landscaping in this area with low growing species to maximize sight distance as well as to maximize retention of scenic views through view corridors visible from public roadways, including views of the Santa Ynez Mountains and coastal views of the ocean and the Channel Islands and the westerly Goleta Valley. Without these measures scenic views from public roads could be substantially eliminated.</p> |

| REQUIREMENT | DISCUSSION |
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| <p>Policy VIS-GV-6: Outdoor lighting in Goleta shall be designed and placed so as to minimize impacts on neighboring properties and the community in general.</p> | <p>Consistent. Project conditions include lighting restrictions to ensure consistency with this policy.</p> |
| <p>Policy GEO-GV-4: Excessive grading for the sole purpose of creating or enhancing views shall not be permitted.</p> <p>DevStd GEO-GV-4.2: If subject to BAR review, no grading permits for building pads shall be issued until the structure has received Final BAR approval.</p> <p>Policy GEO-GV-5: Ground disturbances and development on slopes of 20 percent or greater should be avoided, ...</p> <p>DevStd GEO-GV-5.2: Erosion control measures including the use of drought tolerant landscaping shall be established in all site drainages.</p> <p>Hillside and Watershed Protection Policy #1: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</p> <p>Hillside and Watershed Protection Policy #2: All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading ... is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</p> <p>Hillside and Watershed Protection Policy #5: Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion All</p> | <p>Consistent: The majority of the site is fairly level. Grading is primarily necessary to create building pads and ensure proper conveyance of drainage to on-site bio-swales and interior roads and finally to the on-site detention basin in the southern end of the property. The project has been conditioned to minimize grading to that which is necessary to achieve positive drainage on the site and develop level building pads. No grading is proposed on slopes of 20 percent or greater. Project conditions require preparation, implementation, and monitoring of erosion control and best management practices to minimize erosion and sedimentation as well as ensure maximum water quality for runoff leaving the site. These BMPs would be in place throughout grading and construction. In addition, operational BMPs would also be required in order to treat water runoff once construction has been completed. The on-site bioswales and detention basin are components of these measures.</p> <p>To address flooding and Flood Control District requirements, all impervious surfaces, including backyard walkways, patios, etc. must convey runoff to the detention basin. This ensures that increased runoff from post-project impervious surfaces will not contribute to off-site flooding on adjacent properties or streets.</p> |

| REQUIREMENT | DISCUSSION |
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| <p>cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants,</p> <p>Hillside and Watershed Protection Policy #7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</p> | |
| <p>Policy GEO-GV-6: Projects shall be designed and located to minimize the number of persons and amount of property exposed to seismic hazard.</p> <p>Seismic Safety and Safety Element Objective #1: Avoid construction of buildings of all types and most structures on or across historically active or active faults.</p> | <p>Consistent: The project is not located in close proximity to active or potentially active earthquake faults.</p> |
| <p>Action RRC-GV-1.1: The County shall continue to implement and increase a curbside recycling program in the residential areas of the Goleta Planning Area. Curbside recycling shall be required for all new development and encouraged in current housing as determined appropriate by the County Public Works Department.</p> <p>Policy RRC-GV-2: All new residential development in the Urban area and, where feasible, outside the Urban area shall participate in yard waste collection programs as may be provided by the County of Santa Barbara. Such programs may include yard waste accumulation bins, curbside pickups and backyard composting.</p> | <p>Consistent. Marborg offers curbside pick-up of recyclables and yard waste in the Goleta area.</p> |
| <p>Policy RRC-GV-3: Recycling bins shall be provided at all construction sites to minimize construction-generated waste which goes to the landfill.</p> | <p>Consistent. Project conditions require inclusion/use of recycling bins for future construction on the project site.</p> |
| <p>Policy SCH-GV-1: The maximum allowable</p> | <p>Consistent. Standard school fees would be</p> |

| REQUIREMENT | DISCUSSION |
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| school facility fees shall be levied on all new residential, commercial, and industrial projects within the Goleta Planning Area. | paid at the time that each residential parcel is developed. The fee is based on the square footage of new residential development. |

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

Development which meets the requirements of the State Density Bonus Program (SDBP) is entitled to additional density beyond what would otherwise be permitted by the base zone district. In this case, while the base zone district requires one-acre minimum parcel sizes, participation in the SDBP allows the parcels to be less than the one-acre minimum in order to accommodate the additional density without requiring a rezone or amendment to the land use designation covering the property.

The project would be consistent with or, in the case of future development on the residential lots, can easily be developed consistent with the requirements of the 1-E-1 zone district. Because each of the lots is relatively flat and includes a large buildable area, each lot has sufficient buildable area to construct a single family home and to accommodate accessory uses similar to most parcels in the surrounding area. Reasonable development on each lot could comply with 1-E-1 development standards without need for variances or modifications to zone district standards in the future. While the building height limits proposed as part of the project would be measured from finished grade, nevertheless, as measured from existing grade houses would remain consistent with the Land Use and Development Code (LUDC) 35-foot height limit. While no development is proposed initially, the building pads for each of the lots are designed to ensure that the minimum setbacks required in the 1-E-1 zoned are adhered to.

6.4 Design Review

The project proposes no development at this time. Future development would be subject to BAR review. Noticing for BAR review would be limited to 300 feet from the edge of individual lots for residential lot development. The property would be subject to the Eastern Goleta Design Guidelines.

6.5 Subdivision/Development Review Committee

The project was reviewed by the Subdivision Development Review Committee on May 20, 2010. Applicable condition letters from affected County departments and agencies are attached to the conditions of approval for this project.

6.6 Development Impact Mitigation Fees

A series of ordinances and resolutions adopted by the County Board of Supervisors require the payment various development impact mitigation fees. This project is subject to the fees as shown

in the following table. The amounts shown are estimates only. The actual amounts will be calculated in accordance with the fee resolutions in effect when the fees are paid.

The developer of a project that is required to pay development impact mitigation fees may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees based on the absence of a reasonable relationship between the impacts of the proposed project and the fee category for which fees have been assessed. The appeal must be in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following the determination of the fee amount(s). For a discretionary project, the date of determination of fee amounts is the date on which the decision-maker adopts the conditions of approval and approves the project.

| Estimated Goleta Development Plan Impact Mitigation Fees | | | |
|---|--|--|--------------------------------------|
| Fee Program | Base Fee (per unit or 1,000 sf) | Estimated Fee | Fee due at |
| Recreation (Parks) Quimby | \$10,750 per unit | \$172,000 (payable at time of individual lot development) | LUP |
| Transportation | \$13,567 per unit | \$217,072 | LUP or Map Recordation |
| Fire Countywide (\$0.20/sf) Goleta Area | \$0.20/sf \$797 per unit | N/A \$12,752 | Final Inspection Final Inspection |
| Library | \$432 per unit | \$6,912 | Final Inspection |
| Public Administration | \$1,845 per unit | \$29,520 | Final Inspection |
| Sheriff | \$494 per unit | \$7,904 | Final Inspection |

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$643.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval with attached Departmental letters
- C. Final MND with comment letters and hearing transcript
- D. Vesting Tentative Tract Map
- E. Subdivision Improvement Plan
- F. Conceptual Landscape Plan