

Response to Comments

SECTION 9.0

9.0 RESPONSE TO COMMENTS RECEIVED ON THE OCTOBER 2011 DEIR

This section provides written responses to all comments received on the Draft EIR during its public review period from October 24, 2011 through December 7, 2011. Comments were received in the form of letters and testimony at the public hearing on the Draft EIR (held on November 10, 2011). Letters one through five are from public agencies as are numbered chronologically, while the remaining Letters six through 13 are from the applicant and applicant's team of consultants, and are also listed chronologically.

1. Patricia A. Abel, District Deputy, CA Department of Conservation, November 1, 2011
2. Katy Sanchez, Program Analyst, CA Native American Heritage Commission, November 16, 2011
3. John McInnes, General Manager, Goleta Water District, December 5, 2011
4. Chris Shaeffer, Caltrans District 5, Department of Transportation, December 5, 2011
5. Eric Gage, Santa Barbara County Air Pollution Control District, December 6, 2011
6. Dale W. Weber, P.E., MAC Design Associates, November 18, 2011
7. Doug Dunham G.E. Earth Systems Pacific, November 28, 2011
8. Scott Schell, AICP, PTP, Principal Transportation Planner, Associated Transportation Engineers, December 6, 2011
9. Jeffrey Zunkin, P.G., C.E.G., Senior Geologist, Geosyntec Consultants, December 6, 2011
10. Michael Towbes, Chairman, The Towbes Group, Inc., December 7, 2011
11. John P. Larson, Project Manager, URS Corporation, December 7, 2011
12. Richard S. Six, AIA, Lenvik & Minor Architects, December 7, 2011
13. David Stone, RPA, Cultural Resources Manager, Dudek, November 8, 2011

Each of these letters with numbered comments corresponding to the responses below is provided at the end of this section.

Opportunity for public to comment on the DEIR was provided at the Public Hearing held on November 10, 2011. Verbal comments were received from the hearing audience, including Michael Towbes, representing the applicant, Willow Springs II. This individual provided written comments in Letter No. 10.

9.1 INDIVIDUAL RESPONSES TO COMMENTS RECEIVED ON THE MAY 2011 DEIR

This section provides a response to each comment received on the October 2011 DEIR. Each comment letter is reproduced with comment numbering added, followed by corresponding itemized responses to each comment.

9.1.1 Patricia A. Abel, District Deputy, CA Department of Conservation, November 1, 2011

- 1-1 A Phase I Environmental Site Assessment (Rincon Consultants, Inc., 2008) was prepared for the project and included in Appendix E (Volume II) of this EIR. The Assessment provided a review of the State of California Division of Oil and Gas Records, which determined that there are no oil wells recorded on the project site. The Assessment provides that the plugged and abandoned Amerada Hess Corp.

“Perry”¹ well location is 300 feet east of the site along Aero Camino. As noted by the commenter, the well was plugged in 1952. There is no known evidence that the well was subsequently activated for either oil or water extraction purposes. There is no intended use of the well as part of the project, and the project activity is not expected to impact or be impacted by the well’s presence. Should the well be activated or officially inactivated for water extraction purposes, permitting would be under the purview of the owner of the well, and would be regulated according to Chapter 8.12 of Title 8 of the Goleta Municipal Code.

9.1.2 Katy Sanchez, Program Analyst, CA Native American Heritage Commission, November 16, 2011

- 2-1 In accordance with Government Code Section 65352.3, and as described in Section 4.4 *Cultural Resources*, the City of Goleta has consulted with California American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting and mitigating impacts to cultural resources. The consultation has been on-going throughout the CEQA process and is conducted with members of the “Native American Tribal Consultation List” provided by the NAHC during the EIR scoping process, which included members on the list provided with this comment letter. Consultation provided during preparation of the EIR itself included two formal meetings: one held on July 6, 2010 and the second on October 21, 2010. The City contacted the NAHC individual representatives identified on the list provided by the NAHC. Both meetings were held at the City offices with representatives of the local Coastal Band of the Chumash Nation. In addition, Mitigation Measure CR 1-2 requires that all site preparation and construction activity shall be monitored by a qualified archaeological monitor(s) and local Chumash Native American observer(s). This mitigation measure includes a description of authorities that the Native American observer(s) shall have on-site during earthmoving activities. The list provided by the commenter here will be added to the on-going list of local Native American representatives.
- 2-2 Although the commenter suggests that the records searches through the NAHC and California Historic Resources Information System (CHRIS) failed to indicate presence of Native American cultural resources, there have been extensive studies conducted on the site and searches of data on file at the University of California Santa Barbara Central Coastal Information Center have identified numerous cultural resource sites in the area of the project and the local tribe has been consulted. A description of the resources is provided in Section 4.4 *Cultural Resources*.
- 2-3 Comment Noted. To the extent practicable, notices of changes in addresses for tribe members received by the City will be provided to the commenter; however, it is the responsibility of the NAHC and the tribe consultants themselves to coordinate their efforts between them to remain current. The names and contacts provided here are already included on the project list of local NAHC representatives previously provided and these individuals have been consulted throughout the process.

**9.1.3 John McInnes, General Manager, Goleta Water District,
December 5, 2011**

- 3-1 Section 4.11.1 *Water Resources* of Section 4.11 *Utilities and Service Systems* was updated as necessary according to the Goleta Water District's Urban Water Management Plan, as adopted on November 8, 2011.

**9.1.4 Chris Shaeffer, Caltrans District 5, Department of Transportation,
December 5, 2011**

- 4-1 The DEIR contains a detailed analysis of the Los Carneros Road/U.S. 101 interchange ramp intersections. The analysis quantifies existing, existing + plus project, cumulative, and cumulative + project traffic volumes and levels of service for both the U.S. 101 Northbound Ramps and U.S. 101 Southbound Ramps intersections. The analysis found that the project's traffic additions would not generate project-specific or cumulative impacts to the interchange based on the City of Goleta's thresholds of significance.
- 4-2 The EIR contains an analysis of the project's contribution to traffic impacts on the segments of U.S. 101 between Los Carneros Road and Storke Road and between Los Carneros Road and Fairview Avenue based on the impact criteria established by SBCAG through the CMP. The analysis found that the project would not generate significant impacts to the segments of U.S. 101 on either side of Los Carneros Road interchange based on the CMP impact criteria.
- 4-3 The intersection level of service analysis presented in the EIR utilized the ICU methodology that was adopted by the City of Goleta and SBCAG in concert with Caltrans. The ICU analysis was developed based on actual field measurements of intersection lane capacities (saturation flows) obtained at various intersection s located throughout the South Coast area, including the City of Goleta. The ICU analysis utilizes reduced saturation flow rates (1,600 vehicles per lane) to account for all users of the intersections, (cars, trucks, busses, pedestrians, bicycles). Therefore, the methodology used in the analysis is based on actual field measurements and takes into account pedestrians and bicyclists in the intersection capacities.
- 4-4 The Los Carneros Overhead Bridge Replacement Project design which has been reviewed and approved by Caltrans includes adding a separate right-turn lane for the northbound Los Carneros Road to U.S. 101 southbound on-ramp movement. However, the approved design does not include a separate "free" right-turn lane as originally described in the *Updated Traffic and Circulation Study* (provided in Appendix J), which was the basis for the Draft EIR. Instead, the design includes a separate right-turn lane with traffic signal control at the intersection (i.e., the right-turn movement will not be a free movement). The approved design does not require ramp metering on the U.S. 101 southbound on-ramp. The level of service has been recalculated based on the approved design and the results show that the U.S. 101 SB Ramps/Los Carneros Road intersection is forecast to operate at LOS C under Cumulative + Project conditions. The text of the EIR has been revised to reflect the separate right turn lane as approved by Caltrans. Similarly, the revised page (Page 29) of *Updated Traffic and Circulation Study* was added to Appendix J and supersedes the previous Page 29.

9.1.5 Eric Gage, Santa Barbara County Air Pollution Control District, December 6, 2011

- 5-1 Section 4.2 *Air Quality* was revised to reflect data from the 2009 and 2010 reporting years, along with the federal 8-hour ozone standards exceedance in 2009.
- 5-2 Table 4.2-1 in Section 4.2 *Air Quality* was revised to include more recent data and a footnote was provided to clarify the PM10 and PM2.5 fractions.
- 5-3 The title “Adaptation to Climate Change” in Section 4.6 Greenhouse Gas Emissions was revised, as requested.
- 5-4 Reference to the URBEMIS conversion of methane from mobile sources to CO_{2e} was removed from the text under the *Operational Emissions* subheading within Section 4.6 *Greenhouse Gas Emissions*.
- 5-5 The project architectural floor plans and elevations do not include chimneys or fireplaces, and as such, hearth emissions were not included in Table 4.6-2 of Section 4.6 *Greenhouse Gas Emissions*.
- 5-6 The suggested conditions of approval would be considered as standard conditions for the Development Plan conditional approval that would be issued for the project. These conditions are not CEQA mitigation measures specific to project impacts; and thus, are not appropriate for this EIR.

9.1.6 Dale W. Weber, P.E., MAC Design Associates, November 18, 2011

- 6-1 Based on observations of City staff of certain parking practices in the area, without appropriate markings, there is a potential that drivers may temporarily park at the end of the bump-out/curb extensions. This could create blocking of the travel lane and bicycle lane, and could create an impediment to emergency vehicle access. The street parking plans is required to specify how no parking areas would be designated, including red curbs and possible signage as determined necessary by Community Services. Red curbs and parking signage are standard common features in urban areas, including residential neighborhoods, and would not be considered a significant aesthetic impact. For these reasons, item g.iii. of Mitigation Measure T1-1 was not revised.
- 6-2 *Impact T-2* of Section 4.13 *Transportation and Traffic* was revised to include a discussion of the existing segment of future Camino Vista Road between the project northeast boundary and Aero Camino (a length of approximately 170 feet, not including curb returns) leading up to the Camino Vista Road/Aero Camino Intersection. The existing segment of Camino Vista Road would not be wide enough to accommodate travel lanes, bicycle lanes and parking on both sides of the roadway. The 40-foot wide roadway segment could allow enough space for two travel lanes (11 feet wide each for 22 feet total), parking along the north curb (8-foot wide parking lane), and a 5-foot wide bicycle lane along the south curb (eliminating parking along the south side), or it could allow for parking along both stretches and elimination of a bicycle lane. The travel lane, parking, and bicycle lane demarcations for “transitional area” where the proposed Camino Vista Road extension would

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connect to the existing segment and the 170-foot length of the segment have not yet been depicted in the project roadway plans.

Accordingly, Mitigation Measure T2-1 was revised to include the following item:

- h. Transitional lane delineations and lane design for the existing 170-foot segment of Camino Vista near Aero Camino including, but not limited to:
 - i. Travel lanes
 - ii. Parking lanes on both north and south sides
 - iii. Bicycle lanes, or painted bicycle symbols with arrows signaling to vehicle drivers that this segment of travel lane is “shared” with bicyclists.

- 6-3 Section 4.8.4 *Project Impacts* of Section 4.8 *Hydrology and Water Quality* was revised to make the description of the water “vegetated open space” consistent with the language of Section 4.3 *Biological Resources*. As noted by the commenter, and as described in Section 4.3 *Biological Resources*, the Los Carneros Wetlands are a designated Environmentally Sensitive Habitat Area (ESHA). These wetlands pre-existed the Willow Springs I project and it appears were altered as part of the Willow Springs I project. Permits were obtained from the US Army Corps of Engineers in accordance with federal Clean Water Act, Section 404. The Los Carneros Wetlands provides value for biological resources, storm water flooding retention, and cleansing of surface water runoff before it reaches the Goleta Slough.

To ensure the project does not significantly impact the biological value of the wetlands, the project includes a preliminary set of Best Management Practices (BMPs), such as planted and semi permeable hardscape areas that would assist with absorption of storm runoff from the site. The project design includes downspouts that would direct runoff into emitters that would then discharge the water into permeable landscaped areas. Also, runoff from hardscape, permeable and non-permeable landscape, and other surfaces would pass through insert filters in drop inlets in the storm drain system before passing to the Los Carneros Wetland/retention basin. The EIR correctly provides that the applicant would provide these features to ensure the runoff would meet water quality standards; and therefore, not significantly impact biological resources found within the Los Carneros Wetlands. The EIR correctly includes Mitigation Measure WQ 2-2 to ensure the appropriate water quality measures are undertaken within the development. The term “treatment wetlands” is not an officially recognized term and appears to suggest that its primary function is to “treat” surface water and would not be consistent with Section 4.3 *Biological Resources*. However, the discussion under subheading *Operations* of Section 4.8.4 *Project Impacts* was revised to clarify this distinction.

9.1.7 Doug Dunham G.E. Earth Systems Pacific, November 28, 2011

- 7-1 Mitigation Measure CR 1-3 of Section 4.4 *Cultural Resources* was revised to eliminate the reference to the BX1200 geogrid fabric, and state that the proposed geogrid type and verification of its technological capability shall be provided by a qualified geotechnical engineer as part of the grading plan review and approval.
- 7-3 Comment Noted.
- 7-4 Cross-sections and inclusion on the grading plans would be required as specified in Mitigation Measure CR 1-6.

**9.1.8 Scott Schell, AICP, PTP, Principal Transportation Planner,
Associated Transportation Engineers, December 6, 2011**

- 8-1 Mitigation Measure T 2-1 was revised to require road plans to be approved prior to recordation of the Tract Map.
- 8-2 Comment noted. Mitigation Measure TR 4-1 was revised to provide that the northbound through lane shall be constructed from approximately 350 feet south of the intersection to align with the existing right turn lane north of the intersection.
- 8-3 Mitigation Measure T 4-1 of the EIR correctly provides that the project must construct the improvements prior to occupancy, if no other pending project has done so by that time. If this occurs, the applicant would be reimbursed for the portion expended beyond their fare share, through a reimbursement agreement with the City. It should be noted that sub-item 3) of the mitigation measure specifically allows for payment of its fair share fee under the GTIP should the intersection be added to the program prior to occupancy. Responses 10-2 and 10-3 below further address these similar concerns of the commenter.

**9.1.9 Jeffrey Zunkin, P.G., C.E.G., Senior Geologist, Geosyntec
Consultants, December 6, 2011**

- 9-1 Mitigation Measure HAZ 1-1 was revised to provided that the soil sampling for presence of pesticides shall be conducted at a minimum in accordance with California Department of Toxic Substance Control (DTSC) Interim Guidance for Sampling Agricultural Fields for School Sites, dated August 2002, as it may be amended.
- 9-2 Based on a review of the data available for the investigation of the former Leaking Underground Storage Tank (LUST) site located at 99 Aero Camino, it was determined that more conclusive investigation as to the potential for contamination to have migrated to the project site would be required to reduce the impact to a less than significant level. It would not be prudent to assume future residents would not be exposed to unhealthy level of contamination that may have filtrated from the areas of testing near the former LUST down-gradient to the project without proper sampling. The commenter recognizes this fact in describing the potential for contamination to impact the site to be “relatively low” and “unlikely.” Not only is this description based on data not taken from the project site, but it is also not conclusively established. A final determination can only be made with actual on-site sampling. If contaminants are in fact not detected, the impact would be deemed less than significant. However, absent evidence to the contrary, *Impact HAZ 2* of Section 4.7 *Hazards and Hazardous Materials* correctly describes the potential for impacts from the LUST site at 99 Aero Camino as potentially significant, and Mitigation Measure HAZ 2-1 should not be changed.
- 9-3 Additional text has been added to Section 4.7 *Hazards and Hazardous Materials* in response to this comment. This comment is further addressed above in Response No. 1-1.

**9.1.10 Michael Towbes, Chairman, The Towbes Group, Inc.,
December 7, 2011**

- 10-1 As provided below in Response No. 11-1, the assumptions within Section 4.10 *Noise* relative to freight and passenger train activity and corresponding noise levels are accurate for purposes of determining potential impacts of the project. To reduce the noise levels by 7 dBA based on an assumption of only two freight trains would not be representative of the potential worst-case freight train traffic that may occur.

The commenter suggests that future development of the Willow Springs North property would provide an intervening noise buffer between the project site and the railroad and freeway to the north. However, any development of the Willow Springs North property is independent of the project, no development proposal has been submitted, and there is no point in the future at which a development may be expected to occur. Therefore, no reduction in noise levels is attributed to this EIR analysis.

There is no evidence provided to suggest that 5.5-foot high barriers on the perimeter of the north-facing patios and balconies would reduce light, views, or air-flow. Since these outdoor living areas are north-facing, it is not expected that sunlight from the sun's location overhead slightly south of the project site would be blocked. However, on second-story patios and balconies, the solid perimeter may block light from streetlights, which would be considered nuisance light. As such, this could be considered a beneficial impact relative to "light." With regard to view-blocking effects, although no evidence is provided, these outdoor spaces may have views of the Santa Ynez Mountains in the northerly direction. If such views exist, they would be at angles directed upward looking over the elevated U.S. Highway 101 to the north. View-blocking at this angle may be minimal and not considered an impact for purposes of the aesthetics analysis in Section 4.1 *Aesthetics*. Although blocking of air-flow would not be an impact requiring analysis in this EIR, windows could be sized and located to address air-flow and, secondarily, improve northerly views toward the Santa Ynez Mountains.

Mitigation Measure N 2-1 was revised as follows:

- The requirement for solid perimeter barriers on patio and balconies is limited to Buildings 30 and 31.
- Alternatively, the project applicant may submit an acoustic study, subject to review and approval by City, that demonstrates that noise can be reduced through other methods a reduced height of the required solid perimeter barrier would be adequate to reduce the noise to acceptable levels, e.g. the second-story barrier heights could be reduced to a level that adequately shields the upward trajectory of noise from the identified noise sources.
- (Recommended) The applicant shall design window sizes and locations to maximize the ventilation, sunlight, and mountain views for north-facing balconies and patios.

- 10-2 As provided in Table 4.13-10 of Section 4.13 *Transportation and Traffic*, under the cumulative and cumulative + project modeling, the project would contribute 46 trips

- to the Los Carneros Road/Calle Koral intersection and create a significant impact as the trip generation would cause the intersection Level of Service (LOS) to be reduced from a LOS D to LOS E during the PM Peak Hour. This contribution to impacts is considered cumulatively considerable. It has been legally established that without a Goleta Transportation Improvement Plan (GTIP) in place to collect fair-share mitigation fees that are specifically designated for the required improvements outlined in Mitigation Measure T 4-1, the mitigation must provide for the construction of, or the posting of a performance security, for the full improvements prior to occupancy to allow the impact to be reduced to a less than significant level (Class II).
- 10-3 As provided in Section 4.13 *Transportation and Traffic*, the project would add a significant contribution to cumulative impacts of both the Los Carneros Road / US 101 SB Ramps (“interchange” as referenced by the commenter) and the Los Carneros Road / Calle Koral intersections. Each of these intersections is treated separately, as the improvements to the Los Carneros Road / US 101 SB Ramp, involving a free right turn are a part of the Congestion Management Program for which there is a Development Impact Fee program in place. As described under the *CMP Los Carneros Road/US 101 SB Ramps (Impact T-5 -Cumulative)* subheading of Section 4.13.5 *Mitigation Measures*, the project would be required to pay its fair share portion of the costs of the improvements. The improvements required to mitigate the cumulative impacts to the Los Carneros Road / Calle Koral intersection, involving a northbound through lane, are not specified within the Capital Improvement Program, and as such, a DIF has not been established by ordinance of the City for this intersection. As the commenter notes, it is possible that the two improvements would ultimately connect once constructed; however, until the DIF is established to include the mitigation required for improvements to the Los Carneros Road / Calle Koral intersection, Mitigation Measure T 4-1 of the EIR correctly provides that the project must construct the improvements prior to occupancy, if no other pending project has done so by that time. If this occurs, the applicant would be reimbursed for the portion expended beyond their fare share, through a reimbursement agreement with the City. It should be noted that sub-item 3) of the mitigation measure specifically allows for payment of its fair share fee under the GTIP should the intersection be added to the program prior to occupancy.
- 10-4 Comment Noted.
- 10-5 Subheading *Native American Concerns* of Section 4.4.1 *Existing Conditions*, provides, “As part of the Willow Springs II application and EIR, the project applicant and the City of Goleta consulted the local Coastal Band of the Chumash Nation.” As requested by this commenter and by David Stone of Dudek (Letter 13), additional language was added to further the meeting discussion as requested. In addition, the first paragraph of Section 4.4 *Cultural Resources* was revised to include *The Towbes Group* as part of the two meetings held during the EIR preparation. It is recognized that the applicant has had other meetings with the Chumash, but they did not occur during the EIR process.
- 10-6 It is agreed that notification to all occupants of the project of the cultural sensitivity of the area could lead to looting of the resources. As such, the following statement was deleted from Mitigation Measure CR 1-10.

b. Notice shall be provided at the time of purchase or occupancy.

- 10-7 The soils at the site are highly saline and may require additional attention to ensure the landscaping is successful. Past landscaping efforts at the Willow Springs I site have demonstrated that the soil may be particularly challenging. As provided in Section 4.1.3 *Project Impacts*, if the site's landscaping is not successfully established (e.g. plantings are not appropriate for high saline soils) and maintained, it could detract from the visual quality of the development. Also, based on past experience with native vegetation and bio-swale creation, five years represents a fair timeframe and is likely necessary to ensure that the vegetation meets a given success criteria. For the bio-swale, success is usually not met until it is self-sustaining, meaning that it can be demonstrated over a significant period of time that the area can mature to full functionality without dependence on irrigation or weeding. Three years of monitoring may not be enough time to demonstrate that it is a sustainable natural system.
- 10-8 The City Attorney will review all types of documents that would ensure residents of Willow Springs I and II long-term shared and equal access to all passive and active recreational facilities and amenities within Willow Springs I and II. The City Attorney will review the sample *Grant of Easement and Agreement* attached to this comment letter for adequacy. The required timing is set forth in Mitigation Measure REC 1-1.
- 10-9 Comment Noted.

9.1.11 John P. Larson, Project Manager, URS Corporation, December 7, 2011

- 11-1 This comment letter is addressed above in Response No. 10-1. In addition to Response No. 10-1, the following expands the discussion as it relates to the numbers of trains and the "perceived noise level" comments offered in paragraph two on Page 2 of the letter.

Section 4.10 *Noise* describes the railroad noise according to the City's General Plan/Coastal Land Use Plan, effective November 1, 2006 in combination with noise measurements taken on-site and at the nearby Village at Los Carneros project along the same railroad tracks, and the County of Santa Barbara General Plan Noise Element, all of which provided consistent noise levels. Subheading *Railroad Noise* of Section 4.10.1 *Existing Conditions* provides that the mix of train types may vary, and the number of daily freight trains has been lower in 2008 and 2009 due to the national economic downturn. For a long-term projection, however, the assumptions in the County Noise Element likely remain valid. It would not be prudent for the EIR to base the number of freight trains passing through at two per day, as this number is relatively low and may not ensure that the appropriate noise reductions are in place should freight train activity increase as expected. Additional text has been added to the EIR section to clarify the noise assumptions.

The "perceived noise level" and the "effective perceived noise level" are measures of jet aircraft noise not applied to other transportation sources. The noise/land use compatibility standards in use in almost every jurisdiction in the United States are based on the day-night level (Ldn) or the community noise equivalent level (CNEL) (almost identical metrics). They are based on noise annoyance studies performed

in the 1970s. A plot of the percentage of persons annoyed by transportation noise is typically called a “Schultz Curve” for the original developer of the curve. Recent studies, including the cited reference, have shown that the Schultz Curve underestimates the annoyance fraction to aircraft noise and overestimates the fraction of people annoyed by railroad noise. However, the Federal Interagency Commission on Noise (FICON), while acknowledging that there are annoyance variations depending upon the transportation source, has recommended that no noise penalty be assigned to aircraft noise or any noise bonus be given to railroad noise and that the single parameter Ldn or CNEL be retained as the compatibility standard. The lower public sensitivity to railroad noise is noted as an information item without any change in the EIR analysis for level of impacts.

**9.1.12 Richard S. Six, AIA, Lenvik & Minor Architects,
December 7, 2011**

- 12-1 Mitigation Measure AES 1-6 of Section 4.1 *Aesthetics* provides that any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall prevent spill-over onto adjacent parcels, and shall otherwise meet dark night sky requirements. It also provides that lighting shall be kept to the minimum number and intensity needed to ensure public safety. Final project plan approval would ensure that lighting standards are met and public safety is not compromised.

**9.1.13 David Stone, RPA, Cultural Resources Manager, Dudek,
November 8, 2011**

- 13-1 The two paragraphs preceding Mitigation Measure CR 1-1 as written in Table 1-1 *Summary of Impacts and Mitigation Measures*, Section 1.0 *Executive Summary*, are included in Section 4.4.5 *Mitigation Measures* under *Archaeological Resources* as introductory information for the Archaeological Resources mitigation measures. However, these two paragraphs are not part of the mitigation measures, including Mitigation Measure CR 1-1, and are, therefore, deleted from Table 1-1 as they were mistakenly included. Section 4.4.5 *Mitigation Measures, Archaeological Resources* includes the word “proposed” consistent with the request. Responses to the commenter’s remarks regarding the feasibility and nexus of CR 1-1 are provided below in Response No. 13-13.
- 13-2 The requested text was added to Section 4.4.1 *Archaeological Resources*, as appropriate.
- 13-3 The requested clarifications to the language of Section 4.4.1 *On-site Investigations and CA-SBA-56 Description* were included, as appropriate.
- 13-4 References to the Late Period for the Intermediate Artifact Scatter and the Early Period for the central midden area were added to Section 4.4.1 *Intermediate Artifact Scatter*.
- 13-5 Section 4.4.1 *Extent of Prior Data Collection and Evaluation* was revised to include specific locations for the 14 controlled excavation units completed during the Phase 2 archaeological assessment.

- 13-6 Section 4.4.1 *Extent of Prior Data Collection and Evaluation* was revised as appropriate to include the requested additional information relative to the Chumash occupation of the CA-SBA-56 site incorporating more discussion of the 2004 work conducted by Erlandson et al.
- 13-7 Section 4.4.1 *Extent of Prior Data Collection and Evaluation* under subheading *Native American Concerns* was revised to describe the efforts of the applicant and the City of Goleta staff to meet with, not only the Coastal Band of the Chumash Nation (CBCN), but all members of the Chumash community identified by the Native American Heritage Commission (NAHC) as potentially having knowledge of cultural resources within and adjacent to the project site. This discussion was revised to recognize that there were two meetings held by the City of Goleta on July 6 and October 21, 2010 that were formally noticed and participants included: the applicant, City of Goleta staff, Envicom Corporation and their consulting archaeologist McKenna et al., representatives of the CBCN, a representative of the Santa Ynez Chumash Indian Reservation, and unaffiliated Chumash. This discussion was also revised to recognize that, in addition to these two meetings, the applicant held meetings on its own with the Native American community to address cultural resources issues, including a meeting on May 19, 2010. As the City of Goleta staff, Envicom Corporation and McKenna et al. were not included as active participants at the applicant's meetings with the CBCN, there is no discussion of the content or outcome of those meetings in the EIR. Additionally, while there was a follow up meeting between the applicant and the City of Goleta staff to the July 6, 2010 meeting to allow representatives of the applicant to convey their insight into the issues that had been discussed with the Chumash representatives to date, this meeting was not attended by Chumash representatives, did not involve direct communications with the Chumash as to their concerns, and, therefore, it was not included in the EIR.
- 13-8 The City of Goleta Environmental Thresholds and Guidelines Manual criteria for determining the significance of a historical resource (not for determining an impact to a historical resource) was removed from Section 4.4.2 *Thresholds of Significance*. The threshold provided was revised accordingly to include historic resources. Subheading *Historic Resources* of Sections 4.4.1 *Existing Conditions* and 4.4.3 *Project Impacts* correctly describes the lack of historic resources on-site.

To determine the impacts to archaeological resources, Section 4.4.2 *Thresholds of Significance* correctly includes the impact thresholds outlined in CEQA Guidelines Section 15064.5, Subsection (b)(1), and incorporate by reference in the City's CEQA Guidelines. The commenter references the criteria used in determining whether a resource is historically significant as defined in Section 15064.5(a)(3). This criteria is important in establishing the existing setting, which correctly identifies the significance of the resources at the site. This criteria is appropriately included within the *Regulatory Framework* of the EIR Section. The *Thresholds of Significance*; however must provide the basis from which to determine the level of impacts a project would have on significant resources (resources already established as significant under the criteria referenced by the commenter). Discussion was added to Section 4.4.2 *Thresholds of Significance* to clarify the correct corresponding section of CEQA Guidelines

-
- 13-9 Subheading *Impacts from Grading Outside of CA-SBA-56* of Section 4.4.3 *Project Impacts* was revised to clarify the boundary delineation efforts as requested. However, it is important to disclose the concern that unmapped resources could still be uncovered given the proximity of the grading to the mapped boundary and because the Phase I surveys, while extensive, do not provide a 100 percent level of confidence in the delineated boundary. It is prudent for the EIR to disclose this concern.
- 13-10 The premise that a redesign was developed upon learning of the location of a reburial was added to the EIR text. However, the commenter is making the same point as provided in the EIR, using other words. It is not necessary to revise the EIR Section further and specific design feature descriptions are not appropriate within this discussion.
- 13-11 Section 4.4.4 *Cumulative Impacts* was revised to clarify the protection of the resources cumulatively through the avoidance of the central midden area and capping design of the project.
- 13-12 The discussion under subheading *Archaeological Resources* of Section 4.4.5 *Mitigation Measures* was revised to specify that the Phase 3 Data Recovery excavations would be required to provide spatial variability for the Late Period occupation of the intermediate scatter area of CA-SBA-56.
- 13-13 Mitigation Measure CR 1-1 was revised, where appropriate, to require the Phase 3 Data Recovery Program be implemented and more specific information as to its contents was added, as requested.

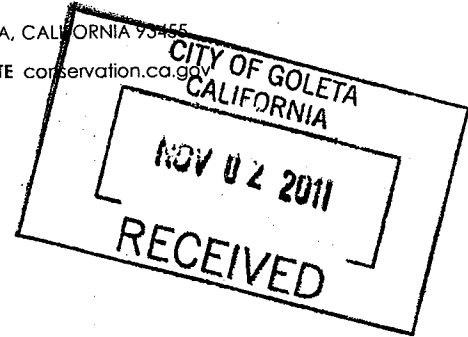


DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

5075 SO. BRADLEY ROAD • SUITE 221 • SANTA MARIA, CALIFORNIA 93455
PHONE 805 / 937-7246 • FAX 805 / 937-0673 • WEB SITE conservation.ca.gov



November 1, 2011

Natasha Campbell, Contract Planner
City of Goleta Planning and Environmental Services
130 Cremona Drive Suite B
Goleta CA 93117

Dear Ms. Campbell:

DRAFT ENVIRONMENTAL IMPACT REPORT, WILLOW SPRINGS II

The Department of Conservation, Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the Willow Springs II project in the City of Goleta, and has the following comments:

The Division has records of one well drilled in close proximity to the project boundaries. The well is Amerada Hess Corp. "Perry" 1, drilled in 1952. The well record does not indicate that oil or gas were encountered. The well was plugged to meet the standards applicable in 1952. The landowner at that time, Richard T. Perry of Santa Barbara, requested in writing that the well be left in a condition for use as a water well, so the Division considers the well to be plugged and abandoned, and has no information on the current status or condition of the well. The well location is given as 301 feet south and 205.56 feet east of the northwest corner of the Richard Perry property, stated to be a portion of Rancho Dos Pueblos in "book 30 at page 128" of the Record of Surveys of Santa Barbara County. It would be prudent to determine the well's location relative to the Willow Springs II property. As a water well, "Perry" 1 would not fall under the Division's jurisdiction.

1

Please contact Ross Brunetti at 937-7246 if you have any questions.

Sincerely,

Patricia A. Abel
District Deputy

RB:cb

cc: Chrono
EQ-EIR file

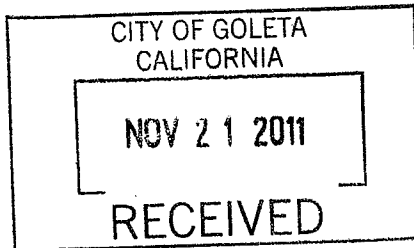
NATIVE AMERICAN HERITAGE COMMISSION

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



November 16, 2011

Natasha Heifetz Campbell
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117



RE: Willow Springs Phase II Development; Santa Barbara County.

Dear Ms. Heifetz Campbell:

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. Attached is a consultation list of tribes with traditional lands or cultural places located within the requested project boundaries.

1

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS) to determine if any cultural places are located within the area(s) affected by the proposed action.

2

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. Local governments should be aware, however, that records maintained by the NAHC and CHRIS are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a cultural place.

If you receive notification of change of addresses and phone numbers from Tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

3

If you have any questions, please contact me at (916) 653-4040.

Sincerely,

Katy Sanchez
Program Analyst

Attachment

Native American Tribal Consultation List
County of Santa Barbara
November 16, 2011

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517 Chumash
Santa Ynez , CA 93460
varmenta@santaynezchumash.org
(805) 688-7997

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait, Chairwoman
365 North Poli Ave Chumash
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Coastal Band of the Chumash Nation
Vennise Miller, Chairperson
P.O. Box 4464 Chumash
Santa Barbara CA 93140
805-305-5517

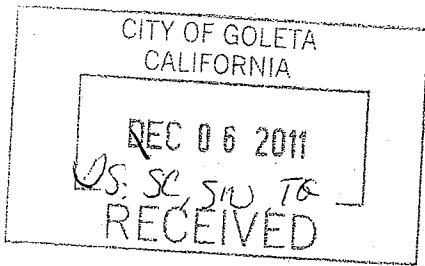
This list is current only as of the date of this document.

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 applicable only for consultation with Native American tribes under Government Code Section 65352.3.



4699 HOLLISTER AVENUE
GOLETA, CALIFORNIA 93110-1999
TELEPHONE 805/964-6761
FAX 805/964-7002



December 5, 2011

Deborah Constantino, City Clerk
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Goleta Water District Urban Water Management Plan

Dear Ms. Constantino:

On November 8, 2011 the Goleta Water District (District) Board of Directors adopted an updated Urban Water Management Plan, consistent with Division 6 Part 2.6 of the California Water Code (sections 10610-10656). Specifically, the Urban Water Management Plan assess and forecasts demands and water supplies, analyzes water quality and reliability, and identifies strategies to encourage efficient water use.

This letter provides notification that the Urban Water Management Plan is available online at www.goletawater.com, pursuant to California Water Code Section 10644(a).

If you have any questions, please contact Chris Rich, Water Supply & Conservation Manager at crich@goletawater.com or 805-879-4604.

Sincerely,

John McInnes
General Manager

cc. Daniel Singer, City Manager, City of Goleta

1

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

December 5, 2011

Patricia Miller
Goleta Planning
130 Cremona Dr #B
Goleta, CA 93117

05-SB-101-23.72
Willow Springs II

Subject: Willow Springs II Draft Environmental Impact Report

Dear Ms. Miller:

Thank you for the opportunity to provide comment upon the subject's project Draft Environmental Impact Report (DEIR). Caltrans has provided perspective and guidance relative to this project's impact analysis needs on March 18, 2010 in response to the Notice of Preparation (NOP). The DEIR does not appear to speak to many of the issues raised in that correspondence. Caltrans provides the following comments:

- 1. Los Carneros Interchange and Ramp Queuing. As discussed and requested in Caltrans response to the Notice of Preparation for this project, ramp queuing should have been a component of the analysis. This discussion appears to be omitted from the DEIR. 1
- 2. US 101, Los Carneros Interchange, and Merge/Diverge Analyses – Discussion regarding merge / diverge conditions is completely omitted from both technical and narrative analyses. Merge/diverge analyses is required to determine effects of this project's traffic contribution to turbulence created at merge / diverge zones and US 101 mainline. 2
- 3. Ramp Intersection Analyses; Pedestrians/Bicyclists It appears that the intersection analyses fail to account for pedestrians and bicyclists. Pedestrians and bicyclists require allocated green time, which can delay or reduce vehicle green time, thus degrading the operating conditions of an intersection. Given that government at all levels actively advocate alternate modes of transportation, are advocating for complete streets doctrine, and are making investments in pedestrian and bike infrastructure, it should be routine that this type of transportation user is part and parcel of traffic analyses. By omitting pedestrians and bicyclists the traffic study over estimates intersection capacity and any analysis will reflect better than actual or computed operating conditions. 3
- 4. Interchange improvements, page 4.13-31; Impact T-5. This paragraph discusses the addition of a northbound lane on Los Carneros which transitions to a free right-turn lane onto the southbound on-ramp to US 101. This improvement is discussed in cumulative terms within the context of the Cabrillo Business Park and the Village at Los Carneros. This improvement would place Caltrans into the role of responsible agency, as an encroachment permit would be required to work within the ramp node right of way. This particular improvement would include ramp metering installation on the Los Carneros southbound on-ramps. Further 4

analysis of this free right turn, ramp improvements, and the ramp meter should be conducted and should include the effects, if any, upon local streets and intersections. Whether this is accomplished with development projects such as Willow Springs II or others (which would be prudent), please know that if and when the proposed modifications to the interchange and/or ramp intersections require obtaining a Caltrans encroachment permit, a condition of approval for that permit will include installation of adaptive ramp metering.

Please note the attached Caltrans' correspondence (re: Cabrillo Business Park) dated June 11, 2007, specifically items 2 and 3, which point to this requirement.

All work and costs required for that improvement - engineering design, environmental work, and construction - will be the responsibility of the permittee.

Thank you for your consideration of these comments. If you have any questions about these comments, I can be reached at (805) 549.3632.

Sincerely,



Chris Shaeffer
Caltrans District 5
Development Review

attachment

c: L. Newland
Steve Wagner – City of Goleta
P. McClintic
F. Boyle
S. Senet
M. Streder
Peter Imhof - SBCAG

4

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
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FAX (805) 549-3077
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>

ATTACHMENT



*Flex your power!
Be energy efficient!*

June 11, 2007

SB 101 PM 24.79
SCH #2000041129

Ms. Cindy Moore
City of Goleta, Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA. 93117

CABRILLO BUSINESS PARK – FINAL ENVIRONMENTAL IMPACT REPORT

Dear Ms Moore

The California Department of Transportation (Caltrans) staff has reviewed the above referenced document and as a result, the following comments were generated.

1. *(Reference. Page 4.13-6, Intersection Operations)* In 2002, Caltrans agreed to the use of Intersection Capacity Utilization (ICU) methodology with “Camarillo Inputs” only for the purpose of Level of Service (LOS) monitoring under the SBCAG Congestion Management Program (CMP). If the initial ICU analysis indicated a LOS deficiency, a follow up analysis utilizing the HCM 2000 method would take place. Caltrans relies on HCM 2000 to refine the extent of the significance of the traffic impacts and then base needed mitigation on this subsequent detailed analysis.
2. *(Reference Figure 4.13-8, Project-Added AM Peak Hour Traffic Volumes)* To accommodate an additional 256 AM peak hour project specific trips, an additional left turn lane on the northbound US 101/Los Carneros off ramp would be needed as mitigation to avoid queuing issues on the US 101 mainline.
3. *(Reference 4.13-9, Project-Added PM Peak Hour Traffic Volumes)* To accommodate an additional 231 PM peak hour project specific trips to the southbound US 101/Los Carneros on ramp, ramp metering will have to be installed as a project specific mitigation.
4. *(Reference Figures 4.13-1 to 4.13-18)* Please note Hollister Avenue is not identified in these figures.
5. *(Reference Page 4.13-9, Trip Generation)* The project trip generation rates should be based on the 7th edition of the Institute of Transportation Engineers (ITE) Trip Generation Report (2003). The rates used in the EIR were from the 1997 ITE Trip Generation Report.

Cabrillo Business Park – Final Environmental Impact Report - Draft EIR - Moore

6/8/07

Page 2

Call me at (805) 549-3615 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Joseph A. Londono". The signature is written in black ink and includes a long, sweeping horizontal line at the end.

Joseph A. Londono
District 5 Development Review Coordinator

December 6, 2011

Natasha Campbell
City of Goleta
Planning & Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

**Re: APCD Comments on the Draft Environmental Impact Report for Willow Springs 2
08-128-SPA-VTM-DP-CUP-DPAM, 11-080-GPA, 11-081-GPA, 11-EIR-003**

Dear Ms. Campbell:

The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of 100 condominium units and an extension of Camino Vista Road that will tie in to the adjacent existing Willow Springs 1 residential community. The project includes an amendment to the approved Development Plan for the existing 235-unit Willow Springs project, to provide for all common areas to be equally shared by residents of both projects. The subject 6.0-acre property, is composed of five parcels identified in the Assessor Parcel Map Book as APNs 073-060-044 through 48. The site has a General Plan land use designation of Medium Density Residential. A portion of the site is designated in the General Plan as Environmentally Sensitive Habitat for presence of Coastal Sage Scrub. The General Plan also identified a future public park in the general area. General Plan Amendments are being processed concurrently with the project to remove the ESHA designation and generally locate the public park on the property immediately north of the project. The project site is also within the Willow Springs/Los Carneros Community Specific Plan and a specific plan amendment is being concurrently processed to revise the plan to be consistent with the re-designation of the land use.

Air Pollution Control District staff offers the following comments on the DEIR:

1. **Air Quality Section, Existing Air Quality, Pg. 4.2-2:** The first numbered statement pertaining to exceedances of the ozone standards is out of date. Please revise these statements to reflect data from 2009 and 2010. The state and federal 8-hour ozone standards were exceeded in 2009. 1
2. **Air Quality Section, Existing Air Quality, Table 4.2-1, Pg. 4.2-3:** Please revise the table to include available data from recent years. The values for PM10 and PM2.5 appear as fractions and should be clearly labeled. 2
3. **Greenhouse Gas Section, Adaptation to Climate Change, Pg. 4.6-2:** Please note that adaptation generally refers to actions taken in response to climate change impacts, such as sea level rise or water scarcity. This section describes the impacts of climate change on resources, but does not discuss adaptation strategies. Please consider revising the title of this section. 3
4. **Greenhouse Gas Section, Operational Emissions, Pg. 4.6-8:** The third paragraph of this section indicates that the URBEMIS program calculates methane from mobile sources and converts these values to carbon dioxide equivalent (CO2e) units. Please note that neither CO2e nor methane emissions are identified in the URBEMIS outputs included in the Appendix A. 4

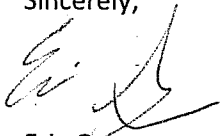
- 5
5. **Greenhouse Gas Section, Project Non-Transportation Emissions, Pg. 4.6-9:** The summation of non-transportation GHG emissions generated by the project and depicted in Table 4.6-2 does not include approximately 55.9 MT/yr from hearth emissions as depicted in the URBEMIS report for annual area emissions included in Appendix A. Please revise the calculation to include these emissions or provide the rational for excluding these emissions.

Air Pollution Control District staff suggests that the following conditions be applied to the project:

- 6
1. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities* establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at www.sbcapcd.org/rules/download/rule345.pdf.
 2. Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
 3. If contaminated soils are found at the project site, the APCD must be contacted to determine if Authority to Construct and/or Permit to Operate permits will be required.
 4. At a minimum, prior to occupancy any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
 - Energy use (energy efficiency, low carbon fuels, renewable energy)
 - Transportation (reduce vehicle miles traveled, compact and transit-oriented development, pedestrian- and bicycle-friendly communities)
 - Water conservation (improved practices and equipment, landscaping)
 - Waste reduction (material re-use/recycling, composting, waste diversion, waste minimization)
 - Architectural features (green building practices, cool roofs)
 5. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at edg@sbcapcd.org.

Sincerely,



Eric Gage,
Air Quality Specialist
Technology and Environmental Assessment Division

MAC DESIGN ASSOCIATES
 CIVIL ENGINEERING ♦ LAND PLANNING ♦ BRIDGE DESIGN

November 18, 2011

W.O. 0219

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

Attn: Natasha Campbell, Contract Planner

Subject: Willow Springs II DEIR

Dear Ms. Campbell;

I have reviewed the Willow Springs II Draft Environmental Impact Report and have the following comments.

Executive Summary

Traffic T1-1

- **g.iii** “prohibiting of parking along the curbs of the street tree planters (bump-out/curb extensions) to maintain the bicycle lane and emergency access.”
Comment: Parking along the street tree planters is not likely to occur, since it would require someone to park in the striped bike lane and encroach into the travel lane. I do not see this area being confused as a parking area, since the area between the tree planters will be striped for parking. Requiring this to be prohibited as part of Street Parking Plan will result in either the signing of each planter or a red painted curb for each planter. I am concerned about the visual appearance that will result from the signing and/or striping.

1

Traffic T2-1 & 3-1

- **Comment:** The extension of Camino Vista along the project frontage will provide for a travel lane/bike lane/parking lane combination. The existing stub of Camino Vista coming off of Aero Camino does not have adequate width for a travel lane/bike lane/parking lane combination. I don't see any mention in regards to how this will be handled. Either the bike lane ends here, or the parking on the existing stub of Camino Vista will need to be eliminated.

2

Water Quality and Bio Sections

- **Comment:** In the Bio section the Los Carneros Wetland is referred to as an ESHA, and in the Water Quality Section it talks about our project runoff draining through 500 feet and 950 feet of "Vegetated Open Space" as part of our water quality treatment, which it is. Both of these statements are accurate, but they are not consistent. These areas are in actuality the same areas, and they should be referred to consistently throughout the document. The area is both a wetland and a retention basin that provides flood control and water quality treatment. The Los Carneros Wetland was approved for use as a retention basin for the Willow Springs development. Prior to the Willow Springs development, this wetland area was degraded. Since the Willow Springs development, this wetland area has rebounded and is much larger and denser than it was previously. I would suggest that we refer to the Los Carneros Wetland consistently throughout the document as a "treatment wetland", since that is how it was approved to function.

3

Thank you for the opportunity to review and comment on the Draft EIR.

Sincerely,



Dale W. Weber, P.E.
MAC Design Associates



November 28, 2011

FILE NO.: SL-15702-SA

Ms. Natasha Campbell, Contract Planner
City of Goleta
Planning Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

PROJECT: WILLOW SPRINGS PHASE 2 APARTMENTS
NORTHEAST OF CALLE KORAL AND CAMINO VISTA
GOLETA, CALIFORNIA

SUBJECT: Geotechnical Review Comments for the Willow Springs Apartments Phase 2
Environmental Impact Report

REF: 1) Environmental Impact Report for Willow Springs II dated October, 2011.
2) Soils Engineering Report Update, Willow Springs Phase 2 Apartments,
Northeast of Calle Koral and Camino Vista, Goleta, California, by Earth
Systems Pacific, dated May 11, 2011, Doc. No. 1105-026.SER

Dear Ms. Campbell:

This letter presents our geotechnical review comments to the Environmental Impact Report (EIR) concerning the development of the Willow Springs Phase 2 Apartments project located northeast of Calle Koral and Camino Vista in the City of Goleta, California.

Reference 2 appears to address most if not all of the geotechnical issues for the project listed in Reference 1. Here are our review comments:

- 1. Page 1-36 D – The geogrid listed in the EIR is BX 1200 and we have recommended using TX 160 in Reference 2 which is more cost effective and a better new technology product.

1



Willow Springs Phase 2 Apartments

November 28, 2011

2. Page 1-41, CR 1-4 – The soils in the stockpile are going to have to be sampled and tested for pH. Earth Systems Pacific does have an environmental geologist on staff that will be used for soil sampling and testing purposes. 2

3. Page 1-43, CR 1-6 – We can develop the cross-section drawing if needed, or we can provide guidance to the civil engineer in getting this item onto the plans if that is required. 3

Please include our comments in the draft EIR for Willow Springs II.

Sincerely,

Earth Systems Pacific

Doug Dunham
Doug Dunham, G.E.

Doc. No.: 1111-067.LTR/ln





ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

December 6, 2011

0809801.L03

City of Goleta
Planning & Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117
Attention: Natasha Campbell, Contract Planner

WILLOW SPRINGS II PROJECT DEIR: COMMENTS ON THE TRANSPORTATION AND CIRCULATION SECTION

Associated Transportation Engineers (ATE) is providing the following comments on the Transportation and Traffic section (Section 4.13) of the Willow Springs II DEIR.

Page 4.13-30 Mitigation T 2-1. This mitigation calls for installation of a Stop sign and red paint to prohibit parking adjacent to the Camino Vista Road/Aero Camino intersection. The timing of the mitigation calls for road plans to be approved prior to issuance of grading permits and implementation prior to first occupancy. In order to be consistent with the timing of the other mitigation measures, it is recommended that this be changed to "Road Plans shall be approved prior to **recordation of the tract map**".

1

Page 4.13-30 Mitigation T 4-1. This mitigation states that "The permittee shall provide an additional northbound through lane along Los Carneros Road" to mitigate cumulative impacts at the Los Carneros Road/Calle Koral intersection.

As a preliminary matter, the measure should clearly define the extent of improvements required. There are 3 northbound thru lanes on Los Carneros Road north of Calle Koral that merge into 2 lane south of the U.S. 101/Los Carneros interchange. The programmed U.S. 101/Los Carneros Road bridge replacement project will extend the existing 3 northbound thru lanes to the U.S. 101/Los Carneros interchange. Thus, the 3rd northbound thru lane on Los Carneros Road will be required south of the Calle Koral intersection only. The mitigation measure should clearly define the location and length of the required 3rd northbound thru lane on Los Carneros Road south of Calle Real.

2

The Plan Requirements and Timing state that the improvement shall be constructed by the permittee prior to the first occupancy clearance for the project or permittee shall post a performance security deemed adequate by the City to cover the cost of all such improvements prior to the first occupancy clearance. It is important to note that the impact is a cumulative impact and the subject intersection is forecast to operate at good levels of service under Existing + Project conditions (LOS A during the A.M. peak hour and LOS B during the P.M. peak hour).

Further, the cumulative traffic forecasts assume development of all approved and pending projects in the Goleta area, including UCSB's LRDP, the County's Isla Vista Master Plan, and the City of Santa Barbara's Master Plan for the Santa Barbara Airport. Thus, the cumulative traffic forecasts used in the Willow Springs II DEIR reflect conditions far into the future (± 20 years). Thus, implementation of the 3rd lane on Los Carneros Road will not be required prior to occupancy of the Willow Springs II project (the intersection forecast at LOS A during the A.M. peak hour and LOS B during the P.M. peak hour under Existing + Project conditions). Instead, the improvement will be warranted well into the future when the cumulative traffic projections are realized.

It is also important to remember that a substantial contributor to the need for the 3rd lane is the revised intersection layout and additional traffic that would result from the proposed Village at Los Carneros Project, which has not been approved by the City. The Village at Los Carneros Project includes adding a new leg to the intersection (west leg) for access, which will require modifications to the traffic signal and increase the complexity of the signal timing requirements (new signals and changes to the signal phasing will be required to accommodate the new west leg at the intersection). Depending on what happens in the permitting of the Village at Los Carneros Project, the configuration of the intersection may change, making it inappropriate for Willow Springs II to construct the intersection improvements at this time.

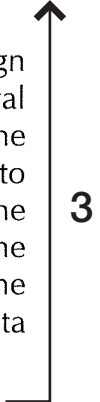
Given the above points, it is recommended that the City amend the GTIP, if such amendment is required, to include the 3rd northbound thru lane at the Los Carneros Road/Calle Koral intersection so that funding of the improvement is equitably shared by all future projects in the area and so that the improvement is constructed at the time needed.

Although the improvement may not currently be formally included in the GTIP, it undoubtedly will be in the near future. Furthermore, the fact that the City, County, and UCSB have reached agreement about UCSB's contribution of dollars to both entities to complete improvements needed to build out the LRDP constitutes a "program" (which was subject to public review per CEQA) which is sufficient under CEQA to allow fair share payment as full mitigation. Only the City and County have the ability to compel UCSB to contribute funds for these improvements based on the agreements between the parties.

3



Finally, the timing of the mitigation measure requires that the roadway improvement design plan be reviewed and approved by the City prior to recordation of the final map or approval of any land use permit for the project. Whether under the GTIP or pursuant to the City/County/UCSB agreed mitigation program, the project should be conditioned to contribute a fair-share payment to the City of Goleta for its proportional share of the cumulative traffic increases on the roadway since the impact is caused primarily by the significant cumulative traffic growth generated by the buildout of UCSB's LRDP, the County's Isla Vista Master Plan, and the City of Santa Barbara's Master Plan for the Santa Barbara Airport.



This concludes our comments on the Transportation and Traffic section of the Willow Springs II DEIR.

Associated Transportation Engineers

By:   
Scott A. Schell, AICP, PTP
Principal Transportation Planner

SAS/DLD



924 Anacapa Street, Suite 4A
 Santa Barbara California, 93101
 PH 805.897.3800
 FAX 805.899.8689
 www.geosyntec.com

December 6, 2011

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

Attention: Natasha Campbell – Contract Planner

Subject: Willow Springs II EIR
 Comments on Hazardous Waste Mitigation Measures (HAZ-1-1 and HZ-2-1) and
 Information Regarding DEC Comment on Perry 1 Oil Well

Dear Ms. Campbell:

On behalf of Towbes Group, Inc., Geosyntec Consultants is submitting comments on the Draft Willow Springs II Environmental Impact Report (Draft EIR) proposed Hazardous Waste Mitigation Measures specified as HAZ-1-1 and HAZ-2-1. In addition, we are providing information regarding a comment submitted by the Department of Conservation (DEC) in their letter dated November 1, 2011 concerning the location of the Amerada Hess Corp. "Perry" 1 well.

Our comments regarding the Hazardous Waste Mitigation Measures are based on our review of the Envicom Corporation's Draft EIR dated October 2011, Rincon Consultants Inc. Phase 1 Environmental Site Assessment (ESA) dated November 3, 2008, and Rincon's ESA addendum dated December 9, 2009. Our comments regarding the mitigation measures are as follows.

Mitigation Measure HAZ-1-1. The mitigation measure recommends sampling for pesticides in shallow native soils due to the site's historical agriculture use. We agree that the mitigation measure outlined in the Draft EIR is prudent. We recommend that a soil screening evaluation for pesticides be implemented in accordance with State of California Department of Toxic Substance Control (DTSC) Interim Guidance for Sampling Agricultural Fields for Schools Sites dated August 2002.

1

Mitigation Measure HAZ-2-1. The mitigation measure recommends soil and groundwater sampling in the eastern portion of the Willow Springs II site adjacent to a former Leaking Underground Storage Tank (LUST) site located at 99 Aero Camino. The objective of the HAZ-2-1 mitigation measure is to evaluate the potential impact of vapor intrusion on planned onsite buildings. As part of the LUST investigation conducted at 99 Aero Camino, soil and groundwater data were collected from locations (four monitoring wells and three borings) within and immediately downgradient of the former LUST area. Geosyntec’s preliminary review of the readily available 99 Aero Camino data indicates that impacts (i.e., gasoline contamination) to soil and groundwater in the former LUST area were relatively low and unlikely to impact the Willow Springs site. Consequently, Geosyntec recommends that a tiered program be implemented to address mitigation. As a first step, an assessment of available information collected at 99 Aero Camino during the LUST investigation should be completed to evaluate the potential for vapor intrusion impact to the Willow Springs site. The evaluation of potential vapor intrusion would be based on these data and conducted in general accordance with the State Water Resources Control Board Draft Low-Threat Closure Policy dated July 14, 2011. Based on this evaluation, recommendations for further soil, groundwater, or vapor sampling on the proposed Willow Springs II site would be prepared only if the potential for vapor intrusion exposure was found to be significant.

2

DEC Letter. In regards to the DEC letter dated November 1, 2011 (attached) concerning the location of Amerada Hess Corp. “Perry” 1 well, it should be noted that Rincon previously evaluated the location of the well in their ESA for the project site. Rincon’s review of Department of Conservation, Division of Oil, Gas and Geothermal Resources maps indicated that no oil wells were located on the Willow Springs II project site. In addition, Rincon indicated that the well in question, the “Perry” 1 well, was located approximately 300 feet east of the project site along Aero Camino. Thus, DEC’s concern regarding the well has already been addressed and no further action is necessary.

3

City of Goleta
December 6, 2011
Page 3

We appreciate the opportunity to submit the above comments and information to the City of Goleta. If you have any questions please call me at 805-897-3800.

Sincerely,
Geosyntec Consultants

A handwritten signature in blue ink, appearing to read "Jeffrey Zukin".

Jeffrey Zukin, P.G., C.E.G.
Senior Geologist

A handwritten signature in blue ink, appearing to read "Mark Grivetti".

Mark Grivetti
Principal, P.G. C.Hg.

December 7, 2011

Ms. Natasha Campbell
Planning and Environmental Services
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: Willow Spring II DEIR
Case No. 08-128-SPA, -VTM, -DP, -DPAM; 11-80-GPA; 11-081-GPA
Draft EIR (October 2011) 11—EIR-003; SCH# 2010031059
Draft Addendum (October 2011); SCH?# 2005031151

Dear Natasha:

A large majority of the comments on the subject EIR have been provided to you directly by our consultants, including the following:

- Dudek
- ATE
- URS
- Geosyntec
- Earth Systems Pacific
- MAC Design Associates
- Lenvik & Minor Architects

1

In addition, we would like to provide these comments, as follows:

N 1-3 (Noise)

As you will see in the URS letter, using the most current freight train traffic of two per day, rather than twelve per day used in the 20 year old County Noise Element, reduces the Ldn level by about 7 dBA. Even after adding the noise contribution from the Amtrak trains, there is still an overall noise level reduction of at least 3-4 dBA, putting the noise level at the north facing units in Buildings 30 and 31 below the threshold where mitigation is required. Of course, this reduction is in addition to that which will be achieved from the future construction of buildings on the North Willow Springs site. We feel strongly that the quality of life for residents would be greatly diminished by the reduction of light, views and air flow that will result from the erection of solid perimeter barriers on patios and balconies, as currently required by mitigation measure N 1-3. Please revise the text to indicate that noise impacts on exterior living spaces are less than significant and delete mitigation measure N 1-3.

2



Ms. Natasha Campbell
 December 7, 2011
 Page 2

T 4-1 (Traffic)

We do not believe that a project which contributes only 4½% of the trips to the Los Carneros/Highway 101 interchange, particularly when the actual impact on the interchange is a cumulative one which will occur long after our project is built, should be required to advance the full cost of that work. The widening of the Los Carneros Bridge is scheduled to begin in late summer of 2012, so it should be completed long before cumulative impacts actually occur. The improvements referenced in measure T 4-1 are clearly integral to the bridge-widening project; as a result, they should be included as a GTIP project, and our contribution to fund them should be paid out of our traffic impact fees. Please see the letter from Associated Transportation Engineers for further discussion of this issue.

3

CR 1-1 through CR 2-1 (Archaeology)

Given the extensive nature of our consultant's comments, we believe it would be helpful for us and our consultant to meet with staff to see if many of these issues can be resolved. Such a meeting would be very productive.

4

The DEIR fails to note the very significant outreach by the applicant, which included several site visits and meetings with tribal representatives at the City of Goleta and at the applicant's office.

5

With respect to CR 1-10, the description of this mitigation implies that housing units will be sold to individual owners. While this may occur at some time in the future, for the present, the project will be operated as a rental project, and during this time period management will assume the responsibility of monitoring to ensure that there is no suspicious activity regarding archaeological resources undertaken by residents and visitors. Full time management, maintenance, and gardening staff will be on site and will understand the sensitivity of the archeological area. Notifying all residents and visitors about the sensitivity of the site, as suggested by proposed measure CR 1-10, will simply encourage the behavior we want to prevent.

6

AES 1-10 (Aesthetics)

We understand that the City will reduce the required period for landscape maintenance from five years to three years. The City's standard condition requires a 3-year maintenance period, and this project presents no unusual features that would justify a longer period.

7



Ms. Natasha Campbell
December 7, 2011
Page 3

REC 1-1 (Recreation)

We request that the City Attorney's office clarify the type of document it wishes us to use. Mitigation assuring access can be provided via an easement, the CC&R's for the project, or in other ways. Enclosed is a document from one of our projects which accomplishes the same purpose -- the joint use of common area facilities by residents of separate parcels -- as an example of what can be used. While the circumstances were somewhat different at Encina Meadows, this shows that the use of the recreation facilities located on another parcel can be accomplished by way of an easement.

8

In conclusion, please understand that these comments are not intended to be all-inclusive. They are provided to expand on our consultants' comments or to provide comments which were not included with those of our consultants.

9

Thank you for your consideration.

Sincerely yours,

The Towbes Group, Inc.

By MICHAEL TOWBES
Chairman

/bjr

Enclosure



2011-0041378

Recorded	REC FEE	54.00
Official Records		
County of	CONFORMED COPY	2.00
Santa Barbara		
Joseph E. Holland		
County Clerk Recorder		

08:00AM 21-Jul-2011	TP	Page 1 of 9
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**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
Encina Meadows L.P., a California limited
partnership
c/o Craig Zimmerman
The Towbes Group, Inc.
21 East Victoria Street, Suite 200
Santa Barbara, CA 93101**

3737935

9-1
CCW

APN: 069-110-81 and 069-110-74

[Space above line for Recorder's use only]

GRANT OF EASEMENT AND AGREEMENT

This GRANT OF EASEMENT AND AGREEMENT is made and entered into as of the date hereinafter set forth by and between Encina Meadows East L.P. ("Grantor"), and Encina Meadows L.P. ("Grantee").

RECITALS

WHEREAS, Grantee is the owner of that certain parcel of real property devoted to residential multifamily units located in the City of Goleta, County of Santa Barbara, State of California, and legally described in Exhibit "A" (the "Dominant Tenement");

WHEREAS, Grantor is the owner of that certain parcel of real property devoted to residential multifamily units located in the City of Goleta, County of Santa Barbara, State of California and legally described in Exhibit "B" attached hereto (the "Servient Tenement").

WHEREAS, the Dominant Tenement and Servient Tenement are located adjacent to each other.

WHEREAS, Grantor is in the process of constructing a new clubhouse on the Grantor's property.

WHEREAS, Grantee desires to acquire for the benefit of its residents, pursuant to this Easement and Agreement, the right to use said clubhouse.

NOW, THEREFORE, based on these premises, and other valuable consideration, the receipt and sufficiency of which all parties hereto expressly acknowledge, the parties agree as follows:

December 7, 2011

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

Re: Willow Springs II, Draft Environmental Impact Report

Dear Ms. Campbell:

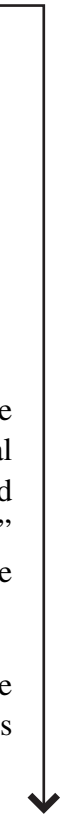
URS prepared the community noise analysis report, which is included as Appendix G in the Draft Environmental Impact Report (EIR) for this project. At the request of the Towbes Group, we have reviewed the Draft EIR and offer these comments for inclusion in the Final EIR. Our comments relate to the characterization of the noise impact to exterior living areas, and the mitigation of that impact, which is discussed in Section 4.10 of the Draft EIR.

Impact N 2 is stated as follows:

All residences would be located in areas where the future Ldn will be below 65 dBA. However, the northern facades of Buildings 30 and 31 (shown in Figure 4.10-1) have private outdoor living spaces where the City’s General Plan standard of 60 dB Ldn may be exceeded from combined roadway traffic, trains, airport, and industrial activity sources. Impacts from noise exposure within the outdoor living spaces along the north facing side of the residences is considered **potentially significant (Impact N 2)**.

The prediction of a future Day-Night Average Noise Level (Ldn) in excess of 60 dBA at the identified locations is based on the result of combining estimated noise levels from several sources. A number of factors make the identification of this impact very conservative, and some of these are discussed in the Draft EIR (“Noise Exposure from Combined Sources,” starting on page 4.10-11). This discussion notwithstanding, the Draft EIR concludes that the combined effects of noise from different sources would be significant, as stated above.

In finalizing your conclusions with respect to this effect, the City should consider three additional points, all of which indicate that the combined noise from the different sources is likely to be less than 60 dBA and would not represent a significant impact.



First, the most important numerical contribution to the overall Ldn value at these buildings (30 and 31) is railroad noise (with a CNEL or Ldn of 60 dBA, discussed in the third paragraph on page 4.10-12). This value is based on an assumed 12 freight train operations per day (fourth paragraph, page 4.10-4), which dates from preparation of the County Noise Element about 20 years ago. While valid in the sense of being consistent with the Noise Element, and being conservative, the number of 12 freight trains per day does not reflect recent and current use of the tracks. We last checked freight operations on this line for the Santa Barbara Ranch EIR (Santa Barbara County June 2008:page 3.13-6). At that time, and for the foreseeable future, the number of freight trains was two per day. The contribution towards the Ldn from two trains would be about 7 dBA less than that from 12 trains per day. There is still a noise contribution from the Amtrak trains, but an overall reduction of 3 to 4 dBA may be expected, and would still be conservative.

Second, our noise appendix and the Draft EIR follow the convention of treating noise from different sources as if they all create the same degree of annoyance or nuisance when heard by people. This is not a universal convention, and standards used by other agencies and in other countries are based on the “perceived noise level,” which includes a measure of human response to different noise sources. In such systems, railroad noise is commonly perceived as being lower than other sources, due to the less negative response of human subjects. To relate railroad noise to other sources, it may be given a “credit” or have its value reduced typically by 5 dBA (see for example, De Coensel et al 2007:589).

Third, in preparing the analysis in Appendix G, we did not account for any reduction in noise from grading or construction of additional residences planned in the North Willow Springs area, between this project and the railroad tracks and highway to the north. Future development on this land to the north would erect two or more rows of buildings, which would reduce the magnitude of highway noise perceived within the Willow Springs II development by at least 5 dBA, and may also help to reduce railroad noise levels.

The estimated combined noise level was 63.6 dBA. This theoretical value exceeds the City standard by less than 4 dBA. Considering the three points discussed above, any one of which would reduce the estimated noise level by this amount, it should be concluded that the combined noise total from the different sources, identified as Impact N 2, is likely to be less than 60 dBA. Taking the factors above into account, the combined noise level is in the range of 57 to 59 dBA.

1

Natasha Campbell
City of Goleta
December 7, 2011
Page 3 of 3

Mitigation N 2-1 requires:


North-facing balconies or patios on buildings adjacent to Camino Vista Road shall have solid perimeter barriers to a height of 5.5 feet above the deck to mitigate overall noise to below the 60 dB Ldn standard.

Given the discussion above, it is likely future noise levels will remain below 60 dBA and that this mitigation measure is not necessary. The Final EIR should either delete the mitigation measure altogether, or use a substitute approach in which mitigation is achieved either through offsite barriers (i.e., grading and development in North Willow Springs), or some other mechanism that verifies the desired standard (60 dBA Ldn) is achieved.

At the very least, it is appropriate to limit the application of Mitigation N 2-1 to the specific buildings where the possible impact has been identified (30 and 31), rather than including the remaining buildings adjacent to Camino Vista that are farther from the railroad tracks.

If you have any questions or require additional information on this matter, please feel free to call me (805-361-1110).

Sincerely,
URS Corporation



John P. Larson
Project Manager

Additional References:

Santa Barbara County. June 2008. Proposed Final Environmental Impact Report, Santa Barbara Ranch Project. County of Santa Barbara Planning and Development Department, Santa Barbara, CA.

De Coensel, Bert, Dick Botteldooren, Brigitta Berglund, Mats E. Nilsson, Tom De Muer, Peter Lercher. 2007. Experimental Investigation of Noise Annoyance Caused by High-speed Trains. ACTA Acustica United with Acustica, Vol 93 (2007) 589-601. S. Hirzel Verlag, Stuttgart, Germany.



December 7, 2011

City of Goleta
Planning and Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117
Attention: Natasha Campbell, Contact Planner

**Re: Willow Springs II
Comments to Draft Environmental Impact Report October 2011**

Ms. Campbell:

I have reviewed the draft EIR for Willow Springs II and have the following comments, numbered per the original document

Page 1-9, AES 1-6,

Regarding the requirements for exterior night lighting intensity, I suggest the following be added:

Lighting levels shall not be below minimum levels recommended by the Police, other applicable Public Safety agencies, and Insurance Industry liability standards.

1

That concludes my comments. Please let me know if you have further questions.

Sincerely,

LMA Architects



Richard S. Six, AIA

CC

Courtney Seepie TGI

DUDEK

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

December 7, 2011

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

Attention: Natasha Heifetz Campbell, Contract Planner

SUBJECT: Willow Springs II Draft Environmental Impact Report
 Cultural Resources
 Case No. 08-128-SPA, -VTM, -DP, CUP, -DRAM; 11-080-GPA; 11-081-GPA (TM
 32,048)
 SCH #2010031059

Dear Ms. Campbell:

The following comments are submitted relative to the assessment of Cultural Resources in the above referenced Draft Environmental Impact Report (DEIR). Comments are numbered for ease in response in the Final EIR. I have provided revisions to the Draft EIR as underlined additions (in blue) and strikeout (in red) text.

1. Page 1-30. Executive Summary, Summary Impact Table, Archaeological Resources, Mitigation Measure CR 1-1

There are several typographical errors or need for clarification in the Mitigation Measures column. Therefore, the following revisions to the Draft EIR are required.

A Phase 3 Data Recovery Program (Dudek, 2010) is proposed by the project applicant to recover information relative to the specific nature, age, integrity and significance of cultural resources within those areas of CA-SBA-56 identified as the intermediate artifact scatter area prior to being capped and filled. No further data recovery is currently proposed for the lower density scatter, as it was determined that additional sampling in this area is not likely to yield additional information important in prehistory.

Comments relative to the feasibility and nexus of proposed mitigation measure CR 1-1 are identified in Comment No. 13, below.

2. Page 4.4-1, Paragraph 4. Section 4.4.1, Archaeological Resources

The EIR correctly notes the presence of a portion of CA-SBA-56 within the project area. It is critical to specify what portions of this archaeological site are within the Willow Springs II project area. Therefore, the following revisions to the Draft EIR are required.

Through a series of investigations in the 1980s, the central area of CA-SBA-56, located south and outside of the Willow Springs II project area, has been determined eligible for listing on the National Register of Historic Places (NRHP) and the California Register of Historic Places.

2

3. Page 4.4-2, Paragraph 3. Section 4.4.1, On-Site Investigations and CA-SBA-56 Description

Similar to Comment No. 2, it is critical to specify what portions of this archaeological site are within the Willow Springs II project area. The relative artifact density of each area is confused in the EIR. Therefore, the following revisions to the Draft EIR are required.

In summary, CA-SBA-56 is a relatively large site with a dense, central midden deposit (located south and outside of the Willow Springs II project area ~~of the project site~~), and area of intermediate artifact density within the project area, and a low density artifact scatter on the periphery of the project area, and extending to the north and outside of the project area.

3

Revisions to the Draft EIR Page 4.4-2, Paragraph 3 are required, as follows.

Within the Willow Springs II site, two areas have been identified: ~~as including the an~~ "intermediate artifact scatter" containing a moderate artifact density; and a "low-lying area," which contains a low ~~to moderate~~ artifact scatter density.

4. Page 4.4-2, Paragraph 4. Section 4.4.1, Intermediate Artifact Scatter

It is critical to explain when prehistoric occupation of the Intermediate Artifact Scatter is thought to have occurred. The Phase 2 significance assessment excavations resulted in two Late Period dates (650 and 750 years before present [B.P.]) for this deposit. In contrast, the central midden south of the project area has been dated to 6,600 and 6,700 B.P., associated with the Early Period. Therefore, the Intermediate Artifact Scatter portion of CA-SBA-56 provides important opportunities to understand the Late Period occupation at CA-SBA-56. The following revision to the Draft EIR is required.

4

Occupation of the Intermediate Artifact Scatter has been dated to the Late Period, 650 and 750 years before present (B.P.). This contrasts with dates of 6,600 and 6,700 B.P for



[occupation of the central midden area south of the project area, associated with the Early Period.](#)

4

5. Page 4.4-3, Paragraph 3. Section 4.4.1, Extent of Prior Data Collection and Evaluation

The summary of excavations within CA-SBA-56 needs to specify in what part of the site they were placed. Of the 14 controlled excavation units completed during the Phase 2 significance assessment, only four were located within the Intermediate Artifact Scatter. Ten were placed in the low-lying areas. Only the moderate artifact density within the Intermediate Artifact Scatter provides sufficient potential to address questions about prehistoric occupation at CA-SBA-56. Though the high density, central midden dating to the Early Period outside the project site has been subjected to 22 shovel test pits. In contrast, the four units in the Intermediate Artifact Scatter do not provide sufficient spatial characterization of activities that may have occurred during the Late Period.

5

6. Page 4.4-3, Paragraph 4. Section 4.4.1, Extent of Prior Data Collection and Evaluation

The intent of the Draft EIR discussion is incorrect. The EIR states:

“Although there is evidence for two major periods of occupation and a relatively large artifact assemblage, no definitive evidence of a habitation area has been identified (e.g., features, living surfaces, etc.). This suggests the actual habitation site is outside this area of investigation and the areal extent of CA-SBA-56 may, in fact, be large than mapped and additional components of the site may be located outside the boundaries of the Willow Springs II project area.”

The Draft EIR also states,

“the site has been subjected to a significant level of testing and evaluation, resulting in a relatively large body of data that, to date, has not been synthesized.”

6

Phase 2 archaeological significance assessment investigations within the CA-SBA-56 intermediate artifact scatter recovered archaeological remains including shellfish, animal bone, and chipped stone tool making flakes. Archaeologists working in the Santa Barbara Channel area have interpreted this type of assemblage as reflecting hunter and gather habitation. The shellfish and animal bone are a result of food processing, and stone tool making flakes are a result of making or resharpening tools used for hunting, making clothes from deer skin, and certain types of vegetable food processing. Archaeologists working in the Chumash culture area recognize that features and living surfaces are identified relatively rarely, though they undoubtedly existed within sites that were occupied by the gathers and hunters. Many non-cultural factors affect the identification of these artifact concentrations- mainly the effects of

↓

rodent activity (i.e., gophers) that burrow over 3 feet deep, destroying much of the vertical context of archaeological site deposits. Cultural remains within the CA-SBA-56 intermediate artifact scatter were recovered during the Phase 2 archaeological significance assessment investigations from the ground surface to 32 inches below surface, such that rodent excavations would be expected to affect the vertical relationship of prehistoric artifacts in these soils. This "post-depositional disturbance" to the archaeological soils does not suggest that this portion of CA-SBA-56 was not a habitation site, and no inferences regarding the potential presence of additional components outside the Willow Springs II project area can be reasonably concluded.

The following revisions to the Draft EIR on page 4.4-3, paragraph 4 are required to ensure that the text is correct, as follows:

"Although there is evidence for two major periods of prehistoric occupation and a relatively large artifact assemblage, no ~~definitive evidence of a~~ high density midden habitation area has been identified within the Willow Springs II project area, unlike that previously recorded in the Willow Springs I area to the south. The cultural materials within the intermediate artifact scatter represent less intensive occupation, potentially only inhabited seasonally by smaller groups of families, or year-round, but for a shorter time span." ~~(e.g., features, living surfaces, etc.). This suggests the actual habitation site is outside this area of investigation and the areal extent of CA-SBA-56 may, in fact, be large than mapped and additional components of the site may be located outside the boundaries of the Willow Springs II project area.~~

A synthesis of CA-SBA-56 excavations does exist, contrary to statements in the EIR. Dr. Jon Erlandson, one of the pre-eminent Chumash scholars who received his doctorate from the University of California, Santa Barbara, prepared a paper with junior authors including myself, entitled *CA-SBA-56: An "Oak Grove" and "Canaliño" Site on Goleta Lagoon, California*, as a result of a Society of California Archaeology symposium in 2004 (Erlandson et al 2004). This paper is referenced in the EIR on page 4-4.3, paragraph 1 and is included in the Draft EIR references, but is ignored in this Draft EIR discussion. Erlandson and colleagues' paper integrates results of excavations dating from the 1920s through those associated with the Willow Springs II Phase 2 investigation. In this synthesis, Erlandson and colleagues state (Erlandson et al 2004:16),

"Despite multiple CRM studies, however, and hundreds of thousands of dollars spent by developers, our knowledge of CA-SBA-56 and the tangible link to Chumash history that it represents remains relatively limited. There is much more we could learn from future careful work at the site. At the present time, for instance: (1) the chronology and nature of the Canaliño [another term for the Late Period in Chumash prehistory] component at the site remains poorly understood; (2) there are only limited quantitative data for faunal remains from the site, especially vertebrates; (3) no artifacts have been illustrated and most have

not been subject to a detailed analysis; and (4) no coherent and comprehensive synthesis of the archaeology of this important site has been written.”

This recent scholarly perspective identifies that there is a dearth of information related to the Late Period occupation of CA-SBA-56, which has been demonstrated to be located within the intermediate artifact scatter within the Willow Springs II project area. Collection of additional data from the Late Period area of occupation within the site is essential for maximizing the understanding of CA-SBA-56 and how it was used through time.

The following revisions to the Draft EIR on page 4.4-2, paragraph 4 are required, as follows:

“The cultural materials associated with this area are capable of providing additional, ~~albeit limited,~~ information about the Late Period occupation of CA-SBA-56 chronology (e.g. when the site was occupied), subsistence (food collection strategies), stone tool manufacturing processes, and trade (based on the presence of imported obsidian and fused shale stone) peripheral to the main residential midden. Chumash scholars (Erlandson et al 2004) have identified additional exploration of the Late Period occupation at CA-SBA-56 as a principal objective of future archaeological research.”

7. Page 4.4-4, Paragraph 1. Section 4.4.1, Native American Concerns

The EIR states that the project applicant’s efforts to provide for consultation with the local Native American community were limited to the Coastal Band of the Chumash Nation (CBCN). In fact, the Towbes Group invited all members of the Chumash community who are identified by the Native American Heritage Commission as potentially having knowledge of cultural resources within and adjacent to the project area to the meeting on July 6, 2010. The meeting was attended by CBCN members, as well as a representative of the Santa Ynez Chumash Indian Reservation, and unaffiliated Chumash. A follow-up meeting was organized by the Towbes Group where attendees from the initial discussion and me addressed concerns related to the single human femur that had been reburied in 1990. The Towbes Group held subsequent meetings with concerned CBCN members to try to identify ways to avoid impacts to the human femur.

8. Page 4.4.2, Paragraph 1 – 3, Thresholds of Significance

The EIR incorrectly references the City of Goleta Environmental Thresholds and Guidelines Manual. The significance criteria identified under Numbers 1-8 are used to define the significance of historic architectural resources, not prehistoric resources such as CA-SBA-56. As no historic architectural resources exist onsite, deletion of these thresholds is required in the Final EIR.



The appropriate significance thresholds that are used to determine the significance of prehistoric archaeological sites are defined in CEQA Guidelines 15064.5, and are listed in the EIR on page 4.4-4, paragraph 5.

Any object, building, structure, site, area, place, record, or manuscript that:

- a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- b. Is associated with lives of persons important in our past;
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

Revisions to the Draft EIR on page 4.4-6, paragraph 1 are required to reference correctly these Guidelines, as follows:

A significant [archaeological](#) ~~historical~~ resource is further defined under the City's Environmental Thresholds and Guidelines Manual [as one that satisfies one of the four significance criteria listed in CEQA Guidelines Section 15064.5\(a\)\(3\).](#)

9. Page 4.4.8, Paragraph 3, Impacts from Grading Outside of CA-SBA-56

The Draft EIR incorrectly states that,

"Once excavated, the soil would be replaced in compacted lifts and non-expansive fill soil would be placed below locations of foundations, as required by the California Building Code as adopted by the City and the project Soils Engineering Report (dated May 11, 20011). Although this grading would occur outside the identified boundaries of CA-SBA-56, there remains a potential that previously unmapped cultural material could be uncovered, as the general area was historically used by Native Americans, and the potential for new significant discoveries remains a concern."

The Draft EIR discussion does not include the fact that substantial efforts have been undertaken to define the boundary of CA-SBA-56. On page 4.4-3, the Draft EIR states:

"The larger CA-SBA-56 site, including portions outside of the Willow Springs II project boundaries, has been subjected to *extensive* archaeological field surveys, which have included (*emphasis included*):

- Geomorphological analysis;
- Analysis of historic land uses and disturbances through historic photograph analysis;
- A minimum of ten surface surveys resulting in the recovery of 591+ artifacts;
- The identification of one human femur (and other bone determined to be non-human);

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- Disking for better visual inspections;
- A minimum of 29 Shovel Test Pits (STPs);
- A minimum of 56 controlled trenches and examination of one looter's trench;..."

These efforts are associated with Phase 1 intensive archaeological surveys and Extended Phase 1 subsurface excavations that have been completed to precisely define the horizontal extent of CA-SBA-56. The potential for "new, significant discoveries" outside of the documented CA-SBA-56 boundary is *not* a concern, given the "extensive" number of archaeological studies referenced in the Draft EIR that have been completed by City-qualified, local, archaeologists and are wholly consistent with City of Goleta Cultural Resource Guidelines protocols.

Revisions to the Draft EIR, Page 4.4.8, Paragraph 3 are required, as follows:

"Once excavated, the soil would be replaced in compacted lifts and non-expansive fill soil would be placed below locations of foundations, as required by the California Building Code as adopted by the City and the project Soils Engineering Report (dated May 11, 2011). The CA-SBA-56 boundary within the Willow Springs II project area has been confidently delineated as a result of extensive studies including Phase 1 intensive archaeological surveys and Extended Phase 1 subsurface excavations, completed by City-qualified archaeologists pursuant to City Cultural Resource Guidelines." ~~Although this grading would occur outside the identified boundaries of CA-SBA-56, there remains a potential that previously unmapped cultural material could be uncovered, as the general area was historically used by Native Americans, and the potential for new significant discoveries remains a concern. In addition,~~ The subsurface boundary of CA-SBA-56 could be disturbed by adjacent grading operations should the over-excavation work inadvertently expand into the archaeological area, or if sloughing of the archaeological area into the over-excavation area were to occur. Therefore, potentially significant impacts to archaeological resources could occur as a result of site preparation and grading activity for areas adjacent to ~~outside the identified CA-SBA-56 site archaeological boundaries.~~"

10. Page 4.4.9, Paragraph 4, Disturbance of Human Remains (Impact CR-2)

The Draft EIR states,

"Representatives of the Coastal Band of the Chumash Nation have expressed that this reburied femur is significant to their cultural heritage. They currently view any disturbance to the femur as unacceptable, including exposing it or relocating it from its current location. These representatives have also expressed that any development on top of it (e.g., structures, roads, play courts, etc.) would be considered degrading to its cultural significance. In consideration of the Chumash concerns, a design has been incorporated into the project with the intent to avoid relocating, exposing, or placing permanent development above this sensitive resource. The avoidance design of the project was developed in consultation with the local Chumash representative at the October 21, 2010 meeting."



This discussion fails to represent the efforts of the project applicant to develop an alternative design to completely avoid direct and indirect impacts to the isolated reburial. The Towbes Group consistently consulted with Chumash representatives to identify the location of the reburial. The precise location of the reburial was shared by Chumash representatives only with City staff at the October 21, 2010 meeting. Once this locational information was conveyed to the project applicant by you, Willow Springs II project engineers immediately revised the orientation of project access to ensure complete avoidance. The role of the project applicant in developing feasible mitigation to Impact CR-2 is not acknowledged in the Draft EIR.

Revisions to the Draft EIR Page 4.4.9, Paragraph 4 are required, as follows:

Upon learning of the location of the reburial as provided by Chumash representatives to the City during the October 21, 2010 meeting, the applicant immediately revised the orientation of proposed project site access to ensure complete avoidance of this significant resource. ~~In consideration of the Chumash concerns, a design has been incorporated into the project with the intent to avoid relocating, exposing, or placing permanent development above this sensitive resource. The avoidance design of the project was developed in consultation with the local Chumash representative at the October 21, 2010 meeting.~~

11. Page 4.4.10, Paragraph 2, 4.4.4 Cumulative Impacts

The Draft EIR states,

“The previous protection of the core area of CA-SBA-56 to some degree limits the extent of potential direct impacts to the resource within the project area. The proposed capping would reduce the project’s contribution to cumulative impacts.”

The Draft EIR does not appropriately respect and recognize the extent that the Willow Springs II project design “pre-mitigates” potential project impacts. Use of fill rather than conventional excavations for foundations and utilities that would encroach within the intermediate artifact scatter **substantially** reduces impacts on CA-SBA-56 and the project’s incremental contribution to cumulative impacts.

Revisions to the Draft EIR Page 4.4.10, Paragraph 2 are required to clarify the relationship of the Willow Springs I project to the proposed project, as follows:

“The previous protection of the central midden core area of CA-SBA-56 within the Willow Springs I project area to substantially limits the extent of potential past cumulative direct impacts to the resource ~~within the project area~~. The proposed capping of the intermediate artifact scatter area of CA-SBA-56 within the proposed Willow Springs II project area would substantially reduce the project’s incremental contribution to cumulative impacts.”

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12. Page 4.4.10, Paragraph 5, 4.4.5 Mitigation Measures

The Draft EIR states,

“McKenna et al. notes that the excavation of four additional units is a relatively small sample (0.0007% of the surface area) that would likely not provide additional data substantially different from previously compiled data sets and would not be considered a statistically valid sample. These proposed excavations would also increase impacts (disturbance) on the remaining resources. It is McKenna et al.’s opinion that sufficient data has been collected during the numerous previous studies.”

There is no basis for statements that four additional excavation units “would likely not provide additional data substantially different from previously compiled data sets and would not be considered a statistically valid sample.” Proposed Phase 3 Data Recovery excavation units would provide important characterization of the spatial variability within the CA-SBA-56 intermediate scatter area, and address important questions related to Late Period occupation of the site.

The four Phase 2 significance assessment excavation units within the CA-SBA-56 intermediate artifact scatter were spaced 40 meters (130 feet) apart. The units were intended to characterize the nature of the prehistoric cultural deposit in this area of CA-SBA-56.

The proposed use of fill above the CA-SBA-56 intermediate artifact scatter substantially reduces the potential for direct impacts associated with ground disturbance, as noted in Comment No. 11., above. It is the practice among professional archaeologists in Santa Barbara County to address the indirect impacts of “Precluding Future Access to Resources” as stated on page 4.4-8, paragraph 2, to collect a representative sample from the area to be capped, such that the archaeological deposit to be preserved can be appropriately characterized. The spacing of Phase 3 excavation units must be sufficient to recover sufficient data from throughout the area to be filled. Since the early 1990s, professional archaeologists in Santa Barbara County have used a data recovery unit spacing of 40-meters throughout a site area to be filled to address the indirect impacts of loss of access and potential research. Identification of a sample area as stated in the Draft EIR “(0.0007% of the surface area)” does not explain how a data recovery mitigation strategy addresses the objective of characterizing the horizontal variability within the prehistoric site area to be filled.

The CA-SBA-56 intermediate artifact scatter area totals 5,245 square meters (56,462 square feet). Based on the 5,245 square meters of CA-SBA-56 that would be filled and one data recovery excavation unit for every 1,600 square meters, this results in a requirement of 3.25 1 X 1 meter data recovery units. This number is rounded up to four 1 X 1 units to maximize data collection strategies. Together with the four 1 X 1 meter units completed during the SAIC Phase 2 significance assessment, this will represent 8.0 total square meters of archaeological CA-SBA-56 intermediate artifact scatter area to be sampled. The total eight 1 X 1 meter units can successfully characterize the variability in prehistoric activities that may be represented within the CA-SBA-56 intermediate artifact scatter area.

The additional four 1 X 1 meter units are expected to provide additional data including subsistence practices (shellfish, animal bone, and vegetable processing), technology (stone tool manufacture) and trade (presence of exotic stone material use) during the Late Period occupation of CA-SBA-56. The limited number of units, however, would minimize the direct impacts to the archaeological deposit to only those necessary to characterize the significant resource to be preserved.

Collection of these data would be a reasonable and effective means to address one of the main objectives identified by the only synthesis of CA-SBA-56 investigations prepared to date, authored by Dr. Jon Erlandson, one of the most respected and accomplished scholars of Chumash prehistory (Erlandson et al 2004).

Revisions to the Draft EIR Page 4.4-10, paragraph 5 are required to feasibly address the indirect impacts of loss of "Precluding Future Access to Resources," as follows:

"The level of data collection to address the impacts of loss of "Precluding Future Access to Resources includes the excavation of four controlled excavation units measuring 1 meter by 1 meter spaced 40 meters (130 feet apart) to collect a representative sample from the area to be capped, such that the archaeological deposit can be appropriately characterized. The Phase 3 Program would also include the compilation of the testing data completed during the various Phase 2 studies. This limited sample of four additional Phase 3 excavation units will provide information on spatial variability that exists within the area of CA-SBA-56 that was occupied during the Late Period, a research issue that has been identified during the only synthesis of previous CA-SBA-56 site excavations (Erlandson et al 2004). Additional impacts to the CA-SBA-56 deposit would be minimized, and would be consistent with local professional standards that have been implemented for the past 20 years to address indirect impacts resulting from placing protective fill on top of archaeological sites in Santa Barbara. McKenna et al. notes that the excavation of four additional units is a relatively small sample (0.0007% of the surface area) that would likely not provide additional data substantially different from previously compiled data sets and would not be considered a statistically valid sample. These proposed excavations would also increase impacts (disturbance) on the remaining resources. It is McKenna et al.'s opinion that sufficient data has been collected during the numerous previous studies. Hundreds of artifacts, hundreds of linear meters of trench data, aerial photographs, carbon dates, etc., were previously collected, which could be analyzed and synthesized (assuming these artifacts are available). A systematic analysis of the previously recovered artifacts and ecofacts for the entire archaeological site would be sufficient to complete a comprehensive Phase 3 archaeological report assuming there is enough appropriate material available for analysis."

13. Page 4.4.10, Paragraph 6, Mitigation Measure CR 1-1

Given the need for revisions to the Draft EIR identified in Comment No. 13, above, Mitigation Measure CR 1-1 needs substantial revisions as well. It is reasonable and beneficial to integrate existing data from previous excavations, namely the investigations completed within the central midden area of CA-SBA-56, with those from the Willow Springs II project efforts. These efforts would address the cumulative impacts that have occurred on the site over time. It is important to recognize, however, that the proposed project's incremental contribution to cumulative impacts is the central focus of this CEQA environmental analysis. As discussed above, the CA-SBA-56 intermediate scatter area occupied during the Late Period is the significant portion of the site located within the Willow Springs II area. As the Late Period occupation of the site has been identified as an important source of research potential (Erlandson et al 2004), it is reasonable and appropriate to further investigate this area as required by standards of impact nexus and mitigation proportionality, as defined in CEQA Guidelines Section 15126.4(4)(A) and (B):

- “(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
- (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest; and
 - (B) The mitigation measure must be “roughly proportional” to the impacts of the project. Where the mitigation measure is an ad hoc exaction, it must be “roughly proportional” to the impacts of the project.”

Excavation of four additional Phase 3 Data Recovery units in the Late Period occupation area of CA-SBA-56 addresses both the nexus with impacts associated placement of fill within the project area, and is “roughly proportional” to the impact.

The Draft EIR Mitigation Measure CR 1-1 Plan Requirements identifies a confusing process that defers implementation of mitigation to the judgment of the consulting archaeologist:

“The archaeologist shall determine whether sufficient data and artifacts exist to prepare a complete record that would serve as a Phase 3 report. Once the determination has been made, one of the following approaches shall be carried out:”

- a systematic analysis of the previously recovered artifacts and ecofacts shall be undertaken and presented in a comprehensive Phase 3 archaeological report; or
- a Phase 3 Data Recovery Program involving 16 additional controlled excavation units.

The choice of alternatives above defers the decision of what is appropriate mitigation to the archaeologist implementing the mitigation. No specific performance standards are defined to determine "whether sufficient data and artifacts exist to prepare a complete record that would serve as a Phase 3 report." This is not allowed under CEQA Guidelines Section 15126(a)(1)(B):

"Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."

Additionally, the second option identified in the Plan Requirements results in 16 units to be excavated within the CA-SBA-56 intermediate artifact scatter. The 400 percent increase in proposed mitigation when compared to my proposal for four units conflicts with the basic objective stated in the Draft EIR, page 4.4-10, paragraph 5: "Data recovery activities, themselves, have been known to cause impacts to sensitive resources." Therefore, the proposed Mitigation Measure CR 1-1 contradicts the intent of the proposed capping plan: to avoid additional disturbances to the significant archaeological deposit.

Draft EIR Mitigation Measure CR 1-1 2b. addresses requirements for a Native American monitor during all ground disturbances, consistent with City Cultural Resource Guidelines. It specifies that a member of the Coastal Band of the Chumash Nation be present during all excavations. Requiring that a member of a specific Chumash group be present during archaeological excavations is inconsistent with City Cultural Resource Guidelines, and inappropriately discriminates against any other Chumash representative who also may wish to be present during CA-SBA-56 ground disturbances. This issue is addressed in proposed revisions to DEIR Mitigation Measure CR 1-1, below.

As a result, revisions to the Draft EIR Mitigation Measure CR 1-1 are required, as follows:

The permittee shall retain a City-approved archaeologist to develop a ~~pre-project implementation~~ Phase 3 Data Recovery Program (Phase 3) to address CA-SBA-56 in a comprehensive manner. The Phase 3 Data Recovery Program Plan shall be prepared pursuant to City Cultural Resource Guidelines and include the excavation of four 1 X 1 meter excavation units in the Late Period occupation, intermediate artifact scatter area. The placement of these units should be determined to avoid previously disturbed areas (e.g. trenches, STPs, or other controlled units). The units should also be placed in areas being directly impacted by the current development area and where the most information may be obtained. It shall include a Research Design, a discussion of relevant research questions that can be addressed by these CA-SBA-56 resources, a discussion on methods to gather these data, and laboratory methods to analyze the data. The Phase 3 mitigation program shall include the assessment of artifacts recovered from CA-SBA-56 and any corresponding field notes, graphics, lab analysis and results relevant to investigations within the intermediate artifact scatter area. The Phase 3 shall be funded by the permittee ~~and shall~~

~~be prepared by a City-approved archaeologist.~~ The Phase 3 shall be documented in a draft and final report and shall be reviewed and approved by a City-retained archaeologist. Pursuant to City Cultural Resource Guidelines, the final report, archaeological collections, field notes, and other standard documentation shall be permanently curated at the UCSB Repository for Archaeological Collections.

The Phase 3 Data Recovery Program shall specify that a Chumash Native American observer shall be retained by the permittee to observe all excavations within CA-SBA-56. The observer shall maintain daily notes and provide these to all interested Chumash representatives who request to be informed of the Phase 3 excavation progress.

Plan Requirements: The Phase 3 research design shall be submitted to the City of Goleta for review and approval by an independent City-qualified archaeologist retained by the City, but funded by the permittee. The research design shall identify a schedule for completion of data recovery excavations, submittal of a Draft Phase 3 report, and Final Phase 3 report incorporating revisions to City contract archaeologist comments. The City shall review and approve the Final Phase 3 research design and a contract between the permittee and City-qualified archaeologist for completion of all Phase 3 activities. The permittee shall provide an appropriate bond for ensuring the completion of the Phase 3 mitigation. The Phase 3 excavations shall be completed prior to issuance of land use clearance for grading within the Willow Springs II site.

~~The first step in preparing the Phase 3 shall include the assessment of available artifacts recovered from CA-SBA-56 and any corresponding field notes, graphics, lab analysis and results. It is anticipated that the artifacts are located in the lab at UCSB, the Natural History Museum, or may be available from the local representative(s) of the Chumash Nation. The archaeologist shall determine whether sufficient data and artifacts exist to prepare a complete record that would serve as a Phase 3 report. Once the determination has been made, one of the following approaches shall be carried out:~~

- ~~1) Preferred Mitigation: If sufficient compilation of artifacts is achieved based on existing surveys, rather than conducting additional excavations, a systematic analysis of the previously recovered artifacts and ecofacts shall be undertaken and presented in a comprehensive Phase 3 archaeological report. It shall include a Research Design, a discussion of relevant research questions that can be addressed by these CA-SBA-56 resources, a discussion on methods to gather these data, and laboratory methods to analyze the data.~~
- ~~2) Should the archaeologist determine that a sufficient compilation of artifacts is not available, then a Phase 3 Data Recovery Program involving additional soil surveys (excavations) shall be completed in accordance with the following:
 - ~~a. A minimum of 16 controlled excavation units will be needed to obtain supplemental data to replace information not readily available. The placement of these units should be determined to avoid previously disturbed areas (e.g. trenches, STPs, or~~~~

~~other controlled units). The units should also be placed in areas being directly impacted by the current development area and where the most information may be obtained.~~

~~b. All excavations shall be conducted under the supervision of a qualified archaeological consultant with a trained archaeological field crew. All fieldwork should be undertaken in the presence of a local representative of the Coastal Band of the Chumash Nation.~~

~~If it is necessary to prepare a Phase 3 under the second approach, impacts to archaeological resources could occur as a result of greater soil disturbances. While it is preferred that these additional potential impacts be avoided, with monitoring and limiting the number of test pits, and given the fact that the Phase 3 analysis would retrieve archaeological information prior to future access to the resources as a result of the project, potential impacts associated with conducting the Phase 3 excavations are considered less than significant.~~

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On behalf of The Towbes Group, I thank you in advance for your time and consideration of these comments.

Sincerely yours,



David Stone, RPA
Cultural Resources Manager

cc: Michael Towbes, Craig Zimmerman, and Courtney Seeple, The Towbes Group
Peter Brown, Esq., Brownstein Farber Hyatt Schreck

References

Erlandson, Jon M., Thomas Rockwell, Todd J. Brage, David Stone, and Brent Leftwich. 2004. *CA-SBA-56: An "Oak Grove" and "Canalino" Site on Goleta Lagoon, California*. Based on a presentation at the Society for California Archaeological Meetings, Goleta Slough Symposium. Ms. on file at the Central Coast Information Center, University of California, Santa Barbara.