Appendix M

Comments Received on Draft EIR

Letter 1

State of California • Natural Resources Agency
Department of Conservation
Division of Oil, Gas, and Geothermal Resources – District 3
195 South Broadway • Suite 101
Orcutt, CA 93455
(805) 937-7246 • FAX (805) 937-0673

Edmund G. Brown Jr., Governor

July 5, 2016

Ms. Mary Chang, Supervising Senior Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Ms. Chang:

DRAFT ENVIRONMENTAL IMPACT REPORT
HERITAGE RIDGE 360 RESIDENTIAL RENTAL UNIT PROJECT SCH#2015041014

The Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Draft Environmental Impact Report for the above referenced project. The Division has no jurisdiction or statutory responsibility for the project. The Division is mandated by Section 3106 of the Public Resources Code to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells. This is for the purposes of preventing: 1) damage to life, health, property, and natural resources; 2) damage to underground and surface waters suitable for irrigation or domestic use; 3) loss of oil, gas, or reservoir energy; and 4) damage to oil and gas deposits by infiltration of water and other causes.

The Division has a record of two wells drilled in close proximity to the proposed Heritage Ridge 360 Residential project area. The following map shows the approximate location of the wells. The wells were drilled in the 1950's and have since been plugged and abandoned. Well records are available on our Division website (www.conservation.ca.gov/doggr/index.html). While the enclosed map shows the general well location, precise measurements are provided in the well histories found online. The wells were plugged to meet the standards applicable at the time of abandonment, however may not meet current Division regulations.

The Division recommends that the wells' potential location relative to the Heritage Ridge360 Residential project be determined relative to the proposed building footprints and building activity. If the well(s) are found to be within the development, please submit a plan to this office which includes the well(s) location and proposed structures. The Division does not recommend that any structures, consistent with this project development, be placed in a manner that would impede future access to the wells.

Activity consistent with oil development include construction of oil sumps, storage tanks, pipelines or other infrastructure, commonly associated with oil production, which may have impacted the site. Also, equipment attendant to oilfield operations may be encountered during excavation of the area.

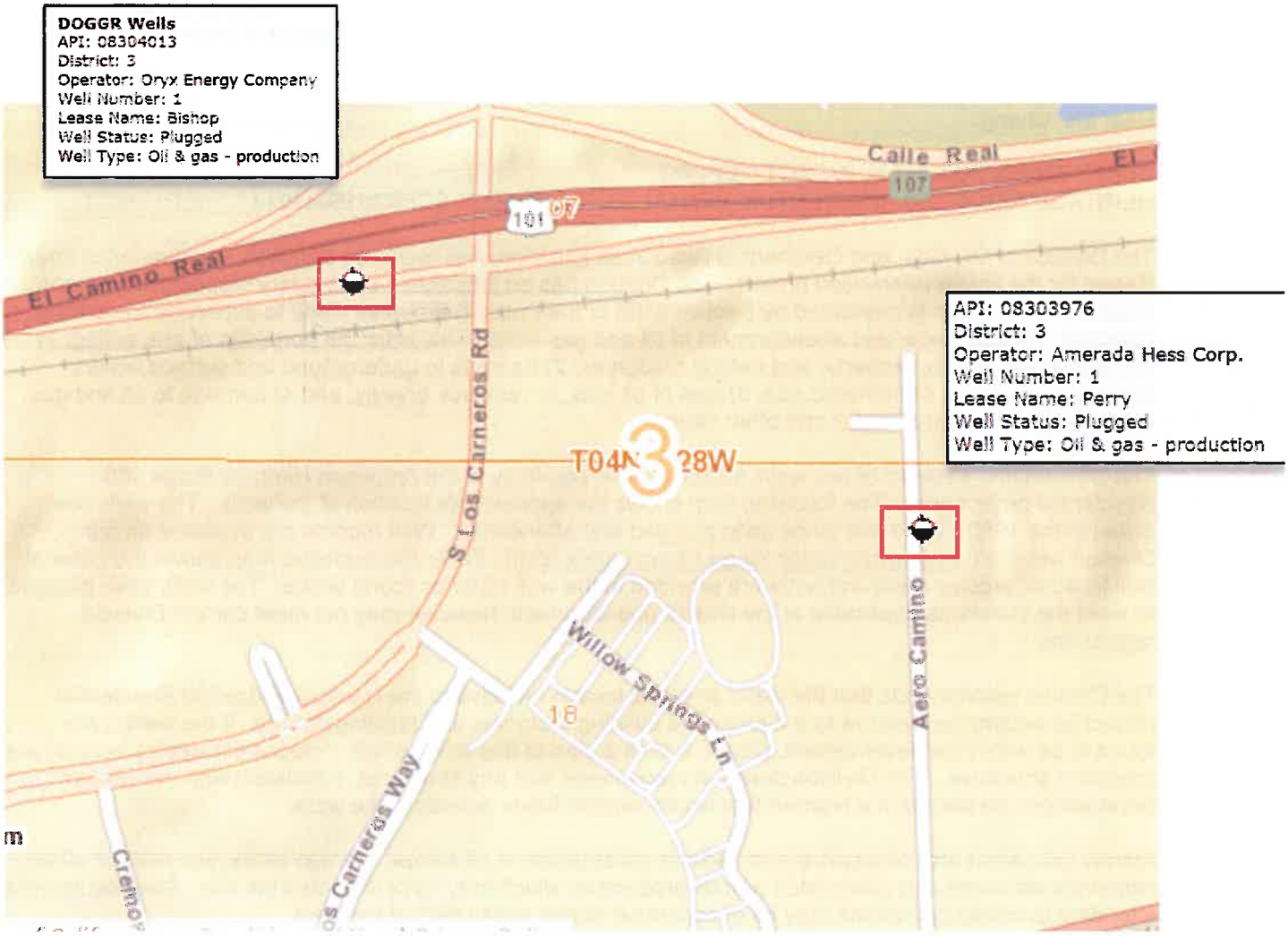
If you have any questions, please contact our district office at 805 937-7246

Sincerely,

Patricia A. Abel
Coastal District Deputy

cc: CEQA Unit
EQ-EIR
Chrono

Wells Identified On or Near Proposed Heritage Ridge Project



Wells of concern within or near project site

Letter 2

DUDEK

621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0651 F 805.963.2074

July 26, 2016

Mary Chang, Supervising Senior Planner
Stephanie Diaz, Contract Planner
City of Goleta
Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117

SUBJECT: Comments on Noise Section, Heritage Ridge EIR

Dear Mary & Stephanie:

This letter contains my professional comments on the Noise Section of the Draft Environmental Impact Report (EIR) on the Heritage Ridge Project. Dudek prepared a noise study for submittal to the City of Goleta with the development application for this project, we are therefore familiar with the noise environment and proposed project.

General Comment

The Heritage Ridge Draft EIR incorrectly identifies short-term construction noise as an unavoidably significant impact (Class I). As explained in further detail below, the incorrect application of the Noise Ordinance (Municipal Code Section 9.09) to construction activities and an erroneous interpretation of the construction noise significance threshold from the Goleta *Environmental Thresholds and Guidelines Manual* led the consultant to this flawed Class I conclusion; construction noise impacts must properly be classified as significant but mitigatable (Class II).

2.1

This determination of short-term construction noise as a significant but mitigatable impact is consistent with the analysis methodology, application of thresholds, and conclusions found in multiple Final CEQA documents prepared for, and certified by, the City of Goleta (Citrus Village Final Mitigated Negative Declaration [MND] 2008; Medical Office Building for Goleta Valley Cottage Hospital [GVCH MOB]Final MND, 2010; Mariposa at Ellwood Shores Assisted Living Final MND, 2012; and, Westar Mixed Use Village Final EIR, 2012). As with Heritage Ridge, existing residences were identified to exist within 50 feet of the construction envelop for Westar Village; for Citrus Village, existing residences exist within 30 feet (along the east side of Bassano Drive) of the construction envelop; for Mariposa, classrooms at Ellwood Elementary School are located

approximately 42 east of the construction envelop; and for the Goleta Valley Cottage Hospital MOB, the main hospital building was located approximately 70 feet from the construction envelop. The magnitude of construction effort and high-level construction tasks are very similar between the five developments; yet short-term construction noise impacts were determined to be Class II for Citrus Village, GVCH MOB, Mariposa, and Westar Village, but Class I for Heritage Ridge. The inaccurate threshold citation and erroneous application of the noise ordinance to construction activities in the Heritage Ridge Draft EIR must be corrected, such that an appropriate conclusion of Class II can be drawn for short-term construction noise impacts. 2.1

Regulations / Significance Thresholds

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Within the discussion of Regulatory Setting, the DEIR describes the City of Goleta Noise Ordinance as follows:

The Goleta Municipal Code (GMC) Chapter 9.09 regulates noise in the City. The purpose of the Chapter is to preserve public peace and comfort for citizens of Goleta from unwarranted noise and disturbances. The GMC prohibits loud and unreasonable noise between the hours of 10:00 PM and 7:00 AM Sunday through Thursday and between 12:00 midnight and 7:00 AM Friday and Saturday. Loud and unreasonable noise is defined as sound which is clearly discernible at a distance of 100 feet from the property line of the property upon which it is broadcast or sound which is above 60 dBA at the edge of the property line upon which the sounds is broadcast. The City does not have any code requirements related to noise from construction activities but the GMC noise regulations would apply to construction noise.

2.2

The description above is meant to summarize the restrictions contained under GMC Section 9.09.020, as well as attempting to establish a justification that construction noise would be subject to GMC Section 9.09.020. However, the introduction to Section 9.09.020 explains its applicability with respect to the origin of the loud and unreasonable noises of concern. The introduction to Section 9.09.020 is presented below.

9.09.020 Certain Noises Prohibited.

A. It shall be unlawful to make, assist in making, permit, continue, create, or cause to be made, any loud and unreasonable noise, music, percussion or other sound which is broadcast outside of any residence or building by means of any amplified musical instrument, drum, or similar device, or by means of any radio, loudspeaker, sound amplifier or phonograph, or by means of or employing any similar device which amplifies and produces, reproduces or broadcasts sound, during any of the following periods of time [...].

Based on the language found in GMC Section 9.09.020, it is not applicable to noise generated by construction equipment or general construction activity. In addition, the schedule restrictions contained in the Noise Element which pertain to construction activity are more stringent than the daily prohibition period presented in GMC Section 9.09.020. The DEIR must be revised to delete language suggesting GMC Section 9.09.020 would be applicable to construction activity. 2.2

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Under the discussion of Significance Thresholds, the DEIR provides the following citation regarding construction noise, purportedly from the Goleta *Environmental Thresholds and Guidelines Manual* (ETGM):

d) Noise from grading and construction activity proposed within 50 feet of sensitive receptors, including schools, residential development, commercial lodging facilities, hospitals, or care facilities.

The threshold above is not from the Goleta ETGM. The correct significance threshold regarding short-term construction noise from the Goleta ETGM is presented below:

d) Noise from grading and construction activity proposed within 1,600 feet of sensitive receptors, including schools, residential development, commercial lodging facilities, hospitals or care facilities, would generally result in a potentially significant impact. According to EPA guidelines (see Figure 2) average construction noise is 95 dB(A) at a 50' distance from the source. A 6 dB drop occurs with a doubling of the distance from the source. Therefore, locations within 1,600 feet of the construction site would be affected by noise levels over 65 dB(A). To mitigate this impact, construction within 1,600 feet of sensitive receptors shall be limited to weekdays between the hours of 8 AM to 5 PM only. Noise attenuation barriers and muffling of grading equipment may also be required. Construction equipment generating noise levels above 95 dB(A) may require additional mitigation. 2.3

There are several relevant points to make with respect to the above threshold. First, it is abundantly evident from the actual significance threshold wording that short-term construction noise impacts are intended primarily to be avoided by adherence to appropriate schedule restrictions, which are clearly enunciated in the threshold language. Second, the threshold concludes that adherence to construction schedule restrictions is considered as adequate mitigation for construction noise impacts. This conclusion is further bolstered by language in the Goleta General Plan Noise Element, which states "Construction-related noise is appropriately

managed by establishing and enforcing restrictions on hours permitted for construction activities that generate unacceptable noise levels." (Noise Element, Pg. 9-4) The DEIR must be revised to include the accurate significance threshold for construction noise from the Goleta ETGM. 2.3

Project Impacts

Page 276

Under Project Impacts, the first impact described is short-term construction noise (N-1). The DEIR states:

Impact N-1 Construction activities would be located within 50 feet of sensitive receptors, including existing residential uses approximately 50 feet away along the southern project site border. Therefore, temporary construction-related noise could exceed City of Goleta Municipal Code Chapter 9.09 noise regulations. This impact would be Class I, significant and unavoidable [Threshold 4].

First, as discussed above, GMC Chapter 9.09 is not applicable to construction noise and should not be referenced or used in the determination of construction noise significance. Second, Threshold 4 in the DEIR is not an accurate reference to the Goleta ETGM significance threshold for construction noise. Once the accurate significance threshold is included and applied, short-term construction noise must be concluded to be significant but mitigatable (Class II), consistent with the determination from the recent Final CEQA documents for Citrus Village, GVCH MOB, Mariposa, and Westar Village. Simply having noise-sensitive land uses (i.e., residences, school, hospital, etc.) located within 50 feet of a construction zone does not equate to a Class I short-term noise impact. The project's proposed adherence to the required construction schedule restrictions (limited to weekdays between the hours of 8 AM to 5 PM only) would largely avoid potentially significant short-term construction noise impacts upon existing vicinity residences. 2.4

For example, the Citrus Village Final MND included only the mitigations listed below for construction noise, which reduced construction noise impacts to less than significant.

NSE 2-1 Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Christmas, Thanksgiving, Memorial Day, 4th of July, Labor Day). Construction equipment maintenance shall be limited

to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

NSE 2-2 The applicant shall notify sensitive receptors and contiguous property owners with a preliminary construction activity schedule in advance of any and all construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be communicated.

2.4

Residual Impact

With implementation of the required mitigation measures, the residual project specific and project contribution to cumulative Noise impacts would be less than significant.

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Impact N-1 is further explained with the following discussion:

The most affected adjacent uses are residential uses (Willow Spring I and II) south of the project site across Camino Vista approximately 50 feet away. Adjacent industrial uses to the east could be exposed to temporary noise levels up to 89 dBA range during the loudest periods of construction. However, these types of facilities are not considered noise sensitive receptors. Since construction activities would be located within 50 feet of residential uses and noise at these receptors could exceed 89 dBA, the impact from construction noise would be potentially significant.

2.5

However, neither the Noise Element nor GMC establish maximum or hourly average noise exposure levels for noise sensitive land uses. Consequently, there is not a standard with which to compare the peak construction noise levels of 89 dBA to conclude these short-term day-time noise levels would constitute a significant impact. With consideration of the typical exterior to interior attenuation provided by residential construction (approximately 25 dBA with windows closed), day-time construction noise levels would not be anticipated to exceed 64 dBA inside nearby homes, with lower average noise levels occurring much of the time. The referenced noise levels are also for the most intensive construction phase, earthwork, where multiple pieces of heavy construction equipment would be involved. Noise levels for foundations, framing, exterior finishes, and interior construction would be lower.

This discussion in the DEIR should be revised to indicate the potential for periodic nuisance noise during construction, which would be addressed with mandatory incorporation of proper

mufflers on all equipment and the location of stationary construction equipment as far as possible on the construction site from adjacent noise-sensitive land uses. In the case of Heritage Ridge, the location of stationary construction equipment largely on the northern portions of the site would take advantage of the masking effect of freeway and railway noise, making the noise from the stationary construction equipment less distinct. 2.5

Page 277

Construction noise impacts from haul trucks is described in the final paragraph of the page:

As shown in Table 4.10-5, noise from trucks can reach up to 88 dBA at 50 feet from the source. The only available haul route from the Project site is Camino Vista to Los Carneros to U.S. 101 which would require trucks to pass by the existing Willow Spring I and II sites south of the project site across Camino Vista. Because hauling trucks would travel through residential neighborhoods and past sensitive receptors, noise levels from hauling activities may exceed 65 dBA and impacts would be potentially significant. 2.6

The discussion draws a conclusion of potential significance based upon truck noise exceeding a level of 65 dBA at residences along the haul route. However, the 65 dBA exterior exposure level for residences is not an instantaneous or maximum or hourly average value, but rather a 24-hour weighted average (CNEL) value. It is also intended to be applied to permanent, community based ambient noise levels, and not to short-term construction noise levels. This discussion should be revised to reflect the potential for nuisance noise impacts from haul trucks operating in the evening or overnight period when residential occupants are most sensitive (i.e., most annoyed) to noise occurrence. The mitigation for this revised impact description would be to restrict haul trucks in the surrounding residential neighborhoods during the period 7 PM to 7 AM.

Mitigations

Page 278

Mitigation N1(a) Construction Timing is entirely consistent with the Goleta ETGM construction noise threshold and Noise Element Policy NE 6.4. This mitigation will provide the principal means for reducing potentially significant short-term construction noise impacts to less than significant. 2.7

There is, however, no nexus between a defensible impact designation and the requirements presented in N-1(b):

N-1(b) Electrical Power. Electrical power must be used to run air compressors and similar power tools.

The use of electrically powered construction tools, where feasible, is a common requirement to reduce overall noise levels from the foundation, framing, and finishing phases of construction. The mitigation should be re-worded to include the qualification of "where feasible".

Similarly, the currently flawed determination of significant construction noise impacts does not warrant N-1(d):

N-1(d) Distancing of Vehicles and Equipment. Noise and groundborne vibration construction activities whose specific location on the Project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) must be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.

Plan Requirements and Timing. The location of vehicles and equipment must be designated on building and grading plans. Equipment and vehicles must remain in the designated location throughout construction activities. 2.7

The general approach of providing separation distance between noise generating construction equipment and adjacent sensitive receptors is an effective and common mitigation. However, requiring exact equipment locations to be specified on grading and building plans ignores the dynamic nature of a construction site, and can be overly restrictive in the management of construction processes and phasing in an efficient manner that would minimize overall construction duration and potential for noise nuisance. The wording of the mitigation should be revised to direct the contractor to locate stationary equipment and activity as far from adjacent noise-sensitive uses as allowed by constraints posed by the configuration of evolving construction site improvements.

N-1(f) contains requirements that would be appropriate for a construction effort involving around-the-clock noise-generating activities:

N-1(f) Sound Control Curtains and Acoustical Blankets. Flexible sound control curtains must be placed around all drilling apparatuses, drill rigs, and jackhammers when in use. Acoustical blankets (or similarly effective temporary noise barriers) must be placed along the

southern and eastern Project site boundaries to reduce noise transmission to existing land uses to the south and east, including residential units at the existing Willow Spring I and II sites south of the project site across Camino Vista.

Drill rigs used for oil well or water well construction must operate continuously in order to keep the boring from collapsing; in this scenario it is appropriate to provide sound control curtains around the rig, to avoid sleep disruption and other disturbance in the evening or overnight period. Neither well drilling, nor any other construction activity for the proposed project, would occur on a continuous around-the-clock basis. With adherence to the required construction schedule restriction of 8 AM to 5 PM Monday to Friday only, sound barriers or acoustic blankets around individual mobile construction equipment, or along the property boundary are not warranted.

The following mitigation measures to control short-term construction noise were the only ones imposed in the Final CEQA documents for Mariposa and GVCH MOB; adherence to these required measures was found to reduce potentially significant construction noise impacts to less than significant.

2.7

- All noise-generating project construction activities shall be limited to Monday thru Friday, 8:00 a.m. to 5:00 p.m. Construction shall generally not be allowed on weekends and state holidays. Exceptions to these restrictions may be made in extenuating circumstances (in the event of an emergency, for example) on a case by case basis at the discretion of the Director of the Planning and Environmental Services Department. The permittee shall post the allowed hours of operation near the entrance to the site, so that workers on site are aware of this limitation.

- Stationary construction equipment that generates noise which exceeds 65 dB(A) measured 50-feet from the source in an unattenuated condition shall be shielded to reduce such noise levels to no more than 65 dB(A) at project boundaries.

- The following measures shall be incorporated into grading and building plan specifications to reduce the impact of construction noise:

  a) All construction equipment shall have properly maintained sound-control devices, and no equipment shall have an unmuffled exhaust system.

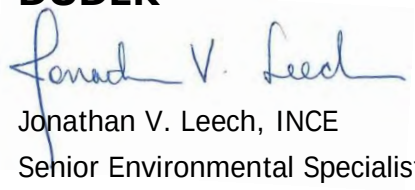
  b) Contractors shall implement appropriate additional noise mitigation measures including changing the location of stationary construction equipment, shutting off idling equipment, and installing acoustic barriers around significant sources of stationary construction noise.

We therefore conclude that with application of the specified mitigation measures from the Draft EIR (revised as discussed herein), Heritage Ridge short-term construction noise impacts would be reduced to less than significant (Class II). 2.7

Should you have any questions regarding my comments, you can contact me at (805) 963-0651, ext. 3527, or at jleech@dudek.com.

Sincerely,

DUDEK



Jonathan V. Leech, INCE
Senior Environmental Specialist/Acoustician

Letter 3

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

July 29, 2016

Mary Chang
City of Goleta
130 Cremona Drive, Suite 103 B
Goleta, CA 93110

Subject: Heritage Ridge Residential Project
SCH#: 2015041014

Dear Mary Chang:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 28, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2015041014
Project Title Heritage Ridge Residential Project
Lead Agency Goleta, City of

Type EIR Draft EIR

Description The Heritage Ridge Residential Project proposes to construct: 360 housing units (132 senior housing units and 228 workforce housing units); 512 parking spaces (carports and open); two private recreational areas with pools (one for the senior housing units and one for the workforce housing complex); and a 2 acre park open to the public. The land use entitlements actions include a general plan amendment to remove environmental sensitive habitat designation from a portion of the site (not present), a vesting tentative map (from 13 lots to 3 lots), a development plan with modifications, and a 3% density bonus for the senior housing component. The overall density would be 25.4 units per acre.

Lead Agency Contact

Name Mary Chang
Agency City of Goleta
Phone 805-961-7543 **Fax**
email
Address 130 Cremona Drive, Suite 103 B
City Goleta **State** CA **Zip** 93110

Project Location

County Santa Barbara
City Goleta
Region
Lat / Long 34° 4.35' 6.62" N / 119° 8.51' 6.59" W
Cross Streets Camino Vista and Calle Koral and Aero Camino
Parcel No. 073-060-031 through -043
Township 4N **Range** 28W **Section** 7/8 **Base** SBB&M

Proximity to:

Highways US 101
Airports Santa Barbara
Railways UPRR
Waterways Goleta Slough
Schools UCSB/IV/La Patera ES
Land Use GP: Medium density res with affordable housing overlay
Z: Design Res (DR-20)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Caltrans, District 5; Native American Heritage Commission; Regional Water Quality Control Board, Region 3

Date Received 06/14/2016 **Start of Review** 06/14/2016 **End of Review** 07/28/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 4

July 30, 2016

Ms. Stephanie Diaz
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: Heritage Ridge 360 Residential Rental Unit Project DEIR

Dear Ms. Diaz,

Thank you for the opportunity to comment on the Heritage Ridge DEIR.

I am writing concerning the landscaping in the public right of way. The trees that are permitted in the public right of way are limited to the trees listed in the City of Goleta's Street Tree Planting List. A number of the trees that are listed for use in this project are not recommended or are only for placement in wider locations such as center dividers. Inappropriate trees in the public right of way create an additional cost to the City to maintain and to repair the hardscape around them. All projects applicants who have developments that abut a public street should be provided with the Street Tree Planting List by the City so that they will use the appropriate trees. I have included the List on the next page. It would be a good to have the Public Tree Advisory Commission review the trees in the public right of way of developments.

Sincerely,

Barbara Massey
masseybarb@aol.com

CITY OF GOLETA
CITY ARBORIST AND DESIGN REVIEW BOARD RECOMMENDED
STREET TREE PLANTING LIST

REVISED FEBRUARY 17, 2009
Trees added 2/10/2009 in bold

Minimum Parkway Width	Recommended Tree	Botanical Name	Root Barrier Recommended To be Used	Height at Maturity	Remarks (NR=Not Recommended)
Three feet	BRAZILIAN BUTTERFLY	*Bauchinia forficata*	Yes	30'	OK
	CHINESE FRINGE	*Chionanthus retusus*	Yes		OK
	GEIGERTREE	*Cordia sebestena*	Yes	30'	OK
	JAPANESE MAPLE	*Acer palmatum*	Yes	20'	OK
	JAPANESE SNOWBALL	*Styrax japonicus*	Yes	30'	OK
	PURPLE ORCHID	*Bauchinia variegata*	Yes	30'	OK
	PURPLE-LEAF PLUM	*Prunus cerasifera*	Yes	30'	OK
	SWAMP MYRTLE or WATERGUM	*Tristania laurina*	Yes	20'	OK
	TAIWAN FLOWERING CHERRY	*Prunus campanulata*	Yes	20'-25'	OK
Four feet	ASH	*Fraxinus holotricha*	Yes	30'-40'	OK
	AUSTRALIAN WILLOW	*Geijera parviflora,*	Yes	35'	OK
	BRONZE LOQUAT	*Eriobotrya deflexa*	Yes	25'	OK
	CAPE CHESNUT	*Calodendrum capense*	Yes	25'-40'	OK
	CHINESE FLAME TREE	*Koelreutaria bipinnata*	Yes	40'	OK
	CHINESE MAIDENHAIR TREE	*Ginkgo biloba*	Yes	50'	OK, but male trees only
	CHINESE PARASOL TREE	*Firmiana simplex*	Yes	30'-45'	OK
	CHINESE PISTACHE	*Pistacia chinensis*	Yes	40'	OK
	EVERGREEN PEAR	*Pyrus kawakami*	Yes	30'-35'	OK
	FIREWHEEL	*Stenocarpus sinuatus*	Yes	25'	OK
	FLOWERING CHERRY	*Prunus yedoensis*	Yes	40'	OK
	GOLDEN PENDA or EXPO GOLD	*Xanthostemon chrysanthus*	Yes	30'-40'	OK
	HONG KONG ORCHID	*Bauhinia blakeana*	Yes	20'	OK
	MADRONE 'Marina'	*Arbutus "marina'*	Yes	40'	OK
	PAPER BARK MAPLE	*Agriseum*	Yes	35'	OK
	PINK TRUMPET TREE	*Tabebuia ipe*	Yes	30'	OK
	SERVICE BERRY	*Amelanchier cumulus*	Yes	40'	OK
	SPAETHI	*Acer atropurpureum*	Yes	30'-40'	OK
	SWEETSHADE TREE	*Hymenosporum flavum*	Yes	40'	OK
	SYCAMORE MAPLE	*Acer pseudoplantanus*	Yes	40'	OK
	WEEPING BOTTLEBRUSH	*Callistemon viminalis*	Yes	30'-40'	OK
Five feet	CAPE CHESTNUT	*Calodendrum capense*	Yes	40'	OK
	FLAME BOTTLE TREE	*Brachychiton acerifolia*	Yes	40'	OK
Six feet	GOLDEN RAIN TREE	*Koelreuteria paniculata*	Yes	25'	OK
Center Divider	BRADFORD PEAR	*Pyrus callyreana "Redspire, Aristocrat"*	Yes	30'	OK for center divider only
	BRISBANE BOX	*Lophostemon confertа*	Yes	60'	OK for center divider only
	COAST LIVE OAK	*Quercus agrifolia*	Yes	50'-70'	OK for center divider only
	CORK OAK	*Quercus suber*	Yes	60'	OK for center divider only
	EASTERN RED BUD	*Cercis canadensis*	Yes	30'	OK for center divider only
	FRUITLESS OLIVE	*Olea europea 'Swan hill'*	Yes		OK for center divider only
	ISLAND OAK	*Quercus tomentella*	Yes		OK for center divider only
	INCENSE CEDAR	*Calocedrus decurrens*	Yes	60'	OK for center divider only
	JACARANDA	*Jacaranda acutifolia*	Yes	40'	OK for center divider only
	NEW ZEALAND X-MAS TREE	*Metrosideros excelsus*	Yes	30'	OK for center divider only
	RIVER BIRCH "HERITAGE"	*Betula nigra 'Heritage'*	Yes	50'-90'	OK for center divider only
	SAUCER MAGNOLIA or TULIP TREE	*Magnolia Soulangiana*	Yes	20'	OK for center divider only
	SOUTHERN MAGNOLIA or BULL BAY	*Magnolia grandiflora 'majestic beauty'*	Yes	40'-80'	OK for center divider only
	WESTERN RED BUD	*Cercis occidentalis*	Yes	18'	OK for center divider (from 24" box)
Not Recommended for Reasons as Noted	CRAPE MYRTLE	*Lagerstoemia indica*			NR - susceptible to mold
	RHAPHIOLEPIS 'Majestic Beauty'	*Raphiolepis 'Majestic Beauty'*			NR - shrub
	LEMON BOTTLEBRUSH	*Callistemon citrinus*		25'	NR - attracts bees
	LITTLE GEM MAGNOLIA	*Magnolia grandiflora 'Little Gem'*		20'	NR - bushy / messy
	LONG-LEAFED YELLOW WOOD	*Podocarpus henkelii*			NR - invasive roots
	CATALINA IRONWOOD	*Lyonothamnus floribundus, aspleniifolius*		60'	NR - high maintenance
	GOLD MEDALION	*Cassia leptophylla*			NR - large pods are a hazard
	SILK TREE MIMOSA	*Albizzia julibrissin*		40'	NR - high maintenance
	PEPPERMINT TREE	*Agonis flexuosa*		35'	NR - needs space, grows too wide
	SHOESTRING ACACIA	*Acacia stenophyllia*		30'	NR - weak roots, too much pollen
	CAJEPUT or PAPERBARK TREE	*Melaleuca quinquinervia*			NR - invasive roots, water hog
	CALIFORNIA BAY LAUREL	*Umbellularia californica*			NR - invasive roots
	SWEETBAY or GRECIAN LAUREL	*Laurus nobilis 'saratoga'*			NR - invasive roots
	CITRUS 'LEMON or ORANGE	*Citrus sinensis*			NR - drops messy fruit, draws rats
	FERN PODOCARPUS	*Podocarpus gracilior*			NR - invasive roots, drops pods
	ITALIAN STONE PINE	*Pinus pinea*			NR - invasive roots
	CANARY ISLAND PINE	*Pinus canariensis*			NR - large cones are hazardous
	CALIFORNIA SYCAMORE	*Platanus racemosa*			NR - invasive roots, dead leaves
	CAMPHOR	*Cinnamomum camphorna*		50'	NR - invasive roots
	HOLLY OAK	*Quercus ilex*		40'-50'	NR - hybridizes, drops messy acorns

Letter 5

Santa Barbara County
Air Pollution Control District

August 1, 2016

Mary Chang
City of Goleta
Planning and Environmental Review Department
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: APCD Comments on the Draft Environmental Impact Report for the Heritage Ridge Residential Project, 14-049-GPA-VTM-DP; SCH#2015041014

Dear Ms. Chang:

The Air Pollution Control District (APCD) has reviewed the Draft Environmental Impact Report (EIR) for the Heritage Ridge Residential Project. The project consists of the following:

- A General Plan Amendment (14-049-GPA) to remove a designation of Environmentally Sensitive Habitat Area (ESHA) on the Open Space Map and on the Special Status Species and ESHAs Map.
- A Vesting Tentative Map (14-049-VTM) to allow the subdivision of the existing 17.36 gross acre (16.2 net acres) project site from 13 lots to 3 lots (1 lot for the senior housing complex, 1 lot for the workforce housing, and 1 lot for the publicly accessible park).
- A Development Plan (14-049-DP) pursuant to GMC§35-317 to allow construction of 360 rental units with associated recreational facilities. The rental units would be broken into two "neighborhoods" as follows: 132 rental apartments for seniors aged 62 years and older with separate recreational facilities including a swimming pool; and 228 workforce rental units with separate recreational facilities including a swimming pool.

5.1

Also proposed are: 1) a two-acre neighborhood park open to the public located in the center of the site; and 2) three above-ground bio-retention basins including a 15,000 square foot bio-retention basin in the southeast portion of the site. The site would be served by three access points onto Camino Vista. Preliminary raw earthwork volumes are estimated at 178,000 cubic yards of cut and 15,500 cubic yards of fill and 115,000 cubic yards of export. The subject property, a 17.36-acre parcel zoned Design Residential (DR-20) and identified in the Assessor Parcel Map Book as APN 073-060-031 through -043, is located on the north side of Camino Vista between Aero Camino and Calle Koral Roads in the City of Goleta.

Proposed residences on the project site would be located approximately 50 feet south of the Union Pacific railroad tracks and approximately 250 feet south of the edge of the closest lane of U.S. Highway 101. When reviewing and commenting on land use projects throughout the cities and unincorporated areas of Santa Barbara County, APCD staff consistently recommends that sensitive land uses (residences, schools, medical facilities, etc.) should not be sited within 500 feet of the freeway. This is based on guidance from the California Air Resources Board (*Air Quality and Land Use Handbook: A Community Health Perspective*, CARB, 2005) and supplemented by information that we have gathered and presented (please reference the attached summary, "*Public Health and High Traffic Roadways*"). These materials summarize the numerous studies that have demonstrated a correlation between proximity to high-traffic roads and respiratory illness. Many studies have shown that living in proximity

to freeways and other high traffic roads leads to respiratory and other non-cancer health effects such as reduced lung function, increased asthma and bronchitis, and increased medical visits. The proximity-based studies do not identify specific pollutants nor do they utilize dose-response relationships to discern an acceptable level of a pollutant or pollutants that adequately protects public health. Although various mitigation strategies are currently being researched and implemented, the consensus to date is that the best way to protect human health is to retain a distance of 500 feet or greater between the sensitive receptors and the freeway. Commercial or visitor-serving land uses, with less long-term health implications, should be considered for locations closer to the freeway. 5.1

If, after consideration of the health concerns and other alternatives, new development is still planned within 500 feet of a freeway or a high traffic roadway, we recommend that the project be designed to minimize exposure to roadway-related pollutants and mitigated to the maximum extent feasible. Design features may include maximizing the distance between the roadway and sensitive receptors, locating air intake at the non-roadway facing sides of buildings, and ensuring that windows nearest to the roadway do not open. Mitigation measures may include installing mechanical ventilation systems with fresh air filtration and constructing a physical barrier between the roadway source and receptors of pollutants (e.g., sound wall or vegetative planting).

Air Pollution Control District staff offers the following comments on the Draft EIR:

1. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-1, page 101:** This page states that, "*The 2013 CAP is based on growth projections contained in the 2007 Santa Barbara County Association of Governments (SBCAG) Regional Growth Forecast 2005-2040, in which assumptions about future land development patterns were used to generate future housing forecasts for unincorporated areas of Santa Barbara County (SBCAG, August 2007).*" The 2013 CAP utilized SBCAG's 2012 Regional Growth Forecast 2010-2040, adopted December 2012, to project population growth and associated air pollutant emissions for all of the Santa Barbara County incorporated and unincorporated areas. Please correct the text for accuracy. 5.2

2. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-1, page 102:** This page states that, "*Development of the Project would add an estimated 776 residents..., thus increasing the City's population to 31,541. SBCAG's 2010-2040 growth forecast projects Goleta's population to be approximately 30,000 in 2015, 33,900 in 2035, and 34,600 in 2040 (SBCAG, 2015). The Project is not expected to be operational until after 2017. Consequently, the Project was compared to the 2035 and 2040 forecasts. Population generated by the Project would not cause an exceedance of SBCAG's 2035 growth forecast of 33,900 and would not exceed the 2040 growth forecast of 34,588 for the City of Goleta (SBCAG, 2012).*" It is unclear why the growth forecast for the year 2020 was not included in the analysis considering the project's operational year most closely aligns with the 2020 forecast date. 5.3

   The Draft EIR for the Kenwood Village Project states on page 5.2-18 that, "*Based on 2015 population data from the California Department of Finance, Goleta's current population of 30,765 already exceeds the SBCAG 2020 population projection of 29,954 by 811 people... [Therefore, the project] would increase the City's population to 30,931 and contribute to the exceedance of population projections used in the 2013 CAP.*" It appears that the same conditions and conclusion would be applicable to the proposed Heritage Ridge Residential Project. Please consider this information in the impact analysis and revise the discussion as deemed appropriate.

3. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-2, page 103:** This page states that, *"As shown in Tables 4.2-5, the Project would not generate vehicular emissions that would exceed the SBCAPCD mobile significance thresholds for ROC or NOX of 25 pounds per day."* The author likely intended to refer to Table 4.2-4, not Table 4.2-5, since Table 4.2-4 presents the project's operational emissions and Table 4.2-5 presents the pre-construction emissions. 5.4

4. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-4, page 106-109:** The EIR indicates that early life exposures to toxic substances were not considered in the HRA, and notes that the HRA relied on EPA guidance in this area. The APCD follows the California Office of Environmental Health and Hazard Assessment (OEHHA) guidelines for assessing risk from air toxics. The guidelines were revised in early 2015 to incorporate use of the best available science to assess toxic risk to children, and APCD's Guidelines require the use of the HARP 2 program for risk analyses. APCD Guidelines would consider early life exposure adjustments appropriate for this project, as pregnant women and children are likely residents of the proposed development. 5.5

   To accurately determine if the proposed project will expose sensitive receptors to substantial pollutant concentrations, the HRA should be performed in accordance with the District Modeling Guidelines for Health Risk Assessments, Form-15i, dated August 2015, using the HARP 2 program.

5. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-4, page 107:** After describing the project's HRA results, the document makes the following statement, *"To provide context for this level of additional risk, the American Cancer Society (2007) reports that in the U.S., men have a one in two chance (0.5 probability) and women about one in three chance (0.3) probability of developing cancer during a lifetime, with nearly one in four deaths (0.23) in the U.S. attributed to cancer."* The inclusion of such a statement appears to seek to provide a perspective of risk that could downplay the HRA modeling results for the project; the APCD suggests removing this sentence. 5.6

6. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-4, page 108:** This page states that, *"The HRA analysis is based on outdoor air concentrations and conservatively assumes that interior concentrations would be the same as outdoor concentrations. EPA activity factors show that people in a residential environment spend only approximately 2.3 hours per day on an average basis outdoors. Therefore, the HRA recommends a mitigation measure that includes forced air ventilation with filter screens on outside air intake ducts to be provided for all residential units on the Project site. The identified mitigation measure would reduce the future residents' exposure to toxic air contaminants associated with U.S. 101 and the UPRR to below the recommended 10 in one million threshold for a 9-year and 30-year residency."* 5.7

   "Although the analysis of health risks assumes outdoor exposure, the finding of a potentially significant impact related to cancer risk does not mean that using exterior portions of the site would create acute, or short-term, health risks for site residents or visitors. The excess cancer risk identified in the HRA is based on a 30-year exposure, which is the high-end (95-percentile) residency, the exposure duration scenario recommended by the SBCAPCD in the Modeling Guidelines for Health Risk Assessments (August 2015); and is greater than the length of time that the majority of residents of the Project would be expected to live on-site."

APCD notes that the mitigation measures proposed to decrease health risk only address indoor exposure (i.e. forced air ventilation) to toxic air contaminants. Mitigation measures have not addressed outdoor exposure risk.

The EIR assumes residents will be exposed to outdoor air for some fraction of the day. Page 11 of the HRA (Appendix C), states that, "*The estimated reduction in cancer risk assumes removal of the DPM by the whole house filter (these filters have efficiency rates exceeding 90%), but continued exposure to outside air for a period of 2.3 hours daily (USEPA Exposure Factors Handbook).*" 5.7

APCD staff could not find supporting calculations to verify exactly how mitigated health risk values were derived. Please provide such supporting documentation.

7. **Section 4.2 Air Quality, Impact Analysis, Mitigation Measures AQ-4, page 108-109:** When implementing measures related to reducing the potential diesel particulate matter exposure, the City should consider the points raised in the comment above. Specifically, that forced air filtration only reduces indoor residential exposure to toxic air contaminants. Residential receptors—especially, and importantly, children—on the project site, will spend time outdoors and use outdoor amenities such as the proposed common open space. Please consider incorporated project design and/or mitigation measures that would address outdoor exposure risk. 5.8

8. **Section 4.6 Greenhouse Gas Emissions, Impact Analysis, Impact GHG-1, page 188:** This page states that, "*Project sustainable design features described in Section 2.0, Project Description, would reduce GHG emissions associated with operational emissions.*" APCD staff finds no mention of the proposed project sustainable design features in *Section 2.0, Project Description* 5.9

9. **Section 4.6 Greenhouse Gas Emissions, Setting, page 183:** Page 183 states that, "*The CAP is a strategic document which outlines a framework to reduce community GHG emissions by 2020 and 2030 in a manner that meets the intent of CE-1A-5 and is supportive of AB 32 and Executive Order S-3-05, and serves as a Qualified GHG Reduction Strategy consistent with State CEQA Guidelines.*" Page 184 states that, "*...the City recently adopted a CAP that identified measures that would enable the City to meet the GHG reduction target for 2020 consistent with AB 32. Therefore, the Project is analyzed for consistency with the adopted CAP.*"

   It is the APCD's understanding that the City of Goleta's Climate Action Plan is not intended to be used for CEQA tiering and streaming as the Plan does not meet the requirements of CEQA Guidelines Section 15183.5. An EIR containing programmatic analysis of greenhouse gas emissions was not prepared for the Climate Action Plan, instead a Notice of Exemption was prepared for its adoption. As stated in the Notice of Exemption, "*The CAP will not have a legally binding effect on later activities as it is only a planning study and does not contain any mandatory measures or amendments to the General Plan and/or Municipal Code.*" Also, as stated by the City in its Reponses to Comments on the Draft Climate Action Plan, "*The Goleta CAP does not meet the "substantial evidence" requirement per section (D): Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level. There is not enough evidence that the measures will be successful in the reduction of GHG emissions as they are only voluntary in nature. Further, there is not enough evidence (i.e.* 5.10

background studies) to substantiate that those voluntary measures will achieve the stated participation rates."

5.10

Therefore, it appears that it is only appropriate for the City to rely on the efficiency threshold being applied to the project (i.e. 4.9 metric tons of CO_2e/service population/year).

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at BarhamC@sbcapcd.org.

Sincerely,

Carly Barham

Carly Barham,
Air Quality Specialist
Technology and Environmental Assessment Division

Attachments: Public Health and High Traffic Roadways

cc: Rincon Consultants, 1530 Monterey Street, Suite D, San Luis Obispo, CA 93401
TEA Chron File

Public Health and High Traffic Roadways

California Air Resources Board Recommended Policy:
Sensitive land uses such as residences, schools, day care centers, playgrounds, and medical facilities should not be sited within 500 feet of:

- A freeway
- Urban roads with 100,000 or more vehicles/day
- Rural roads with 50,000 or more vehicles/day

(Ref. *"Air Quality and Land Use: A Community Health Perspective."* California Air Resources Board. April 2005)

Reason for the Policy:
Many studies show that living in proximity to freeways and other high traffic roadways leads to adverse health effects beyond those associated with regional air pollution. A number of studies that focused on children have found slower lung development and significant increases in the incidence of lung disease, such as asthma, bronchitis, and decreased lung function, in children who live or attend school near heavily travelled roadways. In addition to children, seniors, and people with heart and lung conditions are considered particularly sensitive to effects of air pollution. Residence in high-traffic areas has been shown to increase the risk of mortality within a cohort of male veterans.

Health Studies:
The results of health studies suggests that it is important to avoid exposing children and other sensitive populations to the elevated air pollution levels near freeways and other high traffic roads. While particulate pollution is suspected as contributing the most to the adverse health effects, studies have not yet determined which specific pollutants and sources (cf. diesel particulate, re-entrained roadway dust particulate, NO_2 vehicle exhaust, diesel trucks vs. gasoline cars, &c.) are responsible. Additional studies are underway. While significant adverse health effects were observed in children who lived within 1,500 feet of a freeway (Gauderman, 2007), the studies indicate a substantial benefit to a 500-foot separation (McConnell, 2006).

Key Findings:
- Reduced lung function in children is associated with traffic density within 1,000 feet and the strongest association is within 300 feet of the roadway. (Brunekreef, 1997)
- Children living within 550 feet of heavy traffic have more medical visits than children who live further away from traffic. (English, 1999)
- Increased asthma hospitalizations are associated with living within 650 feet of heavy traffic. (Lin, 2000)
- Asthma symptoms increase with proximity to roadways and the risk is greatest within 300 feet. (Venn, 2001)
- Asthma and bronchitis symptoms in children are associated with proximity to high traffic in a community with good overall regional air quality. (Kim, 2004)
- Children living within 150 – 200 meters (~450 feet – 600 feet) of heavy traffic have higher rates of asthma than children living further away from traffic. (McConnell, 2006)
- Children living within 500 meters (~1,500 feet) of heavy traffic have significantly slower lung development than children living further away from traffic. (Gauderman, 2007)
- Survival of members of the Washington University-EPRI Veterans Cohort is strongly and robustly associated with county-average levels of traffic related air pollution and mortality relationships are stronger in the counties with higher levels of traffic density. (Lipfert et al, 2009)
- The mortality rate of stroke survivors is positively correlated to their proximity to a high-traffic roadway (more than 10,000 vehicles/day). (Wilker et al, 2013)
- When elderly individuals with coronary artery disease are exposed to traffic-related air pollutants there are changes in the expression of gene pathways adversely affecting cardiovascular health (Delfino, 2014)

Applicability to Santa Barbara County:
The studies covered children in a variety of urban environments living in proximity to roadways covering a wide spectrum of traffic volumes. The adverse health effects were measured at traffic volumes as low as 41,000 vehicles per day (English, 1999) and between 80,000 and 150,000 vehicles per day (Brunekreef, 1997). Highway 101, through Santa Barbara County, experiences traffic volumes within the range where health effects have been

observed. Also, some parts of Highway 101 see over 7,000 diesel trucks per day (SBCAG). Furthermore, running parallel to Highway 101 through the southern portion of Santa Barbara County is a rail corridor that contributes significantly to the pollution levels near the highway (cf., rail contributes an additional 10% or 0.07 tons per day to mobile source generated PM_{10} emissions in Santa Barbara County).

2014 Average Daily Traffic (ADT) Volumes for Highway 101 (Caltrans):
US 101 at Ventura/Santa Barbara County Line = 65,000 ADT (Ahead)
US 101 at Las Positas/Route 225 = 131,000 ADT (Back); 134,000 ADT (Ahead)
US 101 at Storke = 65,800 ADT (Back)
US 101 at Santa Barbara/San Luis Obispo County Line = 67,100 ADT (Back)

Conclusion:
In order to protect the public health, especially the health of children, from the adverse effects of air pollutants generated by traffic on Highway 101, land use policies should prohibit the construction of new residences, schools, day care centers, playgrounds, and medical facilities within 500 feet of Highway 101. No other roadways in Santa Barbara County currently have estimated traffic volumes at the magnitude for which the proximity studies have identified adverse health effects.

References:

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"2007 Travel Trends Report for Santa Barbara County." Santa Barbara County Association of Governments (December 2007).
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Brunekreef, B. et al. ***"Air pollution from truck traffic and lung function in children living near motorways."*** Epidemiology. 1997; 8:298-303.
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Rob McConnell, et al. ***"Traffic, Susceptibility, and Childhood Asthma."*** Environmental Health Perspectives. Volume 114, Number 5, May 2006.
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Peters, John M., M.D., Sc.D. ***"Epidemiologic Investigation to Identify Chronic Effects of Ambient Air Pollutants in Southern California (USC Children's Health Study)."*** California Air Resources Board (May 2004).
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Zhu, Y et al. ***"Study of Ultra-Fine Particles Near A Major Highway With Heavy-Duty Diesel Traffic."*** Atmospheric Environment. 2002; 36:4323-4335.

Letter 6

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

DATE: **1 August 2016**

TO: Mary Chang, Supervising Senior Planner
Stephanie Diaz, Contract Planner
City of Goleta
Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117

VIA: **Hand Delivered**

PURPOSE: **For processing**

SUBJECT: **Comments on Heritage Ridge Residential Project DEIR**
SCH #2015041014
Case Number 14-049-GPA-VTM-DP-CUP

ENCLOSED IS THE FOLLOWING:

One (1) DEIR Comment Letter Dated August 1, 2016.
One (1) Matrix Entitled Heritage Ridge DEIR Impacts.
One (1) Set of Photo Simulation Comparisons.
One (1) Copy Comment on Noise Section Prepared By Jonathan Leech, INCE, Senior Environmental Specialist/Acoustician, Dudek, Dated July 26 2016.
One (1) Copy Heritage Ridge Recreation Impact Analysis Comparison.

COMMENTS: If you have any questions or require additional information, please contact me at 966-2758 x 101.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

Steven M. Fort, AICP
Senior Planner

SUZANNE ELLEDGE
PLANNING & PERMITTING
SERVICES, INC.

1 August 2016

Mary Chang, Supervising Senior Planner
Stephanie Diaz, Contract Planner
City of Goleta
Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117
mchang@cityofgoleta.org
sdiaz@cityofgoleta.org

RE: Comments on Heritage Ridge Residential Project DEIR
SCH #2015041014
Case Number 14-049-GPA-VTM-DP-CUP

Ms. Chang and Ms. Diaz,

Our firm represents The Towbes Group, Inc. with respect to the above-referenced Heritage Ridge Project (Project). On their behalf we submit this letter and attachments commenting on the Project Draft Environmental Impact Report (DEIR) and request that the Final EIR (FEIR) address the comments, and incorporate the recommended corrections and edits. We do not believe that any of our comments, edits, or corrections will require the addition of significant new information within the meaning of Section 15088.5 of the CEQA Guidelines. Revisions made in response to our comments should not require the DEIR to be recirculated.

In order to assist you in preparing the FEIR, this letter and attachments include all applicant and applicant consultant comments on the DEIR. Our specific comments regarding the DEIR are noted in the table below following the order presented in the DEIR. 6.1

An important starting point for our DEIR comments is a comparison of the inordinate number of Class 1 impacts identified for Heritage Ridge versus the number of Class 1 impacts identified for recently approved projects of comparable complexity, location and design in the City. To the best of our knowledge, the number of Class I impacts for such a project that has been assessed to Heritage Ridge is unprecedented.

Project	Class 1 Impacts
Heritage Ridge	6
Cortona Apartments	1
Villages at Los Carneros	2
Hollister Village (Westar)	2

Marriott	1
Willow Springs II	0
Rincon Palms Hotel	1

Please refer to the enclosed matrix which shows the respective impacts for all seven projects by issue area. As we will point out, several of those Class 1 impacts are simply wrong.

We are very concerned that Heritage Ridge, the third and final phase of the Willow Springs residential development, has been improperly identified as potentially resulting in six Class I impacts, especially when considering the following:

- We will show that both the Village at Los Carneros and Marriot projects have greater actual visual impacts to mountains views; these impacts were identified as Class 3 and Class 2 Aesthetic impacts, respectively.

- Willow Springs II, located in immediate proximity to the same archaeological resource and human remains, was granted a Class 2 Cultural Resources impact.

- Although two other similar projects were considered to have Class I impacts on Aesthetics, neither of these projects was identified as having a Class 1 Land Use impact based on inconsistency with General Plan policies related to views and visual resources. Only Heritage Ridge has been treated in this manner.

- Heritage Ridge is the only recent project of which we are aware which has been identified with a Class 1 Noise impact related to temporary construction noise. There has been no showing that Heritage Ridge is different from other numerous projects in which standard noise mitigation measures have been found to mitigate construction noise impacts.

6.1

In summary, Heritage Ridge has been unfairly reviewed in a manner inconsistent with six other projects recently approved, including two, Village at Los Carneros and Hollister Village, which are substantially larger in size.

Comments on the DEIR are as follows:

	Page #/Mitigation Measure	Comments	
	EXECUTIVE SUMMARY & PROJECT DESCRIPTION		
1	Page 2 – Executive Summary - Project Description, Grading/Walls Section 2.5.3, Page 54 – Project Description - Grading/Walls	As indicated in the comment letter prepared by David Stone, Cultural Resources Manager, Dudek, dated August 1, 2016, submitted under separate cover, the project description defining the extent of protective fill placement is currently incorrect and requires refinement, consistent with the Cultural Resources Assessment I prepared (Dudek 2014) and submitted with the project application. Mr. Stone's comments include the following revision: Proposed development within the ~~sensitive portion of the identified on-site~~ archaeological site ~~(~~CA-SBA-56 low density artifact scatter ~~site plus a 50-foot buffer)~~ would use protective fill soils to cap the existing cultural resource.	6.2
2	Page 3 - Executive Summary - Project Description, Utilities Revise as necessary throughout DEIR.	This section of the DEIR states that the 1985 Wright v. Goleta Water District case "*has allocated 100.9 acre-feet per year (AFY) of water to serve development on site.*" This is incorrect. As documented in DEIR Appendix L, the Goleta Water District's Preliminary Conditions Letter dated December 16, 2015 states "*water service may be installed for the Proposed Project… subject to… an existing entitlement to water as set forth in the Judgement Upon Arbitration Award filed in Santa Barbara Superior Court Case Number 232281 on February 26, 2002.*" Note that the Judgement Upon Arbitration Award is correctly cited in Section 4.14.1.a. Utilities and Services Systems/Setting/Water Supply on pages 334 - 335. Please ensure this reference is correct throughout the DEIR.	6.3
	RELATED PROJECTS		
3	Section 3.0, Pages 63 -66 – Table 3.1 – Cumulative Projects In The Goleta Area	The list of Non-City of Goleta Projects in the Goleta Vicinity does not include projects under construction, approved, or pending as part of the UCSB Long Range Development Plan. Please add the UCSB projects.	6.4
4	Section 3.0, Page 65 – Table 3.1 – Cumulative Projects In The Goleta Area	The Old Town Industrial Center project at 891 S. Kellogg Avenue is not yet approved.	
	AESTHETICS/VISUAL RESOURCES		
5	Section 4.1.2, Page 78 – Impact AES-1 – View Corridor	The DEIR suggests that the project would significantly obstruct views of the foothills and Santa Ynez Mountains from S. Los Carneros at	6.5

Calle Koral looking northward, resulting in a Class 1 impact. We note that the project's impacts to foothill and mountain views are less than the view impacts assessed to the Marriott and Village at Los Carneros projects, which were not identified with Class 1 Aesthetic impacts. The Heritage Ridge photo simulations document that, from the view location on S. Los Carneros Road, views of mountain ridges (currently partially obstructed by vegetation) are retained above the proposed structures and that existing views west of the proposed structures are not impacted.

With regard to Marriott, various reasonable mitigation measures were applied that resulted in impacts being deemed to be less than significant. Mitigation measures included DRB approval, height limitations, utility plan review, utility screening, landscape requirements, screening of trash/recycling enclosures, utility undergrounding, and night lighting restrictions.

The Marriott EIR and the City's Response to Comments in the Marriott EIR acknowledge that the Marriott project would contribute to the overall change in aesthetic resources of the City as it grows in accordance with the General Plan. This change includes contribution to the historic trend of reduced scenic views of the mountains from areas designated as scenic in the General Plan that result as General Plan buildout occurs. Heritage Ridge also is a project proposed in conformity with the following General Plan designations: Medium Density Residential, Affordable Housing Opportunity Site, and Central Hollister Residential Development Area.

The analysis and findings employed by the City for the Marriot project apply equally to the Heritage Ridge project:

- Views of mountains would be maintained above the height of structures.
- Distant views would not be fully obstructed.
- The majority of the existing view across the designated view point is not impacted.

6.5

- General character of the mountain views is maintained.

Please refer to the attached exhibit comparing the Marriott and Heritage Ridge photo sims. Figure 4.1-5 in the Heritage Ridge DEIR (page 81) documents less of a visual impact than is the case for the Marriot simulations. At Heritage Ridge, the mountain views are maintained above the height of the structures and unobstructed views of the mountains and foothills to the west are maintained from the subject vantage point. The general character of the mountain view that is not already blocked by existing vegetation and utility poles is maintained. Considering existing vegetation, the impact resulting from Heritage Ridge on mountain views is more limited than that created by the Marriott project.

As at Heritage Ridge, the Village at Los Carneros project includes three story structures. Potential visual impacts to mountain and foothill views for that project were assessed at the same location as for Heritage Ridge, e.g. at the S. Los Carneros/Calle Koral intersection. In finding that a Class 3 impact resulted, the Village at Los Carneros EIR relies on the justification that views are already affected by existing landscaping and buildings so the project would result in very little change from the existing condition. The EIR states that expansive views remain available east of the project site.

A comparison of Photos 6A through 6C (page 4.1-6) in the Village at Los Carneros EIR and Figure 4.1-5 in the Heritage Ridge DEIR documents that the Heritage Ridge project creates less of an impact than does the Village at Los Carneros to existing mountain/foothill views. Ridgeline views remain available above the proposed structures at Heritage Ridge and foothill/mountain views remain available west of proposed structures. Vegetation at the Heritage Ridge viewpoint location already affects the existing view.

With the large open space in the center of the project and two story buildings 300 to 400 feet distant from Camino Vista, the Heritage Ridge project provides open vistas unlike other recent

6.5

		projects in Goleta. Identification of a Class 1 impact under the setting is clearly inconsistent with the analysis contained in comparable projects previously reviewed and approved by the City. In conclusion, the DEIR's assertions that views to the mountains would be "substantially" or "significantly" obstructed is not supported by factual evidence in the DEIR. Figure 4.1-5 indicates that 50% of the view remains unobstructed and all ridge views remain in the portion that is obstructed. There is no justification for Impact AES-1 to be classified as a Class 1 impact. The Heritage Ridge photo simulations support identification of a Class 2 impact that is mitigable to a less than significant level with implementation of mitigation measures.	6.5
	AIR QUALITY		
6	Section 4.2.2, Pages 108-109 – Mitigation AQ-4 – Indoor Air Pollution	Based on the proposed project's preliminary design plans and the best available data at the time, The Towbes Group, Inc. initially proposed use of MERV13 filters to reduce the health risk associated with proximity of proposed project's future sensitive receptors (i.e., residents) near U.S. Highway 101. Since the initial proposal in September 2014, The Towbes Group, Inc. has consulted with Mechanical Engineering Consultants, Inc. to determine: 1) if the current proposed HVAC system is compatible with the proposed health risk assessment MERV13 filter mitigation measure, and 2) if the measure proposed would achieve the purpose of reducing exposure of sensitive receptors to diesel particulate matter and other toxic air contaminants. Thomas D. Hughes, CEPE, LEED AP BD+C, with Mechanical Engineering Consultants, Inc. has reviewed the project plans and the MERV13 filter mitigation, and has provided the following observations and recommendations: • The proposed apartment units are designed with heating only fan coils that do not have ducted outside air. They do not have air conditioning, and are 100% recirculating. • The units have continuously running ventilation air as required by ASHRAE 62.2, using continuously running bathroom exhaust	6.6

fans that bring in a trickle of outside air from infiltration. There is no direct outside air duct to the heating systems.

- Exposure to outdoor air will be primarily from open windows when it is warm outside, and at these times the fan coils will not be running, thereby providing zero filtration.

- Because the units have heating only systems, adding higher efficiency filters (i.e., MERV13 filters) to these units may not decrease exposure to outside air contaminants. When the systems are running, it is in heating mode when assumedly the windows are already closed. When it is warm outside, the windows will probably be open. Therefore, rather than providing increased filtration on a recirculating heating only system, we believe a better strategy would be to use means like high efficiency ceiling fans to keep the occupants comfortable indoors with the windows closed. Ceiling fans in the occupied spaces would improve comfort substantially by providing air movement with the windows shut. 6.6

- The fan coils will not be running most of the time, regardless of what filtration system is installed. This is in fact been historical observation of these heating only fan coils installed in the many apartment complexes such as this one. Consequently, the high efficiency filters would be unused most of the time, and essentially always unused when the windows are open. Adding high efficiency filters to these heating only systems provides no added incentive for the occupants to keep the windows closed because it is just recirculating air.

- The fan coils for these apartments should have MERV 8 filters on the return air intakes, which is typical for residential systems. This is sufficient for general filtration; none of these units are filtering outside air, so they only take care of filtering recirculating indoor air for dust, pollen, etc.

		For these reasons, the use of high efficiency filters in this application for improving indoor air quality may be of very limited effectiveness. For a larger single family home or townhouse, or even larger apartments in other areas where air conditioning would be used, the increased filtration would make sense; the indoor environment can be kept the most comfortable in those situations with the windows and doors shut. Because Heritage Ridge will not have air conditioning, it makes sense to provide a more comfortable space inside where the windows are more likely to be kept closed. Based on the above considerations and recommendations, The Towbes Group, Inc. would like to recommend a potential alternative mitigation measure to accomplish the purpose of the original mitigation measure AQ-4. We believe this is an option that may be more effective in producing the same intended results of reducing potential indoor air pollution impacts and potential adverse health effects associated with the proposed residential development within proximity to U.S. Highway 101. As explained above, The Towbes Group, Inc. proposes installation of high efficiency ceiling fans as a replacement for bullet point one of DEIR MM AQ-4.	6.6
	BIOLOGICAL RESOURCES		
7	Section 4.3.2, Pages 139-140 – Mitigation BIO-2 – Invasive Species Seeding and Landscaping	The required timing for approval of a final landscape plan is inconsistent between the "Plan Requirements and Timing" (*prior to Building Permit issuance*) and "Monitoring" (*prior to Grading or Building Permit issuance*) sections. The timing requirement should be made consistent.	6.7
8	Section 4.3.2, Pages 137-138 – Mitigation BIO-1	In order to be most effective, we recommend required timing for a bird and raptor pre-construction survey be revised so surveys are required to be completed no more than one-week "prior to ground disturbance", rather than prior to issuance of a Grading Permit. "Prior to ground disturbance" is consistent with the mitigation required for the Westar project and provides more assurance that a survey is conducted closer to the time of actual ground disturbance.	6.8
9	Section 4.3.2, Pages 143-144 – Mitigation BIO-4(c)	The requirement for Domestic Pet Predation, Feline Disease, and Wildlife Corridor Education is inconsistent with mitigation required for The	6.9

		Village at Los Carneros and should be removed. The Village at Los Carneros site contains a creek corridor ESHA but was not required to implement a Wildlife Corridor Education program. The Heritage Ridge project site does not contain ESHA.	6.9
	CULTURAL RESOURCES		
10	Section 4.4, Pages 149 – 164 – Cultural Resources	Please refer to the comment letter prepared by David Stone, Cultural Resources Manager, Dudek, dated August 1, 2016 submitted under separate cover. Mr. Stone's letter includes comments and clarifications addressing both the Setting and Impact Analysis of the Cultural Resources section of the DEIR.	6.10
11	Section 4.4.2, Pages 162-163 – Impact CR-2 – Cultural Heritage Value	Mr. Stone's letter recommends Impact CR-2 be identified as a Class 2 impact, mitigable to less than significant with implementation of mitigation measures. Mr. Stone's comments document the local Chumash community's support for the proposed protective design components and include the following revisions: **Mitigation Measures.** The proposed project's grading, landscaping, and open space design components, Mitigation Measures CR-1(a) through CR-1(f), and the following feasible measures resulting from discussion with local Chumash tribal representatives, would reduce the Project's impact on the ~~research~~ heritage value of this cultural resource. ~~However, the heritage value of CA-SBA-56 would be unavoidably impacted through alteration of the setting.~~ **CR-2(a) Landscape Plan Review**. The applicant must demonstrate that the Open Space Landscape Plan has been reviewed and approved by the local Chumash community to ensure appropriate treatment of heritage resources within the low density artifact scatter. **Plan Requirements and Timing:** This requirement must be printed on the Final Open Space Landscape Plan. Confirmation that the local Chumash community was consulted and has approved the Final Open Space Landscape Plan must be submitted for	6.11

any LUP for grading.

Monitoring: The Planning and Environmental Review Director, or designee, must receive evidence of the local Chumash community's approval of the Final Open Space Landscape Plan to verify compliance with this measure.

CR-2(b) Chumash Heritage Monument. The applicant must incorporate a monument placed adjacent to the Open Space passive recreational trail to highlight the Chumash heritage of the Project area. A plan for the monument must be reviewed and approved by representatives of the local Chumash community.

Plan Requirements and Timing: This requirement must be printed on all plans submitted for any LUP for grading. Confirmation that the local Chumash community was consulted and has approved the Chumash Heritage Plan must be submitted for any LUP for grading.

Monitoring: The Planning and Environmental Review Director, or designee, must receive evidence of the local Chumash community's approval of the Chumash Heritage Monument Plan to verify compliance with this measure.

Residual Impact. The proposed project's grading, landscaping, and open space design components would feasibly avoid all direct (ground disturbances) and indirect (increase in public access) impacts heritage value of the ~~, Because of the direct impacts to a Native American site with a known~~ human burial. ~~, there is a potential to impact the heritage value of this known resource~~. The local Chumash community's support for the proposed protective design components as expressed during the meeting on July 25, 2016, in addition to measures CR-2(a) and CR-2(b) resulting from that discussion, indicates that potential impacts to the heritage value associated with the human burial and surround low density artifact scatter

6.11

		may be reduced to significant but feasibly reduced to less than significant (Class II). Therefore, residual Impact CR-2 would be reduced to potentially significant but feasibly reduced to less than significant. ~~and unavoidable.~~	6.11
12	Section 4.4.2, Page 164 – Cumulative Impact	Mr. Stone's letter also documents that feasible mitigation measures and proposed design components demonstrate that "the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact," as defined in CEQA Guidelines Section 15130 (a)(3). Therefore, the Project's contribution cumulative impacts to Cultural Resources would be rendered less than cumulatively considerable.	6.12
	GEOLOGY AND SOILS		
13	Section 4.5.2, Pages 170-172 - Mitigation GEO – 1 Page 2 – Executive Summary - Project Description, Grading/Walls	Regarding the mitigations related to "Areas Inside the Archaeological Area including the 50-foot Archaeological Buffer Zone", the second and third bullet points should be reordered so herbicide spraying may be completed prior to vegetation removal. During construction of the Willow Springs II project it was necessary to request approval of such reordering based on a recommendation from our landscape architect. To be effective, herbicide must be applied to plant leaves prior to vegetation removal. This comment should also be addressed in Executive Summary - Project Description, Grading/Walls.	6.13
	HAZARDOUS MATERIALS/RISK OF UPSET		
14	Section 4.7., Pages 193-211	Section 4.7 includes an analysis of impacts related to Risk of Upset, including identification of a Class 1 impact. The DEIR analysis is based on the impact of the environment (transportation of hazardous materials on US 101 and UPRR and proximity to businesses that use, store, and transport hazardous chemicals) on the Heritage Ridge project. Inclusion of this impact evaluation and determination of an environmental impact violates the California Supreme Court's ruling in California Building Industry Association v. Bay Area Air Quality Management District (California Supreme Court Case S213478), which was decided in December 2015. This case holds that, except for a few specific situations not relevant	6.14

		here, CEQA does not authorize an analysis of the impact of the environment on the project. The Decision states, "In light of CEQA's text, statutory structure, and purpose, we conclude that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents." Therefore, the analysis of potential risk of upset related to transportation of hazardous materials on US 101 and UPRR and proximity to businesses that use, store, and transport hazardous chemicals and the associated impact assessment should be removed from the DEIR.	6.14
	HYDROLOGY AND WATER QUALITY		
15	Section 4.8.1.a., Page 213 – Setting/Surface Runoff Quantity	The last sentence on page 213 should read "Pre and post development calculations routed through the retention basin are summarized in Table 4.8.1...".	
16	Section 4.8.1.a., Page 214 – Setting/Surface Runoff Quality	The first paragraph on page 214 under Surface Water Quality states that Tecolotito Creek flows southward from the retention basin to its confluence with Los Carneros Creek south of Hollister Avenue. Tecolotito Creek crosses under Hollister approximately 2,100 feet west of the outlet of the retention basin.	6.15
17	Section 4.8.1.b., Page 217 – Regulatory Setting	The last sentence on page 217 should state "This permit was issued for stormwater from the Willow Springs I, II, and III [e.g. Heritage Ridge] projects."	6.16
18	Section 4.8.2, Page 226 – Impact HWQ-2	The last sentence on page 226 should refer to the 95th percentile" rather than 85th percentile.	6.17
	LAND USE AND PLANNING		
19	Section 4.9.2, Page 233 – Impact Analysis Table 4.9-1 Consistency with Policies in the Goleta General Plan. Policy LU 1.8: New Development and Neighborhood Compatibility.	As stated above in our comments related to Aesthetics, the Aesthetic impact regarding mountain views should properly be determined to constitute a Class 2 impact. For this reason, the project should be found consistent with Policy LU 1.8 with appropriate mitigation. We would also like to point out that the assessment of Class 1 Land Use impacts with regard to mountain views, which is based entirely on the fact that a Class 1 impact was found with regard to aesthetics (mountain views), is flawed and is inconsistent with every previous City determination. The EIR for the City's General Plan found that General Plan buildout would cause Class 1	6.18

		impacts on views to the mountains. However, the GP EIR did not find that such Class 1 impacts were inconsistent with Land Use policies in the General Plan. Furthermore, in the Westar project, a Class 1 view blockage impact was found in the Aesthetics section of the EIR, but the EIR found the project consistent with Policy LU 1.8 with mitigation. The discussion in the EIR reviewing policy consistency states that although structures may have been at a different scale than some existing structures, the development would be generally compatible with the character of the Hollister Avenue corridor. The Westar project was conditioned to integrate the project with surrounding developments, preserve and protect ridgeline views, and limit degradation of the character and visual quality of the site to the maximum extent feasible while still allowing development onsite. Conditions such as DRB approval, screening and undergrounding utilities, screening trash enclosures, landscaping requirements, etc. served to mitigate land use impacts to a level that was found to be found consistent with Policy LU 1.8. The same analysis is appropriate for Heritage Ridge. Heritage Ridge is generally compatible with the scale of the Hollister Avenue corridor and with the surrounding area, including the Villages at Los Carneros project. Standard conditions of approval could be imposed on Heritage Ridge requiring protection of ridgeline views, DRB review, undergrounding of utilities, and other conditions similar to those imposed on the Westar project. The DEIR should be revised to indicate that the project is consistent with Policy LU 1.8 with appropriate mitigation.
20	Section 4.9.2, Pages 253 – Impact Analysis Table 4.9-1 Consistency with Policies in the Goleta General Plan. Policies VH 1.1 and VH 1.4.	As stated above in our comments related to Aesthetics, a Class 1 Aesthetic impact that would trigger Class 1 Land Use impacts does not exist. For this reason, the project should be found consistent with Policies VH 1.1 and VH 1.4 with appropriate mitigation. The analysis used to identify Class 1 Land Use impacts related to VH 1.1 and VH 1.4 is also flawed and inconsistent with previous City determinations. Again, the EIR for the City's General Plan did not find that Class 1 Aesthetic impacts were inconsistent with Land Use policies

6.18

		in the General Plan. Attached please a comparison of Westar and Heritage Ridge photo simulations. In certain locations, the Westar project completely blocks mountain views, yet the Westar project was found consistent with Policy VH 1.1 Scenic Resources and VH 1.4 Protection of Mountain and Foothill Views with mitigation. The Westar EIR notes that project was designed in accordance with policies related to protecting open space. Similarly, the Heritage Ridge project has been designed in accordance with policies related to avoiding cultural resources. Westar was conditioned to preserve and protect ridgeline views to the maximum extent feasible while still allowing development on site. To protect ridgeline views, conditions included DRB approval and height verification. Certainly, the same consistency analysis and mitigation measures can be reasonably applied to the Heritage Ridge project. Findings of the General Plan EIR and precedent dictate that even if a Class 1 view blockage issue is created for a project, this does not translate into a Class 1 Land Use impact related to General Plan policies regarding visual resources. The DEIR should be revised to indicate consistency with Policy VH 1.1 and VH 1.4 with appropriate mitigation. We would also like to point out that aesthetic/view impacts, like any other CEQA impact, can be overridden if the decision makers determine that specific benefits outweigh the project's unavoidable adverse impacts. The environmental document may not foreclose to the decision maker the right to make this possible decision under CEQA. Assessing a "matching" Class 1 impact regarding adherence to the General Plan over the same alleged impact has the effect of foreclosing an override of the impact because "violations of the General Plan" cannot be overridden. While the Land Use section of an EIR may include a preliminary assessment of the project's consistency with the General Plan, it cannot do so by turning alleged General Plan inconsistency into its own CEQA impact. We know of no other City of Goleta environmental

6.18

		document in which a preliminary analysis of General Plan consistency has been turned into a Class I impact that, effectively, cannot be overridden.	6.18
21	Section 4.9.2, Pages 257 – Impact Analysis Table 4.9-1 Consistency with Policies in the Goleta General Plan. Policy VH 4.15.	The project is consistent with this Policy related to provision of site-specific visual assessments. Photo simulations have been provided and are included in the EIR to evaluate the visual effects of the proposed development and demonstrate visual compatibility. The preparer of the DEIR has misinterpreted the intent of this policy. The Policy only requires utilization of the assessment tool. Therefore, the project is consistent with this policy and consistent with the determination in the Westar EIR.	6.19
22	Section 4.9.2, Page 254 – Impact Analysis Table 4.9-1 Consistency with Policies in the Goleta General Plan. Policy VH 2.2	South Los Carneros Road is not designated as a Local Scenic Corridor on General Plan Figure 6-1 Scenic and Visual Resources. Analysis of project consistency Policy VH 2.2 (Preservation of Scenic Corridors) is not required and should be removed from the DEIR.	6.20
23	Section 4.9.2, Page 254 – Impact Analysis Table 4.9-1 Consistency with Policies in the Goleta General Plan. Policy VH 2.3	South Los Carneros Road is not designated as a Local Scenic Corridor on General Plan Figure 6-1 Scenic and Visual Resources. Analysis of project consistency Policy VH 2.3 (Development Projects Along Scenic Corridors) is not required and should be removed from the DEIR.	
	NOISE		
24	Section 4.10, Pages 269 - 289 – General Comment	Please refer to the attached comment letter prepared by Jonathan V. Leech, INCE, Senior Environmental Specialist/Acoustician dated July 26, 2016. In his letter, Mr. Leech concludes: • The DEIR incorrectly identifies short-term construction noise as an unavoidable significant impact (Class I). • The City's Noise Ordinance (Municipal Code Section 9.09) is incorrectly applied to construction activities. • The DEIR includes an erroneous interpretation of the construction noise significance threshold from the Goleta Environmental Thresholds and Guidelines Manual. • The Goleta General Plan Noise Element states "Construction-related noise is appropriately managed by establishing and enforcing	6.21

		restrictions on hours permitted for construction activities that generate unacceptable noise levels." (Noise Element, Pg. 9-4). • Temporary construction noise impacts must properly be classified as Class 2, significant but mitigatable to a less than significant level.	6.21
25	Section 4.10.2, Page 276 – Impact N-1	Please refer to the attached letter prepared by Jonathan V. Leech, INCE Senior Environmental Specialist/Acoustician dated July 26, 2016. <u>N-1(a) Construction Timing</u>. This mitigation measure is consistent with the Goleta ETGM construction noise threshold and Noise Element Policy NE 6.4. This mitigation will provide the principal means for reducing potentially significant short-term construction noise impacts to a less than significant level. <u>N-1(b) Electrical Power</u>. There is no proper nexus between the impact designation and the requirements presented in N-1(b) mandating that electrical power be used to run air compressors and similar power tools. The use of electrically powered construction tools, where feasible, is a common requirement to reduce overall noise levels from the foundation, framing, and finishing phases of construction. However, no evidence has been presented which would show that mandated use of acoustic shielding for all construction equipment during construction is an appropriate mitigation measure, except where such use is reasonably feasible. In addition, air compressors and similar power tools commonly move around the site rather than sit in one place for the duration of construction. For a large site such as that involved here, a requirement that air compressors and other power tools locations be noted on plans and that such tools must be restricted to that location for the life of construction is neither reasonable nor feasible. <u>N-1(d) Distancing of Vehicles and Equipment.</u> The general approach of providing separation distance between noise generating construction	6.22

		equipment and adjacent sensitive receptors is an effective and common mitigation. However, requiring exact equipment locations to be specified on grading and building plans ignores the dynamic nature of a construction site and is overly restrictive in the management of construction processes and phasing in an efficient manner that would minimize overall construction duration and potential for noise nuisance. The wording of the mitigation should be revised to direct the contractor to locate stationary equipment and activity as far from adjacent noise-sensitive uses as allowed by constraints posed by the configuration of construction improvements as they evolve. <u>N-1(f) Sound Control Curtains and Acoustical Blankets.</u> N-1(f) contains requirements that would be appropriate for a construction effort involving around-the-clock noise-generating activities. With adherence to the required construction schedule restriction of 8 AM to 5 PM Monday to Friday only, the placement of sound barriers or acoustic blankets around individual construction equipment or along the property boundary is not warranted.	6.22
	RECREATION		
26	Section 4.12.2, Page 303-304 – Impact REC-1 - City Required Mitigation Fees	The DEIR should be revised to reflect that the Towbes Group, Inc. intends to complete improvements for the 2-acre neighborhood park, dedicate the land and improvements to the City, and receive a credit against park related impact fees for the cost of dedication and improvements. The City of Goleta will be responsible for maintenance of the park unless other arrangements satisfactory to the City and the Developer are agreed upon. Attached to this letter please find an analysis of the anticipated residents per work force unit based on existing resident populations at Willow Springs I and Willow Springs II. Willow Springs I and II are occupied at 1.75 persons/work force unit which results in an estimate of 546 residents at Heritage Ridge and a parkland demand of 2.48 acres. Please revise the DEIR accordingly.	6.23
	UTILITIES AND SERVICE SYSTEMS		

27	Section 4.14.2, Page 345 – 346 – Impact UTL-4 – Solid Waste Generation – Operational Phase	The DEIR mistakenly uses 2.76 people per workforce unit in calculations determining potential solid waste generation. The City's Environmental Thresholds and Guidelines Manual stipulates the calculation should use 2.65 people per workforce unit (which results in an estimated 192.65 tons per year of non-recyclable waste and which is below the City's project specific threshold of 196 tons per year). However, we recommend using a people per workforce unit rate consistent with the project specific data we have provided per Comment #26 above (1.75 people per work force unit). Using 1.75 people per work force unit, the project would generate an estimated 139.92 tons per year of non-recyclable waste. In either case, the DEIR should be revised to indicate a Class 2 potentially significant but mitigable impact.	6.24
28	Section 4.14.2, Page 345 – 346 – Impact UTL-4 – Solid Waste Generation – Operational Phase	With regard to the mitigation requiring preparation of a Solid Waste Management Plan, the "required timing" for the plan is not indicated in the mitigation measure. Please revise the mitigation measure to include required timing; the most appropriate timing is for the plan to be prepared prior to issuance of land use permits for structures.	6.25

Conclusion

We appreciate your consideration of these comments and suggested edits. The Towbes Group, Inc. and the project team look forward to the City's timely completion of the FEIR and consideration of Heritage Ridge with the City Planning Commission and City Council. Should you have any questions or require additional information, please contact me at 805-966-2758 x 101.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

Steven M. Fort, AICP
Senior Planner

Enclosures

Cc: Michael Towbes, The Towbes Group, Inc.
Craig Minus, The Towbes Group, Inc.
Linda Blackbern, The Towbes Group, Inc.
Peter Brown, Brownstein Hyatt Farber Schreck, LLP
Denise Ashton, William Hezmalhalch Architects, Inc.
Dale Weber, MAC Design
Kimberly True, True Nature Landscape Architecture
Scott Schell, Associated Transportation Engineers
David Stone, Dudek
Jonathan Leech, Dudek
John Davis, Dudek

Heritage Ridge - DEIR Impacts

	Aesthetics (AES-1)	Cultural Resouces (CR-2)	Hazardous Materials/ Risk of Upset (HAZ-2)	Land Use (LU-1)	Noise (N-1)	Utilities/ Service Systems (UTL-4)	EIR Preparer	FEIR Certified
Heritage Ridge	Class I	Class I	Class I	Class I	Class I	Class I	Rincon	2016
Cortona	Class 3	None	Class I	Class 2	Class 2	Class 3	Rincon	Nov-14
VLC	Class 3	Class 3	Class I	Class 2	Class 3	Class I	Envicom	Jun-14
Westar/Hollister Village	Class I	Class 2	Class 3	Class 2	Class 2	Class I	Envicom	Jul-12
Marriott	Class 2	Class I	Class 3	Class 2	Class 3	Class 3	ICF	Oct-13
WSII	Class 3	Class 2	Class 2	Class 3	Class 2	Class 3	Envicom	May-12
Rincon Palms	Class I	None	None	None	None	None	City of Goleta	Jul-13

6.1 cont'd

Heritage Ridge DEIR Comments - Photo Simulation Comparison: Calle Koral/Los Carneros Intersection

Heritage Ridge

Current Conditions

Proposed Conditions Without Landscaping

Proposed Conditions with 5-year Growth of Landscaping

Existing and Simulated Views
from S. Los Carneros Road
Looking North Toward Project Site

Figure 4.1-5

Source: interacta inc., 2014

Village at Los Carneros

Photo 6A: This is a northwesterly-oriented view toward the project site and the Santa Ynez Mountains beyond from Los Carneros Road in a northbound direction south of this intersection. From this view, as motorists, bicyclists, and/or pedestrians travel closer to the intersection of Calle Koral (on Los Carneros Road), views of the project site over exiting Lots 2 and 4 are available, as well as distant views of the Santa Ynez Mountains over the US Highway 101 corridor.

Photo 6B: This is a photographic simulation of the project post-development from the northerly view at the intersection of Calle Koral and Los Carneros Road. As shown in the simulation, without project landscaping, the project would remove trees and landscaping that currently conceal the existing building on Lot 1. The viewing distance to the closest visible residential structure (market rate apartments) would be approximately 160 feet. The project entrance road and residential buildings would be seen in this view.

Photo 6C: This is a photographic simulation of the project post-development from the northerly view at the intersection of Calle Koral and Los Carneros Road and includes mature landscaping.

Source: Interacta Inc., 2012.

6.5 cont'd

Heritage Ridge DEIR Comments - Photo Simulation Comparison

Heritage Ridge

Current Conditions

Proposed Conditions Without Landscaping

Proposed Conditions with 5-year Growth of Landscaping

Existing and Simulated Views
from S. Los Carneros Road
Looking North Toward Project Site

Figure 4.1-5

Source: interacta inc., 2014

Westar

Photo 1 – Existing eastbound northeasterly view from Hollister Avenue west of the project site.

6.5
cont'd

Photo 1 – Photo-simulation with landscaping.

Heritage Ridge DEIR Comments - Photo Simulation Comparison

Heritage Ridge

Current Conditions

Proposed Conditions Without Landscaping

Proposed Conditions with 5-year Growth of Landscaping

Existing and Simulated Views
from S. Los Carneros Road
Looking North Toward Project Site

Source: interacta inc., 2014

Figure 4.1-5

Marriott

6.5
cont'd

Heritage Ridge DEIR Comments - Photo Simulation Comparison

Heritage Ridge

Current Conditions

Proposed Conditions Without Landscaping

Proposed Conditions with 5-year Growth of Landscaping

Existing and Simulated Views
from S. Los Carneros Road
Looking North Toward Project Site

Source: interacta inc., 2014

Figure 4.1-5

Marriott

6.5

6.5
cont'd

Heritage Ridge Recreation Impact Analysis Comparison

NUMBER OF RESIDENTS GENERATED BY HR

	Persons/ WF Unit	Persons/ Snr. Unit	Total
Rincon	2.76	1.11	775.8
WSI & II Data accepted by GWD	1.75	1.11	545.52
Department of Finance 2015 (correct)	2.8	N/A (Default to 2.8)	1008

PARKLAND DEDICATION RATE

	Persons/ WF Unit	Persons/ Snr. Unit	Acres/Person[2]	Parkland Dedication Rate (Acres/Unit)[3]
City's Subdivision Ord. 16.14 Land Dedication Formula[1]	2.72	N/A (Default to 2.72)	0.0047	0.0128
Rincon	2.76	1.11	0.0047	0.0128
Recommendated Dedication Formula	1.75	1.11	0.0047	0.008 WF/0.005 Snr.

6.23 cont'd

[1]Based on 1990 Census data

[2]Based on the City's goal of 4.7 Acres/1,000 People

[3]Acres/Person X Persons/Unit

PARKLAND DEMAND

	Parkland Dediction Rate	Workforce Units	Senior Units	Project Generated Parkland Demand
Rincon	0.0128	228	132	4.6 Acres
Recommended Methodology	0.008 WF/0.005 Snr.	228	132	1.82 Acres WF/0.66 Acres Snr.

Total Project Generated Parkland Demand **2.48 Acres**

WSI & WSII Data

	1 BR/1 BA	2 BR/1 BA	2 BR/ 2 BA	3 BR/2 BA	
Persons/Unit	1.4	1.53	1.72	2.36	
# of Units	80	79	96	80	335
Weight	0.238806	0.235821	0.286567	0.238806	
Weighted Avg.	0.334328	0.360806	0.492896	0.563582	1.751612

6.23 cont'd

Letter 7

DUDEK

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August 1, 2016

Ms. Mary Chang, Supervising Senior Planner
Ms. Stephanie Diaz, Contract Planner
City of Goleta
Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Draft Environmental Impact Report, Section 4.4 Cultural Resources
Heritage Ridge Project (14-049-GPA; 14-049-VTM; 14-049-DP)
City of Goleta, California

Dear Ms. Chang and Ms. Diaz:

I am pleased to submit comments on the Draft Environmental Impact Report (DEIR) on behalf of The Towbes Group, applicant for the Heritage Ridge Project. My comments are itemized and reference the DEIR page and paragraph. Revised Final EIR text is identified in strikeout and underlines.

1. Pg. 54, Paragraph 3. Section 2.5.3 Grading/Walls

The project description defining the extent of protective fill placement is currently incorrect and requires refinement, consistent with the Cultural Resources Assessment I prepared (Dudek 2014) and was submitted with the project application. 7.1

> Proposed development within the ~~sensitive portion of the identified on-site~~ archaeological site ~~(~~CA-SBA-56 low density artifact scatter ~~site plus a 50-foot buffer)~~ would use protective fill soils to cap the existing cultural resource.

2. Pg. 149, Paragraph 1. Section 4.4 Cultural Resources

It is appropriate to precisely define what information addressed in the EIR applies to the Heritage Ridge Project site, in contrast to "adjacent properties." The following FEIR revisions are necessary to increase clarity: 7.2

> "This report considers ~~a series of previous~~ an intensive Phase 1 archaeological ground surface survey in 1990 and subsequent subsurface Extended Phase 1 excavations ~~cultural resources investigations conducted~~ in 1996 ~~for~~ conducted within the Project site. Additional context is provided by the discussion of numerous archaeological investigations completed adjacent to the Project site ~~properties~~: an original excavation in 1929, subsequent excavations in 1982, ~~an intensive ground surface collection of artifacts in 1990, Extended Phase 1 excavations in 1996,~~ a Supplemental Phase 2 investigation in 1999, and a Phase 3 Data Recovery Mitigation program in 2014."

3. Pg. 150, Paragraph 1. Section 4.4.1 Ethnographic Background

The statement that "The slough, which may have resembled a bay in prehistoric times..." (Grenda, et al., 1994), contained an abundance of marine resources including shellfish, fish, birds, and marine mammals" is incorrect. Substantial evidence exists that the Goleta Slough was a navigable embayment until massive flooding and infilling in the 1860s. The reference provided, Grenda et al 1994, addresses an archaeological site in Los Angeles County. The following FEIR revisions are requested.

> "The slough~~, which may have resembled a bay~~ was a navigable lagoon with waters considered over 11 feet deep at high tide in prehistoric times (Stone 1982, Gamble 2008)..." ~~(Grenda, et al., 1994)~~, and contained an abundance of marine resources including shellfish, fish, birds, and marine mammals."

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The appropriate references for this statement follow:

Gamble, Lynn H.
2008. *The Chumash World at European Contact. Power, Trade, and Feasting Among Complex Hunter-Gatherers.* University of California Press.

Stone, David
1982. Sedimentation and Infilling of the Goleta Slough: A 1770 Reconstruction. Paper presented at the Symposium of Holocene Climate and Archaeology of California Coast and Desert, San Diego State University.

4. Pg. 151, Paragraph 5. Section 4.4.1 b. Project Site Setting

The current statement "The Project site is located on a coastal terrace on the lower edge of the coastal foothills of the Santa Ynez Mountains" is incorrect. The following FEIR revisions are requested.

7.4

> "The Project site is located on a coastal ~~terrace~~ alluvial plain below ~~on the lower edge of~~ the coastal foothills of the Santa Ynez Mountains, and adjacent to the ancestral Goleta Slough."

5. Pg. 153, Paragraph 4. Section 4.4.1 b. Project Site Setting Archaeological Resources

The organization of the CA-SBA-56 site distribution and how it relates to the proposed Heritage Ridge Project site is confusing. It is most helpful to provide all overall background and context for CA-SBA-56 before discussing the specifics of the cultural resources that are recorded within the Project site. If not presented in this fashion, the there is a greater potential for the reader to not understand the nature of those

7.5

resources that are particular to the Project site, rather than the resources in the immediate Project vicinity.

I believe the best way to do this is to reorganize this section extending from Pg. 153, Paragraph 4. Through Pg. 154, Paragraph 3 as follows:

> "Archaeological Resources. The prehistoric archaeological site CA-SBA-56 was originally documented directly south of the Project site, within what is today the Willow Springs I and II sites (Willow Springs Apartments). David Banks Rogers first recorded this archaeological site in 1929, based on the excavation of 46 trenches, as a residential "midden" associated with a village site. This site was characterized by very dense deposits of shellfish, stone tools, and grinding stones, and fragments of a human skeleton.
>
> Beginning in the 1980s, various archaeological investigations within and around the known site area were conducted mostly to define and refine the boundaries of CA-SBA-56 and to obtain enough archaeological data to determine its significance with respect to dates of occupation and function. These studies have resulted in refinements of site boundaries, identification of areas of intact and/or disturbed or destroyed components, and confirmation that the midden deposits represent a multi-occupational site (at least two major periods of occupations and each spanning hundreds of years of use). Excavations conducted in 1982 (Gerstle and Serena, 1982) identified a "main residential midden area" that was occupied between 6,600 and 6,700 years ago (before present, or BP). The main residential midden area was ~~resulted in a determination that the main residential midden at CA-SBA-56 was~~ determined to be eligible for listing on the National Register of Historic Places (NRHP), and is therefore ~~Because CA-SBA-56 has been deemed NRHP-eligible, it is also~~ a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5(a)(3).
>
> Following removal of the fallow orchard on the Project site in the 1980s, archaeological monitoring of brushing and grading operations in 1989 identified a "low density artifact scatter" ~~within the Project site,~~ along the ridgeline north of the main residential midden area at CA-SBA-56, and within the Project site. This low density shell midden deposit is comprised of chipped and ground stone (mano and metate fragment) artifacts associated with the Early and Middle Periods. The artifact densities appear to be considerably lower than those in the central midden area (1/20th of the shellfish and bone densities, and 1/6th of the chipped stone flake and tool density). Radiocarbon dating of shellfish collected from the low density artifact scatter has indicated that this area was occupied from 6,930 to 7,080 years B.P., within the Early Period. The Extended Phase 1 excavations also included geomorphological investigations by Dr. Tom Rockwell, San Diego State University, to determine the extent to which previous land uses, including walnut orchards, had disturbed the integrity or intactness of the CA-SBA-56 deposit (SAIC and ISERA Group, Inc. 1996). Dr. Rockwell concluded that the top 4 inches (10 cm) of the low density artifact scatter have been previously disturbed, with intact cultural deposits extending up to 50 to 60 cm (20 to 24 inches) below the ground surface.

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A human bone fragment was collected in this area and reburied outside of the Project site. In 1990, an intensive ground surface collection conducted by ~~Science Applications International Corporation (SAIC) and~~ the ISERA Group revealed chipped stone flakes, ground stone, hammerstones, shellfish, animal bone, and ochre within the Project site. Extended Phase 1 excavations conducted by SAIC and the ISERA Group in 1996 identified intact archaeological deposits between six and 24 inches below the ground surface on the Project site, consistent in nature with those that had been collected on the surface. Radiocarbon dating of shellfish collected from the low density artifact scatter has indicated that this area was occupied from 6,930 to 7,080 years B.P., within the Early Period. In addition, these excavations ~~revealed~~ encountered an intact human burial in a test trench. Upon identification of the burial, excavations in the ~~vicinity~~ trench were halted and the trench and burial remains backfilled and left undisturbed ~~at the location of discovery in the southern portion of the Project site~~. Such human remains are protected by State law (see Codes Governing Human Remains, below).

The 1996 Extended Phase 1 excavations also identified low-lying areas at the base of the ridgeline landform adjacent to the main residential midden and low density artifact scatter are located on the crest of the landform. These areas and boundaries were defined by a total of 19 backhoe trenches, three STPs (SAIC and Isera Group 1996), and two 1 X 1 meter- (3.3-ft) square Phase 2 significance test units (SAIC 1999). The low-lying areas are characterized by extremely sparse densities of cultural material (e.g., one stone tool flake or less than one gram of shell), or none at all. Nearly all of the cultural materials encountered in this area were recovered from the top eight inches of soil, and animal bone recovered was highly fragmented. The geomorphological analysis indicated that these deposits had been disturbed up to 12 inches below the ground surface as a result of past agricultural grading activities. This suggests that most of these materials have been previously disturbed and little, if any, intact deposits remain within the low-lying areas. Although some sparse materials recovered during the Phase 2 excavations and previous Extended Phase 1 trenching and shovel test pits were recovered below the disturbance zone, they are thought to represent very sporadic temporary activity adjacent to Carneros Creek. Therefore, the shellfish and flakes recovered in this area generally lack stratigraphic integrity, and provide little information about the prehistoric activities that occurred at CA-SBA-56, particularly when compared to the intermediate artifact scatter along the raised knoll. The very low to low density of archaeological remains found in the "low-lying areas" peripheral to the CA-SBA-56 deposits along the elevated knoll are consistent with Extended Phase 1 findings prepared for the Willow Springs I project (Hutash Consultants, 1998a, 1998b).

The 1996 Extended Phase 1 excavations also identified an "intermediate artifact scatter" along the CA-SBA-56 ridgeline, south of the Project site within the Willow Springs II Apartments Project area. The intermediate artifact scatter has moderate amounts of chipped stone flakes and low amounts of fragmented animal bone, but nearly no shellfish. As these remains have been dated to either the late Early to Early Middle Period, they appear to be later than the main residential midden occupation of CA-SBA-

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56 within Lot 20 of the Willow Springs I project and represent specialized activity areas peripheral to the main residential midden to the south in Lot 20. A Phase 3 Data Recovery Program associated with the Willow Springs II Apartments Project including dates from obsidian hydration indicating an occupation of between 2,600 and 3,500 B.P. (Stone and Victorino 2014). The absence of cultural materials within low-lying areas surrounding the intermediate artifact scatter was verified during testing excavations and construction monitoring for the Willow Springs II Apartments."

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6. Pg. 154, Paragraph 4. Section 4.4.1 b. Project Site Setting Archaeological Resources

The statement "CA-SBA-56 has been subjected to a high level of testing and evaluation, resulting in a relatively large body of data that, to date, has not been synthesized" is incorrect. Jon Erlandson and others has summarized and analyzed the results of excavations in an academic paper that will be published by the Santa Barbara Museum of Natural History. The reference is:

Erlandson, Jon, Thomas Rockwell, Todd J. Braje, David Stone, and Brent Leftwich ND. *CA-SBA-56: An "Oak Grove" and "Canalino" Site on Goleta Lagoon, California.* In publication.

Also, the Phase 3 Data Recovery Program for the Willow Springs II Project has also synthesized data from all areas of CA-SBA-56.

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The FEIR would be best revised as follows:

"CA-SBA-56 has been subjected to a high level of testing and evaluation, resulting in a relatively large body of data. ~~that, to date, has not been synthesized.~~ Synthesis of these Investigation results have occurred in academic publications (Erlandson et al, in press) and in the Phase 3 Data Recovery Investigation for the Willow Springs II Project (Stone and Victorino 2014).

Stone, David and Ken Victorino
2014. *Final Phase 3 Data Recovery Program, CA-SBA-56, Willow Springs II, Goleta.* Prepared for The Towbes Group. January. Ms. available at Central Coast Information Center, University of California, Santa Barbara.

7. Pg. 155-156., Section 4.4.1 c. Regulatory Setting

The Draft EIR section 4.4.1.c. only addresses discussion of cultural resource significance. The following important and particularly relevant CEQA citations must be included in the Final EIR, as they have a bearing on what is considered feasible mitigation to proposed project impacts. In particular, use of protective fill to reduce potential impacts caused by excavation is addressed in the CEQA Guidelines, as described below. These sections were included in the Marriott Residence Inn Final

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EIR as a result of comments made during that document's public review. They are appropriately included in the revised EIR.

- **Public Resource Code 21083.2 Archaeological Resources: Determination of Effect of Project; EIR or Negative Declaration; Mitigation Measures (b):**

  "If it can be demonstrated that a project will cause damage to a unique archeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in order of preference, may include, but are not limited to, any of the following:

  (3) Capping or covering archaeological sites with a layer of soil before building on the sites."

- **CEQA Guidelines Section 15064.5 (b)(3):**

  "A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures."

- **CEQA Guidelines Section 15126.4 (b)(3):**

  "Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site. Preservation in place may be accomplished by, but is not limited to, the following:

  3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.

7.7

8. Pg. 157, Paragraph 4 and 5 Impact CR-1

It is critical to specify that placement of protective fill soils on top of geotextile fabric is only required to mitigate significant impacts on cultural resources within the "low density artifact scatter" and 50-foot buffer extending from that boundary within CA-SBA-56, and not the peripheral "low-lying area." The following FEIR revisions are requested.

"Proposed grading activities on the Project site have been designed to avoid disturbance of the low density artifact scatter (refer to Section 2.5.3 of the *Project Description*), which is a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5(a)(3). To prevent disturbance of the soil, existing vegetation within the ~~boundary of~~ CA-SBA-56 low density artifact scatter is proposed to be removed by hand, remaining root balls and masses would be sprayed with a topical herbicide to ensure no further growth, and the resulting dead masses of vegetation would be left in place. A geotextile tensar fabric (Tensar BX1200 or equivalent) would be placed on top of the existing ground surface within the CA-SBA-56 low density artifact scatter to reduce the

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force of compaction from overlying fill soils and redistribute the compaction load force over a wider area, thereby minimizing the disturbance of friable cultural remains such as shellfish and animal bone. No remedial grading, subgrade preparation, or scarification would occur prior to placement of the geotextile fabric in these sensitive portions of CA-SBA-56. Then the CA-SBA-56 ~~site~~ low density artifact scatter ~~and a 50-foot buffer~~ would be covered in a minimum of two feet of protective fill soil to prevent direct impacts to archaeological resources. These fill soils would be spread from the outside in no greater than eight-inch lifts with rubber-tired equipment, such that equipment only operates on top of the fill soils. This protocol would follow the previously approved measures implemented in the protection of CA-SBA-56's intermediate artifact scatter resources within the Willow Springs II project."

"The Project has also been designed to avoid physical disturbance of the low density artifact scatter. ~~A two-acre public park would be located over this area in the south-central portion of the site, while proposed buildings would be placed away from the archaeological site to the southwest, north, and east.~~ All proposed features above the low density artifact scatter, including a two-acre park ~~including~~ with landscaping, irrigation, a decomposed granite trail, a permeable concrete parking area, a picnic area, and a lodgepole perimeter fence~~,~~ would be placed on top of fill soils and would not require disturbance of the existing ground surface. All proposed residential buildings and drainage improvements would be placed ~~away from~~ outside and southwest, north, and east of the low density artifact scatter. Therefore, the Project would not have direct impacts on significant archaeological resources ~~at~~ within the low density artifact scatter."

7.8

9. Pg. 158, Mitigation CR-1(a)

This mitigation measure is properly defined. It is important, however, to explain and incorporate the objectives that the intensity of the mitigation measure Data Recovery Program must be proportional to the indirect impact of loss of research access to the CA-SBA-56 low density artifact scatter resource, rather than a conventional program that addressed the direct impact of destruction of the resource.

The City of Goleta maintains their own Cultural Resource Guidelines (revised by the County of Santa Barbara in 1993) that supercede all state directed guidance from the California Office of Historic Preservation. These Guidelines provide the specific technical guidance that insures consistency with Open Space Policy 8.5. Therefore, only reference to the City of Goleta Cultural Resource Guidelines is appropriate in the measure.

7.9

The following FEIR revisions are requested.

"Limited Phase 3 Data Recovery. The applicant must provide a Limited Phase 3 Data Recovery Program Plan developed by a City-approved archaeologist for excavations at the low density artifact scatter at CA-SBA-56.

Plan Requirements: The Limited Phase 3 Data Recovery Program Plan must be prepared in accordance with the City of Goleta's ~~*Environmental Thresholds and Guidelines Manual,*~~ *City of Goleta Cultural Resource Guidelines (1993),* ~~the California Office of Historic Preservation's (1990) *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format,* and~~ that will ensure compliance with CEQA § 21083.2 and CEQA Guidelines § 15126.4(b) and City of Goleta General Plan Open Space Element Policy 8.5. The Plan must include:

- *Sampling Strategy reflecting the systematic, limited data recovery necessary proportional to the to the indirect impact of loss of research access to the CA-SBA-56 low density artifact scatter resource, while adequately characterizing the research value of these resources;*
- *Research design including the following;*
- *Discussion of relevant research questions that can be addressed by the CA-SBA-56 resources;*
- *Methods used to gather data, including data from previous studies;*
- *Laboratory methods to analyze the data;*
- *An assessment of artifacts recovered and any corresponding field notes, graphics, and lab analyses; and*
- *Results of investigations.*

~~The plan must provide for a systematic sample of the area to be capped, such that the research value of the deposit is adequately characterized.~~

The Limited Phase 3 Data Recovery Program Plan must be funded by the applicant and must be prepared by a City-approved archaeologist. The Limited Phase 3 Data Recovery Program Plan must be documented in a draft and final report and must be reviewed and approved by an ~~City-qualified City-retained~~ archaeologist retained by and working under the direction of the City of Goleta. Pursuant to City Cultural Resource Guidelines, the final report, archaeological collections, field notes, and other standard documentation must be permanently curated at the UCSB Repository for Archaeological Collections.

The Limited Phase 3 Data Recovery Program Plan must specify that a Chumash Native American observer must be retained by the applicant to observe all excavation activity associated with the Program. The observer must maintain daily notes and documentation necessary, and provide the observation notes and documentation to all interested Chumash representatives who request to be informed of the Phase 3 excavation progress.

Timing: A Limited Phase 3 Data Recovery Program research design prepared pursuant to City of Goleta's Environmental Thresholds and Guidelines Manual, and a copy of a contract (including a detailed scope of work) between the applicant and a City-approved archaeologist and local Chumash Native American consultant observer for the Phase 3 Data Recovery Program~~, and the subsequent draft and final Phase 3 report,~~ must be reviewed and approved by the City and City-retained archaeologist (funded by the

7.9

applicant). ~~before recordation of the final map~~. The applicant must provide a bond subject to City approval to the City for completion of the Phase 3 program that must be released upon completion of the Limited Phase 3 Data Recovery Program mitigation and all contract requirements as determined by the City in writing. A Limited Phase 3 Data Recovery Program Excavation Summary Letter outlining the successful completion of all mitigation excavations must be reviewed and approved by the City and City-retained archaeologist ~~All excavation and curation requirements must be met~~ prior to issuance of any Land Use Permit for grading, including ~~The Phase 3 excavation must be undertaken before~~ placement of fill over the low density artifact scatter. The Draft and Final Phase 3 Data Recovery Program Excavation Report including evidence of artifact curation, must be reviewed and approved by the City and City-retained archaeologist prior to issuance of occupancy for the residential structures. 7.9

Monitoring: The Phase 3 Data Recovery Program must be submitted for approval by the City and City-approved archaeologist before the applicant records a final map. City staff and the City-retained archaeologist must periodically site inspect to verify completion of the Phase 3 field work, and review and approve the Limited Phase 3 Data Recovery Program Excavation Summary Letter outlining the successful completion of all mitigation excavations prior to issuance of any Land Use Permit for grading. The City-retained archaeologist must review and approve the draft and final Phase 3 reports prior to issuance of occupancy for the residential structures. The applicant must provide the City with a letter from the UCSB Repository for Archaeological Collections indicating that all required materials have been accepted for curation prior to issuance of occupancy for the residential structures."

10. Pg. 159, Mitigation Measure CR-1(b)

Clarification is required to ensure nexus of protecting the archaeologically sensitive portions of CA-SBA-56 that include only the low density artifact scatter. The Final EIR must be revised as follows:

"Surface Preparation and Fill Soils within CA-SBA-56. Preparation of the ground surface and the placement of fill soils within the CA-SBA-56 low density artifact scatter boundary must adhere to the following requirements: 7.10

- Systematically collect all diagnostic artifacts on the ground surface;
- Eradicate weeds and annual ground cover by applying Roundup to the ground surface;
- Remove all organic material from the CA-SBA-56 low density artifact scatter boundary surface by hand (including brushing, raking, or use of power blower);
- Place a layer of Tensar geotextile grid ~~fabric~~ over all CA-SBA-56 low density artifact scatter boundary to receive fill;
- Use fill soils within 1 pH of that identified in the low density artifact scatter soils, as evaluated in the field prior to construction;

- Use a contrasting color or gradation for the lower six inches of fill soils, signaling to any future sub-surface activity (e.g., landscaping activity) that excavation shall not extend deeper;
- Place a minimum of 12 inches additional fill material, of soil and/or road base;
- Place the fill soils ahead of the loading equipment so that the machine does not have contact with the archaeological site surface.
- Moisten fill soils sufficient so that they are cohesive under the weight of the heavy equipment as the material is spread out over the archaeological site and buffer area."

7.10

11. Pg. 160, Mitigation Measure CR-1(c)

The intent of this mitigation measure is to ensure that all proposed soil disturbances within the CA-SBA-56 low density artifact scatter are limited to proposed protective fill soils, and will provide a 6-inch buffer from the existing grade. The following clarification will ensure this objective and will allow for much greater feasibility in monitoring the restriction in the field.

7.11

"**CR-1(c) Excavations within Low Density Artifact Scatter.** Excavations for all landscaping and recreational improvements within the low density artifact scatter cannot encroach within the initial six inches of fill placed on top of the geotextile grid and ~~of~~ the existing ground surface."

12. Pg. 160, Mitigation Measure CR-1(d)

This measure requires refinement to clarify three actions: 1) holding a Pre-Construction Meeting; 2) archaeological and Chumash observer monitoring of ground disturbances; and 3) a protocol to follow in the event that unexpected significant cultural resources are encountered during monitoring. The following clarification is required.

"**CR-1(d) Monitoring.** Before initiating any staging areas, vegetation clearing, or grading activity, the applicant and construction crew must meet on-site with a City-approved archaeologist and ~~appropriate~~ local Chumash consultant(s) and present the procedures to be followed in the unlikely event that potentially significant cultural artifacts are discovered ~~on site~~ during ground disturbances outside of the CA-SBA-56 low density artifact scatter. ~~If cultural resources of potential importance are uncovered during construction, the following must occur per the Goleta General Plan Open Space Policy 8.6:~~

~~a. The grading or excavation shall cease and the City shall be notified.~~
~~b. A qualified archeological shall prepare a report assessing the significance of the find and provide recommendations regarding appropriate disposition.~~
~~c. Ddisposition will be determined by the City in conjunction with the appropriate Chumash representatives.~~

7.12

A City-approved archaeologist and local Chumash consultant must monitor all ground-disturbing activities on the Project site, including surface vegetation removal and the Phase 3 Data Recovery Program. The monitor(s) must have the following authority:

1) The archaeological monitor(s) and Chumash monitor(s) must be on-site on a full-time basis during any earthmoving activities, including preparation of the area for capping, grading, trenching, vegetation removal, or other excavation activities. The monitors will continue their duties until it is determined through consultation with the applicant, City Planning and Environmental Review Director or designee, archaeological consultant, and Chumash consultant that monitoring is no longer warranted;

2) The monitor(s) may halt any activities impacting previously unidentified cultural resources and conduct an initial assessment of the resource(s) per the Goleta General Plan Open Space Policy 8.6

   a. The grading or excavation shall cease and the City shall be notified.
   b. The qualified archeological monitor shall prepare a report assessing the significance of the find and provide recommendations regarding appropriate treatment and disposition.
   c. Treatment and disposition will be determined by the City in conjunction with the appropriate Chumash representatives.

6) The monitor must prepare the artifact assemblage for curation with ~~an appropriate~~ professional, established curation facility (e.g., at this time the only two such artifact curation facilities are supported at UCSB and the Santa Barbara Museum of Natural History ~~or local Chumash facility~~) and include an inventory with the transfer of the collection; and"

7.12

13. Pg. 162, Impact CR-2

Description of the actions proposed to feasibly reduce impacts on the previously identified human burial within the low density artifact scatter must be precisely defined to ensure proper classification of the potential project impact to the heritage resource.

"As described above, an intact undisturbed human burial was identified ~~at~~ within the low density artifact scatter during systematic Extended Phase 1 archaeological testing in 1996. The ~~area in which~~ the human burial ~~was identified~~ is located within the proposed native plant landscape open space. Protective fill would be placed above the burial in such a manner to create ~~located in~~ undulating hummocks ~~topography~~, and would be located 25 feet from the nearest designated trail. The undulating topography, native plant landscaping, and distance from public trails would preclude ~~to avoid~~ future foot traffic over this particularly sensitive location."

7.13

14. Pg. 162, Impact CR-2

A meeting was hosted on July 25, 2016 by the Towbes Group to share with the local Chumash community proposed Project design elements directed at preserving significant archaeological and heritage resources. The meeting notice was sent to over 20 Chumash tribal representatives and individuals who had been invited to previous Heritage Ridge and Willow Springs II Project design discussions, as well as City of Goleta staff.

The meeting was attended by the Heritage Ridge Project Design Team, five representatives of the Barbareño Band of Chumash Indians (BBCI), who are individuals who trace their descendancy to Chumash living in villages at the time of missionization, and City of Goleta staff members Mary Chang and Stephanie Diaz. The objective of the meeting was to complement the efforts made by the City of Goleta to consult with local Chumash representatives who may have concerns regarding the manner in which the proposed Project addresses heritage values of the cultural resources within the low density artifact scatter.

The response from BBCI representatives during this meeting was favorable. Comments were made regarding the efforts to preserve the important heritage cultural resources by incorporating them in passive open space. Specific recommendations were made by BBCI members regarding the manner in which the landscape plan would highlight the sensitive heritage values within the proposed Open Space Area encompassing the CA-SBA-56 low density artifact scatter. The Chumash representatives were generally very supportive of the proposed Project's approach to preservation of these sensitive resources. 7.14

Discussion with the BBCI representatives also determined that the following measures can be feasibly incorporated as mitigation measures:

1. Ensure that the final landscape plan incorporates the appropriate treatment and of species within the immediate vicinity of the burial, so that the location is not conspicuously identified.

2. Placing a commemorative plaque or comparative monument along the passive recreational trail, away from the actual burial location, to enhance park visitors' respect and appreciation for Chumash heritage.

The Draft EIR concludes that "the Project's intent to permanently cap CA-SBA-56 would unavoidably alter the setting of the resource, causing a significant impact to the heritage value of this resource." This conclusion, however, is not based on any evidence provided by representatives of the local Chumash community. The conclusion fails to consider that the design elements proposed, including the protective soil cap, native landscaping, undulating topography, and establishing passive recreational trails over 25 feet away from the burial location all serve to enhance the integrity of the resource,

preclude public access, provide for the opportunity for local Chumash to visit the site, and enhance the community's appreciation of Chumash heritage.

It is critical to implement these viewpoints in the Final EIR and the classification of Impact CR-2, as provided below:

> "The heritage value of a resource is dependent on the values placed on the resource by culturally affiliated descendent communities. These values will vary based on the descendent community but may include the resource's ability to expand traditional knowledge, contribute to religious practices, or represent a sacred location. Other values placed on a resource may include aesthetic value, artistic value, or scientific/research value. Burial sites are ~~often~~ considered sacred to ~~traditional~~ the local Chumash community~~, including Native Americans~~. Descendent communities ~~may~~ view disturbances to a ~~known~~ burial(s) ~~site~~ as substantially diminishing the heritage value of the resource~~site~~. The City sent a certified letter on November 23, 2015 to a representative of the Coastal Band of the Chumash Nation pursuant to consultation under SB 18. The City made several attempts to contact the tribe and arrange a meeting regarding the Project and its potential effects on CA-SBA-56. The November letter requested a response from the tribe within 30 days (December 23, 2015) and no response was received during this period. However, a previous project (Willow Springs II) also had the potential to impact ~~site~~ CA-SBA-56 intermediate artifact scatter. During the Willow Springs II project, the Coastal Band of the Chumash Nation, ~~and~~ the Santa Ynez Band of Chumash Indians, and other unaffiliated Chumash tribal representatives stated that CA-SBA-56 was important to their heritage and that the integrity of CA-SBA-56, or lack thereof, does not does not affect the heritage value of a resource to the Chumash community (Envicom Corporation 2012). The Chumash community also stated during the Willow Springs II project, that a single reburied femur bone contained heritage value to their community (Envicom Corporation 2012). ~~Based, on these past consultation efforts, the Project's intent to permanently cap CA-SBA-56 would unavoidably alter the setting of the resource, causing a significant impact to the heritage value of this resource.~~
>
> The Heritage Ridge Project design team's supplemental efforts to consult with local Chumash tribal representatives and unaffiliated Chumash community members, and City of Goleta staff members Mary Chang and Stephanie Diaz on July 25, 2016 resulted in a discussion of the Project's design features to protect the previously identified burial and surrounding low artifact density scatter from direct ground disturbances as well as indirect human access. Chumash attendees representing the Barbareño Band of Chumash Indians (BBCI), who are individuals who trace their descendancy to Chumash living in villages at the time of missionization, were supportive of measures including placement of protective fill, native landscaping, and undulating topography intended to preclude future public access to areas in the vicinity of the burial.
>
> **Mitigation Measures.** The proposed Project's grading, landscaping, and open space design components, Mitigation Measures CR-1(a) through CR-1(f), and the following feasible measures resulting from discussion with local Chumash tribal representatives,

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would reduce the Project's impact on the ~~research~~ heritage value of this cultural resource. ~~However, the heritage value of CA-SBA-56 would be unavoidably impacted through alteration of the setting.~~

CR-2(a) **Landscape Plan Review.** The applicant must demonstrate that the Open Space Landscape Plan has been reviewed and approved by the local Chumash community to ensure appropriate treatment of heritage resources within the low density artifact scatter.

Plan Requirements and Timing: This requirement must be printed on the Final Open Space Landscape Plan. Confirmation that the local Chumash community was consulted and has approved the Final Open Space Landscape Plan must be submitted for any LUP for grading.

Monitoring: The Planning and Environmental Review Director, or designee, must receive evidence of the local Chumash community's approval of the Final Open Space Landscape Plan to verify compliance with this measure.

CR-2(b) **Chumash Heritage Monument.** The applicant must incorporate a monument placed adjacent to the Open Space passive recreational trail to highlight the Chumash heritage of the Project area. A Chumash Heritage Monument Plan must be reviewed and approved by representatives of the local Chumash community.

Plan Requirements and Timing: This requirement must be printed on all plans submitted for any LUP for grading. Confirmation that the local Chumash community was consulted and has approved the Chumash Heritage Monument Plan must be submitted for any LUP for grading.

Monitoring: The Planning and Environmental Review Director, or designee, must receive evidence of the local Chumash community's approval of the Chumash Heritage Monument Plan to verify compliance with this measure.

Residual Impact. The proposed Project's grading, landscaping, and open space design components would feasibly avoid all direct (ground disturbances) and indirect (increase in public access) impacts heritage value of the ~~,Because of the direct impacts to a Native American site with a known~~ human burial and surrounding low density artifact scatter. ~~, there is a potential to impact the heritage value of this known resource~~. The local Chumash community representative's general support for the proposed protective design components as expressed during the meeting on July 25, 2016, in addition to measures CR-2(a) and CR-2(b) resulting from that discussion, indicates that potential impacts to the heritage value associated with the human burial and surrounding low density artifact scatter may be reduced to significant but feasibly reduced to less than significant (Class II).

7.14

Therefore, residual Impact CR-2 would be reduced to potentially significant but feasibly reduced to less than significant (Class II). ~~and unavoidable."~~

7.14

15. Pg. 164, Cumulative Impacts

The cumulative impact discussion must be revised to be consistent with guidance provided in CEQA Guidelines Section 15130(a)(3), Discussion of Cumulative Impacts:

> "An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable."

It is correct that CA-SBA-56 has been subject to significant, incremental direct (ground disturbances) and indirect (placement of fill, loss of research access) impacts. The incremental impact of past, present, and reasonably probable projects on CA-SBA-56 is cumulatively considerable, or significant. However, all potential proposed Project direct impacts to the CA-SBA-56 low density artifact scatter have been avoided by placement of this area in open space, and covered with protective fill. Indirect impacts from loss of research impacts are feasibly mitigated by Mitigation Measure CR-1(a), Limited Phase 3 Data Recovery. Impacts to heritage values are addressed by the placement of protective fill, native landscaping, topography discouraging future public access, and review/approval of the Project's Open Space Landscape Plan and Chumash Heritage Monument Plan by the local Chumash community.

7.15

These feasible mitigation measures and proposed design components demonstrate that "the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact," as defined in CEQA Guidelines Section 15130 (a)(3). Therefore, the following DEIR revisions are necessary:

> "CA-SBA-56 has been subject to previous impacts resulting from the development of the Willow Springs I and Willow Springs II projects. While environmental review of these previous projects determined that impacts to this resource were reduced to a less than significance level through mitigation, the cumulative impact to the heritage value of CA-SBA-56 as a whole is potentially significant. Pursuant to CEQA Guidelines § 15355, cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. As discussed above, the ~~Project's~~ past, present, and reasonably probable impacts to cultural resources related to CA-SB-56, including the Heritage Ridge Project, would be cumulatively considerable and significant ~~and unavoidable.~~ However, all potential direct impacts to the CA-SBA-56 low density artifact scatter have been avoided by placement of this area in open space, and covering it with protective fill. Indirect impacts from loss of research impacts are feasibly

mitigated by Mitigation Measure CR-1(a), Limited Phase 3 Data Recovery. Impacts to heritage values are addressed by the placement of protective fill, native landscaping, topography discouraging future public access, and review/approval of the project's Open Space Landscape Plan and Chumash Heritage Monument Plan by the local Chumash community.

These feasible mitigation measures and proposed design components demonstrate that "the proposed project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact," as defined in CEQA Guidelines Section 15130 (a)(3). Therefore, the Project's contribution to cumulative cultural resource impacts would be rendered less than cumulatively considerable. ~~significant and unavoidable.~~"

7.15

Sincerely yours,

David Stone

David Stone, M.A., RPA
Cultural Resources Manager

cc: Michael Towbes, Craig Minus, Linda Blackbern; The Towbes Group
Steve Forte, SEPPS

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

August 8, 2016

Mary Chang or Stephanie Diaz, Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
sdiaz@cityofgoleta.org

Dear Ms. Chang and Ms. Diaz:

HERITAGE RIDGE RESIDENTIAL PROJECT (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2015041014

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability for a DEIR from the City of Goleta (City), Lead Agency for the proposed Heritage Ridge Residential Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding Project-related activities that may affect California fish and wildlife. The CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

8.1

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

PROJECT DESCRIPTION SUMMARY

Proponent :
Michael Towbes
The Towbes Group
21 E. Victoria Street, Suite 200
Santa Barbara, CA 93101

Project Proposed: The proposed Project would develop 360 housing units and two-acres for a neighborhood park on a 17.36 acres parcel adjacent to the Los Carneros Wetlands. Project-related activities would also impact a City-designated Environmentally Sensitive Habitat Area (ESHA). The Project involves a Vesting Tentative Map to merge 13 existing lots into two lots for residential use and one lot for a two-acre public park.

Location: The Project site is currently vacant and located north of Camino Vista and east of S. Los Carneros Road within the City of Goleta in Santa Barbara County. The site encompasses 17.36 gross acres (16.2 net acres). The net developable area is 14.24 acres which excludes 3.12 acres within the archaeological constraint area. The site is currently comprised of lots 1 through 13 on the City of Goleta Tract map. The Union Pacific Railroad tracks are located approximately 50 feet from the site's northern property line. The U.S. Highway 101 (U.S. 101) southbound freeway on-ramp from S. Los Carneros Road is immediately north of the railroad tracks, which is approximately 160 feet from the sites' northern property line. A residential development with 465 residential units is currently under construction on a formerly vacant site west of S. Los Carneros Road. To the east of the Project site, industrial businesses are located along Aero Camino. Across Camino Vista to the south of the Project site are 335 multi-family residential units (Willow Springs I and II) previously constructed and currently managed by the Project applicant.

8.1

Timeframe: None Provided in City DEIR.

COMMENTS AND RECOMMENDATIONS

CDFW offers comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. In addition, CDFW has identified several concerns not addressed that impact the adjacent Los Carneros Wetlands. Editorial comments or other suggestions are also included below in Section V. The potential for the Project to have a significant impact on biological resources, and the absence of sufficient information provided in the DEIR, do not demonstrate how the proposed alternatives provided would avoid, reduce, and minimize impacts. Additionally, the proposed mitigation is substantially insufficient to fully offset Project-related impacts. CDFW has concluded that the circulated DEIR failed to incorporate an Alternative appropriate to avoid, reduce, and minimize, Project-related impacts. Most noteworthy, the DEIR does not propose mitigation for the Project to mitigate Project-related impacts to less than significant.

I. Project Description and Related Impact Shortcoming

As proposed, the Project would interfere significantly with movement of native resident wildlife species and migratory wildlife species. Several native reptiles, insects (including a tarantula hawk, (*Pepsis fabricius*)), several small mammals, small mammal signs, and as many as 13 different bird species were observed on the Project site. It is reasonable to presume many of these animals have been thriving in this isolated habitat area and have established local resident populations. Friedland

8.2

(2002) suggested migratory wildlife corridors are becoming less passable and less available in the Goleta Slough Basin; fencing, new developments, new roads, and road improvements have only further impeded distribution of wildlife by eliminating corridors and creating impassable barriers. Due to the nature of the isolated habitat on the Project site having been fenced for several years, and the extreme value of the habitat for several entrained native species of wildlife and plant species, protection is vitally important (Friedland, 2002).

A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage concerns are mentioned in the DEIR. However, no substantial mitigation, or descriptions provided in the DEIR, are sufficient to allow full evaluation of the proposed impacts and if the suggested mitigation reduces Project-related impacts to a level of insignificance. The DEIR should address Project-related changes to drainage patterns downstream of the Project site. These changes in drainage patterns should be described evaluating the following CDFW- recommended parameters of Project-related impacts, as stated in the DEIR (DEIR Section 4.8, 2016, pp. 213-228):

1) the volume of flows anticipated;
2) the velocity of flows and if dissipaters will be required to prevent siltation and turbidity concerns in the Los Carneros Wetlands;
3) the frequency of existing and post-project surface flows;
4) where post-project runoff will be directed, and whether polluted runoff would be directed into the Los Carneros Wetlands, a designated ESHA; and,
5) how soil erosion and/or sedimentation in streams and water bodies will be prevented.

8.2

Specifically, as it relates to water transference from the Project-site to the Los Carneros Wetlands, the DEIR identified the Los Carneros Wetlands as a filtration and retention basin for all water and impervious flows, polluted or otherwise; this is a significant impact without mitigation. The DEIR should also address the proximity of the extraction of previously placed fill within the Project site and redistribution of fill materials during grading activities. The DEIR does not address if these activities might result in pooling water resulted from impacting the water table. This potential significant impact should be analyzed under the DEIR and what strategies would be implemented if dewatering, or actively pumping water, becomes necessary. The potential resulting loss of groundwater could have a substantial impact on the Los Carneros Wetlands and associated Riparian Habitat, supported by groundwater. Mitigation measures proposed to alleviate such impacts included in the DEIR are either insufficient to avoid, reduce, minimize, or mitigate to Project-related impacts to a level of insignificance, or have been identified by the City as not considered significant, in the DEIR (DEIR, 2016, Section 4.15, pp. 349-352).

COMMENT # 1:

Section # 4.3, Page # 128

Issue: The Project site is identified as an important habitat linkage between the Santa Ynez Mountain foothills and the Los Carneros Wetland for many animal species, such as: reptiles- California gopher snake (*Pituophis melanoleucus*); California king snake (*Lampropeltis getula californiae*); and silvery legless lizards (*Anniella pulchra*). Small mammals, such as: raccoons (*Procyon lotor*); striped skunk (*Mephitis mephitis*); brush rabbits (*Sylvilagus bachmani*); and opossums (*Didelphimorphia* spp.). Medium sized mammals, such as coyote (*Canis latrans*) and bobcat (*Lynx rufus*); in addition to dozens of passerine and raptor species. The species listed are not meant as an exclusive listing of wildlife using these open space areas (wetlands and foothills) to hunt, seek shelter, breed, and conduct other normal behaviors important to their survival, especially

8.3

within the wilderness-urban interface. Linkage priority values include raptor foraging habitat, including for the fully protected white-tailed kite (*Elanus leucurus*).

Specific impact: The proposed Project would remove 17 acres of habitat that overlaps with documented wildlife linkages. The proposed Project, built as proposed and with associated infrastructure would, essentially, permanently impact the use of the identified linkage associated with the proposed Project. .

Why impact would occur: The completed Project would contain numerous barriers to movement across the Project site and would discontinue any functional wildlife habitat that assists wildlife in hiding, resting, and avoiding barriers to movement. A barrier to movement would include the introduction of domestic pets; by means of direct predation, injury, or harm.

Evidence impact would be significant: Removal of the wildlife habitat linkage as a result of the proposed Project could have a significant negative impact to the function of the Los Carneros Wetland as a resource and the ability of wildlife accustomed to access of this vitally important habitat resource.

Recommended Potentially Feasible Mitigation Measures

Mitigation Measure # 1:

To reduce impacts to less than significant: A larger movement corridor than what is proposed as mitigation for Project-related impacts to wildlife crossings and corridors would be necessary to maintain linkage function. A complete, recent assessment of rare, threatened, and endangered, and other sensitive species on site, and within the area of potential effect, including California Species of Special Concern (CSSC), and California Fully Protected Species (Fish and Game Code § 3511), such as white-tailed kite, should be addressed to include all those CSSC species which meet the CEQA definition (see CEQA Guidelines § 15380). Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and/or the U.S. Fish and Wildlife Service, as applicable.

8.3

Mitigation Measure # 2:

To reduce impacts to less than significant: A discussion regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands, such as the Los Carneros Wetlands ESHA, should be included in the DEIR. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR. Mitigation measures designed to reduce significant impacts to less than significant should be presented.

II. Environmental Setting and Related Impact Shortcoming

COMMENT # 2:

Section # 4.3, Page # 117

Issue: The Project site contains a City mapped Coastal Sage Scrub ESHA and is adjacent to City mapped Wetland ESHA (Los Carneros Wetland) and City mapped Stream Protection Area (SPA). The Project has the potential for significant adverse effects on sensitive natural plant community's identified in local or regional plans, policies, regulations, or by CDFW.

Specific impact: The Project would eliminate Coastal Sage Scrub ESHA and indirectly impact the Los Carneros Wetland ESHA and could encroach within the City-required 100-foot SPA buffer (Los Carneros Creek).

Why impact would occur: To implement the Project, as currently proposed, sensitive regionally and locally unique species, and sensitive habitats, would be permanently removed. The DEIR does not sufficiently evaluate how the loss of the Project site northwest of the Los Carneros Wetlands and Riparian area would be affected.

Evidence impact would be significant: Elimination of the 17.6 acres of Coastal Scrub ESHA represents a significant percentage of the Coastal Scrub ESHA mapped by the City. It is recommended that the City have a new biological assessment conducted of the proposed project site. The CDFW observed a plant community comprised of quail bush (*Atriplex lentiformis**)*** and coyote brush (*Baccharis pilularis**)***. *This plant* community has been described as Lucian Coastal Sage Scrub, recognized by CDFW as a sensitive and rare plant community. Additionally, a scrubby plant alliance that occurs onsite comprised of salt bush (*Atriplex* sp.); bush mallow (*Malacothamnus fascicularis*); telegraph weed (*Heterotheca grandiflora*); mugwort (*Artemisia douglasiana)*, slender fescue (*Festuca myrurosa*); and California brittle bush (*Encelia californica*); willow (*Salix* spp.); and mulefat (*Baccharis salicifolia*). 8.4

Recommended Potentially Feasible Mitigation Measures
Mitigation Measure # 1:

To reduce impacts to less than significant: Design the Project to avoid onsite ESHA and to minimize impacts to offsite ESHA (see above on movement linkages). Require the Project to avoid significant dense patches of sensitive and rare plants onsite. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see Native Plants and Natural Communities; https://www.wildlife.ca.gov/Conservation/Plants), should be conducted. Information on the regional setting is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

Mitigation Measure # 2:

To reduce impacts to less than significant: Conduct a recent Floristic, alliance-and/or association-based mapping and vegetation impact assessments at the Project site and within the neighboring vicinity. Evans (2009) *Identification and mapping of rare plant communities* is recommended for mapping an isolated area for unique and rare plants. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts

offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions. Also, the CDFW website, with regard to Natural Communities can provide guidance for surveying and mapping sensitive and rare plant communities: https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities/List. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts. The CDFW considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 should be considered sensitive and declining at the local and regional level.

8.4

Wildlife and rare plant surveys should meet CDFWs timeline for approved assessments, to qualify as recent. The CDFW generally considers biological field assessments for animal species to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT # 3:

Section # 4.8, Page # 218

Issue: The loss of function and value of wetlands has not been sufficiently mitigated, as currently proposed in the DEIR.

Specific impact: Wetlands resources, as described in Fish & Game Code section 703(a), are guided by the Fish and Game Commission's policies. The Wetlands Resources policy (http://www.fgc.ca.gov/policy/p4misc.aspx#WETLANDS) of the Fish and Game Commission "…seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion which would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values". The Fish and Game Commission's Water policy guides CDFW to ensure the quantity and quality of the waters of this state should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state, and prevent the degradation thereof caused by pollution and contamination; and endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife.

8.5

Why impact would occur: To develop the Project as proposed, the entire site would be graded and all onsite resources permanently removed. Cryobiotic crusts, indicative of wetlands, were observed onsite.

Evidence impact would be significant: All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to onsite and offsite wildlife and plant populations. The Wetlands Resources policy provides a framework for maintaining wetland

resources and establishes mitigation guidance. The CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands, which may have occurred on the Heritage Ridge Residential Project, as cryobiotic crust and arid soils were visually easily identified. The CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the project should include mitigation measures to assure a "no net loss" of either wetland habitat values or acreage. Conversion of wetlands and watercourses includes, but is not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed.

8.5

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # 1:

To reduce impacts to less than significant: A more detailed analyses of the proposed Project's Storm Water Pollution and Prevention Plan needs to be conducted, with the primary purpose to prevent polluted waters from impervious surfaces from entering the Los Carneros Wetlands. Any other identified run-off and water management activities that are designed for water to be directed to adjacent drop-drains and storm water gutters needs to be significantly robust to avoid, reduce, and minimize any potential impacts to the Los Carneros Wetlands. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible.

IV. **Closely Related Past, Present, and Reasonably Foreseeable Probable Future Projects**

COMMENT # 4:

Section # 4.3, Page # 147

Issue: The current DEIR insufficiently describes the Project site baseline assessment which currently provides 17 acres of raptor foraging habitat (RFH), potentially including overlapping mapped foraging habitat for the fully protected white-tailed kite (*Elanus leucurus*). In addition, bush mallow and quail bush observed by CDFW staff on-site are closely related to foraging and nesting for the State Endangered Belding's savanah sparrow (*Passerculus sandwichensis beldingi*). A cumulative effects analysis, as described under CEQA Guidelines section 15130, should fully investigate and analyze general and specific plans, as well as past, present, and anticipated future projects, relative to their impacts on similar plant communities and wildlife habitats.

8.6

Specific impact: The Project would remove 17 acres of RFH. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts. The CDFW considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included Sawyer and Keeler-Wolf's (1998) *A Manual of California Vegetation*.

Why impact would occur: The Project would remove approximately 17 acres of non-native grassland and coastal scrub, which supports a small mammal prey base representing RFH, which in turn supports nearby nesting sites; and has the potential to affect habitat for Belding's savanah sparrow.

Evidence impact would be significant: Other projects in the City coverage are under construction, or proposed, in addition to the Project, would remove approximately 265 acres of open space that could be used by raptors for foraging. These losses are significant and constitute a significant cumulative impact, as defined in CEQA Guidelines §§15065 (a) (3) and 15355. The CDFW is concerned the cumulative effects on raptor species from the projects listed in Table 1 of the DEIR are considerable, as defined in CEQA Guidelines §§15065 (a)(3) and 15355, and that the Project's incremental effect on RFH may be "cumulatively considerable". Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The cumulative effects of development projects on white-tailed kite populations in the City have resulted in what has been described as a "trajectory of decline" (Mark Homgren, pers. comm.). The symptoms of the progressive decline in the local population of white-tailed kite include the loss of ample foraging areas and loss of connections among open space areas which allow free immigration, emigration, and dispersal (Mark Homgren, pers. comm.).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # 1:

To reduce impacts to less than significant: CDFW finds the significant cumulative impact to raptor foraging habitat has not been sufficiently evaluated under the DEIR to fully offset Project-related impacts. An example of feasible mitigation for this impact would be the off-site protection of intact raptor foraging habitat within the City, such as the land north of Highway 101 between North Los Carneros Road and Glen Annie Road. Land such as this could be protected in perpetuity through the establishment of a conservation easement or acquisition of fee title. To adequately mitigate the loss of 17 acres of raptor foraging habitat, the size of the compensatory mitigation parcel should be calculated by assessing the value of the Project site raptor foraging habitat, in relation to the local raptor population, but in no case should the parcel be smaller than 17 acres.

Mitigation Measure # 2:

To reduce impacts to less than significant: The CDFW recommends a survey for Belding's savanah sparrow be conducted by biologists determined to be qualified by CDFW. Survey results should be submitted to CDFW for review and comment.

8.6

V. Editorial Comments and/or Suggestions

The City should provide thorough discussion, and sufficient mitigation, to fully offset direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the proposed Project. Specific avoidance measures and mitigation are not sufficiently or adequately addressed and described in the DEIR: The impacts related to zoning of areas for development projects, or other uses nearby or adjacent to natural areas, which may inadvertently contribute to wildlife-human interactions has not been addressed in the DEIR. A discussion of possible wildlife-human conflicts and mitigation measures to reduce the potential for wildlife-human conflicts should be included in the environmental document.

8.7

The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of

project impacts. In circumstances where unavoidable significant impacts occurring onsite a discussion in the DEIR should emphasize how the significance can be minimized followed by what proposed mitigation will be required to offset any residual significant impact . A habitat restoration or enhancement plan should be discussed in detail in the DEIR. The landscaping plan presented in the DEIR is of little value to wildlife. Onsite mitigation is not feasible, or would not be biologically viable; consequently, the loss of biological functions and values cannot be adequately mitigated, however, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity could be pursued, in adequate proportions, to mitigate Project-related impacts. 8.7

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp. 8.8

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources.

Due to the issues raised during CDFW's analyses of the DEIR, it is unlikely that the City has the basis to approve the project, or make "findings" as required by CEQA, unless the environmental document is modified to eliminate and/or mitigate significant direct/indirect Project-related impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092). The DEIR is substantially lacking in proposed mitigation to fully offset impacts to sensitive plant and wildlife communities observed in the proposed Project footprint. Specifically, the City has provided no reasonable alternatives that could avoid, reduce, or minimize impacts to less than significant with mitigation, and allow a substantially modified Project to move forward. CDFW concludes there are feasible alternatives or mitigation measures which would substantially lessen significant impacts to biological resources that were not adopted, and the City therefore would be required to revise and re-circulate the DEIR, as discussed in CEQA Guidelines §15088.5 (a)(3). 8.9

Questions regarding this letter or further coordination should be directed to Ms. Jamie Jackson, Senior Environmental Scientist, Specialist, at 805-382-6906 or jamie.jackson@wildlife.ca.gov.

Sincerely,

for
Betty Courtney
Environmental Program Manager I

ec: Christine Found-Jackson, CDFW , Westlake Village
Mary Meyer, CDFW, Carpinteria
Jamie Jackson, CDFW, Oxnard

Roger Root at FWS (U.S. Fish and Wildlife Service)
Ventura Office
roger_root@fws.gov

Scott Morgan (State Clearinghouse)

REFERENCES

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Letter 9

Ms. Mary Chang, Supervising Senior Planner
Ms. Stephanie Diaz, Contract Planner
City of Goleta
Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Draft Environmental Impact Report, Section 4.4 Cultural Resources
Heritage Ridge Project (14-049-GPA; 14-049-VTM; 14-049-DP)
City of Goleta, California

The Barbareño Band of Chumash Indians appreciated the opportunity to meet with you on July 25, 2016. The families who form the BBCI are the people whose ancestors traditionally inhabited coastal Santa Barbara County and parts of the back country. The families comprising the BBCI have long been recognized by the community at large as being the legitimate descendants of the original indigenous peoples of the Santa Barbara region. The Barbareño Band of Chumash Indians is composed entirely of families of documented Barbareño Chumash descendants who have continuously existed as a community in the Santa Barbara area from the time of first Spanish contact until the present day. This letter is written on behalf of 300 Barbareño Chumash voices who can trace their ancestry to villages located throughout the City of Goleta.

We respectfully offer the following comments regarding the above referenced project:

1. **Page 160, Page 159, Page 162, Page 158**
   Comment: Throughout the document the terms, Chumash observer, Chumash monitor, Chumash representative and Chumash consultant are used. For the sake of clarification, is this meaning one in the same or referring to different job tasks performed by different people? 9.1
2. **Impact CR-2, Page 163**
   The heritage value of a resource is dependent on the values placed on the resource by culturally affiliated descendent communities…During the Willow Springs II project, the Coastal Band of the Chumash Nation and the Santa Ynez Band of Chumash Indians stated that CA- SBA-56 was important to their heritage… 9.2
   Comment: While the Coastal band of the Chumash Nation and Santa Ynez Band of Chumash Indians have their statement recorded with regard to CA-SBA-56, it is important for the Barbareño Band of Chumash Indians (BBCI) to interject our concerns and need for clarification. The BBCI are the documented descendent community and this justifies our input to the heritage value of this land. In particular, BBCI needs clarification on the following statements:
   A. "Based, on these past consultation efforts, the Project's intent to permanently cap CA-SBA-56 would unavoidably alter the setting of the resource, causing a significant impact to the heritage value of this resource.

B. In the paragraph of Mitigation Measures- "However, the heritage value of CA-SBA-56 would be unavoidably impacted through alteration of the setting."

9.2

3. **CR-1(b) Surface Preparation and Fill Soils, within CA-SBA-56, Page 159**
   Comment: The plan set out to identify surface preparation and fill soils within CA-SBA-56 did not formally cite if there was to be high or low impact activity on surface preparation. Will there be high or low impact activity on surface preparation and how will each activity impact the site?

9.3

4. **Impact CR-2, Page 162**
   The project would result in a permanent reduction in the heritage value associated with a known undisturbed human burial site located at low density artifact scatter. This would be a Class I, significant and unavoidable impact [Threshold 4]
   Comment: We, as the Chumash people, recognize the area of CR-2 containing the highest cultural impact. We also understand that this will also have significant impact during this construction. We request that all final landscape plans are reviewed and approved by the BBCI. Taking this highest cultural value into account, we request that the design of the native gardens covering this area come under the approval and discretion of the Barbareño Band of the Chumash Indians (BBCI). Also, it must be noted that the usage of native plants requires specific conditioned soil, which will allow these plants to thrive in our microclimate. We also request that instead of the ceremonial circle, a boulder is placed with a plaque to honor our ancestors, sacred ground, and the sacred space. We believe these solutions and mitigations would reduce impact.

9.4

5. **C. Native American Scoping, Page 154**
   A. Revision: ~~Along with other contemporary Chumash, they consider all prehistoric archaeological sites to be important heritage resources.~~
   We request the EIR be changed to reflect:
   The Barbareño Band of Chumash Indians (BBCI) along with other contemporary Chumash considers all prehistoric archaeological sites to be important heritage resources.
   B. Revision: ~~Contemporary Chumash in many cases consider that the integrity or intactness of archaeological deposits does not affect their heritage significance.~~
   We request the EIR be changed to reflect:
   The Barbareño Band of Chumash Indians (BBCI) and other contemporary Chumash in many cases consider that the integrity or intactness of archaeological deposits does not affect their heritage significance.

   C. For the sake of inclusivity – please note that section C (Native American Scoping) would need additional revisions to reflect current involvement of the BBCI and our active participation in this project.

   Comment: It must be noted that the Barbareño Band of Chumash Indians (BBCI) is a separate group from the Coastal Band of the Chumash Nation. We are a highly responsive group and active in our community and have only recently been

9.5

made aware of this project. Upon contact, with regard to this project, we have had meetings and correspondence to the ongoing drafts and design.

9.5

In closing, the BBCI continues to carry on the stewardship of the sacred space and sacred land as our Chumash ancestors did for thousands of years. Our purpose is to preserve, protect, and enhance the cultural value of lands important to our ancestors. It was our ancestors who created a special way of life and understood the importance to protect our Chumash homeland for their survival.

Our vision is to build a working relationship with the City of Goleta that will lead to positive solutions concerning the impact that projects will have on our homeland. We would like to comment that we have only recently been made aware of this project. We recognize there are concerns in the Draft EIR that are not addressed in this letter, but due to time constraints we were limited to listing only the concerns stated above. Moving forward, we wish to be included on the master distribution list for any projects that affect cultural resources. Moreover, we would like all final plans reviewed and approved by us. We look forward to future dialogue. Please feel free to contact us anytime with questions or concerns.

9.6

Thank you for your time.

Sylvia Regalado, Chairwoman
Barbara Lopez, Councilmember
Sharon Ebel, Councilmember

Barbareño Band of Chumash Indians

Letter 10

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

August 9, 2016

RECEIVED
AUG 16 2016
City of Goleta
Planning & Environmental Svcs.

Mary Chang
City of Goleta
130 Cremona Drive, Suite 103 B
Goleta, CA 93110

Subject: Heritage Ridge Residential Project
SCH#: 2015041014

Dear Mary Chang:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 28, 2016. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2015041014) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
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Letter 11

THE TOWBES GROUP, INC.
Real Estate | Investment | Development | Construction | Property Management

Celebrating 60 Years Since 1956

September 16, 2016

Ms. Jennifer Carman, Director
Planning and Environmental Review Department
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: Agency Response to Heritage Ridge DEIR
Case Number 14-049-GPA-VTM-DP-CUP
Heritage Ridge (APN 073-060-031 through -043)

Dear Ms. Carman:

On August 1, 2016 we submitted our comments on the Heritage Ridge residential project DEIR based on it and the comments received prior to that date. However, the City received comment letters on or after August 1 from the Barbareno Band of Chumash Indians, the California Department of Fish and Wildlife and the Santa Barbara Air Pollution Control District, so we did not have an opportunity to comment on those. We are therefore submitting comment letters solely on those three above-mentioned entities because we believe our consultants' comments will be helpful in the preparation of the Final EIR for Heritage Ridge.

We request the opportunity to meet with staff as soon as possible to walk through these letters, explain these responses and answer any questions staff may have. While we would like Rincon to be included in the meeting, we have been advised by staff that Rincon will not be attending. 11.1

Thank you for your consideration.

Sincerely yours,

MICHAEL TOWBES

/bjr

Enclosures

- Letter from David Stone of Dudek dated September 9, 2016 in response to BBCI
- Letter from David Stone of Dudek dated September 14, 2016 in response to SBAPCD
- Letter from John Davis of Dudek dated September 15, 2016 in response to DF&W

21 East Victoria Street, Suite 200, Santa Barbara, CA • 93101 • Telephone (805) 962-2121 • Fax (805) 568-1412
Mailing Address: P.O. Box 20130 Santa Barbara, CA • 93120-0130

cc. Lisa Prasse, Current Planning Manager
Mary Chang, Supervising Senior Planner
Stephanie Diaz, Contract Planner
Craig Zimmerman, The Towbes Group
Craig Minus, The Towbes Group
Linda Blackbern, The Towbes Group
David Stone, Dudek
John Davis, Dudek
Peter Brown, BFHS

11.1

Letter 12

DUDEK
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September 9, 2016

Ms. Mary Chang, Supervising Senior Planner
Ms. Stephanie Diaz, Contract Planner
City of Goleta
Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Draft Environmental Impact Report, Section 4.4 Cultural Resources Response to Comments
Heritage Ridge Project (14-049-GPA; 14-049-VTM; 14-049-DP)
City of Goleta, California

Dear Ms. Chang and Ms. Diaz:

The following elaborates on comments I provided previously (August 1, 2016) regarding the adequacy of the Heritage Ridge Project Draft Environmental Impact Report (DEIR) Section 4.4, Cultural Resources, and the DEIR comment letter submitted by the Barbareño Band of Chumash Indians (BBCI) (No Date, 2016). The purpose of this letter is to demonstrate further, in consideration of the BBCI comment letter, that the Revised Final EIR Impact CR-2 is appropriately designated significant, but feasibly mitigated to less than significant (Class II). 12.1

The BBCI letter (Comment 2. Impact CR-2, 163) requests clarification on two DEIR determinations made on the basis of consultation with members of the Chumash community during assessment of the Willow Springs II project. As stated in the Draft EIR:

> "The heritage value of a resource is dependent on the values placed on the resource by culturally affiliated descendent communities…During the Willow Springs II project, the Coastal Band of the Chumash Nation and the Santa Ynez Band of Chumash Indians stated that CA- SBA-56 was important to their heritage…
>
> A. Based on these past consultation efforts, the Project's intent to permanently cap CA-SBA-56 would unavoidably alter the setting of the resource, causing a significant impact to the heritage value of this resource.
>
> B. In the paragraph of Mitigation Measures- "However, the heritage value of CA-SBA-56 would be unavoidably impacted through alteration of the setting."

12.2

The point made in these statements is that the Draft EIR has determined that Impact CR-2 would be unavoidable, based on past consultations that are not associated with the current Heritage Ridge project. The BBCI letter states that their statements

represent 300 Barbareño Chumash individuals who can trace their ancestry to ethnohistoric villages located throughout the City of Goleta.

Therefore, the statements made in the BBCI letter regarding Heritage Ridge project impacts to cultural resources and heritage concerns are most relevant to the determination of Heritage Ridge EIR impacts. This is particularly true in that these statements made on the part of local Chumash descendants are the only input that has been received by the City of Goleta during the environmental review of this project. 12.2

The BBCI Letter Comment 3 [CR-1(b) Surface Preparation and Fill Soils, within CA-SBA-56, Page 159] requests clarity relative to the proposed surface preparation and placement of fill soils within the low artifact density scatter of CA-SBA-56. I have clarifies the DEIR text relative to this project component in my August 1 Comment Letter, No. 7. Relevant text from my letter is repeated below.

7. Pg. 157, Paragraph 4 and 5 Impact CR-1

It is critical to specify that placement of protective fill soils on top of geotextile fabric is only required to mitigate significant impacts on cultural resources within the "low density artifact scatter" and 50-foot buffer extending from that boundary within CA-SBA-56, and not the peripheral "low-lying area." The following FEIR revisions are requested.

> "Proposed grading activities on the Project site have been designed to avoid disturbance of the low density artifact scatter (refer to Section 2.5.3 of the *Project Description*), which is a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5(a)(3). To prevent disturbance of the soil, existing vegetation within the ~~boundary of~~ CA-SBA-56 low density artifact scatter is proposed to be removed by hand, remaining root balls and masses would be sprayed with a topical herbicide to ensure no further growth, and the resulting dead masses of vegetation would be left in place. A geotextile tensar fabric (Tensar BX1200 or equivalent) would be placed on top of the existing ground surface within the CA-SBA-56 low density artifact scatter to reduce the force of compaction from overlying fill soils and redistribute the compaction load force over a wider area, thereby minimizing the disturbance of friable cultural remains such as shellfish and animal bone. No remedial grading, subgrade preparation or scarification would occur prior to placement of the geotextile fabric in these sensitive portions of CA-SBA-56. Then the CA-SBA-56 ~~site~~ low density artifact scatter ~~and a 50-foot buffer~~ would be covered in a minimum of two feet of protective fill soil to prevent direct impacts to archaeological resources. These fill soils would be spread from the outside in no greater than eight-inch lifts with rubber-tired equipment, such that equipment only operates on top of the fill soils. This protocol would follow the previously approved measures implemented in the protection of CA-SBA-56's intermediate artifact scatter resources within the Willow Springs II project." 12.3

> "The Project has also been designed to avoid physical disturbance of the low density artifact scatter. ~~A two-acre public park would be located over this area in the south-central portion of the site, while proposed buildings would be placed away from the archaeological site to the southwest, north, and east.~~ All proposed features above the low density artifact scatter, including a two-acre park ~~including~~ with landscaping, irrigation, a decomposed granite trail, a permeable concrete parking area, a picnic area, and a lodgepole perimeter fence~~,~~ would be placed on top of fill soils and would not require disturbance of the existing ground surface. All proposed residential buildings and drainage improvements would be placed ~~away from~~ outside and southwest, north, and east of the low density artifact scatter. Therefore, the Project would not have direct impacts on significant archaeological resources ~~at~~ within the low density artifact scatter."

As noted above, the proposed project specifications for placement of fill within the low artifact density scatter, the portion of CA-SBA-56 that represents prehistoric Chumash occupation, would not require any disturbance to surface of the archaeological deposit. All activities associated with preparation of fill placement would be monitored by a City-qualified archaeologist and local Chumash observer to ensure that this non-invasive protocol is implemented. 12.3

In addition, in my August 1 letter I have requested that the DEIR text be revised to clarify the fact that all proposed soil disturbances within the CA-SBA-56 low density artifact scatter will be limited to fill soils placed on top of the significant cultural deposit.

10. Pg. 160, Mitigation Measure CR-1(c)

> The intent of this mitigation measure is to ensure that all proposed soil disturbances within the CA-SBA-56 low density artifact scatter are limited to proposed protective fill soils, and will provide a 6-inch buffer from the existing grade. The following clarification will ensure this objective and will allow for much greater feasibility in monitoring the restriction in the field.
>
> **CR-1(c) Excavations within Low Density Artifact Scatter.** Excavations for all landscaping and recreational improvements within the low density artifact scatter cannot encroach within the initial six inches of fill placed on top of the geotextile grid and ~~of~~ the existing ground surface.

The BBCI Letter Comment 4 [Impact CR-2, Page 162] explains the manner in which construction activities have the potential to significantly impact the heritage value of the low density artifact scatter area. Their letter states, 12.4

> "We, as the Chumash people, recognize the area of CR-2 containing the highest cultural impact. We also understand that this will also have significant impact during this construction. We request that all final landscape plans are reviewed and approved by the BBCI. Taking this highest cultural value into account, we request that the

> design of the native gardens covering this area come under the approval and discretion of the Barbareño Band of the Chumash Indians (BBCI). Also, it must be noted that the usage of native plants requires specific conditioned soil, which will allow these plants to thrive in our microclimate. We also request that instead of the ceremonial circle, a boulder is placed with a plaque to honor our ancestors, sacred ground, and the sacred space. We believe these solutions and mitigations would reduce impact."

I referenced in my August 1 comment letter (No. 14, Pg. 162, Impact CR-2) the BBCI concerns relative to the proposed landscape plan.

> "Discussion with the BBCI members also determined that the following measures can be feasibly incorporated as mitigation measures:
>
> 1. Ensure that the final landscape plan incorporates the appropriate treatment and of species within the immediate vicinity of the burial, so that the location is not conspicuously identified.
>
> 2. Placing a commemorative plaque or comparative monument along the passive recreational trail, away from the actual burial location, to enhance park visitors' respect and appreciation for Chumash heritage."

12.4

In my August 1 letter I proposed feasible mitigation to address these concerns (only proposed additions are highlighted here in underlined text):

> **Mitigation Measures.** The proposed project's grading, landscaping, and open space design components, Mitigation Measures CR-1(a) through CR-1(f), and the following feasible measures resulting from discussion with local Chumash tribal representatives would reduce the Project's impact on the heritage value of this cultural resource.
>
> **CR-2(a) Landscape Plan Review**. The applicant must demonstrate that the Open Space Landscape Plan is reviewed and approved by the local Chumash community to ensure appropriate treatment of heritage resources within the low density artifact scatter.
>
> **Plan Requirements and Timing:** This requirement must be printed on the Final Open Space Landscape Plan. Confirmation that the local Chumash community was consulted and that their acceptance of the Final Open Space Landscape Plan must be submitted for any LUP for grading.
>
> **Monitoring:** The Planning and Environmental Review Director, or designee, must review and approve the Final Open Space Landscape Plan and local Chumash community agreement to verify compliance with this measure.

CR-2(b) Chumash Heritage Monument. The applicant must incorporate a monument placed adjacent to the Open Space passive recreational trail to highlight the Chumash heritage of the Project area. A plan for the monument must be reviewed and approved by representatives of the local Chumash community.

Plan Requirements and Timing: This requirement must be printed on all plans submitted for any LUP for grading. Confirmation that the local Chumash community was consulted and their acceptance of the Chumash Heritage Plan must be submitted for any LUP for grading.

Monitoring: The Planning and Environmental Review Director, or designee, must review and approve the Chumash Heritage Monument Plan and local Chumash community agreement to verify compliance with this measure.

Residual Impact. The proposed project's grading, landscaping, and open space design components would feasibly avoid all direct (ground disturbances) and indirect (increase in public access) impacts to the heritage value of the human burial and surrounding low density artifact scatter. The local Chumash community's support for the proposed protective design components as expressed during the meeting on July 25, 2016, in addition to measures CR-2(a) and CR-2(b) resulting from that discussion, indicates that potential impacts to the heritage value associated with the human burial and surrounding low density artifact scatter may be reduced to significant but feasibly reduced to less than significant (Class II). Therefore, residual Impact CR-2 would be reduced to potentially significant but feasibly reduced to less than significant (Class II). 12.4

The BBCI Letter states that incorporation of measures to ensure appropriate design of landscaping and a memorial to the heritage resources within the Project site "would reduce [the] impact" associated with development of the Heritage Ridge Open Space area within the CA-SBA-56 low density artifact scatter. This statement is consistent with my proposed revisions to the DEIR's discussion of Residual Impacts of Impact CR-2 that "potential impacts to the heritage value associated with the human burial and surrounding low density artifact scatter may be reduced to significant but feasibly reduced to less than significant (Class II)."

Thank you for your consideration of these clarifications.

Sincerely yours,

David Stone

David Stone, M.A., RPA
Cultural Resources Manager

cc: Michael Towbes, Craig Minus, Linda Blackbern; The Towbes Group

Letter 13

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September 14, 2016

Ms. Mary Chang, Supervising Senior Planner
Ms. Stephanie Diaz, Contract Planner
City of Goleta
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130 Cremona Drive, Suite B
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Subject: Draft Environmental Impact Report, Section 4.2 Air Quality
Response to Comments
Heritage Ridge Project (14-049-GPA; 14-049-VTM; 14-049-DP)
City of Goleta, California

Dear Ms. Chang and Ms. Diaz:

The following is submitted on behalf of The Towbes Group in response to the comment letter provided by the Santa Barbara County Air Pollution Control District (APCD) (August 1, 2016) on the Heritage Ridge Project Draft Environmental Impact Report.

1. Proximity of the Project Site to U.S. Highway 101

The APCD references the 2005 California Air Resources Board *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005) and the recommendation to "retain a distance of 500 feet or greater between the sensitive receptors and the freeway." This concern has been consistently raised by the APCD during the review of each proposed residential project located within the vicinity of U.S. 101, though they have been consistent with land uses adopted in the 2006 Goleta Community Plan and Coastal Land Use Plan. The City of Goleta has acknowledged and addressed these concerns in the respective environmental review for each of these projects that were subsequently approved by the City of Goleta, including: Haskell's Landing Project (2009); Westar Mixed-Use Village (2012); Village at Los Carneros (2014); Cortona Apartments (2014) projects. The Draft EIR for proposed the Kenwood Village Project (2016) also reflects this analysis. 13.1

As assessed previously in the Haskell's Landing Project Supplemental EIR (City of Goleta 2009), the CARB recommendations are based on specific analyses collected throughout the state:

> "The California Air Resources Board (CARB), in its informational guide to air quality and land use issues [CARB 2005] "recommends avoiding siting new sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day." CARB's recommendation does not distinguish between high traffic freeways and low volume freeways, such as the segment of US. 101 in

> the vicinity of the Project, versus Interstate 80 and the 710 and 405 freeways, which are the predicate for the 500-foot siting recommendation. (In analyzing those heavily travelled freeways CARB's study observes that "the relative exposure and health risk dropped substantially within the first 300 feet.") However, the Handbook does acknowledge that "The risk at that distance [500 feet] for other freeways will vary based on local conditions - it may be higher or lower."

As noted in the Heritage Ridge Draft EIR (page 100), 65,800 average daily trips (ADT) are identified on the segment of U.S.101 at Los Carneros Road, in proximity to the Heritage Ridge Project site. Therefore, the ADT on the segment of U.S. 101 closest to the Project site are 34,200 less than CARB's 100,000 vehicles/day recommended sensitive land use siting limit for urban roads. As a result, the CARB Handbook (2005) 500-foot siting setback from US 101 is not applicable to the Heritage Ridge Project site. 13.1

The Heritage Ridge Project Draft EIR acknowledges that, pursuant to City of Goleta General Plan/Local Coastal Plan Policy CE 12.1, an analysis of potential health risks must be undertaken for all projects that would provide for sensitive receptor land uses with 500 feet of U.S. 101. The Draft EIR does include this analysis, and concludes that the Impact AQ-4 would be **feasibly reduced to less than significant (Class II)**.

2. Consistency with the SBAPCD 2013 Clean Air Plan (CAP)

The APCD Comment Letter (August 1, 2016) notes that the Kenwood Village Project Draft EIR explains that the City of Goleta 2015 population of 30,765 already exceeds the Santa Barbara County of Associated Governments Year 2020 population projection of 29,954. Therefore, any proposed project within the City of Goleta, including the Kenwood Village and Heritage Ridge Projects, has the potential to exceed the SBCAG 2020 population projection.

The Kenwood Village Project Draft EIR (page 5.2-18) notes that the project description incorporates components that:

> "are consistent with efforts by the CAP to implement transportation performance standards that will provide a substantial reduction in the rate of increase in passenger vehicle trips and vehicle miles traveled (VMT). A reduction in county-wide VMT is identified by the CAP as a major component of an overall strategy to reduce mobile emissions of ozone precursor pollutants (NOx and ROB) and to achieve attainment of the State 1-hour ozone standard." 13.2

The Draft EIR concludes (page 5.2-18):

> "The Project would be consistent with planning efforts to reduce county-wide VMT, and Project-related emissions would not substantially interfere with the SBAPCD's efforts to achieve attainment with the 1-hour ozone standard. As a result, the Project would not conflict with or obstruct implementation of the applicable air quality plan, and would result i**n a less than significant (Class III)** impact related to consistency with the CAP."

Similar to the Kenwood Village Project, the Heritage Ridge Project incorporates numerous amenities that would contribute to the CAP strategy to reduce mobile emissions of ozone precursor pollutants (NOx and ROC) and to achieve attainment of the State 1-hour ozone standard. These include provision of work force and senior housing in proximity to a major transportation corridor, Hollister Avenue, providing alternative transportation modes (municipal bus service), employment and shopping opportunities, passive (trails) and active (pool and exercise facilities) recreational facilities, and two-acre public neighborhood park with activity trail, benches, barbecue area, picnic tables, and play area. A complete list of sustainable project features was included in the DEIR Appendix B, air quality analyses provided in support of the Project application.

13.2

In addition, the Heritage Ridge Project would not generate vehicular emissions that would exceed the SBCAPCD mobile significance thresholds for ROC or NOX of 25 pounds per day, the combined area and vehicle emissions of 240 pounds per day for ROC and NOX, or the SBCAPCD significance threshold of 80 pounds per day for PM10.

As a result, the Heritage Ridge Project, similar to the Kenwood Village Project, would be consistent with planning efforts to reduce county-wide VMT, and Project-related emissions would not substantially interfere with the APCD's efforts to achieve attainment with the 1-hour ozone standard (DEIR Table 4.2-4). As a result, the Project would not conflict with or obstruct implementation of the applicable air quality plan, and Impact AQ-1 related to consistency with the CAP would be **less than significant (Class III)**.

3. Exterior Air Quality Risk Exposure, Impact AQ-4

The APCD comment letter (August 1, 2016) questions the extent to which the Draft EIR address outdoor air quality exposure risk, as Mitigation Measure AQ-4 provides for forced air ventilation filter screens with a minimum MERV 13 rating and not specifically outdoor living area measures.

The Draft EIR (page 108) cites that federal Environmental Protection Agency (EPA) activity factors identify an average residential exterior exposure of 2.3 hours per day. Health risk assessment cancer risks as recommended by the APCD in their *Modeling Guidelines for Health Risk Assessments* are based on a 30-year exterior exposure. As pointed out in the Draft EIR (page 108), 30 years "is greater than the length of time that the majority of residents of the Project would be expected to live on-site."

13.3

In support of this statement, length of occupancy in four market rate/workforce apartment complexes with the City of Goleta maintained by the Towbes Group, including Willow Springs I, are provided below:

Market Rate/Workforce Apartment Rental Duration

Community	Year Built	Occupancy (July 13, 2016)	Average Occupancy Duration
Patterson Place	1973	163	3.8
Pacific Oaks	1973	178	3.2
Willow Springs I	2003	221	3.3
Sumida Gardens	2009	190	2.8
TOTAL		752	3.15

As can be seen, the average occupancy of market rate/workforce apartment rentals within the City of Goleta is slightly more than 3 years, substantially less (10 percent) than the 30-year exposure that is assumed in APCD health risk assessments.

Lengths of occupancy for three South Coast senior residential (over 55 years of age) apartment rentals maintained by the Towbes Group are summarized below:

Senior Residential Apartment Rental Duration

Community	Year Built	Occupancy (July 13, 2016)	Average Occupancy Duration
Shepard Place	1979	165	6
Cypress Meadows	1995	98	5.6
Rancho Franciscan	1988	111	4.6
TOTAL		374	5.4

13.3

The average occupancy of the senior apartment rentals is longer than the market rate/workforce population, slightly over 5 years, but still substantially less (17 percent) than the 30-year exposure that is assumed in APCD health risk assessments.

As noted in the Draft EIR Section 2.0, the proposed distribution of Heritage Ridge Project rental units is 132 for seniors (37 percent), and 228 for market rate/work force residents (63 percent). Given the historical rental occupancy data listed for the seven apartment facilities above, the reasonably projected duration for Heritage Ridge residents would be approximately 4.6 years. This is substantially shorter (15 percent) than the 30-year exterior exposure recommended by the APCD in their *Modeling Guidelines for Health Risk Assessments* for assessing cancer risks.

Combined with the fact that traffic on the U.S. 101 in the vicinity of the Project site is 34,200 less than the CARB's 100,000 vehicles/day recommended sensitive land use siting limit for urban roads, the approximately 4.6-year occupancy exposure expected to characterize future apartment occupancy would substantially reduce the exterior air quality impact exposure to Heritage Ridge Project residents, which the Draft EIR already properly determined is an impact (AQ-4) that has been feasibly mitigated to less than significant.

4. Impact GHG-1, Project Sustainable Design Features

As noted above, the Heritage Ridge Project provides numerous amenities that would reduce transportation trips including proximity to Hollister Avenue transportation including municipal bus service), employment and shopping opportunities, and onsite passive and active recreational facilities opportunities. These are all considered sustainable design features. As noted in the Draft EIR (page 188), the following design sustainable design features were identified in the Appendix B, Air Quality analysis submitted in support of the Project application:

- Improved energy efficiency: project design would comply with updated 2013 Title 24
- standards, which exceed CalEEMod default 2008 Title 24 standards by 25 percent
- (CEC, 2012);
- Minor reductions to motor vehicle emissions associated with the Project
- improvement of the pedestrian network and provision of traffic calming measures;
- Improved pedestrian network by connecting the Project and surrounding
- neighborhoods with pedestrian facilities contiguous with the Project site;
- Use of low VOC paint for residential interior and exterior; and
- Use of water-efficient irrigation systems.

DEIR Appendix B, Table 3 provides a comprehensive list of proposed sustainable design features. We request that this be included in the Final EIR Project Description: 13.4

- The project consists of higher density uses (22.2 units per acre).
- The plan provides an extensive system of continuous pathways and a comfortable walking environment that allows residents to walk freely throughout the project site.
- The plan provides on-site recreational amenities for its residents in a central location, eliminating the need for residents to drive elsewhere for these features.
- Direct pedestrian links extend from the site to surrounding neighborhoods.
- Bicycle parking is provided on site to encourage bicycle use.
- All roadways internal to the project are designed to city standards low speed limits. Slow traffic speeds are conducive to walking and bicycling.
- Residential units are provided in multistory buildings, reducing the development footprint to less than 23% of the site.
- A reduction in the minimum parking required by the City is proposed to minimize the parking footprint and reduce paving.
- An existing bus stop is located approximately 0.25 mile from the project site.
- An existing Amtrak Station is located less than 0.75 mile from the project site.
- A van drop-off area is provided near the senior housing buildings to provide access for a shuttle service such as Dial-a-Ride or similar service.
- The project will provide an electric vehicle charging station.

- A jogging trail in an adjacent park provides exercise opportunity adjacent to residences to reduce driving.
- A vegetable gardening area is provided on site to reduce trips to the store and transportation costs related to food distribution.

Energy Conservation-Related Measures

- In addition to compliance with CALGreen, the project will be required to meet the requirements of Resolution 12-66 Green
- Building Standards & Incentives for compliance (also referred to as CALGreen+).
- The project will comply with and exceed the Chapter 15.13 Energy Efficiency Standards of the Goleta Municipal Code by also complying with the 2013 Energy Code, which is 25% better than the 2008 Energy Code standards referenced by the Municipal Code.
- All residential dwelling units are multifamily residences that use less energy for heating and cooling when compared to larger single-family detached homes.
- Buildings 4–6 are oriented primarily on an east–west axis to take advantage of solar orientation. It has been demonstrated that passive solar design, including the orientation of buildings, can take advantage of the Sun's warmth in winter to assist with heating, as well as minimize heat gain in summer months to assist with cooling.
- California Green Building Code Title 24, Part 11 (CALGreen) requires that a minimum of 50% all new construction waste generated at the site be diverted to recycle or salvage. The City of Goleta has increased this requirement to 65% as part of the CALGreen+ program. Reducing waste could reduce the amount of vehicle trips transporting materials to and from the site. 13.4
- The project will incorporate Permeable Pavers and sidewalks with solar reflectance index values to reduce urban heat island.
- (UHI) effect (Pacific Interlock Tan); trails are also light in color.
- The project will incorporate large evergreen shade trees to shade parking lot to reduce UHI.
- The project will incorporate enhanced energy efficiency in building designs and landscaping plans.
- Tall, narrow deciduous trees will be planted on the south and west sides of buildings to provide solar heat in the winter and shade in the summer, which will reduce winter heating and summer cooling energy use.
- Water-wise and California native landscaping will be used to reduce water use (thus energy production to distribute and treat water).
- An efficient irrigation system will be used to reduce water use (thus energy production to distribute and treat water).
- Street trees along Calle Koral and Camino Vista will provide shade and reduce UHI.
- Turf areas for recreational areas will be limited only to reduce water use (thus energy production to distribute and treat water).
- Permeable pavers manufactured 250 miles from site (in Hollister, California) will be used to reduce impact from material transportation (LEED Credit idea).

- Rainwater from roofs diverted to landscape areas and swales will provide seasonal water sources and reduce supplemental irrigation needs.

Other Measures to Improve Air Quality

- No fire places for individual units are proposed.
- No wood burning fire places in common rooms or common areas are proposed.

13.4

5. Greenhouse Gas Emissions Impacts and Applicability of the City of Goleta Climate Action Plan (CAP)

The Draft EIR states (page 184),

> "In order to provide a quantitative evaluation of the significance from anticipated GHG emissions associated with the Project, the anticipated GHG emissions from the Project are also compared to the San Luis Obispo Air Pollution Control District (SLOAPCD) Greenhouse Gas Thresholds, as adopted in 2012. The SLOAPCD GHG thresholds are the most recently adopted quantitative thresholds for area sources in the SCCAB, and as such, are an appropriate comparison for the Project."

13.5

Impact GHG-1 concluded that combined (construction and operation) annual GHG emissions from the Project would not exceed the SLOAPCD Greenhouse Gas Thresholds. Impacts would be Class III, less than significant. If consistency with the City of Goleta Climate Action Plan (CAP) is not considered appropriate for use as a qualitative GHG threshold of significance, the quantitative SLOAPCD GHG Thresholds are considered "an appropriate comparison to locally adopted thresholds."

Please take these additional points of reference into consideration while preparing the Final EIR.

Sincerely yours,

David Stone

David Stone, M.A., RPA
Senior Environmental Project Manager

cc: Michael Towbes, Craig Minus, Linda Blackbern; The Towbes Group

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Letter 14

September 15, 2016 8176

Ms. Mary Chang, Supervising Senior Planner
Ms. Stephanie Diaz, Contract Planner
City of Goleta
Planning & Environmental Review Division
130 Cremona Drive, Ste. B
Goleta, CA 93117

Subject: ***Response to Comment from the California Department of Fish and Wildlife regarding Heritage Ridge Residential Project Draft Environmental Impact Report, Goleta, California***

Dear Ms. Chang and Ms. Diaz:

This letter report was prepared to provide responses to comments for the California Department of Fish and Wildlife (CDFW) on the Heritage Ridge Residential Project (Project) Draft Environmental Impact Report (DEIR) SCH #2015041014 comment letter dated and received by the City of Goleta on August 8, 2016. The Towbes Group, Inc. requested that Dudek respond to CDFW comments in order to provide supporting technical information on biological resources associated with the Project. Following the Background section of this letter, the six general issue areas covered by the CDFW comment letter are provided below in bold, and are followed by Dudek's response to such comment. Dudek did not address CDFW comments on the surveys performed (or not performed) and the subsequent analysis by the City's EIR preparer Rincon Consultants, Inc. (Rincon) when the available information was not sufficient for us to provide a thorough response. We expect the City and Rincon will provide the appropriate responses to those comments. 14.1

BACKGROUND

In preparing this response to comment letter, Dudek reviewed the following project documents:

- Biological Resource Assessment Heritage Ridge Residential Project, APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California. (Rincon 2016a)
- Heritage Ridge Residential Project Draft EIR. SCH # 2015041014. Lead Agency: City of Goleta. (Rincon 2016b)

- Technical Review of Coastal Sage Scrub (CSS) Environmentally Sensitive Habitat Area (ESHA) for the North Willow Springs Project. (Dudek 2014a)
- Wildlife Corridor Analysis for the Heritage Ridge Project. (Dudek 2014b)

14.1

1. "Project Description and Related Impact Shortcoming" (CDFW letter, pp. 2-3)

a. The Project would interfere with movement of native resident wildlife species and migratory wildlife species

This comment is addressed in full in response 2.d, below.

b. DEIR must address changes to drainage patterns downstream

Indirect impacts to off-site waters and wetlands are discussed in DEIR Impact BIO-3. As discussed in the BIO-3 text, the Project includes installation of a variety of low-impact development design strategies, including bioswales and bioretention areas to cleanse surface runoff. The City's approved SWPPP mandates the use of Best Management Practices to control surface water runoff and to protect downstream water quality. The low-impact development design measures that will be employed by the project are accepted BMPs that the City has determined to be effective. Compliance with the City's SWPPP will be a requirement of approval for the Project.

14.2

Additionally, Los Carneros Wetland is permitted to receive stormwater from the Project site as described on pg. 127 of the DEIR:

> *As authorized by the USACE 404 Permit (No. 95-50087-DJC) the Los Carneros Wetland is permitted to receive stormwater flows from the Willow Springs I & II development, and the Project site. The northern portion of the Los Carneros Wetland was required to be created to both [serve] as mitigation for filling a portion of a wetland on Willow Springs I, and to manage stormwater run-off from Willow Springs I & II and the Project site.*

The Los Carneros Wetland was approved and designed so that it would adequately treat all runoff from all affected properties, including the subject Property.

In summary, adherence to existing stormwater regulations would ensure there is no increase to normal water flows pre- and post- construction flows as permitted by the agencies into Los Carneros Wetland. Additionally, the Project includes the installation of low impact development design strategies intended to retain water on the project site and encourage groundwater infiltration, consistent with the City's SWPPP.

c. DEIR must address possibility of fill materials being distributed downstream, pooling of water which then impacts water table/raises possibility of need for dewatering.

14.2

This statement is addressed in full above, as part of the response to 1.b.

2. Comment #1: Habitat Linkage (pp. 3-4)

a. Project site is a wilderness/urban interface that supports a variety of species

CDFW refers to the site as a "wilderness/urban interface" and provides a list of species occurring there. The letter mentions a number of common species - including several less-mobile species, such as gophersnake (*Pituophis catenifer*) and brush rabbit (*Sylvilagus bachmani*). The letter also mentions several somewhat more mobile species, such as raccoon (*Procyon lotor*) and Virginia opossum (*Didelphis virginiana*), as well as the highly mobile coyote (*Canis latrans*) and bobcat (*Lynx rufus*). The comment mentions three reptile species: silvery legless lizard (*Anniella pulchra*), which is a California species of special concern, California kingsnake (*Lampropeltis californiae*), and gophersnake.

To clarify, none of reptile species listed in the comment have been recorded on the project site. The DEIR (City 2016, Appendix D) includes a list of species observed, which includes only one reptile species: western fence lizard (*Sceloperus occidentalis*). The same species is included on a list of species observed in the EIR for Willow Springs II (City 2012), which overlaps a portion of the project site. Several other common reptile species, including gophersnake, have a high potential to occur. Silvery legless lizard is associated with extensive leaf litter and sandy soils (Thomson et al. 2016), which are absent on the project site. Therefore, this species not only is unrecorded on the project site, it is unlikely to occur. Discussion of many of the sedentary (less-mobile) species mentioned in the comment is not responsive to the definition of a wildlife corridor in the *Goleta General Plan/Coastal Land Use Plan* (GP/CLUP; City of Goleta 2006a):

14.3

> *[P]hysical connections that allow wildlife to move between patches of suitable habitat in both undisturbed landscapes, as well as environments fragmented by urban development. Large areas of suitable habitat and corridors between these areas are necessary to maintain healthy ecological and evolutionary processes. For example, wildlife movement corridors are necessary for dispersal and migration, to ensure the mixing of genes between populations, and so wildlife can respond and adapt to environmental stress.*

This understanding of a wildlife corridor is reinforced in the *Wildlife Corridor Analysis for the Heritage Ridge Project* (included in Appendix D), which emphasizes the importance of linkage

between two or more large areas of habitat and of providing space sufficient for movement of more mobile species to pass between larger patches. Therefore, discussion of reptile species and other less-mobile wildlife species is not relevant to the wildlife corridor discussion. Further discussion of wildlife corridors below (see response 2.d) addresses the issue of impacts to movement of more mobile species, including mitigation of impacts to the wildlife corridor; analysis of the potential of occurrence of special-status species; and indirect effects on adjacent open space.

b. The introduction of domestic pets, by means of "predation, injury, or harm," would constitute a barrier to wildlife movement

This statement is address in full below, as part of response 2.d.

c. Focused species-specific surveys are required, and the EIR should include complete, current assessments of the potential to occur for rare, threatened, and endangered species, such as white-tailed kite

Among special-status wildlife species, only white-tailed kite was determined to have potential to occur on the Project site, and the potential was described as "low". Potential impacts to white-tailed kite are discussed below, in response 5.a. In Section 4.3.1.b of the DEIR, and in Appendix D, descriptions of vegetation communities on site serve as the primary basis for determining the likelihood of occurrence by special-status species. Appendix D of the Biological Resources Assessment includes a standard table for analyzing the potential for all special-status plant and wildlife species to occur on the Project site. The table lists the regulatory status of each species, describes habitat requirements, provides an overall assessment of the potential to occur, and includes a rationale for this determination. According to Table 1, no plants have more than a low potential to occur. Table 2 acknowledges some potential for several special-status wildlife species to occur. Most of these do not have potential to occur in the phase of their life cycle for which they are designated as having special status. This pertains, in particular, to several bird species that are designated as having special-status for nesting, but that have potential to occur only in migration, in winter, or while foraging (Cooper's hawk, sharp-shinned hawk, long-eared owl, loggerhead shrike, white-tailed kite, yellow warbler). Several other bird species are likely only to pass over during migration and do not nest in the region (Vaux's swift, black swift). Suitable habitat is absent for other species (burrowing owl, northern harrier, short-eared owl, ferruginous hawk, oak titmouse). For the several bat species considered to have low potential to occur, their occurrence would be during foraging, as no roosting habitat is present. American badger is highly unlikely to occur in the relatively urbanized vicinity of the Project site. Given the low potential for these plant and wildlife species to occur on the site, focused species-specific

14.3

wildlife surveys are not required. See response 3.d for a discussion of special-status plant species.

Note that several of the species mentioned above are raptor species that have the potential to forage on site. The issue of raptor foraging is discussed below, in response 5.a.

d. Mitigation Measure (MM) #1: A larger wildlife movement corridor is necessary to provide adequate linkage

The Project includes design elements and mitigation measures to ensure that wildlife may continue to access the Los Carneros Wetland from areas north of the Project site. As noted in Section 4.3.2 of the DEIR:

> *The Preliminary Landscape Plan includes a 25-40-foot wide wildlife connection along a sound wall along the west perimeter of the site to allow for movement of mammals and other wildlife species between the Santa Ynez Mountain foothills and Los Carneros Wetland to the south of the site. The sound wall would separate parking lots (north and west side of Project) and condominiums (south side of Project) from the designated wildlife linkage (True Nature, 2014). The wildlife connection would begin at a recently constructed culvert north of the project under the UPRR tracks, continue along the western property line, and end at the Los Carneros Wetland. A low maintenance native plant palette would provide vegetative cover that is generally preferred by small and medium sized mammal species for movement. The wildlife linkage will also be in compliance with applicable fire codes and is proposed to be resistant to vagrant establishments. The proposed wildlife connection would not funnel wildlife movement into new routes that would further endanger their survival, such as onto a road or into fencing hazards.*

14.3

The DEIR further addresses residual indirect impacts, such as "new noise, lighting, and human and pet encroachment, as well as increased traffic along Calle Koral Road and Camino Vista Road." In relation to noise, the DEIR states:

> *The Project site is primarily exposed to traffic noise from U.S. 101 and train noise from the UPRR tracks, located to the north of the Project site, which are expected to remain the primary noise generators during Project operation. Construction of the sound wall would reduce impacts from the existing UPRR and U.S. 101 noise sources. . . .*

Considering these factors, and the incorporation of several mitigation measures provided in Section 4.3.2, the DEIR appropriately finds that these impacts would be reduced to less than significant. The relevant measures are:

BIO-4(a) Lighting Plan. In addition to the lighting specifications in Mitigation Measure AES-5, light and glare from new development must be controlled and directed away from the wildlife corridors shown on the conceptual landscape plan, Los Carneros Creek SPA ESHA, Los Carneros Wetland ESHA, and the open space areas adjacent to the development. Exterior night lighting must be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs, wildlife corridors, and open space.

Plan Requirements and Timing: The locations of all exterior lighting fixtures, complete cut-sheets of all exterior lighting fixtures, and a photometric plan prepared by a registered professional engineer showing the extent of all light and glare emitted by all exterior lighting fixtures must be approved by the Planning and Environmental Review Director, or designee, before the City issues a Building Permit for construction.

Monitoring: Before the City issues a certificate of occupancy, the Planning and Environmental Review Director, or designee, must inspect exterior lighting features to ensure that they have been installed consistent with approved plans.

14.3

BIO-4(b) Landscape Chemical and Pest Management Plan. All pesticides, herbicides, and fertilizers used at the Project site must be those designated for use near aquatic and wetland habitats, and must be applied with techniques that avoid over-spraying and control application to avoid excessive concentrations. Rodenticides are prohibited.

Plan Requirements and Timing: A Landscape Chemical and Pest Management Plan (Plan) must be developed by the applicant and approved by the Planning and Environmental Review Director, or designee, before a final map is recorded. The requirements must be printed on the final approved landscape plans, each residential unit lease document, the map, and recorded on the property deed. The Plan must provide a prohibition on use of pesticides, herbicides, fertilizers and rodenticides. These prohibitions must be the subject of at least one annual communication by the applicant to the residents in the form of a meeting and/or newsletter or electronic update that is distributed to residents.

Monitoring: Evidence of this effort must be provided to the Planning and Environmental Review Director, or designee, each year by January 1st. The management must also provide the Planning and Environmental Review Director with an annual monitoring report by January 1st of each year demonstrating the use of aquatic and wetland habitat appropriate fertilizer, herbicides, and pesticides consistent with the Plan on the property. If determined necessary by the City, the City may require the applicant to retain a City approved qualified biologist to verify the correct use of appropriate herbicides, pesticides, and fertilizers as part of the annual monitoring report.

BIO-4(c) Domestic Pet Predation, Feline Disease, and Wildlife Corridor Education. The applicant must prepare a public education campaign for future residents of the Project site regarding: 1) the effects of domestic animal predation on wildlife (e.g., domestic cats and protected bird species); 2) promoting indoor cats since bobcats are susceptible to the same diseases as domestic cats, and disease can be transmitted between domestic cats and bobcats (or vice versa); and 3) the importance of wildlife corridors.

14.3

Plan Requirements and Timing: The education materials must be prepared by a City approved qualified biologist, approved by the Planning and Environmental Review Director (or designee) and must be recorded with the Final Map. The education materials must be distributed with the unit lease documents, and the subject of at least one annual communication by the applicant to the residents in the form of a meeting and/or newsletter or electronic update that is distributed to all residents.

Monitoring: Evidence of this effort must be provided to the Planning and Environmental Review Director each year by January 1st.

Also, it should be noted that, as stated in Section 4.3.2 of the DEIR, "no regional landscape linkages are mapped on-site, either by the California Essential [Habitat] Connectivity Project (2010) or any of the four primary corridors in the Goleta Valley identified by Hoagland (2011)." While the use of the Los Carneros Wetland has some value for wildlife seeking resources there, because of its small size it has limited value for some of the larger wildlife species occurring near the coast in Goleta, such as coyote.

For these reasons, and with the above mitigation, a 25'-40'-wide wildlife corridor provides an adequate and appropriate corridor for the Project, based on the Project site's location and particular characteristics.

e. MM #2: DEIR needs to provide discussion of indirect impacts, including measures to reduce these impacts to less than significant, on a wide range of biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and designated/proposed or existing reserve lands such as Los Carneros wetlands ESHA

Major remaining open spaces in the Project vicinity are separated from the Project site by major barriers. Lake Los Carneros Park is approximately 0.1-mile north of the Project site at its closest point. However, it is separated from the Project site by U.S. 101 and the Union Pacific Railroad (UPRR); the result is that indirect effects from the Project such as noise, night-time lighting, or stray pets would not result in impacts to the wildlife, vegetation, or habitat in the park. Similarly, Goleta Slough is separated from Heritage Ridge by Hollister Avenue, the Willow Springs development, and other development along Hollister Avenue. Facilities associated with the Santa Barbara Airport, including the perimeter fence and Runway 7-25, further separate the major part of the reserve around the Goleta Slough estuary from the Project site. 14.3

Impacts to both Los Carneros Creek and the Los Carneros Wetland are analyzed in the Section 4.3.2 of the DEIR. As noted below in response 3.e, stormwater runoff into the Los Carneros Wetland was analyzed for the area covered by Willow Spring, Willow Springs II, and Heritage Ridge, and is permitted under U.S. Army Corps of Engineers (Corps) 404 Permit (No. 95-50087-DJC). No impacts to water quality would occur from Project development because, as noted in the Section 4.3.2 of the DEIR, the Project and the Creek are "hydrologically separated by the filled and compacted Union Pacific Rail Road (UPRR) track." As noted in Section 4.3.2 of the DEIR, the Los Carneros Wetland is approximately 80 feet from the southeast corner of the Project site. As the existing Willow Springs development borders the wetland along half of its perimeter, and only a small corner of Heritage Ridge would be within 100 feet of the wetland, development of the Project site would contribute relatively little in the way of additional impacts to the Los Carneros Wetland. For example, light and noise from the southern tip of the Project site would not substantially contribute to edge effects from urban development along the wetland perimeter. In addition, several mitigation measures will further reduce already less than significant indirect impacts on the Los Carneros Wetland. These include Mitigation Measure (MM) BIO-2, Invasive Species Seeding and Landscaping, which bans the use of invasive species in erosion control seed mixes, and three measures reproduced in full above: MM BIO-4(a),

Lighting Plan; MM BIO-4(b), Landscape Chemical and Pest Management Plan; and MM BIO-4(c), Domestic Pet Predation, Feline Disease, and Wildlife Corridor Education. 14.3

3. Comment #2: ESHA, Plant Surveys (pp. 5-6)

a. Coastal Sage ESHA will be eliminated by the project; the acreage involved is 17.6 acres

The CDFW comment letter states elimination of the 17.6 acres of Coastal Scrub ESHA represents a significant percentage of the Coastal Scrub ESHA mapped by the City. This portion of CDFW's letter starts with a basic error: the actual amount of area originally designated by the City of Goleta as constituting Coastal Scrub ESHA at the site is actually 2.19 acres, not 17.6 acres. This may have been oversight conflation of the total ESHA with the total area of the Project site, 17.4 acres.

b. "Lucian Coastal Sage Scrub" is protected and will be eliminated by project

Central (Lucian) Coastal Scrub is a vegetation community identified and defined by Holland (1986) as having shrubs 1-2 meters tall, usually quite dense, and lacking grassy openings. It's common on the ocean side of the Santa Lucia mountain range between Monterey and Point Conception, usually below 2,000 feet. Central (Lucian) Coastal Scrub intergrades with Upper Sonoran Mixed Chaparral on locally moister, rocky sites and with Venturan Sage Scrub in southern San Luis Obispo and Northern Santa Barbara Counties. This scrub often interdigitates with madrean woodlands and even redwoods on more mesic sites. Per the Holland (1986) description of the range of this vegetation community it does not occur within the region of the Project. 14.4

According to Holland (1986), characteristic plant species of Central (Lucian) Coastal Scrub include coastal sagebrush (*Artemisia californica*), coyotebrush (*Baccharis pilularis*), California goldenbush (*Ericameria ericoides*), seaside buckwheat (*Eriogonum latifolium*), golden yarrow (*Eriophyllum confertiflorum*), sawtooth goldenbush (*Hazardia squarrosa*), silver lupine (*Lupinus albifrons*), Chamisso bush lupine (*Lupinus chamissonis*), orange bush monkeyflower (*Mimulus aurantiacus*), California buckthorn (*Frangula californica*), redberry buckthorn (*Rhamnus crocea*), black sage (*Salvia mellifera*), Pacific poison oak (*Toxicodendron diversilobum*), chaparral yucca (*Hesperoyucca whipplei*). The Project site is known to support two of these species; coastal sagebrush and coyotebrush. Since the Central (Lucian) Coastal Scrub occurs outside the range of the Project site and the Project site does not support the species composition of this vegetation community, the onsite vegetation on the Project site does not meet the

definition or classification of Central (Lucian) Coastal Scrub. The vegetation communities on the Project site are further described below within this response and in responses to 3.a, 3.c-3.f.

The GP/CLUP (City of Goleta 2006a) identifies a total of 2.19 acres of Sage Scrub/Dune/Bluff Scrub Environmentally Sensitive Habitat Area (ESHA) within the Project area (City of Goleta 2006). In 2014, Dudek performed a site survey and prepared and associated memo providing a technical review of this City designated ESHA (Dudek 2014a) and the current ESHA site conditions compared to the definition of ESHA in the GP/CLUP. This technical review was also based on City of Goleta Resolution No. 12-46 which updated the General Plan to remove the ESHA designation from the Willow Springs II project site, adjacent and to the south of the Heritage Ridge Project site (City of Goleta 2012). The subject mapped ESHA habitat at the Heritage Ridge Project site is similar in species composition to the area formerly mapped as ESHA habitat at Willow Springs II project site. Based on the technical evaluation, Resolution No. 12-46, and the 2014 site visit, Dudek concluded that the 2.19 acres of disturbed coyote brush scrub within the Heritage Ridge Project site is not a sensitive plant community, and as such does not meet the City's definition of ESHA. In conclusion to the technical evaluation, Dudek recommended that the 2.19 acres of ESHA designation be removed from the Heritage Ridge Project site. The DEIR concurs with this assessment of the habitat on site.

14.4

The GP/CLUP identifies the following City Policy in regards to environmentally sensitive habitat area designations and policy:

CE 1.5 Corrections to Map of EHSAs. [GP/CP] *If a site-specific biological study contains substantial evidence that an area previously shown as an ESHA on Figure 4-1 does not contain habitat that meets the definition of ESHA for reasons other than that set forth in CE 1.4 (Illegal Destruction of ESHAs), the City biologist and the Planning Commission shall review all available information and determine if the area in question should no longer be considered and ESHA and therefore not be subject to the ESHA protection polices of this plan. If the final decision-making body determines that the area is not an ESHA, a map modification shall be included in the next General Plan/Coastal Land Use Plan amendment; however, Local Coastal Program policies and standards for protection of ESHA shall not apply, and approval of development consistent with all other requirements of this plan may be considered prior to the map revision.*

Furthermore, on August 29, 2016 Dudek biologists John H. Davis IV and Heather Moine established a 1-meter interval point intercept transect within the GP/CLUP (City of Goleta 2006a) mapped ESHA habitat on the project site. The Biological Resources Assessment (Rincon 2016a) and DEIR (Rincon 2016b) map this area as coyote brush scrub alliance vegetation

community. The 1-meter interval point intercept transect data resulted in over 55% cover of coyote brush (*Baccharis pilularis*) and no other co-dominant or associated shrub species, as shown in Attachment A. Treating this vegetation as coyote brush scrub alliance is consistent membership rules in *A Manual of California Vegetation*, Second Edition (Sawyer et al. 2009) and with the Biological Resources Assessment and DEIR. Since the coyote brush scrub alliance vegetation community lacks compositional and structural components of coastal sage scrub, removal of the coastal sage EHSA designation from this area is appropriate.

c. "Scrubby plant alliance" is protected and will be eliminated by the project

Communities considered rare by CDFW are those with state ranks of S1 through S3 (CDFW 2016). However, the Natural Communities List (CDFG 2010) notes associations of some communities with state ranks of S4 and S5 that should be considered sensitive. No association of quail bush scrub receives such a designation (CDFG (2010).

14.4

Table 1
Existing Vegetation Communities

Physiognomic Category	General Habitat	Vegetation Communities	State Rank/ City Status
Herbaceous Alliances and Stands	Grassland	Annual Brome Grassland (*Bromus* [*diandrus, hordeaceus*]-*Brachypodium distachyon*) Alliance	- / -
	Forb Dominated	Upland Mustards (*Brassica* [*nigra*] and other mustards) Alliance	- / -
Shrubland Alliances and Stands (Upland)	Coastal Scrub	Coyote Brush Scrub (*Baccharis pilularis*) Alliance	S5 / -*
		Quailbush Scrub (*Atriplex lentiformis*) Alliance	S4 / -*
Non-Vegetated Habitats		Disturbed	- / -

Notes:
State Rank – the alliance's rarity and threat in California.
S1: Fewer than 6 viable occurrences statewide, and/or up to 518 hectares
S2: 6-20 viable occurrences statewide, and/or more than 518-2,590 hectares
S3: 21-100 viable occurrences statewide, and more than 2,590-12,950 hectares
S4: Greater than 100 viable occurrences statewide, and/or more than 12,950 hectares
S5: Demonstrably secure because of its statewide abundance
* - The City status of this vegetation community is further discussed in section 3.d.

14.4

The GP/CLUP (City of Goleta 2006a) includes Conservation Element Policies including CE 1: ESHA Designations and Policy which the objective is to identify, preserve, and protect the City's natural heritage by preventing disturbance of ESHAs. ESHAs per definition in the Goleta General Plan/Coastal Land Use Plan include coastal bluffs/coastal bluff scrub and coastal sage scrub. The protection of coastal bluff scrub, coastal sage scrub, and chaparral ESHA are further defined in Conservation Element Policy CE: 5.3. The policy states that the coastal bluff, coastal sage scrub, or chaparral ESHA area must:

> *have both the compositional and structural characteristics of coastal bluff scrub, coastal sage scrub, or chaparral habitat as described in Preliminary Descriptions of Terrestrial Natural Communities of California (Holland 1986) or other classification system recognized by the California Department of Fish and Game.*

Section 4.3.1 of the DEIR and Appendix D, the Biological Resource Assessment (Rincon 2016), describe all vegetation on-site according to criteria in the *Manual of California Vegetation,*

Second Edition (Sawyer et al. 2009). These communities include quailbush scrub, *Bromus-Brachypodium distachyon* herbaceous semi-natural alliance, *Brassica nigra* and other mustards herbaceous semi-natural alliance, and disturbed land, none of which qualifies as a sensitive vegetation community (quailbush scrub has a global/state rank of G4 S4, meaning it is apparently secure, while the others are not naturally occurring communities in California). Coyote brush scrub, which also occurs on the Project site, has a global rank of G5 S5, which is not a sensitive community (CDFG 2010). However, associations of coyote brush scrub, including those involving native species such as California sagebrush (*Artemisia californica*) and not occurring in disturbed areas, are of high priority for inventory. As described in the Biological Resource Assessment, on the Project site, this alliance occurs in:

> *. . . a relatively open stand dominated by coyote brush with an understory of non-native grasses and forbs. The shrub layer consists almost exclusively of coyote brush, and biological diversity is low. California sagebrush is present, but at less than one percent of the total shrub cover. There are no other sage species present (i.e., species of the genus* Salvia *or* Artemisia*). Commonly-occurring species in the understory herbaceous layer include sweet fennel (*Foeniculum vulgare*), pampas grass (*Cortaderia jubata*), short-podded mustard (*Hirschfeldia incana*), scarlet pimpernel (*Anagallis arvensis*), Harding grass (*Phalaris aquatica*), filarees (*Erodium *spp.), ripgut brome (*Bromus diandrus*), rattail fescue (*Vulpia myuros*), and soft chess (*Bromus hordeaceous*).*

14.4

In addition, the Biological Resource Assessment notes that coyote brush scrub occurs in an area colonized since the most recent mass grading of the site. Given the very low cover of California sagebrush within the coyote brush scrub on-site, and history of this stand as colonizing an area graded relatively recently, no sensitive communities occur on-site.

The coyote brush scrub and quailbush scrub coastal sage scrub/bluff scrub habitats documented at the site are documented as having one dominant shrub species each, coyote brush and quailbush, and no co-dominant or associated shrub species as described in *A Manual of California Vegetation,* Second Edition (Sawyer et al. 2009). Furthermore, sage scrub ESHA is described in the Biological Resource Assessment (Rincon 2016a) on pg. 25. Since both of these vegetation communities as they exist on the Project site lack compositional and structural characteristics of coastal bluff scrub and coastal sage scrub, these communities should not be considered ESHA per the GP/CLUP (City of Goleta 2006a). The Biological Resource Assessment includes a standard table for analyzing the potential for all special-status wildlife species to occur on the Project site. The likelihood of special-status species occurrence is discussed in greater detail in response 5.e, below. Also discussed below is the suitability of the site for Belding's savannah sparrow, as well as the need and practicality of conducting surveys

for that species. Because the habitat assessments discussed in these responses show no vegetative habitat on site that constitutes ESHA, no focused special-status wildlife species survey are necessary to establish the low likelihood of these species occurring.

For wildlife corridors, studies were conducted during two calendar years (2013 and 2014) and during both winter and spring, covering a five-month portion of the year when terrestrial wildlife exhibit a wide variety of movement behaviors. Therefore, the timing of these surveys was appropriate for gathering information on wildlife movement on the project site.

d. All surveys that are done on site must be conducted consistent with CDFW recommended timelines

Per the Biological Resource Assessment (Rincon 2016a), no special-status plant species were observed during the spring 2015 surveys, or previous surveys in 2014, 2013, 2010, or 2008. A total of 17 special-status plant species are known or have potential to occur within 5-miles of the Project area. A total of eight of these plant species are not expected to occur on the Project site. The remaining nine special-status plant species have a low potential to occur and are further discussed in the table below, *Table 2*.

14.4

Table 2
Special-Status Plant Species With Low Potential to Occur

Scientific Name	Common Name	Federal/State/ CNPS CRPR	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)
Atriplex coulteri	Coulter's saltbush	None/None/1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland; alkaline or clay/perennial herb/Mar–Oct/10–1509
Atriplex serenana var. *davidsonii*	Davidson's saltscale	None/None/1B.2	Coastal bluff scrub, coastal scrub; alkaline/annual herb/Apr–Oct/33–656
Centromadia parryi ssp. *australis*	southern tarplant	None/None/1B.1	Marshes and swamps (margins), valley and foothill grassland (vernally mesic), vernal pools/annual herb/May–Nov/0–1575
Horkelia cuneata var. *puberula*	mesa horkelia	None/None/1B.1	Chaparral (maritime), cismontane woodland, coastal scrub; sandy or gravelly/perennial herb/Feb–July (Sep)/230–2657
Lasthenia conjugens	Contra Costa goldfields	FE/None/1B.1	Cismontane woodland, playas (alkaline), valley and foothill grassland, vernal pools; mesic/annual herb/Mar–June/0–1542
Lasthenia glabrata ssp. *coulteri*	Coulter's goldfields	None/None/1B.1	Marshes and swamps (coastal salt), playas, vernal pools/annual herb/Feb–June/3–4003
Layia heterotricha	pale-yellow layia	None/None/1B.1	Cismontane woodland, coastal scrub, pinyon and juniper woodland, valley and foothill grassland; alkaline or clay/annual herb/Mar–June/984–5594
Lonicera subspicata var. *subspicata*	Santa Barbara honeysuckle	None/None/1B.2	Chaparral, cismontane woodland, coastal scrub/perennial evergreen shrub/May–Aug (Dec) (Feb)/33–3281
Scrophularia atrata	black-flowered figwort	None/None/1B.2	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub, riparian scrub/perennial herb/Mar–July/33–1640

Notes:
FE – Federally endangered
1B – Plants rare, threatened, or endangered in California and elsewhere
0.1 – Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)
0.2 – Moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)

14.4

Per the blooming periods of the above listed special-status plant species with a low potential to occur, floristic surveys should be performed in spring and late summer. The Biological Resource Assessment (Rincon 2016a) states that no special-status plant species were observed during the spring 2015 survey.

Dudek biologists, John H. Davis IV and Heather Moine, performed a special-status plant species survey on August 29, 2016. The timing of this survey would be appropriate for observing blooming Coulter's saltbush, Davidson's saltscale, southern tarplant, and Santa Barbara honeysuckle. Nearby reference populations of southern tarplant and Santa Barbara honeysuckle were visited within a week of the Dudek special-status plant species survey and both species

were observed in bloom. During the August 29, 2016 special-status plant species survey no special-status plant species were observed. The August 29, 2016 survey also included a general habitat assessment. Vegetation mapping included in the Biological Resource Assessment (Rincon 2016a) and DEIR (Rincon 2016b) was reviewed for consistency with *A Manual of California Vegetation*, Second Edition (Sawyer et al. 2009). The mapped vegetation communities' boundaries and naming are consistent with membership rules for the vegetation alliances as described in Sawyer et al. (2009).

e. MM#1: All ESHA must be avoided by project; new surveys must be performed with "recent floristic-based assessment of plants and natural communities"

Los Carneros Creek is identified in the GP/CLUP Figure 4-1 as a creek. DEIR Section 4.3.2.b Impact BIO-3 states:

Direct Impacts. No areas defined as wetlands by Federal, State, or local policies area located on the Project site. The Project would have no direct impacts to off-site riparian vegetation or Los Carneros Creek jurisdictional waters. Development is proposed greater than 90 feet from the edge of vegetation of Los Carneros Creek off-site, and is hydrologically separated by the filled and compacted Union Pacific Rail Road (UPRR) track.

14.4

Proposed Project development is approximately 90 feet south and southwest of Los Carneros Creek and associated vegetation. This portion of Los Carneros Creek is oriented east-west, vegetated, and has a natural bottom. The vegetation associated with Los Carneros Creek is confined to a 130-foot-wide corridor between US Highway 101 and UPRR. The UPRR area is void of vegetation, elevated, and is frequently traveled with commercial trains and passenger trains. Approximately 350 feet downstream Los Carneros Creek is channelized in a sharp turn to the south in a trapezoidal concrete channel. Due to the disturbed nature of the creek habitat, elevated topography in comparison to the Project site, and the associated train traffic, the DEIR analysis correctly concludes that the Project will cause no significant impacts to offsite riparian vegetation.

Los Carneros ESHA Wetland

The CDFW comment letter asserts that the Project would indirectly impact Los Carneros ESHA wetlands. Section 4.3.2 of the DEIR, pg. 127, reviews:

As authorized by the USACE [Corps]404 Permit (No. 95-50087-DJC) the Los Carneros Wetland is permitted to receive stormwater flows from the Willow Springs I & II development, and the Project site. The northern portion of the Los Carneros Wetland was required to be created to

both as mitigation for filling a portion of a wetland on Willow Springs I, and to manage stormwater run-off from Willow Springs I & II and the Project site.

As stated above, a Corps permit was issued for all indirect Project impacts on the Los Carneros ESHA wetlands, including those from the subject Property. Therefore, this impact has been fully addressed.

f. MM#2: New habitat mapping should be undertaken "at the alliance/association level

14.4

Dudek biologists, John H. Davis IV and Heather Moine, performed a general habitat assessment on August 29, 2016. Vegetation mapping included in the Biological Resource Assessment (Rincon 2016a) and DEIR (Rincon 2016b) was reviewed for consistency with A Manual of California Vegetation, Second Edition (Sawyer et al. 2009). The mapped vegetation communities' boundaries and naming are consistent with membership rules for the vegetation alliances as described in Sawyer et al. (2009). Vegetation mapping is further described in response 3.c, above.

4. Comment #3 Wetlands (pp. 6-7)

a. "Cryobiotic crusts"/arid soils are present on site, indicative of wetlands

The CDFW comment letter asserts that "cryobiotic crusts" exist on the Project site as evidence that impacts will occur to wetlands.

The comment does not cite a source for the presence of any wetlands indicators. According to Section 4.3.1.b of the DEIR:

14.5

> *No areas defined as wetlands by Federal, State or local policies are located on the Project site. Two previously identified jurisdictional features exist off-site adjacent to Project: 1) Los Carneros Creek, approximately 90 feet (measured from the edge of riparian vegetation) north of the northeast corner and channelized east of the Project; and 2) the Los Carneros Wetland adjacent to S. Los Carneros Road and Hollister Avenue, approximately 80 feet south of the southeastern corner of the Project site. No jurisdictional features are present within the Project site.*

Dudek biologists John Davis IV and Heather Moine surveyed the site for visible indicators of hydrology on August 29, 2016. The biologists walked the entire site, searching for indicators such as biotic crusts and soil cracks. No indicators of wetland hydrology were observed on the

project site. Therefore, no loss or function of wetlands would occur as a result of project implementation.

b. All wetlands must be preserved and provided with substantial setbacks; standard is "no net loss"

As documented in the DEIR (Rincon 2016b) on pg. 126, no areas defined as wetlands by Federal, State or local policies are located on the Project site. Since no jurisdictional drainages or wetlands occur on the project site, no preservation is required. Adjacent jurisdictional areas are addressed above in the response to 3.e.

c. MM#1: Conduct a more detailed analysis of the project's SWPPP [stormwater pollution and prevention plan] to insure that it prevents polluted waters from entering the Los Carneros wetlands

Impacts to surface drainage are discussed in Section 4.8.2 in the Hydrology and Water Quality section; the discussion includes the requirement that a detailed SWPPP be prepared. Section 4.8.2 identified the potential impact as follows: 14.5

> *Impact HWQ-1* *During grading and construction of the Project, the soil surface would be subject to erosion and downstream watersheds could be subject to temporary sedimentation and discharges of various pollutants. Compliance with discharge requirements during grading and construction would ensure that hydrologic impacts from construction would be Class III, less than significant [Threshold 1].*

As part of the significance determination for this impact, the DEIR states:

The Construction General Permit requires the SWPPP to include a menu of BMPs to be selected and implemented based on the phase of construction and the weather conditions to effectively control erosion and sediment using the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology (BAT/BCT) and to protect water quality. These construction site management BMPs would be implemented for the Project during the dry season and wet season as necessary depending upon the phase of construction and weather conditions. These BMPs would help ensure effective control of not only sediment discharge, but also of pollutants associated with sediments, including but not limited to nutrients, heavy metals, and certain pesticides or herbicides. Because the development and implementation of a SWPPP is a standard requirement that would apply to this Project, hydrologic impacts from construction would be less than significant.

The DEIR appropriately concludes that Impact HWQ-1 would be less than significant with the implementation of standard requirements, which include the preparation of a SWPPP. The City of Goleta has extensive experience in the review of individual project SWPPPs, which as a result employ numerous well-accepted and effective mitigation measures. A project SWPPP is developed prior to construction, as required under the State Water Resources Control Board's General Construction Storm Water Permit (Water Quality Order 99-08-DWQ). To obtain coverage under the General Permit, the applicant must file permit-related compliance documents and fees, which include a SWPPP. The applicant also would be required to apply for a Storm Water Permit under the National Pollutant Discharge Elimination System (NPDES). A review of the SWPPP and the issuance of a Storm Water Permit are separate agency processes that are not conducted as part of the CEQA review process.

14.5

5. Comment #4: Raptor Foraging Habitat (pp. 7-8)

a. The project removes 17.6 acres of non-native grassland and coastal scrub, which provides important foraging habitat for white-tailed kite and other raptors, which in turn supports nearby nesting sites

White-tailed kites have been observed foraging on the Project site (three individuals observed on July 16, 2010; City 2012). This species is considered fully protected (FP) by CDFW. The Conservation Element of the GP/CLUP (City of Goleta 2006a) considers roosting and nesting habitat as ESHA. However, foraging habitat is not specifically treated as ESHA in the General Plan. The loss of 13.29 acres (not 17 acres, as stated in the comment) of relatively low quality habitat (based on the disturbed nature of all communities on site), would be a relatively minor project-level impact. Furthermore, as detailed above, there is no coastal scrub habitat requiring preservation on site.

14.6

b. The DEIR should include measures to avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts. Plant communities on site with ranks of S-1 through S-4 are sensitive and considered declining at the local level

As described in detail in response 3.c, above, vegetation on the Project site was mapped according to standards in the *Manual of California Vegetation*, Second Edition (Sawyer et al. 2009), and no sensitive plant communities occur there.

c. Cumulative loss of 265 acres of open space that could be used as raptor foraging habitat is a significant cumulative impact.

The CDFW comment letter asserts that the Project will create a significant cumulative impact to raptor foraging habitat, and to white-tailed kite foraging habitat in particular. However, the basis for the reference to 265 acres of cumulative impacts to raptor foraging habitat is unclear, as is what land cover types are included in this total that actually represent raptor foraging habitat. Large areas of protected open space will remain in the Goleta area, regardless of development of any approved or currently proposed projects. The *Final Goleta General Plan/Coastal Land Use Plan EIR* (City of Goleta 2006b) notes that there are four existing nature parks in the City of Goleta (Lake Los Carneros Natural and Historic Preserve, Sperling Preserve, Santa Barbara Shores Park, and Coronado Preserve), totaling 375.1 acres. Habitats within these preserves vary, including the 6.9 acres of the Coronado Preserve, which consists mostly of eucalyptus woodland, a wooded habitat that does not occur on the project site. But, given the varying foraging habits of raptors, which includes species such as white-tailed kite that forage in open areas and species such as Cooper's hawk that may forage in more wooded areas, all of these preserves provide habitat for raptors. Large areas of more open habitats that are less disturbed versions of those that occur on the project site are found at the three larger preserves. In addition, approximately 290 acres of undeveloped or restored land at the University of California, Santa Barbara, adjacent to Goleta on the south and west, will remain available in the future, including the 64-acre North Campus Open Space (the former site of a golf course now being restored as mitigation for university projects), the 158-acre Coal Oil Point Reserve, and the 68-acre South Parcel.

14.6

Furthermore, Section 4.3.2 of the DEIR, in discussing cumulative impacts to raptor foraging habitat, emphasizes the poor quality of habitat on the Project site:

The Project would not result in a cumulative impact to raptor foraging areas or access to food resources, as the foraging habitat at the Project site is of lesser importance to raptors at a regional scale due to its small size, fragmented condition, and proximity to existing development; the foraging habitat at the site is not essential to successful nesting of raptors in the Goleta area; suitable foraging habitat exists at several other locations in the area, such as Ellwood Mesa, Bishop Ranch, Los Carneros Lake, Santa Barbara Municipal Airport and Goleta Slough, and UCSB areas, as well as additional undeveloped private lands; and, raptors are mobile species capable of compensating for the loss of small acreages of suitable foraging habitat in a local area by finding and utilizing other suitable habitats. Approximately four acres of the Project site itself was recently inaccessible to raptors for foraging for at least two years when stockpiled soils were present in the native hydro-seed area. The Project's contribution (13.47 acres would be permanently removed by development of the Project) to the loss of raptor habitat would not

make cumulatively considerable contribution to a cumulatively significant effect, and is therefore less than significant.

The DEIR also reviews cumulative impacts to biological resources in the context of the City of Goleta's programmatic *General Plan FEIR* (City of Goleta 2006b). The *General Plan FEIR* evaluated direct and indirect impacts of the General Plan, which included build-out of the project site. According to the DEIR:

Cumulative impacts to biological resources, including the "loss of foraging habitat (grassland) for resident and migratory raptors" attributable to projects in the City, were found [in the General Plan FEIR] to be less than significant (Class III) with adherence to General Plan policies and applicable federal and state regulations (Impact 3.4-14). Cumulative impacts to biological resources would not be cumulatively considerable, as identified under the Programmatic General Plan FEIR. As discussed above, the Project is consistent with the General Plan biological resource protection policies. Therefore, as identified in the Programmatic General Plan FEIR, cumulative biological resources impacts would be less than significant with implementation of the General Plan policies.

14.6

Therefore, despite the cumulative loss of raptor foraging habitat from approved and foreseeable projects, more than 600 acres of protected habitat will remain in the City of Goleta. Lands subject to project development are generally disturbed and poor habitat for raptors, and the development of these areas is consistent with the determination related to cumulative impacts in the *General Plan EIR*.

d. As removal of habitat has the potential to affect habitat for the Belding's savannah sparrow, listed as endangered under the California Endangered Species Act (CESA), CDFW recommends surveys for Belding's savannah sparrow be conducted by biologists determined to be qualified by CDFW. Survey results should be submitted to CDFW for review and comment.

The CDFW comment letter also inquires about potential impacts on the Belding's savannah sparrow. Belding's savannah sparrows are resident in tidal marshes and nest within and at the margins of these habitats (Lehman 2016, Dudek 2012). No nesting habitat is present on the Project site. However, this species has been known to forage outside suitable nesting habitat in the Goleta Valley, such as at Goleta Beach and Campus Point at the University of California, Santa Barbara (D. Compton, personal observations; Lehman 2016). The Project site is approximately 0.5-mile north of occupied nesting habitat within Goleta Slough and theoretically may be within the range of Belding's savannah sparrows foraging outside nesting habitat.

Most surveys for Belding's savannah sparrows have been breeding season surveys (e.g., Zembal et al. 2015). No protocol exists for surveying for foraging Belding's savannah sparrows, and the occurrence of this species away from nesting habitat and adjacent uplands is unpredictable. Therefore, focused surveys are unlikely to be effective in detecting foraging by this subspecies. The site has been surveyed for various biological resources periodically since 2008. Both the 2012 *Final Environmental Report, Willow Springs II* (City of Goleta 2012) and Section 4.3.1 of the Heritage Ridge DEIR list species observed during past surveys. The Willow Springs FEIR included wildlife observations from biological surveys of the property on February 8, 2008, July 16, 2010. The DEIR listed wildlife observed during Dudek (2014b) wildlife corridor field visits in 2014 and during Rincon's biological surveys between February and March 2015. Should Belding's savannah sparrow forage regularly on the Project site, it would be more likely to have been observed during the various biological surveys conducted since 2008 than during focused surveys for foraging birds. Belding's savannah sparrow has not been recorded on the Project site in any of these surveys. 14.6

e. MM#1: More detailed analysis is required and will show need for off-site protection of at least 17 acres of compensating habitat

See responses 5.a and 5c.

f. MM#2: Survey for Belding's savannah sparrow must be conducted

See response 5.d.

6. Editorial comments (pp. 8-9)

a. Include "discussion of possible human/wildlife conflicts and mitigation measures to reduce the potential for wildlife-human conflicts" (p. 8, para. 5)

We assume this comment refers to conflicts that would occur after project implementation. We are not aware of City policies, CEQA requirements, or other regulations that address this issue as such, although certain regulations may apply in some specialized situations, such as post-development conditions resulting in "take" of species listed as endangered or threatened under the California Endangered Species Act, take of CDFW fully protected species, or injury or mortality to other protected species. Given potential impacts specifically identified in the DEIR, and in the commenter's letter, the issue of post-development conflict between humans and wildlife is most applicable to the wildlife movement issue. This issue is addressed above in responses 2.a and 2.d. 14.7

Given the existing development associated with Willow Springs and Willow Springs II immediately to the south of the site, the proximity of the UPRR and U.S. 101 immediately north of the site, the presence of dense commercial development immediately to the east, and the existing and extensive roadway infrastructure in the immediate vicinity of the Project, the development of the Project site is very unlikely to introduce new conflicts between wildlife and humans within City of Goleta boundaries.

b. More mitigation measures are needed for impacts to sensitive plants, animals and habitats

See responses 2.c, 3.d, 5.a, and 5.c.

c. A habitat restoration or enhancement plan should be discussed in further detail in the DEIR

As no habitat mitigation is required for impacts, a habitat mitigation and monitoring plan is not necessary. However, please note the following mitigation measure and requirements for all landscaping and erosion control conducted on the project site:

14.7

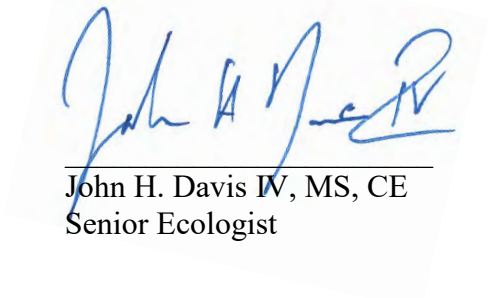
BIO-2 **Invasive Species Seeding and Landscaping**. Nonnative, invasive plant species cannot be included in any erosion control seed mixes and/or landscaping plans associated with the Project. The California Invasive Plant Inventory Database contains a list of nonnative, invasive plants (California Invasive Plant Council [Updated 2011] or its successor).

Plan Requirements and Timing: Before the City issues a Building Permit, the applicant must submit a final landscape plan for review and approval by the Planning and Environmental Review Director, or designee.

Monitoring: The Planning and Environmental Review Director, or designee, must verify compliance before the City issues any grading or building permit(s). Before the City issues a certificate of occupancy, the Planning and Environmental Review Director, or designee, must inspect landscape plantings features to ensure that they have been installed consistent with approved plans.

This concludes our letter report reviewing the CDFW comment letter on the Project DEIR. If you have any questions regarding the contents of this letter report, please do not hesitate to contact me at (805) 308-8524 office or (805) 252-7996 cell or by email at jdavis@dudek.com.

Sincerely,



John H. Davis IV, MS, CE
Senior Ecologist

Attachment A – Point Intercept Transect Data
Attachment B – Resumes - Dudek Biologists

cc: *Craig Minus, The Towbes Group*
Linda Blackbern, The Towbes Group
Peter Brown, Brownstein Hyatt Farber Schreck, LLP
Dave Compton, Dudek
Heather Moine, Dudek

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ATTACHMENT A

Point Intercept Transect Data

Heritage Ridge Residential Project
1 meter Point Intercept

Dudek
John H. Davis IV and Heather Moine
8/29/2016

Transect ID T-1

	Species	Height (ft)
0	BACPIL	
1		
2		
3		
4		
5	L(BACPIL)	
6	BACPIL	
7		
8		
9		
10		
11		
12	L(BACPIL)	
13	BACPIL	
14		
15	L(BACPIL)	
16	BACPIL	
17		
18		
19		
20		
21		
22		
23	L(BRANIG)	
24		
25	BACPIL	
26	L(BRANIG)	
27		
28		
29	BACPIL	
30		
31	L(BRANIG)	
32	BACPIL	
33	L(BRANIG)	
34		
35		
36		
37		
38	BACPIL	
39		
40		
41		
42	L(BACPIL)	
43		
44		
45	BACPIL	
46		
47		
48	L(BACPIL)	
49		
50	BACPIL	

	Species	Height (ft)
51	BACPIL	
52		
53		
54		
55		
56		
57		
58	BG	
59		
60	BACPIL	
61		
62		
63		
64	L(BACPIL)	
65	BACPIL	
66		
67		
68	BG	
69		
70		
71		
72	L(BRANIG)	
73		
74		
75	BG	
76	L(BRANIG)	
77	BACPIL	
78	L(BRANIG)	
79	BACPIL	
80		
81		
82	L(SALTRA)	
83		
84	BACPIL	
85		
86		
87		
88		
89		
90		
91		
92		
93	L(Melilotus)	
94	L(forb)	
95		
96	STIPUL	
97	L(forb)	
98	STIPUL	
99		
100		

L = litter/ dead plant material

BG = bare ground/ soil/rock

→ Soil-fill disturbed habitat

Appendix N

Comments Received on Revised Draft EIR

Letter 1

Revised Heritage Ridge EIR Comments

There are a number of issues that have been left out of this EIR revision. I will leave most of the shortcoming to the Biological Resources to others more qualified. However, some biological changes would remove setbacks and buffers that would protect the environment from serious damage. One such request is for a change to the General Plan to remove the designation of ESHA on Figures 3-5 and 4-1 and Special Status Species. Additionally, the request for the reduction and elimination of the Streamside Protection Area buffers in some places shown on Figure 4-1. is unacceptable. These are requests aren't consistent with the General Plan policies. 1.1

The developer is asking for the vacation of the City's Los Carneros Right of Way and landscape easements. They should have provided site plans of the development with the Heritage Ridge property lines and the City's Right of Way and easements lines clearly marked so that the project could be properly reviewed. One cannot adequately review the project without knowing the exact property lines of Heritage Ridge on the development plans. Although "Project Boundary" is shown on Figures 2-3 and 2-4, all the development plans appear to use the public ROW for the project. The EIR should be on the property the developer owns and not what they wished they owned. This document includes public ROW that in September 2019 the City Council indicated that they wouldn't vacate to the developer. 1.2

Vacation of any street, highway or right of way easement is governed by the Streets & Highway Code section 8324 (b) which states that an easement may be vacated if it is "unnecessary for present or prospective public use." We already know that there are several projects that the ROW and easements will be needed for. With the ever-increasing traffic from UCSB, and this and other nearby new development additional traffic, pedestrian, and bike projects will be needed. Towbes may offer an easement near the Los Carneros and Highway 101 southbound on ramp i8n exchange for our ROW easements but it is not a fair trade. In the future if that land is needed for road work it can be obtained by eminent domain.

There are claims in the EIR that are not true and these claims shouldn't be allowed to be used to get a bad project approved. The claim that the view of the mountains isn't obstructed is clearly refuted by the photo-simulation on the cover of this EIR. This is a project in the Scenic View Corridor along Highway 101 and also a Scenic View along Los Carneros. It is clearly shown on Figure 6-1 as a Scenic View at the very location that the cover picture was taken. There are no photos or elevations of the buildings in this document and they should have been included. 1.3

In the Consistency with Policies in the Goleta General Plan, Table 4.9-2 VH 1.1 and VH 1.4 it is claimed that

" Consistent. As described in Section 4.1, Aesthetics, The Project site does not include scenic resources identified in Policy VH 1.1. The Project would not obstruct southward scenic views of the Pacific Ocean from the Los Carneros Road overpass. The Project would minimally obstruct a designated view corridor

of the Santa Ynez Mountains northward from South Los Carneros Road at Calle Koral. As described in Section 4.1, Aesthetics, the simulated two- and three-story buildings in the southwest portion of the site would barely rise above the existing ridgeline of the Santa Ynez Mountains, minimally obstructing existing views of the mountains to the northeast from the perspective of northbound motorists on South Los Carneros Road. This has been identified as a Class III, less than significant, impact."

1.3 cont'd

I no longer trust that other issues in this EIR haven't been changed. There having been several versions of the EIR, it would have been preferable to have a document with the changes highlighted. It is too easy to miss important points.

1.4

Thank you for the opportunity to comment, Barbara Massey

May 25, 2021

Letter 2

From: CECILIA BROWN [redacted]
Sent: Sunday, May 23, 2021 7:10 AM
To: Mary Chang [redacted]
Subject: Comments Heritage Ridge EIR

Hi Mary, please accept my comments regarding the projects lighting: Considering that the City of Goleta has a "Dark Sky" policy for project lighting, it would have been really helpful to have some specificity to the description of the proposed lighting for the project, the first two paragraphs are reprinted below. What info provided is so general, it gives me little info as to adherence to City standards. As a minimum it would have been helpful to know if all the fixtures are going to be fully shielded and full cut off, which are usual dark sky lighting standards. But there are others as well. I am hoping that since an an electrical engineer is preparing the lighting plan, he is using applicable Illuminating Engineering Society, CA and City lighting requirements for the project. This is a large proect with lots of different kind of lighting used in different applications throughout the project. Considering the EIR has lots of detail in other topic areas, it would have been helpful to have it in this section as well, particularly since there can be environmental impacts from lighting. Inclusion of a proposed lighting plan in an appendix would be informative.

Thank you,

Cecilia Brown

2.1

Excerpt from EIR:

The Exterior Lighting Report, prepared by Alan Noelle Engineering on May 20, 2015, describes the proposed exterior lighting concepts and fixtures for the Project. LED lighting will be the primary source of
exterior lighting unless a necessary fixture is not available. LED lighting possess very efficient production of light, allows for directed light to only areas where it is needed and uses less electricity than other lighting sources. Elimination of decorative fixtures allows for the primary use of LED lighting.
Pole Lighting. Due to the relatively large size (17.36 acres) of the Project site, it is necessary to utilize poles for lighting. However, the architectural design of the site limits the number of poles needed. Pole lighting will be largely limited to the proposed parking areas and the proposed neighborhood park area. The proposed poles would be slim and dark with a shallow (thin) type wedge or box type fixture at around 12'-14' in height, eliminating them from sight

From: Sam Cohen <scohen@santaynezchumash.org>
Sent: Thursday, June 10, 2021 5:31 PM
To: Mary Chang <mchang@cityofgoleta.org>
Cc: Sam Cohen <scohen@santaynezchumash.org>; Nakia Zavalla <NZavalla@santaynezchumash.org>; Kelsie Merrick <kmerrick@santaynezchumash.org>; wteeter@arts.ucla.edu
Subject: Heritage Ridge 332 Residential Rental Unit Project: 14-049-GPA-VTM-DP

Dear Mr. Chang:

I read Section 4.4 of the Revised AND RECIRCULATED Draft Environmental Impact Report for this Project. 3.1

1. Kindly verify when and where human remains have been identified on the Project site? 3.2
2. Kindly verify what subsurface testing has been done on the remainder of the site to rule out the entire site as a Chumash cemetery? 3.3
3. What COVID-19 extensions were provided to respond to your requests for consultation in 2021 (March 22, 2021 letter with April 15, 2021 response deadline)? 3.4
4. What actions are being taken to avoid cultural resources as the preferred method of mitigation and to avoid Data Recovery as the least preferred method of mitigation? 3.5
5. What cumulative impact analysis has been undertaken to slow down the destructions of the last remaining Chumash Heritage sites in the Goleta Slough? 3.6
6. What actual field testing of the site has been done after 1996? Did Goleta even exist then? Both the practice of archaeology and the City of Goleta have evolved significantly since then (From EIR: an intensive Phase I archaeological ground surface survey in 1990 and subsequent subsurface Extended Phase I excavations in 1996 conducted within the Project site)? 3.7
7. Recirculation restarts the AB 52 process and the Santa Ynez Band of Chumash Indians demands AB 52 consultations to preserve our rights. Therefore, how can I see all of the archaeological reports on file? 3.8

Sincerely,
Sam Cohen

Sam Cohen
Government Affairs and Legal Officer
Santa Ynez Band of Chumash Indians
Office (805) 688-7997
Mobile (805) 245-9083

CHAPTER 5

CA-SBA-56: AN 'OAK GROVE' AND 'CANALINO' SITE ON THE MARGINS OF THE GOLETA LAGOON, CALIFORNIA

Jon M. Erlandson[1], Thomas Rockwell[2], Todd J. Braje[3], Terry Joslin[4], Brent Leftwich[5], John Ruiz[6], David Stone[7], and Ken Victorino[7]

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[2]Department of Geological Sciences, San Diego State University, San Diego, CA 92182
[3]Department of Anthropology, San Diego State University, San Diego, CA 92182
[4]Central Coast Archaeological Research Consultants, San Luis Obispo, CA 93401
[5]Leftwich Archaeology, 236 Palo Alto Drive, Goleta, CA 93117
[6]Brotherhood of the Tomol, Santa Barbara, CA, 93103
[7]Amec Foster Wheeler, Santa Barbara, CA 93101

In the 1920s, long before radiocarbon (^{14}C) dating revolutionized the field of archaeology, David Banks Rogers excavated at dozens of Native American village sites in the Santa Barbara Channel area. In his classic 1929 book, *Prehistoric Man of the Santa Barbara Coast*, Rogers summarized his work at scores of sites, proposing the first detailed sequence for the development of Native cultures in the Santa Barbara Channel area. In the years since his book was published, American archaeology has changed dramatically, but much of what Rogers discovered still provides a foundation for later chronologies and cultural sequences along the southern and central California coast (see Wallace 1955; Harrison 1964; Landberg 1965; Warren 1968; and others). New methods, theories, and data have allowed archaeologists to flesh out the details of past lives in ways that Rogers and his contemporaries could not have imagined, but the basic framework of Rogers's cultural sequence remains as useful now as it was in the 1920s.

Subsequent archaeological studies of Rogers's sites have contributed to our growing understanding of the past in the Santa Barbara Channel area. Radiocarbon dating of sites excavated by Rogers, when combined with the development of calibration programs for ^{14}C dates, has allowed us to place his cultural stages—Oak Grove, Hunting People, and Canalino—in real time, and a probable cultural continuum that may span more than 9000 years. In the process, archaeologists working in the Chumash area have constructed one of the longest and best documented coastal sequences in the world. Unfortunately, the past 60 years have also seen phenomenal population growth and unprecedented development along the California coast that has destroyed or damaged countless archaeological sites. These include many of the 100 or so sites Rogers (1929) described along the Santa Barbara coast. Among the hardest hit was the remarkable complex of sites that formed a nearly continuous ring around the Goleta Slough, the sociopolitical nexus of the Chumash world (Gamble 2008). Fortunately, there are still intact remnants of many of these Goleta Slough sites, including some key sites once thought to have been completely

destroyed. Many of these site remnants have also been investigated by archaeologists using methods more advanced than Rogers's relatively crude techniques.

A rare Rogers site that remains relatively intact but has also been studied extensively by later archaeologists is CA-SBA-56, a large site located on the northern edge of the old Goleta Slough. Rogers excavated extensively at CA-SBA-56, identifying two separate occupations, one by his Oak Grove (Milling Stone) people and one by the Canalino (Chumash). In the process, Rogers collected valuable information about the size, structure, and contents of the site, most of which is summarized in his 1929 book (see below). After lying fallow for decades, a series of additional archaeological investigations have taken place since the 1980s, studies that provided further information on the chronology, structure, and contents of CA-SBA-56. Fortunately, despite intensive development of the surrounding area, the central portion of the site has been preserved as open space, providing the opportunity for future archaeological study.

In this chapter, we summarize what is currently known about the archaeology of CA-SBA-56, where relatively intensive settlement by Milling Stone peoples took place between about 7500 and 7000 years ago. As we will see, despite numerous archaeological investigations of the site, there is still much that could be learned through further careful research.

Location and Setting

CA-SBA-56, a large shell midden and habitation site, is situated on the northern margin of the ancient Goleta Lagoon (Figure 5.1). Construction of the Southern Pacific Railroad, US Highway 101, the Los Carneros Road overpass, and a combination of industrial and residential buildings has heavily altered landforms in the site vicinity, making it difficult to visualize the original setting. Today, the site is located between about 10 and 35 feet (3-11 meters) above sea level. A variety of evidence indicates that it was once located on a small knoll or ridge adjacent to an arm of the lagoon, within easy reach of extensive estuarine and marsh habitats. Historically, the perennial Los Carneros Creek flowed past the eastern margin of the site and Tecolotito Creek entered the Goleta Lagoon a short distance to the west.

After working at CA-SBA-56 in the 1920s, Rogers (1929:156) described the setting as follows:

> In appearance, it is one of the most striking examples of a former village site in the vicinity. . . . A small rounded knob rises quite abruptly from the northern rim of the Goleta Slough, which was formerly of greater extent, but is now almost entirely silted in to a wide extent about the knoll. The crest of the knoll is probably twelve feet above these new-made flats. . . . A spring that was amply sufficient to supply the demands of the former villages is located near the southwestern foot of the rise. . . . Within very recent times a great growth of tules extended outward from this spring. . . . I believe that this knoll was (once) an island, entirely surrounded by the slough. After its abandonment by the Oak Grove People, soil brought down by floods united it with the adjacent land to the north.

During the earliest occupation of the site, about 7500 years ago, global sea levels were still approximately 10 meters below present (Inman 1983:9) and rising relatively rapidly. At this time, the Goleta Slough was probably a much deeper lagoon, and CA-SBA-56 would have been located on an

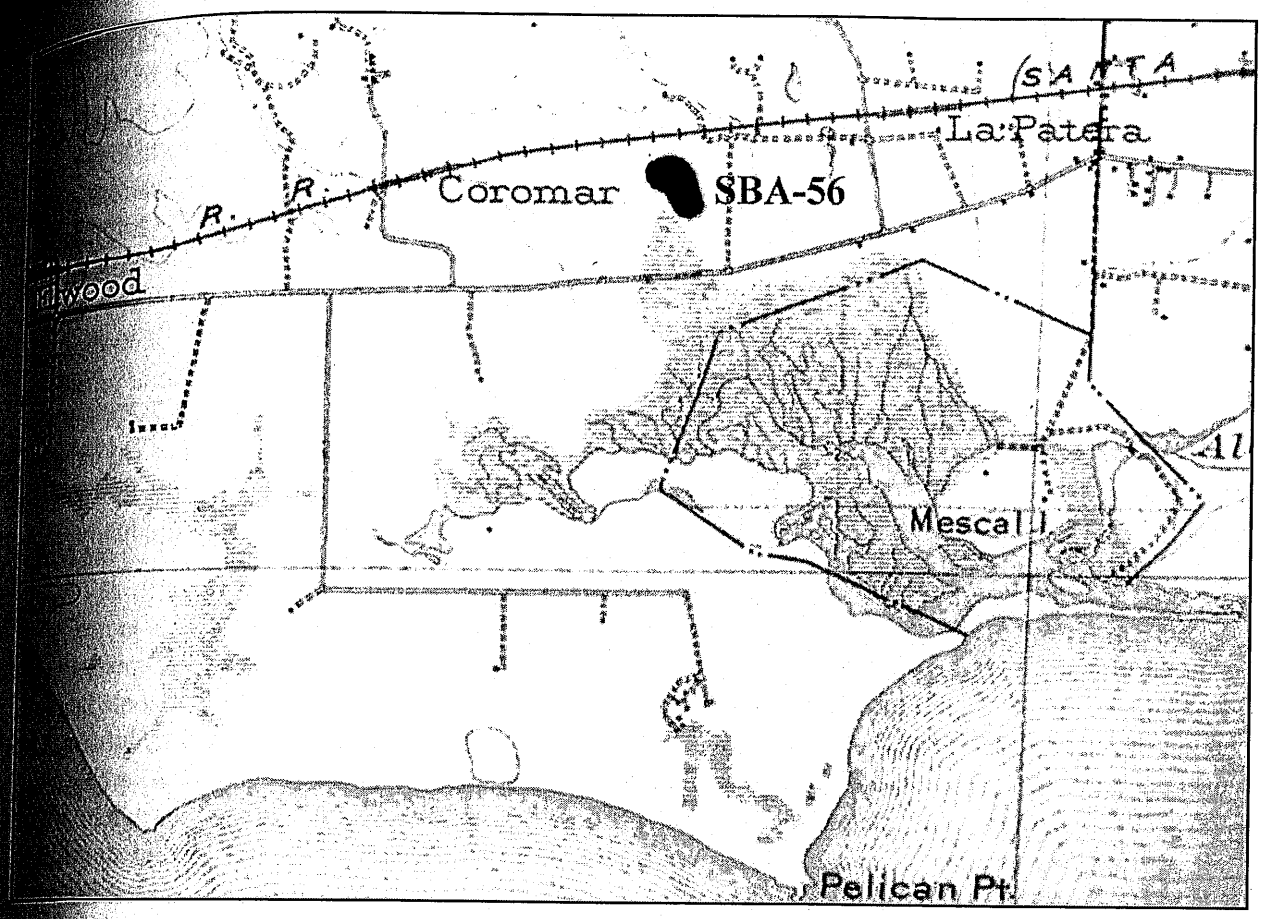

Figure 5.1. 1903 Map of the Goleta Slough area, showing the approximate location of CA-SBA-56 (adapted from USGS 15 minute Goleta Quadrangle).

even more prominent knoll or ridge, rising as much as 20 meters above the adjacent shoreline. As sea levels continued to rise after 7500 years ago, it is conceivable that the flooding of the Goleta Valley lowlands isolated this knoll, forming an island just as Rogers hypothesized more than 85 years ago.

This geographic setting would have provided the site occupants with ready access to a variety of estuarine, riparian, and terrestrial habitats in the Goleta Lagoon area, as well as proximity or travel corridors to the foothills and canyon lands of the Goleta Valley and the marine habitats of the outer coast. This optimal location provided the people of CA-SBA-56 with a diverse array of resources, including fresh water and a variety of shellfish, fish, waterfowl, and terrestrial plants and animals. The Goleta Lagoon area was also a highly dynamic environment, with local habitats and resources affected by factors as diverse as postglacial sea level rise, siltation of the estuary (Bixler 1980; Lohmar et al. 1980; Stone 1980), climatic changes (Glassow et al. 1988), expanding human populations (Glassow 1999), and human impacts on local resources.

At the time of European contact, the Goleta Valley was densely populated by the Chumash, who lived in several large villages and towns clustered around the margin of the estuary, some with 400 or more residents (Brown 1967; Johnson et al. 1982). The historic Chumash towns of *S'axpilil*, *Helo'*, *'Alkash*, and *Heliyik* were all located a little over a kilometer from CA-SBA-56, but there is no ethnohistoric or ethnographic evidence for occupation of CA-SBA-56 during the Mission Period.

Under profound pressures from successive Spanish, Mexican, and American colonial regimes, Chumash gradually abandoned the Goleta Slough towns after the establishment of the Spa missions. The area surrounding CA-SBA-56, part of a tract of land known historically as La Coch was initially controlled by the Franciscan fathers as part of mission lands supposedly held in trust the Chumash people. After the missions were secularized in 1834, however, the Mexican goverm granted the area to Nicolas Den as part of his Rancho los Dos Pueblos (G. King 1982:49). In 18 Den sold the property to Daniel Hill who owned the La Goleta Rancho immediately to the east. Al 14 years after Hill's death in 1865, his widow sold the property to Titus Phillips in 1879, who s 200 acres surrounding CA-SBA-56 to George Williams in 1900. Early in the 20th century, mos CA-SBA-56 appears to have been planted in walnut orchards (Rogers 1929), trees that remained the site until the 1980s. Through time, however, the site was increasingly boxed in by developm and land modifications, including the construction of Hollister Avenue south of the site in the 1800s, the Southern Pacific Railroad in 1887, Highway 101 in the mid-1900s, the Los Carne overpass around 1967, and a mixture of residential and commercial buildings that gradually filled the surrounding area.

History of Archaeological Investigations at CA-SBA-56

CA-SBA-56 was first described by D. B. Rogers (1929:156) as "one of the most striking examp of a former village site in the vicinity." Reflecting the general methods of American archaeolog of his time, Rogers was primarily interested in locating and excavating cemeteries where a wea of artifacts and other information could sometimes be found. Despite extensive excavations at C SBA-56, Rogers failed to find a cemetery associated with the residential midden. What he did f was a sizeable and stratified shell midden, estimated to extend about 150 meters north-south and meters east-west, a site he believed contained the remnants of two discrete occupations. Accordin Rogers (1929:156-157):

> A series of forty-six deep trenches, sunk at every favorable point, failed to reveal with certainty either the cemetery, the "temescal," or the hut circles. There were, however, several interesting disclosures. One was that to an average depth of twenty-four inches, black, "greasy" soil, thickly set with fragments of shells, principally those of the mussel, covers the entire site. Within this stratum are frequently encountered fragmentary artifacts that unquestionably belong to the third, or Canalino, culture. I also found here a human skeleton which had been unearthed and reburied by a crew that were laying a water main. I sought industriously in the immediate neighborhood for other burials but to no avail.
>
> The above described black stratum rests upon what appears to be a hard clay subsoil that had been much eroded previous to the laying down of the superimposed blanket of camp refuse. By trenching into this supposed subsoil, I found that it was only a few inches thick, and that beneath it was another layer of camp debris about eight inches thick. This latter deposit instead of being mixed with sooty "Indian soil," bore a heavy content of brownish clay. The massive shells which it contained were far less fragmentary, although they were chalky with age. The artifacts imbedded in this stratum were confined to three classes,—manos, of which over one hundred were found, metates and crude hammers. It appears certain that this sub-stratum was the result of a

long residence here by the people of the first culture. . . . The later third culture residents probably had no idea that it had been occupied previous to their arrival. The first village was of less extent than the last. It is unfortunate that the cemeteries were not located, for they would have aided in solving this problem. We probably have here one of those rare instances where the burial plot was located at a distance from the village. . . .

As far as we know, no further archaeological work took place at CA-SBA-56 for almost 40 years. In 1967, Chartkoff, Chartkoff, and Kona officially recorded the site, noting at the time that the top part of the site had been destroyed by grading. Several subsequent researchers have interpreted this statement as meaning that Rogers' central midden area had been damaged, but the presence of walnut orchard over most of the site at the time seems to preclude this. It now seems more likely that Chartkoff et al. were referring to the elevated knoll area of the site, which appears to have been damaged by grading associated with construction of the Los Carneros overpass about this time (Santoro 1995).

In the early 1980s, Erlandson and Wilcoxon (1981) conducted a surface reconnaissance of CA-SBA-56 as part of a regional study associated with the Goleta Valley Flood Protection Program (Wilcoxon et al. 1982). Along with the central midden area defined by Rogers—in which more than a dozen looters' trenches were found—Erlandson and Wilcoxon documented a lower density scatter of shell and stone artifacts distributed over a much larger area extending nearly 350 meters north-south and roughly 300 meters east-west. Some of these dispersed archaeological materials may have been displaced by plowing and grading, but CA-SBA-56 clearly was considerably larger than estimated by Rogers in the 1920s.

Later in 1981, UCSB archaeologists conducted a surface reconnaissance and limited excavations at CA-SBA-56 during preparation of an environmental impact report for a proposed housing development. Gerstle and Serena (1982) collected 50 artifacts from the site surface, excavated 22 shovel test pits (STPs), and removed a 20 x 20 cm wide column sample from the walls of a looters trench in the central midden area. They confirmed that CA-SBA-56 appeared to contain two discrete cultural components, concluded that the central site area was highly significant, but dismissed the significance of low density deposits in the surrounding area, releasing them to future development. This project also led to the first ^{14}C dates for CA-SBA-56, when shell samples from the lower component were dated to 6620 ± 160 RYBP (UCR-1529B) and 6700 ± 140 RYBP (UCR-1529A). After calibration, these dates suggest that the initial occupation of CA-SBA-56 took place between about 7500 and 7300 years ago. At the time, this was one of the earliest occupations known in the Goleta Slough area, surpassed only by an early Milling Stone component at the Glen Annie Canyon site (CA-SBA-142) dated between about 7900 and 7100 years ago (Owen 1964; Erlandson 1994:179).

In 1989 and 1990, Dames & Moore archaeologists and Chumash representatives monitoring grading on the knoll north of the central site area identified a concentration of ground stone and chipped stone artifacts associated with marine shell and a human femur fragment (Snethkamp 1990; Eisentraut and Gerber 1994:3). The discovery of these archaeological materials led to an expansion of the CA-SBA-56 site boundaries and a more thorough assessment of the knoll area.

In 1995, archaeologists working with the ISERA Group conducted surface and subsurface studies to further define the boundaries, integrity, and significance of archaeological deposits at CA-SBA-56 (Santoro 1995). This work included the excavation of seven STPs located in the area between the central midden area and the northern knoll area. Erlandson and Rockwell, along with Loren Santoro,

Pandora Snethkamp, and John Ruiz, excavated a series of backhoe trenches to define the site boundar around the northern, eastern, and western margins of the knoll. This work showed that soils in t northern site area had been truncated by grading and agricultural activities, but that the lower portio of the A soil horizon, along with E and B horizons, were still intact across much of the area. Thi work also showed that intact archaeological soils associated with CA-SBA-56 extended under allu deposits on the floodplain of Los Carneros Creek north and east of the northern midden area. Thi buried archaeological deposits were generally of low density, but two probable hearth features wer identified, along with a low density shell midden soil, suggesting that some village activities too place on this now buried surface near the creek. Also discovered at this time were the remnants of intact burial on the northern knoll, confirming that a cemetery existed north of the central midden are Along with identifying the age of the Canalino or Chumash occupation in the central midden area, dates obtained at this time suggested that the cemetery and low density midden deposits on the knol were roughly the same age as the early midden deposits to the south.

In 1998, archaeologists with Hutash Consultants excavated a series of backhoe trenches alon the southern margins of CA-SBA-56 to better define the site boundaries in this area. Column sample recovered from low density midden deposits in this area also provided some limited information o the site constituents.

In 1999 SAIC archaeologists excavated 14 1.0 x 0.5 meter test units at CA-SBA-56, four in th intermediate midden area (IMA) between the central midden area (CMA) and the northern knoll and ten more in the low-lying areas north and east of the knoll (Foster and Stone 1999). This work recovered relatively low densities of artifacts and faunal remains, and contributed important information on th structure, nature, and age of archaeological materials in these areas.

Finally, in 2012 Dudek archaeologists excavated six additional 1.0 x 1.0 meter test units (plus 2 cm x 25 cm column samples) to mitigate the impacts of road grading to low density cultural deposits in the IMA (Stone and Victorino 2014). These excavations confirmed the nature of low density deposits found in this area during 1999 excavations, and added to the inventory of artifacts, faunal remains, and analytical results available for the area and the larger site.

Site Structure

Although CA-SBA-56 retains much of its original spatial integrity, a variety of processes have affected the structure and contents of the site during its long history. These include burrowing by gophers and other animals, plowing and other agricultural activities, grading, erosion, and excavations by looters and archaeologists. In recent years, as the area has been proposed for development, archaeological studies have been oriented towards defining the boundaries of the site, understanding its structure, and evaluating the integrity and significance of archaeological materials in various site areas.

Although Rogers (1929) estimated CA-SBA-56 to be about 150 meters long and 125 meters wide, he normally included only the central portions of such residential middens in his size estimates. More recent work at several sites Rogers investigated has shown that the central midden areas are often surrounded by lower density midden deposits, peripheral scatters of stone artifacts and features, or both (see Erlandson et al. 2008; Kaijankoski et al. 2013). At CA-SBA-56 the horizontal distribution of archaeological materials may have been expanded by grading, plowing, disking, and other ground

disturbing activities, but more recent excavations have clearly shown that intact site deposits cover a much larger area than Rogers estimated.

For convenience, we divide CA-SBA-56 into four primary (and somewhat arbitrary) areas (Figure 5.2). The "central midden area" (CMA) described by Rogers is actually located near the southern end of the larger site and contains the densest accumulation of shell midden and other residential debris (Table 5.1). Here, shell densities reach up to 122 kg/m^3 and up to 1350 chipped stone artifacts were recovered per cubic meter (Foster and Stone 1999; Gerstle and Serena 1982). As quoted earlier, Rogers described the stratigraphy in the central midden area as containing about 24 inches (62 cm) of dark, greasy midden he attributed to a Canalino occupation of the site. Below this he found manos, metates, hammer stones, and marine shells embedded in a dense brown clay about 8-10 inches (20-25 cm) thick. Rogers interpreted the vertical variation in midden deposits at CA-SBA-56 as resulting from two discrete occupations, with early Milling Stone materials confined mostly to the lower fourth of the midden and Chumash materials scattered through the upper three-fourths. This implies that the later occupation of CA-SBA-56 was significantly more substantial than the early one, a conclusion we take issue with later in this chapter.

A study of site soils by Rockwell suggests that the central ridge on which most of CA-SBA-56 rests is a very old landform, where the surface soil has been forming more or less continuously since the Last Interglacial (80,000 to 120,000 years ago). This Milpitas Series soil contains a thick and well developed A horizon, underlain by distinctive E and Bt horizons, the latter composed of carbonate-laced clays translocated downward through the soil profile as they weathered out of the A and E horizons. Argillic (clay-rich) B horizons often build upward through time as weathering products accumulate near the base of the A horizon, and form a lower boundary to animal burrowing. Burrowing by gophers also tends to move large (>7-8 cm in diameter) artifacts such as manos and metates downward towards the base of the A horizon (Erlandson and Rockwell 1987; Johnson 1989), where they may become embedded in the buildup of clays and caliches typical of many older soils along the southern and central California coast.

Atop the knoll north of the central midden area is a low density shell midden deposit, with numerous chipped and ground stone artifacts scattered on the surface. On much of the knoll in this "northern midden area" (NMA), the natural Milpitas soil profile has been truncated by grading. Even where the A horizon of the soil had been removed, however, Rockwell mapped caliche ($CaCO_3$) deposits in the underlying E and B horizons to reconstruct the extent of the original shell midden. Scattered shells, fragments of manos, metates, other artifacts, and fragments of human bone found during archaeological monitoring in this area first suggested that a cemetery existed atop the knoll. This was confirmed when portions of an articulated human skeleton were found during excavations on the knoll. Remnants of intact A horizon and B horizon soils containing marine shells and artifacts confirmed that portions of CA-SBA-56 once covered much of this knoll. Shovel test pits excavated in the northern midden area produced up to a kilogram of shell and 200 chipped stone artifacts per cubic meter (Foster and Stone 1999; see Table 5.1). Grading has affected the density of archaeological materials in the NMA, but the original densities appear to have been considerably lower than those in the CMA.

Between the knoll and the central midden area is an area containing a relatively low density of stone artifacts, animal bones, and shell that we refer to as the "intermediate midden area" (IMA). Limited subsurface testing indicates that intact soils were nearly a meter deep in this area, with an archaeological deposit that contains low-to-moderate amounts of stone artifacts and animal bone,

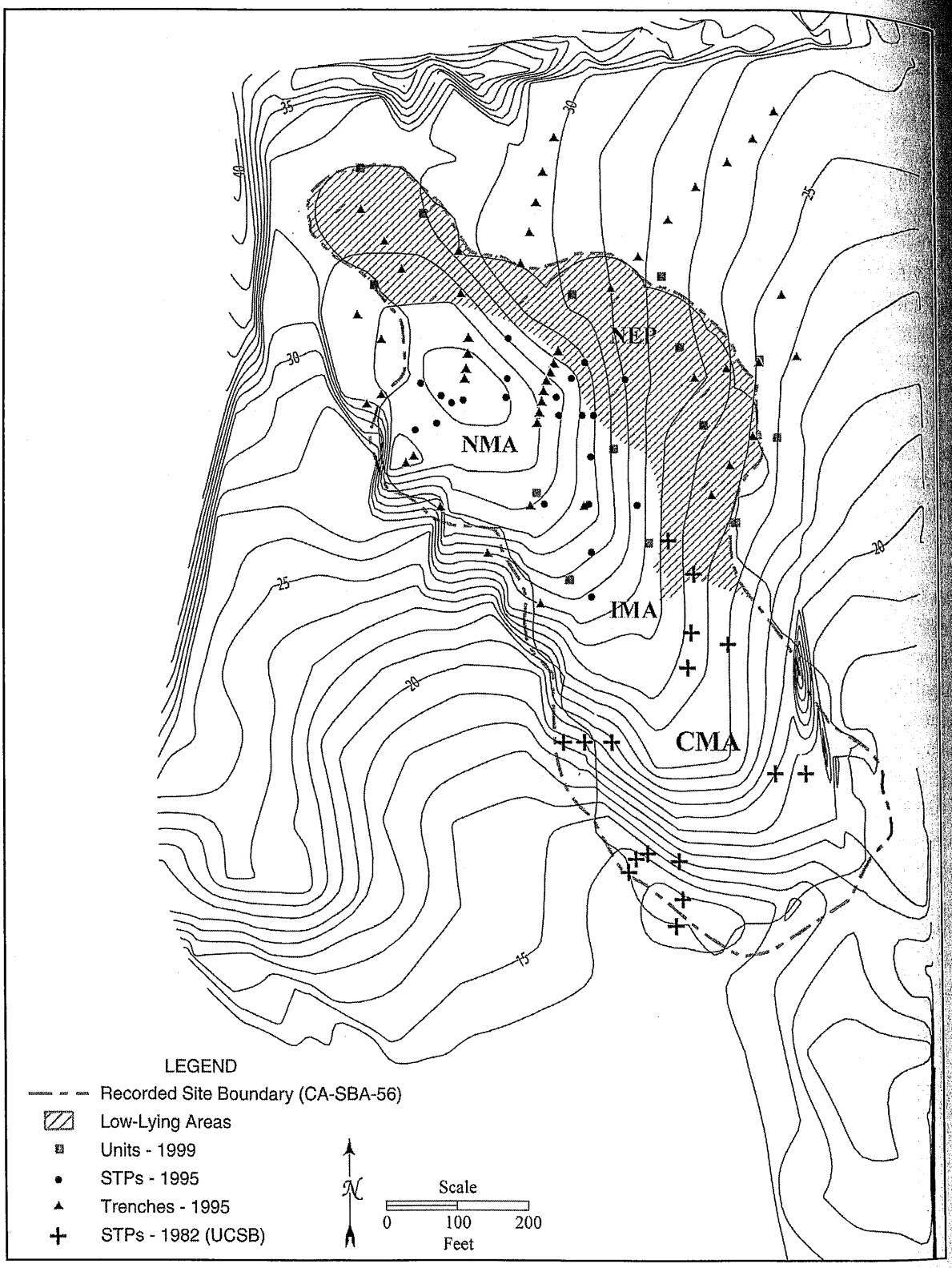

Figure 5.2. Map of field investigations at CA-SBA-56, showing the central midden area (CMA), northern midden area (NMA), intermediate midden area (IMA), and the north-east periphery (NEP). Note that 2012 Dudek excavations in the IMA are not included.

Table 5.1. Maximum Densities of Archaeological Materials Recorded in Four CA-SBA-56 Site Areas.

Site Area & Provenience	Shell (kg/m^2)	Bone (g/m^3)	Chipped Stone (#)
CMA: Column Sample	122.25	41	825
STP 1982-3	21.12	334	1350
STP 1982-5	12.17	380	1358
IMA: Unit 1999-1	0.04	60	210
STP 1995-1	0.20	168	269
STP 1995-5	–	37	446
NMA: STP 1995-22	0.02	8	200
STP 1995-40	1.03	45	79
NEP: Unit 1999-3	0.01	2	180
Unit 1999-4	<0.01	10	83

Notes: CMA= central midden area, IMA= intermediate midden area, NMA= northern midden area, NEP= north/east periphery; data from Foster and Stone (1999), Gerstle and Serena (1982:23).

along with small amounts of marine and estuarine shell (SAIC and ISERA Group 1996; Foster and Stone 1999).

Finally, on the east and north sides of the NMA, backhoe trenches revealed that the ancient Milpitas soil that formed on the surface of the knoll and ridge sloped steeply downward to where it was covered by Holocene alluvium that accumulated on the west bank of Los Carneros Creek. Goleta Series soils on the low-lying northern and eastern site margins of the site are younger and much less developed, with thinner A horizons overlying C horizons consisting of largely unaltered alluvial sediments. A low density shell midden soil was associated with a buried hearth feature in this "north-east periphery" (NEP) area, suggesting that some activities associated with the occupation of CA-SBA-56 took place on the low stream terrace east and north of the knoll.

Site Chronology

Based on his early explorations, Rogers (1929) hypothesized that CA-SBA-56 contained two discrete cultural components, a basal midden stratum created by his Oak Grove (Milling Stone) people and an upper horizon created by the Canalino or Chumash. The presence of a Milling Stone component at the site was confirmed when two ^{14}C dates were obtained in the 1980s from an aggregate sample of mixed shell from the lower levels of a column sample collected by Gerstle and Serena (Breschini et al. 1990; see Table 5.2). To better define the chronology of CA-SBA-56, several more ^{14}C dates were obtained by Erlandson and Ruiz in 1995. All the samples for these dates consisted of single fragments of relatively well preserved estuarine or marine shell. Four of these samples came from a surface

transect running north-to-south through the CMA, one from a shell recovered from a backhoe trench in the northern site area, and a sixth from a shell fragment from the surface of the northern area. They were all analyzed via conventional ^{14}C dating by Beta Analytic, Inc. The objectives of this dating program were: (1) to identify the age of the Canalino occupation defined by Rogers; (2) determine the age of the archaeological deposits in the NMA; and (3) corroborate the age of the Milling Stone deposits in the CMA.

All these goals were achieved to some extent. As noted earlier, two ^{14}C dates obtained in the early 1980s from mixed shell samples from the lower levels of the shell midden in the CMA suggested that the Milling Stone occupation of CA-SBA-56 took place about 6700 to 6600 RYBP (ca. 7550-7200 cal BP). Of the three shells collected from the surface of the central midden area in 1995, two were dated to 6430 ± 90 RYBP and 6330 ± 90 RYBP, with a calibrated age range of 7240-6970 cal BP. The third sample was dated to 1130 ± 60 RYBP (940-790 cal BP), suggesting that Chumash occupation of this area took place between about AD 1010 and 1160, during the later stages (Phase 5) of King's (1990b) Middle Period.

Table 5.2. A Radiocarbon Chronology for CA-SBA-56.

Provenience	Lab #	Material Dated	Measured ^{14}C Age	Conventional ^{14}C Date	Calendar Age Range (cal BP)
I MA: Unit 1: 0-20 cm	Beta-133861	*Tivela* fragment	320 ± 60	750 ± 60	260 (140) 0 BP
CMA: Surface, 28S	Beta-88028	*Chione* fragment	1130 ± 60	1560 ± 60	940 (885) 790 BP
CMA: Surface: 2.5N	Beta-88026	*Chione* fragment	6330 ± 90	6760 ± 90	7230 (6995) 6970 BP
NMA: Surface	Beta-88024	*Chione* fragment	6380 ± 110	6810 ± 110	7230 (7070) 6970 BP
CMA: Surface: 13S	Beta-88027	*Tivela* fragment	6430 ± 90	6860 ± 60	7240 (7130) 7080 BP
NMA: Trench 34, 32 cm	Beta-88025	*Chione* fragment	6490 ± 100	6920 ±100	7330 (7170)7090 BP
CMA: Col. 1:70-80 cm	UCR-1529B	Mixed shell?	6620 ± 160	7050 ± 160	7500 (7360) 7190 BP
CMA: Col. 1:70-80 cm	UCR-1529A	Mixed shell?	6700 ± 140	7130 ± 160	7540 (7420) 7290 BP

Notes: dates were calibrated with CALIB (see Stuiver and Reimer 1993), with a regional reservoir effect of 225 ± 35 and calendar age ranges expressed at one sigma; conventional dates include the measured age, plus 430 ± 15 years, an average for estuarine samples from the Santa Barbara coast (Erlandson 1988). CMA=central midden area; NMA=northern midden area; IMA=intermediate midden area.

Two ^{14}C dates were also obtained for single *Chione* shells from the northern midden area in 1995, one from the surface and one from a depth of 32 cm in backhoe trench 34. Both of these dates, with calibrated age ranges from 7330 to 6970 cal BP, strongly suggest that use of the knoll top was contemporaneous with the Milling Stone occupation in the CMA.

Finally, Foster and Stone (1999) reported a single ^{14}C date for a Pismo clam (*Tivela stultorum*) shell fragment from the IMA. Analysis of this shell produced an uncorrected date of 320 ± 60 RYBP, with a calibrated age range of 260-0 cal BP (AD 1690 to 1950). This date may identify a Protohistoric or early Historic Chumash occupation of CA-SBA-56, but the shell may also be associated with other historical debris (metal, glass, etc.) deposited in later historic times. In historical archaeological deposits along the margins of the Goleta Slough, or the streams that drain into it, it is not unusual to find Pismo clam and other shells among the refuse.

The artifact assemblage from CA-SBA-56, described in more detail below, appears to be largely consistent with the suite of eight ^{14}C dates available for the site. The ^{14}C dates suggest that the site was occupied primarily by Milling Stone people, between about 7500 and 7000 years ago, when a village site and associated cemetery were located adjacent to the ancestral Goleta Lagoon. The ground stone assemblage is dominated by metates and manos, as well as large dart points that seem consistent with this chronology. Few artifacts from the site—possibly just a single well-made stone bowl or mortar fragment—can be securely assigned to a Chumash or Canalino occupation of the site, and only one of the ^{14}C dates can be clearly associated with this occupation. The lack of artifacts diagnostic of the Late Period—when shell beads, arrow points, and other diagnostic artifacts are relatively common in Chumash site deposits—suggests that CA-SBA-56 was not occupied at this time, or that such occupation was ephemeral. It is possible, however, that a brief and limited Chumash occupation of CA-SBA-56 took place in the Protohistoric or early Historic periods, perhaps by people affiliated with or visiting one of the several large Chumash towns that existed around the Goleta Lagoon during these times. It is equally likely that this historical date could be associated with an early American Period use of the site area.

Another possible occupation period has been identified through obsidian hydration analysis of volcanic glass artifacts recovered from the IMA. In six test units excavated in this area, obsidian artifacts made up as much as seven percent of the chipped stone artifacts recovered, and geochemical analysis of ten of these artifacts suggest that ~90% of the obsidian came from the Coso Volcanic Field in southeastern California. Analysis of the hydration rims on obsidian artifacts from CA-SBA-56 suggest that the site may also have been occupied roughly 3000 years ago (Stone and Victorino 2014). Obsidian hydration dating in southern California coastal shell middens is notoriously unreliable, however, and no ^{14}C dates or temporally diagnostic artifacts appear to confirm such an occupation.

Artifacts

Thousands of artifacts have been recovered during various investigations at CA-SBA-56, but no detailed analysis or comprehensive summary of these collections has been made. At UCSB's Repository for Archaeological and Ethnographic Collections, materials from CA-SBA-56 are curated under accession numbers 56, 276, 298, 550, 590, and 611C. A thorough study of these collections was beyond the scope of this chapter, but it should be a priority for future investigations, particularly if development will cause further impacts to the site.

Although Rogers (1929) excavated 46 trenches at CA-SBA-56, he seems to have collected few artifacts. Beyond noting the presence of Canalino artifacts in the upper layers of the central midden area and numerous manos, metates, and hammer stones in the lower levels, Rogers gave no details about the nature of the artifacts he found.

Gerstle and Serena (1982) recovered at least 340 Native American artifacts from CA-SBA-56, including 50 from the site surface and 290 from their limited excavations. They provided the first quantitative data for the site constituents, primarily from the central midden area. Among the artifacts reported were 17 cores, 6 biface or projectile point fragments, 4 flake tools, a mano, a hammer stone, and several undifferentiated ground stone artifacts. Most of the chipped stone artifacts reported by Gerstle and Serena were made of Monterey chert (57%), Franciscan chert (34%), and quartzite (8%), but single artifacts of obsidian and fused shale indicate that the site occupants participated in regional and long-distance exchange.

Working in the northern midden area in 1989 and 1990, Dames & Moore archaeologists also conducted a systematic surface collection. They recovered numerous ground stone tools, including 33 whole or fragmentary manos, 19 metates, and 4 pestles (Eisentraut and Gerber 1994). Among the 342 chipped stone artifacts cataloged were 15 biface or projectile point fragments, 11 cores, 3 drills or boring tools, a variety of flake tools, and numerous pieces of tool-making debris. The chipped stone artifacts are dominated by Franciscan chert (48.8%) and Monterey chert (30.1%), with lesser amounts of quartzite (9.4%), undifferentiated chert (7.9%), igneous (1.8%), obsidian (0.9%), and other rock types. Also recovered were five hammer stones and two lumps of possible red ochre.

Santoro (1995) also reported on an assemblage of over 300 artifacts collected from various areas within CA-SBA-56. Most of these came from surface collections and included 27 manos, 20 cores, 11 hammer stones, 7 bifaces, 4 drills, 3 bowl fragments, and a possible pestle.

Foster and Stone (1999) described an assemblage of 244 chipped stone artifacts recovered during their investigations. Although they recovered four small biface or projectile point fragments, the artifacts consisted primarily of tool manufacturing debris. Similar to previous studies, Foster and Stone (1999) identified a strong emphasis on local rock types such as Monterey chert (45.6%), Franciscan chert (41.9%), and quartzite (5.6%), with exotic rock types such as obsidian (2.4%) and fused shale (0.8%) making up much smaller amounts of the assemblage.

Finally, 2012 excavations in the IMA by Dudek archaeologists recovered six manos (2 whole, 4 fragments), one metate fragment, two soapstone beads, three chipped stone bifaces, one core, one borer, a large core tool/chopper, and 461 pieces of tool-making debris (Stone and Victorino 2014).

Because artifacts have been collected from CA-SBA-56 during a variety of projects, from surface collections and excavations using a variety of methods, and many of them cannot be confidently associated with a specific site area or time period, any synthesis of technological data from CA-SBA-56 is problematic. Nonetheless, to gain some broader understanding of the chronology of the site and the nature of the activities carried out by the site inhabitants, it is useful to summarize the approximate number of various temporally or functionally diagnostic tool types recovered. Excluding undifferentiated ground stone artifacts, for instance, approximately 96 ground stone artifacts have been recovered from the site, including 67 manos (see Figure 5.3), 20 metates, 4 pestles, and 3 probable bowl or mortar fragments (see Figure 5.4). Recent work in the IMA produced two soapstone beads

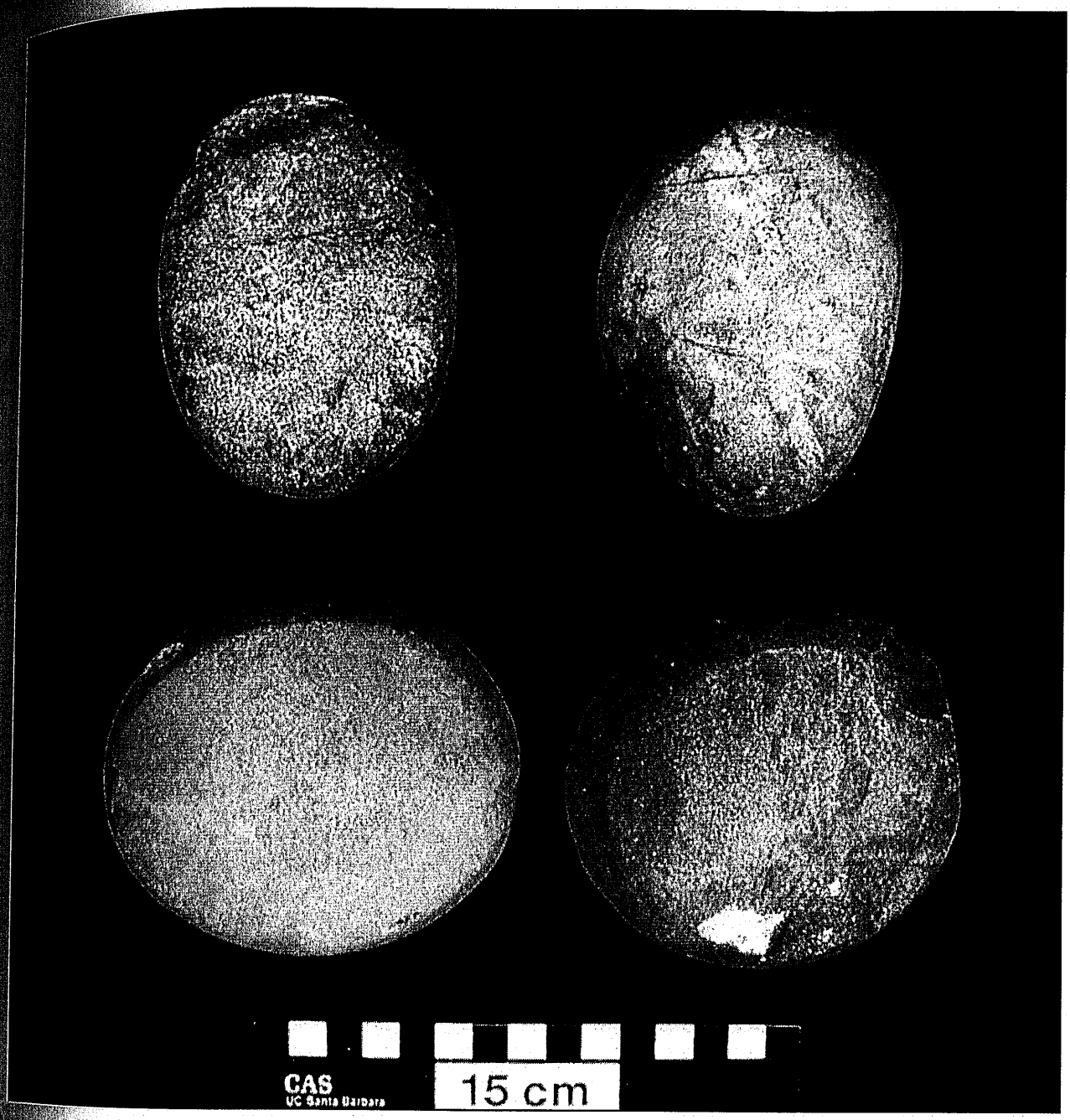

Figure 5.3. Manos from CA-SBA-56 (photo by B. Leftwich). Note the disc or plow scars on the three specimens at top and lower right.

(Stone and Victorino 2014), the first beads of any kind recorded from the site. Overall, manos and metates comprise more than 90 percent of the identifiable ground stone artifacts recovered, while mortars and pestles make up just seven percent. Among the chipped stone artifacts, at least 49 cores have been recovered, compared to 35 biface or projectile point fragments and 8 drills or boring tools. Among the projectile points examined in various collections, most of the diagnostic specimens appear to be from large dart points (see Figure 5.5), including one possible side-notched specimen. The 17 hammer stones recovered include specimens used in chipped stone tool-making, as well as flaked and battered "core hammers" used to manufacture and maintain ground stone tools (Erlandson 1994).

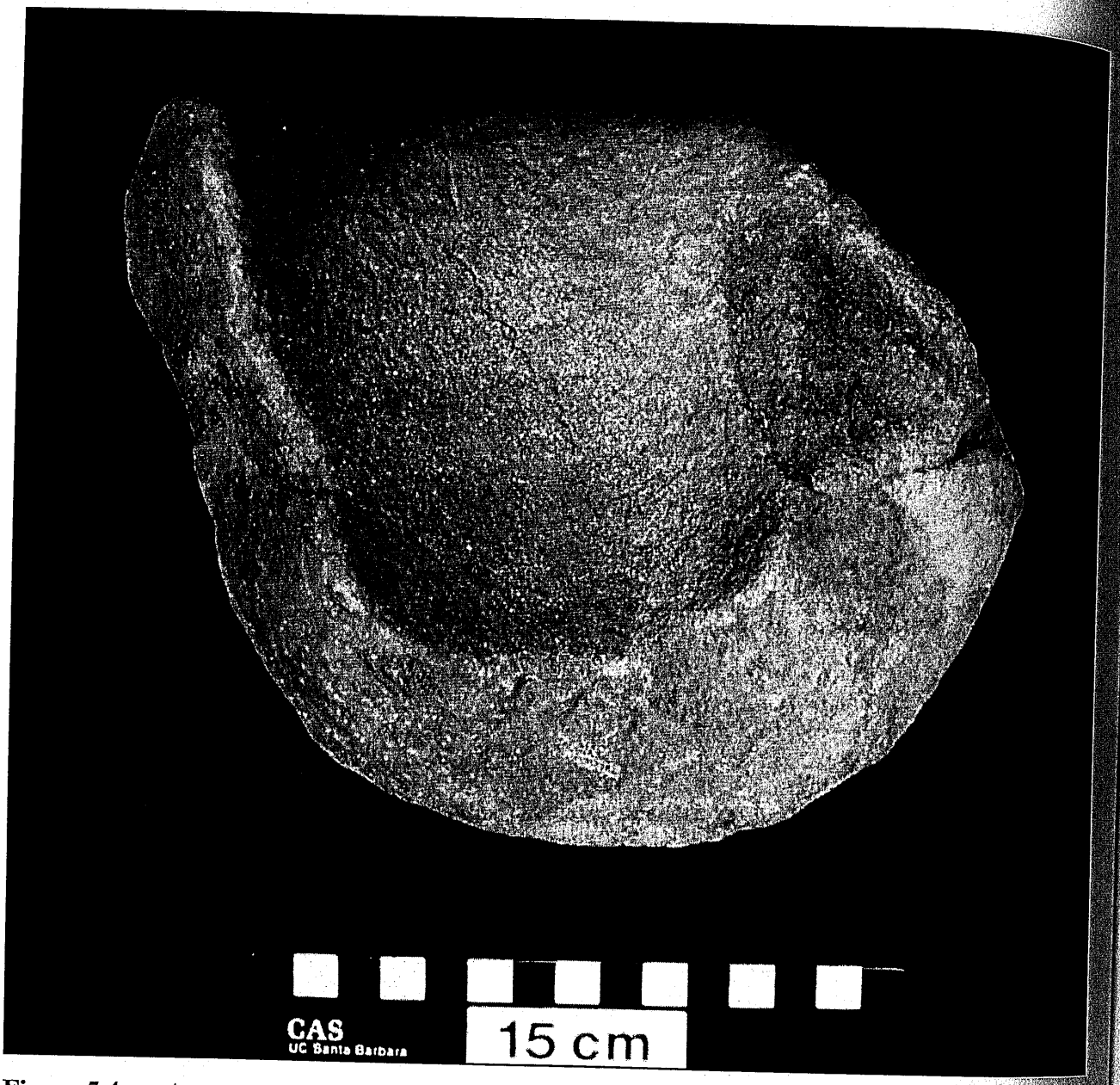

Figure 5.4. A mortar fragment from CA-SBA-56 (photo by B. Leftwich).

Finally, combined data on the raw material types used in chipped stone technologies suggest that roughly equal (~45% each) numbers of readily accessible Franciscan and Monterey chert artifacts dominate the chipped stone assemblage (in terms of numbers of individual artifacts), followed by quartzite (~7%). Some high-quality Monterey and Franciscan cherts may have been obtained via trade with neighboring groups in the Santa Ynez Valley and Vandenberg areas, but these materials can also be found locally. The presence of at least 44 (~2% of the total) obsidian artifacts clearly indicate participation in long-distance trade networks with peoples of the Sierra Nevada or western Great Basin, with most of the analyzed specimens coming from the Coso Volcanic Field in Inyo County (Skinner and Thatcher 2013).

In discussing the technology represented in various collections from SBA-56, we also note that certain artifact types are conspicuously absent, including arrow points, awls, fish gorges, and other

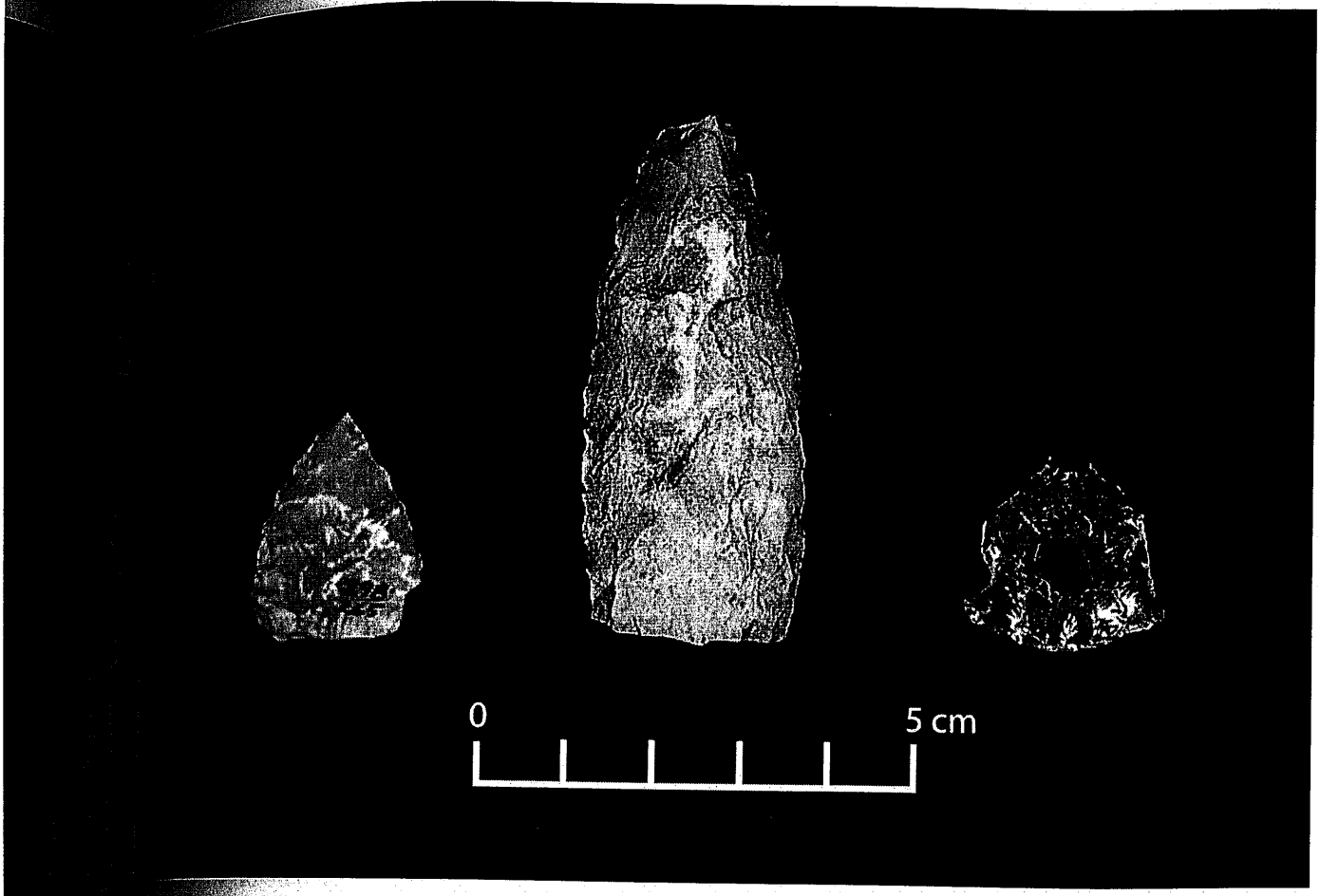

Figure 5.5. A large biface (center) and two projectile points from CA-SBA-56 (all objects are depicted at approximately the same scale; photos by B. Leftwich).

diagnostic tools made of bone, single-piece shell fishhooks, net sinkers, or other specialized fishing technologies. Further work may recover such artifacts, but their absence from the current CA-SBA-56 collections suggests that they are either absent or rare site constituents. The implications of their absence are discussed further in a later section.

Faunal Remains

Because controlled excavations in the CMA since the 1980s have been minimal, and portions of the faunal remains from these excavations appear to have been discarded, only limited data are available on the faunal constituents at CA-SBA-56. The mixing of site soils by animal burrowing and other disturbance processes also limits our ability to differentiate between faunal remains associated with the early Milling Stone and later Chumash occupations. Any future investigations at CA-SBA-56 should prioritize the collection of well preserved faunal samples to help identify changes in local environments and human subsistence through time.

Shellfish Remains

Gerstle and Serena (1982) recovered several kilograms of shell from the CMA of CA-SBA-56, most of it from 20 x 20 cm column samples removed from the walls of a looters pit in 10 cm levels.

The density of shellfish remains was very high in this column, with an average value of 122 kg of shell per cubic meter. Serena analyzed nearly a kilogram of shell from two levels in this column, one from near the surface (10-20 cm) in what was believed to be the Canalino component, and another from near the base of the midden (80-90 cm) in an indurated Oak Grove stratum. Roughly two-thirds of the shell recovered in these two levels was identifiable to species or genus, with the other third consisting primarily of weathered clam or shell fragments identifiable only as undifferentiated pelecypod remains.

As is often the case in shell middens along the Santa Barbara coast, where soil acidity generally decreases with depth, the shell was better preserved in the lower levels of the site. At least 24 shellfish taxa are represented in the shell sample, 18 in the upper level and 22 in the lower (Table 5.3). As expected for a site located along the inner margins of a large lagoon, the shell in the combined sample is dominated by estuarine taxa, especially Venus clams (*Chione* spp., 26.7%) and Washington clam (*Saxidomus nuttalli*, 11.5%). Together these two taxa make up almost 57 percent of the identifiable shell and much of the undifferentiated pelecypod shell probably consists of weathered fragments of these species (Gerstle and Serena 1982:39). Littleneck clam (*Leukoma staminea*, 6.9%) and oyster (*Ostrea lurida*, 4.6%), two other major contributors, are also common in estuarine habitats but can also be found in protected or semi-protected areas along the outer coast. California mussels (*Mytilus californianus*), which inhabit rocky shorelines of the open coast, are also a significant contributor at 15.3 percent of the total.

Despite the small sample size and stratigraphic mixing of the site deposits, there is some interesting vertical variation in the abundance of shellfish species that may be related to changes in the structure of intertidal habitats in the Goleta Lagoon area over time. These shifts are most apparent in vertical changes in the abundance of the Washington clam versus Venus clams. The contribution of *Saxidomus* declines from 17.3 percent near the base of the midden to 6.1 percent near the top, while *Chione* increases from 14.9 percent to 37.8 percent. This shift mirrors a broader pattern in the Goleta Slough area and may reflect environmental changes from the Early to Late Holocene, particularly the expansion of broad, shallow mudflats as the Goleta Lagoon filled with sediment over time (Colten 1989). California mussels also decline in abundance, from 21.4 percent near the base of the midden to 9.4 percent near the top, suggesting that intertidal foraging along the outer coast declined over time. This pattern could also be related to environmental changes—a decline in rocky intertidal habitat over time, for instance—but it might also signal a growing territoriality or human impact on mussel beds as human populations expanded in the area from the Early to the Late Holocene.

No quantitative data are available for shellfish remains from the NMA. During surface reconnaissance and backhoe trenching in the area in 1995, however, Erlandson noted that shell was generally sparse and heavily weathered on the site surface, while shell fragments embedded in the lower soil horizons (E and B) were often much better preserved and encrusted with caliche deposits. Rockwell interpreted relatively well developed caliche formations in the B horizon in this area as evidence that shell was once considerably more abundant than today. Based on field observations, Erlandson estimated the most common shell types in the northern midden area to be *Chione*, *Saxidomus*, *Ostrea*, *Leukoma* (a.k.a. *Protothaca)*, and *Mytilus*.

Table 5.3. Shellfish Remains in Analyzed Column Samples from the CMA at CA-SBA-56.

	10-20 cm		80-90 cm		**Totals**	
Scientific and Common Names	Wt	%	Wt	%	**Wt**	**%**
Argopecten aequisulcatus (scallop)	3.6	0.8	0.9	0.2	**4.5**	**0.5**
Balanus glandula (acorn barnacle)	–	–	0.2	*	**0.2**	*
Balanus tintinnabulum (barnacle)	0.7	0.1	0.4	0.1	**1.1**	**0.1**
Decapoda (crab, undiff.)	0.3	0.1	0.1	*	**0.4**	*
Callianax biplicata (purple olive snail)	0.1	*	–	–	**0.1**	*
Cerithidea californica (horn shell)	0.1	*	7.6	1.7	**7.7**	**0.8**
Chione calforniensis (Venus clam)	4.4	0.9	2.4	0.5	**6.8**	**0.8**
Chione fluctifraga (Venus clam)	9.3	2.0	1.6	0.4	**10.9**	**1.2**
Chione undatella (Venus clam)	165.0	34.9	62.8	14.0	**227.8**	**24.7**
Clinocardium nuttalli (cockle)	0.1	*	–	–	**0.1**	*
Collisella digitalis (limpet)	–	–	0.1	*	**0.1**	*
Collisella spp. (limpet)	–	–	0.1	*	**0.1**	*
Crepidula spp. (slipper shell)	0.1	*	1.2	0.3	**1.3**	**0.1**
Leukoma staminea (littleneck clam)	33.2	7.0	30.2	6.8	**63.4**	**6.9**
Macoma nasuta (bent-nosed clam)	0.1	*	1.2	0.3	**1.3**	**0.1**
Mopalia spp. (chiton)	–	–	0.3	0.1	**0.3**	*
Mytilus californianus (mussel)	44.6	9.4	95.9	21.4	**140.5**	**15.3**
Ostrea lurida (Pacific oyster)	9.2	1.9	32.8	7.3	**42.0**	**4.6**
Penitella penita (boring clam)	–	–	0.1	*	**0.1**	*
Polinices lewisii (moon snail)	–	–	1.0	0.2	**1.0**	**0.1**
Pollicipes polymerus (goose barnacle)	–	–	0.4	0.1	**0.4**	*
Saxidomus nuttalli (Washington clam)	28.7	6.1	77.2	17.3	**105.9**	**11.5**
Septifer bifurcatus (platform mussel)	0.1	*	0.1	*	**0.2**	*
Tagelus californianus (jackknife clam)	0.2	*	0.4	0.1	**0.6**	**0.1**
Tivela stultorum (Pismo clam)	2.5	0.5	1.2	0.3	**3.7**	**0.4**
Pelecypod (bivalve, undiff.)	171.1	36.1	129.2	28.9	**300.3**	**32.6**
Totals	**473.4**		**447.4**		**920.8**	

Notes: based on 1/8-inch recovery; data adapted from Gerstle and Serena (1982:38); * = trace (<0.05%).

Vertebrate Remains

Gerstle and Serena (1982) recovered small amounts of animal bone from their STPs and column samples, but none of these materials has been analyzed or identified, even to general categories. Systematic surface collections by Dames & Moore archaeologists recovered small amounts of animal bone from the NMA, but except for a single deer (*Odocoileus hemionus*) bone and three fragments of undifferentiated mammal bone, these were not identified (Eisentraut and Gerber 1994).

Detailed analyses of vertebrate remains from CA-SBA-56 have been limited to small assemblages recovered by SAIC and Dudek archaeologists from low density deposits in the IMA. Foster and Stone (1999) described 434 fragments of animal bone weighing 38.48 grams, an assemblage that included the remains of at least four kinds of mammal, three types of fish, a reptile, and a bird (Table 5.4). More than half of these bone fragments could not be identified even to general class (fish, mammal, bird, etc.) and many of the identifiable remains (gopher, vole, squirrel, small bird, small mammal, snake) may be natural rather than cultural in origin. Much of the large mammal, medium/large mammal, undifferentiated mammal, and fish bone, on the other hand, may be of cultural origin. Only 11 fish bones (weighing 0.45 g) were recovered, however, about 2.5 percent of the vertebrate assemblage and about 1 percent of the bone weight. Large and medium/large mammals, in contrast, represent about 10 percent of bone fragments and about 42 percent of the vertebrate assemblage by weight. Although no sea mammal remains were positively identified, they may be present among the highly comminuted vertebrate remains.

A larger number of vertebrate remains were recovered from the six test units and column samples excavated by Dudek archaeologists in the IMA, but the weight of bone recovered was smaller (28.32 g). The 1,837 fragments of mammal and bird bones identified included just 10 bird bones and no reptiles, and most of the mammal bones could not be identified to anything other than general categories (i.e., small, medium, large). Gopher and rodent remains were considered to be intrusive, but rabbit, deer, marine mammal, and other mammal bone had high rates of burning suggestive of cooking and human consumption (Joslin 2013). Just 60 fish bones (weighing 0.42 g) were recovered, but the 30 identifiable specimens included several elasmobranchs such as bat ray (*Myliobatis californica*), shovelnose guitarfish (*Rhinobatos productus*), thornback (*Platyrhinoidis triseriata*), angel shark, (*Squatina californica*), and thresher shark (*Alopias vulpinus*), as well as teleosts such as clupeids (sardines, herrings), surfperches (Embiotocidae), barracuda (*Sphyraena argentea*), pile perch (*Rhacochilus vacca*), and cabezon (*Scorpaenichthys marmoratus*). Most of these fish were probably captured in the ancient Goleta Lagoon or nearshore waters outside of it.

The Relative Economic Importance of Faunal Classes

Faunal data from CA-SBA-56 are too few to reconstruct specific patterns of faunal exploitation with confidence. The presence of two discrete components that are at least partially intermixed also limits the conclusions that can be drawn. Nonetheless, some sense of the relative economic importance of various faunal classes can be drawn by examining generalized shell-to-bone ratios in Gerstle and Serena's column samples from the CMA (Table 5.5). Erlandson (1994) suggested that such ratios provide a sense of the relative importance of shellfish versus vertebrates in California shell middens and showed that early Milling Stone sites along the Santa Barbara Coast often have very high shell-to-bone ratios. In the small column samples from the CMA at CA-SBA-56, shell-to-bone ratios vary from a high of 829:1 to a low of 95:1, with an average for all nine levels of 297:1.

Table 5.4. Vertebrate Remains from the IMA at CA-SBA-56.

Scientific and Common Names	NISP	%NISP	Weight	%Wt
Aves (bird), small	1	0.2	0.02	0.1
Aves (bird), undiff.	4	0.9	0.34	0.9
Squamata (snake), undiff.	3	0.7	0.08	0.2
Microtus spp. (vole, undiff.)	5	1.2	0.12	0.3
Thomomys bottae (pocket gopher)	2	0.5	0.13	0.3
Spermophilus beecheyi (ground squirrel)	3	0.7	0.60	1.6
Rodentia (rodent), undiff.	30	6.9	1.17	3.0
Mammalia (mammal), large (undiff.)	11	2.5	5.07	13.2
Mammalia, medium/large (undiff.)	34	7.8	11.08	28.8
Mammalia, small (undiff.)	8	1.8	0.62	1.6
Mammalia (mammal), undiff.	89	20.5	8.52	22.1
Elasmobranchii (cartilaginous fish), undiff.	3	0.7	0.14	0.4
Squatina californica (Pacific angel shark)	2	0.5	0.04	0.1
Myliobatis californica (bat ray)	2	0.5	0.09	0.2
Teleostei (bony fish), undiff.	4	0.9	0.18	0.5
Vertebrata (vertebrates), undiff.	233	53.7	10.28	26.7
Totals	**434**		**38.48**	

Notes: data from Foster and Stone (1999:xvi); NISP = number of individual specimens; weights in grams.

Although his calculations were based on 1/16-inch screen recovery rather than the 1/8-inch screens used at CA-SBA-56, Erlandson's (1994) shell-to-bone ratios for three Early Holocene sites on the western Santa Barbara coast ranged from 477:1 to 59:1. These sites all contained shellfish assemblages similar to CA-SBA-56, consisting primarily of estuarine shell, with smaller amounts of California mussel. They also contained relatively small amounts of animal bone, some of which appeared to be of natural origin. For a well preserved faunal assemblage from CA-SBA-2057 with an intermediate shell-to-bone ratio of 135:1, a value less than half that for the CA-SBA-56 column sample, a dietary reconstruction using the weight method suggested that shellfish provided more than 80 percent of the animal meat represented. Such measures are crude, but the comparison suggests that the occupants of CA-SBA-56 relied heavily on shellfish, that their overall economy was similar to early Milling Stone patterns elsewhere along the Santa Barbara Coast, and quite different from patterns identified in many Late Holocene village sites in the same area.

Summary and Conclusions

In this chapter, we summarized what is known about the structure, chronology, and contents of one of the last relatively intact village sites located around the margins of the ancient Goleta Slough. Recent research has shown that CA-SBA-56 is considerably larger than Rogers (1929) or Gerstle and Serena (1982) estimated. Recent work has confirmed Rogers' basic chronology for the site, however, with a Milling Stone (Phase Ex of King's Early Period) component dated between about 7500 and 6900 cal BP and a limited Canalino or Chumash occupation dated to Phase 5 of King's (1990) Middle Period, between about 950 and 800 cal BP (AD 1000-1150). The site may also have seen ephemeral use during the Protohistoric or early Historic periods, and other periods, as well.

Table 5.5. Shell-to-Bone Ratios in Column Samples from the CMA at CA-SBA-56.

Level	Shell Wt (g) (kg/m^3)	Bone Wt (g)	Ratio
0-10 cm	571.0	1.5	381:1
10-20 cm	497.6	0.6	829:1
20-30 cm	540.2	1.9	284:1
30-40 cm	464.3	0.0	
40-50 cm	478.3	2.9	165:1
50-60 cm	423.3	1.5	282:1
60-70 cm	350.4	3.7	95:1
70-80 cm	607.7	1.5	405:1
80-90 cm	468.9	1.2	391:1
Totals	**4401.7**	**14.8**	**297:1**

Notes: data from Gerstle and Serena (1982); based on 1/8-inch recovery in a 20 x 20 cm wide column. (1982:23).

During Milling Stone times, CA-SBA-56 appears to have been a substantial village, with a dense residential midden in the southern site area, as well as lower density midden deposits and a cemetery on the knoll to the north. Large numbers of manos and metates recovered from the site, high shell-to-bone ratios, and an apparently heavy economic emphasis on shellfish collecting by the people of CA-SBA-56 are consistent with early Milling Stone adaptations elsewhere along the Santa Barbara Coast (Erlandson 1994).

Rogers (1929) and Gerstle and Serena (1982) viewed the Canalino occupation of CA-SBA-56 to be more extensive than the Milling Stone occupation, but a variety of data now suggest otherwise. They did not consider the evidence for extensive use of the northern midden area by Milling Stone peoples, for instance, and their belief that the A and B horizons in the Milpitas soil covering most of the site were closely correlated with the Canalino and Milling Stone occupations is probably incorrect. In fact, both components appear to be present—and heavily intermixed—within the A horizon, and the clays and carbonates in the lower portions of the shell midden probably accumulated gradually over the past 7500 years. The concentration of manos, metates, and other large artifacts in the lower levels of the site, which accentuates vertical variation in the site constituents, is probably also due largely to natural processes—especially the effects of burrowing by gophers and other animals (see Erlandson and Rockwell 1987; Johnson 1989).

The evidence now available suggests that a poorly defined Canalino occupation of CA-SBA-56 was probably of limited extent and duration. This is supported by the dearth of artifacts diagnostic of Middle and Late period occupations (e.g., shell beads, arrow points, circular shell fishhooks, mortar fragments), as well as the relatively low density of fish remains and other animal bone at the site.

Several pestle fragments associated with a discrete cluster of manos and metates in the northern midden area suggest the possibility that pestles were being used by Milling Stone peoples of the Santa Barbara coast as much as 7000 to 7500 years ago (Erlandson 1997b:106). No other artifacts clearly diagnostic of a Middle or Late Holocene occupation have been found in this knoll area, where two ^{14}C dates suggest that the artifacts, midden debris, and burials date to the Early Holocene. On the other hand, the presence of even a limited Canalino occupation in the central midden area just to the south leaves open the possibility that the pestles were deposited on the knoll by Late Holocene peoples.

Shellfish remains from small column samples recovered from near the top and bottom of the dense shell midden deposit in the CMA suggest that the collection of estuarine shellfish was a major economic activity at CA-SBA-56, but that the relative importance of the species harvested changed somewhat over time. Although 24 taxa were identified by Gerstle and Serena (1982), the shellfish assemblage is dominated by the common estuarine bivalves *Chione*, *Saxidomus*, *Leukoma*, and *Ostrea*. The abundance of the latter two species is similar in both levels, but *Saxidomus* declines significantly through time while the contribution of *Chione* increases. California mussels from rocky intertidal habitats on the outer coast make up about 15 percent of the total assemblage, but also decline significantly through time. These shifts in shellfish species, which were probably more pronounced prior to stratigraphic mixing of the Early and Late Holocene components, may be due to the evolution of coastal habitats in the Goleta Lagoon vicinity (Colten 1989). As Gerstle and Serena (1982:40) suggested, however, they may also be related to the effects of human predation on local shellfish populations, especially as human populations expanded through the Holocene. In all likelihood, a combination of natural and cultural processes contributed to the identified shifts in shellfish exploitation.

We conclude with some comments about the strengths and weaknesses of archaeological investigations at CA-SBA-56 since the early 1980s. Remarkably and against great odds—especially considering the monetary value of the property and the intense pressures to build on the surrounding property—much of CA-SBA-56 has been preserved. Portions of the site may still be lost to development, but the central and northern midden areas seem likely to be preserved. The preservation of these significant archaeological areas was enabled by laws that protect important archaeological sites, but the commitment and cooperation of archaeologists and Chumash descendants who have worked together to protect the site has been critical.

Multiple archaeological studies of CA-SBA-56 during the past 90 years have contributed valuable information about the boundaries, structure, contents, and age of this important site, data that have also helped construct arguments for the significance and preservation of the site. Despite multiple CRM studies, however, and hundreds of thousands of dollars spent by developers, our knowledge of CA-SBA-56 and the tangible link to Chumash prehistory that it represents remains relatively limited. There is much more we could learn from future careful work at the site, as well as additional study of existing museum collections. At the present time, for instance: (1) the chronology and nature of the Canalino component at the site remains poorly understood; (2) there are only limited quantitative data for faunal remains from the site, especially vertebrates; (3) very few artifacts from the site have been illustrated and most have not been subject to a detailed analysis; and (4) no comprehensive synthesis of the archaeology of this important site has been written. In our view, the diverse communities we are responsible to—scientific, Native American, and general public—deserve better and so does CA-SBA-56.

We hope this important Oak Grove and Canalino site will be preserved into the distant future and that some of the shortcomings in our knowledge of the site, the dynamic natural environments that surround it, and the museum collections derived from it will be rectified. As California's archaeological history is gradually lost to development, erosion, and other natural and cultural processes, those sites that remain take on an increasing significance. It is critical that we synthesize what is known about such sites, share our knowledge of California's long and remarkable history, and identify the gaps in our knowledge that need to be filled by future research. Aside from their archaeological and cultural significance, archaeological sites around the Goleta Slough may provide a better understanding of the dynamic historical ecology of the area through time and contribute valuable data towards the restoration of the Goleta Lagoon and other California estuaries.

Acknowledgments

We thank Clay Lebow for organizing a 2004 Goleta Slough symposium at the Society for California Archaeology meetings, from which an earlier version of this chapter was written. We are also indebted to Brian Billman, Phylissa Eisentraut, Joyce Gerber, Andrea Gerstle, Leeann Haslouer, Richard Perry, Karen Rasmussen Foster, Pandora Snethkamp, Loren Santoro, Jeff Serena, and Larry Wilcoxon for their efforts to understand and protect this important site. Finally, we are indebted to Mike Glassow for resurrecting the idea of a volume devoted to a better understanding of the archaeology of the Goleta Slough area.

apcd air pollution control district
SANTA BARBARA COUNTY

Letter 4

June 24, 2021

Mary Chang
City of Goleta
Planning and Environmental Review Department
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: Santa Barbara County Air Pollution Control District Comments on the Revised Draft Environmental Impact Report for Heritage Ridge Residential Project, 14-049-GPA/VTM/DP; SCH #2015041014

Dear Mary Chang:

The Santa Barbara County Air Pollution Control District (District) has reviewed the Revised Draft Environmental Impact Report (EIR) for the Heritage Ridge Residential Project. The project consists of the following:

- A General Plan Amendment (14-049-GPA) to remove a designation of Environmentally Sensitive Habitat Area (ESHA) on the Open Space Map and on the Special Status Species and ESHAs Map.
- A Vesting Tentative Map (14-049-VTM) to allow the subdivision of the existing 17.36 gross acre (16.2 net acres) project site from 13 lots to 4 lots (2 lots for the Affordable housing complex, 1 lot for the market housing, and 1 lot for the public park). The subdivision map would also abandon two unused roads (Via Maya and Via Luisa).
- A Development Plan (14-049-DP) pursuant to GMC §35-317 to allow construction of 332 rental units with associated recreational facilities. The rental units would be broken into two "neighborhoods" as follows: 104 up to a 100% supportive-units comprised of both senior affordable housing and family affordable housing units with separate recreational facilities; and 228 market-rate rental units with separate recreational facilities including a swimming pool. The affordable units will be offered at the very low/low-income levels.

4.1

Also proposed are: 1) a two-acre neighborhood park to be dedicated to the City in the center of the site and three above ground bio-retention basins including a 15,000 square foot (SF) bio-retention basin in the southeast portion of the site. The site would be served by three access points onto Camino Vista. Preliminary raw earthwork volumes are estimated at 178,000 cubic yards (CY) of cut, 15,500 CY of fill, and 115,000 CY of export. The subject property, a 17.36-acre parcel zoned Design Residential (DR-20) and identified in the Assessor Parcel Map Book as APN 073-060-031 through -043, is located on the north side of Camino Vista between Aero Camino and Calle Koral Roads in the City of Goleta.

The project will place sensitive receptors within approximately 50 feet of the Union Pacific railroad tracks and approximately 250 feet of the edge of the closest lane of U.S. Highway 101. When reviewing and commenting on land use projects throughout the cities and unincorporated areas of Santa Barbara County, Distirct staff consistently recommends that sensitive land uses (residences, schools, medical facilities, etc.) should not be sited within 500 feet of the freeway. This is based on

4.2

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guidance from the California Air Resources Board (Air Quality and Land Use Handbook: A Community Health Perspective, CARB, 2005). Many studies have shown that living in proximity to freeways and other high traffic roads leads to respiratory and other non-cancer health effects such as reduced lung function, increased asthma, and bronchitis, and increased medical visits. The proximity-based studies do not identify specific pollutants, nor do they utilize dose-response relationships to discern an acceptable level of a pollutant or pollutants that adequately protects public health. Although various mitigation strategies are currently being researched and implemented, the consensus to date is that the best way to protect human health is to retain a distance of 500 feet or greater between the sensitive receptors and the freeway. Commercial or visitor-serving land uses, with less long-term health implications, should be considered for locations closer to the freeway. 4.2 (cont.)

If, after consideration of the health concerns and other alternatives, new development is still planned within 500 feet of a freeway or a high traffic roadway, we recommend that the project be designed to minimize exposure to roadway-related pollutants and mitigated to the maximum extent feasible. Design features may include maximizing the distance between the roadway and sensitive receptors, locating air intake at the non-roadway facing sides of buildings, and ensuring that windows nearest to the roadway do not open. Mitigation measures may include installing mechanical ventilation systems with fresh air filtration and constructing a physical barrier between the roadway source and receptors of pollutants (e.g., sound wall or vegetative planting). Please see our website at www.ourair.org/landuse for more information and resources on this topic. 4.3

Air Pollution Control District staff offers the following specific comments on the Revised Draft EIR:

1. **Table 4.2-2 Ambient Air Quality Data, page 4.2-4.** We recommend including the 2020 exceedance data available here: www.ourair.org/days-exceeding-ozone-and-particulate-standards-2020. 4.4

2. **4.2 Air Quality, Impact Analysis, Health Risk Assessment Methodology, page 4.2-9.** The cited traffic count volumes adjacent to the project site should be updated based on the latest available counts from Caltrans. Data for 2019 identifies annual average daily traffic (AADT) volumes at Los Carneros Road as 73,150 (average of back and ahead AADT volumes). 4.5

3. **4.2 Air Quality, Impact Analysis, Health Risk Assessment Methodology, page 4.2-8-9** The Revised Draft EIR uses the HRA conducted in 2016 to evaluate potential health risks to nearby sensitive receptors. As the District previously commented in our letter dated August 1, 2016, the HRA conducted in 2016 was inadequate as it did not follow the District *Modeling Guidelines for Health Risk Assessments* (including populating early life exposure adjustments to account for pregnant women and children) and did not use the latest available risk assessment program, HARP2. The Revised EIR states that "*the HRA prepared in 2016 was not updated since the values computed are conservative and any refinement to the model would not increase risk and hazards*." Given the inadequacy of the 2016 modeling, revised modeling using the District's current *Modeling Guidelines for Health Risk Assessments* (available at www.ourair.org/air-toxics-for-business) should be performed. Revised modeling could result in increased risk values, particularly residential cancer risk. 4.6

4. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-1 and Table 4.2-3, SBCAG Housing Projections for Goleta, page 4.2-9-11.** SBCAG Regional Growth Forecast 2050 data for the years 2025 and 2030 are excluded from this table and impact analysis. Please include an analysis of whether the project would exceed SBCAG's 2025 or 2030 growth forecast for the City. 4.7

5. **Section 4.2 Air Quality, Impact Analysis, Impact AQ-4, page 4.2-15-18:** The District has the following comments on the evaluation of health risk to new sensitive receptors on the project site as a result of exposure to hazardous air pollutants. 4.8

    a. As stated in comment 4 above, the District recommends that a current HRA be performed using the District's current *Modeling Guidelines for Health Risk Assessments* (available at www.ourair.org/air-toxics-for-business). Revised modeling could result in increased risk values, particularly residential cancer risk.

    b. After describing the project's HRA results, the document makes the following statement on page 15, "*To provide context for this level of additional risk, the American Cancer Society (2007) reports that in the U.S., men have a one in two chance (0.5 probability) and women about one in three chance (0.3) probability of developing cancer during a lifetime, with nearly one in four deaths (0.23) in the U.S. attributed to cancer."* It is unclear how this statement relates to the overall health risk of the proposed project. Please clarify or remove this statement. 4.9

    c. There is no description of how mitigated health risk values shown in Table 4.2-9 were derived, including the efficacy of the proposed mitigation measures. Please provide a description. 4.10

    d. When implementing measures related to reducing the potential diesel particulate matter exposure, the City should consider that forced air filtration only reduces indoor residential exposure to toxic air contaminants. Residential receptors such as children will spend time outdoors and use outdoor amenities on the project site such as the proposed common open space. District staff recommends incorporating project designs and/or mitigation measures that would address outdoor exposure risk. 4.11

6. **Section 4.6 Greenhouse Gas Emissions, Impact Analysis, Page 4.6-9:** This page states that "*In accordance with Section 150.1(b)14 of the 2019 Building Energy Efficiency Standards, all new residential uses under three stories must install photovoltaic (PV) solar panels that generate an amount of electricity equal to expected electricity usage. Therefore, it was assumed that 100 percent of electricity usage for the proposed low-rise residential uses would be supplied by PV solar panels (see Appendix B).*" However, the CalEEMod analysis in Appendix B, and resulting emission estimates, assume that all project development is supplied by 100% renewable power, including the proposed three-story buildings, and other development. **Please confirm it is accurate and feasible that the energy needs of all development associated with the project will be supplied by onsite solar panels.** If 100% renewable power does not reflect the accurate project description, the CalEEMod analysis, emission estimates, and impact analysis should be revised. If the project does propose 100% onsite solar for all development, the text on page 4.6-9 should be revised to clarify that all residential uses and development would be supplied by PV solar panels, not just the low-rise development. 4.12

7. **Section 4.6 Greenhouse Gas Emissions, Impact GHG-1, page 4.6-14-17:** The emission estimates shown in Table 4.6-4 do not match the mitigated emission estimates shown in the CalEEMod reports provided in Appendix B. The CalEEMod report cites greater emissions that what the impact analysis is using to determine the significance of project impacts. Please provide an explanation for the inconsistency, confirm the accurate emission estimates for the project, and 4.13

revise the impact analysis as needed to ensure that accurate emissions are compared to the project-specific efficiency threshold. 4.13 (cont.)

8. **Section 4.6 Greenhouse Gas Emissions, Impact GHG-1, page 4.6-14-17:** As shown in Appendix B via the CalEEMod modeling reports, the project proposes various GHG "design features" that reduce project GHG emissions. Design features applied to the project include (but aren't limited to) commitments to:

    - Supply 100% of electricity usage from onsite solar photovoltaic (PV) solar panels that generate an amount of electricity equal to the expected electricity usage of the project, 4.14
    - Reduce indoor water use by 20% reduction in indoor water use,
    - Limit parking supply,
    - Increase transit accessibility.

    These "design features" should be included in the Project Description to ensure their implementation and enforcement. In addition, the lead agency should include these commitments as condition of approval for the project to ensure implementation for the life of the project. Conditions of approval should include a requirement for tracking and reporting of electricity use and renewable power generation to ensure that the project is meetings its 100% renewable power commitment.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8873 or via email at HoD@sbcapcd.org. 4.15

Sincerely,

Desmond Ho

Desmond Ho
Air Quality Specialist
Planning Division

cc: Planning Chron File

environmental
DEFENSE CENTER

Letter 5

June 28, 2021

Mary Chang
Supervising Senior Planner
Planning and Environmental Review Department
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
Submitted by email to: mchang@cityofgoleta.org

Re: Revised Draft Environmental Impact Report for the Heritage Ridge Residential Development Project

Dear Ms. Chang:

Thank you for the opportunity to comment on the Revised Draft Environmental Impact Report ("RDEIR") for the Heritage Ridge Residential Development Project ("Project"). The Environmental Defense Center ("EDC") submits these comments on behalf of The Goodland Coalition, Citizens Planning Association, Sierra Club, by and through the Los Padres Chapter, Santa Barbara Urban Creeks Council and Santa Barbara Audubon Society. Our clients have members who live, visit, work, and recreate in the City of Goleta and would be affected by the Project. As discussed herein, the RDEIR is inadequate because it relies on an improperly narrow Project Objective, fails to adequately analyze and disclose significant impacts to biological impacts and land use, and fails to provide an alternative that is capable of avoiding or substantially lessening such impacts. 5.1

The Goodland Coalition advocates for policies that protect, preserve, and improve Goleta's unique character and encourage and facilitate participation of Goleta residents in community planning and decision-making. Citizens Planning Association is a nonprofit grassroots organization that focuses on countywide land use issues, advocating for the best standards of design and natural resource protection in order to maintain sustainable communities and protect the heritage of Santa Barbara County. For over 40 years the local Sierra Club Los Padres Chapter has been working to protect wildlife and wildlands, clean air and water, public health, a sustainable future and a healthy environment across the Santa Barbara region. Santa Barbara Urban Creeks Council protects creeks and wetlands on the south coast for the benefit of

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fish, wildlife, clean water, and people. Santa Barbara Audubon Society, a chapter of the National Audubon Society with more than 1,100 members in Santa Barbara County, works to connect people with birds and nature through education, science-based projects, and advocacy. EDC and our clients seek to ensure that the RDEIR fully discloses the potential impacts of the proposed residential development at Heritage Ridge.

In enacting the California Environmental Quality Act ("CEQA")[1], the Legislature intended it "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259. State and local agencies must give "major consideration…to preventing environmental damage...." in their actions to regulate activities which may affect the quality of the environment. *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988*)* 47 Cal. 3d 376, 390 (internal citations omitted).

CEQA requires the preparation of an Environmental Impact Report ("EIR") when a local agency proposes an action which may have a significant effect on the environment. Pub. Res. Code § 21151. The EIR is "the heart of CEQA" and the primary mechanism for the achievement of the Legislature's stated goal to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; CEQA Guidelines § 15003(a); *also see* Pub. Res. Code § 21001(a). An EIR "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." *Laurel Heights Improvement Assn.*, 47 Cal.3d at 405; *see also Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516. 5.1 (cont.)

The RDEIR for Heritage Ridge does not fulfill the requirements of CEQA because it fails to provide information that will enable the public and decisionmakers to understand and consider meaningfully the impacts that would result from the proposed Project. The RDEIR unduly narrows the Project Objective and includes an environmental analysis that is incomplete, outdated, and inaccurate. In addition, the RDEIR omits and fails to analyze the Project's inconsistency with land use policies, and it does not include a reasonable range of alternatives. The RDEIR must be revised to ensure a complete analysis and full disclosure of the Project's impacts, consistency with land use policies and laws, and include a reasonable range of alternatives.

I. <u>The Project Objective is Unduly Narrow</u>

Under CEQA, the lead agency must include within the project description a "clearly written statement of objectives that will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR." CEQA Guidelines § 15124(b). If the project objective is "impermissibly truncated" or "artificially narrow," the range of alternatives will be too narrowly constrained. *Cty of Inyo* (1977) 71 Cal.App.3d 185, 201; *N. Coast Rivers All. v. Kawamura* (2015) 243 Cal. App. 4th 647, 669. 5.2

[1] Pub. Res. Code, § 21000 et seq.

Here, the RDEIR sets one Project Objective as a specific number of housing units by type (41 senior and 63 family affordable units and 228 market rate units). (RDEIR at 2-8) This unduly narrows the range of alternatives the agency can then analyze in the RDEIR, and will outright preclude other reasonable options. *See N. Coast Rivers All. v. Kawamura* (2015) 243 Cal. App. 4th 647, 669. Had the agency considered a range of housing units, for example, it is possible that alternatives with different, less environmentally damaging development configurations could have been considered, while still meeting Project Objectives. 5.2 (cont.)

A failure to include relevant information in an EIR constitutes a prejudicial abuse of discretion if it "precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." *Id*. at 670 (internal citations omitted). In this case, the RDEIR's limited Project Objectives hamper public participation and a full environmental analysis, including a reasonable range of alternatives to the Project.

II. The Environmental Analysis is Incomplete, Outdated, and Inaccurate.

CEQA requires an EIR to contain "[a]n adequate description of adverse environmental effects…to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR." *Sierra Club v. Cty. of Fresno* (2018) 6 Cal. 5th 502, 514. "[A] sufficient degree of analysis" is required to enable decisionmakers to make an intelligent decision, taking environmental consequences into account. *Id*.; *also see* Guidelines, § 15151. CEQA requires an agency to identify the significant effects of a proposed project on the environment, including direct, indirect, and cumulative effects. Guidelines §§ 15126.2, 15130. An EIR must also contain discussion of significant environmental effects which cannot be avoided if the proposed project is implemented, including those which can be mitigated. *Id.* § at 15126.2(c). Significant irreversible environmental changes caused by the project must also be disclosed. *Id.* at § 15126.2(d). Further:

> The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context. Guidelines § 15125(c). 5.3

Cumulative impacts must be considered under CEQA as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *Id*. at § 15355(b). In order to assure an adequate evaluation of cumulative impacts, an EIR must either include a list of "past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency," or a summary of projections contained in a local, regional, or statewide plan. CEQA Guidelines § 15130(b)(1).

In its environmental analysis, the RDEIR for Heritage Ridge starts with an incorrect baseline from which to analyze the effects of the Project, contains an inadequate analysis of the

impacts of the Project on biological resources, and inadequately analyzes the Project's land use and policy consistency impacts, discussed further below. 5.3 (cont.)

A. The Baseline or Setting is Inaccurate.

As a threshold issue, CEQA requires a discussion of the environmental "setting" or "baseline," which consists of the "physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." CEQA Guidelines § 15125(a)(1). This environmental setting "will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." *Id.* § 15125(a). An accurate depiction of the environmental setting is thus critical to "the fundamental goal of an EIR" which is to "to inform decision makers and the public of any significant adverse effects a project is likely to have on the physical environment." *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 Cal. 4th 439, 447. CEQA Guidelines also require "special emphasis … on environmental resources that are rare or unique to that region and would be affected by the project." CEQA Guidelines § 15125(c). 5.4

The RDEIR for Heritage Ridge uses an incorrect baseline from which to analyze the effects of the Project, by omitting appropriate surveys for special status wildlife, using improperly timed and outdated biological surveys, and incorrectly identifying environmentally sensitive habitat area ("ESHA") as non-ESHA, which resulted in skewed data.

1. <u>The RDEIR Improperly Omits Protocol-level Surveys Necessary to Identify Special-status Wildlife.</u>

Protocol-level surveys[2] for special-status species were not conducted for the RDEIR, leading to significant omissions of biological resources impacted by the Project. Such surveys are necessary to document the locations of special-status species and habitats in order for the RDEIR to evaluate biological impacts.

Protocol level surveys for special-status species were not undertaken for the RDEIR and instead mere "reconnaissance-level surveys of the Project site were conducted." (RDEIR at 4.3-1; *see also* Appendix D Watershed Environmental at 1-3 (August 11, 2020); *see also* Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 7). The presence of special-status species triggers ESHA designation.[3] Therefore protocol level surveys which involve specific methodologies adopted by the US Fish and Wildlife Service ("USFWS") and California 5.5

[2] Protocol-level surveys involve species-specific methodologies which have been approved by the California Department of Fish and Wildlife ("CDFW") and the U.S. Fish and Wildlife Service ("USFWS").
[3] City of Goleta General Plan Policy CE 1.1 stating, "Definition of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria: a. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments." (September 2006) ("City of Goleta (2006)")

Department of Fish and Wildlife ("CDFW") for certain special-status wildlife species are critically important for documenting the baseline ESHA conditions.[4] The City of Goleta's CEQA Environmental Thresholds and Guidelines Manual states, "Field searches should be conducted in such a manner that they will locate any listed or special-status species that may be present/a resident or that may utilize the site on a seasonal rather than year-round basis."[5] However, the RDEIR Biological Report in Appendix D acknowledges under "Limitations, Assumptions, and Use Reliance" that it did not perform protocol level surveys, and that species not observed could be present:

> The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. (RDEIR, Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 31.)

5.5 (cont.)

Twenty-five special-status wildlife species are listed in the RDEIR as having a "low" probability of occurring onsite. (RDEIR at 4.3-13) Given the limited reconnaissance surveys, the presence or absence of these species cannot be conclusively determined. (RDEIR, Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 31.)

a. The RDEIR Omits California Red-legged Frogs, but Protocol Level Surveys were Not Undertaken and New Information Demonstrates that the Species is Present in Los Carneros Creek Within Dispersal Distance of the Project Site.

The RDEIR finds that "Suitable habitat [is] not present on site" and that there is no potential for California red-legged frogs ("CRLF") (*Rana draytonii*) to occur onsite. (RDEIR at 4.3-13; *See also* RDEIR Appendix D, *Species Potential to Occur Table – Updated April 2021* at D-6) However, protocol level CRLF surveys were not conducted. (RDEIR at 4.3-1 and Appendix D) Adopted CRLF survey protocols require identification of records of CRLF within 1.6 kilometers, based on CRLF movement distances.[6] New information developed by the City's Planning and Environmental Review Department and adopted by the City Council in 2020 identifies CRLF in Los Carneros Creek within the species' dispersal distance of the project site

5.6

[4] California Department of Fish and Wildlife, *Survey and Monitoring Protocols and Guidelin.es*, https://wildlife.ca.gov/Conservation/Survey-Protocols#377281282-amphibians (June 4, 2021); *See also* US Fish and Wildlife Service, *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83914&inline (August 2005) ("USFWS (2005)").

[5] City of Goleta, County of Santa Barbara *Environmental Thresholds and Guidelines Manual* Appendix A at A-10 https://www.cityofgoleta.org/home/showpublisheddocument/23913/637321442847330000 (October 2002) ("City of Goleta (2002)").

[6] USFWS (2005); *See also* US Fish and Wildlife Service, *Recovery Plan for the California Red-legged Frog* at 12 https://ecos.fws.gov/docs/recovery_plans/2002/020528.pdf (May 28, 2002) ("USFWS (2002)").

in October 2019, but this important information is omitted from the RDEIR.[7] Hunt and Associates Biological Consulting found that:

> The RDEIR incorrectly states that Los Carneros Creek does not provide suitable habitat for California red-legged frogs (*Rana draytonii*), a State- and Federal-listed species, because the upstream reaches do not support permanent water, and that there are no records of CRLF in the watershed. In fact, CRLF have been recently observed in highly disturbed sections of the lower reaches of the creek, within 0.4 air miles of, and physically connected to, the 'daylighted' reach north of the project site (City of Goleta Creek and Watershed Management Plan, 2020).[8]

This new information disproves the RDEIR's incorrect assumption that there are no CRLF in Los Carneros Creek. (RDEIR Appendix D at D-6)

Furthermore, the RDEIR states that, "Los Carneros creek does not provide a permanent water source" for CRLF. (RDEIR at Appendix D, *Species Potential to Occur Table – Updated April 2021* at D-6) However, the City's 2020 Creek and Watershed Management Plan finds that water was present in all surveyed reaches of Los Carneros Creek, including downstream from Los Carneros Road on October 1, 2020, during the height of the dry season and during the severe drought, demonstrating that CRLF habitat is present in Los Carneros Creek near the Project site and well within the species dispersal distance.[9]

5.6 (cont.)

The City's Guidelines state, "In some instances a biological consultant survey of the site is required to determine the presence or absence of sensitive species."[10] However, presence or absence of CRLF cannot be conclusively determined without performing protocol-level surveys adopted by USFW and CDFW.[11] The adopted CRLF survey protocols state, "For sites with no suitable aquatic breeding habitat, but where suitable upland dispersal habitat exists, it is difficult to support a negative finding with the results of any survey guidance. Therefore, this Guidance focuses on site assessments and surveys conducted in and around aquatic and riparian habitat."[12] However, no CRLF protocol surveys were conducted in aquatic or riparian habitats of Los Carneros Creek. (RDEIR 4.3-1; *See also* RDEIR Appendix D, Watershed Environmental at 1-3, (August 2020); *See also* RDEIR Appendix D, Rincon Consultants, *Biological Resource*

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[7] City of Goleta, *Creek and Watershed Management Plan* at 103 https://www.cityofgoleta.org/home/showpublisheddocument/24655/637484869064670000 (November 2020) ("City of Goleta (2020)").
[8] Letter from Lawrence E. Hunt, Hunt and Associates Biological Consulting Services to Mary Chang, Sr. Planner, City of Goleta Planning and Environmental Review Department re: Draft Comments on proposed SPA reduction and elimination of ESHA, Heritage Ridge Residential Development Project Revised Draft Environmental Impact Report (RDEIR), Goleta, Santa Barbara County, California at 4 (June 28, 2021) ("Hunt (2021)").
[9] City of Goleta (2020) at 60-61.
[10] City of Goleta (2002) at 37.
[11] USFWS (2005).
[12] *Id*. at 1.

Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California at 7 (May 2006).)

Furthermore, CRLF survey protocols recommend nighttime surveys.[13] "Most of these overland movements occur at night."[14] However, while the RDEIR identifies general reconnaissance level nighttime surveys in 2014, these were not protocol level CRLF surveys. (RDEIR Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 7)

The RDEIR states that CRLF are not likely to be present because there was "only a limited band of riparian habitat" and because of the "noise and disturbances from U.S. 101 and UPRR." (RDEIR at 4.3-17) However, a "red-legged frog was found in September 2001 at the plunge pool associated with the culvert under highway 101 between the highway and the parallel railroad tracks" in Devereux Creek which lacks native riparian habitat. The CRLF sighting in Devereux Creek occurred approximately forty feet south of U.S. 101 and approximately one hundred feet north of the UPRR tracks during the EIR process for the Haskell's Landing Project.[15] By comparison, Los Carneros Creek is approximately sixty feet south of U.S. 101 and eighty feet north of the UPRR tracks.[16] CRLF have also been documented in close proximity to the UPRR tracks and U.S. 101 in Bell Canyon and Tecolote Creeks.[17] Given this information, it is clear that noises, disturbances, and lack of riparian habitat do not dissuade CRLF from occupying creeks adjacent to both the UPRR tracks and Highway 101. Therefore, the RDEIR's dismissal of the potential presence of CRLF is inconsistent with prior CRLF observations in Goleta. 5.6 (cont.)

The RDEIR also dismisses the potential occurrence of CRLF at the Project site and in the streamside protection area ("SPA") because "Areas within 500 feet of the creek are not suitable upland transitional habitat." RDEIR at 4.3-17. However, coyote brush scrub is present on the Project site within eighty to five hundred feet of Los Carneros Creek and this specific habitat type provides both "red-legged frog aestivation foraging and dispersal habitat."[18]

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[13] USFWS (2005) at 6.
[14] USFWS (2002) at 12.
[15] California Coastal Commission, *Staff Report Memo from South Central Coast District Staff to Commissioners and Interested Public Re: Agenda Item Th8b, Application No. 4-09-038 (Oly Chadmar/Haskell's Landing)* https://documents.coastal.ca.gov/reports/2010/11/Th8b-11-2010.pdf (November 17, 2010); *See also*: Watershed Environmental, Inc., *Biological Assessment, Goleta Fire Station No. 10, 7592 Hollister Avenue (APN 079-210-048) Goleta California*, Prepared for City of Goleta at 12 - 13 https://www.cityofgoleta.org/home/showdocument?id=13845 (June 24, 2010); *See also*: Google Earth 2019.
[16] Google Earth (2019).
[17] City of Goleta (2006) Figure 4-1.
[18] Marylee Guinon LLC and Olberding Environmental, Inc., *Addendum to the California Red-Legged Frog Focused Surveys Report for the Indian Valley Property Town of Moraga, Contra Costa County* at 17 https://www.moraga.ca.us/DocumentCenter/View/190/California-Red-Legged-Frog-Addendum-PDF (June 2015); *See also* Hunt (2021) at 4.

The presence of CRLF in Los Carneros Creek is significant with respect to the need for a minimum 100-foot SPA. SPAs are intended to "serve as habitat for fish and wildlife," and "provide wildlife movement corridors."[19] A 100-foot SPA would encompass a portion of the upland scrub habitat along the northern property line (Figure 1; *See also* RDEIR Appendix D, Watershed Environmental Figure 1 (August 11, 2020)), potentially providing cover for CRLF in upland areas on the project site.[20] Scrub vegetation cover within the 100-foot SPA buffer could assist wildlife, potentially including CRLF when dispersing west toward Tecolotito Creek and west then north to Bishop Ranch, or west then south toward Los Carneros Wetlands along the wildlife movement corridors depicted in the RDEIR's Wildlife Corridor Analysis.[21] (RDEIR Appendix D, Dudek, *Wildlife Corridor Analysis for the Heritage Ridge Project*, Figure 9 (September 2, 2014).)

5.6 (cont.)

In sum, the RDEIR preparation did not involve the necessary research or protocol level, aquatic, and nighttime CRLF surveys to identify CRLF or alternately to demonstrate absence, and incorrectly found no potential for this species onsite.[22] (RDEIR at 4.3-13; *See also* RDEIR Appendix D, *Species Potential to Occur Table – Updated April 2021* at D-6.) New information demonstrates that aquatic habitat is present and that CRLF occur near the Project site. The significant omission of CRLF and failure to undertake necessary surveys renders the RDEIR environmental baseline, biological impact analyses, and conclusions with respect to the impacts caused by reducing the SPA incorrect. As a result, and as discussed further below, reducing the SPA below the minimum of one hundred feet and eliminating the native vegetation in the buffer poses a significant impact to Los Carneros Creek's biological resources.

[19] City of Goleta (2006) Policy CE 2-1 at 4-13.
[20] Hunt (2021) at 4.
[21] *Id*. at 2 – 5.
[22] *Id*. at 4.

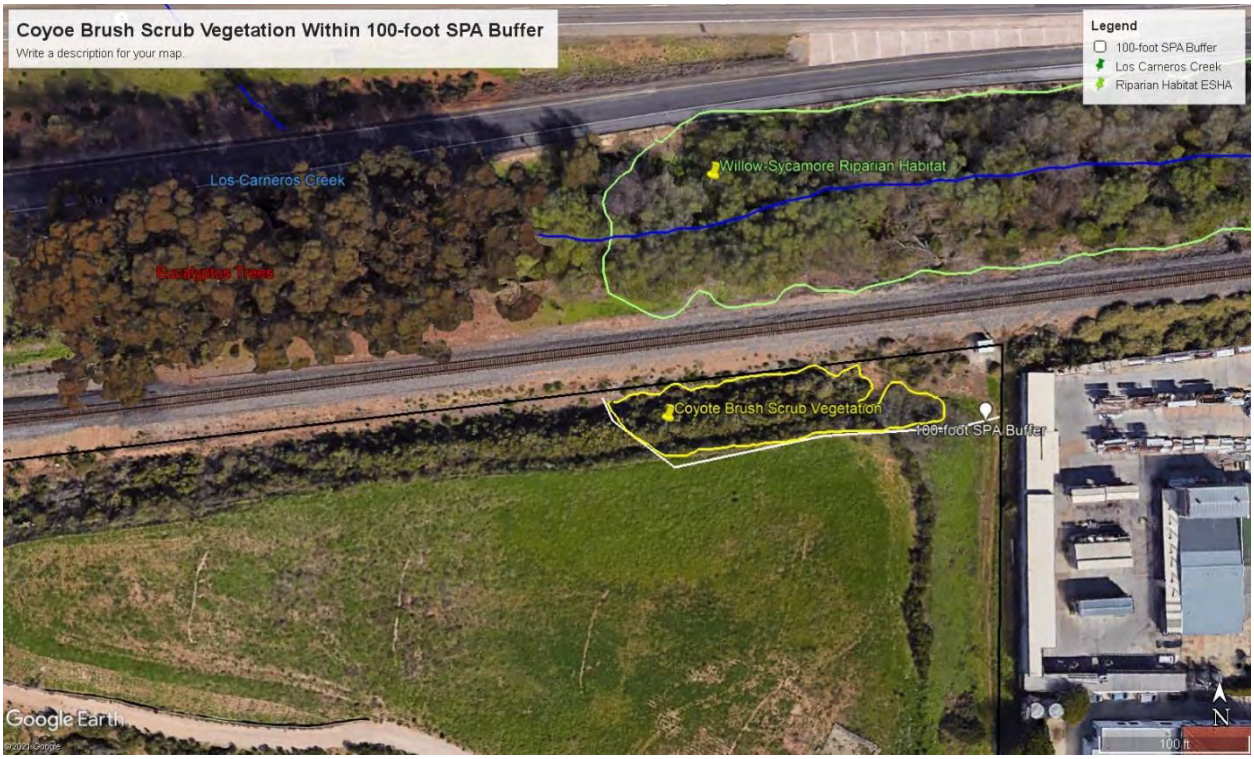

Figure 1. Heritage Ridge Rough Habitat Map. EDC. Google Earth. 2021.

b. The Surveys Were Conducted During a Severe Drought, Were Not Properly Timed, and Are Outdated.

Biological surveys must be properly timed to ensure identification of special-status species. The City's Environmental Thresholds and Guidelines Manual Biological Survey Guidelines state:

> Investigations should be conducted at the proper season and time of day when special-status species are both evident and identifiable. Field surveys should be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify plants of concern, and during periods critical to the species such as nesting for birds or larval development for amphibians.[23]

5.7

The RDEIR Appendix D acknowledges that reconnaissance level surveys were not implemented to coincide with specific times when species would be present or identifiable:

> "Field searches should be conducted in such a manner that they will locate any listed or special-status species plant or animal species that may be present/a resident or that may utilize the site on a seasonal rather than year-round basis. (1)

[23] City of Goleta (2002) at A-10.

> Biological surveys for the presence or absence of certain taxa have been conducted as part of this assessment but were not performed during a particular blooming period, nesting period, or particular portion of the season when positive identification would be expected if present, and therefore, cannot be considered definitive." (RDEIR Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 31. (Emphasis added.))

Reconnaissance surveys for the original Draft EIR ("DEIR") occurred in 2013 through 2015 and reconnaissance level site visits for the RDEIR occurred on July 9, 2020 and March 25 – 26, 2021. (RDEIR at 4.3-1; *See also* RDEIR Appendix D). "During periods of wet weather, starting with the first rains of fall, some individuals [CRLF] make overland excursions through upland habitats."[24] During 2013 – 2015 and in 2021, the region was undergoing the worst drought in its history during what the Santa Barbara County Water Agency Director called "an all-time low;" therefore, species such as CRLF requiring wet conditions would be unlikely to be documented in upland areas such as the site.[25] Reconnaissance level surveys that occurred during the drought are deficient for identifying species like CRLF in upland habitat. 5.7 (cont.)

Surveys conducted in 2008 through 2010, 2013, 2014, and 2015 for the Willow Springs EIR and the Project's DEIR are outdated.[26] CDFW "generally considers biological field assessment for wildlife to be valid for a one-year period" so all the surveys except the reconnaissance level survey conducted in 2020 and 2021 are outdated and unreliable.[27] The 2020 and 2021 surveys were undertaken during a severe drought and were not timed properly to detect all special status species, and are therefore insufficient. For example, the RDEIR's omission of CRLF is a byproduct of these deficient, outdated, and improperly timed surveys.

Further illustrating the outdated nature of the surveys, the RDEIR mischaracterizes baseline vegetation conditions in the southern portion of the eastern side of the site because it relies on outdated vegetation surveys and aerial photography. Figure 4.3-1 maps the southeast corner northeast of the intersection of Camino Vista and Via Luisa as "Brassica nigra and other mustards (Upland Mustards) Herbaceous Semi-Natural Alliance." (RDEIR at 4.3-4) Figure 4.3-1 is based on 2016 aerial photography. Consultants conducted "a vascular plant survey" in "March through June 2015." (RDEIR 4.4-3) While "an additional site survey was conducted on March 26, 2021" the southeast corner is now dominated primarily by *Encelia californica* (which was hydroseeded in 2013 according to the RDEIR at 4.3-6) and coyote brush (*Baccharis pilularis*).[28]

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[24] USFWS (2002) at 12.
[25] Nick Welsh, Santa Barbara County's 10-Year Rainfall Average at 'All-Time Low', Santa Barbara Independent (April 8, 2021) ("Welsh (2021)").
[26] Letter from Betty J. Courtney, Environmental Program Manager 1, South Coast Region, CDFW, to Kathryn Lehr, Planner, Santa Barbara County Planning and Development Department at 5 (November 16, 2016) ("CDFW (2016)").
[27] *Id*.
[28] The City's 2002 *CEQA Thresholds and Guidelines Manual* and August 19, 2008 *Environmental Review Guidelines* do not disqualify a habitat or reduce the importance of habitat established through restoration actions such as hydroseeding native shrubs.

(Figures 2a, 2b, 2c, 3a, and 3b) The RDEIR's characterization of the southern portion of the east side as dominated by nonnative mustard plants is no longer accurate as the area is dominated by these two native coastal scrub species. (Figure 2a, 2b, 2c, 3a, and 3b)

Figure 2a, 2b, and 2c. Development of coyote brush – *Encelia californica* scrub community in southern portion of eastern Heritage Ridge site during 2016, 2019, and 2021.

5.7 (cont.)

Figure 3a and b. Coyote brush and *Encelia californica* scrub vegetation community in southern portion of eastern side of Heritage Ridge site. May 24, 2021.

2. <u>The Scrub Vegetation Mapped as ESHA in the Center of the Project Site Meets the City's Definition of Coastal Sage Scrub ESHA.</u>

The RDEIR misrepresents the existing scrub vegetation baseline in the center of the project site as non-ESHA and proposes to remove the site's ESHA designation as mapped in General Plan Figure 4-1. The area mapped as coastal sage scrub ESHA is currently dominated by coyote brush and includes other coastal sage scrub plants such as coastal sagebrush and *encelia*.[29] Contrary to the RDEIR's finding, the mapped ESHA meets the definition in Policy CE 5.3, including coastal sage scrub species, composition, and structure.[30] The area mapped as ESHA is coastal sage scrub because coyote brush scrub is an early successional stage of coastal sage scrub.[31] Following disturbances in coastal sage scrub communities, coyote brush establishes as a disturbance-follower or "pioneer species" in the first step in ecological succession, i.e., the

5.8

[29] Hunt (2021) at 8 and 13.
[30] *Id*. at 6 – 11.
[31] *Id*.

process of reestablishing coastal sage scrub community following disturbances.[32] Coyote brush "stands in southern California tend to be largely at the beginning stages of ecological succession towards a steady state (e.g., maturity), such as scrub." (RDEIR at 4.3-3) The existing vegetation matches the General Plan's definition of coastal sage scrub, which includes "a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush (Artemisia californica), coyote bush (Baccharis pilularis), and California encelia (Encelia californica)."[33] The existing vegetation mapped as ESHA has "both the compositional and structural characteristics of… coastal sage scrub" with the species composition reflecting coastal sage scrub in the early phases of ecological succession.[34]

Hunt's observations during his surveys in June 2021 as well his long-term familiarity with the site led him to conclude that the area mapped as ESHA provides important habitat for special-status species and raptors such as white-tailed kites, a California Fully Protected Species. "Grassland and scrub habitats on the project site, including the coyote brush scrub habitat mapped as ESHA, are currently used by white-tailed kites (Elanus leucurus), a State Fully Protected species, as foraging habitat, and by other raptors, including Cooper's hawk (Accipiter cooperi), red-shouldered hawk (Buteo lineatus), red-tailed hawk (Buteo jamaicensis), American kestrel (Falco sparverius), and turkey vulture (Cathartes aura) (L.E. Hunt, pers. observation, 9-11 June 2021)."[35] In fact, "Loss of ESHA protection and elimination of the mapped ESHA and adjacent scrub habitats throughout the project site will substantially reduce or eliminate species diversity or abundance, the amount of nesting habitat for birds, foraging habitat for white-tailed kites… ."[36] 5.8 (cont.)

Analogous to the City General Plan ESHA Map, the City of Carpinteria maps coastal sage scrub dominated by coyote brush as ESHA.[37] Therefore, while currently dominated by coyote brush, the mapped ESHA is coastal sage scrub going through the process of ecological succession, provides important habitat value, and is correctly mapped as ESHA.

3. <u>The RDEIR is Inconsistent Regarding Presence of Trees in the Mapped ESHA.</u>

The RDEIR is internally inconsistent or inaccurate with respect to vegetation present in the mapped ESHA. There is a mature arroyo willow tree (*Salix lasiolepis*) in the mapped 5.9

[32] *Id*. at 7, 9, and 10; *See also* Cal State University of Long Beach, *Native plant identification key for the Palos Verdes Peninsula, California* (August 8, 2011); *See also*: Granada Native Garden, *The Granada Native Garden Newsletter* stating, "coyote brush is one of the first shrubs to appear after other plants have disappeared." https://granadanativegarden.org/2014/02/07/coyote-brush-an-under-appreciated-native/ (February 7, 2014); *See also*: Wikipedia, Baccharis pilularis stating "Coyote brush is known as a secondary pioneer plant in communities such as coastal sage scrub. (https://en.wikipedia.org/wiki/Baccharis_pilularis) (June 21, 2021).
[33] City of Goleta (2006) Policy CE 5.3 at 4-21; *See also:* Hunt (2021) at 6 and 9.
[34] City of Goleta (2006) Policy CE 5.3 at 4-21; *See also*: Hunt (2021) at 8 - 9.
[35] Hunt (2021) at 9.
[36] *Id*.
[37] Hunt (2021) at 8.

ESHA.[38] (Figure 4) Willow trees located outside of ESHA are defined as a "protected tree" in the General Plan.[39] Appendix D says that "an emergent red willow trees (sic) is present in the southeast corner" which is not where the mapped ESHA, including another willow tree, is located. (RDEIR Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* (May 2016)) However, the RDEIR's Policy Consistency Analysis says, "No trees are present on the site," and "No significant native trees are present on the site." (RDEIR at 4.9-16) Instead, there are two mature willow trees present onsite. One protected willow tree is in the mapped ESHA, but the RDEIR omits this tree. The RDEIR also fails to acknowledge that the willow tree present in the southeast corner outside of the mapped ESHA is a "protected tree" under City policy.

5.9 (cont.)

Figure 4. Arroyo willow tree (*Salix lasiolepis*) in mapped ESHA is omitted from the RDEIR. Google Earth. 2018.

B. Analysis of Impacts to Biological Resources is Inadequate

An EIR must "identify and focus on the significant effects of the proposed project on the environment." CEQA Guidelines § 15126.2(a). In its analysis of impacts, the EIR document should discuss "relevant specifics of the area, the resources involved…[and] alterations to ecological systems..." *Id*. The CEQA Guidelines Environmental Checklist, located in Appendix G, requires an agency to consider Biological Resources and determine if there is a "substantial

5.10

[38] Google Earth. 2018.
[39] City of Goleta (2006) Policy CE 9.1.

adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species…" or on "any riparian habitat or other sensitive natural community…" CEQA Guidelines, Appendix G (IV)(a-b). This Checklist also requires determining whether there are substantial adverse effects on the movement of native fish or wildlife, wildlife corridors, or if a conflict will arise with local policies or ordinances designed to protect biological resources such as a tree preservation policy. *Id*. at (IV)(d-e). As indicated further in the Checklist, CEQA *mandates* a finding of significance if an agency finds that the project has "the potential to significantly degrade the quality of the environment [or] substantially reduce the habitat of a fish or wildlife species…" CEQA Guidelines, Appendix G (XI).

5.10 (cont.)

When an EIR fails to adequately identify and consider existing environmental conditions, such as wetlands and wildlife refuges, it is "impossible for the EIR to accurately assess the impacts the project would have on wildlife and wildlife habitat or to determine appropriate mitigation measures for those impacts." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722.

Here, the RDEIR fails to adequately consider the impacts to biological resources, with an inadequate analysis of the habitat value of the SPA for Los Carneros Creek, omits discussion of impacts to the mapped coastal sage scrub ESHA, and fails to discuss the cumulative impact of the Project and other projects on wildlife movement through the SPA. Because the RDEIR misses the mark on analyzing and acknowledging the full impacts of the Project on the environment, it also fails to identify alternatives or mitigation measures that would avoid or minimize those impacts, as required by law.

1. <u>The RDEIR Fails to Adequately Analyze the Significant Impacts to Los Carneros Creek from the SPA Buffer Reduction.</u>

The Project would reduce the SPA by thirty-three feet, construct a sound wall and parking lot, and remove the native coyote brush scrub present within the standard minimum one-hundred-foot SPA buffer, causing a significant impact to the Creek's biotic quality, including impacts to the Creek and SPA as a wildlife movement corridor, loss of cover for wildlife, and loss of upland habitat. According to Hunt:

> Removing native cover vegetation to accommodate the requested reduction in the SPA buffer from 100 feet to 67 feet is part of a larger sound wall construction process that would significantly degrade the already tenuous physical connection for terrestrial wildlife moving between the project site and Los Carneros Creek ESHA via the SPA buffer. It would significantly reduce the biotic quality of the creek because the northern sound wall will isolate this reach of Los Carneros Creek from the last remaining patch of adjacent open space.[40]

5.11

[40] Hunt (2021) at 2.

Hunt determined that reducing the SPA buffer and removing the native vegetation eliminates the only upland cover for wildlife, including special-status species, in the SPA. The coyote brush scrub vegetation in the SPA may provide cover for the federally and state listed California red legged frog.[41] Hunt notes that:

> Approximately 0.17 acres, or about 33%, of the coyote brush scrub in this area will be removed to accommodate the requested SPA reduction. Constructing the 900-foot long sound wall will likely require removing the entire 0.51-acre patch of coyote brush scrub in this area, which would cause a significant adverse impact to the biotic quality of Los Carneros Creek ESHA[42] … The existing coyote brush scrub along the northern border of the project site provides cover and foraging habitat for terrestrial wildlife moving along the southern portions of the UPRR right-of-way, particularly when attempting to move between the 'daylighted' reach of Los Carneros Creek and the project site.[43]
>
> The RDEIR fails to mention that the proposed sound wall will all but isolate the project site from the Los Carneros Creek ESHA and SPA buffer and will create a complete barrier to terrestrial wildlife movement. In this way it would significantly degrade the SPA buffer and biotic quality of Los Carneros Creek.[44]

5.11 (cont.)

Furthermore, coastal sage scrub located adjacent to riparian habitats provides an important resource. "Coastal sage scrub provides critical linkages between riparian corridors," and "provides essential habitat for species that require several habitat types during the course of their life histories."[45] Therefore, eliminating the coastal sage scrub from the SPA would cause a significant adverse impact to the biotic quality of the creek.

2. <u>The RDEIR Inadequately Analyzes the Destruction of Coastal Sage Scrub Within the Mapped ESHA, which Results in Significant Impacts to Biological Resources.</u>

The RDEIR omits the significant impact caused by the Project's removal of habitat mapped as coastal sage scrub ESHA. Hunt finds that the mapped ESHA is a "valuable habitat" used by special-status species and raptors including "white-tailed kites (*Elanus leucurus*), a State Fully Protected species, as foraging habitat, and by other raptors, including Cooper's hawk (*Accipiter cooperi*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), and turkey vulture."[46] "Coyote brush scrub on the project site mapped as ESHA in particular, provides foraging, nesting, roosting, and cover habitat for a

5.12

[41] *Id*. at 4.
[42] *Id*.
[43] *Id*. at 4 – 5.
[44] *Id*. at 3.
[45] Memorandum from John Dixon, Ph.D., Ecologist and Wetland Coordinator, California Coastal Commission to Ventura Staff re: *Designation of ESHA in the Santa Monica Mountains* at 13 https://www.coastal.ca.gov/ventura/smm-esha-memo.pdf (March 25, 2003).
[46] Hunt (2021) at 9.

wide variety of wildlife."[47] Santa Barbara Audubon Society submitted a list of thirty-nine bird species observed in June 2021.[48] Hunt concludes that, "The coastal sage scrub patch mapped as ESHA is sufficiently large to be viable."[49] However, "Coastal sage scrub is now practically non-existent with the City limits."[50] "The remaining patches of coyote brush scrub mapped as ESHA in the City limits are significantly declining in extent and quality."[51]

"Removing ESHA protection for the coyote brush scrub mapped as sage scrub ESHA on Figure 4-1 in the City of Goleta General Plan will result in significant impacts to biological resources on the project site."[52] Removal of the mapped ESHA would cause a significant impact because the Project would "have a substantial adverse effect on "coastal sage scrub which is a "sensitive natural community."[53] According to Hunt, "The entire project area, including the coyote brush scrub mapped as ESHA by the City of Goleta, will be graded and developed."[54] Furthermore, "Loss of coyote brush scrub (ESHA) on the project site as a whole may represent up to 10% of such habitat remaining in the City limits."[55]

Hunt concludes that, "removal of ESHA protections for coyote brush scrub currently mapped as ESHA on-site and loss of the project site as open space habitat for wildlife will substantially increase habitat fragmentation."[56] "Fragmentation and loss of foraging habitat is likely to negatively affect the local distribution and reproductive output of kites as prey resources decline and the landscape becomes energetically more 'expensive' as foraging habitat within their home ranges."[57] Kites "seldom forage more than 0.5-mile from the nest when breeding. (Hawbecker, 1942). Henry (1983) found the mean breeding home range to be as low as 0.2-mile." (RDEIR at 4.3-17) Therefore the Project "could cause kites to abandon historic nest sites."[58] Removal of ESHA "will substantially reduce or eliminate species diversity or abundance, the amount of nesting habitat for birds, foraging habitat for white-tailed kites, larval and adult food sources for monarchs, and will further isolate important open space habitats such as Bishop Ranch, Lake Los Carneros Park, and the Goleta Slough."[59]

Accordingly, the RDEIR must be revised to acknowledge the Project's significant impacts to coastal sage scrub within the mapped ESHA.

5.12 (cont.)

3. The RDEIR Omits Cumulative Impacts to Biological Resources.

[47] *Id*. at 13.
[48] Exhibit A - List of Bird Species Observed at Heritage Ridge in 2021, Mark Holmgren and Steve Gaulin, Santa Barbara Audubon Society (June 2021).
[49] *Id*.
[50] *Id*. at 10.
[51] *Id*. at 12.
[52] *Id*. at 11.
[53] *Id*. at 11 - 13 and 15; *See also:* CEQA Guidelines Appendix G, Section IV(e).
[54] *Id*. at 14.
[55] *Id*.
[56] *Id*. at 15.
[57] *Id.* at 9 – 10.
[58] *Id*.
[59] *Id*. at 11.

When assessing cumulative impacts, an EIR must consider "closely related past, present, and reasonably foreseeable probable future projects. CEQA Guidelines § 15355(b); *see also* Pub. Res. Code § 21083(b)(2). Here, the RDEIR omits from the discussion information regarding impacts on biological resources from the Project and other projects that will have cumulative impacts. 5.13

a. The RDEIR Omits the Cumulative Impact on Wildlife Movement Corridors Caused by the Project, the Los Carneros Road Widening Projects, the Los Carneros Way Realignment Project, and the Right-of-Way Swap Project.

The RDEIR's discussion of cumulative impacts to wildlife connectivity omits several City projects, including a related right-of-way ("ROW") swap between the City and applicant, and three City capital improvement projects ("CIPs"). (RDEIR at 4.3-39) These projects combine with and increase the Project's impairment of the functionality of the "important" wildlife corridor connecting the "Santa Ynez Mountain foothills and the Los Carneros Wetlands" via the Los Carneros Creek SPA. (Figures 5 and 9) (RDEIR at 4.3-33 and RDEIR Appendix D, Dudek, *Wildlife Corridor Analysis for the Heritage Ridge Project* at 17. September 2, 2014) According to the Wildlife Corridor Analysis and as shown in Figures 5 and 9 below, the wildlife corridor "extends along the northern and western portions of the Project site to the east and along Los Carneros Road and eventually south (off-site) to the Los Carneros Wetlands." (RDEIR Appendix D, Dudek, *Wildlife Corridor Analysis for the Heritage Ridge Project* at 17. September 2, 2014.) The RDEIR finds that, "Maintaining this wildlife linkage is important for many small- (raccoon, stripped skunk, etc.) and medium- (coyote and bobcat) sized mammal species that use these areas (wetlands and foothills) to hunt, seek shelter, breed, and conduct other normal behaviors important for their survival, especially within the wildness-urban interface." (RDEIR Appendix D, Dudek, *Wildlife Corridor Analysis for the Heritage Ridge Project* at 17. September 2, 2014.) When viewed in tandem with the Project's proposed reduction of the SPA to 67 feet, the CIP and ROW projects cause a significant cumulative impact to the biotic value of Los Carneros Creek for wildlife movement between the foothills and the Los Carneros Wetlands. 5.14

The Project would attempt to minimize wildlife movement impacts by retaining a "25-40-foot-wide wildlife connection along a sound wall that would be located along the west perimeter of the site to allow for movement of mammals and other wildlife species between the Santa Ynez Mountain foothills and Los Carneros Wetland to the south." (RDEIR at 4.3-33) The wildlife corridor would be immediately east of the busy Los Carneros Road from the UPRR tracks south to the intersection of Los Carneros Road and Calle Koral. (RDEIR 4.3-33; *See also* RDEIR Appendix D, Dudek, *Wildlife Corridor Analysis* at 17 and the *Analysis'* Figure 4 (See Figure 9 below)) The ROW swap would narrow the proposed wildlife connection corridor to provide room for a bike path, bike lanes, and/or a sidewalk east of Los Carneros Road.[60]

[60] Email from Peter Imhof, Director, Department of Planning and Environmental Review, City of Goleta to Lisa Prasse and Mary Chang, Department of Planning and Environmental Review, City of Goleta re *Planning Workplan Schedule* (January 14, 2021). *See also:* Email from Lisa Prasse, Current Planning Manager, City of Goleta, to Peter

In addition, three CIP projects involving widening Los Carneros Road and realigning Los Carneros Way combine to further narrow the tenuous wildlife connection corridor and impede wildlife movement at the Project site. The north-south corridor east of Los Carneros Road and the east-west corridor within the SPA act in tandem to enable wildlife movement. Therefore, constricting the north-south corridor adversely impacts utility of the SPA as a wildlife corridor. (Figure 5 and 9) (RDEIR at 4.3-39) Narrow wildlife corridors increase impacts and are detrimental to species using the corridors:

> One important negative effect of corridors is introduced because of their long and narrow shape. This shape creates boundaries between conservation and degraded areas. Species tend to behave differently at these boundaries, or edges, of habitat fragments, and there is concern that in creating habitat patches such as corridors, the high ratio of edge to area might be detrimental to species using the corridor.[61]

The cumulative effect of the Project, the ROW swap, and CIP projects on narrowing the wildlife connection corridor and on wildlife movement is significant. This significant cumulative impact provides an important justification for retaining a one-hundred-foot-wide SPA.

5.14 (cont.)

Imhof, Planning Director, City of Goleta and Brian Trautwein, Environmental Analyst/Watershed Program Coordinator, EDC re *Los Carneros Right of Way* (January 14, 2021); *See also*: Goleta City Council Staff Report Memorandum from Charlie Ebeling, P.E., T.E., Public Works Director to Mayor and City Councilmembers re: *Los Carneros Road and Calle Koral*, at 2, 10, and 13-20 (March 19, 2019); *See also*: Email from Kyle Richards, City Councilmember, City of Goleta to Robert Bernstein, Sierra Club re: *Old Town Goleta and Massive Los Carneros Project?* (January 6, 2021); *See also*: Tim Kihm, CEO, TK Consulting, Personal Communication to Rachel Kondor, Staff Attorney, EDC, Brian Trautwein, Environmental Analyst/Watershed Program Coordinator, EDC, Larry Hunt, Hunt and Associates Biological Consulting, Mary Chang, Planner, City of Goleta, and various staff from Rincon Consultants during Heritage Ridge Site Visit (June 9, 2021).

[61] Conservation Corridor, *Corridor Concerns Webpage* https://conservationcorridor.org/# (June 26, 2021).

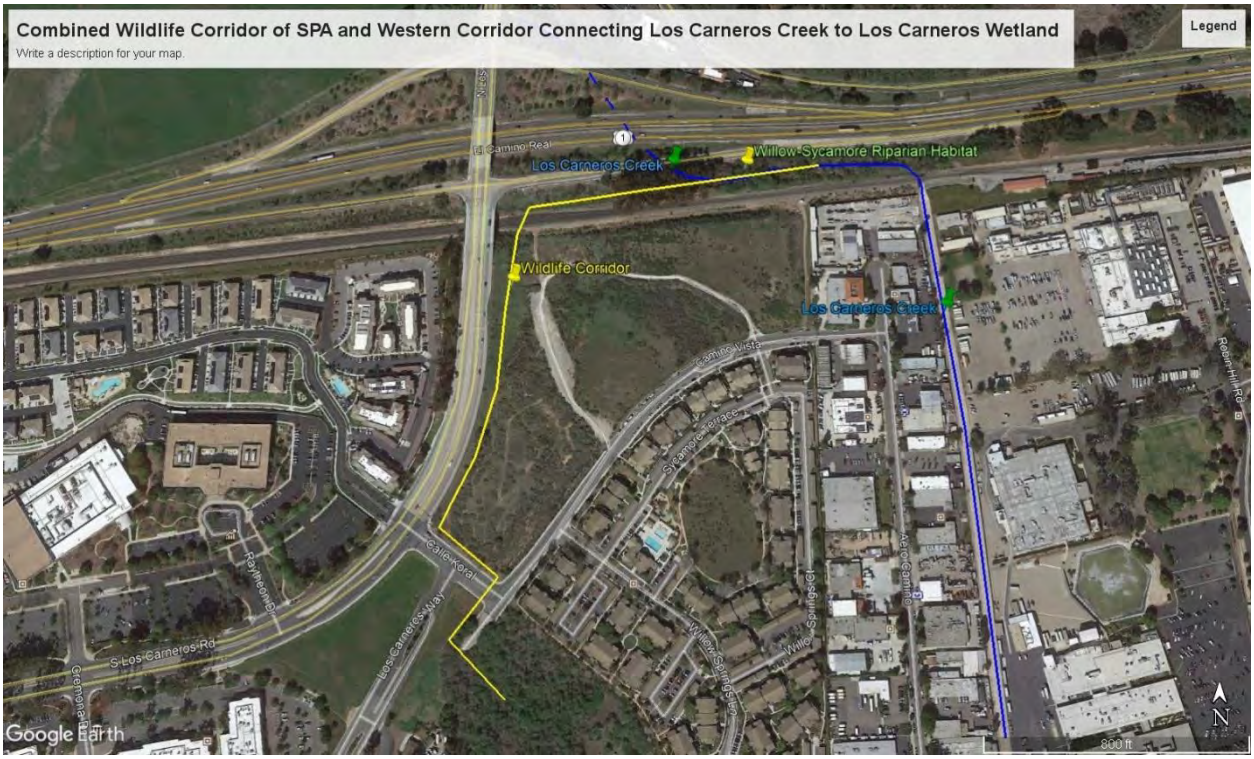

Figure 5. The combined wildlife corridor connecting Los Carneros Creek to the Los Carneros Wetlands would be impaired by the Project, the ROW swap, the widening of Los Carneros Road, and the realigning of Los Carneros Way. Google Earth.

b. The City's Los Carneros Road Widening Project Would Encroach into Wildlife Corridor.

The City's planned Los Carneros Road at Calle Koral Widening Project (CIP Project R-18) "to include an additional northbound right turn lane and an additional southbound left turn lane both onto Calle Koral" narrows the proposed wildlife connection corridor by moving the eastern edge of Los Carneros Road east into the wildlife corridor.[62] However, Project R-18 is omitted from the RDEIR's discussion of cumulative impacts on wildlife connectivity on page 4.3-39. (Figure 6)

5.15

[62] Staff Report Memo from Charles W. Ebeling, P.E., T.E., Public Works Director, City of Goleta to Mayor and Councilmembers re: Los Carneros Road and Calle Koral at 2 and 8 (March 19, 2019).

Figure 6. Project R-18 would widen Los Carneros Road to the east into the wildlife connection corridor. From City Council Staff Report re: Los Carneros Road and Calle Koral. March 19, 2019.

c. The City's Planned Southbound Highway 101 Turn Lanes and Widening of Los Carneros Road Would Impinge on the Wildlife Connection Corridor.

The City's CIP Project I-20 to "widen Los Carneros to the east to include an additional right turn lane onto southbound Highway 101 on-ramp" also impinges on the wildlife connection corridor (Figures 7 and 9) but is omitted from the RDEIR's assessment of cumulative impacts.[63] 5.16

[63] *Id.* at 1 and 6.

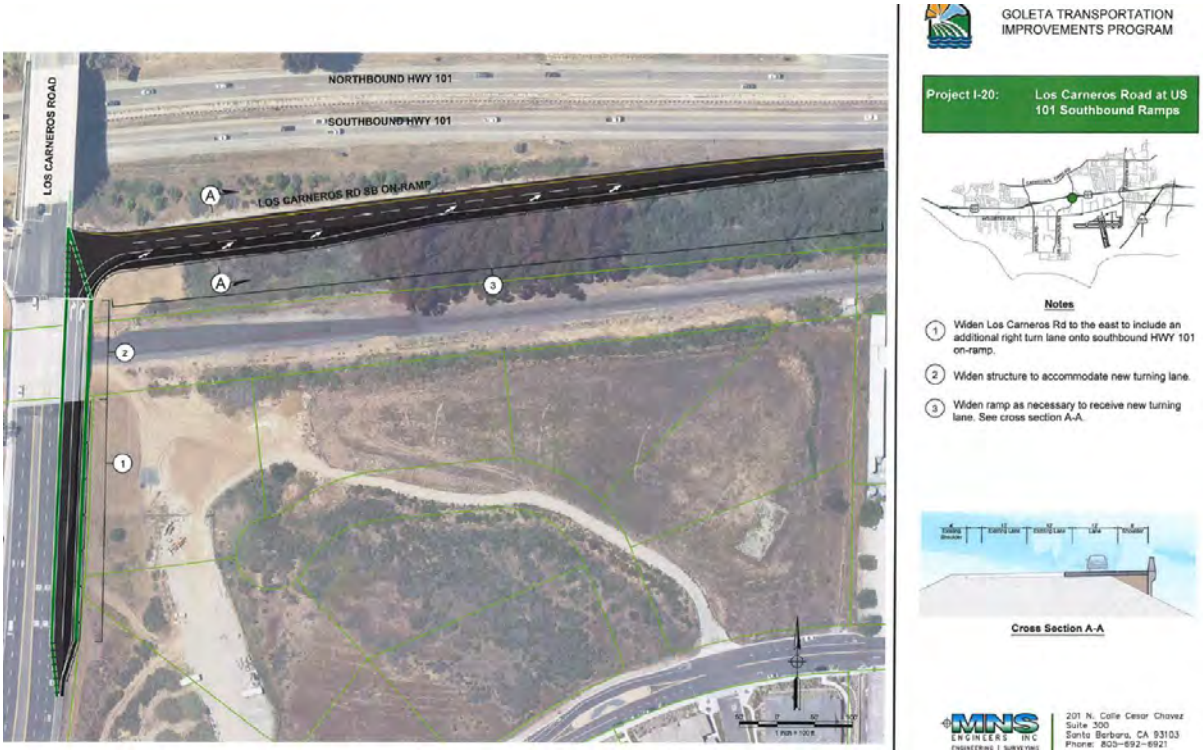

Figure 7. Project I-20. Los Carneros Road at Highway 101 Southbound Ramps. Project I-20 would widen Los Carneros Road to east into wildlife connection corridor. From City Council Staff Report. March 19, 2019.

d. The Los Carneros Way Realignment Project Would Create a More Formidable Impediment to Wildlife Movement by Creating a Three-way Intersection at Calle Koral and Camino Vista.

Wildlife currently access the Los Carneros Wetlands from the SPA through the site and across or near the intersection of Calle Koral and Camino Vista. (RDEIR Appendix D, Dudek, Wildlife Corridor Analysis at 17 and Appendix A at 11 and 12 (September 2, 2014).) (Figure 9) The City's Los Carneros Way Realignment Project (CIP Project R-13) would further restrict wildlife movement along the corridor connecting the SPA to the Los Carneros Wetland by increasing the distance of paved road (the proposed three-way intersection and realigned Los Carneros Way) within the wildlife connection corridor. (Figures 8 and 9)

5.17

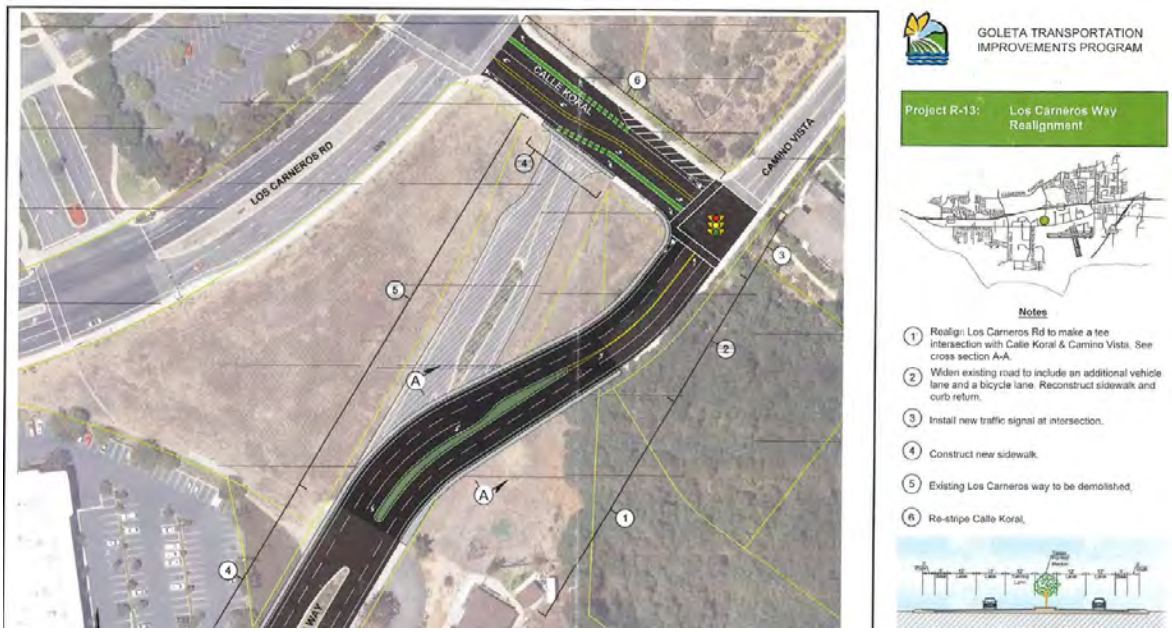

Figure 8. The Los Carneros Way Realignment Project (CIP Project R-13) would adversely impact wildlife movement from the SPA through the site to the Los Carneros Wetlands. From City Council Staff Report. March 19, 2019.

The RDEIR omits the cumulative effects of the three CIPs, the ROW swap, and the Project which impair wildlife movement and adversely affect the combined corridor of the SPA and the planned western wildlife corridor. 5.18

Figure 9. Wildlife Corridors. Note the wildlife corridor narrows to twenty-five feet between the UPRR tracks and Calle Koral, and that the CIPs and ROW swap further narrow the corridor. RDEIR Appendix D. *Wildlife Corridor Analysis for the Heritage Ridge Project*. *Figure 4*. 2021.

4. The Project Would Result in a Significant Impact to Biological Resources Because it Would Conflict with Local Policies Protecting Biological Resources, Including ESHA and Tree Preservation Policies.

Pursuant to the CEQA Guidelines and as stated in the RDEIR, "The Project would have a significant impact on biological resources if it would conflict with local policies or ordinances protecting biological resources such as a tree protection policy or ordinance"[64] (RDEIR "Significance Thresholds" at 4.3-26 – 27). As discussed in more detail in Section II.C. below, the Project would conflict with numerous General Plan policies protecting biological resources, including the City's ESHA, stream, and tree protection policies These conflicts result in a significant impact to biological resources. 5.19

5. The RDEIR Omits the Significant Impact Caused by Removing Coastal Sage Scrub and Coyote Brush Scrub Vegetation Communities Outside of the Mapped ESHA.

[64] CEQA Guidelines Appendix G, Section IV(e).

The scrub communities which comprise a significant portion of the site include quailbush scrub and coyote brush scrub (a form of coastal sage scrub). These areas are biologically significant and removal poses a significant impact.[65] As discussed in Section II.B.2. above, impacts to mapped ESHA are significant and must be avoided. Removal of other scrub vegetation communities outside of the mapped ESHA as proposed also poses a significant biological impact.[66] The RDEIR does not propose to mitigate this significant loss of native vegetation communities and wildlife habitats. However, it is necessary and feasible to mitigate the loss of non-ESHA vegetation communities and wildlife habitats both onsite, which is preferred if feasible, and offsite. 5.20

a. The RDEIR Proposes No Mitigation Measures for Loss of Scrub Habitats

The main purpose of an EIR is to identify ways in which the significant environmental impacts of a project can be minimized or avoided. *Citizens of Goleta Valley*, 52 Cal. 3d at 565. Thus, an EIR must include a discussion of "feasible measures which could minimize significant adverse impacts…" CEQA Guidelines § 15126.4(a)(1). Indeed, according to the California Supreme Court, "[t]he core of an EIR is the mitigation and alternatives sections." *Citizens of Goleta Valley*52 Cal.3d at 564. The discussion on mitigation must distinguish between measures proposed by the project proponents and others proposed by the lead agency and must also identify mitigation measures for each significant environmental effect identified in the EIR. CEQA Guidelines § 15126.4(a)(1)(A). An agency's failure to comply with the procedural mandates of CEQA is prejudicial when the violation precludes informed decisionmaking and public participation. *Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1375. 5.21

Here, the RDEIR incorrectly states that there will not be impacts to ESHA, thus ostensibly obviating the need to mitigate for any impacts. The RDEIR also omits information regarding special-status plant and animal species and habitats which may be harmed by the project. Without an accurate disclosure of impacts, the RDEIR never fully acknowledges the need to minimize or avoid impacts of the Project on the environment, in violation of CEQA.

b. The RDEIR Must Mitigate the Loss of Non-ESHA Scrub Vegetation by Preserving and/or Restoring Coastal Sage Scrub in the Proposed Park and/or SPA.

When significant impacts to habitats are unavoidable, as with the Project, onsite mitigation is preferable to offsite mitigation.[67] The project causes a significant impact on scrub vegetation communities and associated bird and wildlife habitat by removing one hundred percent of the onsite habitats.[68] It may be feasible to partially mitigate the loss of scrub habitats 5.22

[65] Hunt (2021) at 11 - 15.
[66] *Id*.
[67] City of Goleta (2002) at 44 - 45.
[68] Hunt (2021) at 11 - 15.

located outside of the mapped ESHA. The onsite portion of the one-hundred-foot SPA already includes scrub vegetation including large coyote brush and elderberry plants, however, degraded areas within the SPA exist in the northeast corner of the project site. (Figure 1) The SPA would be an ideal site for mitigating the loss of scrub habitats because coastal sage scrub provides critical linkages to riparian habitats, would provide cover and upland habitat for riparian species, and would enhance the wildlife movement function of the SPA.[69]

5.22 (cont.)

c. The RDEIR Must Mitigate the Loss of Non-ESHA Scrub Vegetation by Creating, and/or Restoring, and Preserving Scrub Vegetation Offsite in the Project Vicinity.

If onsite mitigation for the loss of non-ESHA scrub vegetation communities and wildlife habitats is infeasible or only partially feasible, then offsite mitigation is acceptable as a last resort.[70] Areas suitable for creating, enhancing, restoring, and preserving coastal sage scrub and other scrub communities are present at Lake Los Carneros, Bishop Ranch, and near Highway 101 and Los Carneros Road. Lake Los Carneros and the areas near the northbound Highway 101 onramp and offramp at Los Carneros Road are mapped as coastal sage scrub ESHA but appear degraded and in need of restoration.

5.23

C. The RDEIR Does Not Accurately Disclose the Project's Land Use and Policy Consistency Impacts.

An EIR must "discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." CEQA Guidelines §15125(d); *City of Long Beach v. Los Angeles Unif. School Dist*. (2009) 176 Cal. App. 4th 889, 918. As part of this discussion, an agency must consider and indicate whether the Project would "[c]ause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." CEQA Guidelines, Appendix G, Section XI(b). A conflict with such a plan or policy - adopted in order to avoid or mitigate environmental effects - can indicate a potentially significant impact on the environment. *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903, 929; *also see Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-784.

5.24

If a lead agency fails to identify the relationship of the project to relevant local plans in an EIR, that EIR may be inadequate because failure to disclose any such inconsistencies violates CEQA's information disclosure mandate, constituting a failure to "proceed in 'a manner required by law'." *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 386; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510, 514–16.

[69] *Id.*; See also John Dixon, Ph.D., Ecologist and Wetland Coordinator, California Coastal Commission, Memorandum to Ventura Staff re: *Designation of ESHA in the Santa Monica Mountains* at 13 https://www.coastal.ca.gov/ventura/smm-esha-memo.pdf (March 25, 2003).
[70] City of Goleta (2002) at 44 - 45.

Here, the RDEIR either fails to disclose inconsistency with several relevant elements of the Goleta General Plan Conservation Element outright or omits detail in the discussion sufficient to enable the public to understand and meaningfully consider the issues raised. 5.24 (cont.)

1. The RDEIR Policy Consistency Analysis Improperly Omits Policy CE 2.2 and Fails to Disclose the Project's Inconsistency with Policy CE 2.2.

Under Conservation Element 2.2 of the General Plan, the City established SPAs along both sides of the creeks within its boundaries, in order to preserve these areas in a natural state and protect riparian ecosystems. A minimum one-hundred-foot SPA is required and cannot be reduced pursuant to Policy CE 2.2 unless (1) the project would "not have significant adverse effects on streamside vegetation or the biotic quality of the stream" and (2) substantial evidence demonstrates that a one-hundred-foot SPA buffer is infeasible.[71] The RDEIR's Policy Consistency Analysis omits discussion of the inconsistency of the Project with the SPA policy, either in the discussion or table in Section 4.9. (*See* RDEIR at 4.9-1.)

As discussed in detail by Hunt and Associates Biological Consulting[72] and above in Section II(B)(1), the Project's proposed SPA reduction would result in significant effects on the biotic quality of the stream, including: 5.25

- The Project would reduce the width of an important wildlife corridor, install a sound wall, and remove vegetation cover necessary for wildlife movement to and from the Creek.[73]
- The Project would remove upland scrub habitat from within the SPA buffer.
- The Project would reduce habitat complexity and related species diversity resulting from the presence of coastal scrub habitat located near riparian habitat.[74]

Furthermore, as discussed below in the Alternatives Section III, a one-hundred-foot SPA is feasible for a 332-unit project with one hundred and four affordable units.

2. The Project is Inconsistent with Policies CE 1.6, CE 5.3, CE 9.1, and CE 9.4 Because it Would Remove the Mapped ESHA and a Protected Tree.

The General Plan's Conservation Element Policy 1.6 provides that ESHAs shall be protected against significant disruption of habitat values and only compatible uses allowed. Conservation Element 5.3 protects ESHA. Coastal sage scrub is defined in this policy as 5.26

[71] City of Goleta (2006) Policy CE 2.2.
[72] Hunt (2021) at 2 and 4 - 5.
[73] *Id*.
[74] Memorandum from Dr. John Dixon, Ph.D., Ecologist/ Wetland Coordinator, California Coastal Commission to Ventura Staff Re: *Designation of ESHA in the Santa Monica Mountains* at 13 stating "Coastal sage scrub provides critical linkages between riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, ..." March 24, 2003.

drought-tolerant habitat "characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush…, coyote bush…, and California encelia." (CE 5.3) Conservation Element Policy 9 protects native woodlands, requiring the protection of native trees. The RDEIR omits or inadequately discusses these conservation policies of the General Plan from its Consistency analysis. 5.26 (cont.)

a. The RDEIR's Discussion of CE 1.6 is Inadequate, while the RDEIR Incorrectly Omits Discussion of CE 5.3, Regarding Coastal Sage Scrub ESHA.

CE 1.6 is discussed in the Policy Consistency Table 4.9-1, insofar as it states "the [ESHA] is no longer present within the Project boundary or immediately adjacent areas." (RDEIR at 4.9-12). In fact, ESHA is present according to a report by Hunt and Associates Biological Consulting. (See discussion regarding the habitat on site in section (b) below).

The RDEIR omits discussion of the inconsistency of the Project with the Conservation Element 5.3, pertaining to coastal sage scrub, either in the discussion or table in Section 4.9. (RDEIR at 4.9-1.) Instead, the analysis includes Policy CE 5.2 Protection of Native Grasses and concludes that "Vegetation at the Project site consists of coyote brush scrub or ruderal/disturbed areas that consist overwhelmingly of non-native grasses and forbs. Evidence demonstrating that the coyote brush scrub at the site does not meet the definition of an ESHA is provided above under Section 4.3.1.b." However, substantial evidence demonstrates the existence of coastal sage scrub habitat that meets the definition in Policy CE 5.3.[75] Specifically, Hunt and Associates Biological Consulting concludes: 5.27

> Coyote brush scrub meets the definition of ESHA in CE Policy 1.1 and the description of coastal sage scrub in CE Policy 5.3(a). By not recognizing coyote brush scrub as a localized, disturbance-associated form of coastal sage scrub, the City sets a precedent that could eliminate other occurrences of this valuable habitat that would significantly fragment and degrade the remaining patches of coyote brush-dominated coastal sage scrub within the City General Plan area.[76]

As discussed above in Section II(B)(2), *supra*, coyote brush scrub is an early successional stage of coastal sage scrub which develops after coastal sage scrub has been disturbed, such as at the Project site. Even the RDEIR acknowledges that coyote brush stands "in southern California tend to be largely *at the beginning stages of ecological succession towards a steady state (e.g., maturity), such as scrub*." (RDEIR at 4.3-3; emphasis added.) Coastal sage scrub which has been disturbed and is in the process of recovering should not be deprived of protection merely because it has been disturbed. It should be protected because it is coastal sage scrub ESHA undergoing successional recovery. Depriving it of protection simply because it has been damaged and is recovering would set a precedent encouraging repeated disturbance of coastal sage scrub wherever it occurs to prevent its recovery and deprive it of ESHA protection.

[75] Hunt (2021) at 6 - 11.
[76] Hunt (2021) at 6.

b. The RDEIR's Discussion of CE 9.1, 9.2, and 9.4 Omits Protected Tree in ESHA and is Inaccurate.

The RDEIR contains incorrect information with regard to Conservation Element Policies 9.1, 9.2, and 9.4, for example, where it indicates: "[n]o trees are present on the site" and "[n]o significant native trees are present on the site" and therefore "[n]o Tree Protection Plan would be required." (RDEIR at 4.9-16-17.). In fact, a protected native willow tree is present at the site within the mapped ESHA and the Project would remove it, its canopy, understory, and drainage patterns in violation of Policies CE 9.1 and 9.4.[77] The RDEIR must disclose this policy inconsistency. 5.28

3. The RDEIR Omits or Mispresents the Project's Inconsistency with Policies CE 1.2(l) and CE 8.2

Conservation Element Policy 1.2(l) requires that habitat areas for wildlife and plant species that are designated as rare, threatened or endangered under state or federal law be designated as ESHA. Conservation Element Policy CE 8.2 requires development to avoid disturbing special status species and their habitats, including areas where those species nest, roost, forage or raise young.

The Project is in conflict with General Plan policies 1.2(l) and 8.2 because it would destroy foraging habitat for the rare, state-protected white-tailed kite. The ESHA "is an important element in the foraging landscape for raptors and other wildlife."[78] The RDEIR's consistency analysis mentions CE Policy 1.2, but only insofar as the mapped ESHA existing on site; it makes no mention of the conflict with policies to protect special-status species. The RDEIR outright omits reference to CE Policy 8.2, but references CE Policy 8.1 regarding requisite habitats for individual special-status plants and animals, stating that: 5.29

> Based on survey results (Rincon 2015), special status plant and wildlife species have a low potential to occur on-site and a low probability of being impacted by the Project. Mitigation would reduce potential impacts to nesting birds, wildlife movement and off-site sensitive communities. (RDEIR at 4.9-15)

In fact, California Fully Protected white-tailed kites are regularly observed foraging over the Project site including the mapped ESHA.[79] (RDEIR at 4.3-13)

The Project would remove all white-tailed kite foraging habitats on the Project site – violating General Plan Policies CE 1.2(l) and CE 8.2 – and forcing this rare bird of prey to fly farther and hunt longer, expending limited energy to find new hunting grounds and food sources

[77] City of Goleta (2006) at 4-26.
[78] Hunt (2021) at 14.
[79] Hunt (2021) at 9 - 15.

to raise its chicks, and potentially forcing abandonment of long-used nesting sites, such as at Lake Los Carneros.

The Policy Consistency element of the RDEIR is fundamentally flawed as it either omits or inadequately considers Policies CE 1.2[80], CE 1.4, CE 2.2., CE 1.6, CE 5.3, CE 8.2,[81] CE 9.1, and CE 9.4. The RDEIR must be revised to correct these omissions and inaccuracies. 5.29 (cont.)

III. The RDEIR Does Not Include a Reasonable Range of Alternatives

A. The Alternatives Analysis in the RDEIR is Deficient Because it is Constrained by Improperly Narrow Project Objectives and Fails to Include an Alternative that will Avoid or Substantially Lessen Impacts to Biological Resources and Land Use.

An EIR must describe and evaluate "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…" CEQA Guidelines §15126.6. The importance of this requirement was acknowledged by the California Supreme Court when it held that "[t]he core of an EIR is the mitigation and alternatives sections." *Citizens of Goleta Valley*, 52 Cal.3d at 564.

Consideration of alternatives is critical to ensuring the substantive component of CEQA that projects shall not be approved if there are feasible alternatives or mitigation measures available which would substantially lessen the significant impacts of the proposed project. Pub. Res. Code § 21002; CEQA Guidelines § 15021(a)(2). In order to meet this requirement, an EIR must identify alternatives that are capable of avoiding or lessening significant effects. Pub. Res. Code § 21002.1(a); CEQA Guidelines § 15126.6(f). Such alternatives must be evaluated "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b); see also *Save Round Valley All. v. Cty. of Inyo* (2007) 157 Cal. App. 4th 1437, 1461, *citing Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal. App. 3d 1167, 1181. The lead agency must then adopt such an environmentally preferable alternative when it is feasible to do so. Pub. Res. Code § 21002.1(b). 5.30

1. The Project Objectives are Improperly Narrow and Constrain the Range of Reasonable Alternatives.

As noted above, the Project Objectives set forth in the RDEIR are unduly narrow, especially Objective 3, which is stated as an objective to construct a specific number and mix of residential units. (RDEIR at 2-8) This narrow objective improperly constrains the range of alternatives. CEQA Guidelines §15124(b) (the objectives must "help the lead agency develop a *reasonable range of alternatives*…" (emphasis added)). Limiting the objectives to a project that will provide "41 senior affordable apartment units, 63 family affordable apartment units, and 228 5.31

[80] The RDEIR at 4.9-9 and 4.9-12 lists Policy CE 1.2 but then *omits the language of the policy*.
[81] The RDEIR at 4.9-16 lists Policy 8.2 but then *omits the language of the policy*.

market-rate apartment units" subverts the ability of the City to include reasonable range of alternatives in the EIR. (Objective 3; RDEIR at 6-1) As confirmation of this fact, Objective 3 is cited as a reason to find *all* of the alternatives infeasible. (RDEIR at 6-2 (Alternative 2), 6-7 (Alternative 3), 6-12 (Alternative 4), 6-22 (No Project Alternative), 6-23 (Alternatives 2-5)). Accordingly, this objective must be eliminated from the RDEIR. 5.31 (cont.)

2. The RDEIR Fails to Discuss an Alternative that will Avoid or Substantially Lessen Significant Effects to Biological Resources.

The RDEIR discusses five alternatives: the No Project alternative; Alternative 2, which is intended to lessen impacts to cultural resources by avoiding an archaeological site and buffer; Alternative 3, which is intended to lessen impacts related to noise and health risk by increasing the Railroad/Freeway buffer and constructing a higher sound barrier; Alternative 4, which is intended to lessen visual impacts by reducing the building height, and Alternative 5, which is intended to reduce impacts related to noise and risk of upset by allowing for mixed use development adjacent to the existing industrial uses on Aero Camino to the east of the Project site. 5.32

None of the alternatives in the RDEIR address the significant effects to biological resources identified above. Given the potentially significant effects to biological resources, the RDEIR must be revised to include an alternative that will avoid or substantially lessen such impacts. See comments below for a description of a feasible alternative that will satisfy the basic Project Objectives and avoid or substantially lessen such impacts as required by CEQA.

3. The EIR Fails to Discuss an Alternative that will Avoid or Substantially Lessen Significant Effects Related to Land Use.

As explained above, the Project's impacts to biological resources also result in inconsistencies with the City's General Plan and, as such, a significant land use impact. None of the alternatives in the RDEIR address this impact. The alternative that we propose to avoid or substantially lessen impacts to biological resources will also ensure consistency with the City's General Plan and thus avoid land use impacts as well. This alternative must be added to the RDEIR. 5.33

B. The RDEIR Must be Revised to Include an Alternative that Avoids or Substantially Lessens Impacts to Biological Resources and Land Use.

Given the significant effects to biological resources and land use (i.e., general plan inconsistency), the RDEIR must analyze an alternative that avoids or substantially lessens such impacts. CEQA Guidelines § 15126.6(a). To avoid impacts and ensure consistency with the general plan, the RDEIR must include an alternative that maintains a 100-foot creek setback and protects mapped ESHA. Such an alternative can be devised by including some or a combination of the following components: 5.34

- **Protect the SPA setback** by (1) shifting development in the northeast portion of the Project site (including Buildings 9 and 10, parking spaces, sound wall, and perimeter landscaping) further to the south, (2) reducing the size of some of the parking spaces, and/or (3) reducing the number of market rate units.

  The shift in development could be accomplished by reducing the surface area of the retention basins. The reduction in surface area of the bioretention basins could be offset by revising the drainage plan to decrease run-off, making the basins deeper, and/or incorporating subsurface storage (as referenced in the RDEIR at 4.3-32).[82] Basins can be deepened to offset the smaller surface area because the groundwater is approximately thirty to fifty feet below the basin floor, so groundwater would not pond in the basins' bottoms.[83] 5.35

  Additionally, the thirty parking spaces in this area could be eliminated (or at least reduced) and replaced by distributing more compact spaces throughout the development.

  Finally, the SPA setback could be protected by reducing the number of market rate units in this area.

- **Protect mapped ESHA** by (1) maintaining and restoring the habitat within the proposed park, and (2) reducing the development footprint.

  Protecting habitat within the park would still allow some public use (including park facilities such as playground, picnic tables, trails, and/or parcourse) on the western side of the park area. Retaining the natural habitat over the archaeology site would help protect the cultural resources as well. 5.36

  The development footprint should be reduced by .77 acres to protect mapped ESHA in the area northwest of the park. This reduction in the development footprint could be offset by increasing density in the rest of the Project (from 23.63 units per acre, to 25 units per acre), reducing the parking footprint by reducing the size of some of the parking spaces, and/or reducing the number of market rate units.

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[82] See also *Westar Mixed-Use Village Final EIR* at 4.8-17, 18 stating, "Peak flow rate mitigation is provided by underground detention storage comprised of a gallery of 60" diameter pipes underlain by a 2.7-foot layer of crushed rock and filter fabric, separator device at the inlet for collecting pollutants, a bypass of separator for high volume flows, and manholes for maintenance. All flow into the basin is filtered for debris and sediment with devices with a capacity to treat a water quality flow rate of 7.2 cfs each and will pass the 100-year peak flow rate without resuspension of trapped pollutants. This approach will minimize expensive maintenance of the detention gallery and prolong the infiltrative capacity of the soil." (July 2012); *see also:* StormTech Website https://www.stormtech.com/designtool (June 24, 2021).

[83] Goleta Water District, *Groundwater Management Plan Goleta Groundwater Basin, 2016 Update* at 2-18, stating "Even when groundwater elevations are near historical highs in the Central subbasin, they are typically below sea level." (November 8, 2016). *See also* Table 2-6 – 2-10 at 2-18 – 2-20.

This alternative would retain the number of affordable housing units, utilize existing infrastructure, provide a public neighborhood park, protect and preserve on-site cultural resources, and develop multifamily residential housing, thus meeting the basic Project Objectives. The Project would also be feasible in that it would retain most, if not all, of the proposed residential units. Perhaps most importantly, this alternative would achieve compliance with CEQA, by avoiding or substantially lessening the significant effects of the Project, and state planning law, by assuring consistency with the City's General Plan. 5.36 (cont.)

IV. Conclusion

The RDEIR must be revised to address the defects identified in this letter and to ensure that the decisionmakers and the public are fully informed before a decision is made. 5.37

Thank you for your consideration of these comments.

Sincerely,

Linda Krop
Chief Counsel

Rachel Kondor
Staff Attorney

Brian Trautwein
Environmental Analyst & Watershed Program Coordinator

cc: The Goodland Coalition
Citizens Planning Association
Sierra Club, Los Padres Chapter
Santa Barbara Urban Creeks Council
Santa Barbara Audubon Society

Attachments:

A – List of Bird Species Observed at Heritage Ridge in 2021, Mark Holmgren and Steve Gaulin, Santa Barbara Audubon Society (June 2021).
B – Letter from Hunt & Associates, Biological Consulting Services, to City of Goleta re Heritage Ridge Residential Development Project (June 28, 2021).
C - *Curriculum Vitae* of Lawrence E. Hunt, Hunt & Associates Biological Consulting Services

Exhibit A

List of bird species observed at Heritage Ridge in 2021 by Mark Holmgren and Steve Gaulin, Santa Barbara Audubon Society

American Crow
American Goldfinch
Anna's Hummingbird
Ash-throated Flycatcher
Barn Swallow
Bewick's Wren (evidence of breeding)
Blue-gray Gnatcatcher
Brown-headed Cowbird
Bushtit
California Scrub-Jay
California Thrasher
California Towhee
Cassin's Kingbird
Cliff Swallow
Common Yellowthroat
Cooper's Hawk
European Starling (non-native)
House Finch
Lesser Goldfinch
Northern Mockingbird
Northern Rough-winged Swallow
Nuttall's Woodpecker
Oak Titmouse
Orange-crowned Warbler
Red-shouldered Hawk
Red-tailed Hawk
Red-winged Blackbird
Rock Pigeon
Ruby-crowned Kinglet
Say's Phoebe (evidence of breeding)
Scaly-breasted Munia (non-native)
Song Sparrow
Spotted Towhee
Turkey Vulture
Western Gull
Western Kingbird
White-crowned Sparrow
White-tailed Kite
Wrentit

Exhibit B

Hunt & Associates
Biological Consulting Services

Mary Chang, Sr. Planner
City of Goleta Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117 28 June 2021

Subject: Draft Comments on proposed SPA reduction and elimination of ESHA, Heritage Ridge Residential Development Project Revised Draft Environmental Impact Report (RDEIR), Goleta, Santa Barbara County, California.

Ms. Chang,

I am writing to express my concern with some of the conclusions and recommendations of the Heritage Ridge RDEIR to reduce the 100-foot Streamside Protection Area (SPA) associated with Los Carneros Creek and to eliminate vegetation mapped as Environmentally Sensitive Habitat Area (ESHA) on the project site. I am a wildlife biologist and environmental consultant with over 35 years of experience in Santa Barbara County. I have lived in Goleta since 1990 and have a long familiarity with the project site and surrounding areas. I have included my resume as a separate attachment to this letter.

I visited the Heritage Ridge project site on 9 June 2021 between 1000 hrs and 1130 hrs, and surveyed the periphery of the site on 10 and 11 June 2021. I focused the on-site reconnaissance-level survey in and around habitat mapped as ESHA by the City of Goleta (2009) in the central and northern portions of the site, and the northern portions of the site and UPRR right-of-way, to address three issues:

- Does the proposed reduction in the SPA buffer from 100 feet to 67 feet in the northeastern portion of the project site, as recommended in the RDEIR, cause significant adverse effects to riparian vegetation along the southern edge of Los Carneros Creek or significantly affect the biotic quality of the creek and riparian corridor?
- Does mapped ESHA in the project site meet the definition of ESHA established in the City of Goleta Conservation Element, Policies CE 1.1 and 5.3 (City of Goleta, 2009)?
- Does removal of native vegetation and habitat cause a significant and unavoidable impact, a significant but mitigable impact, or a less than significant impact?

1. SPA Buffer Reduction. *Conclusion:* The existing project site, albeit disturbed, provides foraging, roosting, nesting, cover, and dispersal habitat for a wide variety of wildlife species.

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Terrestrial wildlife, such as reptiles, amphibians, and mammals, can move between the Los Carneros Creek riparian corridor and the project site via the UPRR corridor, which lies in the 100-foot SPA buffer. The tracks and railroad berm represent a 'semi-permeable' barrier to movement of these species. Figure 1 in Watershed Environmental (2020) and Figure 4.3-2 in the RDEIR (City of Goleta, 2021), accurately portrays that about 33%, of the coyote brush scrub patch in the northeastern portion of the project site will be removed to accommodate the requested SPA reduction. However, it is highly likely that the entire 0.51-acre patch of coyote brush scrub in this area (see Fig. 1 below), will have to be removed in order to construct the northern sound wall, even if the requested SPA reduction is denied. Removing native cover vegetation to accommodate the requested reduction in the SPA buffer from 100 feet to 67 feet is part of a larger sound wall construction process that would significantly degrade the already tenuous physical connection for terrestrial wildlife moving between the project site and Los Carneros Creek ESHA via the SPA buffer. It would significantly reduce the biotic quality of the creek because the northern sound wall will isolate this reach of Los Carneros Creek from the last remaining patch of adjacent open space.

Discussion: The City of Goleta General Plan Conservation Element Policy CE 2.2 established a Streamside Protection Area (SPA) along 'protected' creeks within the city limits as well as a development buffer that extends 100 feet outward from both sides of the top-of-bank of the creek or outer edge of the associated riparian vegetation, whichever is greater. The purpose of the buffer is to protect riparian habitats and wildlife from disturbance by preserving the SPA in a natural state. Los Carneros Creek is designated as one such 'protected' creek (Figure 4-1 in City of Goleta, 2009). Conservation Element Policy 2.2(a)(2) allows the City to consider proposals to increase or decrease the width of the SPA buffer on a case-by-case basis during the environmental review process, but in no case can the buffer be reduced to less than 25 feet wide. All downward adjustments to the width of the SPA must be based on a site-specific assessment that evaluates the following standards: a) Is there a feasible alternative for siting development that would avoid encroaching into the SPA buffer, and; b) Does the requested adjustment result in significant adverse impacts to vegetation or the biotic quality of the stream?

The Heritage Ridge project requests a reduction of up to 33 feet in the width of the Los Carneros Creek SPA buffer along 265 feet of the northeastern corner of the proposed project in order to accommodate carports and a sound wall (Fig. 1 in Watershed Environmental, Inc., 2020; Figure 4.3-2 in City of Goleta, 2021). The RDEIR lists the following reasons why a reduction in buffer width would not impact the quality of the existing SPA:

- "The project site is hydrologically separated from the creek by the UPRR right-of-way which includes steel railroad tracks, wooden railroad ties, and a gravel railroad bed on compacted fill." *Response: Surface flows on the project site and the existing alignment of Los Carneros Creek <u>are</u> physically separated. Pre-development though, it is likely that the natural alignment of Los Carneros Creek was further west than its present*

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channelized alignment, and may have meandered across what is now the project site. The fact that a large copse of arroyo willows (Salix lasiolepis) is thriving at the northwestern edge of the mapped ESHA on-site in what is otherwise scrub habitat could indicate the presence of a subsurface connection between Los Carneros Creek, the project site, and the Los Carneros Wetlands south of the project site that may have been more evident above and below ground before development.

- "The entire SPA is off-site and located in the UPRR/Caltrans right-of-way." *Response: Correct, but the SPA is still biologically connected to the project site via wildlife movement.*
- "Approximately 85% of the SPA 100-foot buffer between the Project and Los Carneros Creek is within the UPRR right-of-way. As a result, the UPRR tracks reduce the quality of the SPA buffer, and preclude the area between the Project site and Los Carneros Creek from the possibility of existing in a "natural state" in the future." *Response: Paved and unpaved access roads, levees, gabions, and other flood control structures line both sides of practically all of the 'protected' creeks in the City as they traverse the Highway 101/UPRR right-of-ways. These flood control features likewise reduce the quality of their associated SPA buffers, but they are designed and maintained so as not to preclude the buffers from retaining functionality. The SPA buffer for the Heritage Ridge project should be maintained at 100 feet and existing native vegetation conserved and enhanced along the outside of the proposed northern and western sound walls to provide cover for wildlife using the Los Carneros Creek SPA buffer.*
- "The UPRR and Caltrans right-of-way are also major transportation corridors that provide very limited, poor quality wildlife habitat. Fast-moving cars and trains create a collision risk for wildlife, and also generate noise and human presence that may discourage wildlife from using the area. Because these are the very effects the SPA buffer is intended to attenuate, the existing buffer function is low." *Response: The Highway 101 transportation corridor is likely an absolute barrier to terrestrial wildlife movement. However, the culverted reach of Los Carneros Creek beneath the freeway provides a physical link between the upstream reaches and the 'daylighted' reach between the freeway and UPRR corridor, the SPA buffer, and the project site. The UPRR tracks and berm are a semi-permeable barrier to terrestrial wildlife movement. Noise and human presence may disrupte, but does not preclude, wildlife movement.*
- "The Project would be constructed within existing disturbed areas only, and has been designed to avoid impacts to sensitive resources (e.g., incorporation of wildlife connections in the landscaping). No habitable structures are proposed within 100 feet of the edge of riparian vegetation. The only development proposed within the SPA buffer is a sound wall, paved vehicle parking spaces, and landscaping that will be placed within 67 feet from the edge of the Los Carneros Creek riparian vegetation, but such placement would not affect the existing degraded function of the SPA buffer." (RDEIR, Impact BIO-5). *Response: The RDEIR fails to mention that the proposed sound wall will all but isolate the project site from the Los Carneros Creek ESHA and SPA buffer and will*

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create a complete barrier to terrestrial wildlife movement. In this way it would significantly degrade the SPA buffer and biotic quality of Los Carneros Creek.

The RDEIR characterizes Los Carneros Creek in the vicinity of the project site as a highly degraded drainage with relatively low biotic value. Nonetheless, the project site is physically connected to natural reaches of Los Carneros Creek upstream of Highway 101. The RDEIR incorrectly states that Los Carneros Creek does not provide suitable habitat for California red-legged frogs (*Rana draytonii*), a State- and Federal-listed species, because the upstream reaches do not support permanent water, and that there are no records of CRLF in the watershed. In fact, CRLF have been recently observed in highly disturbed sections of the lower reaches of the creek, within 0.4 air miles of, and physically connected to, the 'daylighted' reach north of the project site (City of Goleta Creek and Watershed Management Plan, 2020). The 640-foot long culvert beneath Highway 101 may provide a semi-permeable movement link for some species, such as CRLF, which are capable of long-distance dispersal through rough terrain and can spend considerable periods of time in highly disturbed, upland habitats (pers. observ.). For example, adult and subadult CRLF were found in Goleta around 2010 in a highly degraded, intermittent, unnamed drainage located between Highway 101, the UPRR right-of-way, and the current Hideaway residential development site (prior to its development). CRLF also were found in ponds and drainages on Sandpiper Golf Course and it is theorized that CRLF may have dispersed from Bell Canyon Creek to the golf course, and to the Highway 101-UPRR area via the unnamed drainage or overland across Hollister Avenue or eastward from Bell Canyon Creek to the highly disturbed observation site in the UPRR corridor (G. Rathbun, herpetologist; Ted Mullen, biologist, SAIC, pers. comm. to L.E. Hunt, 2012). Given the impressive ability of CRLF to move through disturbed, fragmented landscapes, the potential for CRLF to inhabit the 'daylighted' reach of Los Carneros Creek via the culvert beneath Highway 101 and possible dispersal to, and use of, cover vegetation in the SPA buffer and the project site cannot be discounted.

Figure 1 in Watershed Environmental, Inc. (2020) depicts the riparian vegetation polygons associated with Los Carneros Creek, the SPA boundary, SPA buffer, and the extent of the proposed project encroachment into the SPA buffer. The illustration maps coyote brush scrub that lies outside the project site boundary (and the proposed northern sound wall), but does not map coyote brush scrub that occurs along the northern portion of the project site within the project footprint, and that will likely be completely removed by construction. The contiguous patch of coyote brush scrub in this area encompasses approximately 0.51 acres (Fig. 1 herein). Figure 1 in Watershed Environmental (2020) and Figure 4.3-2 in the RDEIR (City of Goleta, 2021), shows that approximately 0.17 acres, or about 33%, of the coyote brush scrub in this area will be removed to accommodate the requested SPA reduction. Constructing the 900-foot long sound wall will likely require removing the entire 0.51-acre patch of coyote brush scrub in this area, which would cause a significant adverse impact to the biotic quality of Los Carneros Creek ESHA (Fig. 1).

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The existing coyote brush scrub along the northern border of the project site provides cover and foraging habitat for terrestrial wildlife moving along the southern portions of the UPRR right-of-way, particularly when attempting to move between the 'daylighted' reach of Los Carneros Creek and the project site (Fig. 1). The RDEIR does not acknowledge the fact that the project site represents that last remaining open space connection for terrestrial wildlife south of Hwy 101 between Glen Annie/Tecolotito Creeks and San Pedro/Las Vegas Creeks, a linear distance of 1.3 miles. Replacing the coyote brush scrub with a sound wall in this area would cause a significant adverse impact to the biotic quality of Los Carneros Creek ESHA.

Figure 1. Northeastern corner of project site: green polygon covers approximately 0.51 acres of coyote brush scrub vegetation along the northern edge of project site. SPA boundary associated with Los Carneros Creek is represented by the yellow line; 100-foot SPA buffer limit is represented by the black line; the proposed buffer reduction to 67 feet is indicated by the pale blue line. The SPA buffer reduction would directly impact about 0.17 acres, or 33%, of the coyote brush scrub covered by the green polygon. All lines are approximate. Image dated 28 February 2021.

The riparian corridor and SPA buffer associated with these other creeks provides a vegetated corridor of open space for wildlife moving between Bishop Ranch, Lake Los Carneros Park, and other semi-natural areas north of Highway 101 and creek reaches and the Goleta Slough south of Highway 101 (Hunt & Associates, 2000, 2013).

In contrast, although Los Carneros Creek 'daylights' between Highway 101 and the UPRR tracks along a 700-foot reach northeast of the project site, it empties into a 2,300-foot long concrete box channel at the UPRR tracks that is bordered on both sides by dense commercial development. There is no vegetative cover for wildlife between the 'daylighted' reach of the

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creek and Goleta Slough (Fig. 2). Removing coyote brush vegetation in order to construct the sound wall along the northern border of the project site could increase mortality of terrestrial wildlife moving through the SPA buffer. This would substantially adversely impact the biotic quality of the creek. The 100-foot SPA buffer should be protected and the sound wall constructed in such a way that native shrub cover along the north side of the wall (facing the railroad tracks) is retained and enhanced with habitat restoration. This could improve the biotic function of the Los Carneros Creek ESHA and the SPA buffer and the efficacy of the proposed wildlife movement corridor along the western edge of the project site.

Figure 2. Re-aligned reach of Los Carneros Creek (blue line) between Los Carneros Road and east of the project site. The 'daylighted' reach is the west-east alignment between Hwy 101 and the UPRR tracks before drainage turns south and empties into a concrete box channel. Image dated 28 February 2021.

2. Coyote Brush Scrub as ESHA. *Conclusion:* Coyote brush scrub meets the definition of ESHA in CE Policy 1.1 and the description of coastal sage scrub in CE Policy 5.3(a). By not recognizing coyote brush scrub as a localized, disturbance-associated form of coastal sage scrub, the City sets a precedent that could eliminate other occurrences of this valuable habitat that would significantly fragment and degrade the remaining patches of coyote brush-dominated coastal sage scrub within the City General Plan area.

Discussion: The City of Goleta General Plan Conservation Element Policy CE 1.5 allows Environmentally Sensitive Habitat Area (ESHA) designations to be removed from Figure 4-1 of that document if a site-specific biological study demonstrates substantial evidence that the area does not in fact contain habitat that meets the definition of an ESHA. The proposed Heritage Ridge project includes a General Plan Amendment to remove coyote brush scrub

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vegetation in the center of the project area that is currently mapped as a type of coastal sage scrub (ESHA) by the City of Goleta (see Fig. 4-1, 2009).

Coyote brush (*Baccharis pilularis*) is a common, widespread, evergreen shrub found throughout the coastal portions of the west coast of the U.S. and Baja California in a variety of plant communities. It is widely regarded as a shrub that readily colonizes disturbed upland sites. Munz (1974) considered coyote brush to be a component of coastal sage scrub. Coyote brush is a dominant species of Venturan coastal sage scrub in the classification schemes proposed by Cheatham and Haller (1975) and Holland (1986), and the latter author classified coyote brush scrub vegetation as a variant of Diablan (northern) coastal sage scrub. Rundel (2007) lists coyote brush scrub as one of 13 alliances that fall within the broad range of 'sage scrub' in California (Table 8.3, p. 213 and Table 9.1, p. 234). Sawyer et al. (2009) identify coyote brush scrub as a distinct (i.e., stable) vegetation alliance in central and northern California, where coyote brush is the dominant or co-dominant shrub along with coastal sagebrush (*Artemisia californica*), coastal encelia (*Encelia californica*), California buckwheat (*Eriogonum fasciculatum*), black and purple sage (*Salvia mellifera* and *S. leucophylla*), and other woody shrubs. They state that, "Stands [of coyote brush scrub]…along the central coast, and in southern California also tend to be largely seral [successional] to other scrub…types", and that, "…the natural seral relationships between *B. pilularis* and adjacent herbaceous and woody alliances are complex and varied. In [the] south coast, *Baccharis pilularis* alliance appears as more disturbance related than on the central coast." (Sawyer et al., 2009, pp. 421-422). Some local wetland specialists contend that coyote brush persists as the sole representative of coastal sage scrub in poorly drained, low-lying areas [similar to the Heritage Ridge project site] (Wayne Ferren, botanist, pers. comm. to L.E. Hunt, 2013). Coastal sage scrub has been eliminated from at least 85% of its former range in California, primarily because of agricultural, industrial, and residential development (Davis et al., 1998; Diffendorfer et al., 2002).

Steinberg (2002) maintains that coyote brush invasion of grasslands is of structural importance because it facilitates the establishment of other coastal sage species. Increasing shrub cover in these grasslands increases populations of brush rabbits, California ground squirrels, and other small mammals that reduce herbaceous vegetation and enhances shrub development. Thus, well-established coyote brush stands generally have a depauperate understory, such as that seen on the project site. Steinberg (2002) states, "Coyote brush is a common dominant or co-dominant shrub in coastal sage scrub, but because seedling growth is poor in shade, coyote brush does not regenerate under a closed shrub canopy." Coastal sage scrub requires periodic disturbance in order to maintain its seral state (Williams and Hobbs, 1989), but as the frequency and magnitude of disturbance increases, the site reverts first to ruderal, non-native annual grassland, then, as the frequency or magnitude of disturbance declines, coyote brush is one of the first woody shrubs to colonize these disturbed coastal sites. Eventually, coyote brush can facilitate establishment of slower-growing, woody shrubs that, in time, can develop into a more diverse form of coastal sage scrub (Williams and Hobbs, 1989; Steinberg, 2002). A number of studies have demonstrated that coyote brush, because it is one of the first woody

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shrubs to colonize sites disturbed by grazing, grading, or other anthropogenic causes, acts as a 'nursery' plant providing shade and protection from browsing that facilitates establishment of other coastal sage scrub species, such as coastal sagebrush, sages (*Salvia* spp.), and even trees, such as elderberry (*Sambucus nigra*) and coast live oak (*Quercus agrifolia*) (Hobbs and Mooney, 1986; Williams and Hobbs, 1989; Callaway, 1992).

Elimination, fragmentation, and anthropogenic disturbance of coastal sage scrub vegetation on the coastal plain of southern Santa Barbara County has occurred on Ellwood Mesa, More Mesa, Lake Los Carneros Natural and Historic Preserve, and the Carpinteria Bluffs. Coastal sage scrub here is now dominated by coyote brush. The City of Carpinteria has mapped coyote brush-dominated scrub vegetation as coastal sage scrub (ESHA) on the Carpinteria Bluffs III parcel, and the California State Coastal Conservancy (2017) in approving grants to purchase and protect this habitat notes that, "The coastal sage scrub vegetation on the eastern half of the [Bluffs III] site is dominated by coyote brush, coastal encelia, quail bush, lemonade berry, coastal goldenbush and short leaved cliff aster." (California State Coastal Conservancy, 2017). Quail bush, coastal encelia, lemonadeberry, and coastal goldenbush occur with coyote brush on the Heritage Ridge project site, including in the habitat mapped as ESHA on Fig. 4-1 of the General Plan.

The City of Goleta maps extensive areas of coyote brush scrub on Lake Los Carneros Natural and Historic Preserve, Ellwood Mesa, and throughout the city limits as ESHA (see Fig. 4-1 in City of Goleta, 2009). Indeed, the City of Goleta and the California Coastal Commission are prepared to accept coyote brush-dominated scrub restoration areas on portions of Ellwood Mesa as sufficient replacement for areas mapped on Figure 4-1 of the General Plan as sage scrub (ESHA) that was removed or otherwise disturbed by Bacara Resort on a portion of their property.

Dudek (2014) and Rincon (2016) attempt to make a case for eliminating the ESHA designation on the General Plan map (Figure 4-1):

- "Coastal sage scrub mapped as ESHA also extended onto southward onto the Willow Springs II development site. The City Council approved removing ESHA protection for mapped ESHA (identified as coyote brush scrub) on that project site with an amendment to the General Plan in 2014, so it should also apply to the present project." *Response: Previous removal of this habitat should not be a justification for future removal.*

- "'Coyote brush scrub' in not considered ESHA under the Programmatic General Plan EIR (City of Goleta, 2006, Page 3.4-10)…The 2006 General Plan EIR maps the on-site ESHA as "scrub." A description of the coyote brush scrub is provided under Section 3.2, 'Vegetation and Sensitive Plant Communities'. The General Plan CE Policy 5.3 defines coastal sage scrub habitat as a drought-tolerant, Mediterranean habitat characterized

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by soft-leaved, shallow-rooted subshrubs such as California sagebrush, coyote brush, California encelia, goldenbush (*Ericameria ericoides*) [sic], giant wild rye (*Elymus condensatus*), and annual non-native grasses." *Response: The RDEIR misquotes the language of the policy; it actually reads, "Coastal sage scrub is defined as a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush (Artemisia californica), coyote bush (Baccharis pilularis), and California encelia (Encelia californica). It is found at lower elevations in both coastal and interior areas where moist maritime air penetrates inland." (City of Goleta, 2009, p. 4-21). Coyote brush meets all of the defining characteristics of a component of coastal sage scrub in Policy 5.3. Without considering the disturbance history of a site, valuable coyote brush scrub habitat that could, in time, increase in species richness characteristic of less-disturbed coastal sage scrub, will be lost.*

- "The coyote brush scrub does not meet City's General Plan Policy CE 1.1a or CE 1.1b definitions of ESHA, and is not "rare or especially valuable because of its special nature or role in an ecosystem, when considering the following conditions:
    - "Coyote brush scrub is a common plant community. Coyote brush scrub receives the lowest rarity ranking (G5 S5) and is not considered sensitive by the State of California (CDFW, 2010)." *Response: This statement fails to acknowledge the role that disturbance history, edaphic conditions, hydrology, and the biology of coyote brush contribute to development of coyote brush scrub as a variant of coastal sage scrub.*
    - "The coyote brush scrub at the site is disturbed, contains high cover of invasive species, low native plant species diversity, and has become established at the site relatively recently since the area was last graded." *Response: Coyote brush colonized the area mapped as ESHA as far back as 1985, which is before the latest round of grading occurred (Google Earth imagery), and after orchards were removed from the site and the site was allowed to revert to annual grassland.*
    - "The site has been subject to agricultural activity related earth disturbance for much of the last 100 years." *Response: Coyote brush scrub is an early seral stage of coastal sage scrub. The patch mapped as ESHA gradually adds more coastal sage scrub species, such as coastal sagebrush and coastal encelia, as disturbance frequency declines.*
    - "Threatened, endangered, or other special status wildlife species are not expected to reproduce at the site, and the site is not essential to the life-cycle of any listed wildlife species." *Response: Evidence of reproduction is not required for habitat to be considered valuable for special-status wildlife by local, state, and/or federal agencies. Grassland and scrub habitats on the project site, including the coyote brush scrub habitat mapped as ESHA, are currently used by white-tailed kites (Elanus leucurus), a State Fully Protected species, as foraging habitat, and by other raptors, including Cooper's hawk (Accipiter cooperi), red-shouldered hawk (Buteo lineatus), red-tailed hawk (Buteo jamaicensis), American kestrel (Falco sparverius), and turkey vulture (Cathartes aura) (L.E. Hunt, pers.*

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observation, 9-11 June 2021). Kites and other raptors use adjacent, more extensive open spaces, such as Bishop Ranch, Lake Los Carneros Natural and Historic Preserve, Los Carneros Wetlands, and the Goleta Slough as foraging, nesting, and/or roosting habitat (Holmgren, 2013). Fragmentation and loss of foraging habitat is likely to negatively affect the local distribution and reproductive output of kites as prey resources decline and the landscape becomes energetically more "expensive" as foraging habitat within their home ranges. This could cause kites to abandon historic nest sites.

During the 9 June 2021 reconnaissance survey of the site, I observed at least a dozen narrow-leaved milkweed (Asclepias fascicularis) plants in bloom in annual grassland bordering the southwest side of the coyote brush scrub patch mapped as ESHA by the City of Goleta. This plant is the larval food source for monarch butterflies (Danaus plexippus). I observed 2 or 3 adult monarchs on-site at the same time and noted that coyote brush and coastal encelia in the mapped ESHA area provide nectar sources for adult monarchs. Mapped ESHA and adjacent grassland to the west of the mapped ESHA provides food resources for all life history stages of this endangered insect. The U.S. Fish and Wildlife Service concluded in 2020 that listing is warranted but precluded by higher priority listing actions. Monarchs are currently classified as a Candidate for Listing Endangered and action is expected to occur in 2024 (U.S. Fish and Wildlife Service, 2021).

- "The coyote brush scrub is within an urban area, adjacent to existing industrial and residential development, and is not contiguous with native habitats." *Response: See previous comments regarding linkages between the project site and surrounding, larger parcels of open space.*
- "Therefore, although according to Figure 4-1 in the Conservation Element of the Goleta General Plan the Project site contains coastal sage scrub ESHA, habitat that meets ESHA criteria was not observed within the Project boundary or nearby areas. The coyote brush scrub does not meet the criteria in relevant City's General Plan policies to be considered an ESHA or coastal sage scrub; and therefore, should not be subject to the ESHA protection policies of the General Plan." *Response: Coyote brush scrub mapped as ESHA on the project site has the physiognomy and floristic characteristics of early seral stages of 'coastal sage scrub' (see previous discussion). Given that the coastal plain within the City of Goleta has been disturbed by agriculture and development for well over two centuries and that undisturbed coastal sage scrub is now practically non-existent with the City limits, open spaces such as the project site that may have originally supported a more diverse coastal sage scrub pre-development, have either been completely eliminated or are now dominated by coyote brush. Coyote brush, by virtue of its wind-dispersed seed, is one of the first woody shrubs to colonize disturbed sites. Removing ESHA protection for the mapped coyote brush scrub on-site sets a precedent that could be applied to other sage scrub habitats that*

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are dominated by coyote brush and are mapped as ESHA on Figure 4-1 in the General Plan.

By not recognizing coyote brush scrub as an early seral stage of coastal sage scrub as it relates to the disturbance history of the project site, the City sets a precedent to remove and further fragment valuable coyote brush scrub habitat elsewhere in the City limits that is perhaps the best (and nearly only) representation of coastal sage scrub remaining within the General Plan area given centuries of disturbance. The coyote brush scrub mapped as ESHA on the project site should remain as ESHA. The central portion of the site proposed as a park would eliminate the area mapped as coyote brush scrub (ESHA). This ESHA and the surrounding native and non-native annual grassland vegetation should be conserved and restored as habitat for wildlife, as the Los Carneros Wetlands were conserved as part of the Willow Springs development. Human access should be limited to a walking trail around perimeter of this area so that the natural area retains and maximizes functionality as wildlife foraging, nesting, and cover habitat.

3. CEQA Thresholds of Significance Relation to Impacts to Biological Resources. *Conclusion:* Development of the project site will remove approximately 17 acres of open space that supports a mixture of native and non-native vegetation that provides foraging, nesting, roosting, and cover habitat for wildlife. Despite a long history of anthropogenic disturbance that has influenced the present-day composition and structure of vegetation found on and around the project site, the site remains an important landscape element for wildlife in the spatial configuration of open space remaining in the City of Goleta.

Removing ESHA protection for the coyote brush scrub mapped as sage scrub ESHA on Figure 4-1 in the City of Goleta General Plan will result in significant impacts to biological resources on the project site. It also sets a precedent to remove ESHA-status for coyote brush scrub elsewhere in the City of Goleta. Loss of ESHA protection and elimination of the mapped ESHA and adjacent scrub habitats throughout the project site will substantially reduce or eliminate species diversity or abundance, the amount of nesting habitat for birds, foraging habitat for white-tailed kites, larval and adult food sources for monarchs, and will further isolate important open space habitats such as Bishop Ranch, Lake Los Carneros Park, and the Goleta Slough.

Discussion: The City of Goleta CEQA Thresholds and Guidelines Manual (City of Goleta, 2002), assesses project-related impacts to biological resources with a series of questions and statements. The following discussion responds to each of these standards:

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3.1 Resources Inventory.

a. **What biological communities are on the site? What size area?** *Response: The RDEIR describes vegetation alliances on the project site, but does not recognize the approximately three-acre patch of coyote brush scrub in the center of the project site as ESHA, as mapped by the City of Goleta (Fig. 4-1 in City of Goleta, 2009).*

a. Is the habitat type relatively common? Is it rare and occurring in only a few places in the region, or significantly declining in extent and/or quality? Is the habitat designated as an ESH area on County planning documents, or designated as "critical habitat" for listed species by Federal or State agencies? *Response: Coastal sage scrub on the coastal plain of southern Santa Barbara County, including the City of Goleta, has been subjected to centuries of anthropogenic-related disturbance that has substantially altered the floristics, distribution, and patch size of this plant community and wildlife habitat. The remaining patches of coyote brush scrub mapped as ESHA in the City limits are significantly declining in extent and quality (Fig. 4-1 in City of Goleta, 2009). The proposed deletion of coyote brush scrub as a type of coastal sage scrub (ESHA), for this project sets a precedent that would lead to further loss of similar habitats in the City limits.*

b. Is the site in an urban, rural or outlying area? What are the uses surrounding the site? Is the habitat isolated or is it contiguous with adjacent habitat or close enough to provide a link between habitats? *Response: The project site is located within patchy open space landscape that within the past 10 years has been developed through 'infill' projects, e.g., Willow Springs, Village at Los Carneros, etc. that has increasingly fragmented and isolated larger open spaces north of Highway 101, such as Bishop Ranch, Lake Los Carneros Park, and the Goleta Slough. The project site provides a habitat linkage between these landscape elements, particularly for birds, including special-status species.*

c. Does the habitat support resident species or migratory species? Are there protected species (e.g., endangered or threatened), or species of candidate, special, or local concern, or rare species? *Response: The project site provides foraging, roosting, nesting, and/or cover habitat for a wide variety of wildlife, including resident and migratory birds and raptors. The site is used as foraging habitat by white-tailed kites (L.E. Hunt, pers. observ. 9-10 June 2021). White-tailed kites are classified as a Fully Protected species under California Fish and Game Code and as such, development projects cannot mitigate, only avoid, impacts to Fully Protected species. The Fish and Game Code sections dealing with Fully Protected species state that these species, "....may not be taken or possessed at any time and no provision of this code or any other*

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*law shall be construed to authorize the issuance of permits or licenses to take any fully protected" species…". This language arguably makes the "Fully Protected" designation the strongest and most restrictive regarding the "take" of these species (California Department of Fish and Game, 2011). While the proposed project may not directly result in "take" of kites, the loss of 17 acres of foraging habitat will indirectly affect local kite populations, including important nest and roost aggregations on Bishop Ranch, Lake Los Carneros Natural and Historic Preserve, and the Goleta Slough, and exacerbate habitat fragmentation***.**

3.2 Condition and Quality.

a. Is the habitat pristine or disturbed? How much or to what degree? *Response: The project site has experienced a long history of anthropogenic disturbance punctuated by prolonged periods of inactivity. As disturbance frequency has declined, vegetation on the site has transitioned to an increasing dominance of native, woody shrubs, including the coyote brush scrub that the City of Goleta has mapped as ESHA and that currently exists on-site.*

b. How biologically productive is it? Does it support an especially rich and diverse plant and/or wildlife population? *Response: Scrub, grassland, and ruderal habitats generally, and coyote brush scrub on the project site mapped as ESHA in particular, provides foraging, nesting, roosting, and cover habitat for a wide variety of wildlife. For example, the brief, 1.5-hour reconnaissance survey that I conducted on-site on 9 June 2021 found at least 30 wildlife species inhabiting the 17-acre site, including: monarch butterfly, Pacific treefrog, western fence lizard, common kingsnake, red-tailed hawk, Cooper's hawk, white-tailed kite, turkey vulture, California towhee, Cassin's kingbird, Baltimore oriole, northern mockingbird, mourning dove, Eurasian collared dove (non-native), song sparrow, cliff swallow, ash-throated flycatcher, house finch, American crow, common yellowthroat, scaly-breasted munia (non-native), Eurasian starling (non-native), house mouse (non-native), unid. native cricetid rodent, California ground squirrel, Botta's pocket gopher, big-eared woodrat, striped skunk, brush rabbit, and coyote. Monarch butterflies are a Candidate for Listing as Endangered and white-tailed kites are a Fully Protected species.*

c. Is the habitat resource (including the surrounding area if it is related) large enough to be viable? *Response: Native shrub-dominated vegetation on the 17-acre site, if left undisturbed, will continue to spread and become more floristically diverse. The coastal sage scrub patch mapped as ESHA is sufficiently large to be viable and shows evidence of recruitment of additional coastal sage scrub shrubs, e.g., coastal sagebrush, coastal encelia, etc. The project site, including the area mapped as ESHA, supports a wide variety of wildlife (see previous comment).*

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3.3 Evaluation of Project Impacts. Disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation).

Development of the Heritage Ridge project site, as proposed and analyzed in the RDEIR, could substantially reduce or eliminate foraging habitat and increase the energetic costs of foraging for white-tailed kites and other raptors that nest on Lake Los Carneros Natural and Historic Park, Bishop Ranch, and the Goleta Slough. The distribution, abundance, and reproductive capacity of these species would be impacted by having to forage over an increasingly fragmented landscape as intermediary patches of foraging habitat, such as the project site, are developed. For these reasons, project-related impacts to raptors, including the white-tailed kite, a Fully Protected species, are substantial.

Constructing the proposed sound wall along the northern boundary of the project site could substantially disrupt wildlife movement between the 'daylighted' reach of Los Carneros Creek and the project site via the SPA buffer, as well as movement along the UPRR corridor.

3.4 Less Than Significant Impacts. There are many areas in the County where there is little or no importance to a given habitat and it is presumed that disruption would not create a significant impact. Examples of areas where impacts to habitat are presumed to be insignificant include:

a. Small acreages of non-native grassland if wildlife values are low. *Response: Grassland habitats west of and adjacent to the mapped ESHA support valuable food resources for monarch butterflies and provide foraging habitat for white-tailed kites.* The impacts of loss of the mapped ESHA and adjacent non-native annual grassland in the center of the project area for these species exceeds this threshold.

b. Individuals or stands of non-native trees if not used by important animal species such as raptors or monarch butterflies. *Response: The stand of blue gum eucalyptus trees between the UPRR right-of-way and Highway 101, north of the project site, provides roosting, and possibly nesting, habitat for raptors, such as Cooper's hawks, red-tailed hawks, and turkey vultures that have been observed foraging over the project site. While the project does not propose to disturb these trees, degradation of the SPA buffer and loss of mapped ESHA and adjacent grassland in the center of the project area will remove foraging habitat for these species and thus exceeds this threshold.*

c. Areas of historical disturbance such as intensive agriculture. *Response: Intensive agriculturalre (walnut orchards) use of the site was discontinued over 50 years ago.*

d. Small pockets of habitats already significantly fragmented or isolated: and degraded or disturbed. *Response: The project site encompasses approximately 17 acres of open space used by a variety of wildlife, including an approximately 3-acre patch of coyote*

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brush scrub mapped as ESHA sage scrub by the City of Goleta. As such, it is an important element in the foraging landscape for raptors and other wildlife.

e. Areas of primarily ruderal species resulting from pre-existing man-made disturbance. *Response: The project site has sustained various types of anthropogenic disturbance over the past two centuries and supports ruderal species in areas most recently disturbed, but extensive portion of the site, including the coyote brush scrub mapped as ESHA by the City of Goleta, are vegetated by native species.*

3.5 Impact Assessment Factors

Size:

- How much of the resource in question both on and off the project site would be impacted? *Response: The entire project area, including the coyote brush scrub mapped as ESHA by the City of Goleta, will be graded and developed for residential use. A public use park is proposed for the central portion of the site that will provide very limited value as habitat for wildlife.*

- How does the area or species that would be impacted relate to the remaining populations off the project site? *Response: Loss of coyote brush scrub (ESHA) on the project site as a whole may represent up to 10% of such habitat remaining in the City limits (Fig. 4-1 in City of Goleta, 2009).*

Type of Impact:

- Would it adversely indirectly affect wildlife (light, noise, barriers to movement, etc.)? *Response: The sound walls proposed for the northern and western side of the project site will completely isolate the site for terrestrial wildlife and will remove the last semi-permeable wildlife movement corridor between north and south of the Highway 101/UPRR transportation corridor for a distance of about 1.3 miles.*

- Would it remove the resource or cause an animal to abandon the area or a critical activities (e.g., nesting) in that area? *Response: Development of the site will remove approximately 17 acres of open space used as foraging, nesting, roosting, and/or cover habitat by wildlife, including monarch butterflies, a Candidate Species for Listing as Endangered, and white-tailed kites, a Fully Protected species.*

- Would it fragment the area's resource? *Response: Yes, removal of ESHA protections for coyote brush scrub currently mapped as ESHA on-site and loss of the project site as open space habitat for wildlife will substantially increase habitat fragmentation.*

Timing of Impact:

- Would the impact occur at a critical time in the life cycle of an important plant or animal (e.g., breeding, nesting, or flowering periods)? *Response: The project will extend*

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throughout the breeding season for birds, including white-tailed kites and other raptors, and will incrementally impact these species through loss of foraging habitat.

- Is the impact temporary or permanent? If it is temporary, how long would the resource take to recover? *Response: Development of the site will all but eliminate the site as wildlife habitat and thus would be a permanent impact to biological resources. Removing ESHA protection for coyote brush scrub on-site establishes a precedent to eliminate similar mapped (as ESHA) and unmapped coyote brush scrub occurrences within the City limits.*

- Would the impact be periodic, of short duration, but recur again and again? *Response: See previous comments.*

The project, as proposed, seeks to remove important ESHA protections for coyote brush scrub, a disturbance-related variant of coastal sage scrub that provides valuable habitat for a broad range of wildlife and plant species on the project site and elsewhere within the City limits. I urge you to maintain the 100-foot SPA buffer in order to avoid reducing the biotic quality of Los Carneros Creek ESHA, retain ESHA status for the coyote brush scrub mapped on the Heritage Ridge project site, and conserve the mapped ESHA and adjacent grassland vegetation on the site as a replacement for the proposed public park for this area. This would conserve larval/adult habitat for monarchs, a candidate for listing as Endangered, and foraging habitat for raptors and other birds, including white-tailed kites, a Fully Protected species. Thank you for the opportunity to comment on this important project.

Sincerely,

Lawrence E. Hunt
attachment: resume.

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Exhibit C

Resume for
Lawrence E. Hunt

Hunt & Associates Biological Consulting Services
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Title: Consulting Biologist; Principal - Hunt & Associates Biological Consulting Services

Expertise:
Herpetology, Mammalogy, and Terrestrial Ecology
Special-Status Species Surveys
Conservation Biology and Habitat Conservation Plans
Habitat Restoration Design and Implementation
Impact Assessment and Mitigation Planning
Spatial Statistics and Biostatistics

Statement of Qualifications. Lawrence Hunt is a herpetologist by training and a consulting biologist with over 30 years of experience with rare, threatened and endangered plant and wildlife species and their habitats in the western United States, Mexico, and Chile, focusing on rare, threatened, and endangered plants, crustaceans, fish, amphibians, reptiles, birds, and mammals of central and southern California. Hunt & Associates BCS, headed by Lawrence Hunt, brings together qualified specialists with extensive experience in design and management of biological resource surveys and analyses, including special-status species survey design and implementation, biological assessments and evaluations, biological resources sections of EIR/EISs, habitat restoration plans, habitat conservation plans (HCPs), statistical data analysis, local, state, and federal resource agency consultation, mitigation analyses, habitat restoration design and implementation, and permit compliance monitoring. Clients include planning departments for city and county governments and planning agencies, state and federal resource management agencies, non-governmental conservation organizations, and private corporations and individuals. Since 1985, Hunt & Associates BCS has been involved in hundreds of projects throughout central and southern California and southern Nevada, as well as several international projects.

Representative Project Experience. The following is a sampling of projects that Hunt & Associates has been involved with over the past 25 years. In addition to the field component, many of these projects involved project permitting, such as consultation with U.S. Fish and Wildlife Service on endangered species issues, preparation of Streambed Alteration Agreements with California Department of Fish and Wildlife, and preparation of Mitigation Monitoring and Reporting plans for State and Local agencies.

Habitat Conservation Plans, Habitat Management Plans, and Species Recovery Plans:

1989-1992: Western Pond Turtle Capture and Reintroduction Plan for the Gibraltar Dam Strengthening Project, Santa Ynez River, Santa Barbara County; CA Dept. Fish and Game and County of Santa Barbara.

1990-1993: Origin, Maintenance, and Land Use of Coastal and Inland Dunes of the Santa Maria Basin, San Luis Obispo and Santa Barbara counties, California. The Nature Conservancy, San Luis Obispo.

1993-2000: Kern County Valley Floor Habitat Conservation Plan for Dames & Moore, Inc. and County of Kern Planning and Development Department.

1996-1999: Emma Wood State Beach and Ventura River Estuary Management and Enhancement Plan; CA State Dept Parks and Recreation; City of San Buenaventura.

1998-2000: Status Review for Listing of the Black Legless Lizard, Monterey County; USFWS.

1998-2001: California Red-legged Frog Recovery Plan; Member, Scientific Committee; USFWS.

2001-2002: *Peer review of the Tidewater Goby Recovery Plan*; USFWS.

2002-present: California Tiger Salamander Recovery Plan; Member, Scientific Committee; USFWS.

2002-2005: California Tiger Salamander Habitat Conservation Plan for the Unocal and Dominion Road Parcels; U.S. Fish and Wildlife Service, Ventura Field Office.

2000-2004: Lake Los Carneros Habitat Restoration and Open Space Management Plan; County of Santa Barbara.

2006-2008: California Tiger Salamander Habitat Conservation Strategy; County of Santa Barbara Planning and Development Dept.

2008-2012: Southern Steelhead Recovery Plan for the South-Central California ESU and Southern California ESU; National Marine Fisheries Service. Prepared the *Threats Analysis* and *Recovery Actions* for the Recovery Plan using a modification of the Conservation Action Planning (CAP) Workbooks developed by The Nature Conservancy.

2015-present: California Tiger Salamander Hybridization Study, Santa Barbara County; funded by Section 6 grant from USFWS and CDFW.

2017-present: Monarch Butterfly Habitat Restoration and Management Plan for Honda Valley; City of Santa Barbara.

Selected Habitat Restoration Projects:

1992-2002: Habitat restoration of the former SP Milling Surface Mine, Lower Ventura River Floodplain, Ventura County.

1997-2003: Habitat restoration of coastal sage scrub, coastal foredunes, and riparian woodland, Tecolote Creek Floodplain, Bacara Hotel and Resort, Santa Barbara County.

2003-2005: Habitat restoration of the Howard/Pacific Rock Quarry, Santa Monica Mtns, Ventura County.

2003-2006: Restoration of coastal dune habitat for the CA legless lizard (*Anniella*), Guadalupe Dunes, San Luis Obispo County.

2005-present: Vernal Pool Amphibian Habitat Management Plan, Casmalia Landfill, Casmalia Hills, Santa Barbara County.

2007-2012: San Marcos Foothills Coastal Sage Scrub and Native Grassland Restoration, San Marcos Foothills, Santa Barbara, Santa Barbara County.

2007-present: Giant Reed Removal Element for the Matilija Dam Removal Project, Ventura River and Matilija Creek watersheds, Ventura County.

2010-2012: San Antonio Creek Bridge Replacement Riparian Restoration Project, Ventura County.

2010-present: Riparian Woodland, Coastal Bluff, and Foredune Restoration Project, Lower Toro Canyon Creek, Santa Barbara County.

2013-2015: Vernal Pool Amphibian Management Plan, Santa Maria Airport, Santa Barbara County.

2015-present: Honda Valley Monarch Butterfly Habitat Restoration and Management Plan, City of Santa Barbara.

Representative Linear Infrastructure Projects Involving Special-Status Plants and Wildlife Surveys, Biological Assessments and Evaluations, EIR/EISs, and Permit Compliance Monitoring.

Electrical Transmission and Cathodic Protection:

1984-1993: Project biologist on five electrical transmission line construction projects (Mobil Oil Corporation, Unocal, and Exxon Corporation) emanating from cogeneration facilities in Monterey, Madera, Kern, Tulare, Fresno, Los Angeles, Riverside, and San Bernardino counties. Responsibilities included resource agency coordination/consultation, designing field survey protocols, organizing and conducting field surveys and vegetation mapping, preparing biological documents, project permitting, and supervising construction monitoring teams during project implementation.

1993-1994: Project biologist to County of Santa Barbara Planning & Development Department on the SCE 65Kv Transmission Line project across southern Santa Barbara County. Responsibilities included pre-construction surveys, constraints analyses, impact assessments, preparation of CEQA permitting documents, and construction monitoring.

1997-1998: Project biologist to ENSR Consulting, Inc. on the ARCO Line 90 Electrical Transmission Project in southern Kern and central Riverside County. Responsibilities included field surveys and report preparation for CEQA permitting documents.

2001-2002: Project biologist to URS Corporation on Enron-Pastoria Creek Power Plant Project. Conducted field surveys in the Pastoria Creek, Tunis Creek, Tejon Creek, and Grapevine Creek watersheds on the western side of the Tehachapi Mountains in Kern County; prepared biological constraints analyses and impact assessments.

2012-2016: Project biologist to U.S. Dept. of Energy for endangered species surveys and biological assessment of proposed 65Kv power line installation, Ciervo Hills, Fresno and Madera counties, CA.

Fiber Optic Transmission:

1988-1992: Project biologist to Dames & Moore, Inc. on the Sprint Fiber Optic Transmission Project in Kern, Los Angeles, and San Bernardino counties, and Clark County, Nevada. Responsibilities included special-status species surveys, wrote CEQA documents, and supervised construction monitoring.

2001-2003: Project biologist/resource specialist and Environmental Compliance Coordinator to the County of Santa Barbara Planning and Development Department on the Level (3) Communications Fiber Optic Transmission Project across western and southern Santa Barbara County. I conducted special-status species surveys, wrote CEQA documents, and supervised construction monitoring.

2002-2004: Project biologist/biological monitoring for EELV Delta IV Program fiber-optic route across Vandenberg Air Force Base, Santa Barbara County. I conducted pre-construction surveys for special-status species, wrote CEQA documents, supervised construction monitoring, and prepared non-native plant eradication and native habitat restoration plan for project.

Oil and Gas Transmission:

1993-1997: Project biologist to Dames & Moore, Inc. on the 1,200-mile long Kern River Gas Transmission Project through Kern County, southern Nevada, and southwestern Utah. Responsibilities included field surveys, biological constraints analyses, impact assessments, mitigation assessment, and construction monitoring for CEQA and NEPA permitting documents.

1994-1998: Project biologist to Pacific Pipeline, LLC on the 175-mile long Pacific Pipeline Project crude oil pipeline in southern Kern County to southern Los Angeles County; included at least 60 miles through Angeles National Forest. Responsibilities included habitat evaluation and mapping, pre-construction surveys for special-status plant and animal species, intensive consultation with Tejon Ranch attorneys and land managers regarding survey results, and implementation of mitigation measures during pipeline construction.

1996-1998: Senior Environmental Scientist to the Chilean Interior Ministry on the 1,500-mile long *Proyecto Gasoducto Transandino* (Trans-Andean Gas Pipeline Project) across Argentina and Chile. Responsibilities included preparing biological evaluations of various proposed routes through the Andes from Argentina to a receiving station/gas plant on the Pacific Ocean near Santiago, Chile; identified and classified project-related impacts, developed mitigation recommendations, and permit compliance plans for the project.

1999-2000: Project biologist to ENSR Corporation on the Thermo Eco-Tek Natural Gas Pipeline and Cogeneration Facility Project in southwestern San Bernardino County and northern Orange County. Responsibilities included pre-construction surveys, constraints analyses, impacts assessments, and preparation of environmental documents for CEQA permitting documents.

2002-2008: On-call biologist to ENSR Corporation (now AECOM) for ExxonMobil Corporation projects in Kern and Tulare counties; species surveys, biological assessments, and construction monitoring.

2003-2006: Project biologist to ENSR Corporation (now AECOM) responsible for developing the Southern California Gas Company (Sempra Energy Co.) Programmatic Biological Assessment for Operations and Maintenance in Madera, Fresno, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, western Riverside, and western San Bernardino counties. Responsibilities included analyses of biological resources along numerous existing pipeline routes, assessing impacts, and proposing mitigation to reduce or avoid potential impacts to resources during pipeline operation and maintenance for CDFG, USFWS, and CPUC permit compliance.

2007-2008: Project biologist for ExxonMobil M-70 oil pipeline extension across Santa Clara River, Los Angeles County.

2012-2015: Project biologist on Occidental Petroleum Co. project to assess impacts of seismic testing of natural gas and crude oil reserves for proposed exploratory drilling on Newhall Ranch, Los Angeles County.

Offshore LNG Re-Gasification Facility Permitting:

2004-2009: Consulting biologist to ENSR Corporation on the Woodside Liquefied Natural Gas (LNG) Project in the Southern California Bight off Los Angeles County and adjacent onshore receiving and transmission sites in coastal Los Angeles and Orange counties. Responsibilities included evaluating proposed and alternative routes in Los Angeles and Orange counties, conducted biological constraints analyses of various routes, impact assessments, and mitigation recommendations for CEQA and NEPA permitting documents.

Renewable Energy Transmission:

2006-2009: Biologist to Aspen Environmental Group, Inc. for the Tehachapi/Antelope Valley PdV Wind Energy Project DEIR/EIS, the Antelope-Pardee DEIR/EIS, and the Tehachapi Renewable Transmission Project (TRTP) DEIR/EIS from the Tehachapi Mountains and Antelope Valley to the Los Angeles Basin, Kern and Los Angeles counties; prepared CEQA documents for permitting process (characterize biological resources, assess project-related impacts, and propose mitigation recommendations for DEIR/EIS); peer review of outside consultants' work products for California Public Utilities Commission (CPUC).

2010: One of several biologists conducting small mammal surveys for Topaz Solar Farm EIR, San Luis Obispo Co, CA; subcontracted to Althouse & Meade Consultants, Inc.

2010-2015: Project herpetologist to CH2MHill, Inc. for the NextEra Big Sky Wind Energy Project, Piute Mtns, Kern County. Responsible for special-status reptile and amphibian surveys for project viability and constraints analysis regarding siting of turbines and access/service roads.

Highways and Bridge Removal/Replacement:

1989-1995: Project biologist to Dames & Moore, Inc. on three California Department of Transportation projects to widen and/or construct roadways in Madera, Fresno, and Kern counties. Duties included focused field surveys, impacts assessment, and mitigation recommendations for CEQA and NEPA documents, including sampling and rating over 250 vernal pools and vernal pool complexes for special-status plants, crustaceans (fairy shrimp), and amphibians.

2002-2009: Project biologist to County of San Luis Obispo Planning Department and Garcia and Associates on three bridge replacement projects in San Luis Obispo County; conducted biological evaluation and assessment for Federal Highway Works Administration CEQA/NEPA permitting documents.

2010-2013: Project biologist to Galvin Preservation Associates and County of Ventura Public Works Agency on bridge replacement project; Ventura River watershed; field surveys and construction monitoring for CA red-legged frog, least Bell's vireo, and other special-status riparian species.

Water Conveyance:

2000-2004: Project biologist to Los Angeles Department of Water and Power (LADWP) on Morris and San Gabriel Reservoir Sedimentation projects, Los Angeles County; special-status species surveys; field experiments on impacts of sedimentation on aquatic insects; biological assessment for CA Department of Fish and Game of effects of sediment sluicing on aquatic and riparian resources.

2003-2006: Project biologist to California Department of Water Resources and Aspen Environmental Group, Inc. for Mojave Check 66 Replacement Project, southwestern San Bernardino County (Mojave River); conduct special-status wildlife surveys and focused surveys and impact assessment for on the arroyo toad (*Bufo californicus*).

2004-2006: Project biologist to California Department of Water Resources and Aspen Environmental Group, Inc. for Tehachapi Embayment Project, Tejon Ranch, south slopes of the Tehachapi Mountains and adjacent Antelope Valley in Kern and Los Angeles counties; conduct field surveys and impact assessment/mitigation recommendations.

2007-present: Project biologist to Ventura County Watershed Protection District on the Matilija Dam Removal and Ecosystem Restoration Project, Giant Reed Removal Element, Ventura River watershed, Ventura County; special-status species surveys and monitoring during extensive non-native plant eradication effort; document and analyze natural recolonization of project area by native vegetation for Bureau of Reclamation and CDFG documentation.

Academic Background: Ph.D. Candidate, Evolutionary Ecology, UC-Santa Barbara
M.S., Ecology and Systematics (Herpetology), University of Kansas
B.S., Vertebrate Zoology (Herpetology), UC-Berkeley

Citizenship: United States.

International Consulting/Research Experience: Chile, England, Mexico, Portugal, Scotland.

Professional Affiliations: American Society of Ichthyologists and Herpetologists; Society for the Study of Amphibians and Reptiles; American Society of Zoologists; Sigma Xi Scientific Society.

Research Affiliate in Herpetology, Cheadle Center for Biodiversity & Ecological Restoration (CCBER), University of California-Santa Barbara.

Teaching Experience: Lecturer, University of California-Santa Barbara: "Management of Endangered Species" and "Conservation Biology" (1994-2002).

Peer-Reviewed Publications:

1980. Hunt, L.E. and J. Ottley. Geographic Distribution: *Crotalus viridis helleri*. Herpetological Review, 12(2): 65.
1982. Hunt, L.E. Reproduction and feeding in *Eridiphas slevini* (Serpentes: Colubridae). Herpetological Review, 13(1): 8-9.
1983. Hunt, L.E. Book Review: Annotated bibliography of the desert tortoise, *Gopherus agassizi*. Herpetological Review, 14(1): 25.
1983. Hunt, L.E. A nomenclatural rearrangement of the genus *Anniella* (Sauria: Anniellidae). Copeia 1983(1): 79-89.
1984. Seigel, R.A., L.E. Hunt, et al. (eds.) Contributions to Vertebrate Zoology and Systematics: A Tribute to Henry S. Fitch. Spec. Publ. Mus. Nat. Hist. Univ. Kansas. No. 10. 278 pp.
1984. Hunt, L.E. Geographic patterns of morphological variation in the lizard genus *Anniella*. Masters Thesis. Univ. of Kansas, Lawrence. 302 pp.
1985. Schultze, H.P., L.E. Hunt and J. Chorn. Type and figured specimens of fossil vertebrates in the collections of the University of Kansas, Museum of Natural History, Part II: Fossil amphibians and reptiles. Misc. Publ. Mus. Nat. Hist. Univ. Kansas No. 77. 66 pp.
1985. Fleischer, R., M. Murphy and L.E. Hunt. Clutch size increase and intraspecific brood parasitism in the yellow-billed cuckoo (*Coccyzus americanus*). Wilson Bull. 97(1): 125-127.
1993. Hunt, L.E. Origin, maintenance and land use of aeolian sand dunes in the Santa Maria Basin, California. Prep. for The Nature Conservancy and U.S. Air Force, Vandenberg AFB. 72 pp.
1994. Hunt, L.E. Capture, relocation and monitoring of a southwestern pond turtle (*Clemmys marmorata pallida*) population on the upper Santa Ynez River, Santa Barbara County, California; Gibraltar Dam Strengthening Project. Prepared for the City of Santa Barbara, U.S. Forest Service and Woodward-Clyde Consultants. 135 pp.
1997. Hunt, L.E. Geostatistical modeling of species distributions: Implications for biogeographical and ecological studies, pp. 427-438, In: Soares, A. et al (eds.). Geostatistics for Environmental Applications. Kluwer Academic Publishers, London. 556 pp.
2000-2003. Predicting vertebrate distributions at local, landscape, and regional spatial scales. Ph.D. Dissertation. Dept. Ecology, Evolution, and Marine Biology, University of California-Santa Barbara.
2009. Hunt, L.E. *Anniella, Anniella pulchra, Anniella geronimensis*. SSAR Catalogue of American Amphibians and Reptiles. 39 pp.
2010. Hunt, L.E. California tiger salamanders in southern San Luis Obispo County, California. Herpetological Review, *in prep*.
In prep: Geographic Distribution: *Anniella pulchra*. Herpetological Review.
Geographic Distribution: *Coleonyx variegatus abbotti.* Herpetological Review.
Hunt, L.E. Additions to the pulmonate snail fauna of Ventura County. The Veliger.
Hunt, L.E. and Barry Roth. A new species of land snail (Pulmonata: Helminthoglyptidae) from Ventura County, California. The Veliger.
Hunt, L.E. Occurrence of California tiger salamanders in the "gap region" of Central Coastal California. Herpetological Review.
Hunt, L.E. Documentation of early-stage hybridization between native and non-native tiger salamanders in the Santa Barbara County Distinct Population Segment (DPS) of the California Tiger Salamander. Herpetological Review.

Grants, Awards, and Invited Speaker Engagements:

1976. National Science Foundation Grant
1980. Phi Sigma Biology Honor Society, Univ. Kansas
1982. Regents Scholarship, University of California-Santa Barbara
1984. Masters Thesis, with honors, University of Kansas

1985. National Audubon Society, Research Grant
1987. Chancellor's Advisory Committee, University of California Natural Reserve System
1988. Storrer Award, American Society of Ichthyologists and Herpetologists
1988. Academic Instructional Grant, University of California-Santa Barbara
1989. Graduate Dissertation Fellowship, University of California-Santa Barbara
1989. 1st World Congress in Herpetology, Canterbury, England, Invited Speaker
1990. Research Grant, The Nature Conservancy
1994-2003. UCSB Annual Academic Development Grants, Patagonia, Inc.
1996. 'Excellence in Reclamation' Award, California Mining Association
1996. 1st European Conference on Geostatistics, Lisbon, Portugal, Invited Speaker
1997. Society for Ecological Restoration-Dune Guild, San Luis Obispo, CA, Invited Speaker
1998. 2nd European Conference on Geostatistics, Valencia, Spain, Invited Speaker
2001. Santa Ynez Natural History Association, Santa Ynez, CA, Invited Speaker.
2002. OSPR Grant, Endangered Species Research Fund, California Department of Fish and Game
2003. University of California-Santa Barbara Habitat Restoration Group, Invited Speaker
2003. Threatened and Endangered Amphibians and Reptiles of Southern California, Wildlife Society and Bureau of Land Management, Riverside, CA, Invited Speaker
2005. U.S. Fish and Wildlife Service Research Grant, Ventura Field Office, Ventura, CA.
2005-2010. Lecturer, UC-Santa Barbara EEMP Courses in Endangered Species Management and Conservation Biology.
2006. Wildlife Conservation Board and U.S. Fish and Wildlife Service CA Tiger Salamander Regional Conservation Strategy Grant, Washington, D.C.
2010-present. U.S. Fish and Wildlife Service Research Grant on Hybrid Tiger Salamander Issues, Ventura Field Office, Ventura, CA.
2010-2011. Guest Lecturer, UC-Santa Barbara EEMP 188 Seminar on Ecological Restoration and Conservation.
2015-present. CTS-BTS Hybridization Study Grant, USFWS and CDFW, Ventura and Sacramento, CA
2021. Guest Lecturer in Herpetology course, University of California-Los Angeles.

Current Permits:

- U.S. Fish and Wildlife Service 10(a)1(a) Recovery (handling) Permits for the California tiger salamander, California red-legged frog; and several species of fairy shrimp.
- California Department of Fish and Game – Scientific Collecting Permit for amphibians and reptiles.

County Approved Qualified Biologist Lists: Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Kern.

State of California – Natural Resources Agency
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South Coast Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter 6

June 29, 2021

Mary Chang
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
MChang@cityofgoleta.org

Subject: Comments on the Draft Revised EIR Heritage Ridge Residential Project, SCH #2015041014, Santa Barbara County

Dear Ms. Chang:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Revised Environmental Impact Report (DEIR) for the Heritage Ridge Residential Project (Project). The City of Goleta (City) is the lead agency preparing a DEIR pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources. 6.1

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & Game Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*) or the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 *et*

seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Location: The Project is located north of Camino Vista and east of South Los Carneros Road in the City of Goleta, in Santa Barbara County. Union Pacific Railroad tracks are located approximately 50 feet from the site's northern property line. United States Highway 101 southbound freeway on-ramp from South Los Carneros Road is immediately north of the railroad tracks, Calle Koral and South Los Carneros Road are located west of the Project site.

Project Description/Objectives: The Heritage Ridge Residential Project involves a Vesting Tentative Map to merge 13 existing lots into three-lots for residential use and one lot for a two-acre public park. A Development Plan is proposed for 332 residential apartment units in ten buildings, as well as two recreational buildings. The Project also includes an amendment to the General Plan that would revise Figure 3-5 of the Open Space Element and Figure 4-1 of the Conservation Element to remove an Environmentally Sensitive Habitat Area designation of Coastal Sage Scrub that does not occur on the property. 6.1 (cont.)

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment 1: Wildlife Movement

Issue: CDFW is concerned the proposed 25-40-foot-wide wildlife movement corridor is not adequate in size and constitutes an impact to a known wildlife movement corridor, as identified by Conservation Biology Institute, (Figure 1). 6.2

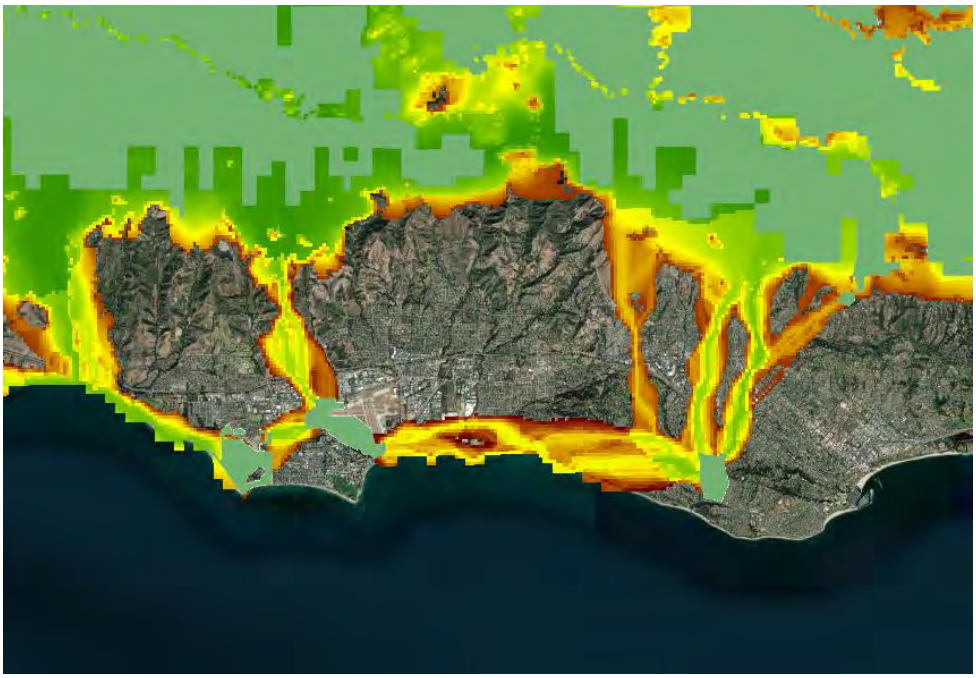

Figure 1. Local wildlife corridors of the Santa Barbara Coast, Conservation Biology Institute, 2019.

Specific impact: The Project as proposed may impact wildlife populations by increasing human presence, traffic, noise, air pollutants and dust, artificial lighting, and will significantly and permanently reduce the width of the existing wildlife corridor.

Why impact would occur: The DEIR study found evidence of a wildlife linkage between the Santa Ynez Mountain foothills and the Los Carneros Wetlands through the Heritage Ridge Project site. The Los Carneros Wetland is a locally important property that includes freshwater-to-estuarine transitional habitat at the northern edge of the Goleta Slough. This on-site wildlife linkage is important for small- (raccoon, striped skunk) and medium- (coyote and bobcat) sized mammal species that use the wetlands and foothills to hunt, seek shelter, breed, and conduct other normal behaviors important for their survival, especially within the wilderness-urban interface.

The Los Carneros Wetland is upstream from and connected to the Goleta Slough through a small culvert traversing north-south beneath Hollister Road.

The DEIR mentions a 25-40-foot-wide wildlife movement corridor will be left between a sound wall and S. Los Carneros Road to allow for movement of mammals and other wildlife species between the Santa Ynez Mountain foothills and Los Carneros Wetland to the south.

The functional width of usable linkages should be described and maintained outside of the zone of influence of edge effect. The scientifically accepted minimum width for a functioning wildlife linkage is 1000 feet from any human disturbance or uses, including edge effects (Monica, 2003). The effective corridor width is the minimum spatial dimension needed to mitigate human influence on animal movement through the corridor (Ford et al., 2020). The current site starts at 1,000 feet wide at the northern boundary and narrows to 400 feet at the southern boundary. CDFW is concerned that 25-40 feet is not adequate to ensure the continued, unimpacted use of this corridor by the species the DEIR identifies as currently relying on it. CDFW is also concerned the DEIR conclusion that the 16% increase in traffic from the Project would not affect wildlife as the increase would be “during daytime hours when wildlife is least active”. The Federal Highway Administration Research and Technology Report (FHWA-HRT-08-034) states wildlife vehicle collisions are most prevalent in the early morning (5-9am) and at evening (4-12pm), which is when traffic volume would be significantly increased during commuting times. CDFW is concerned the DEIR does not cumulatively include the increase in traffic from recent, adjacent Projects in this analysis.

6.2 (cont.)

Evidence impact would be significant: The cumulative impacts from previous projects have developed the immediate area, leaving the Project site as the only north/south access to the Los Carneros Wetlands and two creeks as the main corridors for north south wildlife movement to Goleta Slough. Poorly designed corridors can act as populations sinks, because the large amount of edge exposes animals to predation from matrix dwellers and competition from generalist species (Hess and Fischer, 2001). CDFW is concerned that the current design of a 25-foot-wide corridor between a sound wall and a busy street is not adequate to ensure continued use of this corridor by wildlife. CDFW is concerned pushing this corridor between a sound wall and a road will result in increased death as roads create noise and vibration that interfere with ability of reptiles, birds, and mammals to communicate, detect prey, or avoid predators.

Some reptiles sense ground-transmitted vibrations through their jaw (Heatherington, 2005) and are repelled even from low-speed 2-lane roads, resulting in reduced species richness (Findlay and Houlihan, 1997). Increased numbers of dogs, cats, and other pets can act as subsidized predators, killing millions of wild animals each year (Courchamp and Sugihara, 1999) (May and Norton, 1996). Artificial night lighting, which can impair the ability of nocturnal animals to navigate through a corridor (Beier, 2006) and has been implicated in decline of reptile populations (Perry and Fisher, 2006).

Recommendation #1: CDFW recommends a scientifically defensible wildlife corridor width be required. CDFW recommends keeping the minimum width of 400 feet that the property currently provides for wildlife use and movement. Continued monitoring of any Project wildlife corridor should be a condition of approval to ensure any approved design continues to provide adequate wildlife movement.

6.2 (cont.)

Recommendation #2: Human use of wildlife movement corridor should be restricted away from structures/paths intended for wildlife movement.

Recommendation #3: Install wildlife-proof trash and recycling receptacles. Require trash companies servicing this area to provide all residents, including individually owned homes. wildlife-proof trash cans.

Comment 2: Mitigation for White-tailed Kite Foraging Habitat

Issue: Status of white-tailed kite (*Elanus leucurus*) nesting at Los Carneros Wetland is not disclosed. The use of the site for foraging and/or roosting of white-tailed kite is not disclosed.

Specific Impact: Project impacts would potentially reduce the number and/or restrict the range of the white-tailed kite or contribute to the continued abandonment of a nesting site and/or loss of significant foraging habitat for a given nest territory. This would result in “take” as defined under CEQA.

Why Impact Would Occur: The opportunity for white-tailed kites to successfully nest at Los Carneros Wetland is heavily dependent on foraging habitat within 0.5 miles. The DEIR does not adequately address the cumulative and ongoing reductions in foraging habitat and consider how these habitat losses reduce number of white-tailed kites that can locally be supported.

The DEIR states white-tailed kites were documented nesting at Los Carneros Wetland in 1990, but presence/absence data for nesting kites is lacking for the wetland for most years since 1990. The DEIR also concludes that the possibility of kites returning to roost or nest at the Los Carneros Wetland cannot be discounted as the site contains numerous prey species and foraging value with large trees located adjacent to the Project site. CDFW is concerned that the survey data to disclose the local status of white-tailed kites to support the conclusion of the DEIR that removal of 17.4 acres of suitable foraging habitat, well within the range of average territory sizes, would not significantly affect white-tailed kites.

6.3

Evidence Impact would be significant: CDFW records indicate white-tailed kites can roost in saltgrass and non-native grassland communities, which are present on the site.
White-tailed kite is a fully protected species. CDFW cannot authorize the take of any fully protected species as defined by State law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for

collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). Take of any species designated as fully protected under the Fish and Game Code is prohibited.

In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including protocol survey results for CEQA-rare, California Species of Special Concern (SSC), or CESA-listed species (including fully protected species) that could occur in the Project footprint need to be disclosed. This disclosure is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

CEQA Guidelines sections 15070 and 15071 require the DEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will "avoid the effect or mitigate to a point where clearly no significant effects would occur."

Impacts to special status wildlife species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status wildlife species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS). 6.3 (cont.)

Recommendation #1: The DIER should include survey results to determine if white-tailed kites are currently utilizing the Project site for foraging.

Mitigation Measure #1: Permanent impacts to foraging habitat for white-tailed kite should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A white-tailed kite mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.

Comment 3: Mitigation for Sensitive Vegetation Communities

Issue: The DEIR does not include CDFW sensitive vegetation community alliance information and only considers the county definition of a native grassland. 6.4

Specific Impact: Project implementation includes grading, vegetation clearing, trail/road construction, soil compaction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of vegetation communities.

Why Impact Would Occur: CDFW considers *Nassella* spp. Alliance, ranked S3, a sensitive vegetation community. *Atriplex lentiformis* Shrubland (Quailbush Scrub) Alliance is ranked an S4 community by CDFW and given the loss of this vegetation community in the coastal Goleta area, CDFW considers this S4 species as a locally sensitive vegetation community. *Baccharis pilularis* (Coyote brush scrub) Alliance is ranked S5 by CDFW but given the local losses of this vegetation community in the coastal Goleta area, CDFW considers this a locally sensitive vegetation community.

Sensitive vegetation communities are defined and have membership requirements, as defined in the Manual of California Vegetation. The DEIR should consider the vegetation as present, even if it was planted as part of mitigation for another project. The presence of these vegetation communities should be acknowledged if they meet the membership requirements. The quality of the vegetation community is considered when mitigation ratios are considered, but the vegetation either meets the membership criteria, or it doesn't. If it meets the membership criteria, the vegetation communities should be mitigated to ensure no net loss of these locally important vegetation communities.

The DEIR states the on-site native grassland must meet a 10% relative cover requirement to be considered a native grassland, however CDFW's alliance-based classification has several different criteria that can be met including: 1) a 5% absolute cover of *Nassella pulchra* as membership criteria if it is co-dominant, or, 2) *Nassella pulchra* or if other *Nassella* sp. has a clear presence in the stand with > 5% absolute cover in the herbaceous layer.

6.4 (cont.)

CEQA Guidelines sections 15070 and 15071 require the DEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will "avoid the effect or mitigate to a point where clearly no significant effects would occur."

In order to analyze if a project may have a significant effect on the environment, the location, species composition, and success criteria of proposed mitigation information is necessary to allow the Department to comment on alternatives to avoid impacts, as well assess the adequacy of the mitigation proposed.

Evidence Impact would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Mitigation Measure #1: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends all impacts to the S3 sensitive vegetation communities should be mitigated at a 4:1 ratio and impacts to the S4 and S5 communities be mitigate at a 2:1 ratio due to the overall decline of coastal bluff/scrub habitats region wide.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

Mitigation Measure #2: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements. 6.4 (cont.)

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998) (Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

Comment #4: Lake Streambed Alteration (LSA) Agreement

Issue #1: Potential impacts to Los Carneros Creek and the new culvert under the Union Pacific Railroad are not clear.

Specific Impacts: The Project may remove or otherwise alter drainage channels and potentially affect the usability of a wildlife undercrossing under the Union Pacific Railroad tracks, as well as the function of Los Carneros Wetland. The Project may also impact watershed function. The proximity of the carports to drainage features might constitute an impact to drainage features regulated by CDFW.

6.5

Why impacts would occur: The Project may impact surface and subsurface water flow beyond the drainage channels identified in the DEIR. The Project may divert surface drainage or otherwise alter the existing drainage pattern of the Project site.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream or drainage patterns of the Project site through the alteration or diversion of water, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW has concluded that the Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq*. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSAA notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020d).

CDFW's issuance of an LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City of Glendale for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 *et seq*. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.

Any LSAA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSAA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to aquatic resources, additional mitigation conditioned in any LSAA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity. 6.5 (cont.)

Recommendation #1: As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Recommendation #2: CDFW recommends that this Project and similar development projects use permeable pavement to permit natural water filtration and percolation into groundwater basin. CDFW also recommends using native plants for landscaping to reduce water consumption and application of pesticides and herbicides that may seep into the groundwater table (see Additional Recommendation #3). Pesticides and herbicides may be transported via runoff into adjacent wetlands, intermittent or ephemeral streams.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife resources, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (California Code of Regulations, tit. 14, § 753.5; Fish and Game Code, § 711.4; Public Resources Code, § 21089). 6.6

Conclusion

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Goleta in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Kelly Schmoker, Senior Environmental Scientist, at (626) 335-9092 or by email at Kelly.Schmoker@wildlife.ca.gov. 6.7

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
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CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources			
	Mitigation Measure	**Timing**	**Responsible Party**
REC-Bio-1-CEQA-Wildlife Corridor	CDFW recommends a scientifically defensible wildlife corridor width be required. CDFW recommends keeping the minimum width of 400 feet that the property currently provides for wildlife use and movement. Continued monitoring of any Project wildlife corridor should be a condition of approval to ensure any approved design continues to provide adequate wildlife movement.	Prior to Finalizing the EIR	City of Goleta
REC-Bio-2-CEQA-Wildlife Corridor	Human use of wildlife movement corridor should be restricted away from structures/paths intended for wildlife movement.	Prior to Finalizing the EIR	City of Goleta
REC-Bio-3-CEQA-Wildlife Corridor	Install wildlife-proof trash and recycling receptacles. Require trash companies servicing this area to provide all residents, including individually owned homes. wildlife-proof trash cans.	Prior to Finalizing the EIR	City of Goleta
REC-Bio-4-White Tailed Kite	The DIER should include survey results to determine if white-tailed kites are currently utilizing the Project site for foraging.	Prior to Finalizing the EIR	City of Goleta
MM-Bio-1-CEQA- White Tailed Kite	Permanent impacts to foraging habitat for white-tailed kite should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A white-tailed kite mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.	Prior to Finalizing the EIR	City of Goleta

MM-Bio-2-CEQA-Sensitive Vegetation Communities	CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends all impacts to the S3 sensitive vegetation communities should be mitigated at a 4:1 ratio and impacts to the S4 and S5 communities be mitigate at a 2:1 ratio due to the overall decline of coastal bluff/scrub habitats region wide. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).	Prior to Finalizing the EIR	City of Goleta
MM-Bio-3-CEQA-Sensitive Vegetation Communities	Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements. CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998, Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to	Prior to Finalizing the EIR	City of Goleta

	CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.		
MM-Bio-4-CEQA-Lake and Streambed	As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. Germplasm designated for long-term storage to provide protection against extinction and as a source material for future restoration and recovery.	Prior to Finalizing the EIR	City of Goleta
MM-Bio-5-CEQA-Lake and Streambed	CDFW recommends that this Project and similar development projects use permeable pavement to permit natural water filtration and percolation into groundwater basin. CDFW also recommends using native plants for landscaping to reduce water consumption and application of pesticides and herbicides that may seep into the groundwater table (see Additional Recommendation #3). Pesticides and herbicides may be transported via runoff into adjacent wetlands, intermittent or ephemeral streams.	Prior to Finalizing the EIR	City of Goleta

Hunt & Associates
Biological Consulting Services

Mary Chang, Sr. Planner
City of Goleta Planning & Environmental Review
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28 June 2021

Subject: Draft Comments on proposed SPA reduction and elimination of ESHA, Heritage Ridge Residential Development Project Revised Draft Environmental Impact Report (RDEIR), Goleta, Santa Barbara County, California.

Ms. Chang,

I am writing to express my concern with some of the conclusions and recommendations of the Heritage Ridge RDEIR to reduce the 100-foot Streamside Protection Area (SPA) associated with Los Carneros Creek and to eliminate vegetation mapped as Environmentally Sensitive Habitat Area (ESHA) on the project site. I am a wildlife biologist and environmental consultant with over 35 years of experience in Santa Barbara County. I have lived in Goleta since 1990 and have a long familiarity with the project site and surrounding areas. I have included my resume as a separate attachment to this letter. 7.1

I visited the Heritage Ridge project site on 9 June 2021 between 1000 hrs and 1130 hrs, and surveyed the periphery of the site on 10 and 11 June 2021. I focused the on-site reconnaissance-level survey in and around habitat mapped as ESHA by the City of Goleta (2009) in the central and northern portions of the site, and the northern portions of the site and UPRR right-of-way, to address three issues: 7.2

- Does the proposed reduction in the SPA buffer from 100 feet to 67 feet in the northeastern portion of the project site, as recommended in the RDEIR, cause significant adverse effects to riparian vegetation along the southern edge of Los Carneros Creek or significantly affect the biotic quality of the creek and riparian corridor?
- Does mapped ESHA in the project site meet the definition of ESHA established in the City of Goleta Conservation Element, Policies CE 1.1 and 5.3 (City of Goleta, 2009)?
- Does removal of native vegetation and habitat cause a significant and unavoidable impact, a significant but mitigable impact, or a less than significant impact?

1. SPA Buffer Reduction. *Conclusion:* The existing project site, albeit disturbed, provides foraging, roosting, nesting, cover, and dispersal habitat for a wide variety of wildlife species. 7.3

Terrestrial wildlife, such as reptiles, amphibians, and mammals, can move between the Los Carneros Creek riparian corridor and the project site via the UPRR corridor, which lies in the 100-foot SPA buffer. The tracks and railroad berm represent a 'semi-permeable' barrier to movement of these species. Figure 1 in Watershed Environmental (2020) and Figure 4.3-2 in the RDEIR (City of Goleta, 2021), accurately portrays that about 33%, of the coyote brush scrub patch in the northeastern portion of the project site will be removed to accommodate the requested SPA reduction. However, it is highly likely that the entire 0.51-acre patch of coyote brush scrub in this area (see Fig. 1 below), will have to be removed in order to construct the northern sound wall, even if the requested SPA reduction is denied. Removing native cover vegetation to accommodate the requested reduction in the SPA buffer from 100 feet to 67 feet is part of a larger sound wall construction process that would significantly degrade the already tenuous physical connection for terrestrial wildlife moving between the project site and Los Carneros Creek ESHA via the SPA buffer. It would significantly reduce the biotic quality of the creek because the northern sound wall will isolate this reach of Los Carneros Creek from the last remaining patch of adjacent open space.

7.3 (cont.)

Discussion: The City of Goleta General Plan Conservation Element Policy CE 2.2 established a Streamside Protection Area (SPA) along 'protected' creeks within the city limits as well as a development buffer that extends 100 feet outward from both sides of the top-of-bank of the creek or outer edge of the associated riparian vegetation, whichever is greater. The purpose of the buffer is to protect riparian habitats and wildlife from disturbance by preserving the SPA in a natural state. Los Carneros Creek is designated as one such 'protected' creek (Figure 4-1 in City of Goleta, 2009). Conservation Element Policy 2.2(a)(2) allows the City to consider proposals to increase or decrease the width of the SPA buffer on a case-by-case basis during the environmental review process, but in no case can the buffer be reduced to less than 25 feet wide. All downward adjustments to the width of the SPA must be based on a site-specific assessment that evaluates the following standards: a) Is there a feasible alternative for siting development that would avoid encroaching into the SPA buffer, and; b) Does the requested adjustment result in significant adverse impacts to vegetation or the biotic quality of the stream?

7.4

The Heritage Ridge project requests a reduction of up to 33 feet in the width of the Los Carneros Creek SPA buffer along 265 feet of the northeastern corner of the proposed project in order to accommodate carports and a sound wall (Fig. 1 in Watershed Environmental, Inc., 2020; Figure 4.3-2 in City of Goleta, 2021). The RDEIR lists the following reasons why a reduction in buffer width would not impact the quality of the existing SPA:

- "The project site is hydrologically separated from the creek by the UPRR right-of-way which includes steel railroad tracks, wooden railroad ties, and a gravel railroad bed on compacted fill." *Response: Surface flows on the project site and the existing alignment of Los Carneros Creek <u>are</u> physically separated. Pre-development though, it is likely that the natural alignment of Los Carneros Creek was further west than its present*

7.5

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channelized alignment, and may have meandered across what is now the project site. The fact that a large copse of arroyo willows (Salix lasiolepis) is thriving at the northwestern edge of the mapped ESHA on-site in what is otherwise scrub habitat could indicate the presence of a subsurface connection between Los Carneros Creek, the project site, and the Los Carneros Wetlands south of the project site that may have been more evident above and below ground before development. 7.5 (cont.)

- "The entire SPA is off-site and located in the UPRR/Caltrans right-of-way." *Response: Correct, but the SPA is still biologically connected to the project site via wildlife movement.* 7.6
- "Approximately 85% of the SPA 100-foot buffer between the Project and Los Carneros Creek is within the UPRR right-of-way. As a result, the UPRR tracks reduce the quality of the SPA buffer, and preclude the area between the Project site and Los Carneros Creek from the possibility of existing in a "natural state" in the future." *Response: Paved and unpaved access roads, levees, gabions, and other flood control structures line both sides of practically all of the 'protected' creeks in the City as they traverse the Highway 101/UPRR right-of-ways. These flood control features likewise reduce the quality of their associated SPA buffers, but they are designed and maintained so as not to preclude the buffers from retaining functionality. The SPA buffer for the Heritage Ridge project should be maintained at 100 feet and existing native vegetation conserved and enhanced along the outside of the proposed northern and western sound walls to provide cover for wildlife using the Los Carneros Creek SPA buffer.* 7.7
- "The UPRR and Caltrans right-of-way are also major transportation corridors that provide very limited, poor quality wildlife habitat. Fast-moving cars and trains create a collision risk for wildlife, and also generate noise and human presence that may discourage wildlife from using the area. Because these are the very effects the SPA buffer is intended to attenuate, the existing buffer function is low." *Response: The Highway 101 transportation corridor is likely an absolute barrier to terrestrial wildlife movement. However, the culverted reach of Los Carneros Creek beneath the freeway provides a physical link between the upstream reaches and the 'daylighted' reach between the freeway and UPRR corridor, the SPA buffer, and the project site. The UPRR tracks and berm are a semi-permeable barrier to terrestrial wildlife movement. Noise and human presence may disrupte, but does not preclude, wildlife movement.* 7.8
- "The Project would be constructed within existing disturbed areas only, and has been designed to avoid impacts to sensitive resources (e.g., incorporation of wildlife connections in the landscaping). No habitable structures are proposed within 100 feet of the edge of riparian vegetation. The only development proposed within the SPA buffer is a sound wall, paved vehicle parking spaces, and landscaping that will be placed within 67 feet from the edge of the Los Carneros Creek riparian vegetation, but such placement would not affect the existing degraded function of the SPA buffer." (RDEIR, Impact BIO-5). *Response: The RDEIR fails to mention that the proposed sound wall will all but isolate the project site from the Los Carneros Creek ESHA and SPA buffer and will* 7.9

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create a complete barrier to terrestrial wildlife movement. In this way it would significantly degrade the SPA buffer and biotic quality of Los Carneros Creek. 7.9 (cont.)

The RDEIR characterizes Los Carneros Creek in the vicinity of the project site as a highly degraded drainage with relatively low biotic value. Nonetheless, the project site is physically connected to natural reaches of Los Carneros Creek upstream of Highway 101. The RDEIR incorrectly states that Los Carneros Creek does not provide suitable habitat for California red-legged frogs (*Rana draytonii*), a State- and Federal-listed species, because the upstream reaches do not support permanent water, and that there are no records of CRLF in the watershed. In fact, CRLF have been recently observed in highly disturbed sections of the lower reaches of the creek, within 0.4 air miles of, and physically connected to, the 'daylighted' reach north of the project site (City of Goleta Creek and Watershed Management Plan, 2020). The 640-foot long culvert beneath Highway 101 may provide a semi-permeable movement link for some species, such as CRLF, which are capable of long-distance dispersal through rough terrain and can spend considerable periods of time in highly disturbed, upland habitats (pers. observ.). For example, adult and subadult CRLF were found in Goleta around 2010 in a highly degraded, intermittent, unnamed drainage located between Highway 101, the UPRR right-of-way, and the current Hideaway residential development site (prior to its development). CRLF also were found in ponds and drainages on Sandpiper Golf Course and it is theorized that CRLF may have dispersed from Bell Canyon Creek to the golf course, and to the Highway 101-UPRR area via the unnamed drainage or overland across Hollister Avenue or eastward from Bell Canyon Creek to the highly disturbed observation site in the UPRR corridor (G. Rathbun, herpetologist; Ted Mullen, biologist, SAIC, pers. comm. to L.E. Hunt, 2012). Given the impressive ability of CRLF to move through disturbed, fragmented landscapes, the potential for CRLF to inhabit the 'daylighted' reach of Los Carneros Creek via the culvert beneath Highway 101 and possible dispersal to, and use of, cover vegetation in the SPA buffer and the project site cannot be discounted. 7.10

Figure 1 in Watershed Environmental, Inc. (2020) depicts the riparian vegetation polygons associated with Los Carneros Creek, the SPA boundary, SPA buffer, and the extent of the proposed project encroachment into the SPA buffer. The illustration maps coyote brush scrub that lies outside the project site boundary (and the proposed northern sound wall), but does not map coyote brush scrub that occurs along the northern portion of the project site within the project footprint, and that will likely be completely removed by construction. The contiguous patch of coyote brush scrub in this area encompasses approximately 0.51 acres (Fig. 1 herein). Figure 1 in Watershed Environmental (2020) and Figure 4.3-2 in the RDEIR (City of Goleta, 2021), shows that approximately 0.17 acres, or about 33%, of the coyote brush scrub in this area will be removed to accommodate the requested SPA reduction. Constructing the 900-foot long sound wall will likely require removing the entire 0.51-acre patch of coyote brush scrub in this area, which would cause a significant adverse impact to the biotic quality of Los Carneros Creek ESHA (Fig. 1). 7.11

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The existing coyote brush scrub along the northern border of the project site provides cover and foraging habitat for terrestrial wildlife moving along the southern portions of the UPRR right-of-way, particularly when attempting to move between the 'daylighted' reach of Los Carneros Creek and the project site (Fig. 1). The RDEIR does not acknowledge the fact that the project site represents that last remaining open space connection for terrestrial wildlife south of Hwy 101 between Glen Annie/Tecolotito Creeks and San Pedro/Las Vegas Creeks, a linear distance of 1.3 miles. Replacing the coyote brush scrub with a sound wall in this area would cause a significant adverse impact to the biotic quality of Los Carneros Creek ESHA. 7.12

Figure 1. Northeastern corner of project site: green polygon covers approximately 0.51 acres of coyote brush scrub vegetation along the northern edge of project site. SPA boundary associated with Los Carneros Creek is represented by the yellow line; 100-foot SPA buffer limit is represented by the black line; the proposed buffer reduction to 67 feet is indicated by the pale blue line. The SPA buffer reduction would directly impact about 0.17 acres, or 33%, of the coyote brush scrub covered by the green polygon. All lines are approximate. Image dated 28 February 2021.

The riparian corridor and SPA buffer associated with these other creeks provides a vegetated corridor of open space for wildlife moving between Bishop Ranch, Lake Los Carneros Park, and other semi-natural areas north of Highway 101 and creek reaches and the Goleta Slough south of Highway 101 (Hunt & Associates, 2000, 2013). 7.13

In contrast, although Los Carneros Creek 'daylights' between Highway 101 and the UPRR tracks along a 700-foot reach northeast of the project site, it empties into a 2,300-foot long concrete box channel at the UPRR tracks that is bordered on both sides by dense commercial development. There is no vegetative cover for wildlife between the 'daylighted' reach of the 7.14

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creek and Goleta Slough (Fig. 2). Removing coyote brush vegetation in order to construct the sound wall along the northern border of the project site could increase mortality of terrestrial wildlife moving through the SPA buffer. This would substantially adversely impact the biotic quality of the creek. The 100-foot SPA buffer should be protected and the sound wall constructed in such a way that native shrub cover along the north side of the wall (facing the railroad tracks) is retained and enhanced with habitat restoration. This could improve the biotic function of the Los Carneros Creek ESHA and the SPA buffer and the efficacy of the proposed wildlife movement corridor along the western edge of the project site.

7.14 (cont.)

Figure 2. Re-aligned reach of Los Carneros Creek (blue line) between Los Carneros Road and east of the project site. The 'daylighted' reach is the west-east alignment between Hwy 101 and the UPRR tracks before drainage turns south and empties into a concrete box channel. Image dated 28 February 2021.

2. Coyote Brush Scrub as ESHA. *Conclusion:* Coyote brush scrub meets the definition of ESHA in CE Policy 1.1 and the description of coastal sage scrub in CE Policy 5.3(a). By not recognizing coyote brush scrub as a localized, disturbance-associated form of coastal sage scrub, the City sets a precedent that could eliminate other occurrences of this valuable habitat that would significantly fragment and degrade the remaining patches of coyote brush-dominated coastal sage scrub within the City General Plan area.

7.15

Discussion: The City of Goleta General Plan Conservation Element Policy CE 1.5 allows Environmentally Sensitive Habitat Area (ESHA) designations to be removed from Figure 4-1 of that document if a site-specific biological study demonstrates substantial evidence that the area does not in fact contain habitat that meets the definition of an ESHA. The proposed Heritage Ridge project includes a General Plan Amendment to remove coyote brush scrub

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vegetation in the center of the project area that is currently mapped as a type of coastal sage scrub (ESHA) by the City of Goleta (see Fig. 4-1, 2009). 7.15 (cont.)

Coyote brush (*Baccharis pilularis*) is a common, widespread, evergreen shrub found throughout the coastal portions of the west coast of the U.S. and Baja California in a variety of plant communities. It is widely regarded as a shrub that readily colonizes disturbed upland sites. Munz (1974) considered coyote brush to be a component of coastal sage scrub. Coyote brush is a dominant species of Venturan coastal sage scrub in the classification schemes proposed by Cheatham and Haller (1975) and Holland (1986), and the latter author classified coyote brush scrub vegetation as a variant of Diablan (northern) coastal sage scrub. Rundel (2007) lists coyote brush scrub as one of 13 alliances that fall within the broad range of 'sage scrub' in California (Table 8.3, p. 213 and Table 9.1, p. 234). Sawyer et al. (2009) identify coyote brush scrub as a distinct (i.e., stable) vegetation alliance in central and northern California, where coyote brush is the dominant or co-dominant shrub along with coastal sagebrush (*Artemisia californica*), coastal encelia (*Encelia californica*), California buckwheat (*Eriogonum fasciculatum*), black and purple sage (*Salvia mellifera* and *S. leucophylla*), and other woody shrubs. They state that, "Stands [of coyote brush scrub]…along the central coast, and in southern California also tend to be largely seral [successional] to other scrub…types", and that, "…the natural seral relationships between *B. pilularis* and adjacent herbaceous and woody alliances are complex and varied. In [the] south coast, *Baccharis pilularis* alliance appears as more disturbance related than on the central coast." (Sawyer et al., 2009, pp. 421-422). Some local wetland specialists contend that coyote brush persists as the sole representative of coastal sage scrub in poorly drained, low-lying areas [similar to the Heritage Ridge project site] (Wayne Ferren, botanist, pers. comm. to L.E. Hunt, 2013). Coastal sage scrub has been eliminated from at least 85% of its former range in California, primarily because of agricultural, industrial, and residential development (Davis et al., 1998; Diffendorfer et al., 2002). 7.16

Steinberg (2002) maintains that coyote brush invasion of grasslands is of structural importance because it facilitates the establishment of other coastal sage species. Increasing shrub cover in these grasslands increases populations of brush rabbits, California ground squirrels, and other small mammals that reduce herbaceous vegetation and enhances shrub development. Thus, well-established coyote brush stands generally have a depauperate understory, such as that seen on the project site. Steinberg (2002) states, "Coyote brush is a common dominant or co-dominant shrub in coastal sage scrub, but because seedling growth is poor in shade, coyote brush does not regenerate under a closed shrub canopy." Coastal sage scrub requires periodic disturbance in order to maintain its seral state (Williams and Hobbs, 1989), but as the frequency and magnitude of disturbance increases, the site reverts first to ruderal, non-native annual grassland, then, as the frequency or magnitude of disturbance declines, coyote brush is one of the first woody shrubs to colonize these disturbed coastal sites. Eventually, coyote brush can facilitate establishment of slower-growing, woody shrubs that, in time, can develop into a more diverse form of coastal sage scrub (Williams and Hobbs, 1989; Steinberg, 2002). A number of studies have demonstrated that coyote brush, because it is one of the first woody

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shrubs to colonize sites disturbed by grazing, grading, or other anthropogenic causes, acts as a 'nursery' plant providing shade and protection from browsing that facilitates establishment of other coastal sage scrub species, such as coastal sagebrush, sages (*Salvia* spp.), and even trees, such as elderberry (*Sambucus nigra*) and coast live oak (*Quercus agrifolia*) (Hobbs and Mooney, 1986; Williams and Hobbs, 1989; Callaway, 1992).

Elimination, fragmentation, and anthropogenic disturbance of coastal sage scrub vegetation on the coastal plain of southern Santa Barbara County has occurred on Ellwood Mesa, More Mesa, Lake Los Carneros Natural and Historic Preserve, and the Carpinteria Bluffs. Coastal sage scrub here is now dominated by coyote brush. The City of Carpinteria has mapped coyote brush-dominated scrub vegetation as coastal sage scrub (ESHA) on the Carpinteria Bluffs III parcel, and the California State Coastal Conservancy (2017) in approving grants to purchase and protect this habitat notes that, "The coastal sage scrub vegetation on the eastern half of the [Bluffs III] site is dominated by coyote brush, coastal encelia, quail bush, lemonade berry, coastal goldenbush and short leaved cliff aster." (California State Coastal Conservancy, 2017). Quail bush, coastal encelia, lemonadeberry, and coastal goldenbush occur with coyote brush on the Heritage Ridge project site, including in the habitat mapped as ESHA on Fig. 4-1 of the General Plan. 7.16 (cont.)

The City of Goleta maps extensive areas of coyote brush scrub on Lake Los Carneros Natural and Historic Preserve, Ellwood Mesa, and throughout the city limits as ESHA (see Fig. 4-1 in City of Goleta, 2009). Indeed, the City of Goleta and the California Coastal Commission are prepared to accept coyote brush-dominated scrub restoration areas on portions of Ellwood Mesa as sufficient replacement for areas mapped on Figure 4-1 of the General Plan as sage scrub (ESHA) that was removed or otherwise disturbed by Bacara Resort on a portion of their property.

Dudek (2014) and Rincon (2016) attempt to make a case for eliminating the ESHA designation on the General Plan map (Figure 4-1):

- "Coastal sage scrub mapped as ESHA also extended onto southward onto the Willow Springs II development site. The City Council approved removing ESHA protection for mapped ESHA (identified as coyote brush scrub) on that project site with an amendment to the General Plan in 2014, so it should also apply to the present project." *Response: Previous removal of this habitat should not be a justification for future removal.* 7.16

- "'Coyote brush scrub' in not considered ESHA under the Programmatic General Plan EIR (City of Goleta, 2006, Page 3.4-10)…The 2006 General Plan EIR maps the on-site ESHA as "scrub." A description of the coyote brush scrub is provided under Section 3.2, 'Vegetation and Sensitive Plant Communities'. The General Plan CE Policy 5.3 defines coastal sage scrub habitat as a drought-tolerant, Mediterranean habitat characterized 7.17

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by soft-leaved, shallow-rooted subshrubs such as California sagebrush, coyote brush, California encelia, goldenbush (*Ericameria ericoides*) [sic], giant wild rye (*Elymus condensatus*), and annual non-native grasses." *Response: The RDEIR misquotes the language of the policy; it actually reads, "Coastal sage scrub is defined as a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush (Artemisia californica), coyote bush (Baccharis pilularis), and California encelia (Encelia californica). It is found at lower elevations in both coastal and interior areas where moist maritime air penetrates inland." (City of Goleta, 2009, p. 4-21). Coyote brush meets all of the defining characteristics of a component of coastal sage scrub in Policy 5.3. Without considering the disturbance history of a site, valuable coyote brush scrub habitat that could, in time, increase in species richness characteristic of less-disturbed coastal sage scrub, will be lost.* 7.17 (cont.)

- "The coyote brush scrub does not meet City's General Plan Policy CE 1.1a or CE 1.1b definitions of ESHA, and is not "rare or especially valuable because of its special nature or role in an ecosystem, when considering the following conditions:
  - "Coyote brush scrub is a common plant community. Coyote brush scrub receives the lowest rarity ranking (G5 S5) and is not considered sensitive by the State of California (CDFW, 2010)." *Response: This statement fails to acknowledge the role that disturbance history, edaphic conditions, hydrology, and the biology of coyote brush contribute to development of coyote brush scrub as a variant of coastal sage scrub.* 7.18
  - "The coyote brush scrub at the site is disturbed, contains high cover of invasive species, low native plant species diversity, and has become established at the site relatively recently since the area was last graded." *Response: Coyote brush colonized the area mapped as ESHA as far back as 1985, which is before the latest round of grading occurred (Google Earth imagery), and after orchards were removed from the site and the site was allowed to revert to annual grassland.* 7.19
  - "The site has been subject to agricultural activity related earth disturbance for much of the last 100 years." *Response: Coyote brush scrub is an early seral stage of coastal sage scrub. The patch mapped as ESHA gradually adds more coastal sage scrub species, such as coastal sagebrush and coastal encelia, as disturbance frequency declines.* 7.20
  - "Threatened, endangered, or other special status wildlife species are not expected to reproduce at the site, and the site is not essential to the life-cycle of any listed wildlife species." *Response: Evidence of reproduction is not required for habitat to be considered valuable for special-status wildlife by local, state, and/or federal agencies. Grassland and scrub habitats on the project site, including the coyote brush scrub habitat mapped as ESHA, are currently used by white-tailed kites (Elanus leucurus), a State Fully Protected species, as foraging habitat, and by other raptors, including Cooper's hawk (Accipiter cooperi), red-shouldered hawk (Buteo lineatus), red-tailed hawk (Buteo jamaicensis), American kestrel (Falco sparverius), and turkey vulture (Cathartes aura) (L.E. Hunt, pers.* 7.21

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observation, 9-11 June 2021). Kites and other raptors use adjacent, more extensive open spaces, such as Bishop Ranch, Lake Los Carneros Natural and Historic Preserve, Los Carneros Wetlands, and the Goleta Slough as foraging, nesting, and/or roosting habitat (Holmgren, 2013). Fragmentation and loss of foraging habitat is likely to negatively affect the local distribution and reproductive output of kites as prey resources decline and the landscape becomes energetically more "expensive" as foraging habitat within their home ranges. This could cause kites to abandon historic nest sites.

During the 9 June 2021 reconnaissance survey of the site, I observed at least a dozen narrow-leaved milkweed (Asclepias fascicularis) plants in bloom in annual grassland bordering the southwest side of the coyote brush scrub patch mapped as ESHA by the City of Goleta. This plant is the larval food source for monarch butterflies (Danaus plexippus). I observed 2 or 3 adult monarchs on-site at the same time and noted that coyote brush and coastal encelia in the mapped ESHA area provide nectar sources for adult monarchs. Mapped ESHA and adjacent grassland to the west of the mapped ESHA provides food resources for all life history stages of this endangered insect. The U.S. Fish and Wildlife Service concluded in 2020 that listing is warranted but precluded by higher priority listing actions. Monarchs are currently classified as a Candidate for Listing Endangered and action is expected to occur in 2024 (U.S. Fish and Wildlife Service, 2021).

7.21 (cont.)

- "The coyote brush scrub is within an urban area, adjacent to existing industrial and residential development, and is not contiguous with native habitats." *Response: See previous comments regarding linkages between the project site and surrounding, larger parcels of open space.*

7.22

- "Therefore, although according to Figure 4-1 in the Conservation Element of the Goleta General Plan the Project site contains coastal sage scrub ESHA, habitat that meets ESHA criteria was not observed within the Project boundary or nearby areas. The coyote brush scrub does not meet the criteria in relevant City's General Plan policies to be considered an ESHA or coastal sage scrub; and therefore, should not be subject to the ESHA protection policies of the General Plan." *Response: Coyote brush scrub mapped as ESHA on the project site has the physiognomy and floristic characteristics of early seral stages of 'coastal sage scrub' (see previous discussion). Given that the coastal plain within the City of Goleta has been disturbed by agriculture and development for well over two centuries and that undisturbed coastal sage scrub is now practically non-existent with the City limits, open spaces such as the project site that may have originally supported a more diverse coastal sage scrub pre-development, have either been completely eliminated or are now dominated by coyote brush. Coyote brush, by virtue of its wind-dispersed seed, is one of the first woody shrubs to colonize disturbed sites. Removing ESHA protection for the mapped coyote brush scrub on-site sets a precedent that could be applied to other sage scrub habitats that*

7.23

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are dominated by coyote brush and are mapped as ESHA on Figure 4-1 in the General Plan.

7.23 (cont.)

By not recognizing coyote brush scrub as an early seral stage of coastal sage scrub as it relates to the disturbance history of the project site, the City sets a precedent to remove and further fragment valuable coyote brush scrub habitat elsewhere in the City limits that is perhaps the best (and nearly only) representation of coastal sage scrub remaining within the General Plan area given centuries of disturbance. The coyote brush scrub mapped as ESHA on the project site should remain as ESHA. The central portion of the site proposed as a park would eliminate the area mapped as coyote brush scrub (ESHA). This ESHA and the surrounding native and non-native annual grassland vegetation should be conserved and restored as habitat for wildlife, as the Los Carneros Wetlands were conserved as part of the Willow Springs development. Human access should be limited to a walking trail around perimeter of this area so that the natural area retains and maximizes functionality as wildlife foraging, nesting, and cover habitat.

7.24

3. CEQA Thresholds of Significance Relation to Impacts to Biological Resources. *Conclusion:* Development of the project site will remove approximately 17 acres of open space that supports a mixture of native and non-native vegetation that provides foraging, nesting, roosting, and cover habitat for wildlife. Despite a long history of anthropogenic disturbance that has influenced the present-day composition and structure of vegetation found on and around the project site, the site remains an important landscape element for wildlife in the spatial configuration of open space remaining in the City of Goleta.

7.25

Removing ESHA protection for the coyote brush scrub mapped as sage scrub ESHA on Figure 4-1 in the City of Goleta General Plan will result in significant impacts to biological resources on the project site. It also sets a precedent to remove ESHA-status for coyote brush scrub elsewhere in the City of Goleta. Loss of ESHA protection and elimination of the mapped ESHA and adjacent scrub habitats throughout the project site will substantially reduce or eliminate species diversity or abundance, the amount of nesting habitat for birds, foraging habitat for white-tailed kites, larval and adult food sources for monarchs, and will further isolate important open space habitats such as Bishop Ranch, Lake Los Carneros Park, and the Goleta Slough.

Discussion: The City of Goleta CEQA Thresholds and Guidelines Manual (City of Goleta, 2002), assesses project-related impacts to biological resources with a series of questions and statements. The following discussion responds to each of these standards:

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3.1 Resources Inventory.

a. **What biological communities are on the site? What size area?** *Response: The RDEIR describes vegetation alliances on the project site, but does not recognize the approximately three-acre patch of coyote brush scrub in the center of the project site as ESHA, as mapped by the City of Goleta (Fig. 4-1 in City of Goleta, 2009).* 7.27

a. Is the habitat type relatively common? Is it rare and occurring in only a few places in the region, or significantly declining in extent and/or quality? Is the habitat designated as an ESH area on County planning documents, or designated as "critical habitat" for listed species by Federal or State agencies? *Response: Coastal sage scrub on the coastal plain of southern Santa Barbara County, including the City of Goleta, has been subjected to centuries of anthropogenic-related disturbance that has substantially altered the floristics, distribution, and patch size of this plant community and wildlife habitat. The remaining patches of coyote brush scrub mapped as ESHA in the City limits are significantly declining in extent and quality (Fig. 4-1 in City of Goleta, 2009). The proposed deletion of coyote brush scrub as a type of coastal sage scrub (ESHA), for this project sets a precedent that would lead to further loss of similar habitats in the City limits.* 7.28

b. Is the site in an urban, rural or outlying area? What are the uses surrounding the site? Is the habitat isolated or is it contiguous with adjacent habitat or close enough to provide a link between habitats? *Response: The project site is located within patchy open space landscape that within the past 10 years has been developed through 'infill' projects, e.g., Willow Springs, Village at Los Carneros, etc. that has increasingly fragmented and isolated larger open spaces north of Highway 101, such as Bishop Ranch, Lake Los Carneros Park, and the Goleta Slough. The project site provides a habitat linkage between these landscape elements, particularly for birds, including special-status species.* 7.29

c. Does the habitat support resident species or migratory species? Are there protected species (e.g., endangered or threatened), or species of candidate, special, or local concern, or rare species? *Response: The project site provides foraging, roosting, nesting, and/or cover habitat for a wide variety of wildlife, including resident and migratory birds and raptors. The site is used as foraging habitat by white-tailed kites (L.E. Hunt, pers. observ. 9-10 June 2021). White-tailed kites are classified as a Fully Protected species under California Fish and Game Code and as such, development projects cannot mitigate, only avoid, impacts to Fully Protected species. The Fish and Game Code sections dealing with Fully Protected species state that these species, "....may not be taken or possessed at any time and no provision of this code or any other* 7.30

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*law shall be construed to authorize the issuance of permits or licenses to take any fully protected" species…". This language arguably makes the "Fully Protected" designation the strongest and most restrictive regarding the "take" of these species (California Department of Fish and Game, 2011). While the proposed project may not directly result in "take" of kites, the loss of 17 acres of foraging habitat will indirectly affect local kite populations, including important nest and roost aggregations on Bishop Ranch, Lake Los Carneros Natural and Historic Preserve, and the Goleta Slough, and exacerbate habitat fragmentation***.**

7.30 (cont.)

3.2 Condition and Quality.

a. Is the habitat pristine or disturbed? How much or to what degree? *Response: The project site has experienced a long history of anthropogenic disturbance punctuated by prolonged periods of inactivity. As disturbance frequency has declined, vegetation on the site has transitioned to an increasing dominance of native, woody shrubs, including the coyote brush scrub that the City of Goleta has mapped as ESHA and that currently exists on-site.*

7.31

b. How biologically productive is it? Does it support an especially rich and diverse plant and/or wildlife population? *Response: Scrub, grassland, and ruderal habitats generally, and coyote brush scrub on the project site mapped as ESHA in particular, provides foraging, nesting, roosting, and cover habitat for a wide variety of wildlife. For example, the brief, 1.5-hour reconnaissance survey that I conducted on-site on 9 June 2021 found at least 30 wildlife species inhabiting the 17-acre site, including: monarch butterfly, Pacific treefrog, western fence lizard, common kingsnake, red-tailed hawk, Cooper's hawk, white-tailed kite, turkey vulture, California towhee, Cassin's kingbird, Baltimore oriole, northern mockingbird, mourning dove, Eurasian collared dove (non-native), song sparrow, cliff swallow, ash-throated flycatcher, house finch, American crow, common yellowthroat, scaly-breasted munia (non-native), Eurasian starling (non-native), house mouse (non-native), unid. native cricetid rodent, California ground squirrel, Botta's pocket gopher, big-eared woodrat, striped skunk, brush rabbit, and coyote. Monarch butterflies are a Candidate for Listing as Endangered and white-tailed kites are a Fully Protected species.*

7.32

c. Is the habitat resource (including the surrounding area if it is related) large enough to be viable? *Response: Native shrub-dominated vegetation on the 17-acre site, if left undisturbed, will continue to spread and become more floristically diverse. The coastal sage scrub patch mapped as ESHA is sufficiently large to be viable and shows evidence of recruitment of additional coastal sage scrub shrubs, e.g., coastal sagebrush, coastal encelia, etc. The project site, including the area mapped as ESHA, supports a wide variety of wildlife (see previous comment).*

7.33

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3.3 Evaluation of Project Impacts. Disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation).

Development of the Heritage Ridge project site, as proposed and analyzed in the RDEIR, could substantially reduce or eliminate foraging habitat and increase the energetic costs of foraging for white-tailed kites and other raptors that nest on Lake Los Carneros Natural and Historic Park, Bishop Ranch, and the Goleta Slough. The distribution, abundance, and reproductive capacity of these species would be impacted by having to forage over an increasingly fragmented landscape as intermediary patches of foraging habitat, such as the project site, are developed. For these reasons, project-related impacts to raptors, including the white-tailed kite, a Fully Protected species, are substantial. 7.34

Constructing the proposed sound wall along the northern boundary of the project site could substantially disrupt wildlife movement between the 'daylighted' reach of Los Carneros Creek and the project site via the SPA buffer, as well as movement along the UPRR corridor. 7.35

3.4 Less Than Significant Impacts. There are many areas in the County where there is little or no importance to a given habitat and it is presumed that disruption would not create a significant impact. Examples of areas where impacts to habitat are presumed to be insignificant include: 7.36

a. Small acreages of non-native grassland if wildlife values are low. *Response: Grassland habitats west of and adjacent to the mapped ESHA support valuable food resources for monarch butterflies and provide foraging habitat for white-tailed kites.* The impacts of loss of the mapped ESHA and adjacent non-native annual grassland in the center of the project area for these species exceeds this threshold. 7.37

b. Individuals or stands of non-native trees if not used by important animal species such as raptors or monarch butterflies. *Response: The stand of blue gum eucalyptus trees between the UPRR right-of-way and Highway 101, north of the project site, provides roosting, and possibly nesting, habitat for raptors, such as Cooper's hawks, red-tailed hawks, and turkey vultures that have been observed foraging over the project site. While the project does not propose to disturb these trees, degradation of the SPA buffer and loss of mapped ESHA and adjacent grassland in the center of the project area will remove foraging habitat for these species and thus exceeds this threshold.* 7.38

c. Areas of historical disturbance such as intensive agriculture. *Response: Intensive agriculturalre (walnut orchards) use of the site was discontinued over 50 years ago.* 7.39

d. Small pockets of habitats already significantly fragmented or isolated: and degraded or disturbed. *Response: The project site encompasses approximately 17 acres of open space used by a variety of wildlife, including an approximately 3-acre patch of coyote* 7.40

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brush scrub mapped as ESHA sage scrub by the City of Goleta. As such, it is an important element in the foraging landscape for raptors and other wildlife. 7.40 (cont.)

e. Areas of primarily ruderal species resulting from pre-existing man-made disturbance. *Response: The project site has sustained various types of anthropogenic disturbance over the past two centuries and supports ruderal species in areas most recently disturbed, but extensive portion of the site, including the coyote brush scrub mapped as ESHA by the City of Goleta, are vegetated by native species.* 7.41

3.5 Impact Assessment Factors

Size:

- How much of the resource in question both on and off the project site would be impacted? *Response: The entire project area, including the coyote brush scrub mapped as ESHA by the City of Goleta, will be graded and developed for residential use. A public use park is proposed for the central portion of the site that will provide very limited value as habitat for wildlife.* 7.42

- How does the area or species that would be impacted relate to the remaining populations off the project site? *Response: Loss of coyote brush scrub (ESHA) on the project site as a whole may represent up to 10% of such habitat remaining in the City limits (Fig. 4-1 in City of Goleta, 2009).* 7.43

Type of Impact:

- Would it adversely indirectly affect wildlife (light, noise, barriers to movement, etc.)? *Response: The sound walls proposed for the northern and western side of the project site will completely isolate the site for terrestrial wildlife and will remove the last semi-permeable wildlife movement corridor between north and south of the Highway 101/UPRR transportation corridor for a distance of about 1.3 miles.* 7.44

- Would it remove the resource or cause an animal to abandon the area or a critical activities (e.g., nesting) in that area? *Response: Development of the site will remove approximately 17 acres of open space used as foraging, nesting, roosting, and/or cover habitat by wildlife, including monarch butterflies, a Candidate Species for Listing as Endangered, and white-tailed kites, a Fully Protected species.* 7.45

- Would it fragment the area's resource? *Response: Yes, removal of ESHA protections for coyote brush scrub currently mapped as ESHA on-site and loss of the project site as open space habitat for wildlife will substantially increase habitat fragmentation.* 7.46

Timing of Impact:

- Would the impact occur at a critical time in the life cycle of an important plant or animal (e.g., breeding, nesting, or flowering periods)? *Response: The project will extend* 7.47

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throughout the breeding season for birds, including white-tailed kites and other raptors, and will incrementally impact these species through loss of foraging habitat. 7.47 (cont.)

- Is the impact temporary or permanent? If it is temporary, how long would the resource take to recover? *Response: Development of the site will all but eliminate the site as wildlife habitat and thus would be a permanent impact to biological resources. Removing ESHA protection for coyote brush scrub on-site establishes a precedent to eliminate similar mapped (as ESHA) and unmapped coyote brush scrub occurrences within the City limits.* 7.48
- Would the impact be periodic, of short duration, but recur again and again? *Response: See previous comments.*

The project, as proposed, seeks to remove important ESHA protections for coyote brush scrub, a disturbance-related variant of coastal sage scrub that provides valuable habitat for a broad range of wildlife and plant species on the project site and elsewhere within the City limits. I urge you to maintain the 100-foot SPA buffer in order to avoid reducing the biotic quality of Los Carneros Creek ESHA, retain ESHA status for the coyote brush scrub mapped on the Heritage Ridge project site, and conserve the mapped ESHA and adjacent grassland vegetation on the site as a replacement for the proposed public park for this area. This would conserve larval/adult habitat for monarchs, a candidate for listing as Endangered, and foraging habitat for raptors and other birds, including white-tailed kites, a Fully Protected species. Thank you for the opportunity to comment on this important project. 7.49

Sincerely,

Lawrence E. Hunt
attachment: resume.

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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

DRAFT

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.

Note: The video of the meeting is available on the City's website at http://www.cityofgoleta.org/i-want-to/news-and-updates/government-meeting-agendas-and-videos

From: Mary O'Gorman [redacted]
Sent: Wednesday, June 16, 2021 4:29 PM
To: City Clerk Group [redacted]
Cc: Mary Ellen Brooks [redacted]
Subject: On behalf of Citizens Planning Association

Dear City Clerk and Planners,

I will sign up to speak however I have to leave at 530pm for another meeting, so if I am not called before then, I am submitting this email into the record of this hearing.

On behalf of the Citizens Planning Association of Santa Barbara, I want to express our strong support for a robust discussion of biological resources in the EIR, including among other issues: the creek, the creek setback, the environmentally sensitive habitat and other biological resources

Citizens Planning Association has been following environmental issues in Santa Barbara County for more than 60 years, and in the City of Goleta since its inception.

In particular, CPA advocated strongly for the 100' creek setback, and for strong protections for Environmentally Sensitive Habitat as containsd in the General Plan Conservation Element. *We hope to see an alternative included in the EIR that keeps development out of the stream buffer.*

In addition, The EIR must adequately assess the project's impacts to the mapped environmentally sensitive habitat.

We look forward to following this project throughout environmental review and beyond. We believe it has the potential to provide much needed housing for our community while also being sensitive to and protecting our fragile and threatened waterways and ESH.

Thank you.

Mary O'Gorman.