

## ATTACHMENT 1 – EXHIBIT 3

### General Plan Consistency Analysis

#### Ritz-Carlton Bacara Beach House Replacement Project

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### **EXHIBIT 3**

#### **GENERAL PLAN/COASTAL LAND USE PLAN CONSISTENCY ANALYSIS FOR RITZ-CARLTON, BACARA, HOTEL BEACH HOUSE REPLACEMENT AND REMOVAL PROJECT**

The project is consistent with all applicable provisions of the City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) as follows:

##### **Land Use Element**

The project will provide continued beach support services to the public at current levels consistent with the Land Use Element and the original hotel development plan and coastal development permit (86-DP-46 and 97-CDP-078) and would not alter the intent of the prior approvals. In addition, the project will have a reduced footprint than the original construction that is mindful of the natural setting of the site.

The GP/CLUP Land Use Designation for the project site is (C-V) Commercial Visitor-Serving (GP/CLUP, Figure 2-2). The C-V land use designation is intended to provide for a variety of commercial uses of low to moderate intensity often at or near scenic locations that may serve as destinations for visitors. Development in Visitor Commercial areas shall be designed in a manner that will limit encroachment into residential or resource areas. When located near the beach or other natural areas, public access to resource areas shall be required. The Beach House replacement project is low intensity in size and use and is a amenity designed to enhance the public's enjoy of the adjacent beach area.

The site chosen for relocation of the existing Beach House uses has a substantial reduction in footprint, and will maintain existing services (e.g., snack bar, restrooms, picnic areas, trails, beach access, and emergency response staging and access) in proximity to the shoreline. The new site was chosen with consideration of City GP/CLUP and Coastal Act policies requiring avoidance of documented sensitive biological resources, cultural resources, and shoreline hazards, as well as the hotel permit conditions. The project is thereby consistent with GP/CLUP Policy LU 9.1 and the Land Use Plan map which designates the hotel property "Site #1 – Coastal Resort Parcels (Visitor Commercial)". This site is the only shoreline land in the City that is designated in this category or that is suitable for this type of use. Any expansion or alteration of existing development shall be required to maintain or expand the extent of existing coastal access facilities, including parking and vertical access to the beach. "Maintain or expand" is clarified to include flexibility, if at least one of the following is met:

1. To provide better protection of coastal resources; and/or
2. To maximize public access.

There is no change proposed to the previously approved and existing recreation support uses other than location and method for providing some of the support uses (i.e., food truck). Rather, the project is proposed to ensure that the existing hotel will continue to provide recreational public beach access and amenities (restroom, showers, and food) available to the public consistent with Policy LU 3.6 and Policy LU 9.1 in a location cognizant of changing environmental conditions. The hotel permit conditions of approval, which are enforced by the City of Goleta and the California Coastal Commission, also have requirements for the hotel to provide these coastal-related accessory uses (snack bar, restrooms, public access, and picnic areas) that will continue with implementation of this project.

Table 2-2 of the GP/CLUP provides for a maximum structure height of 35 feet. The project's proposed maximum height observes this height maximum with the main roof line at just over 13'-8". The proposed new building and food truck would reduce the existing building area of the Beach House by 2,601 square feet (SF) while retaining the existing accessory uses and functionality.

With respect to Policies LU 1.8 and LU 1.9, the project design matches the architecture of the existing Beach House. The picnic areas and landscaping will be required to be appropriately designed and be compatible with the existing setting. Prior to receiving building permits from the City, the project will need to obtain design approval from the Goleta Design Review Board, which will be charged with ensuring compliance with City design standards.

As designed and based on the operation plan for the food truck, the sharing of emergency access and the food truck parking will not create a conflict that will impede the provision of emergency services to the location as stated by Policy LU 1.12. Pursuant to LU 1.13, existing utilities, adequate infrastructure and services are available to serve the project and only relocation of the current facilities are needed to support the new facilities.

### **Open Space Element**

The project is consistent with the Open Space Element. Given the scope and nature of the proposed site improvements (a new 325 SF restroom building with showers and food truck/snack bar, and removal of the existing 2,668 SF Beach House building), the project would not create a demand for, nor increase the use of, the existing parking lot, trails, beach access, or accessory uses or open spaces within the community. As such, the project would not result in any significant effects on recreational facilities, or be in conflict with public access shown in GP/CLUP Figure 3-1 (Coastal Access Map). The project will have a positive benefit of extending the life of the public amenities for many decades given the new location is beyond the anticipated wave run up area in 50 years.

The project amenities are consistent in support of Haskell's Beach designation as a Regional Open Space (as defined in Policy OS 6.7) and as Pacific shoreline and beach

in GP/CLUP Table 3-1 and in Figures 3-1 and 3-2. The project would continue to provide for existing services but would not represent an expansion of services that would increase demand for use of the site. The project is consistent with preservation and management of the existing public beach access, parking, signs, amenities, trails, and bikeway at the site as required in Open Space Element Policies OS 1, OS 2, OS 3, and OS 4.

The reduction of building size and use of a food truck are consistent with protection of resources, including Policies OS 7 and OS 8 as discussed below. These policies require the protection of open space for natural resources, public health and safety in open space areas including environmentally sensitive habitat areas (ESHAs), flood and hazard zones, and protection of Native American/Paleontological Resources. Since the site has experienced ocean flooding during storm and tide events at the Pacific Ocean at Haskell's Beach front and the Tecolote Creek mouth, the existing public beach facilities have been damaged and need to be replaced in a safer area. As such, the new building would be located upslope and outside the projected area subject to wave runup throughout the expected 50-year life of the building in keeping with General Plan policies.

Further, an Extended Phase I Archaeological report and site survey were completed that concluded that the shell fragments on the ground surface are not associated with documented tribal cultural resources, or known prehistoric or historic archaeological sites. Therefore, grading and excavating on the site would not have the potential to disturb unknown buried archaeological resources. However, due to the proximity of sensitive resources, project mitigation measures require appropriate monitoring of the project development and detail action to be taken should unanticipated cultural or tribal resources be discovered. Mitigation requires work to be stopped if a cultural resource is encountered during soil disturbance until the find can be evaluated including by local Chumash representatives. As designed and with implementation of mitigation measures, the project is consistent with the Open Space Element policies for cultural resources.

### **Conservation Element**

The project site has been developed with the current Beach House and public recreation use since 2000. The site is situated within or in proximity to habitats listed in GP/CLUP Table 4-2 as Examples of Environmentally Sensitive Habitats, including marine, beach and shoreline resources, coastal sage scrub, butterfly habitat, raptor nesting and roosting areas, and special-status species habitat (southern California Rufous-crowned sparrow). The project as designed, and with the implementation of Mitigation Measures and Conditions of Approval will be consistent with the provisions of the Conservation Element. The specific requirements include: (1) a nesting birds and raptors survey prior to construction; (2) biological monitoring and protective fencing and signs to be done; (3) construction equipment maintenance; (4) tree replacement; (5) the incorporation of sediment control and best management practices to protect storm water quality and ESHA areas as appropriate based on the amount of disturbed area; (6) diversion reporting after construction in accordance with the City of Goleta's Construction and

Demolition Debris Recycling Program Waste Reduction and Recycling Guidance Document; and (7) compliance with standards for dust control, noise control, washout areas and asbestos during construction.

Policy CE 1.6 only allows uses or development dependent on and compatible with maintaining such resources within ESHA. Policy CE 1.7 requires that the new development shall be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Any impacts that cannot be avoided shall be fully mitigated, with priority given to onsite mitigation.

Consistent with Policy CE 1.7, a review of the best potential location onsite for the Beach House replacement facilities has demonstrated that there is no feasible alternative project site that can eliminate all potential project-related impacts. After new biological, cultural resources and ocean hazards field studies, peer reviews, and extensive reviews of alternative sites, the current project site was selected as the least resource sensitive location. Overall, the project footprint within an ESHA setback next to the beach will be reduced by 2,363 SF from the existing Beach House (2,688 Beach House to be removed and the addition of a new 325 SF New Restroom). The Coastal Commission staff has concurred with this analysis.

As designed and with the proposed mitigation measures and conditions of approval and development regulations, the project is consistent with General Plan Policies for ESHA protection including; CE 1.2, CE 1.3, CE 1.4, CE 1.5, CE 1.6, CE 1.7, CE 1.8, and CE 1.9, CE 2. (Protection of Creeks and Wetland Areas and CE 8.4 - buffer area for raptors). Further, the project complies or will comply with Policies CE 10.2, CE 10.3, CE 10.6, CE 10.7, CE 10.8, CE 10.9, CE 12.2, CE 12.3, CE 13.1, CE 13.2, and CE 13.3 that require limiting the area of disturbance, incorporation of erosion control requirements, control of emissions from new development during grading and construction, energy efficiency, and use of renewable energy sources. In addition, the project will not use invasive plant species that could unintentionally spread into the adjacent Tecolote Creek or the beach strand. Review of the landscape plan during Design Review would ensure that no conflict with Policy VH 4.9 would occur.

### **Safety Element**

The project is consistent with the Safety Element. The project location was selected consistent with the recommendations of a peer reviewed ocean hazards study which addresses Policy SE 2.4. SE 2.4. These policies requires setbacks for all structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs and the preparation of a site-specific shoreline erosion rate and hazards study. Such a study was prepared and peer reviewed. Based on projections of ocean level rise in this location, the study demonstrated that the proposed structure would not likely be subject to shoreline erosion or other hazards for the structure's lifetime of 50 years. Additionally,

the project would remove the protective revetment and burlap placed under emergency permits consistent with Policy SE 2.5. SE 2.5 prohibits installation of coastal armoring along nonbluff segments of the coastline to protect shoreline development constructed after the effective date of Public Resources Code Section 30235.

Consistent with the Policy SE 2.7, a condition of approval addresses development on a beach or shoreline that is subject to wave action, erosion, flooding, landslides, or other hazards. The condition requires the property owner to execute and record a deed restriction that acknowledges and assumes responsibility associated with such risks. The deed restriction will waive any future claims of damage or liability against the City or other permitting agencies, and agrees to indemnify and hold harmless the City Goleta against any and all liability, claims, damages, or expenses arising from any injury or damage due to such hazards. The *Deed Restriction Regarding Coastal Hazards* must receive approval from the City Attorney and the Planning and Environmental Review Director, or their Designees prior to issuance of the Certificate of Occupancy.

The hotel property was formerly the site of an oil tank farm and oil processing plant. Oil and gas exploration and processing activities related to the Ellwood Oil Field were conducted onsite from the early 1930s until the 1960s. The project site is subject to a Remedial Action Agreement, Santa Barbara County Public Health Department (PHD), dated June 18, 2018. Residual contaminants from these operations were allowed to be left in place after extensive investigations and remediation (including excavation/off-site soil disposal and on-site bioremediation).

Policies SE 10.1 and 10.2 require uses that store, handle, and dispose of hazardous materials in the City comply with State, federal, and City regulations. As required by Mitigation Measures and Conditions of Approval, the County of Santa Barbara Public Health Department (in coordination with and on behalf of the County Fire Department) requires remediation in areas with processed or refined hydrocarbon contamination and suspected naturally occurring crude oil and some refined petroleum product, along with detectable concentrations of metals typical of natural background, to remain in Areas of Residual Impact (ARI). Seventeen ARIs have been identified on the hotel property and are subject to the use restrictions in a "Covenant to Restrict Use of Property." This document was prepared by the County of Santa Barbara Fire Department (dated February 26, 2013) and requires the owner or operator of the site to comply with a specified Soil Management Plan (SMP) when disturbing soils more than six inches deep in an ARI. In May 2017, the restrooms at the existing Beach House were closed due to a failure of a sewer pump mounted in a ground box located adjacent to the east equipment and storage room. The repair was made, and the sewage leakage was repaired. The soils in this location will also be subject to the SMP procedures during implementation of this project.

The topography of the coastal site is mapped in an area of moderate or high landslide potential. The project grading and drainage plans have been designed to protect the site

from erosive slopes and accommodate on-site stormwater. Required Conditions of Approval include the preparation of a Geotechnical and Soils Engineering Report and incorporation of the recommendations from the Report. These recommendations will be incorporated into the project design, and the project will also be designed to meet the California Building Code requirements for seismic and soil parameters. These actions will be consistent with the requirements of Policies SE 4.3 and 4.11

The project is adequately served by fire protection services provide by Santa Barbara County Fire Department (SBCFD). SBCFD input has been received and incorporated into the project's access, design and associated conditions of approval pursuant to Policy SE 7 (Urban and Wildland Fire Hazards), and SE 7.2. The project would comply with Fire Department standard conditions such as an approved turnaround, the ability to move the food truck, regular grading of the earthen ramp for beach access for ocean rescue staging and launching, and gated access for the SBCFD.

The project is not located within an airport landing zone and is not subject to the Santa Barbara County Airport Land Use Plan consistent with Policy SE 9 (located outside of Airport-Related Hazards area).

### **Visual and Historic Resources Element**

The project is consistent with the Visual and Historic Resources Element. The site does not include historic structures as the existing Beach House to be removed was constructed 20 years ago (in 2000) and is not considered a historic structure. The Scenic and Visual Resources Map in GP/CLUP Figure 6-1 identifies the Haskell's Beachfront at the project site as a public vantage point for viewing scenic resources. The placement of the new public amenities are setback from the beach front and placed in a location and in a manner to not hinder views of the ocean. Further, careful siting identified the optimal location for new facilities that would be compatible with existing natural and visual aesthetics of the site. In addition, the greatly reduced size of the proposed building/facilities and proposed location will be improving the views at this location in keeping with General Plan policies

Lastly, all design elements (size, design, colors, materials, landscaping/restoration, lighting, signage etc.) will undergo review by the Design Review Board in accordance with Visual and Historic Resources Element Policies and would be consistent with the General Plan. The project, therefore, would be consistent with Policies VH 1.1, VH 1.2, VH 1.4, VH 1.5, VH 2.1, VH 3.1, VH 3.2, VH 3.3, and VH 3.4 which address scenic resources, views, scenic corridors, maintenance of community character, neighborhood identity, site design, and building design.



### **Transportation Element**

The project is consistent with the Transportation Element Policies TE 9.1, TE 9.2, TE 11.4, and TE 12.1 and will not establish a use that will increase employment or change the use of the site in a manner that will result in an increase in traffic to the road system. These amenities are not trip generating uses but enhance the experience of beach goers. Construction related trips are temporary in nature and access to Hollister Avenue is from the existing public parking lot next to the existing hotel tennis courts and via the gated emergency access road. Policy TE 9.2 addresses the adequacy of parking supply and Conditions of Approval require that a construction parking plan be prepared that will ensure that public parking for Haskell's Beach onsite will remain at 50 spaces consistent with the hotel conditions of approval and Policy TTE 9.1. Policy TE 11.4 requires bicycle parking in new developments. A Condition of Approval would be imposed to require on-site bicycle parking. Lastly the project would not reduce or change the location, design and number of existing driveways on the property consistent with Policy TE 12.1.

### **Public Facilities Element**

The project is consistent with the Public Facilities Element. Public Facilities Policies PF 3.1, PF 4.1, PF 4.2, PF 5.1, PF 6.1, PF 9.1, PF 9.2, PF 9.3, and PF 9.7 address new development and provision of essential public services. The existing building is already connected to the public water system of Goleta Water District and the sewer system managed by the Goleta West Sanitary District. The project will not result in any significant new demands on public facilities or services. Coordination with agencies providing public services has been performed throughout the review process for this project. The project is designed to comply with fire safety design standards identified in the California Fire Code, as adopted by the Goleta Municipal Code, and Fire Department development standards. The Project would not result in any significant new demands on police or fire protection services than already anticipated with the originally entitled project. Given the non-residential nature of the project, there would be no impacts on schools, parks, or other public facilities. Electricity is already installed underground onsite and will be extended the new building.

### **Noise Element**

The project is consistent with the Noise Element. Noise Element Policy NE 1.1 sets noise and land use compatibility criteria and NE 6.4 restricts construction hours. The project is consistent with land use compatibility standards identified in Noise Element Policy NE 1.1 and the Conditions of Approval would restrict construction noise consistent with NE 6.4. With respect to this project, with its limited construction and demolition scope of work, the construction equipment fleet will be limited. With the below grade railway and highway intervening, temporary project construction and recreation support use of the project would not be expected to transmit appreciable vibration to the residences beyond the transportation corridor. Therefore, sensitive (residential, hotel) locations within 1,600 feet and 730 feet of the construction site and operation of the project would not be

affected by noise levels over the 65 dBA and would result in a less than significant noise and vibration impacts.

**Housing Element**

The project is consistent with the Housing Element Policy HE 2.2 which directs the City to require new nonresidential development and proposed expansion or intensification of existing nonresidential development to provide affordable employee housing. Existing snack bar and maintenance employment at the hotel will not be changed, rather it will be shifted with relocation of the use at the site. As such, the project will not affect housing or change demand for housing given the nature of the proposal as it will result in no change to existing employment at the hotel and no mitigation of employee housing impacts is required per Policy HE 2.2.