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July 18, 2006

Via E-Mail: [kcurtis@cityofgoleta.org](mailto:kcurtis@cityofgoleta.org)

Via Facsimile: (805) 685-2635 and U. S. Mail



Mr. Ken Curtis  
City of Goleta Planning Agency  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Re: *Comments on Draft GP/CLUP DEIR*

Dear Mr. Curtis

Our office represents the Goleta Valley Chamber of Commerce ("Chamber"). The Chamber submits these comments on the Draft EIR for the General Plan/Coastal Land Use Plan.

I. **Public Review Process.** Informing the public of the environmental effects of a project and encouraging public participation in decision-making is a fundamental purpose of the CEQA process (*Citizens of Goleta Valley vs. Board of Supervisors* (1990) 52 Cal.3d 553; 276 Cal.Rptr. 410; *Laurel Heights Improvement Association vs. Board of Regents* (1988) 47 Cal.3d 376; 253 Cal.Rptr. 246; Guidelines § 15002(a)(1), (4)). The Chamber has on several occasions objected to the City's procedure of withholding release of General Plan materials until after business hours on a Friday when the General Plan element in question is to be considered at a Monday afternoon meeting. Minimal availability of General Plan materials, which has been endemic throughout the General Plan review process, has seemed designed to discourage, rather than encourage, public participation.

B.17-1

Informed public participation has also been discouraged in the DEIR process. The Draft General Plan was completed in March 2006; this was the content of the General Plan for which the Draft EIR was completed on May 30, 2006. However, starting in April, the City began to revisit each Element of the General Plan and revise them. This revision process was only completed on July 11, 2006. Revisions were made to all Elements, with substantial revisions being made at least to the Open Space, Conservation, Land Use, and Transportation Elements (revisions to the Land Use Element and Transportation Element were not completed until July 11th, two weeks after the public hearing on the DEIR was held). Thus, the public did not know what the "project" was until 41 days into the public review period. This problem becomes self-evident in review of the DEIR; references to General Plan policies in the document

B.17-2

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002

Mr. Ken Curtis  
 City of Goleta Planning Agency  
 July 18, 2006  
 Page 2

are frequently wrong because policy content and numbering changed after the DEIR was published.

B.17-2

An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient DEIR. (*County of Inyo vs. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199; 139 Cal.Rptr. 396.) The project description contained in Section 2.0 of the DEIR provides few specifics on the actual policies to be implemented, many of which changed several times during the April through July "revisitation" period. Persons who wished to comment on the adequacy of the Land Use Element and Circulation Element, for example, only knew what the project was 7 days prior to the close of public comment on the DEIR. While the Chamber is providing its comments under the circumstances, the Chamber believes that, to meet legal requirements, the City must start a new circulation period of 45 days (beginning on July 11th) to provide the public with a full 45-day review period from the date the project finally stabilized.

B.17-3

We believe without question that if an application for a private development project before the City changed important elements of its project after the start of the public review process, the City would toll running of the 45-day review period and start the process over. The City must hold itself to the same standard.

B.17-4

2. **Failure to Provide Technical Appendices.** There are only two technical documents in the Appendix to the DEIR, relating to the Water Supply Assessment and the 2030 Traffic Modeling. Appropriate technical detail underlying the DEIR's analysis shall be contained in an appendix, if not in the text. (Guidelines § 15147.) The DEIR includes no technical appendices for several elements that rely on technical reports or field surveys for their impact analysis – for example, Visual Resources, Biology, and Noise. If technical reports were prepared for these elements (photo-simulations for Visual Resources, field surveys for Biology, noise monitoring for Noise), they must be made available to the public for informed review. As the DEIR currently stands, its impact classification is subjective and undocumented in the above areas, and thus arbitrary.

B.17-5

3. **Agriculture.** The DEIR's discussion of agriculture states that the City's CEQA Thresholds and Guidelines Manual incorporates Appendix G of the state Guidelines (page 3.2-11). This is only partially correct. In fact, the City's Guidelines provide that the significance of agricultural land is measured by a set of nine factors ranging from parcel size to combined farming operations. Points are allocated in each category, and if the total points exceeds 60, development of the parcel in question is deemed to raise significant agricultural impacts. The DEIR presents no evidence that the City has followed its own Guidelines in the determination of which lands have agricultural significance. In accordance with the City's own thresholds, the DEIR must analyze each parcel in the Agricultural and Farmland Inventory using this point system to determine the threshold significance of each agricultural parcel.

B.17-6

MM 3.2-1 proposes that parcels with urban designations that are "agricultural lands" be redesignated to agriculture. One parcel that would be affected by this mitigation

B.17-7

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07/18/2006 16:34 FAX 805 965 4333

Hatch & Parent

003

Mr. Ken Curtis  
City of Goleta Planning Agency  
July 18, 2006  
Page 3

measure is the Sumida parcel. However, the City has already counted this parcel as providing 100 of the City's RHNA allocation of low- and moderate-income housing, under an already approved tentative map and development plan. The Sumida parcel is critical to the City's ability to meet its legal RHNA mandate. For this reason, MM 3.2-1 appears to be not feasible as applied to the Sumida property.

B.17-7

4. Quality of Life. The City's CEQA thresholds include Quality of Life guidelines. These guidelines make it clear that quality of life analysis must be performed when a substantial physical impact to the quality of the human environment can be demonstrated. This is certainly the case with the General Plan. As no quality of life analysis is provided in the DEIR, the DEIR must be revised to provide such analysis and recirculated for public review.

B.17-8

5. Visual Resources. The DEIR concludes that the policies in the General Plan/Coastal Land Use Plan can reduce impacts to visual resources (as viewed from Hollister Avenue and City Gateways), "but not to a level of significance." There is no explanation in the text as to how this determination was made; apparently no photo-simulations or modeling on individual sites was conducted or, if they were, they have not been provided to the public for review. The conclusion that a residual Class I impact exists is difficult to understand, since GP/CLUP policies specifically require that development not degrade or obstruct views of scenic areas (see, e.g., Policy VH 1.4). There is no substantial evidence in the DEIR which justifies the Class I impact assigned to impact Section 3.1-1a, 3.1-1b, and 3.2.

B.17-9

6. Transportation Element. The Chamber has a number of comments on the DEIR's analysis of transportation impacts.

A. As the Chamber has noted in several previous letters to the City Council/Planning Agency, the Ellwood Station and La Patera non-interchange overpasses have been stated by the City Council to be critical to mitigation of impacts for the General Plan. However, these overpasses are unplanned, unengineered, and completely unfunded. The City Council has estimated that it will cost \$50 million to construct both overpasses; this estimate is probably low. City Public Works staff has agreed that it will probably take 15-20 years to design, permit, fund and construct these overpasses. The Chamber on several occasions has asked Public Works staff to run the City's traffic model with all mitigation except for the two new overpasses in order to determine what the residual impact on General Plan buildout will be on the street network before these overpasses are constructed. Our request has been refused.

B.17-10

TE 13.3 specifically limits the obligations of individual development projects, relating to these new overpasses, even for project-specific impacts, to making a fair share contribution to fund construction of the overpasses. However, any development project that contributes significant numbers of trips to Storke/Hollister, Storke/US 101, Los Carneros/Hollister, Los Carneros/US 101, Fairview/Hollister, Fairview/US 101, and Fairview/Calle Real will be faced with a Class I impact, unmitigated because the overpasses are not yet constructed. If it takes 15-20 years to construct the overpasses, this means there will likely be 15-20 years of Class

B.17-11

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RX TIME 07/18 '06 16:33

07/18/2006 16:34 FAX 805 965 4333

Hatch & Parent

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Mr. Ken Curtis  
City of Goleta Planning Agency  
July 18, 2006  
Page 4

I impacts at affected intersections, particularly those for which the La Patera overpass would provide relief.

B.17-11

Given this factual setting, the DEIR is deficient in several respects:

(i) The conclusion of page 3.13-27 that "implementation of the GP/CLUP would not result in any short-term significant and unavoidable impacts on transportation and circulation" is wrong. The City must run its traffic model with all transportation improvements except for the two new overpasses in order to determine the resulting short- to medium-term LOS at City intersections and streets.

B.17-12

(ii) The major housing projects on which the City is relying to meet its RHNA allocation all contribute significant trips to intersections/roadways which require the new overpasses in order to operate at acceptable levels of service. The Transportation Element erects obstacles to the production of such housing through Policies TE 13.3 and 13.4, which appear to grant the City Council complete discretion to deny such projects based on Class I traffic impacts during the period before the two new overcrossings are constructed. This creates an inconsistency between the Land Use, Housing, and Transportation Elements. The solution to this problem is for the Transportation Element to contain an Implementation Measure directing the City to amend its Environmental Thresholds Manual to provide that such payment constitutes full CEQA mitigation for project-specific impacts at such intersections.

B.17-13

(iii) The DEIR has failed to demonstrate the financial feasibility of constructing these new overpasses. The new overpasses are unprogrammed (Table 3.13-11). While Table 7.3 in the General Plan states that development impact fees, state and federal, and "other" funds will be used, there is absolutely no analysis of whether such funding will be available for these two very large projects.<sup>1</sup> State funding, of course, in the current fiscal climate is completely out of the question. It is clear that premising vital transportation improvements on which the Land Use Element depends on merely a hope that funds will be provided by other agencies is inadequate as a matter of law. (*Concerned Citizens of Calaveras County vs. Board of Supervisors* (1985) 166 Cal.App.3d 90, 103.)

B.17-14

Furthermore, no analysis of the environmental and physical feasibility of constructing these new overpasses has been performed. Those improvements listed on General Plan Table 3.13-11 and 3.13-12 as "programmed" probably have at least had baseline engineering and environmental analysis performed by the County of Santa Barbara as part of the County's former Goleta Transportation Improvement Plan ("GTIP"), although this has not been demonstrated. The "not programmed" or "proposed GTIP" improvements, on the other hand, have had absolutely no assessment of physical/environmental feasibility performed to date. For example, the northerly footings for the La Patera overpass appear to impact ESHA located at Lake Los Cameros. On initial review, it also appears it will also be extremely difficult for these

B.17-15

<sup>1</sup> Please note the conflict between this Table and Policy TE 14.7 (revised July 11, 2006), which appears to limit use of Measure D sales tax funds.

SB 401507 v1:010942.0001

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07/18/2006 16:35 FAX 805 965 4333

Hatch & Parent

005

Mr. Ken Curtis  
 City of Goleta Planning Agency  
 July 18, 2006  
 Page 5

overpasses to accommodate ADA compliance, truck clearance height on US 101, and an appropriate tie-in of the new overpasses to the existing public right-of-way (i.e., Calle Real and Hollister Avenue).

B.17-15

Since CEQA requires that the environmental impacts of major mitigation measures be examined in the environmental document, and since no such analysis has been done for much of the proposed transportation improvements, most particularly for the two new overpasses, the DEIR must be revised to provide such analysis.

B.17-16

**B.** Because so many of the transportation improvements proposed in the General Plan are unfunded and unengineered, there is no way to determine from the DEIR whether they are financially feasible. To meet legal requirements, the DEIR must demonstrate that these improvements are financially feasible to construct, since improvements constitute mitigation for the development proposed in the General Plan. The best way for the City to do this would be to update its Development Impact Fees ("DIFs") and capital improvements program as part of the General Plan adoption process. The Chamber asked on several occasions dating back to 2005 that such an analysis be performed as part of the DEIR, without response from the City. This analysis must be included in the DEIR.

B.17-17

**C.** The Transportation Element determines that LOS D operation (.90v/c) is an acceptable level of service under the General Plan for the Storke/Hollister Avenue intersection (Policy TE 4.2). Thus, until operations at Storke/Hollister degrade below .90v/c, development projects contributing trips to that intersection will be deemed consistent with the Transportation Element as to this intersection. However, the City's Environmental Thresholds and Guidelines Manual (which predates the City's General Plan) states that LOS C is the minimum acceptable level of service, and that a project that contributes either 15 trips or .03/.02 v/c change the minimum to an intersection operating at LOS D will be deemed to have created a Class I impact. As has been discussed earlier, essentially the only CEQA mitigation that can provide relief to the Storke/Hollister intersection is the Ellwood Station overcrossing, which will not be available, if at all, for 15-20 years. Although staff has stated their intention to amend the City's CEQA thresholds to state that LOS D/.90v/c is the acceptable operation of Storke/Hollister for CEQA purposes, this implementation action has not been incorporated into the DEIR.

B.17-18

To avoid creating inconsistencies among the elements of the General Plan, the Transportation Element must include an implementation measure directing that the City's Environmental Thresholds and Guidelines Manual be amended to provide that LOS D/.90v/c is the acceptable LOS at Storke/Hollister for CEQA purposes.

B.17-19

**D.** Transportation Element Policy TE 4.3 requires that a deficiency plan be prepared when the LOS for any intersection or roadway link falls below LOS C. The deficiency plan must be prepared prior to the City approving any development that would further lower LOS levels. As of this date, the following intersections and roadways are operating below acceptable levels:

B.17-20

SB 401907 v1:010942.0001  
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07/18/2006 16:38 FAX 805 965 4333

Hatch & Parent

006

Mr. Ken Curtis  
 City of Goleta Planning Agency  
 July 18, 2006  
 Page 6

- Fairview Avenue/Stowe Canyon Road
- Fairview Avenue/Calle Real
- Patterson Avenue/US 101 s/b
- Los Cameros Road s/o/Hollister Avenue

TE 4.3, however, does not provide a timeframe within which the deficiency plan must be prepared. Since these deficiencies are pre-existing at the time of the General Plan, the City (rather than new development) would be responsible for preparing the study and funding improvements required to mitigate these conditions. Since the DEIR is intended to provide mitigation measures to accommodate future uses, and since improvements are needed now to accommodate present uses, an implementation measure is required whereby the City agrees to prepare the required deficiency plan now.

B.17-20

7. **Conservation Element.** Policy CE 3.4 applies a uniform policy throughout the City (both coastal and inland areas) that prohibits the filling of wetlands (except for public purposes) and requires a 100-foot minimum buffer. Policy CE 3.1 already defines wetlands as the presence of one indicator, rather than the three indicators required by the Army Corp of Engineers. These two policies, in essence, take a Coastal Commission wetlands definition and then apply it to inland as well as coastal areas. A staff effort to provide more relaxed standards in the inland portion of the City, in recognition of the fragmented and non-productive nature of most inland "wetland" areas (see staff report of June 13, 2006), was rejected by the City Council on June 26, 2006.

B.17-21

As the February 21, 2006 memorandum from Dudek & Associates to the City demonstrates, application of these standards to the four most recently approved housing projects in the City would have reduced their unit count by approximately 12%. Most of the large vacant parcels that are designated by the City for housing to meet the City's RHNA allocation will have small "wetland" sites – often little more than a tire track that has collected rain – scattered across them. Application of the proposed 100-foot buffer zone to each such location will fragment the development potential of these sites. This will dramatically reduce the potential unit count for these parcels and render it impossible for the City to meet its RHNA allocation.

B.17-22

In order to achieve horizontal consistency among the General Plan Elements, the General Plan must demonstrate that it does not contain policies that will prevent achievement of its RHNA allocation. Therefore, the DEIR must contain an analysis demonstrating this fact with relation to the proposed wetland policy.

8. **Alternatives Analysis.** The DEIR determines that Reduced Development Scenario 2 constitutes the environmentally superior alternative for the General Plan. Any alternative chosen as the environmentally superior alternative must be feasible, as defined by CEQA. "Feasibility" includes consistency with law. The DEIR does not contain analysis demonstrating that either Alternative 1 or Alternative 2 contains sufficient housing units to provide for the City's RHNA allocation. In fact, the density assumptions that underlie Alternatives 1 and 2 do not appear in the DEIR at all, other than in the most generic manner in Figures 5-2 and 5-3. Please

B.17-23

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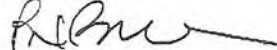
Mr. Ken Curtis  
City of Goleta Planning Agency  
July 18, 2006  
Page 7

amend the DEIR to demonstrate that both alternatives are sufficient to provide RHNA allocation, and include in the DEIR the supporting density assumptions, parcel by parcel, that underlie Figures 5-2 and 5-3.

B.17-23

Thank you for the opportunity to provide these comments.

Very truly yours,



Peter N. Brown  
For HATCH & PARENT, A Law Corporation

PNB:imd  
Enclosures

Cc: Ms. Kristen Amyx, Goleta Valley Chamber of Commerce

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**Response to Comment No. B.17-1**

See response to comment B.2-1.

**Response to Comment No. B.17-2**

See response to comment B.2-1.

**Response to Comment No. B.17-3**

See response to comment B.4-11.

**Response to Comment No. B.17-4**

See response to comment B.2-4.

**Response to Comment No. B.17-5**

See response to comment B.2-3.

**Response to Comment No. B.17-6**

The commentator has alleged that the City has not correctly applied the guidelines contained in CEQA Appendix G nor the City's own guidelines. The "Methodology in Determining Agricultural Suitability and Productivity" contained within the County of Santa Barbara Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2002) indicates that the weighting system is provided to perform a preliminary screening of a project's agricultural impacts during the initial study process. The initial study screening looks at the value of a site's agricultural suitability and productivity, to determine whether the project's impact on loss or impairment of agricultural resources would be a potentially significant impact (County of Santa Barbara 2002). If potentially significant impact is identified using these criteria, further more detailed site-specific evaluation of agricultural impacts is completed in an EIR (County of Santa Barbara 2002). The Guidelines further state that analysis should not focus on the points in the weighting system of these guidelines, but other relevant factors (i.e., history of agricultural use on the site, land use trends, etc).

Section 3.2.3.1 of the EIR states that both the City of Goleta's Guidelines and Appendix G of the CEQA Guidelines are taken into account for the impact analysis. One of the thresholds used (the one in question) is whether or not the GP/CLUP would convert Prime, Unique, or Farmland of Statewide Importance (Important Farmland) to nonagricultural use or impair the agricultural productivity of prime agricultural land. Because the City may determine the impacts based upon whether the project would convert Important Farmland *or* impair agricultural productivity, the City has determined to use the former part of this statement in reaching impact conclusions. The City is not required to determine the agricultural productivity of each and every site in the Program EIR if alternatively the City can rely upon other factors such as previous zoning, previous agriculture activities, soils time, and the Important Farmland designations when considering conversion of agricultural land. Therefore, the EIR adequately discloses the impacts to agricultural resources.



**Response to Comment No. B.17-7**

The commentator has alleged that Mitigation Measure 3.2-1 is infeasible because the Sumida parcel, which is part of the RHNA designation, has been included. The FEIR does not include Mitigation Measure 3.2-1 consistent with the request of the commentator.

**Response to Comment No. B.17-8**

See response to comment B.4-68.

**Response to Comment No. B.17-9**

See response to comment B.4-15.

**Response to Comment No. B.17-10**

The commentator states that the proposed freeway crossings at Ellwood Station and La Patera are unplanned, unengineered, and unfunded, and requests that analysis be completed for a future scenario that does not assume completion of these projects. Impacts identified in the plan, which these projects would help mitigate, reflect build-out of the future land use plan, which is not expected to occur within the next few years but through 2025. These projects are planned, which is discussed in the response to Comment No. B.4-56. See also response to comment B.16-35, regarding engineering.

**Response to Comment No. B.17-11**

The commentator states a concern that until freeway crossings at Ellwood Station and La Patera are constructed, other key locations throughout the city will experience Class I impacts. See "Response to Timeframe and Class I Impacts Comment" under response to comment B.4-56.

**Response to Comment No. B.17-12**

The commentator states that analysis should be completed for a future scenario that does not assume completion of that the proposed freeway crossings at Ellwood Station and La Patera. See "Response to Timeframe and Class I Impacts Comment" under response to comment B.4-56.

**Response to Comment No. B.17-13**

The commentator states a concern that Policies 13.3 and 13.4 could allow the City to deny new development. These policies provide options for maintaining and/or mitigating LOS to meet standards. The City routinely pursues feasible funding for all proposed transportation improvement projects, and this is a requirement for projects to be included in the MTP. However, funding sources may be highly feasible, but still have a chance of falling through, particularly if they are identified within a long-range planning horizon. In this case, these policies provide the City with contingency options that would allow transportation improvements to remain on pace with new development, while alternative funding sources are identified.

**Response to Comment No. B.17-14**

The commentator states that the DEIR does not demonstrate the financial feasibility of the proposed freeway crossings at Ellwood Station and La Patera. See “Response to No Funding Analysis Comment” under response to comment B.4-56.

**Response to Comment No. B.17-15**

The commentator states that no environmental or physical feasibility analysis has been completed for the proposed freeway crossings at Ellwood Station and La Patera. See “Response to Lack of Environmental Analysis Comment” under the response to Comment No. B.4-56 for response to comment regarding environmental analysis. See response to comment B.16-35, regarding engineering.

**Response to Comment No. B.17-16**

The commentator states the environmental analysis must be completed for major mitigation measures proposed in the DEIR. See “Response to Lack of Environmental Analysis Comment” under the response to Comment No. B.4-56.

**Response to Comment No. B.17-17**

The commentator states that the City should update its Development Impact Fees and capital improvements program as part of the General Plan adoption process. The GP/CLUP is a long-range planning document that sets the framework for programming of future transportation improvements by identifying the infrastructure and services needed to support build-out of the future land use plan. However, analysis is completed at the Program level, which is less detailed than may be needed to update Development Impact Fees and the Capital Improvement Program. However, updates of these programs are completed by performing more detailed analysis of the projects included in the GP/CLUP, at the time that it is appropriate for them to be programmed. The GP/CLUP identifies an update of Development Impact Fees (AB 1600 fees) as an implementation program to be undertaken between 2006-2008.

**Response to Comment No. B.17-18**

The commentator states that the policy that defines the LOS standard at Storke/Hollister as LOS D has not been implemented. This policy, defined as Policy TE 4.2 in the Transportation Element, will be adopted as part of the adoption of the final GP/CLUP.

**Response to Comment No. B.17-19**

The commentator states that the City’s CEQA thresholds should be amended to reflect the LOS D standard at Hollister/Storke. The City has adopted CEQA standards that are more rigorous than the adopted LOS standards. See response to comment B.12-18. The City may consider future amendments to its CEQA thresholds, pursuant to an implementation measure identified in the GP/CLUP

**Response to Comment No. B.17-20**

The commentator states that under Policy 4.3, deficiency plans should be prepared for four locations that are operating below adopted LOS standards under existing conditions. Analysis

completed for the DEIR indicates that proposed mitigation projects will mitigate existing and projected future LOS deficiencies at all four of these locations through build-out of the future land use plan.

#### **Response to Comment No. B.17-21**

The commentator states opposition to Policy CE 3.4 that prohibits the filling of wetlands and requires a 100-foot minimum buffer and states opposition to Policy CE 3.1 that defines wetlands using a one-parameter approach. This opposition is noted. Policies CE 3.1 and 3.4 are consistent with the Coastal Commission policies and City staff believe that that a consistent policy approach in both the inland and coastal areas is a reasonable approach to resource management.

#### **Response to Comment No. B.17-22**

The commentator states concern that the GP/CLUP protective wetland policies will reduce the potential unit count for vacant parcels and render it impossible for the City to meet its RHNA allocation. While it may be true that application of Policy CE 3.4 could affect the amount of developable land on any particular parcel, housing development allowed under the GP/CLUP far exceeds the RHNA requirements to account for the presence of wetlands, as well as other, onsite development constraints.

#### **Response to Comment No. B.17-23**

See response to comment B.16-49. The GP/CLUP project objectives are identified in Section 2.3 of the DEIR and do not include achievement of the City's RHNA housing allocation. Accordingly, the DEIR need not demonstrate how its alternatives will ensure that the City meets its RHNA housing allocation.

**B-18**



ASSET MANAGEMENT  
CONSTRUCTION

July 18, 2006

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



**Re: Goleta General Plan – Draft Environmental Impact Report**

Dear Chair Hawxhurst and Planning Agency Members:

The Towbes Group has reviewed the Draft Environmental Impact Report (DEIR) released to the public on May 31, 2006. As you know, the City Council and Planning Agency approved material changes to the Draft Goleta General Plan (the "Project") as recently as July 11, 2006. These late revisions make it impossible for the DEIR to analyze impacts of policies that didn't exist prior to the DEIR's release. These changes and additions to the Project, some of which still have not been made available for public review, would need to be considered in any analysis to determine the Project's feasibility as well as consistency between the Project and the DEIR.

**B.18-1**

Since the Project has evolved and changed, the public is looking at a moving target yet we are being asked to submit comments to the DEIR which analyzes a Project that dates back to March 20, 2006. Due to this we ask, and it only makes sense, that the 45-day review period begin once the DEIR that analyzes the actual Project is released for public comment.

Based on the minimal time we have had to review the DEIR as well as review changes to the Project, we summarize below our comments:

1. The policies and recommended measures of the Agriculture Element MM 3.2-1 are not consistent and make residential development on several of Goleta's key residential sites in conflict with the DEIR. This section purports to state as a recommended measure that, for example, the Sumida Gardens project be redesignated to agriculture. This section also uses a broad reference and an undefined definition of unique farmland and soil conditions.

**B.18-2**

**B.18.3**

In addition, this type of mitigation need not be adopted if it is infeasible to use a site for agricultural purposes. In the case of the Sumida Gardens property, it is not viable for farming for the following reasons: 1) the subject site is located next door to the St. Raphael's Church and School and agricultural activities are not

**B.18-4**

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Chair Hawxhurst and Planning Agency Members  
 July 18, 2006  
 Page 2 of 4

suitable adjacent to schools; 2) the soil is of a poor quality and root rot is so common that the site was formally a nursery where plants were grown in pots above the soil; and 3) there are residential uses in most of the surrounding neighborhoods adjacent to the site.

B.18-4

Also in the case of the Sumida Gardens project, the City is counting the projects low-income units to achieve their goal of meeting the State's RHNA allocation. As the City has a legal requirement to meet its allocated housing numbers, eliminating the Sumida Gardens project on the site in favor of agriculture would be in conflict with the City's obligations under the Housing Element and State Housing Law.

B.18-5

2. In the Housing Element section of the DEIR, the City is requiring 30% of the "for sale" housing units be built at affordable levels. There is no supporting data or tables analyzing the impact and feasibility of this requirement. Further, "rental" housing is required to be built with 5% of the units rent restricted at affordable levels. Once again no data or table are provided to test the feasibility of this requirement nor its impacts.

B.18-6

These affordable requirements are in excess of many other jurisdictions that have studied their impacts and feasibility. Based on our own experience with the cost of construction and permit processing costs, these affordable requirements can prevent the production of affordable housing. If the City's requirements prevent achievement of affordable housing, this would be a violation of the City's obligations under State Housing Law. The DEIR does not demonstrate that such a requirement is feasible or has even been studied or quantified.

B.18-7

Other key housing sites are designated with a 55% affordability requirement. Based on our comments above and the City's failure in the DEIR to substantiate 30% inclusionary as feasible, we do not believe the City will be allowed to count more than 900 of the potential housing units along the Hollister corridor towards its housing goals. In the event the State rejects the City's Housing Element section of the Project based on policies that prevent the production of housing, the DEIR will not be consistent with the Project.

3. The Conservation Element Section 3.4 mandates Coastal Act standards for wetland protection throughout the City, prohibits fill for any reason except biological, and requires maintenance protection of existing wetlands even if they are fragmented and have no habitat value. There is no discussion in the DEIR

B.18-8

B.18-9



Chair Hawxhurst and Planning Agency Members  
 July 18, 2006  
 Page 3 of 4

that evidence's the necessity for such radical restrictions nor is there any analysis of the impact these restrictions will have on the production of housing or the proposed build out of the Project. The DEIR is analyzing growth and development based on reasonable policies that would allow such growth to occur. Mandating Coastal Act standards across the entire City in an urban setting is not consistent with the DEIR's analysis.

B.18-9

B.18-10

In addition there is a mandatory 100' buffer from wetlands even as the definition of wetlands is large and excessive. There is no evidence in the DEIR that such a buffer from an exaggerated definition of a wetland is required or appropriate. Application of such a restrictive policy interferes with the production of housing and enacts a roadblock to affordable housing production; in direct conflict and violation of the City's stated goal of meeting its RHNA requirements.

B.18-11

4. In the Traffic Element Policy 4.3, there is a requirement that a deficiency plan be prepared once an intersection reaches LOS D. The intersection of Storke and Hollister is projected to operate at a D level and State Route 217 is almost at a D level. This will require the City to prepare a plan to demonstrate that mitigation is feasible before any project or housing can be built. This, coupled with the concept of concurrency, erects a significant barrier to housing production and the DEIR does not analyze nor offer up mitigation or alternatives.

B.18-12

Also in the Traffic Element, the DEIR analyzes the impact of construction of the non-interchange freeway overpasses. By the City's own projections, these projects are 15-20 years away from being completed and we would suggest that is optimistic based on physical and funding constraints. This analysis precludes the possibility for interim mitigation to improve traffic congestion, particularly for a project that creates a Class I impact. The DEIR should consider and run a model based on feasible traffic mitigation measures that can be physically created and funded in the plan period.

B.18-13

B.18-14

5. There is a complete lack of technical appendices attached to the DEIR. There is almost no technical or qualitative support for the assertions in the DEIR nor are there definitions for key descriptions and terminology. This makes it extremely difficult for the public to comment accurately on the document because there are few facts supporting the opinions regarding impact levels stated in the DEIR.

B.18-15



Chair Hawxhurst and Planning Agency Members

July 18, 2006

Page 4 of 4

In summary, we note the DEIR is analyzing impacts of an outdated Project yet the public is being asked to comment within the 45 day time frame even as the Project continues to evolve. We also note several deficiencies in the DEIR as well as missing analysis, documents, definitions, and tables.

B.18-16

B.18-17

This concludes our preliminary comments pending further revisions and updates to the Project and the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Zimmerman', is written over a faint, larger version of the same signature.

Craig Zimmerman  
President

cc: Mr. Ken Curtis, Director Planning and Environmental Services  
Mr. Michael Towbes  
Mr. Courtney Seeple

**Response to Comment No. B.18-1**

See response to comment B.2-4.

**Response to Comment No. B.18-2**

See response to comment B.17-7.

**Response to Comment No. B.18-3**

The commentator has stated that “this section also uses a broad reference and an undefined definition of unique farmland and soil conditions.” The definition of unique farmland is stated on page 3.2-1 and is taken from the California Department of Conservation FMMP. Additional discussion of soil classes has been added to Section 3.2.1.3 of the FEIR.

**Response to Comment No. B.18-4**

The commentator is correct that mitigation measures need not be adopted if they are determined to be infeasible. The FEIR does not include Mitigation Measure 3.2-1 consistent with the request of the commentator.

**Response to Comment No. B.18-5**

The commentator has alleged that redesignating the Sumida Gardens site is inconsistent with the Housing Element of the GP/CLUP. See responses to comments B.4-20, and B.18-4.

**Response to Comment B.18-6**

See response to comment B.4-45.

**Response to Comment B.18-7**

See response to comment B.4-45.

**Response to Comment No. B.18-8**

The commentator has requested clarification regarding the applicability of existing city policies. As stated in EIR Section 3.4.3.3, the EIR considers potential impacts to biological resources in terms of habitat impacts, species impacts, impacts to wildlife linkages, impacts to existing preserves and approved conservation programs, and cumulative and residual impacts. Impacts and mitigation are considered on a program-level, which is the appropriate approach under CEQA for analysis of a regulatory plan or program. Consistent with the description of program EIRs in CEQA Guidelines [Section 15168], the EIR analysis of biological impacts treats the GP/CLUP policies as measures that reduce buildout-related impacts. On a program-level, all of the measures are technically feasible. The EIR does not and is not intended to provide a project-level analysis of impacts and mitigation.

**Response to Comment No. B.18-9**

See response to comment B.18-8.



**Response to Comment No. B.18-10**

See response to comment B.18-8.

**Response to Comment No. B.18-11**

See response to comment B.18-8.

**Response to Comment No. B.18-12**

The commentator states that based on Policy 4.3, a deficiency plan will need to be prepared for Hollister/Storke, and that this would create a barrier for housing production. See response to comment B.4-59 and B.17-20.

**Response to Comment No. B.18-13**

The commentator states that the timing of the proposed freeway crossings precludes the possibility for interim mitigation, and will result in the creation of Class I impacts. See "Response to Timeframe and Class I Impacts Comment" under response to comment B.4-56.

**Response to Comment No. B.18-14**

The commentator states that modeling should be completed for a scenario that excludes the proposed freeway crossings, implying that they are not feasible. The City considers these projects to be feasible. See "Response to Timeframe and Class I Impacts Comment" under response to comment B.4-56.

**Response to Comment No. B.18-15**

See response to comment B.2-3.

**Response to Comment No. B.18-16**

See response to comment B.2-4.

**Response to Comment No. B.18-17**

See response to comment B.2-3.

B-19

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July 18, 2006

BY HAND DELIVERY

Anne Wells  
Planning and Environmental Services Department  
130 Cremona Drive, Suite B  
Goleta, California 93117



Re: Draft Goleta General Plan/Coastal Land Use Plan Environmental Impact Report

Dear Ms. Wells:

The City of Goleta Chamber of Commerce has retained our firm to review the Draft General Plan/Coastal Land Use Plan (the "Project") Draft Environmental Impact Report ("DEIR") to assess whether the document complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et. seq.) ("CEQA"). As we explain below, the DEIR is deficient in a number of respects and is therefore legally inadequate. Several of the deficiencies cannot be cured without significant revisions in the DEIR. In light of the nature these deficiencies, the City should recirculate the DEIR.

**I. LEGAL STANDARD**

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (Cal. Code Regs., tit. 14, §15002, subd. (a)(1) (hereinafter "CEQA Guidelines")) The EIR is the "heart" of this requirement. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return" (*County of Inyo v. Yorty* (1973)

B-19-1

Anne Wells  
 July 18, 2006  
 Page 2

32 Cal.App 3d 795.)

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. (CEQA Guidelines, § 15002, subd. (a)(2) and (3); *Laurel Heights Improvement Association of San Francisco, Inc v Regents of the University of California* (1988) 47 Cal 3d 376, 400 (“*Laurel Heights I*”); *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal App 4th 1019, 1029.) Mitigation measures must be “feasible measures which could minimize significant adverse impacts.” (CEQA Guidelines, §15126.4.)

B.19-1

The DEIR does not satisfy these basic purposes. In particular, the DEIR does not identify feasible mitigation measures that would clearly lessen the environmental impacts. The City must correct these shortcomings and recirculate the DEIR for further public review and comment.

## II. GENERAL COMMENTS

### A. Lack of Detail

The DEIR is too vague. An environmental impact report, or “EIR,” is intended to be “a detailed statement prepared under CEQA describing and analyzing the significant effects of a project and discussing ways to mitigate or avoid the effects.” (CEQA Guidelines, § 15362.) The purpose of an EIR is to provide agencies and the public with detailed information about the environmental effects of proposed projects, to list ways in which the significant effects might be minimized, and to indicate alternatives. (Pub. Resources Code, § 21061.) As the California Supreme Court explained, “CEQA’s fundamental goal [is] that the public be fully informed as to the environmental consequences of action by their public officials.” (*Laurel Heights I, supra*, 47 Cal 3d at p. 404.) “To facilitate CEQA’s informational role, the EIR must contain facts and analysis, not just the agency’s bare conclusions or opinions.” (*Ibid*, quoting *Concerned Citizens of Costa Mesa, Inc v 32nd Dist. Agricultural Assn.* (1986) 42 Cal 3d 929, 935.) In short, “[a]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Laurel Heights I, supra*, 47 Cal.3d at p. 404.) This DEIR provides little analysis of potential impacts and mitigation measures used to lessen impacts. The DEIR also lacks supporting technical documentation to substantiate the data within the EIR. For this reason, much of the analysis in the DEIR is not supported by substantial evidence.

B.19-2

Anne Wells  
 July 18, 2006  
 Page 3

### B. Missing Required Elements

CEQA Guidelines section 15123, subdivisions (a)(2) and (3) require the inclusion of "areas of controversy" and "issues to be resolved." The DEIR does not address either topic.

B.19-3

### III. GLOBAL COMMENTS

The DEIR contains a fundamental flaw that affects the entire document. The EIR does not contain sufficient analysis of mitigation measures. In each impact section of the DEIR in which Class II (significant) impacts are analyzed, the main – and sometimes only – mitigation measures included are GP/CLUP policies. The DEIR, however, fails to analyze how the policies will reduce the impact to a less-than-significant impact. Simply providing a list of GP/CLUP policies is an ineffectual method to explain the effectiveness of these policies as mitigation measures. Nor does the DEIR consider whether the application of the policies themselves may result in significant environmental effects. (See CEQA Guidelines, § 15126, subd. (a)(1)(D).)

To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation. CEQA Guidelines section 15364 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." In any EIR there must be a disclosure of the analytical route the agency traveled from evidence to action. Because the public must be able to understand, evaluate, and respond to conclusions in an EIR, the document must contain facts and analysis, not just the agency's bare conclusions and opinions. In short, the DEIR must explain why the City believes the mitigation measure will work. (*Protect the Historic Amador Waterways v. Amador County Water Agency* (2004) 116 Cal App 4th 1099.) The Court in *Endangered Habitats League v. County of Orange* (2005) 131 Cal App 4th 777 struck down an EIR because the document failed to adequately explain how a mitigation measure would actually ensure that an impact would be mitigated. Further analysis is required to explain how the GP/CLUP policies reduce the impacts to a less-than-significant level.

B.19-4

Mitigation measures should be capable of: (a) "[a]voiding the impact altogether by not taking a certain action or parts of an action"; (b) "[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation"; (c) "[r]ectifying the impact

Anne Wells  
 July 18, 2006  
 Page 4

by repairing, rehabilitating, or restoring the impacted environment”; (d) “[r]educing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or (e) [c]ompensating for the impact by replacing or providing substitute resources or environments.” (CEQA Guidelines, § 15370.) For projects for which an EIR has been prepared, courts will uphold mitigation measures against attacks based on their alleged inadequacy where substantial evidence supports the approving agency’s conclusion that the measures will be effective. (*Laurel Heights I*, 47 Cal 3d at p. 407.)

B.19-4

Furthermore, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) The DEIR, however, does not include all of the GP/CLUP polices that could mitigate or eliminate those impacts.

**IV. SPECIFIC COMMENTS**

**A. Executive Summary**

<i>Page</i>	<i>Comment</i>
ES-3 - ES-4	Transportation and Circulation is missing from the list of cumulative impacts

B.19-5

**B. Introduction**

<i>Page</i>	<i>Comment</i>
1-3	The DEIR states that the NOP comments are included in Appendix A. Appendix A does not include these comments

B.19-6

**C. Project Description**

<i>Page</i>	<i>Comment</i>
2-1	“An adequate project description is important in that it ensures that CEQA’s goals of providing information about a project’s environmental impacts to government agencies and the public to allow consideration of mitigation measures and alternatives, will not be rendered useless.” ( <i>County of Inyo v</i>

B.19-7

Anne Wells  
 July 18, 2006  
 Page 5

Page	Comment
	<p><i>City of Los Angeles</i> (1977) 71 Cal App 3d 185, 192-193.) “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, and assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance. An accurate, stable and finite project description is the <i>sine qua non</i> of an informative and legally sufficient EIR.” (<i>County of Inyo, supra</i>, 71 Cal App 3d at pp. 192-193.)</p> <p>The General Plan has gone through so many iterations and as of July 11, 2006, was still in the process of changing, despite the July 18, 2006, deadline to submit comments on the GP/CLUP DEIR. Because of the constant and substantial changes, the public cannot meaningfully comment on a project that has not been properly described.</p> <p>“A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review. . . ‘Significant new information’ requiring recirculation include . . . a disclosure showing that . . . [t]he draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (<i>Mountain Lion Coalition v. Fish and Game Com.</i> (1989) 214 Cal.App 3d 1043)” (CEQA Guidelines, § 15088.5, subd (a).)</p> <p>The GP/CLUP has gone through so many changes since it was released for public comment, that not only it is impossible for a member of the public to track the changes, but meaningful review on a document that now does not exist is not even plausible. “An EIR is an informational document which will inform . . . decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects and describe reasonable alternatives to the project” (CEQA Guidelines, § 15121, subd. (a).) Upon completion of the substantial changes to the GP/CLUP, the City must revise and recirculate the DEIR.</p>
2-10	The section entitled “Draft General Plan/Coastal Land Use Plan” provides a

B.19-7

B.19-8

Anne Wells  
 July 18, 2006  
 Page 6

<i>Page</i>	<i>Comment</i>
	list of the various opportunities that the public had to comment on the GP/CLUP process and document. The list does not identify dates of future Planning Agency meetings, or note that future Planning Agency meetings would take place. As a result of these future meetings, substantial changes to the GP/CLUP will occur. As provided above, the GP/CLUP that was released in March 2006 and for which the DEIR was prepared is now a new document that the existing DEIR does not address.

B.19-8

**D. Environmental Setting, Impacts, and Mitigation**

<i>Page</i>	<i>Comment</i>
3-5 - 3-16	The Comstock Homes Development and Ellwood Mesa Open Space Plan have been omitted from the table of cumulative projects. The analysis of cumulative impacts should be revised to incorporate these projects, in that they are reasonably foreseeable (CEQA Guidelines, § 15130.)

B.19-9

**E. Aesthetics and Visual Resources**

As a general comment to this section, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate the following impacts: 3.1-1, 3.1-3, 3.1-4 and 3.1-5. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

B.19-10

<i>Page</i>	<i>Comment</i>
3.1-8	The discussion of short-term Class I impacts is unclear. The discussion provides: "No short-term significant adverse impacts on aesthetic and visual resources resulting from build-out of the GP/CLUP that cannot be feasibly mitigated or avoided (Class I) have been identified." By definition on page 1-4, a Class I impact is "one that would cause a substantial adverse change in the physical environment and cannot be avoided if the project is implemented; mitigation measures may be recommended but will not reduce the impact to a less than significant level." Therefore, by definition a Class I impact cannot be "feasibly mitigated or avoided." Please clarify if these

B.19-11

Anne Wells  
 July 18, 2006  
 Page 7

Page	Comment
	impacts result in significant and unavoidable impacts, or should be classified as a different class of impacts.
3.1-15 - 3.1-16	The discussion regarding the listed general plan policies and how they will reduce the Class II impacts to a less-than-significant level is inadequate. Such analysis (e.g., “[l]arge building masses. . . are to be <i>avoided</i> . . . [u]se of small structures. . . is <i>encouraged</i> . . . [b]y <i>promoting</i> development that minimizes the scale and height of structures. . .”) does not explain how the general plan policies will reduce the environmental impacts to a less-than-significant level (Italics added) The City must explain why it believes these mitigation measures will work. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation. CEQA Guidelines section 15364 defines feasible as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors”
3.1-16	Policies 1, 2 and 4 of the Visual and Historic Resources Element of the GP/CLUP are applied to Impact 3.1-3b to reduce this impact to a level of insignificance. The discussion regarding how those policies will reduce the impact to a level of insignificance includes a reference to the Goleta Old Town Revitalization Plan. The analysis states: “It is assumed for purposes of this analysis that the requirements of the GOTRP regarding the visual character of future development in this area would be incorporated into the design of future projects.” If the intent of the DEIR is to rely on the GOTRP for future projects, the text should be explicit on this point. The current text is ambiguous and is not supported by concrete analysis.
3.1-19	Mitigation section 3.1.3.5 notes that the “City <i>should</i> consider strengthening the visual resources policies provided in the GP/CLUP.” (Italics added.) To be effective and enforceable, mitigation measures should be mandatory in their terms. Indefinite terms such as “should” must be replaced with more specific information and more definite terminology. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation.

B.19-11

B.19-12

B.19-13

B.19-14



Anne Wells  
 July 18, 2006  
 Page 8

**F. Agriculture and Farmland**

In general, there are internal inconsistencies with the goals of the Project and the policies of the GP/CLUP to protect and preserve agricultural land. At full build-out of the Project in 2030, some agricultural land will have to be converted to residential uses to meet the requirements of the Housing Element. Certain policies in the open space, conservation and land use elements, however, prohibit the conversion of agricultural land to residential uses.

B.19-15

A general plan must be integrated and internally consistent, both among elements and within each element. (Gov. Code, §65300.5.) If a general plan is internally inconsistent, it is also legally inadequate. (Gov. Code, § 65300; see *Sierra Club v. Kern County* (1981) 126 Cal.App.3d 698.) In this instance, the GP/CLUP policies calling for residential development on agricultural land cannot be reconciled with other policies prohibiting such development.

Furthermore, as a general comment to this section, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate the following impacts: 3.2-1 and 3.2-2. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd (a)(1)(B).)

B.19-16

Page	Comment
3.2-1	<p>In the "Existing Conditions" section, the term agriculture is defined. The source of the definition, however, is not included. This definition is not the CEQA definition of agricultural land. CEQA defines agricultural land as: "(a) . . . prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California. (b) In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), 'agricultural land' means land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of section 51201 of the Government Code." (Pub. Resources Code, § 21060.1.)</p> <p>The farmland classifications provided in the remainder of the agriculture section of the DEIR use the significance criteria as set forth in CEQA. (See</p>

B.19-17

Anne Wells  
 July 18, 2006  
 Page 9

<i>Page</i>	<i>Comment</i>	
	for instance, table 3 2-2.) The definition and significance criteria should be the same	<b>B.19-17</b>
3 2-1 - 3 2-2	The tax benefits of the Farmland Security Zones are stated incorrectly The California Department of Conservation, Division of Land Resource Protection states that "Farmland security zones offer landowners greater property tax reduction. Land restricted by a farmland security zone contract is valued for property assessment purposes at 65% of its Williamson Act valuation, or 65% of its Proposition 13 valuation, whichever is lower " (See <a href="http://www.constrv.ca.gov/DLRP/lca/farmland_security_zones">http://www.constrv.ca.gov/DLRP/lca/farmland_security_zones</a> .)	<b>B.19-18</b>
3 2-4	Section 3 2.1 3 states that "Figure 3 2-2 identifies existing Williamson Act lands and important farmland types in the City." There are no lands on Figure 3 2-2 that are identified as Williamson Act lands Table 3 2-2 corresponds with Figure 3 2-1 by site numbers and the small print at the bottom of the table states "[n]one of the above parcels are under Williamson Act contracts." Thus, based on the DEIR, it is unclear whether any Williamson Act lands exist in the City.	<b>B.19-19</b>
3 2-5	The soils are identified by class of soils (Class I, Class II, etc.) There is no definition, however, of what these classes mean, or why they are important. Furthermore, no data is identified to explain how these classes of soil were that determined.	<b>B.19-20</b>
3 2-6 and 3 2-8	Table 3 2-2 lists land sites 9 and 10 as "X - Not designated as Farmland " DEIR page 3 2-8 describes, sites 9 and 10 are "not classified as Important Farmland, but contains prime agricultural soils." Please explain why these lands are included in a table entitled "Summary of City of Goleta Major Agricultural and Farmland Resources" but are not designated as farmland even though they have prime soil.	<b>B.19-21</b>
3 2-8	The DEIR contains the following statement: "[C]ontinued viability of agriculture in the City of Goleta is threatened by urban development." This statement is inconsistent with the analysis following the statement, which states: "Determining minimum parcel size necessary to accommodate agriculture is important to sustain viability. Typically, minimum viable size for an urban agricultural operation is between 5 and 10 acres, where such sites are farmed intensively, mainly on prime soils in a variety of crops. For	<b>B.19-22</b>

Anne Wells  
 July 18, 2006  
 Page 10

Page	Comment	
	less intensively farmed single crop sites, minimum parcel size may be 10 to 20 acres” Furthermore, the parcels listed on table 3.2-2 on page 3.2-6 seem to meet the minimum parcel size as stated on page 3.2-8.	<b>B.19-22</b>
3.2-9 - 3.2-10	The Farmland Protection Policy Act (“FPP”), codified at 7 U.S.C. section 4201 et seq., does not authorize the Federal Government to regulate the use of private or non-federal land, or in any way affect the property rights of owners. Thus, the FPP does not pertain to the Project. Furthermore, that paragraph states that “[p]rime agricultural soils are designated on the following properties: Roman Catholic Archbishops, Couvillion, portions of Bishop Ranch, Phillip and Herold” This statement does not conform with accompanying table 3.2-2 on page 3.2-6. First of all, the classification is “prime farmland” or a classification of soils (Class I, Class II, etc.). Mixing the terms “prime” and “soils” leaves the reader unclear about the classification. If the statement is referring to “prime farmland,” then it should also include Ellwood Canyon and not include Herold which is classified as “unique farmland.”	<b>B.19-23</b>  <b>B.19-24</b>
3.2-10 - 3.2-11	The first paragraph is ambiguous. Explain the relevance of including the Williamson Act when the DEIR represents that no Williamson Act contract lands exist within the City. Also, please explain the relevance of the County of Santa Barbara Agricultural Preserve Uniform Rules. Does the City intend to adopt similar rules?	<b>B.19-25</b>  <b>B.19-26</b>
3.2-11	None of the agricultural sites listed on Figures 3.2-1, 3.2-2 or 3.2-3 is on the coast. For this reason, the California Coastal Act is not relevant to this discussion. Subarea D, of the Future Service Area is on the coast; page 4-5 states, however, that subarea D “does not contain any existing or proposed agricultural land.”	<b>B.19-27</b>
3.2-11	There is no mention whether the City intends to implement right-to-farm laws. The text should therefore explain why the definition of right-to-farm laws is important.	<b>B.19-28</b>
3.2-13	By definition on page 3-2, Class I impacts are “significant adverse impacts that cannot be feasibly mitigated or avoided” Impact 3.2-1 is classified as a Class I impact. Page 3.2-16 identifies mitigation measure 3.2-1, which would reduce the impact to a “less-than-significant level” Moreover, on	<b>B.19-29</b>

Anne Wells  
 July 18, 2006  
 Page 11

<i>Page</i>	<i>Comment</i>	
	this same page, under the "Residual Impacts" section, the DEIR states the Class I impacts would remain "significant and unavoidable." Is impact 3 2-1 a Class I impact that remains significant and unavoidable, or a Class II impact that can be mitigated to a less-than-significant level?	<b>B.19-29</b>
3 2-14	Impact 3 2-2 states that the "introduction of incompatible uses and structures within or adjacent to agriculturally productive areas would result in land use conflicts and could impair the productivity of agricultural lands." Figure 3 2-1, Existing Agriculture Lands and Proposed Land Use Designations, however, indicates that most of the existing agricultural lands are already surrounded by development. This impact should be analyzed further to determine whether Impact 3 2-2 will actually occur in light of the existing proximity of agricultural land to urban development. Furthermore, the DEIR does not explain what "agriculturally productive areas" are, or where they are located.	<b>B.19-30</b>  <b>B.19-31</b>
3 2-14	The mitigation for Impact 3 2-2 is implementation of a GP/CLUP policy. The DEIR does not analyze or explain how this policy will serve as effective mitigation. Such an analysis or explanation is required (see above).	<b>B.19-32</b>

**G. Air Quality**

<i>Page</i>	<i>Comment</i>	
3 3-1 - 3 3-2	The DEIR states that the air quality section "describes the following within the <i>existing City</i> boundary: environmental setting (existing conditions and regulatory setting) for air quality relating to the proposed project." (Italics added.) The analysis of existing conditions however, only discusses the County of Santa Barbara as a whole, not the existing conditions within the City of Goleta. If the existing conditions are the same, the DEIR should so state.	<b>B.19-33</b>
3 3-3 - 3 3-4	In <i>Bakersfield Citizens for Local Control v. City of Bakersfield</i> (2004) 124 Cal.App.4th 1184, the court found two EIRs to be inadequate, in part because they did not provide an adequate discussion of the health impacts of adverse air quality. (124 Cal.App.4th at p. 1220 (quoting CEQA Guidelines, section 15126 2, requiring discussion of "health and safety problems caused by	<b>B.19-34</b>

Anne Wells  
 July 18, 2006  
 Page 12

Page	Comment
	<p>physical changes” associated with the project).) The EIRs in that case made brief references to respiratory illnesses associated with different pollutants, but the court faulted the lack of “acknowledgment or analysis of the well-known connection between reduction in air quality and increases in specific respiratory conditions and illnesses.” (<i>Ibid</i>)</p> <p>In this case, the DEIR includes a table of the primary health impacts of various pollutants. (p. 3 3-4.) The table, however, is not accompanied by any further explanation of health effects in the text with the exception of ozone. The DEIR states that “elevated ozone concentrations aggravate asthma, bronchitis, and other respiratory disorders. Eye irritation, nausea, headache, coughing, and dizziness are other symptoms of ozone exposure.” (p. 3 3-5 ) No further information is provided regarding potential health effects that are more likely than others. The City should specify the effects of increases in these pollutants on the health of the City’s citizens. It is the duty of the City to ensure that the Project’s adverse air quality impacts are identified and analyzed and that any disparate impacts to particularly susceptible groups are addressed. For example, the DEIR should explain that persons with respiratory difficulties, children, and other sensitive groups may experience symptoms with greater severity even at lower concentrations.</p>
3 3-12	<p>The DEIR notes “SBCAPCD has not adopted significance thresholds for construction-related emissions because of their temporary nature. In any event, construction-related emissions are not relevant at the general plan level because such emissions are dependent on the characteristics of individual development projects.” However, page 3 3-18, impact 3 3-3 is devoted to a study of construction emissions. The above paragraph should be removed or altered to comport with the discussion of the impact.</p>
3.3-16	<p>To be considered effectual mitigation, any measures that are introduced to lessen an impact must be specifically analyzed. Even if the impact is significant and avoidable, if the DEIR suggests that the policies will lessen the impact, analysis is required.</p> <p>A draft EIR must describe those significant adverse environmental impacts that cannot be avoided because there are no feasible mitigation measures available, or because feasible measures cannot mitigate the impacts to a less</p>

B.19-34

B.19-35

B.19-36

Anne Wells  
 July 18, 2006  
 Page 13

Page	Comment
	<p>than significant level. (CEQA Guidelines, §§ 15126, subd (b), 15126.2, subd. (b); see also Pub. Resources Code, § 21100, subd (b)(2)(A).) Simply providing a list is ineffective.</p> <p>The DEIR should include an analysis of why Class I impact, 3.3-1 will be lessened (but not to a level of insignificance) with the implementation of the cited policies. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation</p>
3.3-17	<p>There are no plans or policies listed that would reduce impact 3.2-2, a Class I impact. There is a reference to the State Implementation Plan, the CAP and "air quality elements addressed under the land use policies" that would reduce these impacts, but there is no detailed analysis. It is inadequate not to thoroughly examine any measures that could reduce a Class I significant and unavoidable impact.</p>
3.3-18	<p>The DEIR notes "demolition activity involving asbestos is required to be conducted in accordance with SBCAPCD Rule 1001, which requires SBCAPCD notification and use of licensed asbestos contractors to remove all asbestos prior to demolition. Compliance with Rule 1001 on all future construction activities would reduce impacts to a less-than-significant level." Compliance with Rule 1001 will not reduce all construction related impacts to a less-than-significant level, only the asbestos impacts. This should be stated more clearly.</p>
3.3-21	<p>CEQA Guidelines section 15126.4 requires "feasible mitigation measures which could minimize significant adverse impacts. . ." The DEIR must provide some mitigation or at least an explanation why no mitigation is available to lessen cumulative impact 3.3-5, a Class I impact.</p>

B.19-36

B.19-37

B.19-38

**H. Biological Resources**

The GP/CLUP's designation of environmentally sensitive habitat areas ("ESHA") is too far reaching. Neither the DEIR nor the GP/CLUP has substantiated the existence of these ESHAs with any technical or scientific data. California Coastal Act section

B.19-39

Anne Wells  
 July 18, 2006  
 Page 14

30107.5 defines an ESHA as follows:

Environmentally sensitive area means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**B.19-39**

Instead of providing any evidence that a biologist or some other expert reviewed all of the areas in the City for ESHAs, the DEIR and CP/CLUP makes the sweeping assumption that any naturally occurring habitat is an ESHA.

Moreover, the GP/CLUP Conservation Element is inconsistent with other areas of the GP/CLUP, including the Housing Element and the Transportation Element. Policies CE 1 and 3 are highly restrictive standards for ESHAs including wetlands. First, the Conservation Element designates all wetlands as ESHAs, without providing scientific data exhibiting their inclusion as an ESHA. All wetlands are not inherently ESHAs<sup>1</sup> and therefore require scientific data to determine, among other things, their viability and hydroconnectivity.

**B.19-40**

Second, according to figure 3.4-3, ESHAs are scattered throughout the City. Most of the sites that are designated for future housing for build-out of the Project contain pockets of ESHAs. Due to the highly restrictive standards governing ESHAs, the number of housing units planned under the Housing Element will be limited, causing an internal GP/CLUP inconsistency. By listing all naturally occurring habitats as ESHAs, the City has essentially placed a moratorium on building, which as stated above, is inconsistent with GP/CLUP policies.

It is also unlikely that the City will be able to meet its Regional Housing Needs Assessment ("RHNA") requirements, because of the scattered ESHAs. Furthermore, figure 3.4-3 shows ESHA wetlands adjacent to roadways that may need to be widened to support build-out of the Project. These ESHA wetlands will hamper the construction of the improvements called for in the Transportation Element, thus causing another internal inconsistency. A general plan must be integrated and internally consistent, both among elements and within each element. (Gov. Code, §65300.5.) If a general plan is internally inconsistent, it is also legally inadequate. (Gov. Code, §65300, interpreted by *Sierra Club v. Kern County* (1981) 126 Cal.App.3d 698.) This internal inconsistency calls into

**B.19-41**

**B.19-42**

**B.19-43**

<sup>1</sup>*Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 515.

Anne Wells  
 July 18, 2006  
 Page 15

question the validity of the GP/CLUP. The City must take steps to ensure internal consistency.

**B.19-43**

Page	Comment
3 4-25 3 4-31	<p>The mitigation for impacts 3 4-1, 3 4-2, 3 4-3, 3 4-4, 3 4-5, 3 4-6, 3 4-7, 3 4-8, 3 4-9 and 3 4-10 is implementation of GP/CLUP policies. The DEIR does not explain how the polices are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue. Furthermore, Impact 3 4-9 does not provide a policy or mitigation measure that will reduce this impact to a level of insignificance. Instead, the drafters of the document state that the impact will be reduced by "the same GP/CLUP policies that would mitigate Impacts 3 4-2, 3 4-3, and 3 4-4." (DEIR, pg. 3 4-31.) The DEIR should provide a list of these policies after the impact statement, and explain how the implementation of these policies will address the impact.</p> <p>Impact 3 4-10 does not list the impacts associated with inconsistency with approved conservation program or local conservation policy. This impact statement provides "[d]evelopment of vacant sites and the construction and maintenance of roads, trails, parks and public facilities may entail proposed activities that are inconsistent with approved conservation programs and local conservation policies and thereby <i>could result in one or more of the effects identified with Impacts 3 4-1 through 3 4-9</i>. Such effects would be potentially significant for the same reasons identified for the individual impacts" (DEIR, pg. 3 4-31.) (Italics added.)</p> <p>The EIR must contain detailed informational that analyzes a project's potential significant effects and identifies mitigation measures and reasonable alternatives to avoid the significant effects. (CEQA Guidelines, §§ 15121(a), 15362.) The current discussion of this impact does not meet that standard. This discussion is particularly necessary because Impact 3 4-10 is classified as a Class II impact.</p>
3 4-31	<p>The DEIR states that construction and maintenance of roads, trails, parks and public facilities that could remove and degrade non-special status habitats and adversely affect non-special status species, are not significant impacts (Impact 3 4-11.) The City of Goleta Environmental Thresholds Manual</p>

**B.19-44**

**B.19-45**



Anne Wells  
 July 18, 2006  
 Page 16

<i>Page</i>	<i>Comment</i>
	quoted on page 3.4-17 - 3.4-18, provides that a "project would have a significant impact on the environment if it exceeds the following thresholds: . . . interferes substantially with the movement of any resident or migratory fish or wildlife species . . ." This threshold applies to non-special status species. Therefore, the DEIR should state if resident or migratory fish or wildlife species will be impacted by the above events and if so, this impact should be categorized as either a Class I impact or Class II impact and analyzed under those criteria.

B.19-45

**I. Cultural Resources**

<i>Page</i>	<i>Comment</i>
3.5-12	The CEQA thresholds section represents that Appendix G was used to identify impacts to cultural resources. The second threshold listed has an additional threshold included that is not part of the Appendix G thresholds. To be clear, the introductory language should state that the thresholds are based on Appendix G. In addition, the DEIR should consider the applicability of CEQA Guidelines sections 15064.5 and 15126.4, subdivision (b).
3.5-13 - 3.5-14	Impact 3.5-2 must be revised. The impact is classified as a Class II impact, which by definition means it is a significant impact that can be reduced to a less-than-significant level with the implementation of mitigation measures. However, the analysis of this impact provides "[i]f mitigation measures cannot be developed to lessen the impacts to significant resources to a level of nonsignificance, the adverse effect would be long term and potentially Class I." (DEIR, pg. 3.5-13.) The analysis then provides a list of policies that would reduce the impact "but not to a level of insignificance." (DEIR, pg. 3.5-13.) The impact analysis then provides: "The GP/CLUP, however, does not include any policies for protection of paleontological resources. Paleontological sites are typically discovered during grading, and mitigation would focus on excavation and recovery. With implementation of the mitigation measure proposed in Section 3.5.3.2, this impact would be reduced to a less-than-significant level." (DEIR, pg. 3.5-13.)

B.19-46

B.19-47

Anne Wells  
 July 18, 2006  
 Page 17

Page	Comment	
	<p>This discussion is inadequate. The development of uncertain mitigation measures cannot be deferred to some future date (CEQA Guidelines, § 15126.4)</p> <p>Section 3.5.3.2 does not discuss mitigation. This section is entitled: "Relevant Discussion of GP/CLUP Policies." The discussion does not address paleontological sites. This section does not identify the impact it is mitigating.</p> <p>Mitigation section 3.5.3.5 states that the "it <i>would</i> be appropriate to develop policies that are specific to paleontological resources. These policies would be similar in implementation and approach to Policy OS 8 and VH 5. For instance, a new policy (e.g. Policy OS 10) <i>could</i> be added to the GP/CLUP that includes a subpolicy. . ." (Italics added.) To be effective and enforceable, mitigation measures must be mandatory in their terms. Indefinite terms such as "would be appropriate" and "could be added" must be replaced with more specific information and more definite terminology. Without mandatory mitigation measures, there is no way to determine if mitigation can be implemented. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation. CEQA Guidelines section 15364 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors."</p> <p>Without effective mitigation, impact 3.5-2 is a Class I, significant and unavoidable impact to a historical resource. The City must revise the impact, clarify its classification and provide effective and feasible mitigation.</p>	<p><b>B.19-47</b></p> <p><b>B.19-48</b></p> <p><b>B.19-49</b></p>
3.5-13	<p>Impact 3.5-3 states "for all but the most significant and unique sites, it <i>should be possible</i> to implement mitigation measures that can reduce the level of impacts to less-than-significant level." (Italics added.) The use of ambiguous language like "it should be possible" renders the mitigation measures ineffectual. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse</p>	<p><b>B.19-50</b></p>

Anne Wells  
 July 18, 2006  
 Page 18

Page	Comment	
	environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation.	<b>B.19-50</b>
3 5-13	The mitigation for impact 3 5-3 is implementation of GP/CLUP policies that provide no analysis explaining how it the polices are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.	<b>B.19-51</b>
3 5-14	The DEIR notes that “[i]mplementation of the GP/CLUP is <i>unlikely</i> to lead to any Class III short-term impacts.” (Italics added.) If there is a chance that an environmental impact exists, it must be analyzed. CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (CEQA Guidelines § 15002, subd (a)(1).) Please clarify if an impact exists, and if so, provide analysis.	<b>B.19-52</b>
3 5-14	The DEIR notes that “[a]pproval and implementation of the GP/CLUP could result in Class IV impacts if future projects and land uses are designed to preserve important cultural resources. . . .” By definition, a Class IV impact means that “no change from existing conditions is expected to occur.” (DEIR, pg. 1-4.) Please clarify this statement. If there are impacts, then they should be analyzed as Class I, II, or III impacts.	<b>B.19-53</b>

**J. Geology, Soils, and Mineral Resources**

Page	Comment	
3 6-6	The CEQA thresholds section is based on Appendix G to the Guidelines, however, there is one important difference. The first threshold question in the DEIR states “expose people or structures to substantial adverse effects resulting from the rupture of a known earthquake fault, seismic ground shaking, seismically induced landslides, or liquefaction.” Appendix G includes the word “potential” before the word “substantial.” The omission of “potential” changes the threshold level significantly. Impacts will only have to be analyzed if they are substantial, not potentially substantial. If the DEIR’s intent is to use the thresholds of significance included in Appendix G, then all impacts that are potentially substantial must be analyzed.	<b>B.19-54</b>

Anne Wells  
 July 18, 2006  
 Page 19

Page	Comment	
3.6-11 - 3.6-13	The mitigation for impacts 3.6-1, 3.6-2, 3.6-3 and 3.6-4 is implementation of GP/CLUP policies that provide no analysis explaining how the policies are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.	B.19-55
3.6-13 - 3.6-14	According to U.S. EPA estimates, radon gas is the number one cause of lung cancer among non-smokers. Overall, radon is the second leading cause of lung cancer and is responsible for about 21,000 lung cancer deaths every year. (U.S. EPA website, <a href="http://www.epa.gov/radon/healthrisks.html">http://www.epa.gov/radon/healthrisks.html</a> .) Because radon is such a harmful gas, a more complete and thorough analysis of its potential impacts should be studied. The DEIR's statement that radon exposure is "an adverse but less-than-significant impact" is inadequate.	B.19-56
3.6-14	Mitigation measure 3.6-1 states that the "City <i>should</i> develop policies to educate residents, promote radon testing in homes and buildings, and require new homes to use radon-resistant construction where needed based on such testing based on EPA guidelines." To be effective and enforceable, mitigation measures must be mandatory in their terms. Indefinite terms such as "should" must be replaced with more specific information and more definite terminology. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation.	B.19-57  B.19-58

**K. Hazards and Hazardous Materials**

As a general comment to this section, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate the following impacts: 3.7-5, 3.7-6 and 3.7-7. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd (a)(1)(B).)

Page	Comment	
3.7-10	Reference to a "rule" is made in the paragraph entitled "Asbestos Emissions from Demolition/Renovation Activities." Please provide the source of this rule and explain the relevance.	B.19-60

Anne Wells  
 July 18, 2006  
 Page 20

<i>Page</i>	<i>Comment</i>	
3.7-15 - 3.7-16	There are no plans or policies listed that would reduce impact 3.7-1 or 3.7-2, Class I impacts. The DEIR is inadequate when it does not thoroughly examine any measures that could reduce Class I, significant and unavoidable impacts.	B.19-61
3.7-16 - 3.7-21	The mitigation for impacts 3.7-1, 3.7-2, 3.7-3, 3.7-4, 3.7-5, 3.7-6, 3.7-8 and 3.7-9 is implementation of GP/CLUP policies that provide no analysis explaining how the policies are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.	B.19-62
3.7-23	Impacts 3.7-11 and 3.7-14 are classified as Class III impacts, which by definition means that they are a less-than-significant impact. The DEIR provides GP/CLUP policy SE 8 and SE 10 as mitigation to reduce the impact even further. The DEIR fails, however, to discuss how the policies mitigate the impact.	B.19-63
3.7-23	Mitigation measure 3.7-1 states that the "a Soil Management Plan and project-specific Health and Safety Plan <i>should</i> be required within the GP/CLUP policies for new development or redevelopment within areas of potentially impacted soil. The Soil Management Plan and Health and Safety Plan <i>would</i> outline guidelines." (Italics added.) To be effective and enforceable, mitigation measures should be mandatory in their terms. Indefinite terms such as "should" and "would" must be replaced with more specific information and more definite terminology. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation.	B.19-64  B.19-65

**L. Population and Housing**

As a general comment to this section, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate the impact 3.8-2. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

Anne Wells  
 July 18, 2006  
 Page 21

<i>Page</i>	<i>Comment</i>
3.8-1 - 3.8-2	The population figure of 30,679 used in section 3.8.1.1 as the City's population in January 2005, does not coincide with the 2005 number, 29,900, referenced in table 3.8-1. Please clarify which population figure is correct and re-analyze this section with the correct figure.
3.8-15	The discussion of impact 3.8-1, a Class II impact and therefore, by definition a significant impact, does not provide any GP/CLUP or separate mitigation measures to reduce it to a level of insignificance. Without such mitigation, this impact should be reclassified as a Class I, significant and unavoidable impact or mitigation measures for a Class II impact provided. Impact 3.8-1 is identified in the Executive Summary as a Class II impact with a residual impact of less-than-significant (after mitigation). Further analysis of this impact is required.
3.8-15 - 3.8-18	The mitigation for impacts 3.8-2, 3.8-3 and 3.8-4 is implementation of GP/CLUP policies that provide no analysis explaining how the policies are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.
3.8-17	<p>The discussion following the list of GP/CLUP policies that reduces impact 3.8-3 to a less-than-significant level is inconsistent with the policies listed. The discussion states:</p> <p style="padding-left: 40px;">Several factors may constrain the City's ability to address housing needs, such as physical and environmental considerations, governmental regulations, and market factors. Housing goals may at times need to be balanced with the need to achieve other important City goals, such as the desire to provide open space and recreational facilities, protect historic and environmental resources, and maintain adequate service levels. The Housing Element includes a constraints analysis to analyze potential and actual governmental and nongovernmental limitations to the production, maintenance, and improvement of housing for all persons of all income levels, including persons with disabilities. In addition, the Housing Element includes implementation programs that would address potential constraints to future housing construction.</p>

B.19-67

B.19-68

B.19-69

Anne Wells  
 July 18, 2006  
 Page 22

<i>Page</i>	<i>Comment</i>
	<p>This analysis conflicts with the very essence of the impact. The impact addresses the increase in additional housing due to population growth. The policies that are expected to reduce the significance of the impact are designed to meet specific numerical targets for housing units to meet the projected population growth and to meet Regional Housing Needs Allocation goals. The analysis that follows (as stated above) discusses constraints on the City's ability to meet the housing needs. These constraints increase the impact to a level of significance because they will prevent the City from meeting its housing goals. Yet, the DEIR provides no analysis of this issue. The DEIR should be revised to address this issue.</p>

B.19-69

B.19-70

**M. Water Resources**

<i>Page</i>	<i>Comment</i>
3.9-2	<p>The DEIR notes at the very end of the groundwater discussion that “[t]he EPA has identified the Goleta area as having high levels of naturally occurring radon gas in soils and groundwater. Radon gas is known to [cause] cancer. There is no detailed data on radon gas in any of the applicable information sources.” If no data exists, then it is unclear how the EPA identified the Goleta area as having high levels of radon in the groundwater. Such data must therefore exist. The City should investigate this issue and report its findings.</p> <p>On page 3.9-5, the DEIR states that “[t]he Goleta Groundwater Basin is another source of water to GWD.” Because groundwater is a source of potable water for the City, prior to implementing the Project, the groundwater must be tested for levels of radon and impacts analyzed for their significance. CEQA requires that an EIR identify all significant environmental effects. (CEQA Guidelines, § 15126.) Direct and indirect impacts must be clearly identified and analyzed.</p> <p><i>In Berkeley Keep Jets Over the Bay Committee v Board of Port Commissioners</i> (2001) 91 Cal.App 4th 1344, petitioners successfully challenged the decision of the Board of the Port of Oakland for the City of Oakland approving an airport development plan. Petitioners claimed, among</p>

B.19-71

Anne Wells  
 July 18, 2006  
 Page 23

Page	Comment
	<p>other things, that the EIR for the plan was deficient for failing to evaluate “the health effect of TACs [toxic air contaminants] from mobile sources on persons who live in close proximity to the Airport” (<i>Id.</i> at p. 1367.) The final EIR described the public health impacts of the TAC emissions as being “unknown,” and, in the absence of definitive information, characterized them as significant. (<i>Id.</i> at pp. 1367-1368, 1371.)</p> <p>In response to public comments regarding the EIR’s failure to evaluate the health effects of TACs from mobile sources, the EIR stated that “[t]here is no approved, standardized protocol for assessing the risk associated with mobile source emissions of TACs[.]” (<i>Berkeley Keep Jets, supra</i>, 91 Cal App 4th at p. 1368.) Evidence indicated, however, that the United States Environmental Protection Agency had developed a methodology to study such emissions, which had been used successfully at other airports. (<i>Ibid.</i>) The court reasoned that “[t]he fact that a single methodology does not currently exist that would provide the Port with a precise, or ‘universally accepted,’ quantification of the human health risk from TAC exposure does not excuse the preparation of any health risk assessment — it requires the Port to do the necessary work to educate itself about the different methodologies that are available.” (<i>Id.</i> at p. 1370.) The court was concerned that “[t]he Port has not cited to us any <i>reasonably conscientious effort</i> it took either to collect additional data or to make further inquiries of environmental or regulatory agencies having expertise in the matter.” (<i>Ibid.</i> (italics added).) For these reasons and others, the court concluded that “the defects . . . in the EIR’s treatment of TAC’s [we]re substantial” and rendered the EIR legally inadequate. (<i>Id.</i> at p. 1371.) “The Port must meaningfully attempt to quantify the amount of mobile-source emissions that would be emitted from normal operations conducted as part of the [project], and whether these emissions will result in any significant health impacts” (<i>Ibid.</i>)</p> <p>In light of the City’s reliance on groundwater supplies, and EPA findings regarding the potential presence of radon, the DEIR must provide further analysis of this impact.</p>
3.9-13	The CEQA Thresholds section appears to base its significance criteria on Appendix G of the CEQA Guidelines, however it only paraphrases the

B.19-71

B.19-72



Anne Wells  
 July 18, 2006  
 Page 24

<i>Page</i>	<i>Comment</i>
	thresholds and does not include the precise language. The introductory language should be changed to reflect that the significance criteria is based on Appendix G.
3.9-16 - 3.9-22	The mitigation for impacts 3.9-1, 3.9-2, 3.9-3, 3.9-4, 3.9-5, 3.9-6 and 3.9-7 is implementation of GP/CLUP policies that provide no analysis explaining how the policies are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.

B.19-72

B.19-73

**N. Land Use and Recreation**

As a general comment to this section, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate the following impact 3.10-1. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

B.19-74

<i>Page</i>	<i>Comment</i>
3.10-15	Under the heading of Project Impacts, the DEIR states that "there are no short or long-term significant and unavoidable (Class I) impacts associated with the physical division of an established community; inconsistencies with any local, state, or federal plans, policies, or regulations; or conflicts with any habitat/natural community conservation plan that would result from GP/CLUP implementation." This analysis is incorrect. As stated above in the Biology section, future development under the GP/CLUP is subject to environmental standards for preservation and protection of environmental resources as provided in the Conservation Element. As such, the GP/CLUP Conservation Element is inconsistent with the Land Use Element with respect to future development because implementation of these stringent standards will constrain development on parcels that are slated for future development that contain ESHAs. This impact and any mitigation measures that may lessen the impact must be analyzed. CEQA requires that an EIR identify all significant environmental effects. (CEQA Guidelines, § 15126.) Direct and indirect impacts must be clearly identified and analyzed.

B.19-75

Anne Wells  
 July 18, 2006  
 Page 25

Page	Comment
3.10-15 - 3.10-23	The mitigation for impacts 3.10-1, 3.10-2, 3.10-3, 3.10-4, 3.10-5, 3.10-6, 3.10-7, and 3.10-8 is implementation of GP/CLUP policies that provide no analysis explaining how the policies are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.

B.19-76

**O. Noise**

Noise Element policy 4.1 provides that the “City should not approve any development that would result in unacceptable levels of noise exposure in accordance with the standards of Policy NE 1 above. Policy NE 1 sets forth the noise and land use compatibility standards. NE 1.1 provides:

City shall use the standards and criteria of Table 9-2 to establish compatibility of land use and noise exposure. The City shall require appropriate mitigation, if feasible, or prohibit development that would subject proposed or existing land uses to noise levels that exceed acceptable levels as indicated in this table. Proposals for new development that would cause standards to be exceeded shall only be approved if the project would provide a substantial benefit to the City (including but not limited to provision of affordable housing units or as part of a redevelopment project), and if adequate mitigation measures are employed to reduce interior noise levels to acceptable levels.

B.19-77

(GP/CLUP, page 9-8.)

The residential--low density land use category in table 9-2 allows as acceptable, noise up to a level of 65 dBA. Policy 1.2, however, states that the “City discourages location of new residential units in areas where exterior ambient noise levels would exceed 60 dbA CNEL in residential areas, or 65 dBA CNL for mixed-use areas ” (GP/CLUP, page 9-8.) Thus, one section of the Noise Element allows the noise level in residential areas to rise to a level of 65 dBA CNL while in another section limits the noise level in a residential area to 60 dBA CNL. These policy statements are internally inconsistent. A general plan must be integrated and internally consistent, both among elements and within each element. (Gov. Code, §65300.5.) If a general plan is internally inconsistent, it is also legally inadequate. (Gov. Code, § 65300; see *Sierra Club v. Kern*

Anne Wells  
 July 18, 2006  
 Page 26

County (1981) 126 Cal App 3d 698.) This internal inconsistency must be reconciled.

**B.19-77**

Page	Comment
3.11-16 - 3.11-20	<p>Impacts 3.11-1, 3.11-2, 3.11-3, 3.11-4, and 3.11-5 are considered significant and unavoidable impacts. The impacts can be mitigated, but not to a level of insignificance with the implementation of GP/CLUP policies. The DEIR, however, fails to analyze how the policies will reduce the impact. Simply providing a list of GP/CLUP policies is an ineffectual method to explain the effectiveness of these policies as mitigation measures. To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation. CEQA Guidelines section 15364 defines feasible as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” In any EIR there must be a disclosure of the analytical route the agency traveled from evidence to action. Because the public must be able to understand, evaluate, and respond to conclusions in an EIR, the document must contain facts and analysis, not just the agency’s bare conclusions and opinions. In short, the DEIR must explain why the City believes the mitigation measure will work. (<i>Protect the Historic Amador Waterways v Amador County Water Agency</i> (2004) 116 Cal App 4th 1099.) The Court in <i>Endangered Habitats League v. County of Orange</i> (2005) 131 Cal App 4th 777 struck down an EIR because the document failed to adequately explain how a mitigation measure would actually ensure that an impact would be mitigated. Further analysis is required to explain how the GP/CLUP policies reduce the significance of the impact.</p> <p>Furthermore, impacts 3.11-1, 3.11-3, 3.11-4 and 3.11-5 all include NE 1 as a policy that will reduce the significance of the impact. As stated above, GP/CLUP policy NE 1 is internally inconsistent, thus, it is not feasible mitigation to lessen these impacts.</p>
3.11-20	<p>Impact 3.11-6 is considered a significant impact that can be reduced to a level of insignificance with the implementation of GP/CLUP policies. (See previous comment for analysis of policies as mitigation measures.)</p>

**B.19-78**

**B.19-79**

Anne Wells  
 July 18, 2006  
 Page 27

**P. Public Services and Utilities**

As a general comment, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate the impact 3.12-2. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

**B.19-80**

<i>Page</i>	<i>Comment</i>
3.12-11	The DEIR states that at build-out of the GP/CLUP the total population for the City of Goleta will be 38,097. Page 3.8-2 of the Population and Housing section states that at full build-out, the population will be 34,300. Please revise each section to set forth the correct number.
3.12-11	The DEIR states that 7,500 additional residents would result from build-out of the GP/CLUP. The Population and Housing section, pages 3.8-1 and 3.8-2 list two figures as the current population of the City of Goleta, the first is 30,679 and the second, included in Table 3.8-1 is 29,900. Adding 7500 to either of those numbers does not result in a figure of 38,097 or 34,300 (see prior comment). Please revise the DEIR using the correct figures.
3.12-11 - 3.12-14	The mitigation for impacts 3.12-1, 3.12-2, 3.12-3, 3.12-4, 3.12-5 and 3.12-6 is implementation of GP/CLUP policies that provide no analysis explaining how the policies are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.
3.12-12 and 3.12-14	By definition as a Class II impact, impact 3.12-1 is a significant impact that can be mitigated to a level of insignificance. The DEIR's analysis of the policies that will mitigate the impact state that they will "improve and maintain" this impact. If the policies will maintain the impact, then it should be classified as a Class I, significant and unavoidable impact. This is also true for impact 3.12-6, a Class II impact, and thus significant. The DEIR's analysis of the policies that will mitigate the impact state that they will "maintain and provide acceptable library service." If the policy maintains the impact, it should be reclassified to a Class I, significant and unavoidable impact.

**B.19-81**

**B.19-82**

**B.19-83**

Anne Wells  
 July 18, 2006  
 Page 28

<i>Page</i>	<i>Comment</i>
3 12-7	The DEIR notes that “all nonhazardous solid waste in the City and the surrounding South Coast area is handled at two local facilities: the South Coast Recycling and Transfer Station, and Tajiguas Landfill. Tajiguas is one of five landfills currently operating in the County, and is permitted to continue operations by the State through approximately 2020.” Build-out of the GP/CLUP is 2030. The DEIR should contemplate and provide sufficient facts that solid waste removal through the year 2030 is in place.

B.19-84

**Q. Transportation and Circulation**

As a general comment to this section, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate impact 3.13-2. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

B.19-85

<i>Page</i>	<i>Comment</i>
3 13-22 - 3 13-23	<p>The DEIR states “[t]he proposed mitigated project assumes construction of recommended infrastructure improvements and includes regional traffic growth, by 2030. Nine major infrastructure improvements are proposed to mitigate the effects of traffic growth created as a result of the proposed project. These improvements are described in Table 3.13-11.”</p> <p>The Ellwood Station overcrossing, the Phelps/Mesa Road Extension and the La Patera overcrossing are expected to be the mitigation measures that will have the greatest capacity to reduce traffic impacts. The City is relying on these improvements to ensure adequate levels of service throughout the City. There is no source of current or future funding for these improvements and in fact, knowing that the funding is not in place, the City titled the “funding source” in Table 3.13-11 as either “proposed plan programmed” or “potential improvement not programmed.” Neither of these terms is explained in the text of the DEIR. Thus leaving the reader confused about the future of the improvements</p> <p>These unfunded improvements are required to mitigate the most significant</p>

B.19-86

Anne Wells  
 July 18, 2006  
 Page 29

<i>Page</i>	<i>Comment</i>	
	<p>traffic impacts. To be considered effective mitigation, the source of funding and its implementation are required to be detailed to demonstrate that the funds required to make the necessary improvements are in place. If the source of funds is not detailed, the Transportation Element of the GP/CLUP will be considered inadequate.</p> <p>Furthermore, adequate mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Furthermore, mitigation measures should be measurable to allow monitoring of their implementation. CEQA Guidelines section 15364 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." CEQA requires that mitigation measures be fully enforceable through permit conditions, agreements or other legally-binding instruments. (CEQA Guidelines, § 15126.4.)</p> <p>Furthermore, new development is only required to pay its fair share of traffic improvements. If the City is looking to new development to pay its fair share, the DEIR should provide that the City will amend its Capital Improvement Program as a means of funding improvements required by development authorized under the General Plan.</p>	<p><b>B.19-86</b></p> <p><b>B.19-87</b></p> <p><b>B.19-88</b></p>
<p>3.13-27 - 3.13-28</p>	<p>The DEIR states that "Table 3.13-14 lists the analysis segments and their LOS under the proposed mitigated project. The table shows ADT on all analysis segments are expected to operate within LOS C under future conditions with recommended mitigation in place. These are also shown on figure 3.13-5." Table 3.13-14 shows that the road segment "Los Carneros south of Hollister" is not under the threshold for LOS C. In fact, that segment has a footnote stating "[s]egment with ADT that exceeds threshold is considered to exceed the adopted City standard of LOS C see figure 3.13-5." This analysis must be revised.</p>	<p><b>B.19-89</b></p>
<p>3.13-28</p>	<p>There are no plans or policies listed that would reduce the severity of impact 3.13-1, a Class I impact. The DEIR should identify and analyze measures to avoid or substantially lessen this impact</p>	<p><b>B.19-90</b></p>

Anne Wells  
 July 18, 2006  
 Page 30

Page	Comment
3 13-31	<p>The GP/CLUP Transportation Element must not constrain development required for build-out of the GP/CLUP. In effect, Transportation Element 13, Mitigating Traffic Impacts of Development, does just that. Transportation Element Policy 13.4 states:</p> <p>[i]f the transportation capital improvements needed to maintain adopted transportation LOS standards are not able to be funded, then the City shall take on of the following four actions:</p> <ul style="list-style-type: none"> <li>a. Phase or delay development until such time that adequate fiscal resources can be provided to build the necessary facilities transportation improvements (or to include them in the impact fee system).</li> <li>b. Require the developer to construct the necessary transportation system improvements, with a reimbursement agreement that uses future payments of impact fees by other projects.</li> <li>c. Reduce the scope of the development to reduce the traffic generation below the thresholds set in Policy TE 4.</li> <li>d. Require the developer to identify alternative strategies to mitigate potential traffic impact to achieve the thresholds set in Policy TE 4.</li> </ul> <p>It is not practicable for a project applicant to go forward with a project when the applicant knows it will not be able to get its necessary permits to move forward with development until the traffic improvements are totally funded. Under this policy, the only way for a project applicant to develop its project is to advance the entire cost of traffic improvements and build the improvement, subject to possible reimbursements by other project applications and potentially the City. This approach will render virtually all development financially infeasible. This approach also exceeds constitutional limits on the City's authority to impose mitigation. (See CEQA Guidelines, § 15041.)</p>

B.19-91

B.19-92

Anne Wells  
 July 18, 2006  
 Page 31

<i>Page</i>	<i>Comment</i>
3.13-29 - 3.13-31	The mitigation for impact 3.13-2 is implementation of GP/CLUP policies that provide no analysis explaining how the polices are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.  Furthermore, as stated above, policy TE 13 is an unlawful policy which requires project applicants to pay more than their fair share of traffic improvements or delay their project until funding is available for all traffic improvements.

B.19-93

B.19-94

**R. Future City Service Area/Sphere of Influence**

As a general comment to this section, the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate the following impacts: 4.7-1 and 4.7-2. As stated above, where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

B.19-95

<i>Page</i>	<i>Comment</i>
4-7	Impact 4.2-1 does not appear to be an impact. The title, "Preservation of Agricultural Land" is actually the title of GP/CLUP policy CE 11. Explain further why this is an impact. And the environmental consequences of the impact
4-8	The DEIR states that "Class I impacts would be <i>similar</i> to those described in Section 3.3, 'Air Quality.'" (Italics added.) By definition a Class I impact is a significant and avoidable impact. Therefore, if there are other significant and avoidable impacts not addressed in Section 3.3, but relevant to this section, they must be addressed prior to implementation of the Project
4-19 - 4-40	The mitigation for impacts 4.6-1, 4.6-2, 4.6-3, 4.7-1, 4.7-2, 4.7-3, 4.10-1 and 4.13-2 is implementation of GP/CLUP policies that provide no analysis explaining how the polices are effective mitigation. See the Global Comment at the beginning of this document for a complete discussion of this issue.
4-40	There are no plans or policies listed that would mitigate impact 4.13-1, a

B.19-96

B.19-97

B.19-98

B.19-99



Anne Wells  
 July 18, 2006  
 Page 32

<i>Page</i>	<i>Comment</i>
	Class I impact. The DEIR is inadequate when it does not thoroughly examine any measures that could reduce a Class I, significant and unavoidable impact.
4-40	Impacts 4.13-1, 4.13-2, and 4.13-3 are the exact same impact yet 4.13-1 is classified as a Class I impact, 4.13-2 is classified as a Class II impact and 4.13-3 is classified as a Class III impact. Explain why the classification of these impacts are not the same.
4-39	Explain why is the LOS for El Colegio/Storke Road listed as n/a?

B.19-99

B.19-100

B.19-101

**IV. GROWTH-INDUCING IMPACTS**

The DEIR's analysis of growth-inducing impacts (pages 6-3 to 6-5) is flawed and incomplete. The DEIR discusses build-out under the GP/CLUP to include 3,370 new residential units and 7,421 new residents. Because of the policies in the GP/CLUP that prohibit full build-out, the DEIR must analyze the effects of less housing for the local work force in the City. The prohibitions in the DEIR are in effect a moratorium on new housing development. Placing a moratorium on housing will mean that employees in the local work force will have to live outside the City limits to find additional and more affordable housing. The Court in *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal App 4th, 367, 369 held "[w]e also do not believe that EIR review can be avoided simply because the Project's effect on growth and housing will be felt outside of the project area. Indeed, the purpose of CEQA would be undermined if the appropriate governmental agencies went forward without the awareness of the effects a project will have on areas outside of the boundaries of the project area." (*Ibid.*) The DEIR is lacking in this analysis and must be revised.

B.19-102

**V. ALTERNATIVES**

An EIR must describe a reasonable range of alternatives to the project, or to the location of the project, that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. (CEQA Guidelines, § 15126.6, subs. (a), (f)) "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should

B.19-103

Anne Wells  
 July 18, 2006  
 Page 33

consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.” (*Citizens of Goleta Valley v Board of Supervisors* (1990) 52 Cal 3d 553; see *Save Our Residential Environment v City of West Hollywood* (1992) 9 Cal App 4th 1745, 1753, fn 1) (CEQA Guidelines, § 15126.6, subd (f)(1).)

#### **A. Alternatives Considered but Rejected**

The DEIR provides very little information on the four alternatives that were considered early in the CEQA process and were ultimately rejected by the City. The DEIR provides that more information about these alternatives is available on the City’s website. The DEIR should provide more information about each of these alternatives without sending the public to another source to find information. Without that information, the public cannot meaningfully comment on the rejection of these alternatives. However, based on the small amount of information included in the DEIR, it is evident that each of these alternatives were chosen simply to be rejected and were never given much thought. In any event, this discussion is insufficient. (See CEQA Guidelines, § 15126.6, subd (c).)

**B.19-103**

#### **B. The No Project Alternative**

With respect to the formulation of the “no project alternative, CEQA Guidelines section 15126.6, subdivision (e), provides that the basis for the “no project alternative” is to “allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” (*Id.*, 15126.6, subd. (e)(1).) The no project alternative shall “discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced” and discuss “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” (*Id.*, 15126.6, subd. (e)(2).) If the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives

**B.19-104**

“When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future.” (*Id.*, § 15126.6, subd. (e)(3)(A).) In this

Anne Wells  
 July 18, 2006  
 Page 34

instance the City should analyze the no project alternative as if the City had not incorporated and was not required to prepare a general plan with required elements.

The City's analysis of the no project alternative as "illegal under State law" is incorrect. (DEIR, p 5-3.) The City does not cite to the "state law" that it is referencing. Most likely because no such law exists. We assume that the City feels that the no project alternative is illegal because planning and zoning laws require a city to have a comprehensive, long-term plan for the physical development of both the city and any land outside the city's boundaries that the city determines relates to its planning. (Gov Code, § 65300.) It is true that the City is required to have a general plan, but it is also required under CEQA to adequately analyze the no project alternative. As provided above, a proper "no project" alternative should not be limited solely to an assessment of "existing conditions." Rather, the discussion should also reflect "*what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services*" (CEQA Guidelines, § 15126.6, subd (e)(2) (emphasis added).)

B.19-104

The analysis of the no project alternative is inadequate. Furthermore, proceeding under the incorrect assumption that the no project alternative is illegal, renders any analysis of the no project alternative meaningless. Therefore, the City has not complied with CEQA in adequately analyzing the no project alternative.

### C. Alternatives I and II

As stated above, CEQA requires a DEIR to describe a reasonable range of alternatives to the project that can feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant environmental impacts of the proposed project.

Alternatives that are retained for detailed analysis should be discussed in sufficient detail to allow meaningful evaluation, analysis, and comparison with the proposed project. (CEQA Guidelines, § 15126.6, subd. (d).) Case law states that alternatives analysis must contain "meaningful detail" and should include "quantitative, comparative analysis." (*Law el Heights I, supra*, 47 Cal.3d at p. 406; *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 733-734.)

B.19-105

The DEIR provides little information regarding the City's rationale for selecting the two remaining alternatives after the initial four were rejected. Thus, the public cannot

Anne Wells  
July 18, 2006  
Page 35

make a meaningful evaluation of the evolution of these alternatives. Furthermore, because the Alternatives are nearly identical, they cannot be considered a reasonable range and therefore, do not comply with the requirements of CEQA.

Furthermore, the discussion of the alternatives is too qualitative to satisfy the *Laurel Heights* standard of a "quantitative, comparative analysis." (47 Cal.3d, at p. 406.) The discussion simply provides a relative comparison of the impacts of the Project in general terms to the impacts of the two alternatives. The inclusion of more quantitative analysis is essential to provide the meaningful detail mandated by the courts in *Laurel Heights Improvement Association* and *Kings County Farm Bureau*. The courts have explained that the absence quantitative (i.e., numerical), comparative analysis renders an alternatives analysis incomplete and precludes meaningful consideration of the alternatives. (*Kings County Farm Bureau, supra*, 221 Cal App 3d at p. 735.)

B.19-105

The City has not complied with any CEQA requirements in analyzing alternatives to the Project. The City must revise the DEIR to include a complete analysis of the no-project alternative and alternatives that are diverse and include meaningful detail.

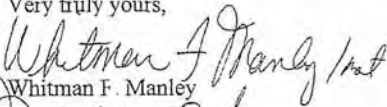
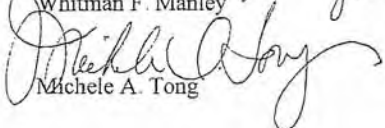
**V. THE CITY MUST PREPARE AND RECIRCULATE A REVISED DEIR**

The DEIR does not provide an adequate analysis of the proposed GP/CLUP as it existed in March 2006. Since that date, the proposed GP/CLUP has undergone significant changes, and further changes are likely. For these reasons, the City should revise and recirculate the DEIR for another round of public review and comment. (CEQA Guidelines, § 15088.5, subd. (a)(4).)

B.19-106

\* \* \*

We appreciate the opportunity to provide these comments. Please place us on the mailing list to receive any additional notices or documents circulated by the City in connection with this project.

Very truly yours,  
  
Whitman F. Manley  
  
Michele A. Tong

60627266 001 wpd

**Response to Comment No. B.19-1**

See response to comment B.2-4.

**Response to Comment No. B.19-2**

See response to comment B.2-3.

**Response to Comment No. B.19-3**

The commentator has correctly observed that the DEIR does not include subsections addressing “Areas of Controversy” and “Issues to be Resolved.” These topics have been added to the FEIR.

**Response to Comment No. B.19-4**

See response to comment B.4-6.

**Response to Comment B.19-5**

Refer to response to comment B.9-1.

**Response to Comment B.19-6**

The comment letters received during the NOP public review period have been included in Appendix A.

**Response to Comment No. B.19-7**

See response to comment B.2-4.

**Response to Comment No. B.19-8**

See response to comment B.4-11.

**Response to Comment No. B.19-9**

The commentator has requested that the EIR include an analysis of the Comstock Homes Development and the Ellwood Mesa Open Space Plan. The impacts of these projects are included in the EIR as part of the existing conditions because these projects were already approved prior to preparation and issuance of the NOP.

**Response to Comment No. B.19-10**

See response to comment B.9-73 (re: Impact 3.1-1), response to comment B.9-81 (re: Impact 3.1-4), and response to comment B.9-82 (re: Impact 3.1-5).

**Response to Comment No. B.19-11**

The commentator advises that the discussion of short-term Class I aesthetics impacts is unclear.

The commentator correctly identifies an inconsistency in the DEIR text on p. 3.1-8. By definition, Class I impacts cannot be feasibly mitigated or avoided. The FEIR text is revised to correct this inconsistency.

#### **Response to Comment No. B.19-12**

The commentator alleges that the discussion of GP/CLUP policies and how they will reduce the Class II impacts to a less-than-significant level is inadequate.

The use of GP/CLUP policies as mitigation (i.e., a self-mitigating approach) is described in EIR Section 3.02.3. This approach is allowed by CEQA Guidelines Section 15126.4(a)(2), which states: "In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design."

The analysis and level of detail presented to explain the effectiveness of mitigation measures identified in the EIR is consistent with the level of detail for a programmatic, General Plan policy document. The setting, impacts, and mitigation discussions presented in the EIR are all, by definition, program-level. Detailed descriptions of proposed GP/CLUP policies are provided in the GP/CLUP. No further detail regarding the use of those policies as a self-mitigating approach to reducing potential environmental impacts is necessary.

#### **Response to Comment No. B.19-13**

The commentator observes that the requirements of the GOTRP regarding the visual character of future development are assumed to be incorporated into the design of future projects. The commentator subsequently suggests that the DEIR text regarding reliance on the GOTRP is ambiguous and not sufficiently supported by evidence.

The DEIR text for Impact 3.1-3b addressing the applicability of the GOTRP to future development identifies specific development standards (VIS-OT-1.2, VIS-OT-1.4, VIS-OT-3.3, KS6-6, and KS7B-7) that require design to be compatible with surrounding land uses and for use of landscaping to provide screening. The commentator fails to provide sufficient detail regarding the DEIR's perceived shortcomings on this topic.

#### **Response to Comment No. B.19-14**

The commentator suggests that the use of the term "should" in Section 3.1.3.5, "Mitigation," is indefinite, ineffective, and unenforceable.

The text in Section 3.1.3.5 has been replaced to indicate that no modifications to GP/CLUP Policies are required.

#### **Response to Comment No. B.19-15**

The commentator has alleged that there are inconsistencies between the goals of the project and the GP/CLUP policies. See responses to comments B.4-20, and B.18-4.

#### **Response to Comment No. B.19-16**

The commentator has requested that the EIR reference all appropriate policies in the GP/CLUP. The EIR addresses all relevant policies related to agricultural resources. The policy subsections

contained within each of the main policies (LU 1, LU 7, LU 12, and CE 11) are inclusive of each of the sub-policies, except where noted.

**Response to Comment No. B.19-17**

See response to comment B.11-5.

**Response to Comment No. B.19-18**

See response to comment B.11-7.

**Response to Comment No. B.19-19**

See response to comment B.11-12.

**Response to Comment No. B.19-20**

See response to comment B.11-15.

**Response to Comment No. B.19-21**

See response to comment B.11-19.

**Response to Comment No. B.19-22**

See response to comment B.11-20.

**Response to Comment No. B.19-23**

See response to comment B.11-21.

**Response to Comment No. B.19-24**

The commentator has correctly observed that the text on page 3.2-9 is inconsistent with Table 3.2-2. The paragraph addressing the Farmland Protection Policy Act, including the subject text, has been deleted in the FEIR. See response to comment B.11-21.

**Response to Comment No. B.19-25**

See response to comment B.11-12.

**Response to Comment No. B.19-26**

See response to comment B.11-22.

**Response to Comment No. B.19-27**

See response to comment B.11-23.

**Response to Comment No. B.19-28**

See response to comment A.7-4.

**Response to Comment No. B.19-29**

See response to comment B.11-26.

**Response to Comment No. B.19-30**

See response to comment B.11-27.

**Response to Comment No. B.19-31**

See response to comment B.9-86.

**Response to Comment No. B.19-32**

The commentator has requested that the EIR contain an explanation of how implementation of GP/CLUP policies will mitigate Impact 3.2-2. The use of GP/CLUP policies as mitigation (i.e., a self-mitigating approach) is described in DEIR Section 3.02.3. This approach is allowed by CEQA Guidelines Section 15126.4(a)(2), which states:

In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

The analysis and level of detail presented to explain the effectiveness of mitigation measures identified in the EIR is consistent with the level of detail for a programmatic, General Plan policy document. The setting, impacts, and mitigation discussions presented in the EIR are all, by definition, program-level. Detailed descriptions of proposed GP/CLUP policies are provided in the GP/CLUP. No further detail regarding the use of those policies as a self-mitigating approach to reducing potential environmental impacts is necessary.

**Response to Comment No. B.19-33**

The commentator has requested that the EIR specify that the conditions for Santa Barbara County are the same as the City of Goleta. Comment noted. The City of Goleta planning area lies within the South Central Coast Air Basin (Air Basin), which encompasses all of Santa Barbara and San Luis Obispo Counties. The analysis of existing conditions discusses the environmental setting within the County of Santa Barbara, which also includes the City of Goleta. This has been clarified in the FEIR.

**Response to Comment No. B.19-34**

The commentator has requested further explanation of potential health and safety problems associated with adverse air quality. Air quality is largely a regional issue, especially with respect to ozone precursors, nitrogen oxide (NO<sub>x</sub>), and reactive organic gases (ROG). Ozone typically forms miles downwind from where the precursors are emitted. The majority of project emissions are from vehicular exhausts. Because vehicle trips will be coming from all directions, the emissions are spread over a wide area. Therefore, consideration of impacts in a regional context is appropriate. The potential health effects of the project were not dismissed. The DEIR includes specific information concerning the health effects related to adverse air quality impacts, as required by the *Bakersfield* case and CEQA Guidelines. However, there is no scientific study nor is there any substantial evidence provided by the County to prove any direct correlation between a specific project's air impacts and particular health effects in the project vicinity for this type of project (mostly indirect sources [vehicular emissions]).



Potential health effects from long-term exposure to elevated levels of criteria pollutants are identified in Table 3.3-1. Additional descriptions of the criteria pollutants have been added to the FEIR on pages 4.3-1 and 4.3-2.

Because ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions are a major concern in Santa Barbara County, health impacts associated with these pollutants (see Table 3.3-1) are more likely to occur than others. Particularly susceptible groups (sensitive receptors), including persons with respiratory difficulties, children, and other sensitive groups (senior citizens), may experience symptoms with greater severity even at lower concentrations (O<sub>3</sub> and PM<sub>10</sub>).

However, emissions thresholds established by SBCAPCD are used to manage total regional emissions within an air basin, based on the air basin attainment status for criteria pollutants. These emission thresholds were established for individual projects that would contribute to regional emissions and pollutant concentrations that may affect or delay the projected attainment target year for certain criteria pollutants.

Because of the conservative nature of the thresholds and the Basin-wide context of an individual project's emissions, there is no direct correlation of a single project to localized health effects. One individual project having emissions exceeding a threshold does not necessarily result in adverse health effects for residents in the project vicinity or in Santa Barbara County. This is especially true when the criteria pollutants exceeding thresholds are those with regional effects, such as ozone precursors like NO<sub>x</sub> and ROG.

Based on the above discussion, the potential for an individual project to significantly deteriorate regional air quality or contribute to a significant health risk is small, even if the emission thresholds are exceeded by the project. Because of the overall improvement trend on air quality in the air basin, it is unlikely that the regional air quality or health risk would worsen from the current conditions due to emissions from an individual project.

#### **Response to Comment No. B.19-35**

See response to comment A.2-2

#### **Response to Comment No. B.19-36**

See responses to comments A.2-4 and A.2-5.

#### **Response to Comment No. B.19-37**

The commentator has requested clarification regarding Rule 1001 and its ability to mitigate construction impacts. The clarifications of the information about the compliance with Rule 1001 in Impact 3.3-3 are noted. The text corrections have been included in the FEIR.

#### **Response to Comment No. B.19-38**

See response to comment B.6-7.

#### **Response to Comment No. B.19-39**

The commentator is of the opinion that the GP/CLUP's ESHA designations are too broad. As stated in EIR Section 3.4.3.3, the EIR considers potential impacts to biological resources in

terms of habitat impacts, species impacts, impacts to wildlife linkages, impacts to existing preserves and approved conservation programs, and cumulative and residual impacts. Impacts and mitigation are considered on a program-level, which is the appropriate approach under CEQA for analysis of a regulatory plan or program. For purposes of analyzing biological impacts, all ESHAs identified in Figure 3.4-2 were treated as *sensitive* habitats as that term is used in Appendix G of CEQA Guidelines and cited in EIR Section 3.4.3.1 under “CEQA Thresholds.” This approach is consistent with CEQA Guidelines policies because it applies a broad definition of sensitive resources and thereby encompasses potential effects to a broad array of biological resources. The approach also is consistent with Policy CE 1.1 because the ESHAs depicted in Figure 3.4-2 and on the revised figure are based on professional biological evaluations. It should be noted that Policy CE 1.1 does not include the wording “thorough biological evaluation.” Policy CE 1.1 establishes the definition of ESHA as “any areas that through professional biological evaluation are determined to meet the following criteria.” It also should be noted that Policies CE 1.3 and CE 1.5 provide for and anticipate revisions to the GP/CLUP map of ESHAs based on site-specific biological studies. The analysis in the EIR and the changes made to Section 3.4 in response to comments are consistent with the Conservation Element policies as well as CEQA Guidelines.

#### **Response to Comment No. B.19-40**

The commentator states the opinion that the GP/CLUP Conservation Element is inconsistent with other areas of the GP/CLUP, including the Housing Element and Transportation Element. The commentator alleges that the Conservation Element does not provide scientific data supporting the designation of all wetlands as ESHAs. The commentator also alleges that due to the restrictive development standards governing ESHAs, the number of housing units planned under the Housing Element will be limited, causing an internal GP/CLUP inconsistency.

The GP/CLUP definition of ESHA is based upon the Coastal Commission definition of ESHA. ESHA mapping was based on a review of existing environmental documents, resource agency databases, and through an independent mapping effort by a City-retained consultant (Jones & Stokes). The mapping methods are based on accepted professional standards for the identification of habitat types based on characteristics visible in aerial imagery. As provided for in CEQA, the biological studies were performed on a level commensurate with this program analysis; site-specific analysis may assist in further refining the boundaries of the ESHA designation. The City directs the commentator to Policies CE 1.3 and 1.5. These policies allow revisions to the map of ESHAs based on site-specific biological studies. The GP/CLUP, as proposed, would accommodate the number of housing units planned under the Housing Element.

#### **Response to Comment No. B.19-41**

The commentator states the opinion that the City will be unlikely to meet its RHNA requirements because of the scattered ESHAs. The commentator alleges that ESHA wetlands adjacent to roadways, as shown on Figure 3.4-3, may need to be widened to support buildout of the project. The commentator provides no specific details in support of their concerns regarding housing and traffic. The GP/CLUP, as proposed, would accommodate the number of housing units planned under the Housing Element, including those needed to meet RHNA requirements because there are more sites identified for development than required by the RHNA. Transportation infrastructure improvements proposed by the GP/CLUP are identified in Sections 2.0 and 3.13 of the EIR.

**Response to Comment No. B.19-42**

The commentator asserts that ESHA wetlands will hamper the construction of improvements called for in the Transportation Element, thereby causing an internal inconsistency in the GP/CLUP. The commentator provides no specific details in support of their concerns regarding transportation improvements. Transportation infrastructure improvements proposed by the GP/CLUP are identified in Sections 2.0 and 3.13 of the EIR.

**Response to Comment No. B.19-43**

The commentator alleges that the GP/CLUP lacks internal consistency. The commentator's opinion is noted; however, no specific instances of alleged inconsistencies have been identified. To the contrary, the GP/CLUP is internally consistent and provides a sufficient level of detail to guide long-range planning in Goleta.

**Response to Comment No. B.19-44**

The commentator has requested explanation for how GP/CLUP policies will mitigate biological impacts. EIR Section 3.4.2.1 provides a discussion of GP/CLUP policies, and Table 3.4-3 identifies the whether a policy includes provisions of resource protection or impact mitigation.

The wording of Impacts 3.4-9 and 3.4-10 has been revised to indicate that development activities could have potentially significant impacts on biological resources in areas of conserved habitat and might be inconsistent with an approved conservation program or local conservation policy. Impacts to conserved habitat would include the same type of impacts to habitats and species identified in Impacts 3.4-1 through 3.4-8 and would be mitigated in the same way. Inconsistency with an approved conservation program or local policy is a CEQA consideration that potentially triggers a finding of significance.

Impact 3.4-11 states that effects on non-special-status species and habitats from development activities would be less than significant. The Class III finding reflects the nature of the affected resources and the amount and location of activities under the GP/CLUP. The wording of the impact has been revised to indicate that the activities would not substantially alter the resources in question.

The Class IV finding regarding Impact 3.4-12 reflects the location of management and maintenance activities in already developed locations.

The wording of Impact 3.4-13 has been revised to add more detail about the potential beneficial effects of preservation and management in regional open space parks.

EIR Section 3.4.3.4 has been revised to explain the conclusion that the City's contribution to cumulative effects on biological resources is less than significant. The EIR analysis is based on the assumption that significant impacts from activities under the City's jurisdiction would be reduced to less-than-significant levels in accordance with the GP/CLUP policies and applicable federal and state regulations.

**Response to Comment No. B.19-45**

See response to comment B.19-44.

**Response to Comment No. B.19-46**

The commentator correctly observes that the second CEQA threshold listed in Section 3.5.3.1 of the DEIR includes additional text that is not part of the CEQA threshold. The introductory text in this section of the FEIR has been revised to clarify that the thresholds are based on Appendix G.

**Response to Comment No. B.19-47**

The commentator has requested that Impact 3.5-2 be revised to include mitigation measures. The commentator also observes that the GP/CLUP does not include any policies for the protection of paleontological resources.

See response to comment B.9-21. The discussion presented for Impact 3.5-2 was intended to acknowledge that at a project-specific level and a resource-specific level, there may be instances in the future when an impact perceived to be Class II at the onset cannot be adequately resolved and becomes a Class I. The EIR presents a complete set of policies; however, to conservatively address this issue, Impact 3.5-2 has been recategorized as a Class I impact in the Final EIR.

In addition, regarding potential impacts to paleontological resources, Policy subsection OS 8.7, Protection of Paleontological Resources, has been added to the GP/CLUP. This subsection provides guidance related to the proper steps to take should paleontological resources be encountered during construction activities.

**Response to Comment No. B.19-48**

The commentator has requested that the mitigation measures for Impact 3.5-2 be “specific, feasible actions that will actually improve adverse environmental conditions.” At this level of planning, it is not possible to address the nature and value of cultural resource sites as yet unknown and recorded within a project site that is as yet undetermined. The policies presented in OS-8 and VH-5 can serve as mitigation through a reduction of the impact to a resource to a degree that valuable scientific data are preserved, to the point that ethnic values are not compromised, to the extent that the visual and aesthetic quality of a building or landscape is not impaired.

**Response to Comment No. B.19-49**

The commentator has requested that mitigation measures for Impact 3.5-2 be “measurable to allow monitoring of their implementation.” Because specific types of impacts cannot be identified at this stage of planning beyond saying they fall into large categories such as grading, landform alteration, trenching, and so on, the types and categories of potential impacts cannot be taken to a more specific level at this time. The potential impacts to buildings, landscapes, prehistoric sites (of which there are many types), paleontological sites, and other resources will vary based on the specific type of project. The methods by which a potential impact is evaluated are based on the details of a specific project.

**Response to Comment No. B-19-50**

See response to comment B.9-21. The commentator is correct in noting that the phrase *it should be possible* under Impact 3.5-3 must be changed to *it is possible*. This change has been made in the FEIR.

**Response to Comment No. B-19-51**

The commentator has requested analysis of how the mitigation measures for Impact 3.5-3 will reduce the effects of this impact. As noted above, at this level of planning, it is not possible to address the nature and value of cultural resource sites as yet unknown and recorded within a project site that is as yet undetermined. Effective mitigation must rely on the overall guidelines provided in Appendix G of CEQA and the policies of the City of Goleta. The policies presented in OS-8 and VH-5 can serve as mitigation through a reduction of the impact to a resource to a degree that valuable scientific data are preserved, to the point that ethnic values are not compromised, and to the extent that the visual and aesthetic quality of a building or landscape is not impaired.

**Response to Comment No. B-19-52**

The commentator is correct in noting that the phrase “unlikely to lead to any Class III short term impacts” is not sufficiently conclusive. At this general stage of planning for non-specific projects, the phrase has been changed to read “implementation of the GP/CLUP will not lead to any Class III short-term impacts.” This modified phrase is correct because the GP/CLUP will not change the status of any resources nor directly impact them. The impacts, if any and of whatever class, will occur only when a specific project is proposed and the guidelines in the GP/CLUP as well as under CEQA will ensure that any identified resources are inventoried and evaluated.

**Response to Comment No. B.19-53**

The commentator has requested clarification regarding statements about the classification of Class IV impacts. The intent of the statement that approval of GP/CLUP could result in Class IV impacts assumes that the phrase “no change from existing conditions is expected to occur” does not include any future protection, enhancement, or preservation of a resource. If a resource is not currently listed on the state or federal register or if a building or archaeological resource is being degraded by nature or natural effects, application of the GP, which seeks to preserve such resources, is a Class IV effect.

**Response to Comment No. B.19-54**

The commentator requests that the word, “potential,” be added to the first threshold listed in DEIR Section 3.6.3.1. The deletion of “potential” was inadvertent, and the text has been revised in the FEIR. Impacts were analyzed for potential substantial adverse effects.

**Response to Comment No. B.19-55**

The commentator requests that additional analysis be provided explaining how the GP/CLUP policies will serve as effective mitigation for listed impacts. The level of detail provided is appropriate for a general plan EIR (see response to Comment B.9-23). However, specific policy subsections that lessen the geologic hazards are described in Impacts 3.6-1 through 3.6-4. See

the GP/CLUP for further details. The reducing effects of these policies are generally self-evident. The referenced policies would assure that new development was constructed consistent with established standards of safety set forth in the California Building Code, the City General Plan, and other applicable regulations.

#### **Response to Comment No. B.19-56**

The commentator has requested a more thorough analysis of the hazards of radon gas. It should be noted that it is indoor exposure to radon that poses a health risk. Radon is naturally occurring and enters buildings through cracks and openings in the foundations. It can become trapped if the building is not properly ventilated. Long-term exposure to elevated levels of radon increases a person's risk of contracting lung cancer (California Department of Health Services 2005; U.S. Environmental Protection Agency 2006a). According to the U.S. EPA, radon can be reduced to acceptable levels by relatively simple means.<sup>1</sup>

More information is available on the U.S. EPA's website (<http://www.epa.gov/radon/>) and on the California Department of Health Services's website (<http://www.dhs.ca.gov/ps/ddwem/environmental/Radon/>).

The commentator is referred to GP/CLUP policy subsection SE 1.1. This subsection includes mapping of radon hazards and Policy subsection SE 1.9 addresses the need for radon-resistant construction in new construction. Radon risk in existing homes is part of the environmental setting and would not be affected by GP/CLUP.

#### **Response to Comment No. B.19-57**

The commentator has requested clarification to Mitigation Measure 3.6-1. This item has been revised in the FEIR. In addition, see Response to Comment B.19-56.

#### **Response to Comment No. B.19-58**

The commentator observes that mitigation measures should be measurable to allow monitoring of their implementation. As stated in response to comment B.19-56, the City has amended GP/CLUP policy subsection SE 1.1 and added Policy subsection SE 1.9 to strengthen its radon safety measures. Monitoring requirements associated with the City's radon-related policies are addressed under Impact 3.6-1 in the Mitigation Monitoring and Reporting Program (MMRP) included as an appendix to the Final EIR.

#### **Response to Comment No. B.19-59**

The commenter states a need to more specifically discuss the policy components that serve to reduce Impacts 3.7-5, 3.7-6, and 3.7-7. Refer to response to comments B.9-166, B.9-167, and B.9-168 respectively.

#### **Response to Comment No. B.19-60**

The commentator has requested the source of the information found on page 3.7-10 of the EIR. The FEIR has been revised to include this source.

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<sup>1</sup> U.S. Environmental Protection Agency. 2005. A Citizen's Guide to Radon: The Guide to Protecting Yourself and Your Family From Radon. Last revised: March 8, 2006. Available: <<http://www.epa.gov/radon/pubs/citguide.html>>. Accessed: August 8, 2006.

**Response to Comment No. B.19-61**

The commentator states that the DEIR fails to provide any mitigation for the following Class I impacts: Impact 3.7-1, Risk of Upset at the Venoco Facilities, and Impact 3.7-2, Transport. Refer to response to comment B.9-163 and B.9-164 respectively.

**Response to Comment No. B.19-62**

The commentator alleges that the DEIR does not reference all appropriate policies of the GP/CLUP. The use of GP/CLUP policies as mitigation (i.e., a self-mitigating approach) is described in DEIR Section 3.02.3. This approach is allowed by CEQA Guidelines Section 15126.4(a)(2), which states: "In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design."

The analysis and level of detail presented to explain the effectiveness of mitigation measures identified in the EIR is consistent with the level of detail for a programmatic, General Plan policy document. The setting, impacts, and mitigation discussions presented in the EIR are all, by definition, program-level. Detailed descriptions of proposed GP/CLUP policies are provided in the GP/CLUP. No further detail regarding the use of those policies as a self-mitigating approach to reducing potential environmental impacts is necessary.

Nonetheless, in the response to several similar comments, specific policy subsections are identified and described in more detail where appropriate. Refer to response to comment letters B.6 and B.9 for this more detailed information.

**Response to Comment No. B.19-63**

The commentator suggests that the Class III impacts identified in the EIR (SPECIFICALLY Impacts 3.7-11 and 3.7-14) include a discussion of how policies reduce impacts. Contrary to the commentator's assertion, policies are used, in some cases, to further reduce insignificant impacts. Note that CEQA does not require mitigation for Class III impacts and the comment is irrelevant in the context of an EIR evaluation.

**Response to Comment No. B.19-64**

The commentator suggests revisions to the wording in Mitigation Measure 3.7-1. The commentator is referred to GP/CLUP Policy SE 10.7. This policy describes the requirements of a Soil Management Plan and addresses the commentator's concerns. The policy subsection is also referenced in FEIR Impact 3.7-7. Note that Policy SE 10.7 replaces the need for Mitigation Measure 3.7-1, which is removed from the text in the FEIR.

**Response to Comment No. B.19-65**

The commentator states that the mitigation measure MM 3.7-1 should be measurable. The commentator is referred to GP/CLUP Policy SE 10.7. This policy describes the requirements of a Soil Management Plan and addresses the commentator's concerns. Regarding the request that the Soil Management Plan be "measurable", note that the analysis and level of detail presented to explain the effectiveness of mitigation measures identified in the EIR is consistent with the level of detail for a programmatic, General Plan policy document. The policy subsection is referenced in FEIR Impact 3.7-7. Note that Policy SE 10.7 replaces the need for Mitigation Measure 3.7-1, which is removed from the text in the FEIR.

**Response to Comment B.19-66**

See response to comment B.9-42.

**Response to Comment B.19-67**

The commentator has requested clarification of the population figures in the EIR. The population figure of 30,679 referenced in Section 3.8.1.1 represents the City's population as of January 2005 as estimated by the California Department of Finance Demographic Research Unit. The population data in Table 3.8-1 represents projections made by SBCAG. The DEIR population and housing analysis is based on the California Department of Finance population figure of 30,679.

**Response to Comment B.19-68**

The commentator has requested further analysis of Impact 3.8-1. The text of the EIR has been modified to better explain and substantiate the impact statement and associated mitigation.

**Response to Comment B.19-69**

See response to comment B.4-41.

**Response to Comment B.19-70**

See response to comment B.4-41.

**Response to Comment No. B.19-71**

The commentator has requested that the EIR contain further analysis of the impacts of radon gas found in Goleta's groundwater. The commentator is referred to FEIR Section 3.6.3.3 for a review of radon hazards. Only a small section of the City, located north of Cathedral Oaks, is underlain by the Rincon Formation (radon is known to emanate from Rincon soils). No vacant sites designated for buildout are underlain by these soils. Potential impacts relating to radon hazards are reviewed in Section 3.6 of the EIR.

**Response to Comment No. B.19-72**

The commentator has requested that the introductory text for the CEQA Thresholds section. The introductory language has been modified in the FEIR.

**Response to Comment No. A.19-73**

The commentator has requested that the EIR contain analysis of how GP/CLUP policies reduce impacts in the EIR. The use of GP/CLUP policies to reduce impacts (i.e., a self-mitigating approach) is described in DEIR Section 3.02.3. This approach is allowed by CEQA Guidelines Section 15126.4(a)(2), which states:

"In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design."

The analysis and level of detail presented to explain the effectiveness of mitigation measures identified in the EIR is consistent with the level of detail for a programmatic, General Plan policy



document. The setting, impacts, and mitigation discussions presented in the EIR are all, by definition, program-level. Detailed descriptions of proposed GP/CLUP policies are provided in the GP/CLUP. No further detail regarding the use of those policies as a self-mitigating approach to reducing potential environmental impacts is necessary. However, to further explicate how each GP/CLUP policy mitigates the impacts described in the EIR, the impact analysis has been revised in the FEIR.

#### **Response to Comment No. B.19-74**

The commentator has requested that all applicable GP/CLUP policies be included in the discussion of Impact 3.10-1. The EIR has been revised to include missing GP/CLUP policies or policies that were revised or added to the Final GP/CLUP.

#### **Response to Comment No. B.19-75**

It is the commentator's opinion that policies in the Conservation Element are inconsistent with the Land Use Element with respect to future development because implementation of these stringent standards will constrain development on parcels that are slated for future development that contain ESHAs. The City directs the commentator to Policies CE 1.3 and 1.5. These policies allow revisions to the map of ESHAs based on site-specific biological studies.

#### **Response to Comment No. B.19-76**

See response to comment B.8.61.

#### **Response to Comment No. B.19-77**

The commentator has requested clarification regarding an alleged internal inconsistency. Table 9-2 sets the basic framework for land use compatibility standards. The additional discussion and standards specified in Policies NE 1.1 and NE 1.2 clarify the application of the standards in Table 9-2 for residences and make it clear that the City will use 60 CNEL for residential uses.

#### **Response to Comment No. B.19-78**

The commentator has requested that the mitigation measures for Impacts 3.11-1 through 3.11-5 be more specific. A general plan is by definition a programmatic planning document. The discussion of impacts and mitigation is necessarily programmatic in nature. The noise element policies include specific, feasible actions that are self-explanatory in that they are either based on performance or discuss how implementation of the policy will reduce noise. As examples, Policies NE 1.1, NE 1.2, and NE 1.3 specify noise levels that trigger actions to be taken to reduce noise exposure. Policy subsection NE 1.3 specifies the use of buffers to reduce noise exposure. Other policies discuss specific actions that will reduce noise (i.e., use of low-noise paving, enforcement of speed limits, reduction of traffic volumes, traffic calming to reduce speed, and establishment of quiet zones). The information in the EIR is considered to be sufficient for the public to understand, evaluate, and respond to conclusions in the EIR. No changes to the EIR are required.

#### **Response to Comment No. B.19-79**

See response to comment B.19-79.

**Response to Comment B.19-80**

See response to Comment B.9-46.

**Response to Comment B.19-81**

The commentator notes what are perceived inconsistencies in the population estimates provided in the DEIR. The population figure of 30,679 referenced in Section 3.8.1.1 represents the City's population as of January 2005 and was obtained from the California Department of Finance. The population data in Table 3.8-1 represents projections made by SBCAG. The EIR population and housing analysis is based on the California Department of Finance population figure of 30,679. Population growth associated with implementation of the GP/CLUP is 7,421 people, resulting in a population of 38,097 (this figure has been rounded up to 38,100 in the EIR); refer to Table 3.8-7.

**Response to Comment B.19-82**

The analysis and level of detail presented to explain the effectiveness of mitigation measures identified in the EIR is consistent with the level of detail for a programmatic, General Plan policy document. The setting, impacts, and mitigation discussions presented in the EIR are all, by definition, program level. Detailed descriptions of proposed GP/CLUP policies are provided in the GP/CLUP. No further detail regarding the use of those policies as a self-mitigating approach to reducing potential environmental impacts is necessary.

**Response to Comment B.19-83**

The use of "maintain and improve" has been deleted from the discussion of Class II impacts in Section 3.12.3.3.

**Response to Comment B.19-84**

The commentator states that the EIR should contemplate and provide sufficient facts that solid waste removal through the year 2030 is in place. The EIR has been revised to include a discussion of Policy PF 9: Coordination of Facilities with Future Development. Implementation of this policy would limit development in the event that landfill capacity is achieved. The objective of the policy is to ensure that land use decisions are based on the planned capacity of capital facilities and that such facilities are provided when they are needed to support new development. Implementation of this policy and subsections would ensure impacts remain less than significant.

**Response to Comment No. B.19-85**

The commentator states that not all appropriate policies that could lessen identified impacts are discussed in the mitigation section. See response to comment B.9-49.

**Response to Comment No. B.19-86**

The commentator questions the feasibility of proposed major infrastructure improvements, including the freeway crossings at Ellwood Station and La Patera, and the Phelps/Mesa Road extension, and indicates that the funding for these projects should be more clearly identified. See response to comment B.4-56.

**Response to Comment No. B.19-87**

The commentator questions the feasibility of proposed major infrastructure improvements, including the freeway crossings at Ellwood Station and La Patera, and the Phelps/Mesa Road extension. See response to comment B.4-56.

**Response to Comment No. B.19-88**

The commentator states that the Capital Improvement Program should be amended as a means of funding improvements identified in the General Plan. See response to comment B.17-17.

**Response to Comment No. B.19-89**

The commentator observes that the text describing Table 3.13-14 incorrectly indicates that all segments listed are operating within LOS standards, whereas the table shows that Los Carneros south of Hollister is exceeding the threshold. This inconsistency in the DEIR text has been corrected in the FEIR.

**Response to Comment No. B.19-90**

The commentator states that policies or mitigation need to be identified to address the Class I impact at Hollister/Storke. See response to comment B.9-48.

**Response to Comment No. B.19-91**

The commentator questions Policy TE 13.4, which provides actions that the City may take if funding for needed transportation improvements does not come through. See response to comment B.17-13.

**Response to Comment No. B.19-92**

The commentator believes that Policy TE 13.4, which provides actions that the City may take if funding for needed transportation improvements does not come through, exceeds the City's authority to impose mitigation. See responses to comments B.17-13 and B.19-91.

**Response to Comment No. B.19-93**

The commentator states that no analysis is provided to explain how implementation of the policies is effective as mitigation. Transportation modeling and analysis completed for the GP/CLUP explicitly reflects the capacity improvements and LOS standards that are identified in the policies. The analysis conservatively assumes no effect on mode split, in order to evaluate the worst-case conditions that could result on City roadways (see response to Comment No. B.4-62). However, policies that support alternative transportation modes can further improve transportation operations by lowering vehicle demand on the area roadways.

**Response to Comment No. B.19-94**

The commentator believes that Policy TE 13 is unlawful. See responses to comments B.17-13 and B.19-91.

**Response to Comment B.19-95**

The commentator states the opinion that the DEIR does not reference all appropriate policies found in the GP/CLUP that could lessen or mitigate Impacts 4.7-1 and 4.7-2. Policies that would mitigate Impacts 4.7-1 and 4.7-2 are listed on page 4-23 of the DEIR. The commentator has not specifically identified other policies which they recommend be considered as appropriate mitigation for those impacts.

**Response to Comment B.19-96**

The commentator has requested clarification regarding Impact 4.2-1. Impact 4.2-1 is identified as a beneficial impact. As noted in the discussion, existing agricultural uses within the service areas would be preserved as agricultural land uses under the GP/CLUP.

**Response to Comment B.19-97**

The commentator has requested that the EIR address any other significant environmental impacts not included in Section 3.3. The impact conclusions in this section have been revised based on comments received from the Santa Barbara Air Pollution Control District.

**Response to Comment B.19-98**

Refer to response to comment B.4-6.

**Response to Comment B.19-99**

The commentator has requested that Impact 4.13-1 include relevant mitigation measures. Refer to the Class I impact discussion under Section 3.13.3.1, which states "...to be classified as a Class I impact, no feasible mitigation can be identified." The EIR includes mitigation measures for all Class I impacts, where feasible mitigation measures exist. The commentator has not identified other mitigation measures that could reduce potential environmental impacts associated with this impact.

**Response to Comment B.19-100**

The commentator has requested clarification regarding Impacts 4.13-1, 4.13-2, and 4.13-3. Each impact class is defined under Section 4.13.3.3.

For the Transportation Element, Class I impacts or significant impacts are defined at locations where: (1) the adopted LOS standard is exceeded; and/or (2) the significance thresholds summarized in Table 3.13-5 are violated. To be classified as a Class I impact, no feasible mitigation can be identified.

Class II impacts are classified as significant adverse impacts that can be feasibly mitigated or avoided. For the Transportation Element, significant impacts are defined at locations where: (1) the adopted LOS standard is exceeded; and/or (2) the significance thresholds summarized in Table 3.13-5 are violated. To be classified as a Class II impact, a significant impact is identified under unmitigated conditions, but the impact is reduced to less-than-significant levels with implementation of transportation improvement or policy mitigation measures.

For transportation and circulation, Class III impacts (adverse but less than significant) have been identified at locations where traffic volumes are expected to increase as a result of the proposed project, but neither the City LOS standards nor will the threshold criteria defined in Table 3.13-5 would be exceeded.

#### **Response to Comment B.19-101**

The commentator asks why the LOS for El Colegio/Storke Road in Subarea D is shown as “n/a” on page 4-39 of the DEIR. The existing LOS at El Colegio and Storke Road was listed as n/a since it is located outside the City limits, and traffic analysis under existing conditions was not originally completed for that intersection. However, analysis at this location has since been completed for existing conditions, and it has been included in the FEIR.

#### **Response to Comment No. B.19-102**

The commentator states the opinion that the DEIR’s analysis of growth-inducing impacts (pages 6-3 to 6-5) is flawed and incomplete. The commentator is incorrect in stating that the GP/CLUP includes policies that limit full build-out or place a moratorium on housing development. The total number of residential units identified in the Land Use Element is based on estimates of how much growth potentially could occur through approximately 2030 based upon the maximum allowed in the proposed land use plan, which is considered full-build-out. The GP/CLUP does include policies that limit the amount of nonresidential development to occur each year. The intent of these policies is to manage the amount and timing of nonresidential construction so as to maintain an appropriate balance between the number of jobs and housing in the City. Refer to GP/CLUP Policies LU 11 and LU-IA-2.

#### **Response to Comment No. B.19-103**

See responses to comments B.6-32 & 33. The commentator correctly observes that CEQA Guidelines Section 15126.6(c) requires that the DEIR identify a reasonable range of alternatives. The commentator has not provided any additional details regarding the scope of those alternatives.

#### **Response to Comment No. B.19-104**

See responses to comments B.6-19 and B.6-25. The commentator is correct in stating, “We assume that the City feels that the no project alternative is illegal because planning and zoning laws require a city to have a comprehensive, long-term plan for the physical development of both the city and any land outside the city’s boundaries that the city determines relates to its planning.”

The No Project Alternative analyzed in the DEIR meets the requirements of CEQA Guidelines Section 15126.6(e)(2). The baseline condition for evaluating environmental impacts in the DEIR is the existing physical land use. Thus, the No Project Alternative analyzes the continuation of existing physical land uses (rather than the County General Plan, which was never adopted by the City), as “what would reasonably be expected to occur in the foreseeable future if the project were not approved.”

**Response to Comment No. B.19-105**

See responses to comments B.6-31, 32, and 34. CEQA Guidelines Section 15126.6(c) requires only that the EIR address a range of reasonable alternatives. There is no requirement that such a range comprise an exhaustive list of all conceivable alternatives.

**Response to Comment No. B.19-106**

See response to comment B.2-4.