

THE  
**BISHOP**  
 RANCH

June 19, 2006

Mr. Kenneth Curtis  
 Director, Planning and Environmental Services  
 City of Goleta  
 130 Cremona Drive, Suite B  
 Goleta, CA 93117

Re: City of Goleta Draft EIR, Agriculture and Farmland Draft EIR

Dear Mr. Curtis,

I would like to go on record and bring to your attention a number of ambiguous and/or inaccurate assertions regarding the Bishop Ranch in the Agriculture and Farmland Section of the Draft EIR (DEIR). Page 3.2.5 of the DEIR states, "The 287-acre Bishop Ranch is one of the City's primary agricultural resource areas." This statement is misleading as it infers that the entire 287-acre property, which has three separate ownerships, were uniform; contains the same type of soils; has same or similar State Department of Conservation farmland designations; and had the same history of prior use and current and future agricultural potential. Further on that same page, the DEIR describes the separate ownerships for "the Bishop Ranch" 287-acres. However, the DEIR then continues to discuss prior uses of "the Bishop Ranch" and lumps the three separate parcels together as one unit. That is both misleading and inaccurate. The DEIR should be revised and each of the three properties should be separately named and not be referred to jointly as "the Bishop Ranch."

C.1-1

C.1-2

PO Box 1636

Goleta, California

93116-1636



In particular, the University Exchange Corporation ("UEC") (Site 4b) property, consisting of 239 acres of the 287 acres, is the largest property. It is the only one of the three properties the DEIR refers to as "the Bishop Ranch" which is entirely designated as "Farmland of Local Importance." There is no Prime, Unique or Farmland of Statewide Importance designation on the UEC site. Our understanding is that only projects which convert Prime, Unique or Farmland of Statewide Importance to non-agricultural use could result in a "significant impact" related to agricultural resources and that projects which convert Farmland of Local Importance to urban uses will not result in a "significant impact" related to agricultural in the DEIR. Certain properties which the draft General Plan and DEIR propose for conversion from agricultural use to urban designation will result in the conversion of Prime Farmland and other valuable agricultural lands to non-

C.1-3

C.1-4

C.1-5

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agricultural use. As a result, the DEIR concludes that “therefore, the conversion of agricultural land resulting from build-out under the GP/CLUP would represent a significant and unavoidable (Class I), contribution to cumulative impacts on agricultural resources.” Alternately, any project that may be developed on the UEC property will not lead to a finding of “significant impact” related to agricultural uses in the City DEIR since none of those critical farmland designations exist on any portion of the 239-acre property. Perhaps a shift in the DEIR of urban uses to sites which contain only Farmland of Local Importance should be studied by the City.

C.1-5

The 239-acre UEC property is also not properly defined with respect to prior usage or current and future agricultural potential. This property has not been substantially cultivated or irrigated for the past 37 years and has not been used for pasture for at least 16 years. The land has been lying mostly fallow in that time and has not contributed in any way to the local economy other than property tax. Minor uses on the entire 239 acres have solely been limited to the following: Christmas trees were planted on 10-acres in 1990 and removed and mulched in the same year; 5-acres of strawberries were planted in 1985 and then abandoned; during the years 1985 to 1999, cattle were allowed to graze and nothing was planted for the grazing operation; and during 1985 to 1990, approximately 10-acres of citrus was planted at the northeast corner of the property and then abandoned. None of these activities proved to be economically viable or agriculturally successful.

C.1-6

Accordingly, the DEIR comment that “for many years, the Bishop Ranch has supported the raising of livestock, as well as a wide variety of fruit, vegetable and nut crops,” is misleading and should be modified to discuss each of the three properties separately, together with their actual separate histories of agricultural use. In consideration of the aforementioned reasons, we request that the UEC 239-acre property be reclassified from agriculture to urban in the proposed City of Goleta Draft General Plan and DEIR.

C.1-7

C.1-8

Sincerely,  
Bishop Ranch 2000, LLC



Marie McQueen

cc: Mr. Daniel Singer, City Manager; Ms. Julie Hayward Biggs, City Attorney; Members of the City Council: Mayor Jonny D. Wallis, Ms. Jean Blois, Ms. Cynthia Brock, Ms. Margaret Connell, Mr. Jack Hawxhurst.



**Response to Comment No. C.1-1**

The commentator has alleges that EIR Section 3.2.1.3 infers that the Bishop Ranch is one uniform parcel. The subject text is introductory. The EIR discusses each of the components of the property separately, and Table 3.2-2 separates each of the properties within the overall Bishop Ranch.

**Response to Comment No. C.1-2**

See responses to comments B.11-10 and C.1-1.

**Response to Comment No. C.1-3**

The commentator has stated that the University Exchange Corporation (UEC) parcel is entirely farmland of local importance. Section 3.2.1.3 and Table 3.2-2 of the EIR acknowledge that the UEC property is designated farmland of local importance and that there is no prime, unique, or farmland of statewide importance.

**Response to Comment No. C.1-4**

The commentator is correct in that only conversion of prime farmland, unique farmland, and farmland of statewide significance are considered significant impacts. This is shown on Table 3.2-3 in the column titled, "Important Farmland (Acres)" under the heading "Land Use Designation and Potential Agriculture Impacts." As shown in the table, the conversion of this property would not result in significant agriculture impacts related to prime farmland or prime soils.

**Response to Comment No. C.1-5**

See response to comment C.1-4.

**Response to Comment No. C.1-6**

The commentator has provided background information for the UEC parcel of Bishop Ranch. This background information has been added to Section 3.2.1.3 of the FEIR.

**Response to Comment No. C.1-7**

See response to comment C.1-1.

**Response to Comment No. C.1-8**

See responses to comments B.4-20 and B.11-10 related to the designation of agricultural land use and the Bishop Ranch parcel, respectively.

C-2

**Cecilia M. Brown**  
 398 N. Kellogg Avenue  
 Santa Barbara, CA 93111  
 805 967-78169  
 Email: [brownknight1@home.com](mailto:brownknight1@home.com)



June 25, 2006

The Honorable Jack Hawxhurst  
 and Members of the Planning Agency  
 City of Goleta  
 130 Cremona Drive, Suite B  
 Goleta, CA 93117  
 By email

Re: Comments on Draft EIR Section 3.1.3.4

Dear Chair Hawxhurst and Members of the Planning Agency,

The first paragraph on page 3.1-19 of the draft EIR discusses cumulative impacts with the implementation of the GP/CLUP related to the creation of new sources of light and/or glare that could affect night-time views. Below is an excerpt from that paragraph.

*With regard to nighttime views, most development under the GP/CPLUC would likely be concentrated in areas that are already developed with residential, commercial, and industrial uses. These areas are exposed to considerable amounts of nighttime light already and added light would not substantially change the existing nighttime visual character of the City.*

**Do not give into the notion that added night-time lighting through increased development won't substantially change the night-time visual character. More development means additional light pollution. The night-time visual landscape of Goleta will glow even brighter without a thoughtful and deliberate attempt to change the status quo in outdoor lighting policies/practices.**

Thus, please rewrite the information in the italicized paragraph above to indicate that unless measures are taken to control night-time exterior lighting the city's night-time visual character will continue to degrade.

Thank you for the opportunity to comment on the draft EIR.

Sincerely,

//s//Cecilia Brown  
 Vice Chair  
 City of Goleta Design Review Board

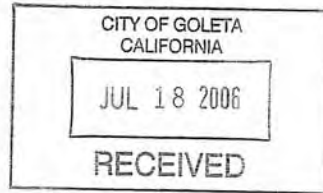
C.2-1

**Response to Comment No. C.2-1**

The commentator alleges that new development proposed by the GP/CLUP will generate additional night-time lighting. The commentator requests that the first paragraph on DEIR p. 3.1-19 be revised to indicate that the City's nighttime visual character will continue to degrade unless additional measures are taken.

The commentator correctly observes that new development will generate additional night-time lighting. However, based upon the extent and location of development proposed under the GP/CLUP, such development is not anticipated to be significant. Guidance regarding outdoor lighting fixtures is provided in GP/CLUP Policy 4.12. See response to comment A.7-1.

C-3



956 West Campus Lane  
Goleta, CA 93117

July 18, 2006

Ken Curtis  
City of Goleta  
Planning and Environmental Services Department  
130 Cremona Drive, Suite B  
Goleta, California 93117

Dear Mr. Curtis,

I am writing to comment on the draft EIR on the Draft General Plan/Coastal Use Plan.

The identification and discussion of one of Goleta's primary ecological resources, partly inside the Coastal Zone, and partly outside the Coastal Zone, is inadequate in both the DEIR and the Draft General Plan/Coastal Use Plan.

C.3-1

The resource that I refer to is the Goleta Slough. The original boundaries of the Slough are nowhere shown in either of the documents; I have attached two maps that show the boundaries of the Slough, overlaid on modern maps. The first is the map made in 1782 by Pantoja y Arriaga, the second is the map reconstructed by A.K. Brown in 1967, based on a combination of other maps and Chumash archaeological information.

The Draft General Plan/Coastal Use Plan zones a variety of undeveloped parcels that sit in the historical Goleta Slough in the vicinity of Thornwood Drive, South Kellogg, and Technology Drive in the southern Old Town area as Office and Institutional and Services. The DEIR does not analyze a prominent impact of this zoning; restoration of the estuarine environment of the original Goleta Slough will be much more difficult after development allowed by the zoning is implemented.

C.3-2

In contrast, a number of undeveloped parcels at the south end of Mathilda drive in Ellwood Acres have been rezoned from residential development to parkland. A similar and reasonable alternative that has not been analyzed in the DEIR is the rezoning of all parcels that sit in the historical Goleta Slough to a status that ultimately allows the restoration of the Slough. Such a rezoning would be consistent with the second bullet in the 'Goleta's Vision' list: '... treasures... ecological resources.'

The Goleta Slough is an extremely important historical and cultural landscape; the zoning for parcels atop the original Slough, and the general omission of the Slough from the General Plan and DEIR appears to violate policies VH 6, VH 6.1, and VH 6.2.

C.3-3

Further, the historical Goleta Slough was a navigable waterway in 1850 at the time of the establishment of California Statehood; the major siltation of the Slough did not occur until 1862 or 1863. It is likely that all portions of the historical Goleta Slough are subject to a public trust easement; see Marks v. Whitney, 6 Cal.3d 251, 261 (1971). The DEIR

C.3-4

and Plan inadequately discuss the status of this easement. For the portions of the Slough in the City of Santa Barbara, that City has claimed that State Statutes 78 of 1925, 13 of 1937, and 193 of 1975 give title to the Slough tidelands areas in the City of Santa Barbara. In fact, close reading of those statutes reveal that the titles only extended to the waterfront area of Santa Barbara, and omitted the Goleta Slough area entirely. The Plan and DEIR inadequately evaluate the status of titles to all lands that were tidelands in the Goleta Slough at the time of the establishment of Statehood.

C.3-5

Figure 3.4-2 of the DEIR inadequately delineates Monarch Butterfly and Raptor Roosting Habitat along Old San Jose Creek between Pine Avenue and South Kellogg Avenue in the southern portion of Old Town Goleta, in the vicinity of the Red-Tailed Hawk Nest that is marked on that figure. The impacts of neighboring development in that vicinity are consequently inadequately evaluated in the DEIR, and should be redone.

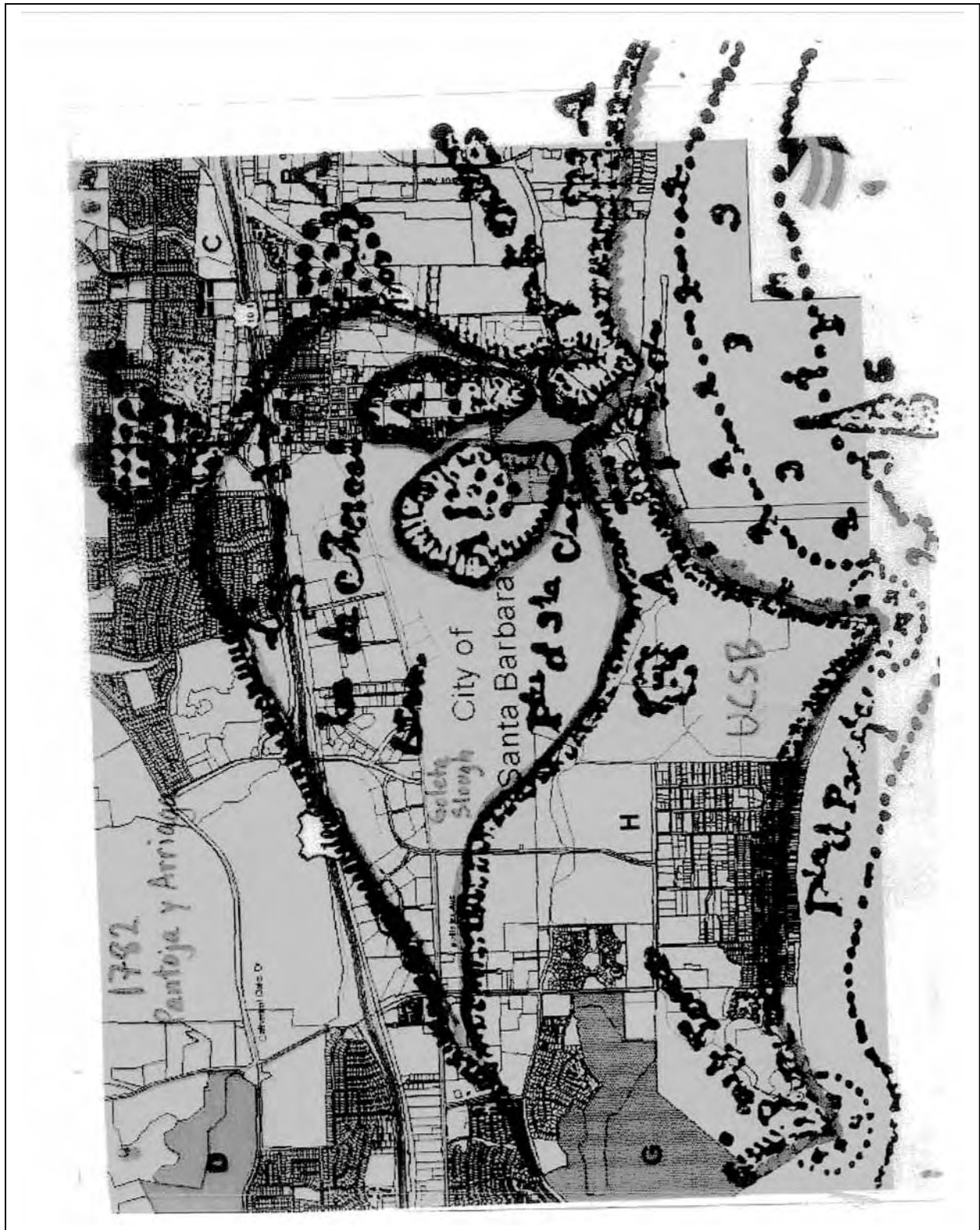
C.3-6

From the 1782 map attached, one can see that the Fairview business area was once the site of a prominent Chumash village, presumably S'axpilil. Later surveys placed the village closer to the intersection of 101 and Fairview, but this is probably because the Fairview area was heavily disturbed by agriculture before archaeologists could survey it properly. Consequently, the DEIR inadequately evaluates impacts and the Plan inadequately develops policies concerning Chumash sites in the Fairview area. It is likely that the San Miguel Chapel site lies under asphalt somewhere in the Fairview area; this chapel constitutes a major historical resource that does not even appear in Table 6-1 in the plan. That the location of San Miguel Chapel is not exactly known is outweighed by its incredible importance.

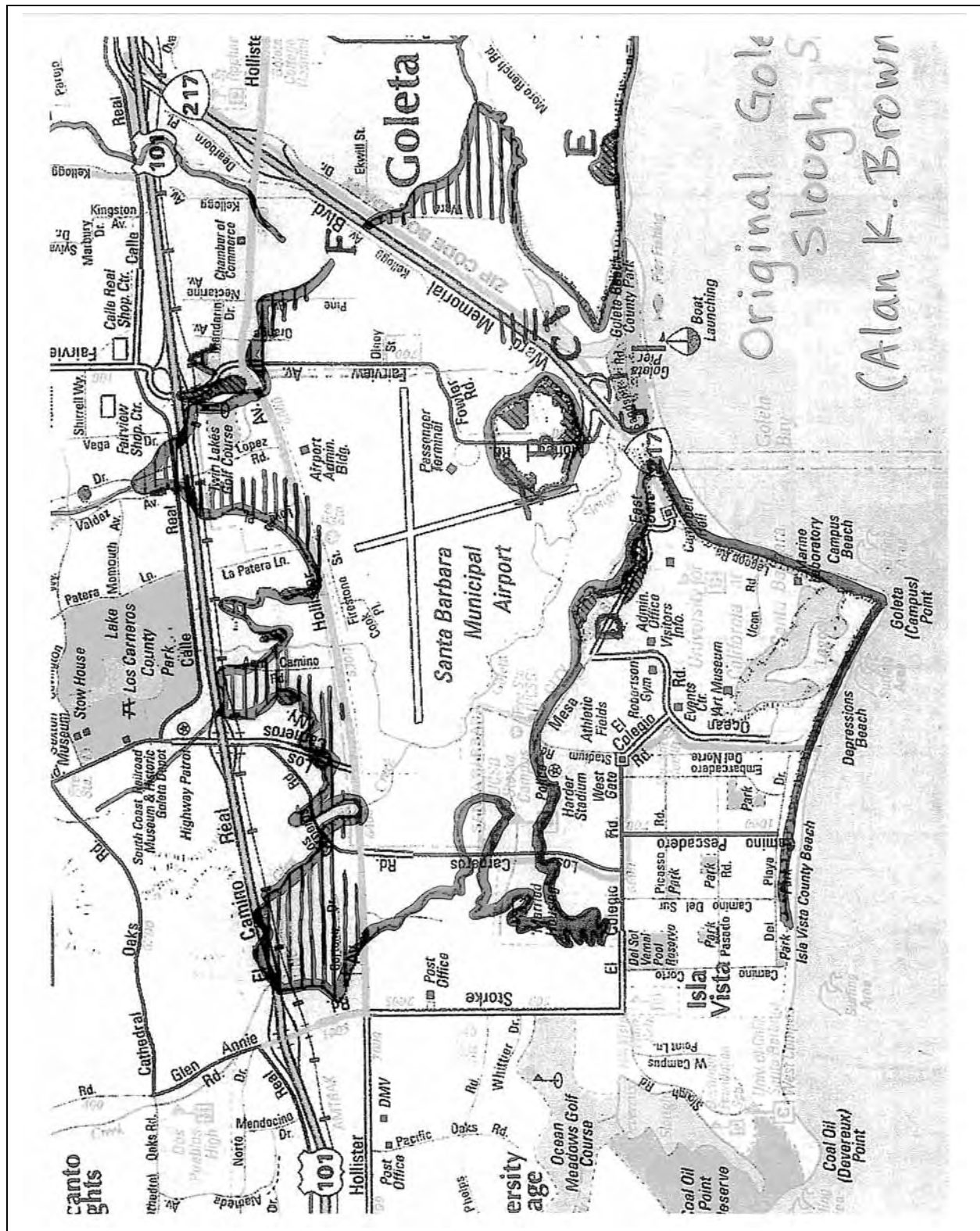
C.3-7

With Best Regards,

*Harry A. Nelson*  
Harry Nelson







**Response to Comment No. C.3-1**

The commentator has alleged that the analysis regarding Goleta Slough is inadequate in the EIR. The City appreciates the commentator's information regarding the historic extent of Goleta Slough.

**Response to Comment No. C.3-2**

The commentator has requested that parcels within the Goleta Slough be rezoned to a status that would allow the slough to be restored. CEQA requires analysis of impacts relative to *baseline conditions*, which are the conditions extant at the time of circulation of the Notice of Preparation of the EIR (March 25, 2005). Therefore, the historic extent of the slough and any future plans for restoration are not relevant in the context of CEQA impact analysis.

**Response to Comment No. C.3-3**

The commentator has alleged that the omission of the historic location of the Goleta Slough from consideration violates Policy VH 6. See response to comment C.3-2.

**Response to Comment No. C.3-4 and C.3-5**

The commentator has requested that the EIR discuss the potential for the historic location of the Goleta Slough to be part of a public trust easement. See response to comment C.3-2.

**Response to Comment No. C.3-6**

The commentator has requested revisions to Figure 3.4-2 to include more ESHAs than currently delineated on the map.

As indicated in the introduction to EIR 3.4 and on Figure 3.4-2, the map in the EIR showing ESHA habitat types in the City was produced by merging three datasets: the 2004 aerial imagery interpretation conducted by Jones & Stokes in April through May 2006, the 2004 habitat mapping for the area covered by the Ellwood-Devereux Coast Open Space and Habitat Management Plan, and the map of designated ESHAs in the Conservation Element of the GP/CLUP. In EIR Figure 3.4-2, areas are identified as ESHAs if they meet the ESHA definition in Policy CE 1-2, are identified in Policy CE 1-3 as a designated ESHA, or are listed as an ESHA on Table 4-2 in the GP/CLUP. In response to comments on both the DEIR and GP/CLUP, the City has revised the EIR and GP/CLUP maps showing ESHAs and special-status species. The revised maps are now consistent with one another. See response to comment B.1-3 for map revision details.

**Response to Comment No. C.3-7**

The commentator has alleged that the EIR does not adequately evaluate the impacts associated with historical sites, particularly San Miguel Chapel and Chumash village sites. Prehistoric sites and historic sites that have either been previously recorded around Goleta Slough or have potential to still exist will be assessed during a future resource survey, and evaluative studies will be conducted as stipulated in Policy OS 8 of the General Plan. Chumash concerns will be addressed in regard to these resources during these future assessment studies.

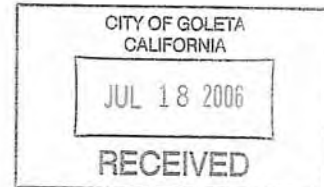
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LOCATION: C-4

David L. Hegland Jr.  
7060 Del Norte Dr. Goleta CA 93117  
805-571-1151

07/18/2006

City of Goleta  
Planning & Environmental Services Dept.



ATTN: Ken Curtis

Yesterday, I received the Goleta Valley Chamber of Commerce review of the draft General Plan and EIR. Based on this letter, the comments I share with you are unfavorable, including "government by fiat", "shutting out the public", "ludicrous" and "absurd".

Proposing 100' buffer zones around bird nests? Proposing the re-designation of residential neighborhoods, with existing homes, as agricultural zones? Is this sane?

I strongly encourage the Goleta City Council to either provably refute the many negative examples cited and alluded to or to rethink their whole approach to government. From this letter, this council is hell-bent to grab control from individuals and businesses of their own property.

This is utterly inappropriate.

Yours sincerely,

David L. Hegland Jr.

Cc: Goleta Valley Chamber of Commerce

C.4-1

P.1

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**Response to Comment No. C.4-1**

The commentator has made a general comment objecting to portions of the GP/CLUP and has not commented on the adequacy of the environmental analysis presented in the DEIR. No further response is necessary.

**From:** Ken Curtis  
**Sent:** Tuesday, July 18, 2006 3:17 PM  
**To:** Anne Wells  
**Cc:** Cindy Moore; Dan Singer; Laura Vlk; Rob Mullane; Scott Kolwitz  
**Subject:** FW: request to extend time period for public comment re: General Plan

**Importance:** High

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**From:** Lorilee Torrey [mailto:lbt@festoolusa.com]  
**Sent:** Tuesday, July 18, 2006 2:47 PM  
**To:** Ken Curtis  
**Subject:** request to extend time period for public comment re: General Plan  
**Importance:** High

As the employee of a member of the Goleta C of C, and the daughter of a long time, old town merchant (Jay Torrey, Mission Hardware), I hereby request that the period for public comment re: the General Plan be extended beyond today. I do not believe the public has been adequately notified of the impending deadline and request that the current city council do a better job on informing the public of both the deadline and the implications of what the General Plan will mean.

EXAMPLE: I, for one, am extremely discouraged by the lack of revitalization in Old Town (which has never been satisfactorily pursued and addressed). As I imagine that the General Plan would cover areas such as this, the current city council has not upheld its duty as an elected, public governmental body in informing constituents of General Plan implications, processes and procedures.

Again, I reiterate my request to extend the period for public comment.

Sincerely,

Lorilee Torrey  
 Vice President of Marketing  
  
 Tooltechnic Systems, LLC  
 140 Los Carneros Way  
 Goleta, CA 93117

office 805-968-0408 x113  
 cell 805-403-1311  
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 web [www.festoolusa.com](http://www.festoolusa.com)



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**Response to Comment No. C.5-1**

See response to comment B.2-1.

**From:** Ken Curtis  
**Sent:** Tuesday, July 18, 2006 3:15 PM  
**To:** Anne Wells; Cindy Moore; Laura Vlk; Margaret Duncan; Rob Mullane  
**Cc:** Dan Singer  
**Subject:** FW: Letter regarding the General Plan  
 FYI  
 /Ken

---

**From:** Janis (Santa Barbara) Johnson [mailto:JJOHNSO3@devereux.org]  
**Sent:** Tuesday, July 18, 2006 12:31 PM  
**To:** Ken Curtis  
**Subject:** Letter regarding the General Plan

Dear Mr. Curtis,

As a citizen who has worked at Devereux in Goleta for 16 years, I am very concerned that the process of adopting The General Plan **should be slowed down and extended** to provide a more thorough exploration into all the various facets of the Plan; including, but not limited to, the environmental impacts and feasibility of designations of certain properties within the City of Goleta.

It appears that there are some key problems and gaps within The General Plan as it currently stands. I support the thoughtful people of the City of Goleta who have a vested interest and have raised these concerns.

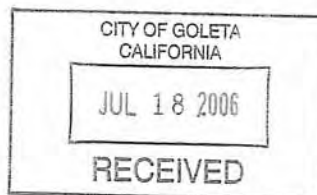
We are all striving to have The Plan appropriately scrutinized and reviewed; because it will, indeed, affect our housing, our traffic, our businesses and our citizens -- every facet of the City of Goleta -- for decades to come.

Thank you for your consideration.

Sincerely,

Janis Johnson  
 805-689-6656

C.6-1



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**Response to Comment No. C.6-1**

See response to comment B.2-1.

**From:** Ken Curtis  
**Sent:** Tuesday, July 18, 2006 3:24 PM  
**To:** Anne Wells  
**Cc:** Cindy Moore; Dan Singer; Laura Vlk; Margaret Duncan; Rob Mullane; Scott Kolwitz  
**Subject:** FW: Concerns with General Plan

**From:** Drew Simons [mailto:asimons@rppmh.com]  
**Sent:** Tuesday, July 18, 2006 1:43 PM  
**To:** Ken Curtis  
**Subject:** Concerns with General Plan

I am writing to express my concern over Goleta's proposed General Plan. The plan is too restrictive and needs input from more than just the city council. I fear that this plan will hinder reasonable growth that our community desperately needs. The 55% affordable housing requirement is simply unreasonable. It is also incredible that the plan changed as recently as July 11th which does not give the community ample time to analyze the changes. If Goleta wants to be respected as a legitimate city, it needs to act like one and not railroad through a partisan general plan that disregards the needs of a large majority of the community.

C.7-1

Andrew D. Simons  
 Reicker, Pfau, Pyle & McRoy LLP  
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 Santa Barbara, CA 93101

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 Website: [www.reickerpfau.com](http://www.reickerpfau.com)



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**Response to Comment No. C.7-1**

The commentator states the opinion that the GP/CLUP is too restrictive, that it will hinder growth, and that the 55% affordable housing requirement is unreasonable. The commentator provides no evidence supporting his opinion, including the alleged infeasibility of the affordable housing policy. The commentator has made a general comment objecting to policies of the GP/CLUP and has not commented on the adequacy of the environmental analysis presented in the DEIR.

Dear Mr

Page 1 of 1

**C-8****Anne Wells**


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**From:** Ken Curtis  
**Sent:** Wednesday, July 19, 2006 4:41 PM  
**To:** Anne Wells  
**Subject:** FW: Letter 1 FINAL

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**From:** Elaine Abercrombie [mailto:elaine@villagesite.com]  
**Sent:** Wednesday, July 19, 2006 4:39 PM  
**To:** Ken Curtis  
**Subject:** Letter 1 FINAL

Slow the review process...please.

Dear Mr. Curtis,

On July 11, one week before the deadline to submit comments on the EIR, the General Plan was amended. I find this to be an inappropriate measure taken by the City Council. As these changes are not even reflected or analyzed on the EIR, how can the residents of Goleta fully understand the impacts of these changes?

Your chief concern should be on the community that the General Plan will ultimately affect. By making last minute changes, and not allowing the community the opportunity to study the impacts of these changes, the City Council is creating a General Plan that will create an uncertain future for Goleta.

Understanding environmental impacts is a vital portion of the public process that governs the creation of our city's General Plan. These impacts will affect my children, neighbors, and future residents of Goleta. Since the future of our region is at stake, we should have every opportunity to engage in the process and fully understand the General Plan's implications.

I urge you to slow down the review process, and study the changes that have been made to the General Plan so that their impacts are reflected in the EIR.

Sincerely,

Elaine Abercrombie  
 Broker Associate/Realtor/SRES  
 806-683-7353

7/19/2006

**C.8-1**

**Response to Comment No. C.8-1**

See response to comment B.2-1.