

Comment Letter B-4



LEAGUE OF WOMEN VOTERS OF SANTA BARBARA, INC.

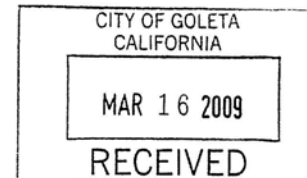
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Statement to the City of Goleta Staff Hearing Officer on March 16, 2009

Subject: Track 3 General Plan Amendments



I'm Connie Hannah, speaking for the Santa Barbara League of Women Voters.

We would like to use this opportunity to repeat some of our continuing concerns about the Track 3 changes which are being proposed. We do not believe that the SEIR has solved our major concerns because it reports that all the major impacts can be mitigated, and we do not agree that they can be fully mitigated.

- B-4.1 To begin, we think that the weakening of environmental protections in the Conservation Element is a mistake, and that the testimony of people expert in the related fields must be taken very seriously about the detailed protections that are needed.
- B-4.2 Second, we are extremely concerned about the impact of changing OS 1.10, Management of Public Lateral Access Areas. On all of Goleta's beaches, the question of allowing private parties to take over the beach for their own events is a very serious matter. We believe that any such event should require a Conditional Use Permit, issued by the City of Goleta. Only in this way can the City protect the public's right to use the public beaches. The California Coastal Act requires that this access be protected.
- B-4.3 Third, we have opposed opening the entire City to big box stores from the beginning. These can have such destructive impacts on residential neighborhoods and the City as a whole that we preferred the original limitations in the General Plan.
- B-4.4 Fourth, we continue to support LU 11, LU 11.2 and 11.3, Non-Residential Growth Management. The jobs/housing balance on the South Coast is already out of balance, and only by controlling job growth can we hope to improve the lack of affordable housing for employees. The City's recent experiences demonstrate that only large public subsidies can build affordability, and those funds will be in increasingly short supply.
- B-4.5 Fifth, we do not approve changing the word "mitigate" to "minimize" in section FE 13.4, because mitigate has a very clear definition and meaning, and minimize does not. If we are asking the developments to contribute to solving the traffic problems that they create, then "mitigate" is the word to use.

Response to Comments Nos. B-4.1 and B-4.2

The commentator is opposed to the weakening of environmental protections under proposed changes to CE policies and urges the City to carefully consider the testimony of experts in related fields. The commentator also recommends temporary activities on the shoreline (OS 1.10) require a conditional use permit from the City. Comments noted.

Response to Comment No. B-4.3

The commentator is opposed to opening the entire City to big box stores and supports Alternative 1 (no change) for Policy LU 3.2. Comment noted.

Response to Comments Nos. B-4.4 and B-4.5

The commentator supports Alternative 1 (No Change) for Policies LU 11 and LU-IA-2 related to Non-Residential Growth Management Policies, and TE 13.4, Options if Traffic Mitigation Measures are not Fully Funded. Comments noted.

Comment Letter B-5

HOLLISTER & BRACE

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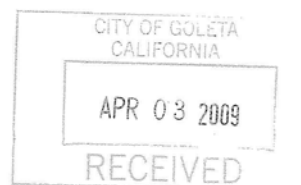
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April 2, 2009

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Re: **Draft SEIR - Tract 3 General Plan Amendments**

Dear Mr. Nemechek:

These comments on the referenced draft SEIR are submitted on behalf of our client, Venoco, Inc. In order to avoid repetition, we hereby incorporate by reference all of our (and Venoco's) earlier comments on the City's proposed General Plan/Local Land Use Plan and on the various environmental documents prepared in connection therewith, including the following letters and their enclosures:

B-5.1


1. June 22, 2007 letter to Anne Wells.
2. April 13, 2007 letter to Anne Wells.
3. September 7, 2006 letter to Anne Wells.
4. July 18, 2006 letter to Kenneth Curtis.
5. June 28, 2006 letter to Kenneth Curtis.
6. June 16, 2006 letter to Kenneth Curtis.
7. May 3, 2006 letter to Kenneth Curtis.

Should you wish to receive additional copies of any or all of the above, please let us know and we will be pleased to provide them.

Respectfully Submitted,

HOLLISTER & BRACE

By _____


 Steven Evans Kirby

SEK:bew
 Enclosures
 Copy: Steve Greig, Venoco, Inc.
 Terry Anderson, Esq., Venoco, Inc.

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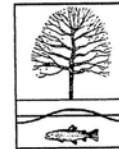
Response to Comment No. B-5.1

The commentator references comments made in previous correspondence related to City's now adopted General Plan/Coastal Land Use Plan. The commentator does not comment on the adequacy of the environmental analysis presented in this Supplemental EIR for proposed Track 3 Amendments. Comments noted.

Comment Letter B-6

SANTA BARBARA URBAN CREEKS COUNCIL

P.O. Box 1467, Santa Barbara CA 93102-1467 (805) 968-3000



April 3, 2009

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APR 06 2009

City of Goleta
Planning & Environmental Svcs.

(attn: Dan Nemecek)
City of Goleta
Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: Comments on Draft SEIR - Track 3 General Plan Amendments

Dear Mr. Nemecek,

The Santa Barbara Urban Creeks Council (UCC) is a south coast based 501(c)3 non profit with a 20 year history of advocacy for sound watershed management, for purposes of habitat preservation and restoration, flooding protection, and protection of valuable community resources. We have worked extensively throughout the watersheds of the City of Goleta, and can point to many examples where we have made lasting contributions that have benefited the area and that are recognized as important natural features prized by residents and visitors.

B-6.1

We have many members and supporters within the city of Goleta and throughout the south coast who have very serious concerns about the General Plan Amendment, proposed by developers, to reduce the size of creek buffers from 100 feet to 50 feet. We feel that the proposed change in policy will result in significant impacts, and will harm the city's environment. The importance of the city's creeks and their associated habitats must not be downgraded to serve the appetite of developers. The proposed change is unnecessary, and undermines sound General Plan policies that are already in place. Far too many creek resources have already been damaged by urbanization that has taken place with inadequate setbacks prior to implementation of the current General Plan policies. What remains of our natural watershed resources must be salvaged, protected, and restored to the fullest extent possible in order to achieve sustainability and maximize quality of life for Goleta's people.

Rationale for our opposition to the change

- B-6.2 | Language that defines current General Plan Policy already allows for reductions in the size of the buffer space if it can be shown that the 100 foot setback would result in a "taking" of private property. With this built in protection that recognizes property rights, changing of the existing policy cannot be justified. Such a change in policy would place the environment in jeopardy just to satiate developers desires. In addition, there are few undeveloped parcels which would be constrained by a 100-foot creek setback. Undeveloped parcels in Goleta appear large enough to easily accommodate a 100 foot setback to protect creeks and prevent water pollution.
- B-6.3 |
- B-6.4 | It was recognized by city planners and by city decision makers who certified and approved the current General Plan, and it is recognized by many other municipalities that 100-foot setbacks are needed to filter pollutants from runoff. Many studies show that undeveloped areas along streams remove pollutants including nutrients, bacteria, and sediment.
- B-6.5 | There is existing high biodiversity within the city of Goleta. Birds and animals that are present depend on adequate space to continue their existence. Foraging, breeding, and raising their young are among activities that wild species must do in order to survive. Suitable space and an intact ecosystem base is necessary to support these activities. A 100 foot buffer space will accommodate the needs of many interdependent species, and will ensure their continued existence within the urban environment. To fall below that minimum allowance will deplete habitat quality and fragment existing natural resources.
- B-6.6 | Communities that lack adequate creek buffers have experienced water pollution problems and beach advisories. More and more communities now recognize the value of larger setbacks and use them wherever feasible. Many communities throughout California don't have the option of preserving creek buffers because they are already gone. It seems foolish that wider buffer options would be sacrificed here in Goleta, along with the open space and community benefits that are derived from wider creek buffers.
- B-6.7 | 100-foot setbacks minimize impacts to wildlife including rare species that use the creek and creek corridor. Certain Goleta creeks still support endangered steelhead and red legged frogs, and many more could support these creatures with proper management of resources. The 100-foot buffer provides protection of water quality and vegetation needed to support these Federally listed endangered species as well as many other animals.
- B-6.8 |
- Creek buffers minimize impacts from development on habitat. Lighting, noise, non-native plants, pesticides, pets and human activity are among the disturbances that are introduced by development adjacent to a creek. It is important to provide adequate space to provide separation from human activity and habitat areas.
- Creeks provide an aesthetic element to the community which is ensured by wide buffers. Quality of life as well as economic values are reflected in larger creek buffers.
- Flooding and erosion are minimized by spacious buffers. The need for County flood control work and private bank stabilization projects, which damage creek environments, is minimized.

B-6.9 A well planned creek buffer, with room for bioswales and other runoff percolation features results in greater groundwater recharge and provides higher summer base flow in creeks. This benefits water quality and also benefits fish and other species throughout the year. A 100-foot buffer space affords the room to adequately address these planning needs. In addition to benefiting habitat and helping to ensure that water is available for emergency during draught, greater groundwater recharge within the buffer also helps to keep live fuel moistures in a safe range and increases predictability that a natural stream corridor will aid in slowing and controlling wildfire.

B-6.10 Recreational values are protected and enhanced by wider buffers. Bike paths and trails are possible in more locations when you have a 100-foot buffer space. A buffer space must be well planned and wide enough to absorb impacts, where it is desired to locate trails along creeks. These are important amenities that sustain creekside neighborhoods economically, and serve to provide an alternative to automobile usage, helping to alleviate traffic and pollution.

B-6.11 Finally, larger buffers provide more locations and space for creek habitat restoration projects such as those sponsored in Goleta by the City and community groups. The success of such projects in sustaining a higher quality of life is obvious and widely appreciated in those neighborhoods that have benefited.

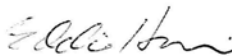
Summary and Recommendation

B-6.12 UCC strongly recommends no change in the General Plan policy that calls for a 100 foot creek buffer for undeveloped creekside parcels, unless the change is to increase buffer width. The current policy was wisely crafted for the purpose of providing flooding protection, protecting water quality, and enhancing wildlife habitat and quality of life for Goletans. To diminish the buffer space would result in significant impacts to Goleta's creek environment, to water quality, and to important habitat and species. The current policy reflects sound watershed management principles and embodies the vision that motivated local residents to incorporate as a city. Please make sure that the Public Trust is upheld.

B-6.13 Do not consider reducing the size of creek buffers, it is unwise for the reasons that we have outlined.

B-6.14 We also strongly recommend that you strengthen the environmental document by doing more diligent research and analysis on the impacts that will result from the proposed change. The documentation is inadequate in that it does not quantify the damage to natural resources that will result from reduction in creek buffer space. Additionally, a clear understanding of the benefits and usefulness of wide creek buffers is missing from the documentation. Please provide that clarity. Do the work that is necessary to provide decision makers with the information that they need to make a wise choice in this matter that is of great importance to the City's environmental future. Thank you for considering our views and concerns. We hope that our input will benefit the process of preparing this important environmental document.

Sincerely,



Eddie Harris
President
Santa Barbara Urban Creeks Council

Response to Comments Nos. B-6.1 through B-6.14

The commentator opposes reduction in the minimum width of SPAs and wetland buffers under existing policies (mainly CE 2.2, 3.4, and 3.5) and contends that the analysis of impacts to natural resources from such a change is inadequately addressed in the SEIR.

Regarding proposed changes to CE 2.2, Alternatives 2a, 2b, and 3 do not alter GP/CLUP requirements that apply to biological resources, especially special status species and habitats whose occurrence triggers ESHA requirements. Regardless of whether the SPA is a minimum of 50 or 100 feet, any area with ESHA resources would be designated as an ESHA and would require an ESHA buffer under the alternatives. Further, the proposed changes do not preclude the City from requiring a wider SPA based on site-specific considerations. The same applies to the proposed changes to the minimum wetland buffers under CE 3.5. The SEIR indicates that the proposed changes to CE 2.2 and 3.5 could result in potentially significant impacts and that the alternatives have a higher level of risk than the existing policies. However, it does not follow that the alternatives would necessarily result in significant impacts just because they propose a different minimum width for buffers. See Attachment A for additional responses to comments on proposed changes to CE 2.2 and a description of the revised Policy CE 2.2 adopted by the City in May 2009 under a separate action.

Regarding the impact analysis, the approach in the SEIR is consistent with CEQA guidelines for the evaluations of programs. As described in Attachment A, clarifying information also has been added to the Final SEIR regarding the resources within 100 and 50 feet of creeks in the City.

Comment Letter B-7

Santa Barbara Audubon Society, Inc.*A Chapter of the National Audubon Society*

5679 Hollister Avenue, Suite 5B, Goleta, CA 93117

(805) 964-1468



April 6, 2009

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APR 06 2009

City of Goleta
Planning & Environmental Svcs.City of Goleta
Attention: Dan Nemecek, Planner
dnemecek@cityofgoleta.org**RE: SEIR Track 3 General Plan Amendments**

Dear Mr. Nemecek:

Santa Barbara Audubon (Audubon) has commented on the General Plan when it was adopted, and on the proposed General Plan Amendments (letter dates October 30, 2007). We now submit the following comments on the Supplemental Environmental Impact Report (SEIR) for the Track 3 changes, some of which weaken protections for natural resources in the City of Goleta. We address primarily Conservation Element proposed changes and the Biological Resources section of the SEIR.

Lateral Shoreline Access

B-7.1

OS 1.10 Audubon questions if the proposed change adequately protects the natural resources of the beach. We suggest that, if no CDP is required for temporary special events, that a ministerial permit be required, in order to ensure the protection of sensitive habitat resources as listed in section c.

ESHAs--Definition and Designation

B-7.2

OS 7.3 Open Space for Preservation of Natural Resources. We concur with the SEIR, that no change should be made to this section. We believe that requiring site-specific biological studies for projects would unnecessarily burden residential landowners and proponents of small projects. Modifications to the existing ESHA designations are provided for in CE 1.5.

CE Table 4.2 Audubon concurs with the SEIR changes to this table, and especially with the inclusion of coastal bluff scrub and a significant native plant community. In fact, we recommended this addition in our October 30, 2007 letter: "Coastal bluff scrub is an Environmentally Sensitive Habitat and described as a rare plant community in the California Natural Diversity Database as 'very threatened'."

B-7.3

CE Figure 4.1 Special-Status Species and Environmentally Sensitive Habitat Areas.

B-7.4

Audubon notes that Future Service Area Boundaries are marked but not labeled (labeled on Figure 3.4-1 Habitat Types map), and sensitive resources are included within these areas. However the area that encompasses Ocean Meadow Golf Course, University-owned North and South Parcel and the 40-acre addition to Coal Oil Point Reserve (COPR) is surprising! Inclusion of the resources is useful, as it bounds the Ellwood Preserve and is part of the Ellwood-Devereux

Goleta Track 3 Changes SEIR
 Santa Barbara Audubon comments
 Page 2

Open Space Area. However, the COPR and University parcels are unlikely to be future service areas of the City of Goleta. The western boundary of COPR is missing on the map.

- B-7.5 While we recognize that the sensitive resources denoted on the map are from the California Natural Diversity Database (CNDDDB) information in 2006, it appears that some critical data are missing from the map: Western Snowy Plovers are shown only at the mouth of Devereux Slough, and not below Ellwood Mesa within the City of Goleta and within the Critical Habitat area of the species. Clearly plovers have been observed there, and should be added to the map if not to the CNDDDB as well. Similarly, although not a critical since the sensitive resources are not missing from within the city limits, Tidewater gobies are present in Devereux Slough and the Flood Control sediment basin at the southern end of Phelps Creek on University and/or Ocean Meadow Golf Course property. Santa Barbara Honeysuckle is present in numerous other locations within the City (e.g. Sandpiper Golf Course and Lake Los Carneros) and COPR. A Cooper's Hawks has been seen several years at Lake Los Carneros. Native grasslands are missing from the Haskell's Landing property.

We note that the figure is labeled "Figure 3.4-2".

- B-7.8 **CE Page 4.2** Audubon concurs with the SEIR Recommendation of No Action, retaining the ESHA habitat types as described in the Current Conservation Element of the General Plan. Please refer to our comments under OS 7.3.

- B-7.9 **CE 1.1 Definitions of Environmentally Sensitive Habitat Areas.** Audubon finds the SEIR recommended revisions acceptable. We are amused that prior ESHA designations by the County of Santa Barbara are not recommended for recognition by the City of Goleta. We are unaware of problems with prior ESHA designations, but areas with sensitive resources *meets the criteria for ESHA* (CE 1.3) are protected the same as ESHA designated sites, so there is no environmental impact.

- B-7.10 **CE 1.2 Designation of Environmentally Sensitive Areas.** Audubon concurs with the SEIR recommended revisions, and agrees with the inclusion of *coastal bluff scrub* as ESHA.

- B-7.11 **CE 1.3 Site-Specific Studies and Unmapped ESHAs.** We concur with the SEIR recommendation of no change to this policy. Both Alt 2a and 2b would burden applicants unnecessarily. The Conservation Element provides for re-evaluation of ESHA designations (CE1.5).

- B-7.12 **CE 1.5 Corrections to Map of ESHAs.** We concur with the change, adding General Plan amendments.

- B-7.13 **CE 5.1 Designation of ESHAs.** Audubon concurs with the SEIR recommendations, to add Other Terrestrial ESHAs, and the inclusion of coastal bluff scrub habitat. See comments CE Table 4.2.

- B-7.14 **CE 8.1 ESHA Designation.** The SEIR recommended revisions are a major improvement to the Alt 2a revisions. The loss of protection for roosting habitats may be significant for some species,
 B-7.15 but is a significant impact for Western Snowy Plovers. The Critical Habitat Designation on the

Goleta Track 3 Changes SEIR
 Santa Barbara Audubon comments
 Page 3

- B-7.16 | Ellwood beach includes nesting and roosting habitat, and this is ESHA. This protection must be
- B-7.17 | retained in this policy. For species such as White-tailed kites the loss of protection of roosting
- B-7.18 | sites may also be significant. We strongly disagree with the consultant's analysis in the case of
 Snowy Plovers that "the reduction in benefits to special status species from not conserving
 potential habitat would not constitute a significant adverse impact per se under CEQA." The
 measures necessary to protect plover roosting habitat differ significantly from measures to
 protect a beach or sand dune without consideration of the plover species requirements.
- B-7.19 | **CE1.6 Protection of ESHAs.** Audubon concurs with the SEIR recommendation that Alt 2a is
 acceptable, providing flexibility in City policies for ESHAs without significant impacts.
- B-7.20 | **CE 5.3 Protection of Coastal Bluff Scrub, Coastal Sage Scrub and Chaparral.** We support
 the SEIR recommended revisions, with the inclusion of Coastal Bluff Scrub protection.
- B-7.21 | **CE 8.2 Protection of Habitat Areas.** Audubon supports the SEIR recommended revisions. The
maximum extent feasible wording provides the flexibility needed in the policy, while still
 providing protection for special-status species and their habitats.
- B-7.22 | **CE4.5 Buffers Adjacent to Monarch Butterfly ESHAs.** Case-by-case evaluation where
 historic monarch roosts have been is appropriate and retains adequate buffers for monarch sites.
 We support the SEIR recommended revisions.
- B-7.23 | **CE 8.4 Buffer Areas for Raptor Species.** Protection afforded to historic nest sites shall be
 evaluated on a case-by-case basis by a qualified biologist. This is the SEIR revision. While the
 revision sounds reasonable, Audubon doesn't know how the California Coastal Commission and
 the California Department of Fish and Game stand on historic raptor nests.
- ESHAs -- Development Standards**
- CE 1.9 Standards Applicable to Development Projects [GP/CP].**
 Restricting grading, earthmoving and vegetation clearance during the rainy season,
 November 1 and March 31, protects water quality and habitat values. This is a standard BMP.
- B-7.24 | While the SEIR wording provides for erosion-control practices in section i, there are no
 extenuating circumstances under which the City might approve winter grading, etc. This is
 disturbing, and unlikely to be approved by the Coastal Commission for the Local Coastal Plan.
 Winter storms can overwhelm erosion-control efforts (as seen at the CalTrans 101 widening in
 the City of Santa Barbara). We don't have a recommendation of how this should be worded in
 terms of under what circumstances approval would be granted, but it shouldn't be routine
 practice, which this revision would allow. Audubon supports retention of the existing policy
 unless another alternative protective of natural resources but providing somewhat more
 flexibility is devised.
- B-7.25 | **CE 4.6 Standards Applicable to New Development Adjacent to Monarch ESHAs.** We
 concur with the SEIR recommended revisions.

Goleta Track 3 Changes SEIR
 Santa Barbara Audubon comments
 Page 4

Streams and Creeks

B-7.26 **CE 2.2 Streamside Protection Areas.** The loss of protection of a 100-foot buffer, where currently required, is listed as potentially resulting in significant impact (Table 3.4-5). The SEIR then states that the impact would be less than significant because there might be other ESHA in the area that would substitute protection. There is no substantiation of these claims, and we assert that significant impacts could result from this change. We urge retention of the current policy, which already provides for exceptions to provide for reasonable economic use of the property.

B-7.75 **CE 2.5 Maintenance of Creeks as Natural Drainage Systems.** Audubon supports the proposed changes, which retains strong protection for creeks, maintains public safety, and yet provides some flexibility for development.

Wetlands

B-7.28 **CE 3.1 Definition of Wetlands.** Audubon supports the SEIR/Alt 2b revision. Using the standards of the regulatory agencies is sensible, and will simplify permitting where CCC, Corps or DFG permits are required for a project.

B-7.29 **CE 3.4 Protection of Wetlands in the Coastal Zone [CP].** Audubon supports the retention of Alt 1, the current policy, which is consistent with the Coastal Act, providing 100-foot buffers for wetlands in the coastal zone. Should the City of Goleta elect to prepare a Riparian and Wetland Mitigation Ordinance, as recommended by the SEIR, the current policy or an interim ordinance that provides a 100-foot buffer is needed to avoid significant impact to wetland resources.

B-7.30 Wetland buffers less than 100-feet are unlikely to be approved by the Coastal Commission in certification of Goleta's Local Coastal Plan.

B-7.31 **CE 3.5 Protection of Wetlands Outside the Coastal Zone [GP].** The reduction in the standard wetland buffer from 100 feet to 50 feet is noted to be a potentially significant impact in the SEIR. The document then says the impact is less than significant because other ESHA's might protect the reduced buffer areas--with no substantiation of these claims (similar to CE 2.2). Audubon, therefore, recommends that the current policy be retained.

Protection of Trees

B-7.32 **CE 9.1 Definition of Protected Trees.** Audubon does not support relocation as a policy recommendation, especially for oak trees, where it is not very successful. Oak trees may struggle for several years then die after relocations. Relocation can be allowed, as one to the required replacement mitigation trees. Aside from this, Audubon supports the SEIR/Alt 2a revision.

B-7.33 **CE 9.3 Native Oak Woodlands or Savannas.** Audubon supports the 25-foot buffer as a moderate protection of oaks and their root zone. Should the City elect to establish the buffer in a Tree Protection Ordinance, the current policy should be retained until the Ordinance takes effect.
 B-7.34 alternatively, an interim ordinance with a 25-buffer would avoid significant impacts to native oak woodlands or savannas.

Goleta Track 3 Changes SEIR
 Santa Barbara Audubon comments
 Page 5

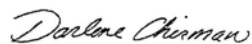
- B-7.35 **CE-IA-4 Preparation of a Tree Protection Ordinance.** The time period in all alternatives states the Tree Protection Ordinance *may* be prepared and adopted in 2008. Since that year is past, and to our knowledge there is no such ordinance, it supports our contention that interim protection for native trees is needed--an interim ordinance or retention of the current policy CE 9.3.
- B-7.36 **CE 9.4 Tree Protection Standards.** We support the SEIR/Alt 2a/2b recommendation.
- B-7.37 **CE 9.5 Mitigation of Impacts to Native Trees.** Changing the policy without the Tree Protection Ordinance in place could result in significant impacts to native trees. An interim ordinance could be substituted with 10-1 replacement requirements. For other jurisdictions, oaks must be replaced 10-to-1, and other native trees 3-to-1. That modification could be considered.
- B-7.38
- B-7.39 **Storm Water Management**
CE 10.3 Audubon supports the SEIR Recommended revisions. A policy consistent with City's Storm Water Management Plan will protect water quality, and will automatically update the General Plan policy as the Management Plan is updated and revised.

Summary.

Santa Barbara Audubon supports most of the SEIR recommendations, and concurs that most provide for less than significant impacts. However, we assert there are several significant impacts if some policies are changed as proposed. Loss of ESHA designation for Western Snowy Plover roosting habitat, loss of 100-foot wide Streamside Protection Areas where currently provided, and possible (CP) or certain loss (GP) of 100-foot wetland buffers would have significant impacts. The SEIR erroneously states these impacts would be adequate mitigated, without demonstrating mitigations that would reduce impacts to less than significance.

We appreciate the effort of the City to retain protection for sensitive natural resources while providing flexibility to the City's residents for developing their property.

Sincerely,



Darlene Chirman, President

Response to Comment No. B-7.1

The commentator recommends that a ministerial permit from the City be required for temporary events on the shoreline to protect sensitive resources if the existing policy is changed as proposed.

Comment noted. A permit is already required through the adopted Coastal Zoning Ordinance. In addition, subsection c of the policy under all alternatives reads:

- c. Where sensitive habitat resources are present, limited or controlled methods of access and/or mitigation designed to eliminate or reduce impacts to ESHAs shall be implemented.

Response to Comments Nos. B-7.2, B-7.3, B-7.8 through B-7.13, B-7.19 through B-7.23, B-7.25, B-7.27, B-7.28, B-7.33, B-7.36, and B-7.39

The commentator concurs with the "SEIR Recommended Alternative" for the proposed changes to the following: OS 7.3, CE Table 4.2, CE page 4.2, CE 1.1, CE 1.2, CE 1.3, CE 1.5, CE 8.1, CE 5.3, CE 8.2, CE 4.5, CE 4.6, CE 3.1, CE 9.4, CE 8.4, and CE-IA-4.

Comments noted.

Response to Comments Nos. B-7.4 through B-7.7

The commentator indicates that CE Figure 4-1 (in the GP/CLUP) does not show all known occurrence of special status species, and includes but does not label special status resources in the Future Service Areas.

Comments noted. Regarding species shown on CE Figure 4-1, the SEIR updates occurrence based on current CNDDDB records. The City also intends to periodically update the map. The fact that some records of occurrence are not depicted does not change the requirement to designate ESHAs where certain species and habitats occur.

Response to Comments Nos. B-7.14 through B-7.18

The commentator states that proposed changes to CE 8.1 under the SEIR Recommended Alternative are an improvement to those proposed under Alternative 2a. The commentator also disagrees with assessment of impacts to snowy plover and white-tailed kites under the proposed changes and contends that loss of protection of roosting sites would be a significant impact to snowy plover and white-tailed kite and loss of protection of potential habitat would be significant impact to snowy plover.

Comments noted. Regarding the assessment of impacts to snowy plover and white-tailed kite related to the proposed changes to CE 8.1, the SEIR indicates where the alternatives increase the risk of potentially significant impacts. However, the proposed change to CE 8.1 under the SEIR Recommended Alternative is intended to clarify and provide examples of ESHAs triggered by the occurrence of special status species. The proposed change does not alter the definition of ESHAs in CE 1.1 or preclude the inclusion of roosting sites and potential habitat within ESHAs. The SEIR indicates that the impacts associated with the changes could but would not necessarily result in significant impacts as defined in CEQA. As in the analysis of the existing policies in the 2006 EIR of the GP/CLUP, other CE policies and state and federal regulations

that apply to listed species, migratory birds, and raptors reduce the potential for significant impacts.

Response to Comments Nos. B-7.24, B-7.26, B-7.29, B-7.30, and B-7.31

The commentator recommends that Alternative 1 be adopted for CE policies 1.9, 2.2, 3.4, and 3.5. The commentator also disagrees with the assessment that significant impacts would not result from proposed changes to CE 2.2, 3.4, and 3.5.

Comments noted. Regarding proposed changes to CE 2.2, Alternatives 2a, 2b, and 3 do not alter GP/CLUP requirements that apply to special status resources, especially species and habitats whose occurrence triggers ESHA requirements. Regardless of whether the SPA is a minimum of 50 or 100 feet, any area with ESHA resources would be designated as an ESHA and would require an ESHA buffer under the alternatives. Further, the proposed changes do not preclude the City from requiring a wider SPA based on site species considerations. The same applies to the proposed changes to the minimum wetland buffers under CE 3.5. The SEIR indicates that the proposed changes to CE 2.2, 3.4 and 3.5 could result in potentially significant impacts and that the alternatives have a higher level of risk than the existing policies. However, it does not follow that the alternatives would necessarily result in significant impacts just because they propose a different minimum width for buffers. See Attachment A for additional responses to comments on proposed changes to CE 2.2 and a description of the revised Policy CE 2.2 adopted by the City in May 2009 under a separate action.

Regarding the impact analysis, the approach in the SEIR is consistent with CEQA guidelines for the evaluations of programs. As described in Attachment A, clarifying information also has been added to the Final SEIR regarding the resources within 100 and 50 feet of creeks in the City.

Response to Comments Nos. B-7.32 to B-7.34, and B-7.37 to B-7.38

The commentator has expressed an opinion regarding their like or dislike of the proposed changes to CE 9.1, 9.3, and 9.5 (CE tree policies):

- CE 9.1: opposed to relocation as a policy, especially for oak trees; otherwise in support of the SEIR Recommended Alternative.
- CE 9.3: supports a 25-foot tree/root zone buffer; keep 25-foot buffer as interim policy is new ordinance is developed.
- CE 9.5: opposed to changes to the policy until ordinance is in place; supports an interim policy requiring 10:1 replacement.

Comment noted.

Response to Comment No. B-7.35

The commentator requests the preparation of interim Tree Protection Ordinance due to the lack of progress on a permanent ordinance and notes that the implementation action time period is 2008. The funding for such an ordinance was approved by the City Council with the adoption of the 2009-2011 budget. As such an interim plan is not necessary. The time period in Final SEIR Table 2-1 for Policy ID #CE-IA-4 has been changed from 2008 to 2010 for Alternatives 2a, 2b, and 3 to reflect this change.