

4.6 LAND USE AND PLANNING

Note: After the Draft EIR was released, the applicant chose to remove the car wash facilities from the Project site, and use of the car wash area is no longer part of the proposal. All references to future use of the car wash area have been removed from the project description and the impact analysis.

This section focuses on Project consistency with the broad policy themes of the GP/CLUP (City of Goleta 2006), as well as consistency with the GP/CLUP and zoning designations for the affected parcels. Consistency with specific policies related to biological resources, including ESHA and the SPA buffer, is addressed in detail in Section 4.2, Biological Resources. Repaving the hammerhead turnaround did not result in land use impacts and thus is not considered further.

4.6.1 Existing Conditions

The Project site consists of Rancho ~~Estates Goleta~~ and undeveloped City-owned land at the southern end of the mobile home park, which contains an informal trail used by pedestrians and bicyclists. This is identified as Trail 18 in the GP/CLUP Open Space Element (City of Goleta 2006). The surrounding land uses include single family residential homes located north of the emergency access road and west of the mobile home park, medium- to high-density residential development east of the mobile home park, and protected open space used for passive recreational activities, located immediately south, east, and west of the emergency access road and south of the mobile home park. The southern portion of the Project site, including the City-owned parcel where the proposed emergency access road and associated fire line would be located, is within the Coastal Zone, as shown on Figure 2-1.

The City-owned parcel is designated as Open Space/Passive Recreation in the GP/CLUP Land Use Element (City of Goleta 2006). This category is intended to identify and reserve areas with significant environmental values or resources, wildlife habitats, significant views, and other open space values. It may be used to designate both private and public open space areas. The category includes areas reserved for natural drainage courses that may be managed as part of the City's stormwater management program. Allowable uses include open space and passive recreation (City of Goleta 2006).

The City-owned parcel is zoned as Recreation (REC) in the City of Goleta Coastal Zoning Ordinance (Article II, Chapter 35, Goleta Municipal Code). The purpose of this district is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses that will protect and enhance areas that have both active and passive recreation potential because of their beauty and natural features. Such development should offer recreational uses that complement and are appropriate to the area because of these features. Permitted uses in this zone include outdoor public and/or private recreational uses, including parks; campgrounds; recreational vehicle accommodations; and riding, hiking, biking, and walking trails, as well as structures and facilities required to support recreational activities. Any other uses that the Planning Commission determines to be similar in nature to the above uses also are allowed.

Other fire improvements would be located within the existing mobile home park, which is designated as Mobile Home Park in the GP/CLUP. This land use category is intended to permit planned mobile home parks where sites for placement of individual mobile home units may be unsubdivided and held in a common ownership or subdivided and sold as separate lots to

individual mobile home unit owners. The intent is that mobile home park sites be planned as a whole, with an adequate internal vehicular and pedestrian circulation system, adequate common and individual parking, common open space and recreation facilities, and other common amenities (City of Goleta 2006). This area is also zoned as Mobile Home Park (MHP) in the Coastal Zoning Ordinance and the City of Goleta Inland Zoning Ordinance (Article III, Chapter 35, Goleta Municipal Code). The purpose of this district is to provide areas for mobile home parks, while ensuring a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscape design. Permitted uses include mobile homes, associated recreational facilities, and accessory uses, structures, and buildings.

The southern portion of the Project site, including the location of the emergency access road and former car wash area, is adjacent to Devereux Creek and within a designated ESHA overlay (City of Goleta 2006), as shown on Figure 4.2-2. Policies of the City's General Plan Conservation Element are intended to prevent disturbance of ESHAs, and the Coastal Zoning Ordinance specifies that the intent of this overlay district is to ensure that all development in such areas is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

4.6.2 Regulatory Framework

4.6.2.1 Federal

No federal regulations relevant to land use apply to this Project.

4.6.2.2 State

California Coastal Act

The California Coastal Act, § 30250 of the Public Resources Code, specifies that all land uses and development must be protective of coastal resources, which include marine and land habitats, scenic and visual resources, agricultural lands, and archaeological resources. The City of Goleta's GP/CLUP policies have not yet been certified by the California Coastal Commission; therefore, this EIR considers the Project's consistency with the California Coastal Act, as well, because these policies form the standard of review for the Coastal Commission.

Mobilehome and Special Occupancy Parks Program

The Legislature enacted the Mobilehome Parks Act (Division 13, Part 2.1 of the California Health and Safety Code, commencing with Section 18200) for the benefit of mobile home park residents and users to assure their health, safety and general welfare, to provide them a decent living environment, and to protect their investments in their manufactured homes, mobile homes, multi-unit manufactured housing and recreational vehicles. Additional requirements are contained in the California Code of Regulations, Title 25, Division I, Chapter 2 commencing with section 1000. The Mobilehome and Special Occupancy Parks Program, which is administered by the California Department of Housing and Community Development, develops, administers and enforces uniform statewide standards that assure owners, residents, and users of mobile home and special occupancy parks (recreational vehicle parks, tent camps, etc.), protection from risks to their health and safety.

4.6.2.3 Local

The Project is located within the City of Goleta. Local land use is guided by the GP/CLUP and the zoning regulations adopted by the Goleta Municipal Code. The GP/CLUP includes a number of major policy themes. Those relevant to this Project include the following:

- Protecting Goleta's natural heritage, which includes creeks, wetlands, monarch butterfly roosts, woodlands, and other open spaces, while encouraging passive recreation use and enjoyment of public open spaces.
- Maintaining service levels by providing and maintaining adequate public services and facilities to meet future needs of residences and businesses in all areas of the community.
- Protecting health and safety by maintaining healthful environments that minimize exposure to health and safety hazards.

The Land Use Element includes a Land Use Plan map and policies related to development and land uses in the City. The land use plan map and associated policies are implemented to maintain a land use pattern that provides continuity with the past and present use and development of the City. It establishes the future distribution, extent, and geographic locations of the various land uses within the City and provides the permitted uses associated with each land use category.

4.6.3 Project Impacts

4.6.3.1 Thresholds of Significance

City of Goleta Environmental Thresholds and Guidelines Manual

The City's adopted Thresholds Manual (City of Goleta 2008) does not provide environmental thresholds specific to land use. The Thresholds Manual does, however, observe that quality of life should be considered when evaluating land uses proposed by a given project. Quality of life can be broadly defined as the aggregate effect of all impacts on individuals, families, communities, and other social groupings and on the way in which those groups function. Where a substantial physical impact on the quality of the human environment is demonstrated, the project's effect on quality of life shall be considered significant. Quality of life issues, while difficult to quantify, are often primary concerns to the community affected by a project. Examples of such issues that directly involve land use and planning include the loss of privacy and/or neighborhood incompatibility.

CEQA Thresholds

The City also assesses impacts based on the CEQA Guidelines. As suggested by Appendix G of the CEQA Guidelines, the proposed project may have a significant impact on land use and planning if it would:

1. Physically divide an established community.
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

The Project would not physically divide an established community, and no habitat conservation plans or natural community conservation plans have been adopted in the Project area. Thus, Criteria 1 and 3 are not considered further. No land use changes will occur.

Impact LU-1. Conflict with Applicable Land Use Plan, Policy, or Regulation

City of Goleta

The Project would be consistent with GP/CLUP policy themes relating to protecting public health and safety and maintaining appropriate levels of public services because it would improve fire protection services for the residents of Rancho ~~Estates~~Goleta. The Project would not be consistent with the policy theme relating to protecting Goleta's natural heritage because it would result in a number of significant Class I and II impacts on biological resources, as discussed in Section 4.2, Biological Resources. This would be a **significant (Class I)** impact because it would conflict with the underlying policy themes of the GP/CLUP.

The emergency access road and associated fire line would be constructed in an area that is zoned as REC and designated as Open Space/Recreation. After construction, the road would continue to be accessible to pedestrians and bicyclists and thus would be consistent with the uses permitted in such areas, which include hiking, biking, and walking trails, as well as structures and facilities required to support recreational activities. Thus, **no impacts** associated with this zoning district or land use designation would occur. These facilities also would be located in an ESHA and within a SPA buffer. Impacts associated with the specific policies intended to protect the resources within these areas are discussed in detail in Section 4.2, Biological Resources.

Fire improvement work within Rancho ~~Estates~~Goleta would not conflict with permitted uses for that zone and **no impacts** would occur.

California Coastal Act

Consistency with policies relating to biological resources found in Sections 30231, 30233, and 30240 is discussed in Section 4.2, Biological Resources.

Section 30212, New development projects

Section 30212 requires the provision of public access from the nearest public roadway to the shoreline with some exceptions. The emergency access road would continue to be accessible to the public as a pedestrian and bicycle trail and thus would be consistent with this policy. **No impacts** would occur.

Section 30232, Oil and hazardous substance spills

Section 30232 requires protection against the spillage of crude oil, gas, petroleum products, or hazardous substances and the effective containment and cleanup for accidental spills that do occur. Appropriate BMPs would be required during construction; thus, the Project would be consistent with this policy. **No impacts** would occur.

Section 30244, Archaeological or paleontological resources

Section 30244 requires that where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. This EIR includes such mitigation measures; thus, the Project would be consistent with this policy. **No impacts** would occur.

Section 30251, Scenic and visual qualities

Section 30251 specifies that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and

designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. As discussed in Section 4.1, Aesthetics, the Project would have **significant but mitigable to less than significant (Class II)** impacts on the area's scenic resources and visual character and quality. Thus, the Project would not be consistent with this policy. This would be a **significant but mitigable to less than significant (Class II)** impact because the trees that would be removed would be replaced.

4.6.4 Cumulative Impacts

If other projects resulted in impacts that conflicted with policies intended to protect Goleta's natural heritage, the cumulative impact would be significant. The Project's contribution would be cumulatively considerable and therefore **significant (Class I)**.

4.6.5 Mitigation Measures

MM BIO-4, Protect/ Replace/ Enhance Riparian Habitat; MM BIO-5, Protection of SPA Buffer from Non-local Genotypes of Native Species; and MM BIO-6, Protection of SPA Buffer from Human Encroachment ~~Residual Impacts~~ would minimize impacts associated with policy inconsistencies discussed under Impact LU-1.

4.6.6 Residual Impacts

The residual impact from Impact LU-1 would be **significant** because conflicts with the City's GP/CLUP policy themes regarding the protection of biological resources would remain. The residual impact associated with aesthetic resources would be less than significant given implementation of MM BIO-4 because the trees that would be removed would be replaced.

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