



Environmental Hearing Officer
MEETING MINUTES
(held electronically and telephonically)

Wednesday, June 16, 2021; 5:00 P.M.
(Held Electronically and Telephonically Only)

Environmental Hearing Officer
Lisa Prasse, Current Planning Manager

This meeting is being held pursuant to of the Governor’s Executive Order N-29-20, dated March 17, 2020, authorizing local jurisdictions subject to the Brown Act to hold public meetings telephonically and electronically in order to respond to the COVID-19 pandemic.

A. CALL MEETING TO ORDER

The meeting was called to order by Lisa Prasse, Environmental Hearing Officer, at 5:00 p.m., on June 16, 2021.

Staff Present: Lisa Prasse, Current Planning Manager; Mary Chang, Supervising Senior Planner; Nicole West, Consultant with Rincon Consulting; and Linda Gregory, Recording Clerk

B. PUBLIC HEARING

B-1. REVISED DRAFT ENVIRONMENTAL IMPACT REPORT; HERITAGE RIDGE 332 RESIDENTIAL RENTAL UNIT PROJECT; CASE NO. 14-049-GPA-VTM-DP; Located on the north Side of Camino Vista Between S. Los Carneros and Aero Camino Roads (North of Willow Springs II); APNs 073-060-031 through -043

The purpose of the meeting is to solicit comments/input on the following chapters and sections of the Revised Draft EIR that have been revised or added and recirculated:

- 2.0 Project Description
- 3.0 Related Projects
- 4.2 Air Quality
- 4.3 Biological Resources
- 4.4 Cultural and Tribal Cultural
- 4.6 Greenhouse Gas Emissions
- 4.9 Land Use
- 4.10 Noise

- 4.11 Public Services
- 4.13 Transportation/Circulation
- 4.14 Utilities and Service Systems
- 4.16 Energy
- 4.17 Wildfire
- 6.0 Alternatives

No formal action will be taken.

Mary Chang, Supervising Senior Planner, presented an overview of the Heritage Ridge 332 Residential Rental Unit Project. Ms. Chang reported that the purpose of this hearing is to receive public comments on the Revised Draft Environmental Impact Report.

Nicole West, Consultant with Rincon Consulting, presented an overview of CEQA and the Revised Draft Environmental Impact Review processes.

Lisa Prasse, Environmental Hearing Officer, reported that no formal action will be taken at the hearing. Ms. Prasse opened the hearing for public comment at 5:18 p.m.

Public Speakers:

Rachel Kondor, staff attorney with the Environment Defense Center (EDC), spoke representing the Goodland Coalition, Citizens Planning Association, Los Padres Chapter of the Sierra Club, Santa Barbara Urban Creeks Council, and the Santa Barbara Audubon Society, provided the following comments: The Environmental Defense Center (EDC) as well as their clients have a long-standing interest in protecting the creeks and environmentally sensitive habitats in the City of Goleta. The EDC is still reviewing the Revised Draft Environmental Impact Report (RDEIR) for the Heritage Ridge Project and applicable land use policies, and plans to submit detailed written comments. Initial comments will be presented today that focus on two main issues. 1) The EDC wants to ensure that the RDEIR adequately and accurately discusses the impacts to biological resources particularly the impacts to the creek, the creek setback, the environmentally sensitive habitat, and other biological resources. The EDC believes the range of alternatives is too narrow and fails to protect important biological resources or provide consistency with the City's General Plan. Once these impacts and alternatives are fully analyzed and understood, additional mitigation measures may also be warranted. The EDC is concerned that the RDEIR fails to disclose several inconsistencies with relevant City policies such as the Stream Protection Area (SPA) and the requirement to protect Environmentally Sensitive Habitat Areas (ESHAs). There should be consistency with land use policies such as the SPA and ESHAs in accordance with the City's demonstrated intent that these areas be protected. Some impacts to the ESHAs,

SPA, and other biological resources may be significant thereby triggering mitigation requirements, which is not analyzed in the RDEIR. 2) The EDC believes that the RDEIR fails to evaluate any alternatives that would protect the SPA and ESHA. In addition, some of the alternatives may increase impacts, such as the mixed-use alternative. The EDC believes the RDEIR must adequately discuss the project impacts, a more developed range of alternatives, and appropriate mitigation.

Brain Trautwein, Environmental Analyst and Watershed Program Coordinator with the Environmental Defense, Center provided the following comments:

- 1) The RDEIR environmental baseline is inadequate because surveys were deficient.
- 2) Reduction of the Stream Protection Area (SPA) causes a significant impact to the biotic quality of the creek.
- 3) The Coastal Scrub is environmentally sensitive habitat and must be preserved.

The EDC believes the baseline surveys for the RDEIR are outdated, improperly timed, and inadequate. The surveys do not include any protocol level surveys which are necessary before an RDEIR can discount the presence of special status species such as the California red-legged frog. The EDC believes that the City's thresholds and guidelines manual includes specific guidelines for biological surveys which were not followed and as a result, the RDEIR's environmental baseline is substantially flawed. Instead of conducting protocol level surveys or focus surveys, mere reconnaissance level surveys were undertaken which he believes are inadequate to establish an EIR baseline. The surveys were not properly timed to coincide with the seasons or climatic conditions when certain species are present and identifiable. Contrary to the RDEIR's findings, the City's information demonstrates that California red-legged frogs, a federally threatened species, were documented in the creek a short-distance away from the project site in 2019, well within the species dispersal distance.

The reduction of the Stream Protection Area (SPA) by 33 percent causes a significant impact to the biological quality of Los Carneros Creek. There are connections between the creek's riparian habitat and the onsite native vegetation communities. This include what EDC believes is a hydrological connection along the historic creek channel which, prior to the installation of the Union Pacific Railroad tracks and realignment of the creek in the early 1900's, threaded itself through the project site towards the Goleta Slough. The historic creek channel remains buried under the railroad tracks and appears to potentially form an underground hydrological connection linking the creek to the onsite habitat including the mapped ESHA which supports a well-watered

Arroyo Willow tree near where the historic creek channel flowed. There are other ecological connections consisting of seed and pollen dispersal from the creek to the native habitat on site and vice versa. The EDC believes there are also wildlife connections including birds and insects that traverse from the creek through the SPA to the native habitats on site. The recent discovery of California red-legged frogs in Los Carneros Creek within dispersal distance of the site is relevant information that supports the need for a 100-foot creek setback for Stream Protection Area (SPA). Moreover, the EDC believes the RDEIR is incorrect that the upland habitat does not provide transitional habitat for the California red-legged frog within 500 feet of the creek. The EDC believes there is substantial evidence showing that the upland habitat within the SPA is potentially serving as habitat for California red-legged frogs connecting the native onsite vegetation to the creek and supporting the need for a 100-foot SPA. Therefore, the EDC believes the RDEIR should be revised to note the significant impacts caused by the proposed reduction in the SPA.

The EDC will be submitting written comments with substantial evidence that the mapped Coastal Scrub ESHA remains as ESHA and must be preserved pursuant to the City's policies and ordinances, as explained by Rachel Kondor, EDC staff attorney. If the City finds that the area that is mapped as ESHA is not ESHA, the EDC believes the loss of the native habitat which covers most of the site is a significant biological impact and must be avoided or substantially mitigated pursuant to CEQA. Given the overlap between the park and archeological site and the mapped ESHA, the EDC believes it is feasible to preserve or restore the Coastal Scrub habitat in this area.

The EDC believes the RDEIR should be revised and the project should be redesigned to avoid the mapped ESHA and the 100-foot SPA. The EDC will provide evidence supporting that an alternative that complies with the General Plan in this regard is feasible without reducing the number of units. Mr. Trautwein pointed out that the developer for the Village at Los Carneros project redesigned the project to meet the 100-foot SPA setback without losing the 465 proposed units which shows that that a project can be modified while protecting the unit count; and stated that the EDC looks forward to working with the City and applicant to this end.

George Relles, representing The Goodland Coalition, provided the following comments: The Goodland Coalition has a long-standing interest in Goleta's land use protections for our streams and habitats. Generally, he agrees with the previous two speakers. The Goodland Coalition wants to make sure that the City and the developer fully explore and explain in the RDEIR all the issues and biological resources regarding this project's creek and its setbacks, as well as the biologically sensitive habitat and other biological resources on this project. The

range of alternatives presented is too narrow and everyone would benefit from more analysis of additional alternatives as required by CEQA. The Coalition is not trying to stop development but is committed to ensuring the development sticks closely to Goleta's General Plan and CEQA guidelines to protect the waterways and natural habitats. There is concern that the chart regarding unavoidable impacts did not mention creek setbacks which they believe are avoidable, and the same with the environmentally sensitive areas. The Coalition strongly supports sticking with the General Plan that requires a minimum of a 100-foot setback on both sides of the creek. There is a concern if the project moves forward as proposed, a precedent would be set that Goleta does not really care about protections for sensitive areas. Protection of creeks should be consistent with Goleta's new Creek and Watershed Management Plan. The RDEIR must more fully and accurately assess the project's impacts on the stream setback and riparian corridor of the Los Carneros Creek. The RDEIR should and must include an alternative that keeps development out of the minimum stream buffer. The Coalition believes the RDEIR should and must include alternatives that protect at least the mapped ESHA and in any sensitive areas. The Coalition believes that working together with the City and developers can promote acknowledging and dealing with the impacts.

Martha Sadler, speaking for the Santa Barbara Sierra Club, made the following comments: The Sierra Club has long had an interest in land use issues. The Santa Barbara Sierra Club strongly supports affordable housing. But, especially as with the increase in urban density, it is of the utmost importance that we go the extra mile to protect our natural corridors, particularly our riparian corridors. An alternative is needed to keep development out of the riparian buffer zone. An alternate is needed that protects the environmentally sensitive species habitat areas. Projects will set a major precedence. This is no time to start selling nature down the river. It is crucial that the developers think harder to design this project as thoughtfully and as creatively as is humanly possible.

Scott Cooper, speaking on behalf of the Santa Barbara Audubon Society, made the following comments: The Santa Barbara Audubon Society believes the current housing proposal for the Heritage Ridge Project is inappropriate because it destroys the mapped ESHA area and infringes into a Stream Protective Area (SPA). The proposed project abrogates the City's policies regarding strong protections for ESHAs and SPAs in General Plan Policies such as CE 1.2.f and CE 2.2. The Audubon Society objections to the proposed project are based on concerns about the impacts of the project on birds, other wildlife, and their habitats. They are also concerned about principles and precedents because they believe the City and developers should follow the City's environmental policies and plans such as protecting the SPAs consistent with the City's new Creek and

Watershed Management Plan and the new SPA Ordinance. In general, they believe the RDEIR for this project is inadequate because there is insufficient analysis of violations of environmental policies and the impacts on biological resources in mapped ESHA and SPAs. Specifically, they believe the RDEIR is inaccurate and inadequate because it has greatly underestimated the value of this property for wildlife, including birds and bird habitat. Two of the Audubon Society bird experts, including Mark Holmgren, have repeatedly surveyed birds at Heritage Ridge this Spring and found 30 bird species, nearly double that noted in the RDEIR Appendix D. Their list includes bird species that are using the ESHA for breeding and nesting, such as Say's Phoebe and Western Kingbirds that rarely breed here, and Raptor species including Red-tailed Hawks, Cooper's Hawks, and the California fully protected wild White-tailed Kite that use this area as a forging habitat. General Plan Policy CE 8.2 protects the habitats including the forging habitat of sensitive species. The Audubon Society also contends that the list of alternatives is inadequate and that an alternative should be included in the RDEIR that avoids the mapped ESHA and 100-foot SPA on this property. The Audubon Society recognize the need for affordable housing in this area but believes it is feasible to meet the housing goals of this project while avoiding impacts to ESHAs and SPAs as dictated by the City's General Plan policies.

C. ADJOURNMENT

Lisa Prasse, Environmental Hearing Officer, closed the hearing at 5:40 p.m., there being no additional speakers. Ms. Prasse reported that the public comment period closes on June 28, 2021, at 5:00 p.m.