

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:

1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Environmental Impact Report (11EIR-00000-00002), including the EIR Revision Letter dated June 14, 2012, was presented to the Planning Commission Board of Supervisors and all voting members of the Planning Commission Board of Supervisors have reviewed and considered the information contained in the Final EIR (11EIR-00000-00002), including the EIR Revision Letter, and its appendices prior to recommending approval of the project. In addition, all voting members of the Planning Commission Board of Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearing on ~~October 19, 2011~~ June 26, 2012. The Final EIR and EIR Revision Letter reflects the independent judgment and analysis of the Planning Commission Board of Supervisors and is ~~are~~ adequate for this proposal.

1.1.2 FULL DISCLOSURE

~~The Planning Commission recommends that~~ The Board of Supervisors finds and certifies that the Final EIR (11EIR-00000-00002), including the EIR Revision Letter dated June 14, 2012, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Planning Commission ~~further recommends that the~~ Board of Supervisors further finds and certifies that the Final EIR and EIR Revision Letter ~~have~~ has been completed in compliance with CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.1.4 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR (11EIR-00000-00002) identifies several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the Final EIR (11EIR-00000-00002) feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

Aesthetics: The project would result in a significant but mitigable impact associated with the introduction of night lighting into the residential community. Exterior lighting has the potential to significantly degrade night sky conditions and result in spillover and glare onto adjacent properties. Mitigation to reduce this impact includes limitations on exterior lighting to ensure only low-intensity, low glare, and hooded lighting is used to prevent spillover. ~~The Planning Commission recommends that the~~ Board of Supervisors finds that this mitigation is adequate to reduce this impact to an insignificant level.

Air Quality: Construction of 134 new residential units and associated infrastructure would generate temporary increases in localized air pollutant emissions, including fugitive dust (PM₁₀) and ozone precursors such as Nitrogen Oxide (NO_x) and reactive organic compounds (ROC). Due to the County's non-attainment status for the state PM₁₀ standard, impacts would be significant but mitigable. Mitigation to reduce this impact to a less than significant level includes the application of dust control measures during construction, minimizing the use of diesel vehicles and equipment, and promoting carpooling of construction workers to minimize vehicle trips. ~~The Planning Commission recommends that the~~ Board of Supervisors finds that this mitigation is adequate to reduce this impact to an insignificant level.

Biological Resources: Important biological resources on the site are primarily associated with the riparian corridor along San Jose Creek, including an associated oak woodland habitat adjacent to the creek. Construction within the riparian habitat adjacent to the creek would be limited to drainage improvements as well as potential future construction of the bridge for the bike path. Potential impacts associated with habitat removal and disturbance would occur if site construction occurs during the nesting season. Further, given the use of the riparian corridor by wildlife species, exterior night lighting could potentially disrupt the normal behavior of some wildlife species. The drainage improvements and bridge (if constructed) would result in the loss of approximately 1,700 square feet of riparian habitat. Mitigation to reduce these impacts includes preconstruction surveys for bird nests, restoration of degraded or removed habitat, coordination with other agencies (e.g. CDFG, US ACOE, and RWQCB) to satisfy any requirements they may have, exterior lighting restrictions in open space areas adjacent to the creek, and checking old buildings for bird and bat nesting/roosting before demolition or reconstruction.

The introduction of invasive or exotic plant species to the site could impact native plant species in the vicinity of the riparian corridor or nearby to the site. Impacts would be mitigated to a less than significant level by restrictions placed on the landscape plan to prevent the use of particular plant species. The project would result in the removal of or ~~significant~~ disturbance to approximately 16 trees of biological value. Mitigation to reduce this impact

to a less than significant level includes replacement planting with appropriate ratios (ranging between 5:1 and 1:1 depending on the nature of the impact and the size of replacement tree) and implementation of protection measures to avoid trees during construction.

~~The Planning Commission recommends that the~~ Board of Supervisors finds that these mitigation measures are adequate to reduce these impacts to insignificant levels.

Cultural Resources: There are several archaeological sites recorded in the general vicinity of the project site. However, Phase 1 and Extended Phase 1 surveys of the site failed to identify any archaeological remains within the project site. Nonetheless, given the known presence of cultural resources in the vicinity of the project and the proximity of the project to San Jose Creek, there remains the possibility that unknown cultural resources could be impacted during grading and construction activities associated with the development project. Impacts would be reduced by requiring contractors to stop or redirect work in the event archaeological remains are encountered during grading and evaluating any finds in accordance with County archaeological guidelines and, in the case of human remains, treating human remains in accordance with state requirements. ~~The Planning Commission recommends that the~~ Board of Supervisors finds that these mitigation measures are adequate to reduce this impact to an insignificant level.

Fire Protection: The project would be located adjacent to the Kellogg Open Space, which supports dense vegetation associated with the San Jose Creek riparian corridor. As a result, the project would increase the fire hazard risk to proposed residential structures within 100 feet of the riparian area. This is considered a potentially significant but mitigable impact. Mitigation to reduce this impact includes vegetation management within the 100-foot creek buffer, including vegetation clearance requirements around existing and new structures within 100 feet of the riparian vegetation. ~~The Planning Commission recommends that the~~ Board of Supervisors finds that this mitigation measure is adequate to reduce this impact to an insignificant level.

Geologic Resources: The development project may be subject to potential geologic hazards due to collapsible-compressible soils and seismic settlement. This significant impact would be mitigated by adherence to recommendations of a geotechnical investigation, including standard practices for these soil conditions such as over-excavation and compaction of soils and moisture conditioning. Due to the highly erodible alluvial soils on the project site, grading associated with the project would increase soil erosion on the project site and impact San Jose Creek with increased sedimentation. Further, the increase in impervious surfaces on the project site would accelerate surface runoff during rain events, thereby increasing the potential for soil erosion if

the runoff is not properly controlled and conveyed. Mitigation to reduce these impacts includes implementation of a Storm Water Pollution Prevention Plan (SWPPP) during construction, revegetating graded areas upon completion of grading to minimize slope failure and erosion potential, and properly designing and constructing the on-site detention basin to retain and infiltrate runoff on-site and minimize the potential for erosion and sedimentation affecting San Jose Creek. ~~The Planning Commission recommends that the Board of Supervisors finds that these mitigation measures are adequate to reduce these impacts to insignificant levels.~~

Hazardous Materials/Risk of Upset: The project site was historically used as an orchard and more recently as a Christmas tree farm, which potentially utilized agricultural chemicals to promote production. Chemicals that remain in the soil could be released during grading activities, exposing nearby receptors to contaminated soils. In addition, a dump site previously used for trash and orchard waste as well as backfill material from an unknown source could have contributed contaminants into the soil. Grading could result in significant impacts to affected workers and residents associated with the release of contaminants. Mitigation to reduce these impacts to less than significant levels includes testing the soil prior to grading activities and remediating the soil if testing indicates that concentrations exceed their respective screening levels. Development of the project would require the demolition of existing structures that may contain asbestos and lead based paint. Demolition of these structures could expose workers to hazards. This significant impact would be reduced by surveying the structures for asbestos and lead based paint and following any recommendations for proper abatement and disposal depending on the results of the surveys. ~~The Planning Commission recommends that the Board of Supervisors finds that these mitigation measures are adequate to reduce these impacts to insignificant levels.~~

Historic Resources: The project involves the demolition of existing structures that are considered significant historic resources due to their potential eligibility for designation as County historic landmarks. This is considered a significant but mitigable impact. Mitigation to reduce this impact includes documenting the historic structures, retaining and restoring the existing barn, and developing an interpretive plan and display for the public on the historic themes of the structures and history of agriculture in the Goleta Valley and the specific contributions of the Cavaletto family. ~~The Planning Commission recommends that the Board of Supervisors finds that these mitigation measures are adequate to reduce this impact to an insignificant level.~~

Land Use: The project would change the character of the site from largely undeveloped and open, historically farmed land to single- and multi-family residential development. This would present potential compatibility issues

with surrounding development. Mitigation to reduce this impact includes ensuring that the development is designed in a manner that avoids potential privacy impacts and requiring review and approval of the development by the South County Board of Architectural Review. Mitigation measures applied to address other impacts, including aesthetics, air quality, hazardous materials, noise, and transportation/circulation would also reduce long-term compatibility conflicts with surrounding residential development. The ~~Planning Commission recommends that the~~ Board of Supervisors finds that these mitigation measures are adequate to reduce land use impacts to insignificant levels.

Noise: Construction activities associated with development of the residential project would temporarily impact sensitive noise receptors within 1,600 feet of the project site, potentially exposing nearby residents to noise levels in excess of County thresholds. Mitigation to reduce this impact includes restricting noise-generating construction to between the hours of 8am and 5pm on weekdays only, shielding any stationary construction equipment and siting it as far away as possible from nearby sensitive noise receptors, using electrical power to run air compressors and power tools, providing a notice to nearby property owners prior to construction activities, and establishing a noise complaint line for local residents to use to submit complaints associated with construction noise. Development of residential units along Patterson Avenue could expose future residents to noise levels exceeding County standards. Mitigation to reduce this impact includes retaining an acoustical engineer during final project design to incorporate construction and design specifications that would result in attenuation of noises affecting future residents. The ~~Planning Commission recommends that the~~ Board of Supervisors finds that these mitigation measures are adequate to reduce these temporary and long-term impacts to insignificant levels.

Public Facilities – Solid Waste: Solid waste generated during construction of the project would potentially exceed the County threshold of 350 tons, resulting in a significant but mitigable impact. Mitigation would include preparation and implementation of a Solid Waste Management Plan during construction, which would include sorting and recycling of construction waste. Long-term waste generated by project residents would similarly exceed the County's standard of 196 tons per year. Implementing a recycling program on-site, including curbside recycling for project residents, would reduce this impact to a less than significant level. The ~~Planning Commission recommends that the~~ Board of Supervisors finds that these mitigation measures are adequate to reduce these impacts to insignificant levels.

Transportation/Circulation: Project construction and equipment staging would temporarily increase truck traffic in the surrounding neighborhoods. Construction traffic and parking has the potential to significantly impact the

normal use of the sidewalk and adjacent street parking. Mitigations to reduce this temporary impact includes a requirement for on-site construction parking and equipment staging/storage and using traffic control monitors when construction activities are affecting public roadways. The proposed project would generate an estimated 1,081 average daily trips and 110 PM peak hour trips (PHTs) upon buildout, which would be distributed to various roadways and intersections in the vicinity of the project site. The South Patterson Avenue/U.S. Highway 101 southbound on-ramp would be significantly impacted by the proposed project and would degrade from a level of service (LOS) C to LOS D under the project-specific scenario (or LOS E under the cumulative scenario), as the project would send 51 PHTs to that intersection. Mitigation to reduce this impact to a less than significant level includes adding a second left-turn lane onto the onramp from South Patterson Avenue by restriping the overcrossing, and adding ramp metering. In addition, the applicant would be required to pay traffic impact fees to the City of Goleta in order to offset the project's cumulative impact. The project would result in additional traffic and new roadway connections to access the site that could affect the safety of residents in the existing neighborhood and future residents of the project. Required mitigation to reduce this impact includes limiting landscaping at the entrance of the project site from North Patterson Avenue to low-growing vegetation to maintain adequate sight distances, ~~and extending the sidewalks along the private road that serves the estate lots in the northern portion of the site to Avenida Pequena.~~ In addition, recommended mitigation measures to further reduce this impact and reduce project-generated traffic from affecting nearby residential streets includes extending Tree Farm Lane to Patterson Avenue as part of the initial phase, ~~adding a stop sign at the intersection of Tree Farm Lane and Merida Drive,~~ and monitoring traffic conditions on Agana Drive and Merida Drive after Phases I and II to determine if any traffic calming measures are warranted.

The ~~Planning Commission recommends that the~~ Board of Supervisors finds that these mitigation measures are adequate to reduce these impacts to insignificant levels.

Water Resources/Flooding: The project would involve the disturbance of approximately 22 acres during construction, which would disturb soils and potentially increase runoff, erosion, and sediment loads. This would result in a significant but mitigable impact on water quality. Mitigation to reduce this impact includes the implementation of erosion and sediment and contaminant control measures during grading and construction, and ensuring that concrete and construction equipment washout and storage locations are sited to prevent discharge into area storm drains or San Jose Creek. The project would alter existing drainage patterns and increase storm water runoff by significantly increasing the amount of impervious surfaces on the project site. This would result in potentially significant long-term water quality impacts. Mitigation to

reduce this impact include implementation of a Storm Water Quality Management Plan (SWQMP) that includes a combination of structural and non-structural best management practices (BMPs) designed to prevent the entry of pollutants into the storm drain system or area drainages, labeling storm drains to increase awareness of storm water pollution, requiring the use of vegetated buffer strips and other forms of biofiltration to allow for infiltration and filtration of pollutants in runoff before they can enter the storm drain system or San Jose Creek, and incorporating pervious surfaces where possible to reduce surface runoff and allow for infiltration. The ~~Planning Commission recommends that the~~ Board of Supervisors finds that these mitigation measures are adequate to reduce these impacts to insignificant levels.

1.1.5 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES OR MITIGATION MEASURES ARE NOT FEASIBLE

The Final EIR (11EIR-00000-00002), prepared for the project evaluated a no project alternative, a reconfigured/land exchange alternative, an altered phasing alternative, and an increased open space/historic preservation (i.e. reduced development) alternative as methods of reducing or eliminating potentially significant environmental impacts. The ~~Planning Commission recommends that the~~ Board of Supervisors finds that the following alternatives are infeasible for the reasons stated:

1. No Project Alternative. The No Project Alternative is considered infeasible because it does not meet any of the basic objectives of the project, specifically as they relate to developing a variety of housing types at different densities that meet a multitude of housing needs and produce an economically viable project, providing on-site rental units that are affordable by design, and incorporating LEED Neighborhood Design elements to create a walkable, environmentally advanced design for a new residential community.
2. Altered Phasing Alternative. The Altered Phasing Alternative is economically infeasible because it frontloads both the expensive infrastructure improvements (i.e. connecting Tree Farm Lane to Patterson Avenue) and the subsidized affordable units before the developer has an opportunity to generate revenue from the sale of individual market rate units. This revenue is necessary in order to fund and obtain financing for these elements of the project. In addition, it is infeasible to defer construction of the common area facilities to a later phase because these facilities are necessary to market the residential units and to provide necessary amenities for the new residents. Further, the drainage improvements proposed as part of the initial phase, including namely the retention basin, need to be constructed as part of the initial improvements in order to provide adequate drainage and flood control for new development within the

site. Deferring these improvements until the final phase would not be feasible. Lastly, other than reducing adverse traffic impacts to neighboring residents to the south by providing a direct connection to Patterson Avenue for project residents as part of the initial phase of development¹, this alternative does not reduce any of the significant impacts of the project since ultimate buildout of the project would be unchanged, ~~though it does reduce adverse traffic impacts to neighboring residents to the south by providing a direct connection to Patterson Avenue for project residents as part of the initial phase of development.~~

The other two alternatives (Reconfigured/Land Exchange Alternative and Increased Open Space/Historic Preservation Alternative) do not fully meet the objectives of the project in terms of “developing a variety of housing types at different densities that meet a multitude of housing needs and produce an economically viable project.” However, they do meet most of the other project objectives and while not as profitable as the proposed project, are nevertheless feasible alternatives. While not infeasible, these alternatives are not necessary to avoid or substantially lessen any of the significant effects of the project. Mitigation measures have been identified to reduce the significant impacts generated by the project such that the proposed project, as mitigated, would not result in any significant and unavoidable impacts.

1.1.6 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 AMENDMENT TO THE DEVELOPMENT CODE, LCP AND ZONING MAP (REZONE) FINDINGS

Findings required for all Amendments to the County Land Use and Development Code, the Local Coastal Program, and the County Zoning Map. In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the

¹ This component of the alternative, extending Tree Farm Lane to Patterson Avenue as part of the first phase of development, has been added as a condition of project approval.

approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

2.1.1 The request is in the interests of the general community welfare.

The project site is surrounded by residential development and provides an opportunity for positive infill development. With a net increase of 132 residential units, including ~~24~~ eight affordable rental units affordable to very low income households and 16 for-sale apartments that are affordable by design, the project helps to address the region's housing shortages. The range of housing types and sizes will help to meet a multitude of needs and apply to a diversity of income levels. The development of housing with a variety of types and densities is identified as a goal of the community (Policy LUR-GV-5 of the Goleta Community Plan). The project helps to maintain the existing urban boundary line by providing housing in an urban infill site, which is another recognized goal of the community rather than pushing development out to the urban fringes or extending the urban boundary. Overall, the request to rezone the property from agriculture to residential is in the interests of the general community welfare.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

As discussed in Section 6.2 and 6.3 of the Planning Commission staff report dated September 30, 2011, herein incorporated by reference, the project is consistent with the Comprehensive Plan, including the Goleta Community Plan, and the Land Use Development Code (with the ~~waiver requests~~ development standard modifications permitted under the ~~State Density Bonus Program~~ Development Plan provisions of the County LUDC). The project site is outside of the coastal zone and therefore does not involve a request to amend the Local Coastal Program.

2.1.3 The request is consistent with good zoning and planning practices.

The project site represents an urban infill site surrounded by residential development. Rezoning the property from agriculture to residential to accommodate a total of 135 residential units with an ~~18%~~ affordable housing component is consistent with good zoning and planning practices. The Goleta Community Plan identified this site as suitable for short to medium term agricultural preservation, as opposed to long term protection. The site has not been in active agricultural production since 2003 and given its location adjacent to existing residential development, close to urban commercial centers and major arterial roads and the highway, the site is an excellent

candidate for residential development to ~~meet~~address the region's housing shortages.

2.2 GENERAL PLAN AMENDMENT FINDINGS

Government Code Section 65358(a) requires a general plan amendment to be in the public interest.

The project site is surrounded by residential development and provides an opportunity for urban infill development. With a net increase of 132 residential units, including ~~24 eight affordable rental units~~ affordable to very low income households and 16 for-sale apartments that are affordable by design, the project helps to address the region's housing needs. The range of housing types and sizes will help to meet a variety of needs and will apply to a diversity of income levels. The development of housing with a variety of types and densities is identified as a goal of the community (Policy LUR-GV-5 of the Goleta Community Plan) and affordable housing is identified as being in the public interest in the Board-adopted 2009-2014 Housing Element. The project helps to maintain the existing urban boundary line by providing housing in an urban infill site, which is another recognized goal of the community rather than pushing development out to the urban fringes or extending the urban boundary. Granting of the easement to the County for the purposes of establishing a portion of the San Jose Creek Bike Path would also be in the public interest. In addition, the subject property is no longer in agricultural production; instead, it is surrounded by residential development and isolated from other active agricultural operations. As such, its conversion to residential development is appropriate. Overall, the request to amend the land use designation of the property from agriculture to residential is in the public interest.

2.3 DEVELOPMENT PLAN FINDINGS

A. Findings required for all Preliminary or Final Development Plans. In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

1. The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.

The project site is approximately 26 acres and is surrounded by residential development of varying densities. The project site is located adjacent to major arterial roadways and close to employment and shopping districts. The project site represents an infill development opportunity within an existing

residential neighborhood. The project is adequate in terms of its location and physical characteristics to support a total of 135 residential units.

2. Adverse impacts will be mitigated to the maximum extent feasible.

There are no significant unavoidable impacts that would result from development of the project. All required mitigation measures identified in the EIR to reduce significant impacts to less than significant levels have been incorporated as project conditions of approval. In addition, recommended mitigation measures that were identified in the EIR to further reduce impacts have been similarly incorporated as conditions of project approval where appropriate. As a result, all adverse impacts have been reduced to the maximum extent feasible, consistent with this finding.

3. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

Streets and highways will be adequate to carry the type and quantity of traffic generated by the project. The project includes a condition of approval that requires upgrades to the Patterson Avenue/U.S. Highway 101 southbound onramp intersection, including restriping the overpass to add a second left-turn lane and adding metering to the on-ramp as required by Caltrans. With implementation of these improvements, all affected roadways and intersections would remain within acceptable capacity. The roadway improvements internal to the site have been designed to meet County standards for access and traffic movement, including adequate road widths, turning radii, and pedestrian improvements. Though through access in the northern portion of the site to Avenida Pequena is not provided as part of the project, the project meets County Fire Department requirements for access. In addition, the project has been conditioned to provide direct vehicular access to Patterson Avenue as part of the initial phase of development in order to provide project residents with an additional means of accessing Patterson Avenue and minimizing impacts to without adversely impacting the neighborhood streets to the south. Nonetheless, both Merida Drive and Agana Drive are designed and have the capacity to handle the additional vehicular traffic generated by the project. They are both designated as collector roads on the Caltrans Highway Classification maps. Therefore, this finding can be made.

4. There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.

The project would be served by the Goleta Water District and Goleta Sanitary District for water and sewer service, respectively. The project site would be annexed into the Goleta Sanitary District's service boundary prior to development. The project has been designed to meet County Fire Department standards for emergency access, secondary access, road widths and fire

hydrants and County Public Works requirements for roadways and is located within the five minute response time from the nearest County Fire Station less than one mile to the south. As a result, adequate services exist to serve the project consistent with this finding.

5. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

The project has been designed to be compatible with surrounding development. Review and approval of the project design by the South County Board of Architectural Review, including the final layout and architectural designs for proposed residences and landscaping, will help to ensure neighborhood compatibility and protect neighbor privacy. The provision of approximately four acres of open space for use by the residents will ensure that sufficient parkland exists in the neighborhood to support the increased residential population, without degrading the quality and availability of existing open space and parkland for existing community residents. Required improvements to the Patterson Avenue/U.S. Highway 101 southbound intersection will ensure that the project does not impact the comfort and convenience of area residents by improving the operating capacity of that intersection and reducing queuing along Patterson Avenue north of the intersection. In addition, connecting Tree Farm Lane to Patterson Avenue as part of the initial phase of development and adding ~~a stop sign~~ traffic calming measures along Merida Avenue will help to ensure that project traffic does not burden neighborhood streets to the south of the project site. Lastly, dedicating an easement to the County for the purposes of constructing the bridge across San Jose Creek in furtherance of establishment of the San Jose Creek Bike Path will help to improve community access through the area and provide an alternative to vehicle use for moving about the neighborhood and reaching points south of the highway. This will help to incrementally reduce congestion on the roadways and offset the addition of 1,081 net new average daily trips generated by the project. As a result of these various elements and requirements of the project, this finding can be made.

6. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.

~~The applicant is requesting modifications to State Density Bonus Program entitles the applicant to two incentives/waivers given the number of affordable units proposed to be constructed as part of the project. As such, the applicant has requested waivers to setback and open space standards required for the Design Residential (DR) zone, as permitted under the State Density Bonus Program provisions of Subsection 35.82.080.H.1 of the County Land Use and Development Code. See Finding 2.4 below.~~ The project complies with other applicable requirements of the DR zone, including building height and parking spaces. As discussed in Section 6.2 of the Planning Commission staff

report dated September 30, 2011, herein incorporated by reference, the project as conditioned is consistent with all applicable policies and standards of the Comprehensive Plan, including the Goleta Community Plan. Therefore, this finding can be made.

7. **Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.**

The project site is not within a rural area of the County and therefore this finding does not apply.

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

There are no existing public easements through the property that would be affected by the project. The project includes the dedication of an easement to the County for the purposes of establishing a bridge across San Jose Creek for use as part of the San Jose Creek Bike Path. As a result, this finding can be made.

- B. **Additional finding required for Final Development Plans.** In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.

There is no previously approved Preliminary Development Plan associated with this project. Therefore, this finding can be made.

2.4 DEVELOPMENT PLAN MODIFICATION FINDINGS

- A. **Findings required for all Development Plan Modifications.** In compliance with Subsection 35.82.080.H.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan that includes a modification to the zone development standards, the review authority shall first find that the modification is justified.

The applicant has requested modifications to the common open space requirement and setbacks for the DR zone district in order to accommodate the proposed project at the approximate density initiated by the Board of Supervisors in 2006. The DR zone district requires that 40% of the net site area be reserved as common open space. The applicant is requesting that this development standard be modified to 38%. The standard setbacks in the DR

zone are 20 feet for the front yard and 10 feet for the side and rear yards. The applicant is seeking a modification to front, rear, and side setbacks to accommodate minor encroachments for the residential structures throughout portions of the site. Side and rear setbacks would be reduced by up to ~~5~~five feet in many places, while front setbacks would be reduced by up to a maximum of approximately six feet. These setback encroachments and minor reduction in the amount of common open space are justified in that they allow for the additional density on the project site that is granted through participation in the State Bonus Density Program. The setback modifications primarily affect the interior areas of the project site and allow for greater separation from adjoining development by pulling the future residences closer to the new internal streets. The setback modifications are also justified in that they permit a more flexible site design by staggering residences so as to avoid a uniform appearance that is often found with a standard subdivision or Planned Unit Development, while still achieving the desired density. The minor reduction in common open space is justified in that it allows the project to accommodate the increased density and provide a variety of housing types that target a range of income levels. The project site contains nearly four acres of parkland for the project residents, in addition to additional common areas spread throughout the site. The common open space area is considered adequate to serve the future residential population. The project site also would have connections with public open space adjacent to the project site to expand the amenities available to the residents. Together, these factors justify the requested modifications.

2.5 GOLETA COMMUNITY PLAN OVERLAY FINDINGS

Pursuant to Section 35.28.210 of the County Land Use & Development Code, in addition to any findings that are otherwise required by the County Land Use & Development Code for the approval of a permit for development, project approval within a community or area plan overlay zone shall require that the review authority also first find that the project complies with all applicable requirements of the applicable community or area plan.

The proposed Tentative Tract Map and corresponding Development Plan are consistent with the policies and development standards of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.0 of the Planning Commission's staff report dated September 30, 2011, incorporated herein by reference. Therefore, this finding can be made.

2.6 TENTATIVE MAP FINDINGS

Findings for all Tentative Maps.

2.6.1 State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Many of the homes within the subdivision are oriented in such a way as to provide for passive heating and cooling with appropriate siting and sizing of windows and awnings. There is area surrounding many of the residences for planting to allow for passive or cooling and surrounding trees will provide for natural cooling for the residences. Solar array panels or photo voltaic cells may also be feasible in the future subject to obtaining the necessary permits.

2.6.2 State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.

The proposed Tract Map and corresponding Development Plan are consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the Planning Commission's staff report dated September 30, 2011, incorporated herein by reference.

In compliance with the Subdivision Map Act, the review authority shall deny the Cavaletto Tree Farm Housing Project (Case No. 09TRM-00000-00001) if it makes any of the following Subdivision Map Act Findings:

2.6.3 State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:

a. The proposed map is not consistent with applicable general and specific plans as specified in §65451.

The proposed Vesting Tract Map and corresponding Development Plan are consistent with the policies of the County's Comprehensive Plan including the Goleta Community Plan as discussed in Section 6.2 in the Planning Commission's staff report dated September 30, 2011, incorporated herein by reference.

b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The design and improvements of the proposed subdivision are consistent with applicable policies of the Comprehensive Plan, including the Goleta Community Plan, as discussed in Section 6.2 of the Planning Commission staff report dated September 30, 2011, herein incorporated by reference.

c. The site is not physically suitable for the type of development proposed.

The site consists of 26 acres of generally level terrain surrounded by residential development. Significant constraints on the site are limited to the riparian corridor and associated oak woodland on the west end of the project site and an inactive fault line running west to east within the northern portion of the site. Overall, the site is suitable for the residential development proposed.

d. The site is not physically suited for the proposed density of development.

The site is surrounded by residential development of varying densities, including condominium complexes and single family dwellings. The project has been designed with varying densities throughout the site in order to effectively tie the project in with surrounding development. The proposed effective density of 5.2 units per acre (inclusive of affordable units and density bonus market rate units) is slightly higher than some of the surrounding development which has a density of 3.3 units per acre. However, the project is consistent with the density of a condominium project immediately north of the project site. The site is physically suited for the density proposed, and can accommodate the proposed density while still providing several acres of open space, common area facilities including a pool, and all of the necessary interior roadways and sidewalks.

e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The subdivision and associated residential development and infrastructure improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. No residential development is proposed within the 50-foot creek buffer and the only development affecting the riparian corridor includes drainage improvements and a potential future bridge across the creek to accommodate the San Jose Creek Bike Path. Mitigation measures have been incorporated as conditions of project approval to ensure any impacts resulting from the project are reduced to insignificant levels.

f. The design of the subdivision or type of improvements is likely to

cause serious public health problems.

The proposed subdivision and associated development and infrastructure are not likely to cause serious public health problems. The EIR identifies significant but mitigable impacts with respect to hazards associated with possible contaminated soil. No other significant public health problems have been identified. Mitigation measures have been incorporated as conditions of project approval requiring testing and, if necessary, remediation of contaminated soil.

- g. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

There are no existing public easements through the property that would be affected by the subdivision project.

- 2.6.4 State Government Code §66474.4. The legislative body of a county shall deny approval of a tentative map or parcel map if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965, an open-space easement, an agricultural conservation easement, or a conservation easement and that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.**

The subject parcel is not currently in an agricultural preserve contract, an open-space easement, an agricultural conservation easement or a conservation easement. There are no easements over the subject property that encumber the land for agricultural, open space or conservation purposes.

- 2.6.5 State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The proposed residential development has received a letter from the Goleta Sanitary District indicating that there is sufficient capacity to serve the proposed project.

- 2.6.6 Pursuant to Chapter 21-8 of the Santa Barbara County Code, the following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:**

- A. Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.**

Easements and public rights-of-ways within the project site would be consistent with this finding.

- B. Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street;**

The project site would have adequate ingress and egress via public streets and would not be landlocked.

- C. Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view;**

The project site is relatively flat and grading as part of the project would not create any steep cut or fill slopes that would be unsafe or unattractive to view.

- D. Grading or construction work on any proposed street or lot. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors;**

No grading or construction would be permitted as part of the project until recordation of the Vesting Tentative Map and the issuance of applicable follow-up Zoning Clearances.

- E. Potential creation of hazard to life or property from floods, fire, or other catastrophe;**

The project site is surrounded by residential development within the urban boundaries of the Goleta Valley. The project would meet all County Fire Department standards for ~~access and defensibility~~ road widths and the provision of fire hydrants. Secondary access would be provided to the site from Merida Drive in addition to the primary access points at Las Perlas Drive and Patterson Avenue. New structural development is located outside of the flood zone and the project would not create hazards to life or property from floods, fire, or other catastrophes.

F. Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation;

As discussed in Section 6.2 of the Planning Commission staff report dated September 30, 2011, herein incorporated by reference, the project as conditioned conforms to the County's Comprehensive Plan, including the Goleta Community Plan. There are no state highways adjacent to the project site that would be affected by the development.

G. Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1;

There are no lots created as a result of the project that have a depth to width ratio in excess of 3 to 1.

H. Subdivision designs with lots backing up to watercourses.

San Jose Creek is located along the western boundary of the project site. However, no residential development is located within the buffer area of San Jose Creek. The common open space runs along the creek's riparian corridor, but San Jose Creek does not run through the backyards of any of the residential lots.

2.6.7 Pursuant to Chapter 21-8 of the Santa Barbara County Code, a tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 *et seq.*, the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.

As discussed in Section 6.2 of the Planning Commission staff report dated September 30, 2011, herein incorporated by reference, the project as conditioned conforms to the County's Comprehensive Plan, including the Goleta Community Plan. As discussed in Section 6.3 of the Planning Commission staff

report dated September 30, 2011, herein incorporated by reference, the project as conditioned conforms to applicable requirements of the County Land Use & Development Code, with the requested ~~incentives-modifications to development standards~~ as permitted under Subsection 35.82.080.H.1 of the County Land Use and Development Code (see Finding 2.4)~~the State Density Bonus Program~~. The Vesting Tentative Map is consistent with the requirements of Chapter 21 of the Santa Barbara County Code, as well as the requirements of the State Subdivision Map Act and California Government Code Section 66410 *et seq.*

2.7 ROAD NAMING FINDINGS

Section 35.76 of the Land Use Development Code, Road Name Selection, states that the objective of regulated road naming is to ensure that proposed road names are pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to the pride of home and community. In order to meet that objective, the following criteria were adopted and must be met in order to approve renaming of a road:

- a. **Road names shall not be duplicated within the area served by the same United States post office or police or fire department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.**

The proposed road names “Tree Farm Lane,” “Noel Court,” and “Christmas Tree Lane” do not occur within the area served by the local post office or by emergency response personnel. The Santa Barbara County Fire Department issued a letter (included in Attachment B) approving “Harvest Road” and the Santa Barbara County Public Safety Sheriff’s Dispatch staff ~~is~~ are not aware of a ~~duplicate road names~~ within Santa Barbara County and have no objections to the names.

- b. **Roads shall not be named after surnames of living persons.**

The proposed road names do not reference a surname of any living persons.

- c. **Roads may be named after family surnames prominent in Santa Barbara County history, even if family members still reside in the area.**

The proposed road names do not reference a surname.

- d. **Road names shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, way, street).**

The proposed road names contain fewer than 24 letters each, including spacing and the road classification.

e. Road names shall be easy to pronounce and spell.

The proposed road names are easy to pronounce and spell.

f. Road names shall be grammatically correct whether in English or a foreign language.

The proposed road names are grammatically correct.

g. Road names shall include an appropriate road classification (e.g., street, lane, way, etc.)

The proposed road names include the applicable road classification.

