

APPENDIX A

**Initial Study/Mitigated Negative Declaration
(on file and available upon request to city staff)**

APPENDIX B

Cumulative Development Projects List

Appendix B Cumulative Development Projects List

| PROJECT | LOCATION | APN | DESCRIPTION | STATUS |
|--|--|--|---|----------------------|
| Fairview Commercial Center; 01-SB-DP; CUP | 151 S. Fairview Avenue | 073-080-019 | 16,885 SF mixed use building (9,250 SF retail space, 6,110 SF office space) 2 units | Pending |
| Islamic Society of Santa Barbara 03-051-DP; CUP | NEC Los Carneros and Calle Real | 077-160-035 | 7,185 SF building for Islamic Center and attached apartment (1 DU) | Pending |
| Winnikoff 22-SB-DP | 260 Storke Road | 073-100-032 | 7,205 SF office building | Pending |
| Los Carneros Pointe 45-SB-DP, -RZ, -OA, etc. | Los Carneros Road/ Los Carneros Way | 073-330-030, 073-330-012, and others | 31,051 SF commercial development including a day-care facility, restaurant, shops, and office | Pending |
| Meyer-Thrifty 64-SB-DP | 5971 Placencia Street | 071-182-007 | 1,682 SF car rental agency | Pending |
| Costco Gas Station 40-SB-DP | 7095 Marketplace Drive | 073-440-014 | 10,800 SF 4-island gas station | Pending (On Hold) |
| Citrus Village 04-226-DP; TM | 7388 Calle Real | 077-490-043 | 12 residential units | Pending |
| Bacara Completion Phase 05-034-GP, -DP, -TM | 8301 Hollister Avenue | 079-200-013 | 185,573 SF (56 suites) | Pending |
| Sturgeon Building 06-180-DP | SEC Los Carneros and Calle Real | 077-160-040 | 8,700 SF retail/medical office | Pending |
| Haskell's Landing 07-102-GP, -OA, -TM, -DP, -RN, -DRB | Hollister Avenue w/o Las Armas Road | 079-210-049 | 101 residential units | Pending |
| Renco Encoders | 26 Coromar Drive | 073-150-013 | Existing M-RP Bldg (33,600 SF) | Pending |

| PROJECT | LOCATION | APN | DESCRIPTION | STATUS |
|--|-------------------------------------|-------------------------|--|---------|
| 07-103-DP | | | add 8800 SF manu.space add 10,400 SF office | |
| Medical Office Building Reconstruction 08-185-OA, -DP | 5333 Hollister Ave | 065-090-023 | MOB: 40,000 SF existing 52,000 SF proposed 12,000 SF net new | Pending |
| Mariposa at Ellwood Shores 07-217-DP et al | 7760 Hollister Avenue | 079-210-057 | 70,510 SF assisted living facility (99 residents) | Pending |
| Goleta West Sanitary District 07-223-DP | Devereux Creek – Phelps Road | GWSD easement area | Trunkline Project | Pending |
| Schwan Self Storage 07-229-DP | 10 S. Kellogg Avenue | 071-090-082 | 111,730 SF self-storage facility | Pending |
| Shelby Trust 05-154-GP, -RZ et al | 7400 Cathedral Oaks Road | 077-530-019 | 68 residential units | Pending |
| Winchester Commons HOA 08-029-TPM, -DP RV | 7960 Winchester Circle | 079-730-039 | 1 SFD (conversion of child care center) | Pending |
| Jordano's Master Plan 08-109-GPA, RZN, OA, LLA, FDP | 5305 and 5324 Ekwil/550 S Patterson | 065-090-029, -034, -036 | 5324 Ekwil: 6,680 SF office existing (to be removed) 51,080 SF warehouse proposed 7,520 SF office proposed 5305 Ekwil 67,780 SF warehouse existing 11,320 SF office existing Convert 1,600 SF warehouse to office 2,880 SF office proposed | Pending |

| PROJECT | LOCATION | APN | DESCRIPTION | STATUS |
|---|--|---|---|----------|
| | | | Net Change 49,480 SF warehouse new 5,320 SF office new | |
| Willow Springs II 08-128-GPA, - SPA, -VTM, -DP, -CUP, -Lot Merger, - DRB | Camino Vista e/o Los Carneros Road | 073-060-044, -045, -046, -047, -048 | 100 residential units | Pending |
| Village at Los Carneros II 08-132-RZ, - VTM, -DP, -DRB | Adj. to 71 South Los Carneros Road | 073-330-026, -028, -029 | 279 residential units | Pending |
| Westar 08-143-GPA | Hollister Avenue n/w of Glen Annie Road | 073-030-020 073-030-021 | 297 residential units 85,000 SF retail | Pending |
| Towbes Bank/Office 08-196-GPA, - RZ, -DP et al | 6900 Hollister Avenue | 073-140-006 | 8,590 SF bank/office | Pending |
| Camino Real Marketplace - Skating Facilities 95-DP-026 | Santa Felicia Drive | 073-440-022 | 46,000 SF ice rink 17,000 SF roller rink | Approved |
| Robinson LLA- related lots | Baker, Violet and Daffodil Lanes | 077-141-053, 077-141-070 et al | 13 units (6 approved and 7 under construction) | Approved |
| Cabrillo Business Park 37-SB-DP 08-107-DP AM | 6767 Hollister Avenue | 073-450-005 | Business Park with new structures totaling 707,100 SF (R&D, self storage, onsite service related uses) | Approved |
| Village at Los Carneros 03-050-TM, -DP, etc. | S. Los Carneros Road Cortona/Castilian Drives | 073-330-024 & 073-330-027 | 275 residential units | Approved |
| Housing Authority Braddock House 05-059-PM; DP AM02 | 5575 Armitos Avenue | 071-090-085 | Division of 2.43 acres into two parcels of 2.19 and 0.24 acres; addition of 1 new assisted living unit (4 rooms; Braddock House 2,755 SF); Miller Community | Approved |

| PROJECT | LOCATION | APN | DESCRIPTION | STATUS |
|---|----------------------------------|---|--|--------------------|
| | | | Center 1,536 SF | |
| Fairview Gardens 08-111-CUP | 598 N. Fairview Avenue | 069-090-052 | 5 units for farm-worker housing; 2 accessory yurts | Approved |
| Rincon Palms Hotel 07-020-RZ, -DP | 6868/6878 Hollister Avenue | 073-140-004 | 59,600 SF hotel (112 rooms) 6,000 SF restaurant | Approved |
| Camino Real Marketplace Best Buy Expansion 08-075-DP AM | 7090 Marketplace Drive | 073-440-013 | 7,770 SF retail expansion | Approved |
| Rancho Mobile Home Park Subdivision (Guggenheim) 05-140-TM | 7465 Hollister Avenue | 079-210-058 | Subdivision of a 17.84 acre rental mobile home park property (150 <u>existing</u> mobile homes). | Approved |
| Marriott Residence Inn 07-007-RZ, -DP | 6300 Hollister Avenue | 073-050-020 | 99,824 SF hotel (140 rooms) | Approved |
| Goleta Valley Cottage Hospital 07-171-OA, -DP, -DRB | 334 and 351 S. Patterson Avenue | 065-090-022 065-090-028 | Hospital: 93,090 SF existing 152,925 SF proposed 59,835 SF net new | Approved |
| Camino Real Hotel 07-208-DP et al | 401 Storke Road | 073-440-019 | 73,828 SF hotel (99 rooms) | Approved |
| Towbes/ATK 08-157-OA, -DP RV | 600 Pine Avenue | 071-130-040 | 25,026 SF addition to an existing research park building | Approved |
| Quixote Fund 00-DP-030 | 275 Mathilda Drive | 079-554-009 | 2 residential units | Under Construction |
| Robinson LLA-related lots | Baker, Violet and Daffodil Lanes | 077-141-053, 077-141-070 & others | 13 residential units (6 approved and 7 under construction) | Occupied |
| Hampton Inn; Willow Creek 63-SB-RZ, TM, DP 04-223-LUP 05-022-LUP | 5665 Hollister Avenue | 071-130-059, -060 | 53,892 SF 98-room hotel 998 SF retail/commercial space 37 residential units | Occupied |

| PROJECT | LOCATION | APN | DESCRIPTION | STATUS |
|--|-----------------------------------|----------------------------|---|------------------------------------|
| RV01 | | | | |
| Comstock Homes 67-SB-TM | 7800 block of Hollister Avenue | 079-210-067 | 62 residential units | Under Construction /Occupied |
| Live Oak Unitarian Church Phase 2 92-CP-066 | 820 N. Fairview Avenue | 069-070-028 | 2,996 SF sanctuary; 316 SF restroom facility | Occupied |
| Nuovo Edificio 28-SB-DP | 747 S. Kellogg Avenue | 071-170-068 | 3,635 SF industrial building | Occupied |
| Fairview Corporate Center 74-SB-DP | 420 S. Fairview Avenue | 071-130-057, -061, -062 | 73,203 SF M-RP building | Under Construction |
| Sumida Gardens 07-052-DP et al 08-065-LUP | 5501 Overpass Road | 071-330-012 | 200 residential units | Approved |
| Stokes Industrial Building 02-084-DP | 750 Technology Drive | 071-170-084 | 5,000 SF industrial building | Approved |

Source: City of Goleta Planning and Environmental Services Cumulative Development Projects List (Major Projects), April 2009.

APPENDIX C

Environmental Hearing Minutes



Environmental Hearing MINUTES

Wednesday, February 18, 2009, 6:00 P.M.

GOLETA CITY HALL
130 CREMONA DRIVE, SUITE B, GOLETA, CALIFORNIA

Environmental Hearing Officer
Steve Chase

A. CALL MEETING TO ORDER AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Current Planning Manager Patricia Miller.

Staff present: Director of Planning and Environmental Services Steve Chase, Current Planning Manager Patricia Miller, and Recording Clerk Linda Gregory.

B. PUBLIC HEARING

B-1. Taylor Tentative Parcel Map; 590 North Kellogg Avenue; APN 069-100-003; 05-053-TPM.

The applicant proposes the subdivision of the existing 1.91 acre parcel into four parcels ranging in size from approximately 0.35 to 0.82 gross acres. Access would be from North Kellogg Avenue and Camino Contigo. Water would be provided by the Goleta Water District and wastewater collection would be provided by the Goleta Sanitary District.

The Draft EIR has been prepared pursuant to the requirements of the State and local Guidelines for the implementation of the California Environmental Quality Act (CEQA). The Draft EIR identifies and discusses potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. Potentially significant effects on the environment are anticipated in the following areas: **aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, and utilities and services systems.**

Patricia Miller, Current Planning Manager, announced that she will be acting as the Environmental Hearing Officer at the hearing today. She stated that the purpose of the hearing is to receive verbal and written comments on the adequacy of the Draft EIR. She advised that the deadline for submitting written comments is March 2, 2009, at 5:30 p.m. She stated that Senior Planner Scott Kolwitz, who is the staff planner for this project, will

Environmental Hearing - Minutes

February 18, 2009

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be the contact person. She noted that there is a sign-up sheet in the lobby for interested persons who are not already on the list to receive notices.

Patricia Miller, Current Planning Manager, opened the public hearing portion of the meeting at 6:35 p.m.

Speakers:

Treva Young, 5504 Huntington Drive, stated that she will be representing herself and the NOTTS (Neighbors Opposing the Taylor Subdivision), who are also in attendance at this hearing. She began her comments with the following statement: "We have read the DEIR and we agree with the result – that the environmentally superior alternative is a 2-parcel split consisting of the main house and one house on the Kellogg side of the Taylor property. However, this conclusion was reached solely because of the Class 1 Hazard of the power lines that run the length of the northern border of the Taylor property. While we agree that no new residences should be built in the high EMF zone of Proposed Parcel 2, we also contend that there are other impacts that deserve a rating of Class 1 – Significant and Unavoidable." (Note: Treva Young submitted the written script for her presentation entitled "Script for DEIR Taylor Hearing, February 18, 2009", which has been placed in the project file.)

Treva Young proceeded to play the DVD that she submitted entitled "Neighbors Opposing the Taylor Subdivision – Hear the Neighbors Concerns". She stated that the DVD was also submitted to the City in October 2006 for the public hearing on the Taylor Tentative Parcel Map Draft Mitigated Negative Declaration. At the conclusion of the DVD, Treva Young stated that proposed Parcel 2 is a piece of land whose uniqueness can only truly be appreciated by seeing it in person and that all the neighbors invite City staff to come see it from their yards. She further stated that they hope to convey today its uniqueness with the DVD and with a PowerPoint and aerial photographs that she presented next.

Treva Young's comments during the PowerPoint and slide presentation included the following concerns regarding the proposed project: a) even with the removal of central Oak trees in 2003, the remaining Oak trees form both the view for the surrounding properties and the canopy for the neighbors' backyards; b) the trees of the Taylor property are an extension of the trees along San Jose Creek riparian corridor and as such they are very important to wildlife and should be recognized in the EIR; c) removal of huge old Oak trees removes nesting areas for decades or longer; d) exterior lighting of any kind and noise will do irreparable harm to the presence of wildlife; e) the proposed floor area ratios and building heights are out of character with the surrounding neighborhood; f) the difference between the north boundary and the south boundary of proposed Parcel 2 will result in an 18" slope; g) a two-story residence on proposed Parcel 2 will look into neighbors' yards, creating noise, lighting, and affecting privacy; h) the increase in hardscape affects drainage and has an effect on neighboring properties to the east and south; i) drainage is paramount to the Oak trees on proposed Parcel 2, thus the installation, maintenance and possibility of overflow from the bioswale and biobasin/detention basin, as well as the regrading of the land, are detrimental to the Oak trees; j) the Camino Contigo/Kellogg Avenue intersection is not a superior alternative to

Environmental Hearing - Minutes

February 18, 2009

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using the original Taylor driveway that has been in use for years; k) the residents of Camino Contigo have an expectation that the street would remain a dead-end street; l) adding a primary residence with a secondary resident of such large square-footage raises the concern for parking spilling out onto Edison Road; m) simply waiting until the underground fuel tank is encountered during construction is not a mitigation; and n) the EMF hazard for new residences was admirably covered in the DEIR.

Treva Young summarized at the conclusion of her presentation that the members of NOTTS believe that the impacts of development on proposed Parcel 2 are significant and unmitigatable. She stated that the EIR needs to be written to properly address these impacts. She submitted a letter dated February 9, 2009, covering changes that the members of NOTTS believe need to be made to the DEIR. Treva Young also stated that since the Taylor Subdivision has been proposed, not a single person has come forth in opposition to building on the Kellogg side of the Taylor property, yet with regard to the development of proposed Parcel 2, every neighbor whose property adjoins it, and every neighbor on Camino Contigo, in all ten residences, have written letters, attended meetings and are here tonight to once again say "no".

Bruce Burke, representing Randy Taylor, property owner, stated that he believes that staff provided a fair and accurate analysis of the project, and that they are happy with the analysis. He commented that the process has been long and that they have worked closely with staff. He stated that Randy Taylor would like to hold any further comment until he reviews the letter that was submitted by Neighbors Opposing the Taylor Subdivision (NOTTS), dated February 9, 2009, Re: Taylor Tentative Parcel Map Case No. 03-053-TPM (09-EIR-001).

Patricia Miller, Current Planning Manager, asked if anyone else wished to speak.

There was no response.

Documents and Materials: 1) DVD entitled "Neighbors Opposing the Taylor Subdivision – Hear the Neighbors Concerns". 2) Letter dated February 9, 2009, from NOTTS (Neighbors Opposing The Taylor Subdivision), Re: Taylor Tentative Parcel Map Case No. 03-053-TPM (09-EIR-001), with attachments. 3) Letter from Karen E. Little, Michael J. Little, and Kevin M. Little, dated February 18, 2009, in protest of the proposed subdivision and development of the Taylor property which lies directly behind their property.

Current Planning Manager Patricia Miller closed the public hearing portion of the meeting at 7:04 p.m.

Patricia Miller, Current Planning Manager, provided an overview of the review process that will follow this hearing. She stated that the noticing will be in the same manner as was done for the previous meetings. She noted that written comments must be received by March 2, 2009, at 5:30 p.m.

C. ADJOURNMENT: 7:11 P.M.

APPENDIX D

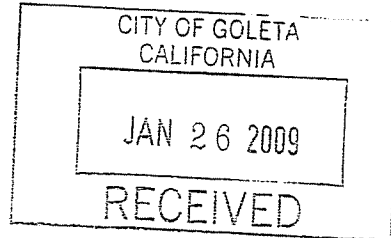
Public Comment Letters and Response to Comments

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



January 20, 2009



Scott Kolwitz
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: SCH#2008051092 Taylor Tentative Parcel Map Environmental; Impact Report; Santa Barbara County

Dear Mr. Kolwitz;

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ A-1 Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ A-2 If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ A-3 Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ A-4 Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,
Katy Sanchez
Katy Sanchez
Program Analyst

CC: State Clearinghouse

Native American Contact
Santa Barbara County
January 20, 2009

| | | | |
|--|-----------------------------------|---|---------|
| Ernestine DeSoto 1027 Cacique Street, #A Santa Barbara , CA 93103 (805) 962-3598 | Chumash | Julie Lynn Tumamait 365 North Poli Ave Ojai , CA 93023 jtumamait@sbcglobal.net (805) 646-6214 | Chumash |
| Beverly Salazar Folkes 1931 Shadybrook Drive Thousand Oaks , CA 91362 805 492-7255 (805) 558-1154 - cell folkes9@msn.com | Chumash Tataviam Feñnandeño | Patrick Tumamait 992 El Camino Corto Ojai , CA 93023 (805) 640-0481 (805) 216-1253 Cell | Chumash |
| Owl Clan Dr. Kote & Lin A-Lul'Koy Lotah 48825 Sapaque Road Bradley , CA 93426 (805) 472-9536 | Chumash | San Luis Obispo County Chumash Council Chief Mark Steven Vigil 1030 Ritchie Road Grover Beach , CA 93433 cheifmvgil@fix.net (805) 481-2461 (805) 474-4729 - Fax | Chumash |
| Santa Ynez Band of Mission Indians Vincent Armenta, Chairperson P.O. Box 517 Santa Ynez , CA 93460 varmenta@santaynezchumash.org (805) 688-7997 (805) 686-9578 Fax | Chumash | John Ruiz 1826 Stanwood Drive Santa Barbara , CA 93103 (805) 965-8983 | Chumash |

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008051092 Taylor Tentative Parcel Map Environmental Impact Report; Santa Barbara County.

Native American Contact
Santa Barbara County
January 20, 2009

Gilbert M. Unzueta Jr.
571 Citation Way
Thousand Oaks , CA 91320
(805) 375-7229

Chumash

Randy Guzman - Folkes
4577 Alamo Street, Unit C
Simi Valley , CA 93063
ndnrandy@hotmail.com
(805) 905-1675 - cell

Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

Diane Napoleone and Associates
Diane Napoleone
6997 Vista del Rincon
La Conchita , CA 93001
dnaassociates@sbcglobal.net

Chumash

Coastal Band of the Chumash Nation
Janet Garcia, Chairperson
P.O. Box 4464
Santa Barbara , CA 93140
805-964-3447

Chumash

Stephen William Miller
189 Cartagena
Camarillo , CA 93010
(805) 484-2439

Chumash

Charles S. Parra
P.O. Box 6612
Oxnard , CA 93031
(805) 340-3134 (Cell)
(805) 488-0481 (Home)

Chumash

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Chumash

Santa Ynez Band of Mission Indians
Sam Cohen, Tribal Administrator
P.O. Box 517
Santa Ynez , CA 93460
(805) 688-7997
(805) 686-9578 Fax

Chumash

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Native American Contact
Santa Barbara County
January 20, 2009

Carol A. Pulido
165 Mountainview Street
Oak View , CA 93022
805-649-2743 (Home)

Chumash

Melissa M. Para-Hernandez
119 North Balsam Street
Oxnard , CA 93030
805-988-9171

Chumash

This list is current only as of the date of this document.

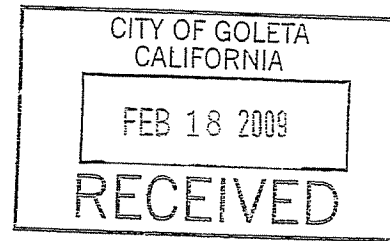
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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008051092 Taylor Tentative Parcel Map Environmental Impact Report; Santa Barbara County.

Letter A- Native American Heritage Commission letter received January 26, 2009

- A-1: A Phase 1 Archaeological Resources Report was prepared for the Draft EIR, which included contacting the appropriate regional archaeological Information Center (California Archaeological Inventory Central Coast Information Center, University of California, Santa Barbara) for a records search.
- A-2: The professionally prepared Phase 1 Archaeological Resources Report provided a detailed Archaeological and Ethnographic Background, Archaeological Records Search, Field Investigations/Results (findings) and Conclusions (recommendations). The Phase 1 Archaeological Resources Report was sent to the California Archaeological Inventory Central Coast Information Center, University of California, Santa Barbara within 3 months after work on the Phase 1 Archaeological Resources Report had been completed.
- A-3: The City of Goleta (the lead agency) did request for a Sacred Lands File check to be conducted on the project site. In addition, the United States Geological Survey 7.5 minute Goleta Quadrangle has been attached to the FEIR and identifies the project location. The Sacred Lands File check determined that the project site does not occur upon sacred lands.
- A-4: Mitigation is required in the event archaeological remains are encountered during grading, which includes immediately stopping or redirecting work until a City of Goleta approved archaeologist and Native American representative are retained to evaluate the significance of the find pursuant to a Phase 2 and/or Phase 3 investigation/mitigation program.

Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117



Attn: Scott Kolwitz and Patricia Miller

February 9, 2009

Re: Taylor Tentative Parcel Map Case No. 03-053-TPM (09-EIR-001)
To: City Council, Planning Commission, and Planning and Environmental Services

We, the Neighbors Opposing the Taylor Subdivision (NOTTS), have read the DEIR and we agree with the result – that the environmentally superior alternative is a 2-parcel split consisting of the main house and one house on the Kellogg side of the Taylor property. However, the DEIR reached this conclusion solely because of the Class 1 Hazard of the electromagnetic fields (EMF) from the power lines that run the length of the northern border of the Taylor property. While we agree that no new residences should be built in the high EMF zone of Proposed Parcel 2, we also contend that there are other impacts that deserve a rating of Class 1 - Significant and Unavoidable.

▲
□
▼
This project actually began in the winter of 2002-2003 when the huge oaks in the center of Proposed Parcel 2 were cut down. Subsequent to that initial preparation, the original subdivision application was submitted in April of 2003, which proposed subdividing the Taylor property into four parcels. As stated in the DEIR (page 1-2), “After extensive review by the City of Goleta staff, it was determined that the loss of native trees resulting from the build-out on three new parcels would be in substantial conflict with City policies regarding protection of native and specimen trees to the greatest extent feasible. To address these concerns, the applicant revised the proposed subdivision in February of 2006, eliminating one of the two lots previously proposed along Kellogg...” A Draft Mitigated Negative Declaration was written and a public hearing was held on the three-parcel proposal in October of 2006. Much information was presented at that hearing by the Neighbors Opposing the Taylor Subdivision (NOTTS) and many insightful comments were made by the City Council acting as Planning Agency. The Taylors resubmitted the four parcel plan in June of 2007. There have been changes made to the plan that incorporate a cul-de-sac and which slightly change the boundaries of the four parcels, but throughout the entire time from early 2003 until today, one thing remains the same - if it wasn't for Proposed Parcel 2, this plan would have no objectors. While every property owner surrounding Proposed Parcel 2 as well as all those facing Camino Contigo oppose the subdivision resulting in Proposed Parcel 2, not a single voice has been raised in opposition to developing the Kellogg side of the property.

Reviewing the tape of the MND Hearing of October 9, 2006, I was reminded of the intent that the next document, whether it be a new MND or an EIR, was to serve: 1) to gather more information; 2) to incorporate public comment; 3) to thoroughly evaluate impacts and mitigations, and 4) to examine alternatives in an in-depth manner.

▲
B-2
▼
Regarding the gathering of more information, although it has been more than two years since the October 2006 MND Hearing, the Wildlife information contained in the DEIR is still that from the May 19, 2004 Biological Assessment prepared by Watershed

Environmental where a one-time site visit resulted in a list of nine birds. Even though a more complete list was given the City in Karen Little's September 29, 2006 letter, this information was not used in the DEIR, nor was new information sought from an outside source. At the October 2006 Hearing, neighbor Cecelia Brown said, "The Environmental Section of the MND does not do justice to the amount of wildlife in this area, particularly the birds. Mr. Garza made one citing on one day but there is significant bird activity. In fact, this area is a noted bird watching area particularly during the spring and fall migrations. And although this Oak Woodland is not recognized as such, the canopy of these trees is an extension of the San Jose Creek riparian corridor. So, they are very important in that way and there should be further recognition of its contribution to this particularly significant area." At that same October 2006 Hearing, Planning Agency Member Jonnie Wallis expressly requested expanding the wildlife description.

For the most part, public comment letters, as well as information presented at the MND Hearing, was incorporated into the DEIR, but in every case, standard mitigation measures were applied to the impacts and the cookie-cutter stamp of "less than significant" impact is the result displayed. A truly thorough evaluation of impacts and mitigations was not carried out. The EIR still needs that.

Some very good comments were made by Planning Agency members at that October 2006 Hearing. This information should be included in the EIR and used toward evaluation of impacts, mitigations and alternatives.

Jack Hawxhurst, the Planning Agency Chairman at the time, made the observation "When I step back from all the impacts and all the public testimony, what I see is Site 2 (Proposed Parcel 2) is the cause of that. Site 3 (proposed Parcel 3 of the MND) doesn't create many of the impacts that are documenting many of the mitigation measures. It is the act of creating a structure on Site 2 (Proposed Parcel 2)." Additionally he stated that the MND was "stretched for three parcels so it would have been even more difficult to imagine a four parcel split". He went on to say that the maximum Floor-Area-Ratios were used on the Taylor proposal and that those were out of character with the rest of the neighborhood.

Jack Hawxhurst said, "I think we may be under estimating the aesthetic impacts of a 3000 square-foot-plus, two-story high structure with a potential second residential unit in addition." "The mitigation measures are underwhelming" "The building envelope process is not restrictive enough." He said that you cannot have a big house with a bunch of little oaks around it. "It is really that Lot 2 (Proposed Parcel 2) and all of its associated infrastructure and drainage issues and impacts on the street in the county that make me learn toward an EIR. Mitigating offsite does not mitigate the impacts for abutting properties. If we are talking about a two lot split (without Proposed Parcel 2) as opposed to a three lot split, I think the driveway would stay in the same location, more or less, and so we would have a couple more trips onto Kellogg as opposed to any trips going the other way (out on to Camino Contigo)...I saw those turns and I am not convinced there is a worse site-distance problem at the driveway in its current location than it is from the road (Camino Contigo) that some of these folks live on."

So the EIR was originally "leaned toward" because of the environmental impacts (Aesthetic, Biological, Hydrological, Traffic, Hazards, etc) brought before the Planning Agency at the MND Hearing regarding Proposed Parcel 2. With so much presented, it is

truly amazing that the findings can still appear in the DEIR as “less than significant” after mitigations.

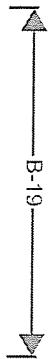
Our concerns remain:

Aesthetics

- Visual impact to surrounding neighbors’ views. These views are of the oaks on the Taylor property. Removing these oaks and replacing with small oaks does not mitigate the loss of views to “less than significant”.
B-6
- Impact of a two-story residence on Proposed Parcel 2 looking into neighbors’ yards, creating noise, lighting, and affecting privacy that will forever change the neighbors’ backyards. This is not mitigatable to a level of “less than significant”.
B-7
- Because there is a slope differential between the neighbors and Proposed Parcel 2 any house built on Proposed Parcel 2 would appear as a three-story house to neighbors. This is only mitigatable by not building on Proposed Parcel 2.
B-8
- Building envelopes drawn are simply the maximum allowed by law. No special consideration has been given to the oaks and slopes of this particular project. Holding to these does not mitigate to a level “less than significant”.
B-9
- The Floor-Area-Ratios and building heights applied are the maximum. These are out of character with the surrounding neighborhood. Holding to these does not mitigate to a level “less than significant”.
B-10
- Exterior lighting of any kind will do irreparable harm to the presence of wildlife and thus alter the character of the neighbors’ backyards.
B-11

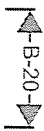
Biological

- Building envelopes drawn are simply the maximum allowed by law. No special consideration has been given to the oaks and slopes of this particular project. Holding to these does not mitigate to a level “less than significant”.
B-12
- In addition to allowing development within the oversized building envelopes, there will be construction of new driveways, the cul-de-sac, the bioswale, and biobasins outside of the building envelope. Holding to the plan does not mitigate to a level “less than significant”.
B-13
- Drainage is paramount to the stately border oaks of Proposed Parcel 2. Thus the installation, maintenance and possibility of overflow from the bioswale and biobasin/detention basin, as well as the regrading of the land, are detrimental to the life of any surviving oaks or new oaks planted. Holding to the plan does not mitigate to a level “less than significant”.
B-14
- Removing huge old oaks removes nesting areas for decades or longer. Replacing huge old oaks with lots of small oaks is not a mitigation that results in a level of “less than significant”.
B-15
- Exterior lighting of any kind will do irreparable harm to the presence of wildlife, especially nesting birds. These long-term impacts are not mitigatable.
B-16
- Noise generated from new residences will forever do irreparable harm to the presence of wildlife, especially nesting birds. These long-term impacts are not mitigatable.
B-17
- The fact that the oaks on the Taylor property are a form of Oak Woodland and should be recognized as such.
B-18



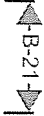
- Nearly the entire proposed building envelope on Proposed Parcel 2, currently an open area, was covered in huge, healthy oaks, which were removed in early 2003 just months before the Taylor application was submitted to the City in April 2003. Granting construction on Proposed Parcel 2 would be rewarding the Taylors for removing the oaks. Although we have been told that no ordinances were violated by removal of the oaks on Proposed Parcel 2 prior to application for subdivision, the fact that this removal occurred in the location of the proposed building envelope just prior to application submittal speaks to the Taylor’s knowledge that leaving the oaks there would have most certainly adversely affected their ability to gain approval to build on Proposed Parcel 2

Hydrology

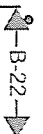


- Increase in hardscape affects drainage and has an affect on neighboring properties to the east and south. This is not mitigated to a level of “less than significant” by the use of a detention basin.

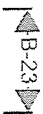
Traffic



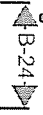
- The site-distance problem at Camino Contigo/Kellogg intersection makes it not a superior alternative to using the original driveway that has successfully served the Taylor property for decades.



The residents of Camino Contigo have an expectation that theirs would remain a dead-end street. Opening it up puts the rights of the Taylors over the rights of the four families on Camino Contigo. Obtaining an encroachment permit does not mitigate this to a level of “less than significant”.

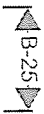


- Creating a cul-de-sac at the end of Camino Contigo, as drawn, would mean that the rights of the Taylors and the importance of their subdivision would be put above the rights of the property owner at 5514 Camino Contigo.



Adding a primary residence with a secondary residence of such large square-footage raises the concern for parking spilling out onto the Edison Road and Camino Contigo.

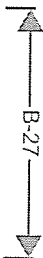
Hazards



- The underground fuel tank mentioned in the NOTTS DVD and the Jeff Kuhns letter submitted to the City in October 2006. Simply waiting until it is encountered during construction is not a mitigation.



EMF for new residences – which was admirably covered in the DEIR.



On page one of the DEIR it is stated, “This EIR describes the impacts and significant environmental effects of the proposed subdivision of land and possible construction of residential units, identifies possible ways to minimize the significant effects and proposes project alternatives that would reduce or eliminate these impacts”. Since it is the stated intention of the Taylors to construct residential units (on DEIR page 1, paragraph 2), the word “possible” that occurs before “construction” should be removed from the quoted sentence.

From this quoted sentence one would assume that there are known impacts and that alternatives will be clearly outlined in this document. But when we turn to Section 6.0 "Alternatives" all we see is that each alternative is labeled as being "substantially the same". Having all alternatives labeled as "substantially the same" flies in the face of all the letters that have been written by the surrounding neighbors and is even contrary to the final conclusion of the DEIR itself. That final conclusion is that the environmentally superior alternative is a two-parcel split that doesn't build on Proposed Parcel 2. While that conclusion has the outcome that we desire, we want the basis for this to be well documented and not to simply be based on one impact. **Thus, the rest of this document is dedicated to the scrutinizing of the DEIR.**

B-28

The following comments on content are listed in order of occurrence in the DEIR.

Page 1-4 "the cul-de-sac would be completed subject to additional development and permits on the parcel to the north (APN-069-265-005)." A cul-de-sac was required by the fire department for proper access to Proposed Parcels 1 and 2, in the event that Camino Contigo be opened and used. The cul-de-sac, as drawn, is not entirely on the Taylor property. It is drawn to include portions of the Edison access road as well as a portion of the property at 5514 Camino Contigo. Under no circumstances should this proposal be considered. This infringes on the rights of both the current and future property owners of 5514 Camino Contigo. The plan affects the current owner in that it becomes a point requiring disclosure at sale that would most certainly adversely affect the property value. It affects the future property owner in that a corner of the property would be given up to the construction of the cul-de-sac in the future. To allow this cul-de-sac to be approved, as drawn, would mean that the rights of the Taylors and the importance of their subdivision would be put above the rights of the property owner at 5514 Camino Contigo. This is intolerable and, most certainly, opens the City of Goleta up to a lawsuit.

B-29

Section 3.1 Aesthetics

On page 3.1-1, "There are no public views into the site from the east and south side of the property." Actually, the public view from the east is the view from Huntington Drive of the oak canopy. The neighbors to the north, south and east of Proposed Parcel 2 have views into the property and those views are dominated by the oaks.

B-30

Figure 3.1-1 shows the elevation plan of the proposed house on Proposed Parcel 2 when viewed from the south. The EIR also needs to contain the elevation view of this proposed house from the east.

B-31

Page 3.1-4 "Existing contours on proposed Parcel 2... Finished grade would range from 81 - 88 feet and conceptual finished floor of the structure would be approximately 83-93 feet." The finished floor of the house at 5504 Huntington Dr is about 80 feet. Since, the finished house on Proposed Parcel 2 can be 25 feet high, this would appear as 28ft high from adjacent properties to the east and south. The width of the proposed house would extend nearly the entire length of the properties on both the east and south such that the proposed house on Proposed Parcel 2 would fill the view from the adjacent back yards both horizontally and vertically.

B-32

▲ Impact Aes-1
B-33
▼ "...if not integrated appropriately into the neighborhood with adequate treatment of design, scale, character, grading and landscaping could result in a potentially significant aesthetic impact." Actually, building on Proposed Parcel 2 of any type would so alter the existing character of the property that it would be a completely unmitigatable event.

▲ Mitigation measure AES-1 does not mitigate. The building envelope for proposed parcel 2 is simply a set back from property lines as would be the case with any piece of land completely devoid of vegetation. However, Proposed Parcel 2 has oak trees that will be destroyed if these huge building envelopes are maintained.
B-34
▼

▲ Mitigation measure AES-2 does not mitigate. Using the maximum square footage under existing City of Goleta floor-area-ratios results in a huge structure that is totally out of character with the surrounding houses. After mitigations, this does not become a "less than significant" impact.
B-35
▼

▲ Impact Aes-4
B-36
▼ 40 of 78 (51%) of the healthy coast live oak trees on the site and would be subject to either direct or indirect loss or adverse impacts as a result of future development. (26 direct and 14 indirect mature trees being removed). This is a significant impact, which is unmitigatable by planting many small trees.

▲ Mitigation measure AES-10 refers to the incorporation of the "Oak Tree Protection & Replacement Plan identified as a Biological Resources mitigation measure", but the Oak Tree Protection & Replacement Plan is simply Bill Spiewak's "Oak Assessment and Protection Plan for Taylor Subdivision" and does not go far enough to protect the oaks.
B-37
▼

▲ Impact Aes-7
B-38
▼ Proposed new plantings of trees (between 140 and 168) would not be of the same height and density of the landscaping that would be displaced or removed "This impact would be temporary, but could exist for a number of years. Hence this impact is considered potentially significant." We maintain that planting small oaks after removing large oaks is a significant impact, not just a potentially significant impact. Removal of huge old oaks is not mitigated by planting baby oaks because benefit will not be realized by neighbors in their lifetime and the many birds that live and winter in those mature trees will not return in the neighbors' lifetime.

▲ Section 3.3 Biological Resources
B-39
▼ On page 3.3-1, under "Coast Live Oak", "The Coast Live Oak community on the property is not considered an oak woodland because the understory vegetation is almost entirely non-native and the total area of contiguous oak tree canopy is less than 1-acre in size. It is also understood that this Coast Live Oak community is fragmented from the San Jose Creek ecosystem." This narrow definition of "oak woodland" neither takes into consideration the highly invasive nature of the ivy that grows on the Taylor property nor the fact that the oaks on the Taylor property are part of the much greater "oak

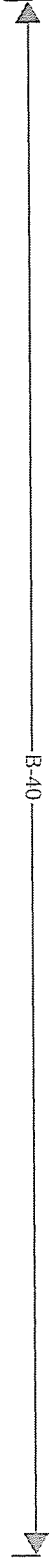
woodland' of the San Jose creek area. Look at any map of the area and it can easily be seen that the oaks of the Taylor property are part of the larger oak woodland that follows San Jose creek and the Edison access road to the Taylor property. Indeed the Taylor oaks are the upslope peripheral oaks to the San Jose Creek riparian woodland.

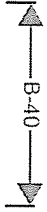
The statement that "the understory vegetation is almost entirely non-native" does nothing to recognize the fact that the understory of the Taylor oaks is predominantly English Ivy (*Hedera helix* L.), which is a non-native, highly invasive species of coastal forests and riparian areas, according to the California Invasive Plant Inventory <http://www.cal-ipc.org/ip/inventory/pdf/Inventory2006.pdf>. Bluntly, this area is still an oak woodland even though it has a highly invasive plant, English Ivy, in the understory. Ecology is more than just the protection of endangered species. It is the distribution and abundance of life and the interactions between organisms and their environment. It is obvious that the animals and birds consider the oaks on the Taylor property part of the larger San Jose creek oak woodland.

On page 3.3-2 "Wildlife"

"The only wildlife observed on the property were birds and western fence lizards. Birds included mockingbird, bushtit, California towhee, Bewick's wren, yellow rump warbler, western scrub jay, American crow, acorn woodpecker, and Anna's hummingbird." This short list of birds does not do the area justice. Here is a much more comprehensive list from the neighbor, Audubon member and Bird Guide, Nancy States, who has lived adjacent to the Taylor property for 27 years and who is proficient at birding.

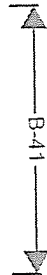
1. Cooper's Hawk
2. Sharp-shinned Hawk
3. Red-shouldered Hawk
4. American Kestrel
5. Zone-tailed Hawk
6. Calif. Quail
7. Band-tailed Pigeon
8. Rock Dove
9. Mourning Dove
10. Eurasian Collared Dove
11. Great Horned Owl
12. Pygmy Owl
13. Western Screech Owl
14. Black-chinned Hummingbird
15. Anna's Hummingbird
16. Allen's Hummingbird
17. Calliope Hummingbird
18. Rufous Hummingbird
19. Northern Flicker
20. Red-breasted Sapsucker
21. Downy Woodpecker
22. Hairy Woodpecker

- 
23. Acorn Woodpecker
 24. Nuttall's Woodpecker
 25. Western Kingbird
 26. Western Wood Pewee
 27. Black Phoebe
 28. Willow Flycatcher
 29. Violet-Green Swallow
 30. Tree Swallow
 31. Scrub Jay
 32. American Crow
 33. Wrentit
 34. Oak Titmouse
 35. Bushtit
 36. White-Breasted Nuthatch
 37. House Wren
 38. Bewick's Wren
 39. Wood Creeper
 40. Ruby-crowned Kinglet
 41. Hermit Thrush
 42. American Robin
 43. Northern Mockingbird
 44. Cedar Waxwing
 45. Starling
 46. Hutton's Vireo
 47. Warbling Vireo
 48. Tennessee Warbler
 49. Orange-crown Warbler
 50. Nashville Warbler
 51. Black and White Warbler
 52. Yellow-rump Warbler
 53. Black-throated Gray Warbler
 54. Townsend's Warbler
 55. Hermit Warbler
 56. Wilson's Warbler
 57. Common Yellowthroat
 58. Black Headed Grosbeak
 59. Rufous -sided Towhee
 60. Brown Towhee
 61. Song Sparrow
 62. Lincoln's Sparrow
 63. House Sparrow
 64. Fox Sparrow
 65. Black-eyed Junco
 66. White Crowned Sparrow
 67. Northern Oriole
 68. Hooded Oriole

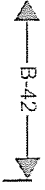


- 69. Western Tanager
- 70. Pine Sisken
- 71. American Goldfinch
- 72. Lesser Goldfinch
- 73. Purple Finch
- 74. House Finch

Impact BIO-1



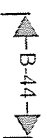
“However all specimen native trees, including coast live oaks, are protected under the City of Goleta’s General Plan due to the fact that they are considered a valuable resource supporting wildlife and providing significant visual amenities within the City of Goleta.” Since they are considered a valuable resource, the EIR should talk about not only the number of trees on the property at the time of project application, but also the trees that were removed just prior to application. Proof of this removal was presented at the meeting in October 2006 by Jeffrey Hemphill. Several large healthy oaks were removed from the property after 2001 and prior to applicant submission, leaving the large patch of bare ground that is apparent in more recent aerial photography. Those oaks stumps should be found and noted as they existed on the property and were specifically removed.



The Biological Assessment provided by Watershed Environmental on May of 2004 should be referenced. Table 3 shows that the coverage of Coast Live Oak is greatest for ‘Parcel 4’ which is the Proposed Parcel 2 of the most recent proposal. In fact, the 4576 sq ft mentioned is 87% of the total coast live oak coverage for the entire Taylor property.



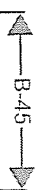
On page 3.3-3, “As of the date the project application was submitted to the City of Goleta, there were 78 healthy coast live oak trees on the property...” We would like this number to be broken out as to the number of trees on each proposed parcel.



Mitigation measure BIO-1

“Building envelopes shall be restricted to the areas shown on the Tentative Parcel Map” This is not a mitigation, as the building boundaries are as large as allowed by the City. This certainly does not lower the level to “less than significant”.

Impact BIO-2



On page 3.3-4, “...between 140 and 168 oak trees of varying sizes (1-gallon, 15-gallon, 24-inch box and 36-inch box) would be installed ...New landscaping may need several months to a few years to match pre-existing landscape conditions, and could present a noticeable change in comparison to undisturbed areas of surrounding residential neighborhoods.

We maintain that planting small oaks after removing large oaks is a significant impact, not just a potentially significant impact. Removal of huge old oaks is not mitigated by planting baby oaks because the neighbors will not see the benefit of this supposed mitigation in their lifetime and the many birds that live and winter in those mature trees will also not return in the neighbors’ lifetime.

Impact BIO-3

B-46

On page 3.3-5, long-term increase in noise and lighting from residences are significant impacts to wildlife. This cannot be considered “less than significant “after mitigation because the noise and light from people will permanently adversely affect wildlife. The only mitigation is to not develop (And the applicant is asking for 3 more dwellings not 2)

Mitigation measure BIO-1

B-47

On page 3.3-5, “Building Envelopes shall be restricted to the areas shown on the Tentative Parcel Map Information Sheet.” The building envelope shown for Proposed Parcel 2 is simply the standard setbacks. This does not serve to mitigate the destruction of the oaks on Proposed Parcel 2. Keeping to the building envelopes does not mitigate as the building envelopes are too large.

Mitigation measure BIO-2 ‘m’

B-48

On page 3.3-7, “The Plan shall identify appropriate onsite, and offsite if necessary, mitigation for any oak trees that are removed, unsuccessfully relocated, and/or damaged.” We disagree. Only onsite mitigation must be allowed.

Residual Impact

B-49

Page 3.3-7. We disagree that the measures listed would mitigate the impacts and make them less than significant.

Required Mitigation Measures GEO- 1

B-50

On page 3.5-5 3rd line “Special consideration should be given to the existing retaining wall along the southern property boundary.” More should be said here. Please clarify the retaining wall that is being mentioned. Is this the retaining wall believed constructed when the adjacent tract to the south was built? Also, please specify the “special consideration” that should be given.

Impact HAZ-1

“...a significant impact caused by EMF would occur if ‘New development is exposed to ELF magnetic fields equal to or greater than 2mG.’...The proposed land subdivision would locate more humans within EMFs exceeding 2mG. ... With implementation of mitigation measures below, the project’s contribution to these cumulative impacts would be considered a potentially significant and unavoidable impact (Class1). ...As one traversed the property from the northern property line south through three quarters of the property, readings ranged from 18.4mG to 4.1mG.”

“The proposed subdivision would locate more humans within EMFs exceeding 2.0mG. With implementation of mitigation measures... the contribution to these cumulative impacts would be considered a potentially significant and unavoidable impact (Class I).” Therefore, it should be explicitly stated that development shall not occur near the northern property line. Thus, no development on Proposed Parcel 2 would be allowed.

B-51

Page 3.10-1 “The proposed project would incorporate a new fire hydrant to be installed on the northeast corner of North Kellogg Ave/Camino Contigo intersection in

front of 5532 Camino Contigo” That corner is known by the residents of 5231 Camino Contigo to be the site of more than one accident. The most recent accident occurred in the spring of 2007 (a rollover). Knowing the history of accidents, placement of a fire hydrant at the proposed location could be seen as willful negligence on the part of the county.

B-53

Page 3.11-1 It would be helpful to mention, somewhere in the document or in a reference to another document, the definitions of LOS (level-of-service) A, B, C, and D. This might fit nicely under the “Regulatory Framework” heading on this same page.

B-54

Page 3.11-2 under “1)” The Table is confusing.

B-55

Page 3.11-2 under “3)” “Project adds traffic to a roadway... that has poor sight distance” This is the case with Camino Contigo. Page 3.11-3 under Impact TRANS-3 second paragraph it is stated, “The speed limit on North Kellogg Avenue changes from 25 miles per hour south of its intersection with Coralino Road to 35 miles per hour north of Coralino Road.” Since the intersection of Kellogg Avenue and Camino Contigo is 410 ft north of Coralino Road and around an approximately 60 degree curve, the egress from Camino Contigo at the Camino Contigo/Kellogg Ave intersection is dangerous. For that vehicle attempting to leave Camino Contigo, there is only about 150 ft visibility to see a car driving north on Kellogg. At 35 miles per hour (51.3 ft per second), 150 ft visibility gives only 3 seconds of visibility. That northbound car essentially traps the car attempting to emerge – unable to safely turn left or right. This should be addressed as an additional Traffic and Circulation Impact. The only reference to the problem at the Kellogg Ave/Camino Contigo intersection is on page 4-24 under TE 12.1 “Discussion” where it is stated that the City’s contract traffic engineer concluded that adequate sight distance is available at the Kellogg Ave/ Camino Contigo intersection. We believe that this was not adequately investigated.

B-56

Page 3.11-2 under “4)” “Project traffic would utilize a substantial portion of an intersection(s) capacity where the intersection is currently operating at acceptable levels of Service (A-C)...” This is the case with Camino Contigo. Currently Camino Contigo has 4 residences on this one-block-long street. Opening up the street to the traffic of the main house on the Taylor property adds 25% to the traffic. Adding the main house plus the additional 2 residences of Proposed Parcel 2 results in a 75% increase.

Section 6.0

B-57

Ordinarily, one familiar with a project would expect to turn to the “Alternatives” section of an EIR and get a clear idea as to alternatives to the proposed project. This is certainly not the case with the Taylor Tentative Parcel Map Draft Environmental Impact Report. Instead, turning to the Alternatives section results in confusion. The confusion starts with the way the alternatives are divided and continues when the alternatives are not only described but also analyzed prior to the Comparative Impact Table and the Analysis of Alternatives section. Section 6.2 “Alternatives” needs to be rewritten where the alternative projects are described without analysis.

Confusion arises with the division of the alternatives into 1.1, 1.2, and 2. Since 1.1 and 1.2 are actually different alternatives, they should be treated separately. Lumping

them together results in confusion and inaccuracies. The sentence in the paragraph at the top of page 6-3 "Vehicular ingress and egress would be provided off Kellogg via the existing driveway and Camino Contigo via the ... Hammerhead/driveway design" is not true. In the case of Alternative 1.1 the existing driveway is being abandoned and the proposed hammer head at the end of Camino Contigo would provide access to both the main house as well as Proposed Parcel 2. In the case of Alternative 1.2, the existing driveway is being abandoned. A new driveway is being built off of Kellogg to provide access to both PP3 and PP4 and the proposed hammer head at the end of Camino Contigo would provide access to only the main house as Proposed Parcel 2 would not exist. There is no reason to lump in the "Alternatives" section when these are treated as separate in both the Comparative Impact Table and the "Analysis of Alternatives" section.

Another source of confusion is the analysis of alternatives that occurs in the "Alternatives" section. Conclusive sentences like "When compared to the proposed projectwould result in similar impacts...." Should not be part of the "Alternatives" section. In the Alternatives section simply describe the three alternatives without analysis.

The next source of confusion encountered is the sentence, "Overall, however, this alternative would be expected to be substantially the same as the proposed project." This sentence is repeated at the end of every alternative in both Section 6.2 "Alternatives" and 6.3 "Analysis of Alternatives". First, this sentence does not belong in the "Alternatives" section as no conclusions should be drawn there. Second, what does this sentence mean? This alternative is expected to be the same in what manner as the proposed project? The same environmental impact? The same objective of the applicant to subdivide the property? These are very different! Rather than writing this sentence over and over, take the time to give a better explanation. Third, it is incorrect to end every alternative with "this alternative would be expected to be substantially the same" when there is information in the report, even in the analysis paragraph, showing that the alternatives are not all the same.

Figure 6-2 is very confusing. Either the figure itself needs to be updated to exclude proposed parcel 2 and the cul-de-sac or the title should be amended.

Figure 6-3 is also confusing. Either the figure itself needs to be updated to exclude proposed parcel 2, proposed parcel 3 and the cul-de-sac or the title should be amended.

The confusion continues with the first paragraph of page 6-4. "When compared to the proposed project, Alternative Project #2 (Two parcel project) would result in similar impacts in most environmental impact categories." That is not true and certainly not a good thesis sentence since the remainder of the paragraph goes on to say "...there would be two less primary residential units and potentially two less secondary residential units subject to a significant unavoidable adverse impact. Furthermore, by deleting two parcels, fewer oak trees would be impacted directly or indirectly and additional lands are available for on site oak tree replacement mitigation."

There are corrections needed to Table 6-1:

Aesthetics: Since Kellogg already has houses built all along it, whether there are one or two single-story houses added facing Kellogg makes no difference to the aesthetics of the neighborhood. The aesthetic impact to the neighborhood of building on Proposed Parcel 2 is much greater. Proposed Parcel 2 is literally in

B-64

the back yards of the neighbors. The view into the lot by the surrounding neighbors is of oaks. Due to the significant slope of Proposed Parcel 2 (88 ft to 81 ft) where adjacent neighbors to the east and south are actually at 81 ft or lower, building on Proposed Parcel 2 would be equivalent to putting a structure taller than a two story house in people’s backyards. Therefore both ALT 1.2 and ALT 2 have less impact (<) than the Proposed Project.

B-65

Biological Resources: Any construction on Proposed Parcel 2 destroys more oak trees than any other alternative (refer to Bill Spiewak’s Biological Report). So, while all alternatives to the Proposed Project have less impact to biological resources, certainly, ALT 2 (the main house plus only one additional parcel on the Kellogg side) is the most advantageous. This should be shown on the table. ALT 2 has much less impact (<<) than the Proposed Project.

B-66

Electromagnetic Fields: Locating only one new residence on proposed parcel 4 locates that new residence the furthest from the power lines and, thus, at the lowest ambient power frequency magnetic field environment on the Taylor property. Building on either Proposed Parcel 2 or PP3 would put new residences closer to power lines and thus at higher field levels. Therefore ALT 2 has less impact (<) than the Proposed Project.

B-67

Hydrology & Water Quality: Alternative 1.1 has more impact on hydrology and water quality than the proposed project because the Bio Basins are expected to be an improvement. With this thinking, Alternatives 1.2 and 2, which both have no Proposed Parcel 2, would have less impact on hydrology and water quality than the proposed project as they would not have the added hardscape of buildings on Proposed Parcel 2. Therefore both ALT 1.2 and ALT 2 have less impact (<) than the Proposed Project.

B-68

Noise: The noise created by people living on Proposed Parcel 2 would affect all adjacent neighbors (at least five). The noise created by PP3 or PP4 would only affect two adjacent neighbors. Therefore both ALT 1.2 and ALT 2 have less impact (<) than the Proposed Project.

69-B

Making these corrections to Table 6-1 would more clearly indicate ALT 2 as the environmentally superior alternative amongst the projects considered. Before these corrections, the table had only one “less impact (<)” under Biological Resources for both ALT 1.2 and ALT 2. So, the table did not support the conclusion of ALT 2 being the environmentally superior alternative. After the corrections, the table would have four “<” under ALT 1.2 and six “<” under ALT 2.

B-70
B-71

The alternatives analysis is lacking. The substantial differences between the alternatives have been casually dismissed by this DEIR. There is a distinct failure to rigorously consider the alternatives. The less than 2.5 pages devoted to describing the Analysis Alternatives is insufficient, rushed, and confusing. Section 6.3 “Analysis Alternatives” needs to be rewritten, giving sufficient words to clearly analyze the alternatives and summarize all that has been said in the preceding pages of the EIR.

“Alternative Project 1.1: MND Three Parcel Project”, the last paragraph on page 6-5 is all one sentence. This needs to be broken apart and clarified. This paragraph refers

to the deletion of Proposed Parcel 2, but Proposed Parcel 2 is part of Alternative 1.1. Very confusing.

“Alternative Project 1.2: Current Proposal without Proposed Parcel 2” on page 6-6, “When compared to the proposed project, the Alternative 1.2...would result in similar impacts in most environmental impact categories.” But this is not true. The corrected Table 6.1 shows four “less impact (<)” under ALT 1.2 than the Proposed Project. Additionally, this section incorrectly states that ALT 1.2 has “one less residence” whereas ALT 1.2 actually has one less primary residence and one less secondary residence.

“Alternative Project 2: Current Proposal without Proposed Parcel 2 & 3 and the cul-de-sac” on page 6-6, “When compared to the proposed project, the Alternative 2...would result in similar impacts in most environmental impact categories.” But this is not true. The corrected Table 6.1 shows six “less impact (<)” under ALT 2 than the Proposed Project. The following two paragraphs go on to say how ALT 2 is superior to the Proposed project, but then it concludes with “While impacts to aesthetics... may be incrementally better as two less residences...the increment at the programmatic level is so minor that it is essentially equal.” First, ALT 2 actually has two less primary residences and two less secondary residences. So, ALT 2 compared to the Proposed Project has two total residences as compared to six. Second, how can an alternative so superior to the original plan still be labeled “essentially equal” and how can that same ambiguous sentence be used: “Overall, however, this alternative would be expected to be substantially the same as the proposed project”?

Under Section 6.4 “Environmentally Superior Alternative”, the final paragraph on page 6-7 is well written. However an addition needs to be made to the second to last sentence for clarity. The 4th line from the bottom, “...but it would not eliminate exposure to extremely low frequency magnetic fields.” Should be amended to say, “...but it would not eliminate exposure to extremely low frequency magnetic fields for the existing residence.”

Listing of Typographical errors:

Page 1-7, 5th line “located” is unnecessary word
 Page 1-20 Line 14 “and” is unnecessary word
 Page 1-20 Lines 15 and 16 refer to “2 new single family dwellings and potentially 2 attached second residential units”. This should be 3 new single family and 2 new attached residential.
 Page 1-47, 7th line “to” is unnecessary word
 Page 1/47, last line “all weather” should be “all-weather”
 Page 3.3-4, under “Indirect Removal” 4th line “drainage related” should be “drainage-related”.
 Page 3.3-4, under “Indirect Removal” 4th line “a associated chainlink fences...” the word “a” is unnecessary
 Page 3.3-5 line 5 “2 new single-family dwellings” should be “3 new single-family dwellings”.
 Page 3.3-6, b. “Others” should be “Other”

Page 3.3-6, h. “ No ground disturbance including grading for utility installation, access buildings, and other similar activities shall occur within 25 feet of any oak tree canopy shall be allowed unless specifically authorized by the approved Oak Tree Protection and Replacement Plan”. “shall be allowed” is unnecessary and there should be commas after “disturbance”, “activities”, and “canopy”. Then it would read: “No ground disturbance, including grading for utility installation, access buildings, and other similar activities, shall occur within 25 feet of any oak tree canopy, unless specifically authorized by the approved Oak Tree Protection and Replacement Plan.”

Page 3.3-7 under “Residual Impact” “With implementation of these mitigation measures, residual project specific, as well as the project’s contribution to cumulative impacts on biological resources, would be considered less than significant.” Adding the word “impacts” (underlined) and replacing “project specific” with “project-specific” would make this a clearer sentence: “With implementation of these mitigation measures, residual project-specific impacts, as well as the project’s contribution to cumulative impacts on biological resources, would be considered less than significant”. Additionally, the heading “Residual Impact” should be changed to “Residual Impacts”.

Page 3.4-4 under “Residual Impact” “ With implementation of this mitigation measure project specific, and well as project contributions to cumulative impacts on cultural resources in the are would be considered less than significant.” Since there are 3 mitigation measures (CULT-1, CULT-2, and CULT-3), “this” should be changed to “these”, “measure” should change to “measures”, there should be a comma after “measures”, the word “impacts” should be added, The word “and” should be replaced with “as”, and a comma should be added after “area”. The resulting sentence is: “With implementation of these mitigation measures, project specific impacts, as well as project contributions to cumulative impacts on cultural resources in the area, would be considered less than significant.” Additionally, the heading “Residual Impact” should be changed to “Residual Impacts”.

Page 3.5-6 under “Residual Impacts” “With implementation of these mitigation measures, project specific impacts as well as project contributions to cumulative impacts on geological processes and resources would be considered less than significant” This sentence needs commas after “impacts” and after “resources” the resulting sentence is: “With implementation of these mitigation measures, project specific impacts, as well as project contributions to cumulative impacts on geological processes and resources, would be considered less than significant”

Page 3.6-3 under “Project Specific Impacts” line 4 “Magnetic fields result from the flow of current through wires or electrical devised...” the word “devised” is incorrect; it should be “devices”.

Page 3.6-3 last word starts sentence “Two studies (“Electric and Magnetic Fields”, 1996) have identified” Only one study was cited. Or perhaps the contents of the parentheses should be swapped to read “Two studies (EPRI, 1992; Kuane et al, 1987) have identified.....(“Electric and Magnetic Fields”, 1996).”

B-75

Page 3.6-4 second paragraph “Considerable controversy sill ...” should be “still” not “sill”.

Page 3.6-4 third paragraph “In 1994, Santa Barbara County summarized possible health effects from Electromagnetic Fields are summarized as follows:” the words “are summarized” should be removed.

Page 3.6-5 second paragraph 5th line “...readings ranged from 18.4mG located to 4.1mG.” the word “located” is unnecessary.

Page 3.6-6 HAZ-2 7th line “The buy may wish...” “buy” should be replaced with “buyer”.

Page 3.6-7 under “Plan Requirements & Timing ...2. Prior...SBCFPD PSD will contacted to witness...” the word “be” should be inserted after “will”.

Page 3.7-4 7th line “The stormwater that flows to the southeast/northeast corner of the property would be collected ...” confusing. What does “southeast/northeast corner of the property” mean?

Page 3.9-3 under “Residual Impacts” “Upon implementation of the above mitigation measures residual project specific as well as residual project contributions to cumulative noise impacts on sensitive receptors in the area would be considered less than significant (Class III).” this sentence is missing commas and the word “impacts”. It should be rewritten as follows: “Upon implementation of the above mitigation measures, residual project-specific impacts, as well as residual project contributions to cumulative noise impacts on sensitive receptors in the area, would be considered less than significant (Class III).”

Page 3.11-1 under “Environmental Setting” 4th line “and” should precede “curb/gutter/sidewalk” not follow.

Page 3.11-1 under “Environmental Setting” 6th line “and” should precede “curb/gutter/sidewalk” not follow.

Page 3.11-3 5th paragraph, last line “...blind-spots and would to allow for...” the “to” is unnecessary.

Page 3.11-5 “Residual Impacts” is “Upon implementation of these mitigation measures, residual project specific, as well as project contributions to cumulative impacts would be considered less than significant” should be: “Upon implementation of these mitigation measures, residual project-specific impacts, as well as project contributions to cumulative impacts, would be considered less than significant.”

Page 4-2 LU 2.1 references a Table 2-1 which is not part of the EIR. Since the reference was made, the table should be provided in the EIR.

Page 4-3 OS 6.2 references a Table 3-1 which is not part of the EIR. Since the reference was made, the table should be provided in the EIR.

Page 4-7 Under SE 7.2 Discussion "The proposed project has beenand the project has was redesigned..." the word "has" is unnecessary.

Page 4-17 VH 5.1 references Table 6-1 and Figure 6-2 both of which are not part of the EIR. Since the reference was made, the table and figure should be provided in the EIR.

Page 4-20 TE 3.1, TE 3.5 and TE 3.6 reference a Figure 7-2 which is not part of the EIR. Since the reference was made, the figure should be provided in the EIR.

Page 4-20 TE 4.1 references a Table 7-3 which is not part of the EIR. Since the reference was made, the table should be provided in the EIR.

Page 4-23 TE 10.1 references a Figure 7-5 which is not part of the EIR. Since the reference was made, the figure should be provided in the EIR.

Page 4-24 TE 11.1 references a Figure 7-6 which is not part of the EIR. Since the reference was made, the figure should be provided in the EIR.

Page 4-24 TE 12.- Discussion 4th line from the bottom of the page, "Camion" should be "Camino".

Page NE 1.1 references a Table 9-2 which is not part of the EIR. Since the reference was made, the table should be provided in the EIR.

Page 4-33 NE 7.3 There is a problem with this sentence: "Such techniques include: a) using noise-tolerant rooms such as garages, kitchens and bedrooms to shield noise-sensitive rooms such as bedrooms and family rooms..." How can "bedrooms" be in both categories? Perhaps "bathrooms" should replace the word "bedrooms" under the noise-tolerant category.

Page 4-34 HE 6.1 references a Table 10A-20 which is not part of the EIR. Since the reference was made, the table should be provided in the EIR

Page 4-34 HE 6.1 Discussion references a Figure 10A-2 which is not part of the EIR. Since the reference was made, the figure should be provided in the EIR

Page 6-1 line 7 "...which would feasibly attain most the basic..." "of" is missing. Should be "...which would feasibly attain most of the basic..."

Page 6-3 line 5 "... filed environments exceeding..." should be "...field environments exceeding..."

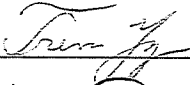
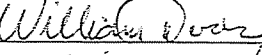
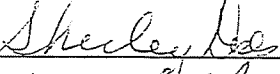
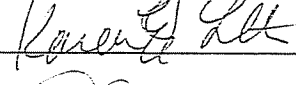
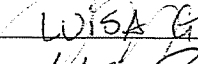


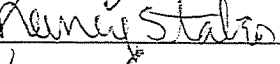
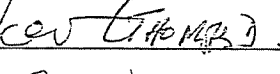
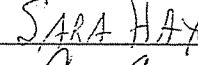

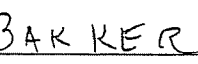

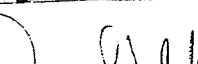
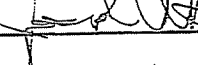
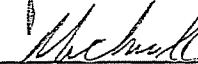


Page 6-6 line 5 "...would be offset by no construction..." "no" should be replaced with "not".

Page 6-7 under "No Project Alternative" line 2 "power frequency magnetic filed" the word "filed" should be replaced with "field".

Page 6-7 under "No Project Alternative" line 3 "...three less primary residential units and potentially one less secondary..." the "one" should read "two".

Additionally, it would be helpful to the reader to explain explicitly the Class designations used in the report early on. Class I = significant and unavoidable; Class II = significant; Class III = less than significant. This could best be placed prior to Table 1-1.

We, NOTTS (Neighbors Opposing The Taylor Subdivision), respectfully submit this response to the Taylor Tentative Parcel Map Draft Environmental Impact Report for your careful review.

| <u>Name</u> | <u>Signature</u> | <u>Address</u> |
|-----------------|---|----------------------------|
| Treva Yang |  | 5504 Huntington Dr. 93111 |
| WILLIAM DODS |  | 5540 PEMBROKE AVE 93111 |
| Jairley Dods |  | 5540 Pembroke Ave 93111 |
| Karen Elithy |  | 5508 Huntington Dr 93111 |
| LUISA GONZALEZ |  | 5500 HUNTINGTON DR 93111 |
| GLENN LARSEN |  | 5500 Huntington Dr. 93111 |
| MIKE QUINN |  | 5517 Camino Contigo |
| Nancy States |  | 5514 Camino Contigo |
| Thomas D Bakker |  | 5522 Camino Contigo |
| Sara Hayes |  | 5512 PEMBROKE AVE |
| Craig Prate |  | 5530 Pembroke Ave SB 93111 |
| Jo Bakker |  | 5522 Camino Contigo |
| BLENDA K. PETER |  | 5532 CAMINO CONTIGO. |
| Joeth Perkins |  | 5532 CAMINO CONTIGO |
| MICHAEL LITTLE |  | 5508 HUNTINGTON DR. |
| Francis MATKA |  | 5512 Pembroke AVE 93111 |
| TERI QUINN |  | 5517 CAMINO CONTIGO |
| YVONNE DeGraw |  | 5530 Pembroke Ave. 93111 |

APPENDIX

Previous letters sent regarding the Taylor Subdivision

September 29, 2006 letter from Mike and Karen Little of 5508 Huntington Dr

October 2, 2006 letter from Kathleen Weinheimer Attorney at Law

Letter from Thomas and Jo Bakker, Nancy States, Mike and Teri Quinn all of Camino Contigo

Letter from Thomas Bakker of 5522 Camino Contigo

October 9, 2006 letter from NOTTS

October 10, 2006 letter from Jeffrey Hemphill, Aerial Photography Expert

October 6, 2006 letter from Jeff Kuhn of LJ Kuhns Construction

October 22, 2006 letter from Treva Yang of 5504 Huntington Dr

5508 Huntington Dr.
Santa Barbara, CA 93111

September 29, 2006

City of Goleta
Planning and Environmental Services
130 Cremona Dr, Suite B
Goleta, CA 93117

Esteemed members of Goleta City Council and Planning and Environmental Services:

This letter is to comment on the proposed subdivision of the Taylor Property at 590 N. Kellogg Ave, as outlined in the *Draft Mitigated Negative Declaration Taylor Tentative Parcel Map 06-MND-002*.

Our home on Huntington Drive will be greatly impacted by the proposed Parcel 2 of the subdivision. We are members of Neighbors Opposing the Taylor Subdivision (NOTTS), and we agree with each point made in the letter from NOTTS. We have studied the initial report and support the neighbors fully. This project is bad for the neighborhood.

The objections we have to this project are primarily:

- The large home and change in character of the parcel will affect the aesthetics of our home and will negatively impact the value of our home.
- The removal of the Coast Live Oaks, an important biological resource to our area, is against city regulations and mitigation is untenable; it will also negatively impact the long-term viability of the remaining oaks on the property.
- The change in the drainage patterns will put our yard at risk of being flooded.
- We are concerned about the possibility of underground hazardous materials, and insist that this be investigated.

Removing the trees results in the alteration of the views from my backyard. Instead of viewing the lovely canopies of old-growth oaks, we would view a 2-story house, and the residents will have a view of my backyard. **This would negatively impact the value of our home.**

Even if only "trees" were being removed, it would be enough of an impact for us to protest this development. However, **the impacted trees are Coast Live Oaks, a significant biologically important species in our area.** This stand of oaks on the nearly 2-acre parcel is a significant oak woodland. The woodland does not stop at the border of the Taylor property. Though the report mentions that this urban woodland has already been "fragmented," in the context of the whole area, it is obvious that this oak woodland extends northeast to San Jose Creek. It is imperative to consider the significance of this action for the broader landscape.

In addition, a troubling aspect of this issue is that it is highly suspected that the Taylors have already removed oaks, ostensibly in preparation for submitting the proposal and thus side-stepping the "10% rule." Aerial photos suggest that several oaks have been removed from the property between 2003 and 2006. To confirm this suspicion, the city should require a site visit from a qualified biologist to determine the species of the removed trees.

The report clearly states that the number of proposed trees slated for removal is above the "10% rule" for oak removal. The recommended mitigation of a 10:1 replacement ratio with seedling oaks is not meaningful or realistic for this parcel. With the large main house structures and the additional structures on this property, it is not realistic to suggest planting 180 seedlings for the directly removed oaks, and 150 seedlings for the indirectly removed oaks on the 1.9 acre property, filled with three homes, three 3-car garages and three "granny flats." In addition, the five-year performance security for the oak tree mitigation is inadequate. The standard under CEQA is a 7-year performance security.

The remaining oaks are at high risk of death, though they are not slated for direct removal. Drastic alterations to the drainage will impact their long-term viability. This is illustrated by Carol Bornstein (SB Botanic Garden), David Fross, and Bart O'Brien in "California Native Plants for the Garden," where they state (bold is mine), "***Oak root fungus (*Armillaria mellea*) and crown rots (*Phytophthora* spp.) are serious pathogens affecting oaks. These organisms thrive in warm, moist conditions and are especially common in poorly drained soils. The symptoms of these pathogens are similar and include ... eventual death of the tree.... Informed management of oaks in gardens and landscapes is usually sufficient to prevent the onset of these pathogens.... To keep oaks from becoming stressed and more susceptible to diseases, it is important to adhere to some precautionary horticultural practices and pay attention to how the trees grow. Although oak trees depend on a central taproot when young, they develop wide spreading roots that often extend beyond the area beneath a tree's canopy.... Ample leaf litter should remain under the trees but not in the immediate trunk area. Also avoid changing the grade; burying the surface will often lead to the death of the tree. Trenching through the soil under the canopy area is equally dangerous and, if necessary, should be done as far from the trunk as possible. Keep summer water to a minimum to prevent root rots.***"

In addition, the owners suggest building a "bio-basin" and a swale to handle the new patterns of run-off. The maps suggest that the three oaks that are in the area of the proposed swale on Parcel 2 are "potentially impacted," but they should be on the "impacted" list, as the swale is proposed to be directly under them.

The owners depend heavily on this "bio-basin" and swale system to manage the new patterns of stormwater run-off, yet the system is not well-defined in the documents. They have not demonstrated that this drainage system will be adequate or will mitigate the impacts made by drastically changing the drainage patterns on the property. We have serious doubts that the bio-basin is an environmentally responsible mitigation.

Another problem of removing the oaks is the drastic impact it will have on the many bird species that live there. The biological report named a mere nine species of birds observed on the day of the survey. A neighbor on Camino Contigo, Nancy States, whose property is near the Taylor property, is proficient in birding. She has counted **at least 100 species of birds in and around the Taylor property.** The oak woodland is a vital habitat for these local birds. Several non-local species have visited the Taylor oak woodland, as well. Below is a partial list of the birds that have been seen by Ms. States:

- California Quail--a ground nester. Here year round
- Cooper's Hawk
- Red-shouldered Hawk
- Red-tailed Hawk
- Great -horned Owl-local nester
- Western Screech Owl- local nester
- Mourning Dove -local nester
- Ringed Turtle Dove
- Nuttall's Woodpecker
- Downy Woodpecker
- Northern Flicker
- Red-breasted Sapsucker- winter visitor
- Pacific-slope Flycatcher- summer resident--local nester
- House Wren
- Bewick's Wren-ground nester-in scrub local year round
- Ruby-crowned Kinglet--winter visitor in Oaks
- Robin-local and a nester in Oaks
- Hermit Thrush-- winters in Oak trees along Edison road
- Cedar Waxwing- winter visitor
- Hutton's Vireo-local-- nests in Oaks
- Warbling Vireo- summer visitor-nests in Oaks
- Townsend's Warbler-winter visitor
- Yellow warbler-summer visitor
- Orange-crown Warbler-local- all year
- Hooded Oriole--summer nester
- White-crowned Sparrow-winter visitor
- Song Sparrow--local nester lives here year round
- Lincoln's Sparrow-winter visitor
- Rufous-sided Towhee--Local year round- nests on ground
- Oregon Junco- winter visitor
- House Finch- local nester- here year round
- Purple Finch-here in winter
- Lesser Goldfinch and American Goldfinch--year round
- House Sparrow- local- year round

The loss of oaks is a concern in all of California. This species is at risk of loss from many causes, and it is our collective responsibility to preserve this valuable species.

Another point of contention is that by changing the drainage by grading and by tree removal, our yard has the potential of being flooded. The grading will be changed dramatically, and on page 43 of the report it states clearly that during heavy rains, storm run-off would spill over into the southeast corner...our yard. Additionally, the impact of the "perched water" described in the report is that it will lead to more flooding in my

corner, as the water cannot be absorbed into the underground water table while there is a perched aquifer. Since the "bio-basin" and "swale" system is not well-defined, it is questionable if this will be effective in preventing flood damage to the properties in the southeast corner.

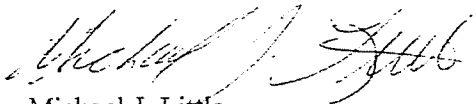
The report suggests that the Taylor property is not hydrologically connected to San Jose Creek. However, neighbors on Camino Contigo have observed that during heavy rains, the natural course of much of the run-off is to the Northeast, toward San Jose Creek. The topographic map corroborates this, as there is a steep decline on the north side of the property, and indeed, the oak woodland that extends into the Taylor property is an arm of the San Jose Creek ecosystem.

Our final concern regards the possibility of an underground gas tank. The gas pump that was present on the property for many years has been removed, but **there is a possibility that an old tank still remains and may be leaking hazardous material into the soil.**

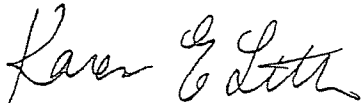
Lastly, we want to express our dismay at being improperly notified of this proposed action. Our best impact is to you meet you face-to-face, and to have less time to prepare is distressing.

Thank you for your time and your devoted attention to this matter.

Respectfully submitted,



Michael J. Little



Karen E. Little

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October 2, 2006

VIA FACSIMILE: 685-2635

Chairman Jack Hawxhurst and Members
of the Planning Commission
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117

Re: Taylor Tentative Parcel Map (TPM 32, 015: 03-053-PM)

Dear Chairman Hawxhurst and Members of the Commission:

I represent the Neighbors Opposing the Taylor Subdivision ("NOTTS") in their opposition to the proposed subdivision of 1.91 acres located at 590 North Kellogg Avenue in Goleta. Under separate cover, the neighbors have submitted a detailed response to the proposed Mitigated Negative Declaration ("MND"), citing the reasons why they believe the project's impacts cannot be successfully mitigated. The purpose of this letter is to offer further comment on several of those issues, to ask your Commission to find the MND insufficient under CEQA, and to require the preparation of an EIR or a revision of the project to address the significant impacts of the project as proposed.

Oak Tree Removal

The MND for this project discusses in some detail the impact of this project on the existing oak grove on the site. According to the MND, there are 78 healthy coast live oak trees with a diameter at breast height greater than or equal to four inches in size. Of those, 33 (or 42%) have a canopy within the proposed building envelopes and would therefore be subject to either direct or indirect loss or adverse impacts from development of these two new parcels. The Oak Tree Protection and Replacement Plan cited in the MND as mitigation for this impact is simply inadequate. Under the Plan, up to 18 trees can be removed, and another 15 subjected to "minimal" impact. No justification is offered for permitting this significant increase above the City's adopted 10% threshold, nor is replacement at a greater than 1:1 ratio required. Moreover, elements of the proposed development pose conflicts with the remaining trees on the site (for example, the retention basin is located within the dripline of existing trees and is clearly a use which is incompatible with the preservation of oaks.)

Chairman Jack Hawxhurst and Members
of the Planning Commission
October 2, 2006
Page two

As currently written, the MND fails to adequately mitigate the significant impact caused by this tree removal, and therefore fails to meet the requirements of CEQA.

Hazards and Hazardous Materials

The neighbors believe that an abandoned underground fuel storage tank exists on the property. The MND makes no mention of this tank, nor of any investigation of its history. If the tank is present, the MND must address not only its lawful removal, but remediation for any contamination which remains on the site (or any remaining contamination in the event that the tank has already been removed.) Failure to address possible soil and groundwater contamination invalidates the MND and violates the requirements of CEQA.

Aesthetics and Neighborhood Compatibility

The City of Goleta has gone to great lengths to adopt regulations which preserve the character of existing neighborhoods, yet this subdivision contemplates the construction of two new homes which differ markedly from the surrounding neighborhood. Parcel 2 would permit 3,660 square feet of development, including a second unit. The proposed home would require the use of caissons, 1,250 feet of cut and 1,250 feet of fill, and would appear as a two story structure looming over the adjacent properties. Somehow, the MND concludes that this structure will be compatible with the surrounding neighborhood of single story homes of less than 1,500 square feet. Simply stating that the "design, scale and character" of the proposed home must be compatible, and requiring DRB review fails to address the fundamental inconsistency between this proposal and the surrounding area. A finding that the significant impacts on aesthetics have been addressed simply cannot be made.

Conclusion

For these reasons, as well as those outlined in the letter from NOTTS, we respectfully request that the Commission find the mitigation measures outlined in the MND inadequate to mitigate the significant impacts of this project and either require the preparation of an EIR or the amendment of the project to adequately address the significant impacts. Thank you for the opportunity to present the neighbors' concerns.

Sincerely,



Kathleen M. Weinheimer

Planning and Environmental Services
130 Cremona Dr. Suite B
Goleta, CA 93117

Re: 590 N. Kellogg projected project - APN 069-100-003

Dear Committee,

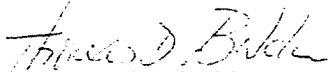
First of all a "thank you" for mailing your notice to the current property owners on Camino Contigo.


We strenuously oppose the proposed division of the 590 Kellogg property inasmuch as it will add two new driveways to Camino Contigo. Our reasons for this are:


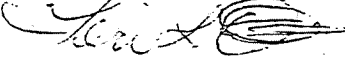
- + The project entails a new driveway from the current residence and one for the new .26 acre lot. There is a substantial drop in elevation between the current street and the 590 Kellogg property .
- + We envision a significant drop in our property value with the newly planned driveways and incremental traffic that it will bring.
- + There appears to be sufficient space on the current 590 Kellogg property to have the new homes exit on Kellogg - which is entirely within City of Goleta boundaries.
- + It is understood that there is buried farm gas tank on the property. Has it been removed with due permits and the soil tested for toxics?
- + The prior removal of Oak trees on the 590 KELLOGG property is of great concern to the aesthetics of the neighborhood and it constitutes a violation of SB County laws..
- + Lot size of .26 acres planned for a large home, with a 3 car garage and a "400 sq. ft. "granny apt" is out of line with neighborhood residences.
- + Addition of a second driveway from this lot onto the access road to an Edison Station might seriously curtail their access in time of emergency.
- + In the past new building permits on remodels have been rejected for plans being out of size for the surrounding neighborhood. **THAT CERTAINLY IS THE CASE IN THIS INSTANCE.**
- + No appropriate approvals been obtained from Edison and the County Planning Dept.

We plan to attend the Oct 9 meeting.

Respectfully,


Thomas and Jo Bakker
5522 Camino Contigo


Nancy States
5512 Camino Contigo


MIKE QUINN

TERI L QUINN
5517 CAMINO
CONTIGO

Mr. J. Hawxkhurst, Chair Planning Agency
Mr. Scott Kolwitz, Assoc. Planner Planning and Environmental Services

Re: Taylor Application & Draft of Mitigated Negative Declaration
APN 069-100-003

This letter is a follow up to my original letter and also to offer additional input in response to the review of said draft as presented.

First of all I applaud the suggestion for the Planning Committee to meet as a whole on site. I hope you do. It will underscore the misrepresentations that have been made. You will notice that a cinder block wall 2.5 to 3 ft high separates Camino Contigo from the Taylor property. It is suggested that a turnaround for emergency vehicles can be constructed. Given the amount of fill and the small size of the Taylor drive way that seems most difficult. This is not readily obvious from the maps. Incidentally it was stated at the meeting that the elevation difference was 18 inches

The plan states that the new structures will be hooked into the Goleta sewage system. But where? At the end of Camino Contigo? That will mean construction in the middle of the street and would make the Edison property inaccessible. I think such details should be stated before approvals are given.

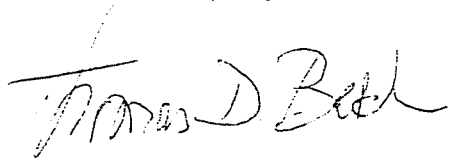
As far as traffic is concerned, it is stated that 19 ADT will be added to Kellogg. Assuming that two-thirds would be coming thru Camino Contigo. Given the higher speed limit (35 vs. 25 in the city of Goleta) such access is less save from Camino Contigo than from any driveway direct from the 590 N. Kellogg property. No mention is made about the construction on the corner of Camino Compana and Kellogg of some 10 homes. This would add another 30 more ADT onto Kellogg and make it all the more difficult to enter Kellogg from Camino Contigo. Please give us a break.

I was dismayed to note the apparent bias in favor of the MND by by the planning staff. Ms Wallis may trust her staff but I'm not so sure given the history of the Taylor application. First of all her statement that any buried gas tank would be taken care of if uncovered by grading, which I doubt, given the misrepresentations made by the applicants.

Additionally, the MND is less than truthful about the potential water flow. This is a tragedy in the making. In the event of soft rains such as we had last week, the stated plans for water flow would be workable. But every year we get some hard rain storms. Given a small lot largely covered by buildings, patio's and driveways, it seems likely that a catch basin of one foot depth (as mentioned) would soon overflow and the adjacent structures would be flooded. Apart from repairs and floor coverings there is the issue of mold coming in. I have helped with repairs in flood areas. It is already clear that the Taylor's had not maintained a wall constructed on their property to channel water flow when the ranch was subdivided. No efforts have been made to do so even after several requests.

One home has already had flooding in the past. I urge the Planning Committee to visit the homes directly below the Taylor property. One gets a different perspective seeing the situation in reality than from reading a blueprint.

c. Brett Stewart
Susan Rose County Supervisor

A handwritten signature in black ink that reads "Thomas D Beck". The signature is written in a cursive style with a large, sweeping initial "T".

Goleta Planning
Goleta City Hall
130 Cremona Dr
Goleta, CA 93117

Regarding: Taylor Tentative Parcel Map, 06-MND-002, 03-053-PM, TPM 32,015
Hearing Date 10/9/2006

Dear Planning Commission,

We are the Neighbors Opposing The Taylor Subdivision (NOTTS). We are made up of people whose properties border or would be adversely affected by the subdividing of the Taylor property. We have read the "City of Goleta Initial Study/Draft Mitigated Negative Declaration Taylor Tentative Parcel Map 06-MND-002" (herein after referred to as DMND) and we have concerns regarding the proposed Parcel 2. Although classified in the DMND as having "no impact", "less than significant impact" or "less than significant with mitigation incorporated" the factors listed herein actually have significant, unmitigatable impacts. The decision should be to disapprove the Taylor subdivision in its current form.

Our concerns fall into the following categories:

| | |
|---------------------------------|------------------------|
| Hazards and Hazardous Materials | Aesthetics |
| Hydrology | Financial |
| Geology Soils | Noise |
| Biological Resources | Transportation/Traffic |
| Utilities/Service Systems | |

We then conclude and offer action items.

* Supporting statements for each concern follows in the attached appendix.

Hazards and Hazardous Materials

1. No soils test has been done to examine the effect of there having been an underground fuel storage tank on the proposed Parcel 2
2. No evidence has been presented that the tank has been or will be removed with proper government review.

Hydrology

3. Drainage from the Taylor property onto neighboring properties on Pembroke is a long-standing problem.
4. Proposed Parcel 2 drainage is insufficient.

Geology Soils

5. There is no mention, in the DMND nor associated Tentative Parcel Map, of the need for a retaining wall for Parcel 2 to control the 1250 cubic feet of cut and fill soil.

Biological Resources

6. Constructing buildings on Parcel 2 would cover soil that would ordinarily allow water absorption and the proposed drainage is at odds with the natural vegetation, specifically the numerous mature oak trees.

7. The project would create a source of substantial light which would adversely affect nesting birds. Using low intensity, low glare, shielded or hooded lights will not sufficiently mitigate this problem.

Utilities/Service Systems

8. Although a turn-around for emergency vehicles is proposed on the subdivision map and off of Camino Contigo, it is questionable that the size and placement of this is truly sufficient or legal.

Aesthetics

9. Construction of a residence on proposed Parcel 2 would significantly alter the existing character and natural aesthetics of the neighborhood.
10. Construction of a residence on proposed Parcel 2 would significantly adversely affect backyard privacy and way of life.

Financial

11. Adjacent property values would decline by having a residence on proposed Parcel 2 just 20 to 25 feet from neighboring back fences and rising to a height of 25 feet without screening.
12. Significant adverse impact to properties on Camino Contigo would occur by providing access to proposed Parcels 1 and 2 through the now desirable dead end street.

Noise

13. The long-term noise from occupants would forever change the wild life on the property.
14. Noise from occupants would be a nuisance to existing neighbors

Transportation/Traffic

15. Having ingress and egress to Parcels 1 and 2 from Camino Contigo doubles the traffic on that street, as there are only four houses that currently front it.
16. Having ingress and egress to Parcels 1 and 2 from Camino Contigo increases the likelihood that the Edison trucks that service the substation day and night will be blocked by parked cars.
17. Although not mentioned in the text of the DMND, the preliminary parcel map indicates "16 ft wide steel gates" along the Edison access road at the north property line. Why?
18. The entrance to the Taylor property on Kellogg is less dangerous than similar access from Camino Contigo.

Conclusions

1. It simply seems wrong to reward a property owner for removing old oaks just prior to submitting a subdivision application where he knew that, had their removal not taken place, it would have had a severe impact on his ability to subdivide
2. It would be impossible to enforce restitution for exceeding the "10% rule" regarding the oaks.
3. Even if all is done to keep the oaks, once the new houses are built, enforcement of practices that would preserve the oaks and drought tolerant land coverings is impossible.
4. It is wrong for the applicant to have not brought forth the existence of the potentially hazardous fuel tank on his property.

These are significant impacts that are reasons for declining the split off of Parcel 2 of the proposed subdivision of 590 North Kellogg.

If there remains doubt that the project should be declined, then actions to be taken should include:

Actions:

- a. Have the fuel tank located, properly removed and the surrounding soil tested for hazardous levels of petroleum products.
- b. Conclusively identify previously removed trees as oaks rather than the walnut trees Mr. Taylor professed to have cut down.
 - Have a qualified individual do sampling of the remains of the ground-down stumps on proposed Parcel 2 to identify them.
 - Have experts examine aerial photography of the area prior to January 2003 to determine the type of trees cut down and extent of their coverage of the proposed Parcel 2.
- c. Erect storey poles to indicate the placement and height of the proposed structures.
- d. Lay out the building boundaries to allow all to see the trees directly affected.
- e. We NOTTS invite all Planning Commission members and all City Council members to our yards.

We, Neighbors Opposing The Taylor Subdivision, respectfully submit this for your careful review:

| <u>Name</u> | <u>Address</u> |
|------------------|---------------------|
| Treva Yang | 5504 Huntington Dr |
| Karen Little | 5508 Huntington Dr |
| MICHAEL LITTLE | 5508 HUNTINGTON DR |
| Yvonne DeGraw | 5530 Pembroke Ave |
| Craig Prater | 5530 Pembroke Ave |
| MIKE QUINN | 5517 Camino Centigo |
| BRI QUINN | " " " " |
| Nancy Staker | 5514 Camino Centigo |
| THOMAS B. BARKER | 5522 Cam. Centigo |
| JO BARKER | 5522 Cam Centigo |

Appendix of Supporting Statements

Hazards and Hazardous Materials

1. **No soils test has been done to examine the effect of there having been an underground fuel storage tank on the proposed Parcel 2.**
 - Although “the project site is not on any list of hazardous material sites compiled by Gov’t Code 65962.5” (DMND pg 40) that doesn’t mean that there are no hazardous materials on the site.
 - It is known that this is the original farmhouse property and had an underground fuel tank.
 - The old gas pump was seen by neighbors.
 - There is reason to be concerned that this old tank has been leaking.
2. **No evidence has been presented that the tank has been or will be removed with proper government review**
 - It is known that a contractor was approached to remove the tank without proper permits.
 - It is believed that the tank has not as yet been legally removed.
 - There is reason to believe that the owner is still pursuing the removal of that tank outside of proper government review

Hydrology

3. **Drainage from the Taylor property onto neighboring properties on Pembroke is a long-standing problem.**
 - The existing retaining walls (which hold back the Taylor’s yard) have not been maintained. Drainage through these walls, as well as their possible collapse, are risks to neighbors’ property at 5550 and 5560 Pembroke Ave (PM 069-142-04 and PM 069-142-03).
4. **Proposed Parcel 2 drainage is insufficient.**
 - The amount of water draining through neighboring properties has already increased since the removal of the oaks in early 2003.
 - The removal of the “denial strip” and the associated berm at the end of Camino Contigo would allow water, which now drains down the Edison access road, to drain onto the Taylor property.
 - The construction proposed on Parcel 2 would increase the amount of impervious surface area on site thereby increasing runoff volumes and, thus, increase the amount of water draining onto, over, or through the neighboring properties of 5530 and 5540 Pembroke Ave (PM 069-142-06 and PM 069-142-05) as well as 5508 Huntington Dr (PM 069-142-08) in what is referred to in the DMND as the “overland escape”.
 - The piping of “all proposed hardscape and roof runoff ... to a bio basin/retention pond” (Conceptual Drainage Analysis pg 1) will result in standing water. As is now the case, the moderate to very slow permeability of the soil results in standing water and many mosquitoes. West Nile Virus is a real concern.

- In heavy rains there is a real fear that the bio swale and or bio basin will overflow and flood the back yard and house at 5504 Huntington Dr. (PM 069-142-09)

Geology Soils

5. **There is no mention, in the DMND nor associated Tentative Parcel Map, of a retaining wall.**
 - The DMND states "Parcel 2 would require 1250 cubic yards of cut and 1250 cubic yards of fill" and "Slopes of 15% to 18% are common within the building envelope of proposed Parcel 2". Additionally, DMND pg 37 Project Specific Impacts b); "the potential for erosion resulting from project construction would be considered significant". However, there is no mention, in the DMND nor associated Tentative Parcel Map, of a retaining wall. This would most assuredly be needed to prevent the disturbed soil created by this project from flowing onto 5504 Huntington Dr (PM 069-142-09).

Biological Resources

6. **Constructing buildings on Parcel 2 would cover soil that would ordinarily allow water absorption and the proposed drainage is at odds with the natural vegetation.**
 - DMND Page 3: "Parcel 2 would slope east south east from an elevation of 92 feet to 80 feet at its lowest point. A bio swale and a retention basin are proposed to collect and percolate runoff back into the underlying groundwater basin."
 - The mitigating measures on DMND pg 28 do not succeed in mitigating. Although the bio swale and bio basin are supposedly to be constructed with hand tools, their very presence threatens the trees that they are directing water toward. Oaks are very fussy about water.
 - The bio basin proposed at the north east corner of Parcel 2 in not only under the drip-line of an oak but includes its trunk. The extra water that this tree would receive would kill it over time. The bio swale presents that same risk for all the trees between the border of the building envelope and the fence line.
 - Additionally even the act of constructing the bio swale could significantly affect the roots of the trees. Thus, even with if the trees outside the building envelope are not directly cut down, their existence will be cut short by proposed drainage "solutions". Refer to DMND pg29 last sentence: "grading and drainage plans shall be designed so that tree truck areas are properly drained to avoid ponding."
 - It should be noted that to keep the bio swale's ability to drain, no plants that would impede the water flow could be allowed in that area. Thus no screening plants could be planted along the fence.
 - It should also be noted that while the DMND refers to a bio swale, the report from Rick Hoffman & Assoc. Eng. Geologists and Hydrogeologists on page 3 "Erosion and Drainage Control" refers to the need to use a lined drainage swale. Of course the presence of a lined drainage swale (concrete ditch) would make that area devoid of plant life.

7. The project would create a source of substantial light which would adversely affect nesting birds. Using low intensity, low glare, shielded or hooded lights will not sufficiently mitigate this problem.
 - DMND pg 27 "increased night lighting would affect wildlife usage of the property, particularly nesting birds".

Utilities/Service Systems

8. **Although a turn-around for emergency vehicles is proposed on the subdivision map and off of Comino Contigo, it is questionable that the size and placement of this is truly sufficient or legal.**
 - Additionally, there is no way to assure that this area would not be used for parking and thus not available to emergency vehicles should the need arise. This affects the safety of people and property on proposed Parcels 1 and 2 and neighboring houses on Huntington and Pembroke.

Aesthetics

9. **Construction of a residence on proposed Parcel 2 would significantly alter the existing character and natural aesthetics of the neighborhood.**
 - The surrounding houses in the neighborhood (except for the original farmhouse on proposed Parcel 1) are all one story with a maximum of 1461sq ft, 2-car garage and no attached residential unit. The proposal is for a 2600 square foot two-story house, 3-car garage and an attached 400 sq ft residential unit. This is definitely out of character for the neighborhood
10. **Construction of a residence on proposed Parcel 2 would significantly adversely affect backyard privacy and way of life.**
 - Currently vistas from adjoining properties as well as properties a block away are of 15 to 25 foot tall oaks and pittosporum.
 - Having the extra light will prevent neighbors from viewing the stars, as is now done.
 - Construction on Parcel 2 will require directly removing trees or altering the habitat such as to cause future death of all trees on Parcel 2 (reference Watershed Environmental Biological Assessment Revised Figure 3).
 - These large trees currently provide a canopy for adjacent yards, a lovely view, air cleaning, bird and squirrel habitat and, most importantly screening to back yards of 5504 and 5508 Huntington Dr and 5530 Pembroke Ave from Parcel 2, Camino Contigo, and the access road from Camino Contigo to the Edison substation.
 - The trees also provide screening of power lines and poles.

Financial

11. **Adjacent property values would decline by having a residence on proposed Parcel 2 just 20 to 25 feet from neighboring back fences and rising to a height of 25 without screening.**
 - The result would be a building visible from and having visibility into adjacent private yards. DMND Pg 13 "As, such, residential development of parcels 2 & 3 has the potential to significantly alter the existing character and natural aesthetics of the neighborhood. Such impacts would be considered potentially significant." DMND Pg 12-13 "This results in approximately 6-7 feet of fill within the proposed

building envelope.” These 6-7 feet of fill would raise the structure already one floor. Then the second floor of the house would go 15 feet higher; resulting in 25 ft total. This is as high as or higher than the current trees that will be destroyed in the process.

- 12. Significant adverse impact to properties on Camino Contigo would occur by providing access to proposed Parcels 1 and 2 through the now desirable dead end street.**

Noise

- 13. The long-term noise from occupants would forever change the wild life on the property.**

- DMND pg 27 “long-term noise (associated with occupation of 2 new single-family dwellings and potentially 2 attached second residential units with accessory buildings and associated infrastructure) ... would affect wildlife usage of the property, particularly nesting birds.... Such long-term impacts would be considered potentially significant.” The current number of birds that live in and frequent the existing trees would be forever decreased.

- 14. Noise from occupants would be a nuisance to existing neighbors**

- Noise from the Taylor property is easily heard by neighbors down-hill. Adding residences would add to this problem

Transportation/Traffic

- 15. Having ingress and egress to Parcels 1 and 2 from Camino Contigo doubles the traffic on that street, as there are only four houses that currently front that street.**
- 16. Having ingress and egress to Parcels 1 and 2 from Camino Contigo increases the likelihood that the Edison trucks that service the substation day and night will be blocked by parked cars.**
- 17. Although not mentioned in the test of the DMND, the preliminary parcel map indicates “16 ft wide steel gates“ along the Edison access road at the north property line. Why?**
- 18. The existing entrance to the Taylor property on Kellogg is less dangerous than similar access from Camino Contigo.**
- The existing driveway to the Taylor property would be abandoned and a new driveway to proposed Parcel 3 would be built along the southern boundary of the property. This is because of the concern that visibility at the existing driveway is compromised due to the speed and curve of Kellogg Ave.
 - Recently increased speed on uphill curve of Kellogg Ave makes ingress and egress to Camino Contigo very dangerous.
 - New development of homes at the old orange grove across from Camino Contigo will increase traffic at the Kellogg / Camino Contigo intersection.
 - The increase in speed and traffic put the children at the Day Care Center at the corner of Kellogg and Camino Contigo at risk.

Regarding: Taylor Tentative Parcel Map. 06-MND-002, 03-053-PM, TPM 32.015
Hearing Date 10/9/2006

More signatures:

| <u>Name</u> | <u>Address</u> |
|--|--------------------|
| SHIRLEY DOOR Shirley Door 5544 Pembroke Ave | 5544 Pembroke Ave |
| WILLIAM DOOR William Door 5540 Pembroke Ave | 5540 Pembroke Ave |
| Allena T. Dorati Allena T Dorati 5550 Pembroke Ave | 5550 Pembroke Ave |
| Clint Dorati Clint Dorati 5550 Pembroke Ave | 5550 Pembroke Ave |
| SARA HAZEL Sara Hazen 5550 Pembroke Ave | 5550 Pembroke Ave |
| MARGARET JAMES MARGARET JAMES 5501 HUNTINGTON DR | 5501 HUNTINGTON DR |
| Francis R. MATH Francis R. Math 5512 Pembroke Ave | 5512 Pembroke Ave |
| JAMES MIKKESEN James Mikkelson 5500 HUNTINGTON DR | 5500 HUNTINGTON DR |
| DIANA K. MIKKESEN Diana K Mikkelson 5500 HUNTINGTON DR | 5500 HUNTINGTON DR |
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Regarding: Taylor Tentative Parcel Map, 06-MND-002, 03-053-PM, TPM 32.015
Hearing Date 10.9.2006

More signatures:

Name

Address

- 1) BRENDA PETER Brenda K. Peter 5532 CAMINO CONTIGO
PANA BOARD MEMBER
 - 2) Richard White Richard White 5524 SOMERSET DRIVE
PANA BOARD MEMBER
 - 3) Kathryn Raudman Kathryn Raudman 717 Cathedral Pointe Ln.
PANA Board Member
 - 4) Burl Sprague Burl Sprague 5576 CAMINO CERRALVO
PANA Board Member
 - 5) Tom Schmitt Tom Schmitt 331 SAN BLAS PL
PANA PRESIDENT
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Regarding: Taylor Tentative Parcel Map. 06-MND-002. 03-053-PM, TPM 32.015
Hearing Date 10 9 2006

More signatures:

| <u>Name</u> | <u>Signature</u> | <u>Address</u> |
|---------------------|----------------------------|--------------------------|
| Catherine A. Hunter | <i>Catherine A. Hunter</i> | 5543 Pembroke Ave 93111 |
| A. Joseph Yancher | <i>A. Joseph Yancher</i> | 5543 Pembroke Ave 93111 |
| Luís H. Luis Cruz | <i>Luís H. Luis Cruz</i> | 5561 Pembroke Ave. 93115 |
| AREN RANER | <i>AREN RANER</i> | 503 W. KELLOGG AVE |
| Jeff T. Holden | <i>Jeff T. Holden</i> | 503 N. Kellogg Ave. |
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Regarding: Taylor Tentative Parcel Map, 06-MND-002, 03-053-PM, TPM 32.015
Hearing Date 10/9/2006

More signatures:

| <u>Name</u> | <u>Address</u> |
|-------------------------------------|---------------------|
| BE HARKINS <i>Joseph W. Harkins</i> | 5532 CAMINO CONTIGO |
| <i>Skip Tarpow</i> | 607 N. Kellogg |
| Ernie Cabada <i>E. Cabada</i> | 618 N. Kellogg Ave. |

Subject: Oak Tree Identification on 2001 Aerial Photography
Location: 590 N Kellogg, Goleta
Date: October 10, 2006
From: Jeffrey J. Hemphill

I have been working with and interpreting aerial photography since 1997 when I started graduate school at UCSB in the Geography Department. My former advisor and mentor, the late Professor John E. Estes, an expert air photo interpreter, and I worked closely together for four years on numerous projects. I have developed and taught university courses on the subject as well.

It is my expert opinion that the large stand of trees apparent in the area of interest, the property adjacent to 590 N Kellogg, were *Quercus agrifolia* (Coast Live Oak). Several large Oaks were removed from the property some time after 2001 leaving the large patch of bare ground that is apparent in more recent aerial photography. The trees that were present formed a dense closed canopy characteristic of other small patches of urban woodland found in this area.

My services were engaged by Ms. Treva Yang on September 22, 2006 to examine one date of aerial photography in order to identify a cluster of trees. At issue was whether or not these trees were Oak trees. The trees apparent on the photography I was asked to interpret, PW-SB-2001 dated 7-4-2001, were Oaks. There was perhaps one large tree of a different variety in the same area at this time.

On September 27, 2006 I performed a detailed interpretation of the original stereo 1:12,000 scale natural color aerial photographs covering the area of interest at the UCSB Map & Image Library. This was performed using a 10x magnification mirror stereoscope and a light table. Using stereo, I was able to see the canopy structure in much more detail than is apparent on the photographic enlargements. I was able to identify Walnut Trees nearby and make a comparison with those in the area of interest. Their canopy structure is distinct from that of Oaks in that they are much more open. The lower density of the branching pattern results in a much lighter signature, while that of the Oaks present in the area of interest is much darker.

Following this detailed investigation, and a site visit on October 6, 2006, I can state with confidence that the trees visible on the 2001 photography were Oak and not Walnut.

Jeffrey J. Hemphill
jeff.hemphill@gmail.com

October 2006

Education:

- University of California, Santa Barbara - in progress, PhD Geography
- University of California, Santa Barbara - MA Geography (6/02)
- University of California, Santa Barbara - BS Physical Geography (6/97)
- Santa Barbara City College - AA General Studies (6/94)

Employment:

- College of the Canyons, Santa Clarita (2005, 2006 - present)
- Ventura Community College District, Oxnard College (2004-2006 - present)
- UCSB Geography Department (1997-2006)
- Remote Sensing Research Unit (RSRU), NASA-EOS Program (1997-2002)
- Seagrant Cooperative Extension Program (1997)
- City of Santa Barbara (1992-1997)

Academic Distinctions:

- Academic Senate Outstanding Teaching Assistant Award (2002)
- Geography Department Excellence in Teaching Award (2001/2002)
- Deans Honors (Fall 1995, Spring 1995), Distinction in the Major (Spring 1997)

Software:

- ESRI GIS: Arc/Info 7.1 (AML, ArcEdit), Arcview 3.x, ArcGIS 9.x
- Image Processing: ERDAS Imagine 8.x
- Graphic Design, Cartography: CorelDRAW X3, AdobeIllustrator / Photoshop CS
- Web Design: Macromedia (DreamWeaver, Freehand)
- Computing Environments: Windows (expert user), UNIX, Linux

Teaching:

- *Maps & Charts*
Geography 12, Teaching Assistant Winter 1998
- *Geography of the United States*
Geography 150, Teaching/Research Assistant Winter 2000
- *Introduction to Air Photo Interpretation & Remote Sensing*
Geography 115A, Teaching Assistant Fall 99, 01, 02, 03, 04
- Class Website: <http://www.geog.ucsb.edu/~jeff/115a>
- *Intermediate Digital Image Processing*
Geography 115C, Teaching Assistant Spring 2001
- Class Website: <http://www.geog.ucsb.edu/~geog115>
- *Introduction to Geographic Information Systems*
Geography 176A, Teaching Assistant Summer 2002
- Class Website: <http://www.geog.ucsb.edu/~jeff/176a>

- *Introduction to Digital Image Processing*
Geography 115B, Instructor Winter 2004
- Class Website: <http://www.geog.ucsb.edu/~jeff/115b>
- *World Geography* Oxnard College
Geography 102, Instructor Spring 2004
- *Maps & Charts*
Geography 12, Instructor Fall 2004
- Class Website: <http://www.geog.ucsb.edu/~jeff/12>
- *Cartography for GIS* UC Davis
Earth Resource Sciences 105, Instructor Spring 2005
- Class Website: <http://lawr.ucdavis.edu/classes/ers105>
- *Introduction to Air Photo Interpretation and Remote Sensing*
Geography 115A, Instructor Fall 2005
- Class Website: <http://www.geog.ucsb.edu/~jeff/115a>
- *Physical Geography* Oxnard College
Geography 101, Instructor Spring 2006
- *Physical Geography Lab* Oxnard College
Geography 101L, Instructor Spring 2006
- *Introduction to GIS* College of the Canyons
Geography 151, Instructor Spring 2006, Fall 2006
- Class Website: http://www.geog.ucsb.edu/~jeff/g151_coc_s06

Related Work:

Technical Issues in Geographic Information Systems Winter 03, 04
Geography 176B
- funded by the Institute for Social, Behavioral, and Economic Research (ISBER) to improve existing online GIS lab assignments, generate new lab assignments based on current research topics of interest
Lab Website: <http://www.geog.ucsb.edu/~ta176/g176b/home.html>

Geographic Information Systems Applications Spring 03, 04
Geography 176C
- develop student project objectives, technical assistance with data
Class Website: <http://www.geog.ucsb.edu/~sara/teaching/geo176c/home.html>

Volume 1 - Introduction to Photo Interpretation and Photogrammetry Fall 2003
Remote Sensing Core Curriculum (RSCC Volume 1)
- develop topics and content, sponsored by the International Center for Remote Sensing Education (ICRSEd), the American Society for Photogrammetry and Remote Sensing (ASPRS), NASA and the National Center for Geographic Information Analysis (NCGIA)
Website: <http://www.r-s-c-c.org/rscc/v1.html>

Published Work:

Hemphill, J. (1997). *California Marine Protect Areas Database* (MPA). Online GIS Resource and Guide Book, funded by Seagrant Cooperative Extension Program. <http://www.geog.ucsb.edu/~jeff/projects/mpa>

Loveland, T., Estes J., Foresman, T., Scepan J., Kline, K. and Hemphill, J. (2000). *Chapter 6 Large-Area Land Cover Characterization, in Global Environmental Databases – Present Situations; Future Directions*. Ryutaro Tateishi and David Hastings, editors. Hong Kong: ISPRS, 105-125.

Hemphill, J. (2002). *The California Marine Protected Areas Database: Compilation and Accuracy Issues*. Invited Presentations for SPECIAL SESSION: GIS in Support of Marine Protected Areas, Reserves and Sanctuaries. American Association of Geographers meeting, Los Angeles, CA. <http://dusk.geo.orst.edu/aagss02.html>

Hemphill J. (2002). *Assessing Landslide Hazard Over a 130-Year Period for La Conchita, California*. Vignettes of the Santa Barbara Area, Prepared for the 2001 Annual Meeting of the Association of Pacific Coast Geographers – Santa Barbara, CA 23-28. http://www.geog.ucsb.edu/~jeff/projects/la_conchita

Hemphill J. (2002). *On the Value of Coordinating Landsat Operations*. MA Thesis. http://www.geog.ucsb.edu/~jeff/projects/thesis/hemphill_landsat_thesis.html

Clarke, K., and Hemphill, J. (2002). *The Santa Barbara Oil Spill: A Retrospective*. Yearbook of the Association of Pacific Coast Geographers. Volume 64. http://www.geog.ucsb.edu/~jeff/sb_69oilspill/

Hemphill, J. (2004). *Aerial Imaging: Past, Present and Future Changing Times Reflect a History of Discovery and Invention*. Earth Imaging Journal.

Dietzel, C., Herold, M., Hemphill, J. Clarke, K. (2004). *Spatio-temporal dynamics in California's Central Valley: Empirical Links to Urban Theory*. International Journal of Geographic Information Science.

Dietzel, C., Oguz, H., Hemphill, J., Clarke, K., and Gazulis, N. (2005). *Diffusion and Coalescence of the Houston Metropolitan Area: Evidence Supporting a New Urban Theory*. Environment and Planning B.

Professional References for Jeffrey J. Hemphill, Air Photo Interpreter & GIS Specialist

Current Professional References:

Rob Rebstock 2006 to present
Egenolf Associates (rebstock@egenolf.com, 805 963 8906)
Tasks: air photo interpretation, expert opinion (pending testimony), GIS analysis, cartography, graphic design, and presentation.

Teresa P. Olmsted 1997, 2005-2006 to present
Director, Environmental Programs ITT Inc. (teresa.olmsted@ittrmi.com, 714 630 3175)
Tasks: air photo interpretation and expert opinion, GIS analysis, cartography, graphic design and presentation.

Personal References:

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6 October 2006

To Whom it May Concern:

The purpose of this letter is to document an event that occurred two years ago in 2004. I was approached by a representative for the property located at 590 North Kellogg, Goleta. The request was for an estimate to remove a fuel tank located on the property. I did not visually inspect the tank nor was I asked to; I did not visit the property referenced above. My understanding from the representative was that the request for quote was for the removal of the fuel tank and at that time, no permits or other customary documentation had been obtained. I did not respond to the request for quote, primarily for that reason.

If you have any questions regarding this, please do not hesitate to call me.

A handwritten signature in black ink, appearing to read 'JK' or 'JKH', written in a cursive style.

Jeff Kuhns, Owner
LJ Kuhns Construction
805-698-3093

October 22, 2006

Mr. J. Hawxhurst, Chair Planning Agency
Mr. Scott Kolwitz, Assoc. Planner Planning and Environmental Services

Regarding: Hearing on Taylor Draft Mitigated Declaration October 9, 2006 for Taylor Tentative Parcel Map, 06-MND-002, 03-053-PM, TPM 32,015

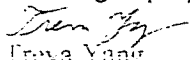
Here is my feedback after having attended the hearing on October 9, 2006 and after having watched the rebroadcast more than once.

- It seemed that the Planning Agency/Goleta City Council members were not aware of the process that was to be followed regarding the hearing for the Draft Mitigated Negative Declaration, nor did they know what they could or could not recommend. I was very surprised. Many of the questions asked of the Planning Staff were questions that I had asked when first presented with the hearing notice. I was expecting the Planning Agency/Goleta City Council members to be more knowledgeable than I on these matters.
- It was apparent that the Planning Agency/Goleta City Council members had barely read the Draft Mitigated Negative Declaration and certainly had not read the reports and correspondence on which it was based. These reports are: Biological Assessment by Watershed Environmental; Preliminary Foundation Investigation by Pacific Materials Lab; Preliminary Geologic Investigation by Rick Hoffman and Associates; Conceptual Drainage Analysis by Robert Flowers. The correspondence includes information on the denial strip. This information was not made available to the public with the Draft Mitigated Negative Declaration, but was available to be read at the Planning Office. I was told by Planning staff that I could only view those reports at their office. I spent several lunch hours reading in the Planning Office. Finally, I was given copies of all the reports that I requested. There is important information in those reports that is not in the Draft Mitigated Negative Declaration, including the aerial photo with the trees that are to be directly removed and the trees in danger of dying. I requested a color copy of that, but was refused. I consider that photo in the Biological report to be critical information. I refer to that and other information in those reports in the NOTTS letter that 32 neighbors signed and that was presented to the Planning Office October 2, 2006.
- I applaud Mr. Hawxhurst for reading the NOTTS letter of October 2, 2006 and for many insightful statements at the October 9, 2006 hearing :
 1. He said that he found himself wishing he "had a lot more information" And that he wished he had the Draft Mitigated Negative Declaration for the four parcel application. Some of that information that Mr. Hawxhurst thirsts for is in those other reports that I mentioned above.
 2. He requested that there be an organized site visit. I would like to add that such a visit would be incomplete without viewing the Taylor property from the abutting properties.

11/7/06

3. He supported the NOTTS request for story poles to be erected.
 4. He called for an EIR. I wish he had demanded it.
 5. He stated that some of the mitigation measures were "underwhelming". A wonderful statement of the obvious!
 6. He stated that the building envelope was not restrictive enough. True!
 7. He stated that any new house should be of the same size as the surrounding ones. If ever there were to be a house, this would be true. However there should never be a house on proposed parcel 2.
 8. He stated that mitigating offsite does not mitigate. Another wonderful statement of the obvious!
- I want to clarify something that was said at the meeting. The five photos of dead grass and plants at the corner of 5504 Huntington Dr. backyard were shown to illustrate what happens when a poison is dumped in or near the proposed location of the bio basin. Mr. Hawxhurst made a joke about contacting the Fire Department immediately when a spill occurs. Believe me, it was no joke and no accident. When I found the plants in my yard dying I contacted John Muraoka at Agri-Turf. In his expert opinion, the poison that had been dumped was of the type that was used to sterilize soil and that hasn't been available for many years. The result was that I lost the plants that were there and was unable to replant for a full year.
 - Regarding the pump-like lamp that Randy Taylor showed photos of at the hearing, that was not the fuel pump that several neighbors have seen. The fuel pump that I saw was real, not a lamp.
 - I want to make it very clear that the time to find the underground fuel tank is before any grading occurs. Otherwise, the City is at risk of being criminally negligent.
 - I was very disappointed that the Draft Mitigated Negative Declaration was put back in the hands of the Planning Staff. The Planning Agency/Goleta City Council had the right to stop the project entirely on October 9th. The Planning Office has been working with the Taylors for 3.5 years on this project. When Patricia Miller was speaking she sounded more like a representative of the Taylors than as an unbiased government employee. The Neighbors Opposing the Taylor Subdivision had only 28 days to prepare for the hearing.

At this point all I can do is reiterate that much information has been brought forth by the neighbors and that building on proposed parcel 2 is of such significant impact that the effects cannot be satisfactorily mitigated. A subdivision of the Taylor property resulting in proposed parcel 2 is simply not acceptable.


Treva Yang
5504 Huntington Dr
Goleta, CA 93111

1/3 2/3 2

Letter B- Neighbors Opposing the Taylor Subdivision (NOTTS) letter received February 18, 2009

- B-1: The project's environmental setting baseline condition is defined as of the date the application was submitted to the City of Goleta. All analysis of the proposed project was conducted from the baseline condition. If the EIR was to analyze a pre-baseline condition, breaking with the EIR's methodology, the technical Native Tree Impact Assessment would not result in a more severe impact as the 10% threshold that triggers the potentially significant impact (Class II) had already been exceeded and no threshold exists to define the more severe Class I significant impact. As such, no changes have been made to the EIR.
- B-2: The environmental setting has not been altered since the initial Biological Assessment was completed in May 2004; however, the Audubon Society conducts an annual Christmas bird count and typically finds 204-212 different species of birds in Santa Barbara every year, many of which may fly over the project area at one time or another.
- B-3: The Biological Assessment maintains that the area is not considered an oak woodland, and that the oak community is fragmented from the San Jose Creek ecosystem.
- B-4: Project impacts were analyzed per the City of Goleta's CEQA Environmental Review Guidelines and Environmental Thresholds Manual. Per this Manual, the proper level of significance after mitigation category (Significant, unavoidable; Less than Significant; or No Impact) was identified for each impact.
- B-5: The comment applies to the formerly proposed 3-parcel project. The project has since been modified into a 4-parcel project. The EIR evaluates the 4-parcel project, identifies project impacts and offers mitigation measures consistent with the City of Goleta's CEQA Environmental Review Guidelines and Environmental Thresholds Manual. Per this Manual, the proper impact levels have been identified for each impact.
- B-6: Impact Aes-4 identifies loss of coast live oak trees to be considered adverse and potentially significant without mitigation, but with staff review and mitigation measures AES-6 and AES-10, landscaping (plant, plant size, and location) would be carefully considered by the Design Review Board and maintained per project conditions. The proper level of significance after mitigation category (Less than Significant) was identified.
- B-7: Impact Aes-1 identifies the impact from the development of the proposed home on Parcel 2 as potentially significant without mitigation, but with

mitigation measures AES-1, AES-2, AES-5, AES-6, AES-7, AES-8, AES-9, AES-10 and BIO-2 (building envelope, floor-area-ratios, maximum height, grading, neighborhood compatibility, materials, lighting, and landscaping) the proposed residence would be carefully considered by the Design Review Board. The proper level of significance after mitigation category (Less than Significant) was identified.

B-8: See response to comment B-7.

B-9: The building envelopes proposed on the project plans are generally based on the required setbacks and can be enforced. The project plans also have conceptual building footprints within the building envelopes that take the oaks, topography and other site constraints into consideration, but the building footprints are not part of the proposed parcel map as structural development cannot be authorized by a land division. While no structural development would be authorized with recordation of the map, such future development can be regulated through recordation of conditions as an attachment to the map. Future development would then be subject to general City rules and regulations applicable at the time of any approval of future Land Use Permit applications as well as the specific conditions of approval recorded with the map. As such, the proper level of significance after mitigation category (Less than Significant) was identified.

B-10: Future development shall be limited to the maximum square footage under the existing City of Goleta Floor-Area-Ratios (FARs) or any substitute future FAR regulations that may be in effect at the time of land use clearance for structural development on Parcel 2, whichever is less. As proposed, the project would exceed the maximize development per the FARs guidelines for Parcel 1 (0.13 proposed, 0.12 guideline), but the project would not maximize development per the FARs guidelines for Parcel 2 (0.18 proposed, 0.24 guideline), Parcel 3 (0.19 proposed, 0.26 guideline) or Parcel 4 (0.20 proposed, 0.26 guideline).

The General Plan recommends a maximum peak height of 25 feet for single-family residences. The proposed project limits maximum building heights of all 1-story future structural development to a maximum peak height of 20 feet and any 2-story element to a maximum peak height of 25 feet. Architectural projections may exceed the maximum peak height if deemed appropriate by the Design Review Board and staff and subject to the Design Review Board and staff review and approval.

B-11: The subject property is surrounded by an immediately contiguous residentially developed area of Goleta and Santa Barbara County that were built from 1960 through 1987. As such, the wildlife species present on the property and in the immediate vicinity are highly adapted to the urban environment. It is recognized that increased night lighting would

affect wildlife usage of the property, particularly nesting birds. Exterior lighting is conditioned by AES-9 and would be carefully considered by the Design Review Board. The Design Review Board has consistently sought dark-sky compliant lighting to minimize impacts to stargazing, wildlife and neighbors. The proper level of significance after mitigation category (Less than Significant) was identified.

B-12: See response to comment B-9.

B-13: Impact BIO-1 identifies the impact from the proposed development outside the building envelopes as potentially significant without mitigation, but with mitigation measures BIO-1, BIO-2 & BIO-3 (HYD-6, HYD-7 & HYD-8) (limited development, Oak Assessment and Protection Plan, stormwater detention facility) the proposed residence would be carefully considered by staff and the Design Review Board. The proper level of significance after mitigation category (Less than Significant) was identified.

B-14: Impact HYD-1 identifies the impact from an increase in the impervious surfaces onsite as potentially significant without mitigation, but with mitigation measures HYD-2, HYD-3, HYD-6, HYD-7, HYD-9 & BIO-2 (drainage/grading plans, stormwater detention facility, permeable paving, maintenance, Oak Assessment and Protection Plan) less water would leave the property than the baseline conditions and to reduce the amount of standing surface water and minimize/negate the impacts to the oaks and or neighborhood. The proper level of significance after mitigation category (Less than Significant) was identified.

B-15: Impacts BIO-2 & BIO-3 identify impacts from removing/replacing oak trees and impacts on wildlife as potentially significant without mitigation, but with mitigation measures BIO-2 & AES-9 (Oak Assessment and Protection Plan, lighting) over time the oaks would be reestablished and protected. In regards to impacts to impacts to nesting birds see response to comment C-11. The proper level of significance after mitigation category (Less than Significant) was identified.

B-16: See response to comment B-11.

B-17: The subject property is surrounded by an immediately contiguous residentially developed area of Goleta and Santa Barbara County that were built from 1960 through 1987. As such, the wildlife species present on the property and in the immediate vicinity are highly adapted to the urban environment. It is recognized that increased noise would affect wildlife usage of the property. Impact BIO-3 identifies long-term noise impacts on wildlife as potentially significant. No changes to the impacts have been made to the EIR; however, clarity has been added to Table 1-1

identifying the significance after mitigation as "Short-term: Less than Significant; Long-term: Potentially Significant.

B-18: See response to comment B-3.

B-19: See response to comment B-1.

B-20: See response to comment B-14.

B-21: Impact TRANS-3 identifies stopping sight-distance impacts on southbound North Kellogg Avenue from Coralino Road to the existing driveway is not sufficient to meet the City of Goleta's safety standards and any intensification of the level of use experienced by the existing driveway as potentially significant, but the project's proposed ingress/egress as designed has been determined to be a less than significant impact. As an industry standard, traffic approaching, crossing through and exiting an improved intersection is safer than traffic exiting from an unimproved driveway. The proper level of significance after mitigation category (Less than Significant) was identified.

B-22: The County of Santa Barbara Public Works Department regulates the use of Santa Barbara County's right-of-way, and as the County of Santa Barbara Public Works Department removed a one-foot wide denial strip between Camion Contigo and the project parcel, the only impact to examine would be stopping sight-distance impacts. See response to comment B-21.

B-23: Impact TRANS-4 identifies ingress/egress impacts and describes the partial cul-de-sac to be constructed as part of the proposed project. The Fire Department required for a cul-de-sac to be constructed for the safety of the entire neighborhood, but the entire cul-de-sac cannot be constructed completely on the project site. Until the cul-de-sac can be completed, the partial cul-de-sac has been designed to incorporate the Fire Department's standards including turning radii for the benefit of the entire neighborhood.

B-24: Impact TRANS-5 identifies parking requirements for the proposed project, and the proposed project meets the requirements. No impact is found.

B-25: Considerable research was conducted to determine if an underground storage tank has existed or does exist on the project site. No evidence was found to conclude that an underground storage tank has existed or does exist on the project site. Rather than disregard a neighborhood concern, Impacts HAZ-2 & HAZ-3 identify hazardous material exposure and infrastructure impacts, if discovered, as potentially significant without mitigation, but with mitigation measures HAZ-4 (Remediation Action Plan,

Construction contingency plans and a Site Health and Safety Plan) a proper plan overseen by the Fire Prevention Division would be followed upon discovery of any hazardous material. The proper level of significance after mitigation category (Less than Significant) was identified.

B-26: Comment noted.

B-27: The word “possible” in regards to the “possible construction of residential units” remains within the EIR as the environmental document is to evaluate the worst-case scenario of a proposed project. While there is a possibility that the residential units may be constructed, there is no guarantee that the residential units will be constructed.

B-28: The alternatives section is intended to “describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most the basic objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives.” Various alternatives of the project that still met the basic objectives of the project were identified. As the project site is not very large, few alternatives are available, which explains why the impacts are substantially the same.

B-29: See response to comment B-23.

B-30: The following sentence was added to the previous paragraph describing views along the public right-of-way was added “Public views along Huntington Drive and Camino Contigo at the subject location are limited to the oak canopy.” The language requested within Letter B regarding private views within the private yards was not included as there are no thresholds that protect private views.

B-31: Figure 3.1-1 was included to show a conceptual view of the largest homes’ longest elevation in relation to the greatest change of topography and the height of the oak canopy. Including a conceptual elevation of any of the other possible residences would have been less informative. As such, staff has not requested the additional conceptual elevation.

B-32: The existing and finished grades quoted within the EIR have been provided by Flowers & Associates Civil Engineers, a licensed registered professional engineering firm. Their benchmarks are based upon the NGVD29 datum. Staff has not located any elevation contours that contradict grades/contours provided by Flowers and Associates, and as such the text has remained unchanged.

B-33: See response to comment B-7.

- B-34: See response to comment B-7.
- B-35: See response to comment B-7.
- B-36: See response to comment B-1.
- B-37: AES-10 is a combination of an Oak Tree Protection & Replacement Plan, a Design Review Board landscape plan, and a requirement to maintain the landscaping and irrigation systems for the life of the project. These requirements are adequate mitigation under CEQA and the City of Goleta's Environmental Thresholds Manual.
- B-38: See response to comment B-1 and B-2.
- B-39: See response to comment B-3.
- B-40: See response to comment B-2.
- B-41: See response to comment B-1.
- B-42: The statistic quoted from the Biological Assessment of 2004 was accurate within that Biological Assessment, but it is no longer accurate with the current project as the proposed parcel 2 has been enlarged altering the statistic. Nonetheless, it is recognized that the impact to coast live oaks on proposed parcel 2 is the most impacted of the proposed parcels; however, the text has not been added as it does not further the Native Tree Impact Assessment discussion. See response to comment B-1.
- B-43: The following text was added/amended to Impact BIO-1. The total impact on coast live oak trees (combined direct and indirect impacts) could potentially involve the loss of 40 healthy (26 direct and 14 indirect), coast oak trees, or 51% of the coast live oak trees of biological value on the property. Specifically, a conservative estimate finds: 1 (1 direct; 0 indirect) was on proposed Parcel 1, 19 (7 direct; 12 indirect) were on proposed Parcel 2, 3 (2 direct; 1 indirect) were on proposed Parcel 3, and 17 (16 direct; 1 indirect) were on proposed Parcel 4.
- B-44: See response to comment B-9.
- B-45: See response to comment B-1 and B-2.
- B-46: See response to comment B-2, B-11 and B-17.
- B-47: See response to comment B-9.

B-48: The City of Goleta's CEQA Environmental Review Guidelines and Environmental Thresholds Manual provides a mitigation hierarchy to reduce biological impact presented in the order of their effectiveness. From most effective to least effective: Avoidance, Onsite Mitigation and Offsite Mitigation. As such the text has remained unchanged.

B-49: Comment noted.

B-50: The retaining wall mentioned references the existing retaining wall believed to be constructed when the adjacent tract to the south was built and separates this property from the residential properties to the south. The following text was added/amended to Mitigation GEO-1: "If excavation and grading occurs outside the dry season of the year, Building & Safety & Community Services shall give special consideration to contain all impacts onsite. Special consideration includes, but is not limited to, preventing overland escape of water, maintaining the retaining wall's structural integrity, etcetera."

B-51: Impact HAZ-1 identifies electric and magnetic field impacts and describes studies and controversy regarding these fields and potential health impacts. The EIR states that "the most effective means to reduce human exposure to ELF magnetic fields is avoidance, but due to the proposed site design it is not possible to design the proposed subdivision in a way to avoid the 2.0mG threshold." As avoidance is not possible, the EIR includes two disclosure mitigation measures HAZ-1 and HAZ-2 that would educate prospective homeowners of potential risk.

The electric and magnetic field impact discussion and mitigation measures are consistent with other projects that have addressed electric and magnetic fields. Until additional research is published and peer-reviewed that gives additional clarity to electric and magnetic fields, project EIRs will contain consistent language. As such the text has remained unchanged.

B-52: A new fire hydrant at the northeast corner of North Kellogg Avenue/Camino Contigo intersection would not impact line-of-sight of drivers. As such the text has remained unchanged.

B-53: A thorough discussion of the LOS is provided in the referenced Transportation Element of the City of Goleta's General Plan as well as the General Plan's Environmental Impact Report.

B-54: The Table on page 3.11-2 is the standard LOS Table found within the City of Goleta's CEQA Environmental Review Guidelines and Environmental Thresholds Manual. As this is a technical table, the table has remained unchanged.

- B-55: See response to comment B-21.
- B-56: The North Kellogg Avenue/Camino Contigo intersection has adequate capacity to handle the existing 4 residences and the potential residences on the Taylor property. Cumulative traffic would not degrade to or approach LOS D or lower.
- B-57: The general format of Section 6 remains as written to be consistent with the format of other project EIRs. The Comparative Impact Table and the Analysis of Alternatives section are meant to be brief/summary statements.
- B-58: The discussion section for Alternative 1.1 and 1.2 has been separated.
- B-59: See response to comment B-28 & B-57.
- B-60: Conclusive text within Section 6.2 Alternatives has been removed. Conclusive text has been added within Section 6.3 Analysis of Alternatives regarding impacts to biological resources, hydrology and water quality, hazards and hazardous materials, and the project objective. See response to comment B-28 & B-57.
- B-61: The title to Figure 6-1 & 6-2 has been amended.
- B-62: The title to Figure 6-3 has been amended.
- B-63: See response to comment B-60.
- B-64: The aesthetic impact is taken from the public right-of-way. See response to comment B-30.
- B-65: Once the Native Tree Impact Assessment 10% threshold has been crossed, the impact classification cannot be made more severe. See response to comment B-1. Table 6-1 has remained unchanged.
- B-66: Once the ELF magnetic fields 2.0mG threshold has been crossed, the impact classification cannot be made more severe. See response to comment B-51. Table 6-1 has remained unchanged.
- B-67: Staff agrees. Table 6-1 has been changed.
- B-68: Until the exterior 64 dB CNEL or the interior 45 dB CNEL noise level thresholds have been crossed, the technical impact cannot be made more severe. See response to comment B-17. Table 6-1 has remained unchanged.

- B-69: Per comment B-67, Table 6-1 has been changed. Whereas other requested changes to Table 6-1 have not been made (see response to comments B-64, B-65, B-66 & B-68) due to technical limitations, it is feasible to consider the holistic nature of the Alternatives to draw conclusions of which may be the environmentally superior alternative. Table 6-1 now identifies Alternative Project #1.2 and Alternative Project #2 as equals, but the discussion within Section 6.4 Environmentally Superior Alternative gives justification to choose Alternative Project #2.
- B-70: See responses to comments B-57 to B-69.
- B-71: The text regarding the impacts to Biological Resources and Hydrology & Water Quality for Alternative Project #1.1 and Alternative Project #1.2 has been amended to clarify the discussion.
- B-72: See responses to comments B-69.
- B-73: See responses to comments B-69.
- B-74: Alternative Project #2 would not eliminate exposure to extremely low frequency magnetic fields to any of the proposed residences. As such, no changes have been made to the text regarding magnetic fields. However, a sentence has been added regarding hydrology and water quality.
- B-75: Staff has reviewed the list of typographical errors and has modified the EIR as follows:
- Page 1-7, 5th line "located" has been deleted.
 - Page 1-20, 14th line "However, and" has been deleted.
 - Page 1-20 15th & 16th line "2" new single family dwellings has been corrected to "3" new single family dwellings.
 - Page 1-47 7th line "to" has been deleted.
 - Page 1-47/1-48 last line/first line "all-weather" has been hyphenated.
 - Page 3.3-4, 4th line under "Indirect Removal" "drainage-related" has been hyphenated.
 - Page 3.3-4, 4th line "a" "has been deleted.
 - Page 3.3-5 5th line "2" new single family dwellings has been corrected to "3" new single family dwellings.
 - Page 3.3-6, b. "Others" has been replaced with "Other".
 - Page 3.3-6, h. the text has been updated to read "No ground disturbance, including grading for utility installation, access, buildings, and other similar activities, shall occur within 25 feet of any oak tree canopy, unless specifically authorized by the approved Oak Tree Protection and Replacement Plan."
 - Page 3.3-7 "Residual Impact" the title remains as is, and the words project specific remain unhyphenated to be consistent with other EIRs. The word "impacts" has been added.

- Page 3.4-4 “Residual Impact” the title remains as is, but the text has been updated to read “With implementation of these mitigation measures, project specific impacts, and as well as project contributions to cumulative impacts on cultural resources in the area, would be considered less than significant.”
- Page 3.5-6 “Residual Impact” the text has been updated to read “With implementation of these mitigation measures, project specific impacts, as well as project contributions to cumulative impacts on geologic processes and resources, would be considered less than significant.
- Page 3.6-3 “Project Specific Impacts” 4th line “devised” has been replaced with “devices”.
- Page 3.6-3 & 3.6-4 last line/first line has been updated to read “According to “Electric and magnetic Fields, 1996”, two studies have identified that the median (middle reading in the statistical sample) level of typical magnetic fields in homes is 0.5 to 0.6 mG, while 10 percent of the homes were over 2.0 and 2.5 mG, respectively (EPRI, 1992; Kaune et al, 1987).”
- Page 3.6-4 second paragraph “sill” has been replaced with “still”.
- Page 3.6-4 third paragraph 2nd line “are summarized” “has been deleted.
- Page 3-6-5 second paragraph 5th line “located” has been deleted.
- Page 3.6-6 under HAZ-2 7th line “buy” has been replaced with “buyer”.
- Page 3.6-7 HAZ-4 Plan Requirement & Timing 2 “be” has been added.
- Page 3.7-4 7th line has been updated to read “The stormwater that flows to the northeast or southwest corner of the Parcel 2 would be collected by a proposed “Storm Treat” detention basin and/or percolate into the ground on Parcel 2.”
- Page 3.9-3 “Residual Impact” the text has been updated to read “Upon implementation of the above mitigation measures, residual project specific impacts, as well as residual project contributions to cumulative noise impacts on sensitive receptors in the area, would be considered less than significant (Class III).
- Page 3.11-1 4th line “and” has been moved.
- Page 3.11-1 6th line “and” has been moved.
- Page 3-11-3 fifth paragraph last line “to” has been deleted.
- Page 3.11-5 “Residual Impact” the text has been updated to read “Upon implementation of these mitigation measures, residual project specific impacts, as well as project contributions to cumulative impacts, would be considered less than significant.”
- Section 4.0 All references to tables and figures in the policy column of this Section refer to the tables and figures in the General Plan. As these tables and figures have been adequately referenced and are readily available, LU Table 2-1, OS Table 3-1, VH Table 6-1, VH Figure 6-2, TE Figure 7-2, TE Table 7-3, TE Figure 7-5, TE Figure 7-6, NE Table 9-2, HE Table 10A-20, and HE Figure 10A-2 are not included in and or attached to the EIR.

- Page 4-7 SE 7.2 Discussion 3rd line “has” has been deleted.
- Page 4-24 TE 12.1 Discussion second paragraph 3rd line “Camion” has been replaced with “Camino”.
- Page 4-33 NE 7.3 The text as written is identical to the text within the General Plan. The Advanced Planning staff has been made aware of this critique and will study the policy accordingly.
- Page 6-1 7th line “of” has been added.
- Page 6-3 5th line refers to text that has been deleted from this section and re-written under the Analysis of Alternatives section. The word “filed” has been replaced with “field” within the revised section.
- Page 6-6 5th line refers to text that has been deleted from this section and re-written under the Analysis of Alternatives section. The word “no” has been replaced with “not” within the revised section.
- Page 6-7 “No Project Alternative” 2nd line “filed” has been replaced with “field”.
- Page 6-7 “No Project Alternative” 3rd line reference to “one” instead of “two” secondary residential units remains as is as the property as existing has the potential to construct one secondary residential unit today.

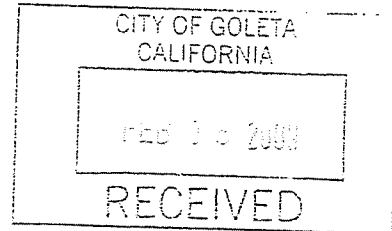
B-76: Text has been added to explain the impact Class designations in Section 1.0 Introduction Potential Environmental Impacts.

B-77: The appendix applies to the formerly proposed 3-parcel project. The project has since been modified into a 4-parcel project. The EIR evaluates the 4-parcel project, identifies project impacts and offers mitigation measures consistent with the City of Goleta’s CEQA Environmental Review Guidelines and Environmental Thresholds Manual. Per this Manual, the proper impact levels have been identified for each impact...or See response to comment B-5.

5508 Huntington Drive
Santa Barbara, CA 93111

February 18, 2009

City of Goleta
Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117



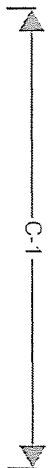
To Whom it May Concern:

This letter is in protest of the proposed subdivision and development of the Taylor Property which lies directly behind our property.

As members of Neighbors Opposed to Taylor Subdivision (NOTTS), we fully stand behind Treva Yang's presentation, and we are united with our neighbors in opposition to the Taylor project.

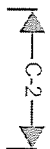
Here we would like to re-iterate three specific issues with regard to the proposed subdivision and development of the land behind us. We want to address our concerns about:

- The impact of the loss of Coast Live Oaks aesthetically and environmentally,
- The environmental impact of the removal of the underground gas tank,
- The potential drainage problems caused by development.

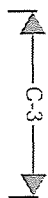


When we bought our house in 1993, we were drawn to Huntington Drive specifically because of the numerous trees in the area, including the beautiful canopy of old-growth oak woodland behind us. The oaks make this house a desirable one, and their loss will impact our property values, along with our enjoyment of the property. This loss of property value will impact up to 12 other properties that surround the Taylor property. Development of the Taylor property would make a huge negative impact on the enjoyment and value of our property.

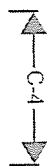
Having a natural area to the rear of the property adds to the value of our property. Not only is it aesthetically pleasing, but it affords privacy and quiet. Removing them and building a looming residence would negatively impact us while we are living here, as well as when we sell our house. It is unacceptable to demean our property values, and the values of up to 12 other residences, in such a way.



Besides the natural beauty of the oaks, the Coast Live Oak is a protected species. Period. These 200-year-old oaks must be protected. Period. As nature lovers and environmentalists, we are concerned about the loss of a protected species. They must not be allowed to be destroyed.



Our second concern is also environmental. There is reportedly an underground gas tank on the property within the proposed building envelope. We are concerned that the City of Goleta has done nothing to investigate the potential hazardous waste and its impact to the environment and to the safety of the surrounding residents. What is the City's response to the our concerns and the concerns of our neighbors?



Thirdly, as our house is 80+ feet below the proposed building in proposed Parcel 2, we are extremely concerned about drainage and the possibility of flooding onto our property. Removing the oaks and the rest of the foliage and replacing the landscape with buildings and hardscape would only increase the risk of flooding our property.

Thank you for considering our concerns.

Sincerely,

Karen E. Little

Michael J. Little

Kevin M. Little

Letter C- Little letter received February 18, 2009

- C-1: It is recognized that property values are of concern, but the City of Goleta policies and environmental thresholds do not offer a mechanism to evaluate the impact of a project on property values. Please also see response to comment B-6 & B-7.
- C-2: See response to comment B-1 & B-15.
- C-3: See response to comment B-25.
- C-4: See response to comment B-14.



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director



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City of Goleta
Planning & Environmental Svcs.

March 4, 2009

Mr. Scott Kowitz
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
FAX #: (805) 961-7551

Subject: Notice of Completion of a Draft Environmental Impact Report for the Taylor Tentative Parcel Map Subdivision SCH #2008051092

Dear Mr. Kowitz:

The Department of Fish and Game (Department) reviewed the Draft Environmental Impact Report (DEIR) for the Taylor Tentative Parcel Map Subdivision (project) relative to impacts to biological resources.

The proposed project is to subdivide 1.91 acres (APN 069-100-003) in the 10-R-1 zone district into four parcels and would include a building envelope within which all future structural development would be restricted to:

- Parcel 1- approximately 0.82 gross/0.79 net acre parcel and would contain the existing 4332 square foot two-story single family home, with no proposed changes to existing development.
- Parcel 2- approximately 0.35 gross/0.31 net acre parcel and contains an existing garage. Future development would include demolition of the 240 square foot garage, construction of a 2400 square foot dwelling, a 400 square foot second-residential unit, and a 600 square foot garage. Grading is estimated at 75 cubic yards of cut and fill.
- Parcel 3- approximately 0.37 gross/0.27 net acre parcel. Future development would include a 2270 square foot dwelling, a potential 400 square foot second residential unit, and a 600 square foot garage. Grading is estimated at 45 cubic yard of cut and fill.
- Parcel 4- approximately 0.37 gross/0.26 net acre parcel. Future development would include a 2270 square foot dwelling, a potential 400 square foot second residential unit, and a 600 square foot garage. Grading is estimated at 30 cubic yard of cut and fill.

The proposed subdivision would also involve changes to ingress/egress with the construction of a cul-de-sac. The project would result in the potential loss of approximately 40 of the existing 78 Coast Live Oak (*Quercus agrifolia*) trees. Mitigation includes protection in place of existing trees not slated for removal, and implementation of an Oak Tree Replacement and Re-planting Plan to include between 140 and 168 oak trees of varying sizes.

The Department prepared the following statements and comments pursuant to authority as Trustee Agency with jurisdiction over natural resources affected by the project under the California Environmental Quality Act (CEQA Section 15386) and Responsible Agency (Section 15381) over those aspects of the proposed project that come under the purview of the California

Conserving California's Wildlife Since 1870

Scott Kolwitz
March 4, 2009
Page 2 of 2

Endangered Species Act (Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq. regarding impacts to streams and lakes.

Impacts to Biological Resources



There is a potential for birds to be affected by the proposed project, if they are occupying and/or nesting in any of the trees that are to be removed and/or are located immediately adjacent to construction areas. The DEIR did not include an analysis of potential for impact to migratory birds.

All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

Proposed project activities (including disturbances to vegetation) should therefore take place outside of the breeding bird season (February 1- August 30) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, pre-project nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500 foot buffer for all active raptor nests).

Thank you for this opportunity to provide comment. Please include the above concerns and comments into the final EIR for the subject project. Please contact Mr. Sean Carlson, Staff Environmental Scientist at (909) 596-9120 for any questions and further coordination.

Sincerely,

Theresa A. Stewart
for Edmund J. Pert
Regional Manager
South Coast Region

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MAR 04 2009

City of Goleta
Planning & Environmental Svcs.

cc: Helen Birss, Los Alamitos
Betty Courtney, Santa Clarita
Martin Potter, Ojai
Sean Carlson, La Verne

Scott Morgan
State Clearinghouse
P.O. Box 3044
Sacramento, Ca 95812-3044

Letter D- Department of Fish & Game letter received March 4, 2009

- D-1: The Biological Resources Environmental Setting *Special-Status Species* section has been updated with a discussion of the potential for migratory birds to visit and or nest on the project site. Impact BIO-3 as previously written discussed the potential for wildlife species, including nesting birds, to be impacted by the proposed development and indicated the possibility for a less than significant short-term Class III impact and a potentially significant long-term Class II impact. Impact BIO-3 has been amended to include a discussion about special-status species of migratory birds and indicates that special-status migratory bird species may occur in the project area and may nest on the project site, and a disturbance that would cause abandonment of active nests containing eggs and/or young would be considered potentially significant; in addition, long-term noise (associated with occupation of 3 new single-family dwellings and potentially 2 attached second residential units with accessory buildings and associated infrastructure) as well as increased night lighting would affect wildlife usage of the property, particularly any nesting birds. Such long-term impacts would be considered potentially significant (Class II).
- D-2: Mitigation BIO-4 that future construction and tree removal/relocation/trimming activities shall not occur during bird breeding (February 1 – August 30). In addition, a minimum 300-foot radius buffer of the nest site during the nesting and fledging season has been established per General Plan Policy CE 8.4.

