

From: sracree@aol.com
Sent: Saturday, March 4, 2023 9:52 AM
To: City Clerk Group
Subject: Heritage Ridge

I support the Heritage Ridge project proposal as a meaningful educational tool for the entire community.

Stephanie Acree
Member, Barbareno Band of Chumash Indians
75 Clyde Avenue
San Rafael, CA 94901
415.246.8265

From: Veronica Correa <verogoddess@yahoo.com>
Sent: Saturday, March 4, 2023 3:53 PM
To: City Clerk Group
Cc: Mary Chang
Subject: Heritage Ridge

I support the Heritage Ridge project proposal as a meaningful educational tool for the entire community.

Veronica Amador

Vida Amador

Gia Amador

Member of the Barbareno Band of Chumash Indians

3180 Cheshire Dr.

San Jose, Ca.

95118

[Sent from Yahoo Mail for iPhone](#)

From: Mary LL <dreamgrl805@yahoo.com>
Sent: Saturday, March 4, 2023 4:02 PM
To: City Clerk Group
Cc: Mary Chang
Subject: Heritage Ridge Project

I support the Heritage Ridge project proposal as a meaningful educational tool for the entire community.

Lynette Lopez

Joshua Ordaz

Jesse Ordaz

Member of the Barbareno Band of Chumash Indians

Lynette Lopez

From: Janice Correa <corcota2@icloud.com>
Sent: Saturday, March 4, 2023 4:09 PM
To: City Clerk Group
Cc: Mary Chang
Subject: Heritage Ridge

I support the Heritage Ridge project proposal as a meaningful educational tool for the entire community.

Janice Correa
376 Mustang St.
San Jose, Ca
95123

Sent from my iPhone

DAVID GAUGHEN
7456 Evergreen Drive
Goleta, CA 93117
Telephone: (805) 985 – 7229
Email: cdg55@earthlink.net

March 05, 2023

To: The Mayor and Council Members
130 Cremona Drive, Suite B
Goleta, CA 93117

Subj: Comments RE: Agenda Item “C.2 23-014 The Heritage Ridge 332 Residential Apartment Project,” meeting date March 07, 2023

- Ref. (1) Staff report for Agenda Item C.2 (Heritage Ridge, 807 pages), meeting date March 07, 2023
(2) David Gaughen’s written submittal to the Planning Commission entitled “Concerns Regarding Agenda Item B.1 22-543 Continued Review of Heritage Ridge 332 Residential Apartment Project,” meeting date November 14, 2022
(3) Strategic Energy Plan: City of Goleta – May 2019 (102 pages)
(4) Senate Bill (SB) 100 California Renewables Portfolio Standard Program: emissions of greenhouse gases, September 10, 2018.

Dear Madam Mayor and Council Members:

I appreciate the time and effort that went into preparing Reference 1.

Water Availability

Per Reference 2, my primary concern, including the shared opinion of multiple neighbors, is the new water demand and resulting effect on the Goleta Water District’s (GWD) resources especially since we were experiencing a State wide drought (i.e., California’s Second Water Conservation Regulation went into effect on June 10, 2022). Additionally, it appears that this Project, combined with Willow Springs I, Willow Springs II are entitled to 100.89 AFY of water as provided by the GWD which equates to approximately 32,875,150 gallons of water/year (see <https://www.unitconverters.net/volume/acre-foot-to-gallon-us.htm> for conversion). Furthermore, per Ref. 1, “the site is considered an existing customer of the GWD and meets the criteria for an exemption as outlined in GWD Resolution No. 2014-32.” In any case, the combined authorized use of 32,875,150 gallons/year is considerable, and I encourage the City to work with the GWD to greatly expand our water supply inventory through the planned development of: 1) New storm water/rainwater reservoirs, 2) New storm water/rainwater capture facilities, and 3) New desalination plants and other water producing technologies.

Ideally, both the City and the GWD must invest in new infrastructure resources that increase our water supply in an attempt to offset future water demands from residential developments such as this.

Goleta’s Strategic Energy Plan and SB 100

Reference 4 (SB 100: California Renewables Program) states in part the following:

“The bill would require that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatthours of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030.

Reference 3 (Strategic Energy Plan: Goleta) states as follows:

“In December 2017, the City of Goleta City Council unanimously adopted a goal of 100% renewable electricity supply for the community by 2030 with an interim goal of 50% renewable electricity for municipal facilities by 2025 (see page 4).”

“Goleta electricity demand is forecasted to be 218 GWh (gigawatt-hours) in 2030. Under a business-as usual (BAU) scenario, local renewable generation and SCE renewable generation are forecasted to comprise only 63% of Goleta’s electricity mix in 2030 (see page 8).”

Reference 1 presents the following:

“... the Project would not conflict with or obstruct implementation of the City’s CAP, Strategic Energy Plan, or any other applicable plans for renewable energy or energy efficiency. This impact would be less than significant (see page 58).”

“The project would be served by Southern California Edison, which is required to increase its renewable energy procurement in accordance with SB 100 targets (see page 62).”

In summary, the Heritage Ridge project will be serviced by Southern California Edison (SCE), SB 100 requires publicly owned electric utilities (e.g., SCE) to procure 60% of their electricity products from eligible renewable energy resources by December 31, 2030, and Goleta’s Strategic Energy Plan presents a goal of 100% renewable electricity supply for the community by 2030. First, it is unclear why Goleta’s renewable energy goal is 40% higher than California’s for 2030. Second, since this project is to be serviced by SCE and if SCE complies exclusively with the minimum requirements of SB 100, then by default this project would Not comply with Goleta’s Strategic Energy Plan’s goal for 2030 (i.e., 100% renewable electricity supply by 2030). As such, I encourage the Mayor and City Council to direct staff to revisit Goleta’s Strategic Energy Plan in an attempt to draft modifications that reflect the minimum requirements of SB 100.

Senior Affordable (41 units)

Per the demographics for renumbered Redistricting Map 701, 20 % of Goleta’s 32,754 population consists of residents Age 60 and above. Per Ref. 1, the breakdown of Senior Affordable housing units consists of: a) 1 unit for an onsite resident manager; b) 10 units for veterans; c) 10 units for seniors who are unhoused with significant medical needs; d) 10 units for seniors who are unhoused and have mental health and other needs; e) 10 units for lower income seniors in need of affordable housing. I believe this breakdown is a disproportionate reflection of Goleta’s Senior demographics, and further believe a breakdown such as the following could be more accurate: a) 1 unit for an onsite resident manager; b) 5 units for veterans; c) 5 units for seniors who are unhoused with significant medical needs; d) 5 units for seniors who are unhoused and have mental health and other needs; e) **25 units for lower income seniors in need of affordable housing.**

As such, I respectfully request that the City Council and Mayor **express their intent to deny this section** in an attempt **to negotiate a higher number of affording housing units for lower income seniors** and a lower number of units for the remaining senior categories.

Conclusion

Unfortunately, it appears that The Heritage Ridge project will be approved and hopefully it will have a positive impact on our local community, in particular our lower income senior population, instead of the predictable drain on: A) Goleta's Limited Water Resources, B) California Energy Production & Distribution, C) City Waste Water Collection & Treatment, and other infrastructure components.

Thank you for your time,

David Gaughen



Ksen' SKu' Mu' Chumash

Ksen~Sku~Mu
Frank Arredondo ~Chumash MLD
Po Box 161
Santa Barbara Ca, 93102

March 5, 2023

City of Goleta
130 Cremona Dr.
Goleta. Ca 93117

Re: Heritage Ridge Residential Project FEIR

To Mayor Paula Perotte & City Council

I thank you for the opportunity to comment on the above referenced project. My name is Frank Arredondo. I am a lineal descendant to the Village of Tipu' and Shalawa'. Under Spanish territory designations this makes me Obispeno & Barbareneo Chumash. I am member of the Native American Heritage Commission (NAHC) Most Likely Descendants (MLD) List for the Chumash Territory and listed on the Native American Contact list for Santa Barbara County. I went to school for a Masters degree in Archaeology where I continued my career experience working as a field supervisor for multiple CRM projects with local tribes. I have worked in CRM industry since 2006 and been a member of the Chumash community throughout.

Being of Native American descendant, from the Chumash territory, and listed on the NAHC MLD contact list which under law requires me and a handful of others on the list to provide the recommend the disposition of Native American human remains when found during development projects. I take my inclusion to this small list with great responsibility and respect. To honor that responsibility, I actively participate in the prevention of disturbance to my ancestors through the thorough review of development projects. I have actively reviewed Planning and Development environmental documents for accuracy and completeness to preserve cultural resources, uphold the laws meant for the protection of Native American rights and authority.

I have worked with all the local Chumash communities at one point in my career. Today my comments are my own.



I would like to start with stating that the overall project being proposed is supported for its continued efforts to preserve the areas cultural resources and preservation of my culture. I support this project I have just determined a few topics that should be addressed before the FEIR is adopted.

In 2010 several meetings were held by the Towbes group to discuss the cultural impacts that would take place during the Willow Spring II development proposal. The parties that were sent notices were active members in CRM of the Chumash community. Many of these parties are independent members of the community. In other words, they are not identified as a Government Tribal group. Unfortunately, the Santa Barbara region does not maintain any government leadership that has oversight over all Chumash community members. Yet, the area has a large and varied community that was witnessed by the Spanish that would be categorized as “tribelets” which is simply defined as small independent groups.

During the meetings of 2010, 19 individual names were submitted to be noticed. In May 19th of 2010 roughly half that number attended a meeting at the Willow Springs Clubhouse. Discussions were had specifically to the mitigation measures that would be proposed for the impacts that would take place with the development. A topic of discussion was specifically regarding the 2 burials along the Northern Midden Area and Intermediate Midden Area. It was understood that the area with burials would be avoided by way of capping the site. Thus far the Willow Spring II project did just that, as part of that project. The current Heritage ridge project now will address the 2nd burial location.

It is understood that the FEIR addresses Chumash community but does so under the references of Groups listed under the AB52 contact list, (tribal governments list) It should be noted that the Tribal governments list and Chumash Community are two distinct parties. That outreach to all Chumash members should be made when mitigation measures reference “Chumash Community”. Otherwise local government should start using the correct terms of Chumash tribal governments. Prior to the AB52 contact list being created there was a Native American contact list which contained many more contacts with specific knowledge of resources in the area. Local government may not be required by law to conduct this outreach but by NHPA standards all archaeological professional consultants should be making the effort to identify interested parties.

This letter reviews specific sections of the Cultural resources review.

- Potential Burials
- Preservation in Perpetuity
- Phase 3 Data recovery
- SIGNIFICANT IMPACT & CEQA
- Fill program,
- REVIEW REPORT OF CA-SBA-56
- MLD authority



POTENTIAL BUIRIALS IN THE VACINITY

Areas in proximity to the “knoll” have the potential to have intact significant subsurface resources based on subsurface investigations. During investigations that took place by Dames & Moore 1989 a Human femur was collected from the surface and later SAIC & ISERA 1996 identified an undisturbed human burial was identified and the report also suggested that the potential for additional interments in this vicinity.

FEIR- 4.4-4

“Extended Phase 1 excavations conducted by SAIC and the ISERA Group in 1996 identified intact archaeological deposits between six and 24 inches below the ground surface on the Project site, consistent in nature with those that had been collected on the surface. In addition, these excavations revealed an intact human burial. Upon identification of the burial, excavations in the vicinity were halted and the burial remains undisturbed at the location of discovery in the southern portion of the Project site. Such human remains are protected by State law (see Codes Governing Human Remains, below)”

FEIR – 4.4-5

“Cultural materials within the elevated knoll area have sufficient densities and varieties of prehistoric food and artifacts to address research questions about past Native American occupation of the area.”

Extended Phase 1 excavations conducted by SAIC and the ISERA. Document page 37, Section 5.0 Discussion and Recommendations.

(e.g., 511' 25) of intact cultural deposits exist in the intermediate artifact scatter and low density scatter area, respectively. An intact human burial was identified within the undisturbed soil horizon in this area, suggesting the potential for additional interments in this vicinity.

PRESERVATION IN PERPITUITY

Past actions to preserve the site in perpetuity.

In 1990 Dames & Moore provided a summary of studies that had been completed for this site. The summary includes identification of the “low density locus” within the report as part of the overall site CA-SBa-56. This report also includes the mitigation measure approved by the County of Santa Barbara. The intention was to provide for preservation of the subsurface resources in perpetuity.



1.1 LOS CARNEROS COMMUNITY DEVELOPMENT SITE

CA-SBa-56 and a recently discovered low density locus associated with CA-SBa-56 is located on the project parcel. This low density component was discovered in 1989 and appears to be a burial area associated with the lower component of CA-SBa-56. As a result the low density locus is considered to be part of CA-SBa-56. A description of the primary site area and the low density locus, summary of work, and mitigation-of-impact measures are presented below. The survey and test excavation report for the project parcel (Gerstle and Serena 1982); Condition #26, a-k of Santa Barbara County Conditions of Approval of the development; Final Subdivision Map; and Mass Grading Plan (Sheets 1 and 2A).

Protection of the Resource In Perpetuity

Protection of primary site area has been achieved in a number of ways. The site in its entirety is designated as a separate "Cultural Resource Site" on the Final Subdivision Map which was recorded on November 17, 1986 (see Sheet 5). A permanent access easement to allow future scientific research by qualified archaeologists was dedicated per the map and a separate document entitled "Agreement to Preserve Archaeological Resource and Grant Easement" recorded concurrently with the map (instrument #1986-075171).

An additional document, the Master Declaration of Covenants, Conditions, and Restrictions of the Los Carneros Community (CC&Rs), also was recorded with the final subdivision map (instrument #1986-075169). The CC&Rs incorporates by reference the archaeological agreement mentioned above and requires the future homeowners association to maintain all common areas including the archaeological site.

The significances of this mitigation measures apply to all of CA-SBa-56.

The final Summary of mitigation measures several proposals to reduce the impact to the resource, one that is significant and has been ignored with the current project is the prohibition of excavations in the "low density locus" AKA the "elevated knoll".

2.1.1.3 Summary of Mitigation Measures

Mitigation-of-impact measures for the primary site area of CA-SBa-56 are listed in "Santa Barbara County Conditions for Approval," Condition #26, a-k. The project was approved by Santa Barbara County the conditions adopted on May 25, 1985. Proposed mitigation-of-impact measures include:



Protection of the Resource In Perpetuity

Protection of primary site area has been achieved in a number of ways. The site in its entirety is designated as a separate "Cultural Resource Site" on the Final Subdivision Map which was recorded on November 17, 1986 (see Sheet 5). A permanent access easement to allow future scientific research by qualified archaeologists was dedicated per the map and a separate document entitled "Agreement to Preserve Archaeological Resource and Grant Easement" recorded concurrently with the map (instrument #1986-075171).

An additional document, the Master Declaration of Covenants, Conditions, and Restrictions of the Los Carneros Community (CC&Rs), also was recorded with the final subdivision map (instrument #1986-075169). The CC&Rs incorporates by reference the archaeological agreement mentioned above and requires the future homeowners association to maintain all common areas including the archaeological site.

2.1.2.3 Mitigation Measures for the Low Density Locus

Mitigation-of-impact measures for the low density locus north of CA-SBa-56 were developed by Dames & Moore in consultation with Nottingham Limited and the United Central Chumash Council and are subject to review and approval by Santa Barbara County. Proposed mitigation-of-impact measures include:

Protection of the Resource In Perpetuity

In order to protect the low density locus, the area of the locus will be designated as open space. The area will be landscaped but no buildings or excavations will be permitted.

The conclusion of this County approved mitigation measure was that NO EXCAVATIONS WILL BE PERMITTED.

Subsequent surveys follow this recommendation of protection of the resource in Perpetuity. The SAIC/ISERA 1996 report goes into detail as to the approached to take with potential burial locations.

This SAIC/ISERA report outlines Site burial design goals and approaches to mitigation impacts. It proposes that the site CA-SBa-56 be capped with fill and once implemented the burial plan will ensure that the cultural deposits will be accessible for future research should the need arise. This report does not distinguish between the different locus of site material and includes references to the upper portions of the property specifically the Northern midden area, including the burial location of human remains found on the "knoll". These reports are SAIC/ISERA (1996a and 1996b) Titled- SAIC May 1996 report - A preservation in place design for the intentional burial of archaeological site ca-sba-56.



From page 3 of the SAIC May 1996 report - A preservation in place design for the intentional burial of archaeological site CASBa-56.

“The present construction plan calls for the entire archaeological deposit to be covered with fill material that will range in depth from approximately one foot across the higher elevations of the site to approximately four feet on the lower portions. Parking lot construction will cover most of the archaeological deposit, with building construction proposed for the northeastern part of the site. Once implemented, the burial plan will ensure that the cultural deposit will be accessible for future research should the need arise.”

The current proposed project plan is to avoid physical impacts to the Northern Midden Area by planning development to take place away from the northern midden area. This is “avoidance by project design”, The second step this project takes to mitigate impacts is to designating the area as “open space” and placing a two acre park. The last mitigation measure being implemented is “capping” the site with fill. All three of these measures are inline with past agreed upon mitigation measures referenced above. These activities all allow the site to remain accessible for future research.

FEIR – 4.4-12

“The Project has also been designed to avoid physical disturbance of the Northern Midden Area. The two acre park is proposed to be placed above the Northern Midden Area. The park improvements, which include landscaping, irrigation, a decomposed granite trail, a permeable concrete parking area, a picnic area, and a lodgepole perimeter fence, would be placed on top of fill soils and would not require disturbance of the existing ground surface. All proposed residential buildings and drainage improvements would be placed outside of the Northern Midden Area. Therefore, the Project would not have direct impacts on significant archaeological resources at the Northern Midden Area.”

However, at this point the FEIR takes an unfounded turn of rational that is contrary to the premise of preservation and goes strictly against past archaeological recommendations.

“Although the site layout proposed and placement of protective fill over the Northern Midden Area would avoid direct impacts to this significant archaeological resource, the preservation of cultural deposits by intentional burial would result in a significant indirect impact on the research values of the cultural resource. Placement of overlying fill would preclude the opportunity for future investigations to determine the way in which the portions of CA-SBA-56 to be buried are related chronologically and functionally to the Intermediate Midden Areas to the south. This indirect impact can be mitigated through implementation of a limited Phase 3 Data Recovery investigation to obtain a systematic sample of



prehistoric remains from the Northern Midden Area. The physical extent of this investigation would be limited by the lower density of cultural remains in this area, relative to that of the central midden at CA-SBA-56, and by the availability of previous research from the Phase 3 Data Recovery Program for the Willow Springs II project immediately to the south.”

The placement of fill does not preclude any future opportunity for future investigations, there is no construction development taking place that would make further subsurface investigations infeasible. The only criteria that would prevent further investigations would be to uphold the previously approved “Agreement to preserve Archaeological Resources and Grant Easement (instrument # 1986- 075171) mitigation measure of “No EXCAVATIONS” .

If those referenced agreements are no longer honored with the current development proposal, then there will still be no need for a Phase 3 data recovery to take place because fill soils do not prevent the loss of access. If the agreements are upheld, then they themselves prevent excavations.

PHASE 3 DATA RECOVERY PROPOSED

The Northern Midden area (specifically the Mid-section of the knoll) appears to be the target location where the project proposes to carry out a phase 3 data collection. This area is proposed to be capped with fill. Past investigations indicate that this area has the potential to encounter human burials.

November 1999 a supplemental Phase 2 Archaeological significance assessment investigation for the North Willow Springs Project. Document Page 1.

The results of this supplemental Phase 2 Investigation are based on the excavation of fourteen 1.0 x 0.5 meter square (m²) units (Figure 2). Two excavation units placed in the intermediate artifact scatter located on the mid-section of the knoll contain cultural material from good stratigraphic contexts. Materials recovered from this site area are capable of addressing research questions about prehistoric lifestyles. Any ground disturbances in the area would result in a loss of this research potential. In addition to the potential loss of scientific data, ground disturbances in this location have the potential to encounter human burials, based on the presence of an intact human burial previously found near the northern edge of the intermediate artifact scatter. Therefore, ground disturbances in this area should be minimized to the maximum extent feasible. Placement of fill above any structural development is recommended, including using layers of geotextile fabric and non-cultural fill soil. If placement of fill soils under structural development is not feasible, a Phase 3 data recovery mitigation program should be undertaken to recover a representative sample of scientific information from those areas to be disturbed, and maximize the ability to identify any human remains in the areas of disturbance. All ground disturbances would require monitoring by a County-qualified archaeologist and Native American observer.

A closer look at the recommendations ,the author also states that:

“Materials recovered from this site area are capable of addressing research questions about prehistoric lifestyles. Any ground disturbances in the area would result in a loss of this research potential. In addition to the potential loss of scientific data, **ground disturbances in this location have the potential to encounter human burials, based on**



the presence of an intact human burial previously found near the northern edge of the intermediate artifact scatter.

It must be noted that the author specifically states.

“Any ground disturbances in this location have the potential to encounter human burials”,

Further statements by the author:

“Therefore, ground disturbances in this area should be minimized to the maximum extent feasible. Placement of fill above any structural development is recommended, including using layers of geotextile fabric and non-cultural fill soil. If placement of fill soils under structural development is not feasible, a phase 3 data recovery mitigation program should be undertaken to recover a representative sample of scientific information to areas to be disturbed.”

The significant statement made here is that:

“if placement of fill soils under structural development is not feasible”.

As previously noted, there is not structural development posed for the Northern Midden Area, therefore a phase 3 data recovery mitigation program is not warranted. The placement of fill soils is feasible.

SIGNIFICANT IMPACT & CEQA

Under Appendix G of the CEQA guidelines 3. Disturb any human remains, including those interred outside formal cemeteries is a significant impact.

According to the City of Goleta Cultural Resource Guidelines a project would have a significant impact on a cultural resource if it results in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of such a resource would be materially impaired.

A phase 3 excavation is a ground disturbance, albeit it is “controlled disturbance” it is still a disturbance. It would be classified as a physical demolition, relocation, or alternation of the surroundings if human remains are discovered. The conduction of a phase 3 excavation of a burial is also an offense to Chumash Heritage values or any culture of modern-day persons. The potential for additional burials in this vicinity is likely. furthermore, to condone any archaeological investigation without a structural development taking place is unwarranted and creates an impact.

If this project continues to move forward with implementing a Phase 3 data recovery than a significant impact would still occur and overriding considerations would need to be considered.



FILL PROGRAM

Found further in the Nov. 1999 supplemental Phase 2 Archaeological significance assessment investigation for the North Willow Springs Project. Document Page 28 provides the full recommendation for a fill program developed by Dr. Robert Throne (1996,1997).

November 1999 a supplemental Phase 2 Archaeological.pg28

Intermediate Artifact Scatter

The information derived from the supplemental Phase 2 excavations verifies that the intermediate artifact scatter contains cultural material from intact stratigraphic contexts that help answer research questions about Late Period prehistoric lifestyles at CA-SBA-56. In addition, an intact human burial was found in 1995 near the northern edge of the intermediate artifact scatter. Although the knoll does not appear to contain a formal cemetery, there is the potential for additional burials in this vicinity. Therefore, ground disturbances in this area should be minimized to the maximum extent feasible. If development is proposed within the intermediate artifact scatter knoll area, a program should be developed and implemented to place any structure on top of fill material, including layers of geotextile fabric and non-cultural fill soils, in order to protect the archaeological deposit from further disturbance. The fill program should be similar to one developed by Dr. Robert Thorne (1996, 1997) for the capping of Lot 20. If placement of fill soils under structural development is not feasible, a Phase 3 data recovery mitigation program should be undertaken to recover a representative sample of scientific information

This report has been included at the end of this document part of this document and should be used to construct an appropriate fill program for the preservation of human remains of the Northern Midden area.

REVIEW REPORT OF CA-SBA-56

A Review from John Earlandson (CA-SBA-56: An “Oak Grove” and “Canaliño” Site on Goleta Lagoon, California, 2010.)

Abstract

Since the 1920s, there have been numerous archaeological investigations of CA-SBA-56, a Milling Stone and Canalino site located on the northern margin of the Goleta Estuary. In this paper, we summarize what is known about the archaeology of CA-SBA-56, especially a relatively well documented Milling Stone occupation dated between about 7500 and 7000 years ago. After extensive excavations by D. B. Rogers in the 1920s—for which only a general synopsis was published—CA-SBA-56 was largely left to looters and agricultural impacts until the 1980s. In the last 25 years a series of small, disjointed, and unpublished CRM studies were conducted as the site and its surroundings were gradually lost to development. Reviewing the history of investigations at CA-SBA-56, we explore some of the problems created by the current CRM practices in California. Despite multiple episodes of study, for instance, there has been little or no synthesis of the



recovered data in a form that is useful outside of a small circle of professional archaeologists.

“More than a thousand artifacts have been recovered during various investigations at CA-SBa-56.

For convenience, CA-SBA-56 can be divided into four primary (and somewhat arbitrary) areas. The “central midden area” (CMA), Atop the knoll north of the central midden area is a low density shell midden deposit, with numerous chipped and ground stone artifacts scattered on the surface. On much of the knoll in this “northern midden area” (NMA), Between the knoll and the central midden area is an area of low density shell midden and stone artifacts we refer to as the “intermediate midden area” (IMA).

The artifact assemblage, described in more detail in this report , appears to be largely consistent with the suite of eight 14C dates available from CA-SBA-56. The 14C dates suggest that the site was occupied primarily by Milling Stone people, between about 7500 and 7000 years ago, when a village site and associated cemetery were located adjacent to the ancestral Goleta Lagoon.

Recent work has confirmed Rogers’ basic chronology for the site, however, with a Milling Stone (Ex) component dated between about 7500 and 6900 cal BP and a Canaliño or Chumash occupation dated to Phase 5 of King’s (1990) Middle Period, between about 950 and 800 cal BP (AD 1000-1150).

During Milling Stone times, CA-SBA-56 appears to have been a substantial village, with a dense residential midden in the southern site area, as well as lower density midden deposits and a cemetery on the knoll to the north. Large numbers of manos and metates recovered from the site, the very high shell to-bone ratios, and an apparently heavy economic emphasis on shellfish collecting by the people of CA-SBA-56 are consistent with early Milling Stone adaptations elsewhere along the Santa Barbara Coast.

Rogers (1929) and Gerstle and Serena (1982) viewed the Canaliño occupation of CA-SBA-56 to be more extensive than the Milling Stone occupation, but a variety of data now suggest otherwise. They did not consider the evidence for extensive use of the northern midden area by Milling Stone peoples, for instance, and their belief that the A and B horizons in the Milpitas soil covering most of the site were closely correlated with the Canaliño and Milling Stone occupations is probably incorrect. In fact, both components appear to be present—and heavily intermixed—within the A horizon and the clays and carbonates in the lower portions of the shell midden probably accumulated gradually over the past 7500 years. The concentration of manos, metates, and other large artifacts in the lower levels of the site, which accentuates vertical variation in the site constituents, is



probably also due largely to natural processes the effects of burrowing by gophers and other animals (see Erlandson and Rockwell 1987; Johnson 1989).

The evidence now available suggests that a poorly defined Canaliño occupation of CA-SBA-56 was probably of limited extent and duration. This is supported by the dearth of artifacts diagnostic of Middle and Late period occupations (shell beads, arrow points, circular shell fishhooks, mortar fragments, etc.), as well as the relatively low density of fish remains and other animal bone at the site. Several pestle fragments associated with a discrete cluster of manos and metates in the northern midden area suggest the possibility that pestles were being used by Milling Stone peoples of the Santa Barbara Coast as much as 7000 to 7500 years ago (see Erlandson 1997:106). No other artifacts clearly diagnostic of a Middle or Late Holocene occupation have been found in this knoll area, where two 14C dates suggest that the artifacts, midden debris, and burials date to the Early Holocene.

Finally, we would like to conclude with some comments about the strengths and weaknesses of archaeological investigations at CA-SBA-56 since the early 1980s. Remarkably and against great odds especially considering the monetary value of the property and the intense pressures to build on the surrounding property—much of CA-SBA-56 has been preserved. Portions of the site may still be lost to development, but the central midden area and the northern midden area seem likely to be preserved. Although the preservation of these significant archaeological areas was enabled by laws that protect archaeological sites, it has more to do with the commitment and cooperation of archaeologists and Chumash descendants who have worked together to insure their protection.”

The preservation of the site was believed to be possible through the enabled laws set out to protect archaeological sites and the Chumash Descendants who worked to insure this.

MLD AUTHORITY UNDER PRC 5097.98

Over the years, once in a while, I notice additional wording being included in development projects that chip away at the authority of Native Americans under approved laws. The inclusion of additional wording by local government is not required in order for the project to proceed. However, it is rather an attempt to modify or ‘bend’ the law as it is written and therefore limit the authority of the MLD.

Modification request in the FEIR under CR-1F- HUMAN REMAINS

"CR-1F of the FEIR Human Remains " These procedures must include those identified by Public Resources Code § 5097.98. If the remains are determined to be of Chumash descent, the County Coroner has 24 hours to notify the Native



American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Chumash. The MLD will **then in consultation with the City-approved archaeologist and appropriate local Chumash consultant(s)** determine what course of action should be taken in dealing with the remains, so as to limit future disturbance."

"Plan Requirements and Timing: Before the City issues permits for any ground disturbance, the applicant must provide the City Planning and Environmental Review Director or designee the contact information of the Chumash consultant and the agreed upon procedures to be followed. In the event that remains are found and if the remains are found to be of Chumash origin, the County Coroner will notify the Native American Heritage Commission and the Commission will name the Most Likely Descendant (MLD). The MLD, **City retained archaeologist, applicant, and City Planning and Environmental Review staff will consult as** to the disposition of the remains. If the remains are identified as non-Chumash, the County Coroner will take possession of the remains and comply with all state and local requirements in the treatment of the remains"

Under PRC 5097.98 it is only the MLD and the Land owner. The MLD makes a recommendation for the disposition of human remains to the Land owner.

Public Resources Code 5097.98 (a)

"Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials."

Nothing under PRC 5097.98 grants any others to be party to such decisions. No City official, No City Approved Archaeologist, No City planning and environmental review staff, or even the appropriate Chumash consultant. The wording in this section and any



others that introduce other parties as part of the process in dealing with human remains must be removed or modified. Below I have included a sample from the past Willow Springs II development proposal EIR.

compliance during ground disturbing activities

5. In the unlikely event that human remains are encountered, excavations shall be temporarily suspended. Required procedures as identified by California Public Resources Code 5097.98 and the City's Archaeological Guidelines shall be employed, including but not limited to contacting the County coroner and the Most Likely Descendent (MLD) as identified by the State Native American Heritage Commission. Discussions between the MLD and the landowner shall identify satisfactory disposition of the remains in a location that would not be subject to any future disturbance.

As you can see... **“Discussions between the MLD and the Landowner shall identify satisfactory disposition of the remains....”**. No other parties are included in the wording. The first most appropriate action would be strike out that section, replace with landowner like the example provided above.

To assist the City of Goleta in understanding the authority of the MLD under this law I have included the Attorney General Of California review of the MLD authority over Human remains as a reference. A court case that was litigated People vs Horn in 2012, the MLD has the final say as to the disposition of human remains, no one else. When local government starts to add wording that is contrary to the law it takes away from the MLD authority.

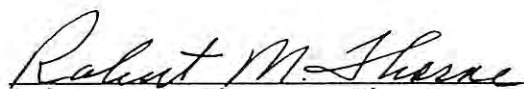
In conclusion, the use of a phase 3 data recovery to mitigate the loss of scientific information from the process of burying the resource with fill material creates a significant impact of the environment, more specifically the potential to encounter more human remains. Fill material is not a measure that prevent future studies from being conducted. A phase 3 data recovery is a last choice option. Clarification is required to address the “preserve agreement of 1986” if it still applies today, if not, why? This would be a significant topic to address in the long term process of cultural resources site protection efforts. If agreements made must be reminded 20 yrs. down the line, then what is the purpose of making them if they are not honored years later. A proper fill program should be used and the Authority of a MLD should not be infringed on.

I thank you in advance for your time.

Frank Arredondo
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A PRESERVATION - IN - PLACE DESIGN FOR THE
INTENTIONAL BURIAL OF ARCHAEOLOGICAL SITE
CA - SBA - 56, GOLETA, CALIFORNIA

Prepared by



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for

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May 1996

This report is printed on acid free paper.

ABSTRACT

Archaeological site CA-SBA-56 has been tested and found to be eligible for admission to the National Register of Historic Places. Subsequent to that determination, additional site testing demonstrated that the extent of the cultural deposit was greater than originally thought. This determination was made as a result of the decision that the property on which the site is located would be developed, thus adversely impacting a National Register property. Mitigation of that adverse impact is required.

After consideration of the mitigation options, and following the option presented in the Santa Barbara County Environmental Thresholds and Guidelines Manual, the decision was made that capping or burying the site was an appropriate mitigation approach. The preservation in place plan presented here will allow the site to be buried under chemically inert and compatible fill material that will be reinforced with an appropriate geotextile. While the site is to be incorporated into a parking lot, the cultural deposit will remain accessible should future research needs require additional data collection.

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INTRODUCTION

The report and recommendations which follow were prepared at the request of Science Applications International Corporation (SAIC). These recommendations will present a design plan for the in-place conservation of archaeological site CA-SBA-56 that when implemented, will meet the site conservation requirements of the Section 106 Process as set forth in the National Historic Preservation Act, the State of California, the County of Santa Barbara, and will also comply with the wishes of the Chumash that both known burials and potential burial locations be protected. At the same time, the design plan will meet or exceed acceptable engineering design and construction standards.

BACKGROUND

CA-SBA-56 is well documented in the two reports prepared by SAIC/ISERA (1996a and 1996b). They note that the area of the site that was determined eligible for admission to the National Register is less than the area that has subsequently been demonstrated to encompass the entire cultural expression. This area was identified and described in the 1996b report. It is the larger of the two reported site dimensions that will be treated in these recommendations.

Twentieth century land tenure patterns have been destructive of the cultural deposit and to some degree, must be taken into account in the development of the present preservation plan. As was noted by earlier researchers, mixed agriculture has been practiced on the site since at least 1929 as has been documented from aerial photographs of the area. Row crop agriculture was practiced on a portion of the site, particularly at the lower elevations, while a walnut grove was present on the higher elevations. Abandonment of the grove was accompanied by the mechanical removal of the trees, including the tree boles and the central portion of the root system. Presumably, the holes that resulted were filled with soil from the upper portion of the cultural deposit. In the intervening years, settling has occurred and the tree locations are not presently visible, except for several that have suckered up from the original root masses. More recent brush removing activities have left the surface of the site covered with a growth of grasses and forbs that ranges from sparse in some areas to very dense in others. Brush removal from the property was mechanical and some low windrows of soil are present. With these exceptions, the surface of the site and the area to be conserved is relatively smooth.

As a consequence of the removal of the brush from the site and the subsequent archaeological testing that was completed to better delineate the boundaries of the cultural expression, two burials were located. Knowledge of the presence of human remains dictates

that a slightly different approach to protectively capping the archaeological site be taken than would be the case if no human remains were known or suspected to be present. With the exception of the southern portion of the site, where a deeper fill sequence is being proposed, the majority of the archaeological site could be buried and incorporated under a parking lot and buildings with little likelihood of damage to the cultural deposit. Such is not the case since known and suspected burials are likely to be present. The design that will be presented will accommodate the suspected presence of human remains.

SITE BURIAL DESIGN GOALS

The primary goal of the design that will follow is to protect the archaeological deposits from construction-related impacts deriving from the development of the property. Conservation of the archaeological deposits, given their importance in the understanding of the prehistory of the Santa Barbara portion of the California coast, can be readily accomplished through a program of carefully considered and designed site preservation. Burial of the cultural deposit has been determined to be the most appropriate approach to the conservation of the site, and mitigation of any adverse impacts that will result from development.

The use of site burial as a preservation technique was addressed by the National Park Service as early as 1976 (U.S. Government). More recently, the burial of archaeological sites has been discussed by Thorne (1989) and Mathewson (1988, 1989), and the effectiveness of this conservation technique has been pointed out. Each of these works contain essentially the same criteria that must be met in the development of a site burial plan. The application of site burial following these guidelines includes the work by CALTRANS (Garfinkel and Lister 1983; Galm 1986; CALTRANS 1995). This latter work by CALTRANS was reviewed by the Advisory Council who concurred with the recommendation that site burial is a viable mitigation alternative.

The County of Santa Barbara (1995:8.-1.) likewise has recognized the efficacy of site burial or "capping" as an appropriate approach to the protection and preservation of archaeologically sensitive deposits. Specifically, the County recommends that: "Avoiding damage may be accomplished by many approaches, including the following:"

3. "Capping" or covering prehistoric or historic archaeological sites with a layer of fill soil before building tennis courts, parking lots, or similar facilities. Capping may be used in the following cases:
 - a. The soils to be covered will not suffer

- serious compaction.
- b. The covering materials are not chemically active.
- d. The site has been recorded.

Although the placement of fill on top of an archaeological site may reduce direct impacts of construction, indirect impacts will possibly result from the loss of access to the site for research purposes and scarification and compaction of soils. To mitigate this impact, a sample of the cultural resource shall be excavated and appropriately curated for research purposes.

The site burial plan that will be presented for CA-SBA-56 will meet and exceed the recommendations that fill material be culturally sterile, that there is chemical compatibility between the cultural deposit and the overburden, and that no damage from compaction from the weight of the fill and construction equipment occur.

Construction and site burial has the potential to adversely impact the cultural deposit. The effects of ground surface shaping activities, soil compaction unless care is taken from construction equipment, vegetation removal, additional archaeological site testing, excavation for the footings of buildings and the placement of subsurface utilities as well as light standards must be considered and addressed. In order to develop a preservation plan, the site was visited on May 27, 1996 and visually inspected. The field/inspection party included representatives of the Chumash, Craig Woodman and David Stone (SAIC), Michael Caccese from MAC Design Associates, Loren Santoro (ISERA), and the author. In addition to inspecting the site and noting the various characteristics of the archaeological deposit, the development of the property was discussed in detail. A second meeting was held on May 28, 1996 between these same parties, with Jim Powers present as the representative of Los Carneros Community Associates. The previous day's site visit was reviewed and the recommended site conservation plan was discussed from the perspective of the preservation of the archaeological deposit, from the perspective of the engineering design and construction activities, and from the perspective of the Chumash. All parties were in agreement that the archaeological property can be protected through careful burial of the cultural deposit, while allowing development to proceed in a timely manner. A subsequent telephone discussion with Michael Caccese addressed the potential engineering problems that might arise from backfilling the holes that were produced when the walnut grove was removed.

The present construction plan calls for the entire archaeological deposit to be covered with fill material that will

range in depth from approximately one foot across the higher elevations of the site to approximately four feet on the lower portions. Parking lot construction will cover most of the archaeological deposit, with building construction proposed for the northeastern part of the site. As will be noted later, the site burial design will be structured in such a way that footings for the building foundations will be placed within the fill material to the maximum extent feasible or will be slightly intrusive into the cultural deposit. In the latter event, archaeological clearance of the footing locations is anticipated. In any case, the footings will be designed to cause the least intrusion, while providing the maximum protection of the cultural deposit.

Once implemented, the burial plan will insure that the cultural deposit will be accessible for future research should the need arise (see 3.d above). The metes-and-bounds land surveying system in use in the land grant portion of the California coastal area renders the accurate location of specific points difficult in some cases. To insure that the site can be located with ease in the future, the perimeter of the cultural deposit should be accurately located and mapped. Further, a permanent bench mark system of at least three points should be established and marked. These bench marks should then be protected during any development of the property, and should be incorporated into the development design. To further insure the accessibility of the cultural deposit, the description of the site's perimeter and its defining bench marks should be archived in as many appropriate locations as possible.

THE SITE BURIAL PLAN

As noted above, the site was visited on May 28, 1996 and the framework for the development of a site burial plan was presented. At that time, the pH of the cultural deposit was determined with a Kelway soil acidity and moisture tester (Model HB-2). pH was determined at four points, with one being located in the approximate center of the site, one each on the northern and southern ends of the cultural deposit, and the fourth located off of the site on the western side of the ridge. Readings were uniform, and ranged from 6.25 to 6.65. On this basis, one of the parameters for the selection of the fill material was determined.

Under ideal circumstances, the fill material should match the pH levels of the cultural deposit. Such a match is possible, and may ultimately prove to be the case. No alteration of the cultural deposit is anticipated, however, if the pH of the fill material ranges ± 1 point on the scale from the average across the site. Therefore, the fill material can range in pH from 5.5 to 7.5.

Compaction of the archaeological deposit and the protection of the subsurface cultural materials is the primary consideration in

the development of a successful burial plan. Fill material, in combination with construction equipment and the surface development of structures as well as parking facilities, has the potential for compacting the soil if reinforcing agents are not incorporated into the fill. In this and similar cases, reinforcement of the fill material and the dispersion of added weight to the cultural deposit can be accomplished through the use of an appropriate filter cloth or fabric. This construction technique has been successfully used in archaeological applications (CALTRANS 1995, Galm 1986, Ramiller and Fredrickson 1983).

The reinforcing capabilities of filter cloth (woven material) or filter fabric (nonwoven material) is widely recognized, and the use of these geosynthetic materials has become standard in the engineering design of roadways and parking areas where soil strengths are not sufficient to support the load placed on them. Specific guidance may be found in Grau (1984), American Public Works Association (1994), and CALTRANS (1992).

Koerner (1990:140, 141, 160, 200) specifically addresses the use of filter cloth (geosynthetics) as a soil reinforcing agent. The key to the success of the use of a geosynthetic as a soil reinforcing agent is that the material must be placed under stress in order to utilize the inherent tensile and burst strength that are designed into the fabric. There are two methods that may be employed to stress the material that is being used. The first is to prestress the material prior to placement. This is a costly approach and the same results may be obtained after the placement of the material. The better approach to stressing the material is dependent on the soil base on which the textile is placed. In this scenario, stressing of the fabric occurs when the subsoil deflects, thus allowing the material to stretch and bring the tensile strength to bear. Stretching that results from deflection will not occur when the textile is placed on compacted soils. To meet the goals of reinforcement and overburden weight distribution, a lift of noncompacted, but compatible fill material must be placed on the site's surface. The reinforcing fabric is then placed on the noncompacted fill and covered with additional fill which stresses the warp and weft of the fabric and imparts the desired reinforcement.

SITE BURIAL RECOMMENDATIONS

The cultural deposits at CA-SBA-56 can be conserved and protected by completing the following recommended sequence of activities.

(1) The perimeter of the archaeological deposit must be carefully located and mapped on detailed construction maps; bench marks must be established to provided locational access to the site at any time in the future. Removal of the parking lot surface and the underlying fill can be readily accomplished should the need arise.

(2) Engineering and construction standards require that all organics be removed from the surface prior to the placement of fill material. In the case of SBA-56, this can be accomplished by hand cutting of the grass covering the site and removal through raking or the use of a power blower. Care must be exercised if the area is hand raked to insure that any human remains that are exposed on the surface are not further disrupted.

(3) Once the site is cleared of organics, the first course of chemically inert and archaeologically sterile material can be placed on the site. As noted earlier, a pH range of \pm one point is acceptable, using the average pH of samples taken from several points on the site as the baseline. Sand, which is usually inert, or a similar fill material that can be compacted to meet engineering standards, can then be placed on the site. The first lift of fill material should be placed in such a manner that it can always be spread ahead of the constructing machine and should be no less than six (6) inches in depth or over 12 inches. Spreading ahead of the machinery is requisite in order to provide a buffer zone that will distribute the weight of the constructing machinery. This fill material should extend beyond the outer limits of the cultural deposit to the extent necessary to provide a friction base that will hold the overlying filter cloth in place while it is being stressed through the addition of fill material.

(4) The cultural deposit should then be covered with an appropriate filter material. Selection of the filter cloth should minimally meet or exceed the standards as established by CALTRANS (1992 and the American Public Works Association (1994). CALTRANS specifies a material with a minimum grab tensile strength of 90 pounds. A textile with a grab tensile strength of 275 to 300 pounds is preferred to insure that the archaeological deposit is more than minimally protected. Possible choices include AMOCO 2006 (woven) with a tensile strength of 275 pounds and a burst strength of 600 psi, Amoco 4561 with a tensile strength of 300 pounds and a burst strength >750 psi, or Mirafi 600X with a tensile strength of 300 pounds and a burst strength of 600 psi. Geosynthetics that meet these same standards are available from other manufacturers and will be equally appropriate. The materials noted above are sufficiently permeable that the hydrostatic qualities of the archaeological deposit will not be altered. Regardless of the material selected, each course of the fabric should be overlapped no less than ten (10) inches along the long axis of the material and a sufficient distance on the ends to allow the material to interlock. The manufacturer's recommendations should be followed with regard to overlapping of each course of the material. In those areas of the site where the fill material exceeds one foot, a second and possible a third course of reinforcing filter cloth may be required to insure that sufficient reinforcement is provided to the substrate. Each course of filter cloth should be separated vertically by no less than six (6) inches of fill.

(5) Once the geosynthetic is in place, a second course of compatible fill material may be added in the same manner that the first course was laid. Filling should start beyond the margin of the fabric and proceed ahead of the machine. In this manner, the fabric will be held in place and the weight of the machine and the fill will stress the fabric. Depending on the compaction quality of the fill material that is placed over the fabric, mechanical compaction of the fill can begin once the depth over the fabric has reached six (6) inches. A compaction level of 95%+ can be obtained without impacting the archaeological deposit because of the reinforcing character of the intervening geotextile. Once an appropriate depth of fill material has been placed to bring the parking lot to subgrade, base material can be placed and rolled into place and the parking lot paved. The addition of a continuously paved surface will also serve to dissipate the load of both the pavement and traffic that will be used as the parking area.

(6) In those areas of the site that will be developed through building construction, care will be required in the design of the footings for the buildings. It appears that one approach will be to design the footings to be wider than normal and placed in and on the fill, or to design them narrower than normal and place them deeper into the archaeological component. In the latter event, the effect of the footings must be treated archaeologically. This treatment, including the excavation of the footing trenches will require that the filter material be cut and removed. This will not disrupt the reinforcing quality of the filter cloth since it will already be stressed and held in place by the mechanically placed fill.

REFERENCES CITED

American Public Works Association

- 1994 "Greenbook" Standard Specifications for Public Works Construction. Joint Cooperative Committee of the Southern California Chapter American Public Works Association and Southern California Districts Associated General Contractors of California, BNI Building News, Los Angeles, CA.

CALTRANS

- 1992 Standard Specifications (issued by the Department of Transportation). State of California, Business, Transportation and Housing Agency, Department of Transportation, Sacramento, CA.

CALTRANS Engineering Service Center

- 1995 Assessment and Mitigation of Construction Activities at an Archaeological Site (CA-FRE-61) at Wahtoke Creek, California. Memorandum from Engineering Service Center to CALTRANS District Director, Fresno, CA.

County of Santa Barbara

- 1995 Environmental Thresholds and Guidelines Manual. Planning and Development Department, Santa Barbara, CA

Galm, Jerry R.

- 1986 A Preservation Plan for Archaeological Site 45CH302, Chelan County, Washington. Report prepared for and submitted to Chelan County Public Utility District No. 1, Chelan County, State of Washington.

Garfinkel, Alan and Bobby L. Lister

- 1983 Effects of High Embankment Construction on Archaeological Materials. Office of Transportation Laboratory, California Department of Transportation.

Grau, Richard H.

- 1984 Engineering Criteria for Use of Geotextile Fabrics in Pavement and Railroad Construction. Technical Report GL-84-6, Department of the Army, U. S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg, MS.

Koerner, Robert M.

- 1990 Designing with Geosynthetics. Prentice Hall, Second Edition, Englewoods Cliffs, NJ.

Mathewson, Christopher C.

1988 Protection and Preservation of Archaeological Sites Through Burial: A Multidisciplinary Problem. Paper presented at the 1988 Society for Applied Anthropology meeting. Paper on file at the Center for Engineering Geosciences, Texas A & M University, College Station, Texas 77843-3115.

1989 Interdisciplinary Workshop on the Physical-Chemical-Biological Processes Affecting Archaeological Sites. Environmental Impact Research Program Contract Report EL-89-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

Ramiller, Neil and David A. Fredrickson

1983 Archaeological Site Protection Warm Springs Dam - Lake Sonoma. Draft report prepared for the U.S. Army Corps of Engineers, San Francisco, Ca.

SAIC/ISERA Group, Inc.

1996a Research Design for Significance Evaluation of Unexpected Finds at CA-SBA-56, Goleta, California. Report prepared by Science Applications International Corporation and ISERA Group, Inc., Santa Barbara, CA.

1966b Archaeological Assessment of Unexpected Finds as CA-SBA-56, Goleta, CA. Report prepared by Science Applications International Corporation and ISERA Group, Inc., Santa Barbara, CA.

Thorne, Robert M.

1989 Intentional Site Burial: A Technique to Protect Against Natural or Mechanical Loss. Archaeological Assistance Program, Technical Brief No. 5, Department of the Interior, National Park Service, Washington, D.C.

U. S. Government

1976 Professional Considerations Surrounding Non-aqueous Burial of Archaeological Sites. Interagency Archaeological Program Administrative Memorandum No. 4; Supplement No. 1. Interagency Archaeological Services, National Park Service. Washington, D.C.

NATIVE AMERICAN HERITAGE COMMISSION

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November 5, 2012

Ms. Bernice Paipa

Kumeyaay Cultural Repatriation Committee (KCRC)

c/o P.O. Box 1120
Boulevard, CA 91905

Dear Bernice:

The following is the California Attorney General's opinion regarding the authority of the Most Likely Descendent (MLD), designated by the Native American Heritage Commission (NAHC):

In response to the NAHC request for the Attorney General's opinion regarding the

"Control as to Disposition of Native American Remains....most likely descendants have control as to the disposition of Native American remains, whether by reburial, by scientific examination, or by whatever disposition is selected. This case was litigated in People v. Van Horn (1990) 218 Cal. App. 3rd 1378....the language of (Public Resources Code) section 5097.98, clearly gives the choice of preservation or reburial to Native Americans, namely descendants of the Native American deceased or member of Native American groups, acting under the supervision of a commission which is controlled by Native Americans (e.g. NAHC)." (218 Cal. App. 3rd at 1395.)

If you have any questions about this application of the California law, let me know. It does apply to the UCSD University House recent discovery.

Sincerely,

Dave Singleton
California Native American Heritage Commission



March 6, 2023

The Honorable Paula Perotte
Mayor of City of Goleta
130 Cremona Drive
Goleta, CA 93117
Submitted by email to dlopez@cityofgoleta.org

Re: Heritage Ridge Residential Development Project

Dear Mayor Perotte and Councilmembers:

Thank you for the opportunity to comment on the Heritage Ridge Residential Development Project (“Project”), which will come before the Council for consideration on March 7, 2023. The Environmental Defense Center (“EDC”) submits these comments on behalf of our clients The Goodland Coalition, Citizens Planning Association, Sierra Club, by and through the Santa Barbara-Ventura Chapter, Santa Barbara Urban Creeks Council, and Santa Barbara Audubon Society. Since mid-2021, EDC and our clients have worked with Heritage Ridge owners (“HRO”) to reduce the impact of the Project on the environment and ensure Goleta’s General Plan policies, ordinances, and other requirements regarding environmental protection are honored.

EDC’s clients have members who live, visit, work, and recreate in the City of Goleta and would be affected by the Project. The Goodland Coalition advocates for policies that protect, preserve, and improve Goleta’s unique character and encourage and facilitate participation of Goleta residents in community planning and decision-making. Citizens Planning Association is a nonprofit grassroots organization that focuses on county-wide land use issues, advocating for the best standards of design and natural resource protection in order to maintain sustainable communities and protect the heritage of Santa Barbara County. For over 40 years the local Sierra Club Santa Barbara-Ventura Chapter has been working to protect wildlife and wildlands, clean air and water, public health, a sustainable future, and a healthy environment across the Santa Barbara region. Santa Barbara Urban Creeks Council protects creeks and wetlands on the south coast for the benefit of fish, wildlife, clean water, and people. The Santa Barbara Audubon Society, a chapter of the National Audubon Society with more than 1,100 members in Santa Barbara County, works to connect people with birds and nature through education, science-based projects, and advocacy.

Through our discussions with the applicant, we achieved significant revisions to the Project design that will result in important community benefits, including protecting Los Carneros Creek with a minimum 100' buffer, and landscaping with native plants found in Goleta on over three and a half acres throughout the site, including the Streamside Protection Area ("SPA"), the wildlife corridor and the area slated to be a new City park. The native plant communities will become habitat for native birds and pollinators, while honoring the Chumash heritage of the site, and providing a unique amenity to residents and visitors to the public park.

If the City Council approves the Project as currently designed, the environmental benefits of the Project will be achieved without reducing the affordable or market rate housing by a single unit. We all recognize that housing, and affordable housing in particular, is critically needed in Santa Barbara County, and this Project demonstrates that housing projects can go forward in a way that not only meets legal requirements, but also creates natural spaces that are in keeping with the values of Goleta residents who place a premium on protection of the natural environment and open space.

On November 29, 2022, we and Heritage Ridge owners wrote to you to request the addition of proposed draft conditions which, if approved, would ensure the important community benefits achieved through negotiation would be incorporated into final project approval. Since then, we have worked to address concerns raised by City staff regarding the costs to maintain the native habitat in the proposed park, as well as the issue of a cloud on title for Lots 1-3, proposed for title transfer to the City and the Housing Authority. In order to ensure the Project can go forward, our clients made significant concessions and have agreed to amend their settlement agreement with Heritage Ridge owners to address the feedback we received from City staff.

The proposed conditions of approval in the 2/24/23 Staff Report reflect a compromise that meets community objectives and legal requirements related to environmental protection. The conditions require the permanent protection of the SPA, the establishment of new native plantings in the park, the wildlife corridors, and other areas throughout the site, and provide for a dedicated source of funding for any extra costs the City may incur that are associated with the long-term maintenance of the native plantings in the park, while providing needed affordable housing to the community. We ask that you approve those conditions as part of Project approval.

This letter covers the following topics:

- Streamside Protection Area
- Native Plantings/site design
- Funding for Park Maintenance
- Park Design Options

I. Streamside Protection Area

Goleta's Conservation Element Policy CE 2.2 ("Policy CE 2.2") establishes Streamside Protection Areas ("SPA") with a minimum 100' buffer on both sides of the City's creeks and streams unless "there is no feasible alternative for development that will avoid the upland []

buffer” and a project’s impacts will not have significant adverse effects on the stream’s vegetation or biotic quality. Policy CE 2.2. The Heritage Ridge Project, as originally designed, would have extended 33’ into the Los Carneros Creek Streamside Protection Area on the creek’s south side. Through negotiations with HRO, the Project design now ensures protection of Los Carneros Creek by meeting the minimum required 100’ Streamside Protection Area consistent with Policy CE 2.2 as outlined in the Revised Site Plans of 9/22/22.¹ Per General Plan Policy CE 2.4, the SPA within the Project’s footprint will be permanently protected through a deed restriction.

The Project’s Landscape Plans, Habitat Exhibit and Plant Palette outline coastal sage scrub and coast live oak woodland native plant communities that will be established in the upland SPA buffer, while the requirements contained within the proposed Conditions of Approval in the Staff Report set out additional requirements for establishing and maintaining that vegetation. Specific conditions affecting the SPA buffer include, for example, Condition 26 (C), requiring planting of native plants from the Goleta and Devereux Slough Watersheds within the SPA, and 26 (H), limiting activities within the SPA to maintenance, e.g., replacement of plantings and the irrigation system, weed control, trash removal. This section also allows maintenance of utility infrastructure. Taken together, the Conditions and Revised Site Plans will ensure the SPA will serve as natural, wildlife habitat in perpetuity.

II. Native Plantings/Site Design

Through our negotiations with HRO, we achieved changes to the Project to incorporate the establishment of native plant habitat at a more than 1:1 ratio compared to habitats currently mapped as ESHA. Our agreement with HRO will result in the establishment of several important native plant communities, such as coastal sage scrub, coast live oak woodland, and native marsh plants in the retention basins, among others. The terms of our agreement with HRO are now enshrined in both the Revised Site Plan and the proposed Draft Conditions of Approval contained within the Staff Report.

Specific Conditions that relate to establishment and subsequent protection of the native plantings are contained within Conditions 26 (A-J) as follows:

- 26(A) requires that native plant palettes are maintained for the life of the Project, requires replacement plantings in fall or winter and allows other plant species if original plant species do not thrive in that location; defines “life of the Project”;
- 26(B) requires coastal sage scrub vegetation communities to have at least 80-85% native plant cover, and allows coyote brush in coastal sage scrub areas;
- 26(C) requires plants grown from seeds collected in habitats occurring in Goleta and disallows ornamental natives in native planting areas such as coastal sage scrub;

¹ The Project includes a SPA Buffer of 106 feet from the riparian vegetation of Los Carneros Creek based on the 2015 map in the FEIR and a buffer of at least 100 feet from the riparian vegetation shown on Figure 4.3-2 in the RDEIR.

- 26(D) disallows ornamental native plants that will hybridize with locally sourced natives, and requires measures to control exotic and noxious weeds;
- 26(E) allows slight modifications of locations of native plant areas so long as acreage remains the same;
- 26(F) requires native plants to be maintained for the life of the Project; allows the City to use its “best efforts” to maintain the plantings within the park, based on budget resources;

Change requested to 26(F):

This Condition contains a few typos and does not contain reference to the funding mechanism for native plantings contained in proposed condition 50(J), therefore, we request the following revisions:

“Where these native plantings occur on Lot 3 of the Heritage Ridge Map, the City will use its best efforts to maintain the **native vegetation planted in the City Park Lot** park in a good faith consistent with the conditions of approval based on budget resources, **including the funding mechanism set forth in Condition 50(J)** and at a **similar** level to other City-maintained public parks.

- 26(G) requires signage and fencing to protect native plantings;
- 26(H) limits activities within the SPA to protect native plantings;
- 26(I) requires native plant communities outside the SPA to be protected for the life of the Project.

Change requested to 26(I):

This Condition contains an internal inconsistency. To reduce ambiguity, we request the deletion of the words “found on lot 4” from line three of 26(I) because it contradicts “including the Park” as Lot 4 does not contain the park, as follows:

“CSS, Coast Live Oak Woodland, Native grassland and Marsh plant palettes and vegetation communities and all areas planted with local genotype native plant species on the Project site outside the SPA ~~found on Lot 4~~, including the park, shall be maintained with said vegetation and plants for the life of the Project.

- 26(J) outlines standards for design of the vegetated stepped retaining walls on the west side of the Project and the native plants to be established there.

III. Funding for Park Maintenance

We support Condition 50(J) which would establish a dedicated fund to maintain native plantings within the park for the life of the Project. With that funding, we believe that the City’s concerns are addressed, and the community benefits of the changes we achieved with HRO on the Revised Site Plan will be achieved.

Change requested to 50(J):

Our clients request the following addition to the end of Condition 50(J) to clarify the City may use principal from the dedicated conservation fund if needed to maintain the native plantings in the City Park Lot:

“If any maintenance, replacement, or other costs are not met by the interest from the initial \$250,000 amount, the City will assess the needs of the City Park Lot during its budget process and determine whether to allocate additional funds from the principal towards maintenance of the native vegetation. In the event principal funds are depleted, the City will continue to use its best efforts to maintain the native plants in compliance with the conditions of approval.”

IV. Park Design Options

In response to the City Parks and Recreation Commission’s concerns that the park did not include sufficient active design elements, HRO submitted three park options with varying park amenities which they presented at the Planning Commission hearing on November 14, 2022.

The three park design options are Option 1 (Low Active), Option 2 (Moderate Active), and Option 3 (Most Active). Our clients are opposed to Option 3, the most active design, and they agree with Goleta’s Planning Commissioners who voted 4-1 on November 14 to reject Option 3 because it failed to strike the proper balance of providing active recreation components while still “respecting the cultural resources on the site.” (Staff Report at 6). Our clients oppose the Most Active design because, in their view, it would not be in keeping with the park as a native plant habitat for people and wildlife, nor with the protection and respect for the Chumash heritage of this site.

Our clients are not opposed to the Revised Site Plan with Exhibits CL-1, CL-2, CL-3, and LH-1 dated 9/22/22 and Park Options 1 or 2 in the Staff Report, and support the Conditions of Approval contained in the Staff Report, with the small changes we suggest.

Thank you for your consideration of our comments. We look forward to the City Council’s discussion about these matters at the March 7 hearing.



Rachel Kondor
Staff Attorney

cc: The Goodland Coalition
Citizens Planning Association

March 6, 2023
Heritage Ridge Project
Page 6 of 6

Sierra Club Santa Barbara-Ventura Chapter
Santa Barbara Urban Creeks Council
Santa Barbara Audubon Society
California Department of Fish and Wildlife



March 3, 2023

Transmitted via e-mail: mchang@cityofgoleta.org

Mary Chang
City of Goleta
Planning and Environmental Review Department
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: Heritage Ridge Conditions Of Approval 14-049-GPA-VTM-DP-DRB

Dear Ms. Chang,

Introduction

On behalf of Red Tail Multifamily Land Development, LLC, we are providing you with the below list of remaining comments on the Conditions of Approval as listed in the Staff Report for the City Council Hearing on March 7, 2023. We would appreciate the City's consideration of our comments and requested changes, so that we can ensure a successful project and smooth partnering of efforts with the City.

Any of these requests that are acceptable to the City could be provided to the City Council by way of green sheet. Those that are not supported by City Staff, will be discussed at City Council.

VTM Conditions

Condition #1 (pg 265 of Staff Report):

The 'vacation of an easement that accommodates an alignment of Los Carneros Road' should be noted that the vacation is required as part of a recorded property exchange agreement previously executed years ago w/ Towbes. (ie, the City's vacation of the old Los Carneros Road alignment is an existing legal obligation of the City and is NOT CONTINGENT upon an exchange for the Variable Width Road Easement on Los Carneros for road widening/bike lane purposes)

Condition #17 (pg 272 of Staff Report):

Wording needs to include construction costs associated with the Park's unique location. Suggested re-wording is as follows:

- "Reimbursement is available for only the following costs that are reasonably incurred, including construction documents prepared after entitlement of the Project, prevailing wage labor, playground and physical park amenities,

construction equipment, and materials, professional survey services, and professional construction management, performance bond, and inspection and testing services, and certain efforts related to cultural resources within the park boundaries, including, but not limited to: Phase 3 Data Recovery (CR-1(a)), Surface Preparation and Fill Soils within CA-SBA-56 (CR-1(b)), Excavations within Northern Midden Area (CR-1(c)), Monitoring (CR-1(d)), Continued Chumash Consultation (CR-1(e)), Human Remains (CR-1(f)), and Chumash Heritage Monument (CR-2(b)). Park improvement costs that are not reimbursable include but are not limited to: design costs incurred prior to Project entitlement, engineering costs incurred prior to Project entitlement, all costs associated with accounting, legal and other professional services; overhead administrative charges; ~~costs incurred as a result of requirements by the Environmental Impact Report of the Project, including but not limited to the Project's mitigation and monitoring report; and costs incurred as a result of private settlement agreements and negotiations with third parties.~~ Reimbursement of park improvement costs shall not be made until the Public Works Director has verified that the Permittees' documentation and reimbursement requests meet this Condition."

Condition #18 (pg 273 of Staff Report):

The City's revised wording almost reads as if only the offer (to dedicate the park) will be recorded with the Final Map. Why was the wording changed this way? Suggested re-wording is as follows:

- The Permittees will enter into an agreement for an offer to dedicate the park, which will include a maintenance **agreement as described in Condition DP 47.b.** This agreement is to be approved by the City Attorney or designee and be recorded with the Final Map.

Condition #20 (pg 273 of Staff Report):

The City's revised wording doesn't make sense to have an REA between FLT and GF Frontier (both being owners of the same property). Wasn't the REA to be between Lot 3 & 4, so each entity had the right to perform work across lot boundaries (overhanging trees, etc.)? Suggested re-wording is as follows:

- "A Reciprocal Easement Agreement (REA), between ~~the~~ FLT Heritage Ridge TG, LLC. ~~and~~ & GF Frontier, LLC, ~~and the~~ City across Lots 3 and 4, is to be approved by the City Attorney and in substantial compliance with the attached Exhibit A to Exhibit 4 of Resolution No. 23 - ___, granting easement rights in favor of City for park access and parking, granting easements through the Permittees' property for utilities serving the park, and providing access to Permittees and City for the purpose of trimming trees."

DP Conditions

Condition #3.e (pg 398 of Staff Report):

FYI to City - Development of Lot 2 and portions of Lot 4 requires some work in the Archaeo zone – see 31.D.

Condition #4 (pg 401 of Staff Report):

FYI to City - Development of Lot 2 and portions of Lot 4 requires some work in the Archaeo zone – see 31.D.

Condition #31.A.iv (pg 409 of Staff Report):

Reword – soil capping can be done with motorized vehicles (from outside-in). From MMRP GEO-1: “Fill soils must be placed and spread from the outside to the inside of the archeological area with track earthmoving equipment such that the equipment must only be working on top of the fill soils. The fill soils must be placed such that the earthmoving equipment does not come into contact with the archeological area native soils or the geogrid.”

Condition #31.D (pg 410 of Staff Report):

Reword to allow for “fencing to remain in place except to accommodate construction as necessary” (ie, Development of Lot 2 and portions of Lot 4 requires some work in the Archaeo zone – see 31.D). Also, soil capping can be done with motorized vehicles (from outside-in). From MMRP GEO-1: “Fill soils must be placed and spread from the outside to the inside of the archeological area with track earthmoving equipment such that the equipment must only be working on top of the fill soils. The fill soils must be placed such that the earthmoving equipment does not come into contact with the archeological area native soils or the geogrid.”

Condition #32.A.ii (pg 410 of Staff Report):

Does the “approved drainage facility” include the wetland retention area to the SW of the project site? “On-Site” needs to include the regional wetland retention basin.

Condition #40 (pg 413 of Staff Report):

Check wording of last sentence – “Food waste containers are required if facility.”

Condition #42.H (pg 414 of Staff Report):

Check wording of last sentence – “Food waste containers are required if facility.”

Condition #47.b (pg 420 of Staff Report):

Wording needs to clarify process and timing of acceptance. Suggested re-wording is as follows:

- “The Permittee of Lot 4 will be responsible for the installation and implementation of the plan. **Once Permittee has completed construction on the park, and** the Permittee shall maintain the park **until** for 90 days **after** at which **time**, the City will accept title to the park. **During the 90 days, the City will**

engage with the Permittee for the City's standard inspection and final sign-off procedure, for which, acceptance of completion of the park and acceptance of title will not be unreasonably delayed or withheld. Permittee's obligations to maintain Park includes..."

Condition #49.U.i (pg 427 of Staff Report):

Reword to allow for "fencing to remain in place except to accommodate construction as necessary" (ie, Development of Lot 2 and portions of Lot 4 requires some work in the Archaeo zone - see 31.D).

Condition #50B (pg 429 of Staff Report):

This condition needs to be removed. As you are aware, the Heritage Ridge Project qualifies as an affordable housing project based on its commitment to provide affordable housing. (Gov. Code, §§ 65915(c), (i), 65589.5(h)(3).) The City ensures that this affordable housing will be constructed through, among other conditions, the Affordability Control Covenant and Regulatory Agreement (DP 3.f) and the recorded Agreement to Provide Affordable Housing and Restrictive Covenant (DP 47.a). Given the protections for the project under state housing law, including the Housing Accountability Act and state Density Bonus Law, we cannot agree to any proposed conditions that seek to impose City standards on the market-rate portion of the project until the affordable component of the project is constructed, such as Condition 50.B. We are not aware of any objective, written City standards in effect when the Project's application was complete that would allow for the City to impose such conditions on the Project. (Gov. Code, § 65589.5(d), (j) [specifying that the City can only apply existing, objective development standards in effect at the time the application was deemed complete to housing projects and precluding the City from unduly conditioning an affordable housing project].)

Further, the City's proposed conditions further may create significant impediments to the timely construction of the Project, including the affordable portion of the Project. For example, the proposed condition 50.B may:

- Impact HASBACO's ability to construct the affordable portion of the Project;
- Create issues for lenders on all the parcels subject to the Project;
- Add significant costs to the Project for a temporary parking lot that is not required for the Project approvals under state law or the City's Code

Furthermore, placing this requirement on the Project at this late date does not make sense, and is contrary to other provisions in State Housing Law. As you are also aware, this Project qualifies as an affordable housing project entitled to concessions and incentives as well as waivers of development standards under State Density Bonus Law - including concessions and incentives related to parking. (Gov. Code, § 65915(p) [applicable parking ratios], (d) [concessions and incentives], (e) [reductions of development standards].) For example, this Project still maintains the right to use a concession/incentive or a reduction in development standards to further reduce the City's parking requirements. Without using concessions/incentives or a reduction in

development standards, the Project already only requires 455 spaces, yet the Project provides 494 spaces (39 additional spaces and more than the 31 proposed in Condition 50.B). As such, State Density Bonus Law provides an alternative path for the Project to avoid unnecessary and counter-productive conditions.

Condition #50J (pg 429 of Staff Report):

MOAs are recorded on title. The amendment to the Settlement Agreement will make clear that the Settlement Agreement does not apply to the City once the property transfers to the City. Suggested re-wording is as follows:

“Upon transfer of title of the public park on Lot 3 of the Heritage Ridge parcel map, the park parcel must be clear of any encumbrances and/or clouds on title ~~including recordation of any Memoranda of Agreement of from~~ private agreements of which the City is not a party.”

Conclusion

We appreciate your time in review of the above information and requested changes. If there is anything I can help clarify, please feel free to contact me.

We are available to answer any questions you may have.

Sincerely,



Jaren Nuzman
Project Manager
jnuzman@rtacq.com
949-285-7730
TK Consulting, Inc

CC: Lisa Prasse, City of Goleta
Ron Wu, Red Tail Multifamily Land Development, LLC
Todd Temanson, Red Tail Multifamily Land Development, LLC
Tyler White, Red Tail Multifamily Land Development, LLC
Jay Skjerven, Red Tail Multifamily Land Development, LLC
Chris Jellison, Red Tail Multifamily Land Development, LLC
John Polanskey, HASBARCO
Bob Havlicek, HASBARCO
Tim Kihm, TK Consulting, Inc.

CR-1(a). Limited Phase 3 Data Recovery. The applicant must provide a Phase 3 Data Recovery Program Plan developed by a City-approved archaeologist for excavations at the Northern Midden Area at CA-SBA-56.

Plan Requirements: The Phase 3 plan must be prepared in accordance with the City of Goleta's Cultural Resources Guidelines (1993), Open Space Element Policy 8.5, the California Office of Historic Preservation's (1990) Archaeological Resource Management Reports (ARMR): Recommended Contents and Format, and Public Resources Code § 21083.2 and CEQA Guidelines § 15126.4(b). The plan must include:

- Research design;
- Discussion of relevant research questions that can be addressed by the CA-SBA-56 resources; • Methods used to gather data, including data from previous studies;
- Laboratory methods to analyze the data;
- An assessment of artifacts recovered and any corresponding field notes, graphics, and lab analyses; and
- Results of investigations.

The plan must provide for a systematic sample of the area to be capped, such that the research value of the deposit is adequately characterized. Location of limited Phase 3 data recovery units must be identified in consultation with local Chumash tribal representatives to ensure that the previously identified, undisturbed burial is avoided.

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

The Phase 3 must specify that a local Chumash Native American consultant must be retained by the applicant to observe all excavation activity associated with the Program. The consultant must maintain daily notes and documentation necessary, and provide the observation notes and documentation to all interested Chumash representatives who request to be informed of the Phase 3 excavation progress.

Mayor and Council members

March 5, 2023

I am sorry to see Heritage Ridge come forward to you for a final approval. This is still a bad project after all the years with few changes for the better. There are still a number of problems. Two of those issues are the relinquishing of the Los Carneros public Right Of Way easement to the Heritage Ridge development and inadequate guarantees that the Affordable Housing will ever be built.

The easements can't be vacated according to the Street and Highway Code "unless it is unnecessary for present or prospective public use". The Right Of Way can't be vacated because there is a need for it in the future. In the future when both the curb, gutter, and sidewalk, and a Class I bike are built, the City would have to buy the ROW back. These needed projects and other projects will cost the City more or even prohibit them if the ROWs are given away to Heritage Ridge now.

The vacation of the Los Carneros Right Of Way easement that is so important to the community shouldn't be approved. The developers have never seriously considered a project without using the Los Carneros ROW, although it has always been a serious issue for residents.

The other and most serious issue is the inadequacy of the guarantees that the Affordable Housing will be built. We need strong protections in place to keep this out of town developer from getting his money and leaving. We will be left with only a deed restricted site with no affordable housing. There needs to be additional requirements such as requiring that the affordable housing is built before any occupancy permits are released. It appears that currently all the City will get is a site with concrete pads. But we will not get the much promoted affordable housing. There is a big difference between an empty lot and actual rental units.

I hope that you think about the cost that the residents of Goleta , along with other sources will have to pay to build the housing. Please don't approve this project without strong provisions being made requiring the developer to provide more funding or building the affordable housing.

Sincerely, Barbara Massey

From: Alexis Doulton <alexisdoulton@yahoo.com>
Sent: Monday, March 6, 2023 2:42 PM
To: City Clerk Group
Cc: Mary Chang
Subject: Heritage Ridge Park Project

Dear City of Goleta Planning Commission,

I am writing to support the Heritage Ridge Park project. The park's Chumash cultural theme features and landscape will provide imagery that celebrates the heritage and history of the original inhabitants of the land and their connection to nature. The nature playground feature will provide recreation and education space for creativity, physicality, and an opportunity to engage in social experiences. Our community needs this 2-acre public neighborhood park that provides a cultural interpretative space.

Alexis Doulton
Santa Barbara, CA



March 6, 2023

Dear City of Goleta Council Members,

SUBJECT: Heritage Ridge Residential Apartment Project, item C2

The League of Women Voters of Santa Barbara is pleased to reconfirm our support for the Heritage Ridge Residential Apartment Project that includes 31% of affordable units and a park. For details see our November 14, 2022 letter.

We would like to reiterate our appreciation for all parties who worked diligently on this project to get the best outcome for the community--in particular, the Environmental Defense Center, the City of Goleta planners, Red Tail, TK Consulting and the Housing Authority of the County of Santa Barbara County.

Sincerely,

A handwritten signature in black ink that reads "Vicki Allen". The signature is written in a cursive, flowing style.

Vicki Allen

Vice President, Communications for the League of Women Voters of Santa Barbara

From: Barbara Lopez <lbarbara340@gmail.com>
Sent: Monday, March 6, 2023 5:32 PM
To: City Clerk Group
Cc: Mary Chang
Subject: Heritage Ridge Park

We support the Heritage Ridge Park project, designed to celebrate my Chumash heritage, give children, community members and visitors a space to learn about Chumash history.

Sincerely,

Christina Lopez
Andrew Jacinto
Christian Jacinto
Members: Barbareño Band of Chumash Indians



805.967.2500 | www.SBSCChamber.com
Mailing Address: 5662 Calle Real #204, Goleta, CA
Visitor Center: 120 State Street, Santa Barbara, CA

3/7/2023

Mayor Perotte and Goleta City Council
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA, 93117

RE: Heritage Ridge Residential Apartment Project

Mayor Perotte and Councilmembers:

The Santa Barbara South Coast Chamber of Commerce, representing businesses from Goleta to Carpinteria, would like to offer our support once again for the Heritage Ridge Residential Apartment Project.

Businesses in Goleta and throughout the South Coast consistently raise lack of housing options for their employees as a top barrier to business vitality. To meet this need, we will need to see an increase of various housing types with options across income levels. This Tuesday the Chamber released The Road Home, a living document that discusses the current state of our region's housing crisis, and proposed solutions, from a local business community perspective. The Heritage Ridge project was included in a list of projects and sites which the Chamber believes are critical pieces of addressing the varied housing needs of Goleta and the South Coast region. Heritage Ridge plays an important role in increasing our local rental housing supply with 228 market-rate units, 63 family special needs affordable units, and 41 senior affordable units.

The Heritage Ridge Project has been under review since 2014. They have worked hard to ensure that they are consistent with the City's goals and development standards, as well ensuring the project is environmentally sensitive. This project not only brings much needed housing to our area, but it is also a great fit for our community, which is reflected by the 8 years of community collaboration and partnership building that led to tonight's hearing.

We ask that the Council move forward with this important local housing project by certifying the final environmental impact report and approving the Heritage Ridge Project as presented.

Thank you for supporting local housing.

Sincerely,

Kristen Miller
President & CEO
Santa Barbara South Coast Chamber of Commerce