

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 1

From: [Holly Garcin](#)
To: [Mary Chang](#)
Subject: Public Comment - Heritage Ridge Apartment Project - PC 3/28/22
Date: Friday, March 04, 2022 10:28:38 AM

Hello Ms. Chang and City of Goleta Decision Makers-

I am writing today in support of the Heritage Ridge Apartment Project, to be heard at the Planning Commission on 03/28/2022. I feel it is extremely important and imperative that the City embrace and entitle housing projects. Particularly, a housing project such as Heritage Ridge that considers underserved populations (such as senior housing or special/affordable units).

Thank you.

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Holly Lynn Garcin
e: Hollygarcin@gmail.com
t: 1.805.770.0825

From: Rachel Raynor <rachel.raynor.10@gmail.com>
Sent: Monday, March 21, 2022 3:53 PM
To: Mary Chang <mchang@cityofgoleta.org>
Subject: Heritage Ridge Apartment Project ~ Please Support and Approve

Hi Mary,

I am writing in regards to the Heritage Ridge Apartment Project in the City of Goleta. I am in support of the proposed project as the project site is identified by the City's Housing Element as an undeveloped housing site and is part of the larger Willow Springs community, meaning it is near existing housing. As part of the project, a 2 acre park will be constructed which will help avoid further impact or overburden on existing recreation facilities in the immediate area. The project will also provide over 300 new housing units to the City and bring the City closer to meeting their Regional Housing Needs Allocation (RHNA).

As a resident (and renter) of Santa Barbara County, I've seen firsthand the struggle it has been to find affordable housing in the County, including paying more than 30% of my own salary on housing alone. It is no wonder that people from Ventura/Oxnard or Lompoc/Buellton have to commute into the cities of Santa Barbara and Goleta every day because the cost of housing is far too high.

Please support and approve this project and allow more affordable housing to be added into the supply.

Thank you,

Rachel Raynor, AICP
Resident of Santa Barbara County

From: Kathy Nolan <kn@studio-landscape.com>
Sent: Wednesday, March 23, 2022 12:49 PM
To: Kim Dominguez
Subject: Protect Los Caneros Creek and Add Affordable Housing

Dear Kim Dominguez,

Please protect the creek and habitat and provide affordable housing.

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek setback.

Sincerely,
Kathleen Nolan

From: Robin Birney <robinbbirney@gmail.com>
Sent: Wednesday, March 23, 2022 12:55 PM
To: Kim Dominguez
Subject: Los Carneros Creek project

- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- Thank you

From: Antonia Robertson <nzantoniारob@gmail.com>
Sent: Wednesday, March 23, 2022 1:30 PM
To: Kim Dominguez

- Dear Kim:
- Re Heritage Ridge Project
- We support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- thank you
- Antonia Robertson J.D.
- Laurence Dworet M.D.

From: stella kovacs <stellakovacs@me.com>
Sent: Wednesday, March 23, 2022 1:51 PM
To: Kim Dominguez
Cc: Stella Kovacs
Subject: Heritage Ridge Development and Los Carneros Creek Protection and Goleta City General Plan Policy CE2.2

Dear Kim and the Goleta Planning Commission,

It has come to my attention that the current, revised Heritage Ridge plans are in direct violation of Goleta City General Plan CE 2.2.

A 100' buffer is really the most minimal amount of space for the most minimal amount of protection for creek habitat and wildlife.

The EDC has hired both an engineer and a biologist who demonstrated the need and rationale to comply with Goleta City General Plan CE 2.2. Has Heritage Ridge done so? Perhaps the Goleta Planning Commission might consider a field trip to look at this proposed site, prior to their approval of directly violating existing General Plans? Furthermore, if the Goleta Planning Commission votes to violate this Policy, citizens will ask what other City Policies the Planning Commission intends to violate!

Please advise The Towbes Group and Heritage Ridge Development to re-read, with the goal of understanding and complying with, Goleta City General Plan Policies!! The full text of the Policy can be found at pp 4-13 - 4-14 here: <https://www.cityofgoleta.org/home/showpublisheddocument/4071/635689476246700000>

Thank You!!
Stella Kovacs
5619 Kent Pl
Goleta, CA
stellakovacs@me.com

From: Theron Tomicki <therontomicki@gmail.com>
Sent: Wednesday, March 23, 2022 2:13 PM
To: Kim Dominguez
Subject: Heritage Ridge development

Dear Ms. Dominguez:

Greetings, I am a longtime Goleta resident and am disturbed to learn of the Heritage Ridge development.

Particularly, the following issues:

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek setback.

The fact the project is so close to Los Carneros Creek is dangerous to Goleta wildlife and ecology.

Please support a balanced, environmentally safe approach.

Thank you.
Sincerely,

Theron Tomicki
Goleta, CA
805 618.0368

From: Torrie Cutbirth <admin@campdesign805.com>
Sent: Wednesday, March 23, 2022 2:24 PM
To: Kim Dominguez
Subject: Comment for March 28 hearing: Urging the Planning Commission to PLEASE protect Los Carneros Creek

Dear Kim Dominguez,

I am writing today as a Santa Barbara local and on behalf of El Gato Channel Foundation, a local foundation that funds local environmental work. I/we urge the planning commission to PLEASE protect Los Carneros Creek, and in turn our local watershed & environment.

The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.

I support a balanced approach that provides affordable housing that our community needs, ***WHILE protecting the wildlife habitat and Creek, and upholds the City's habitat and creek policies. This directly impacts all plants, animals and humans that call this land home!***

I ask that the City must use the current 2021 map of the Creek to determine the correct creek setback. This is critical for current & future generations!

Thank you for your time and consideration.

With Much Gratitude,

Torrie Cutbirth (she/her/hers)
Director of Grants & Programs
El Gato Channel Foundation
735 State Street, Suite 511 Santa Barbara, CA 93101
805-453-6351 (c)



From: Susan Shields <shields3033@netscape.net>
Sent: Wednesday, March 23, 2022 2:27 PM
To: Kim Dominguez
Subject: Heritage Ridge project

This project must protect Los Carneros Creek and the wildlife it supports. A way needs to be found to manage this and also provide the low cost housing Goleta needs. Please make sure the plan satisfies these requirements.

Susan Shields
3033 Calle Rosales
Santa Barbara CA

Sent from my iPhone

From: Gina Giannetto <gina@campdesign805.com>
Sent: Wednesday, March 23, 2022 2:33 PM
To: Kim Dominguez
Subject: Public Comment for March 28 - Protect Goleta Creeks

Dear Kim Dominguez,

I am writing to urge the Planning Commission to protect Los Carneros Creek and important habitat while maintaining the same amount and mix of housing.

The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.

I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.

The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank you.

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Gina Giannetto
CAMPdesign+architecture
735 State Street, suite 511
Santa Barbara, CA 93101
p. 805.708.0605
f. 805.898.1969

From: Cheryl Niccoli <cniccoli@verizon.net>
Sent: Wednesday, March 23, 2022 2:35 PM
To: Kim Dominguez
Subject: Heritage Ridge Project

Let's build affordable units but protect the creeks too. We all love the green beauty the creeks provide to Goleta and Santa Barbara so it's important to give them their space. I urge the City of Goleta to consider creekside habitat in approving the plans for this project. Thank you.

Cheryl Niccoli
Santa Barbara

[Sent from the all new AOL app for iOS](#)

From: [Bud Bottoms](#)
To: [Kim Dominguez](#)
Subject: The Heritage Ridge Project
Date: Wednesday, March 23, 2022 3:49:21 PM

Dear Goleta Planning Commission,

As a local resident I am very concerned about The Heritage Ridge Project because the proposed project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.

I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies. In addition, the City must use the current 2021 map of the Creek to determine the correct creek setback.

Sincerely,

Carole Ann Cole

From: [Morgan family](#)
To: [Kim Dominguez](#)
Subject: Heritage Ranch and Los Carneros Creek
Date: Wednesday, March 23, 2022 4:49:59 PM

Dear Ms. Dominguez:

My name is Carter Morgan, and I live on Camino Caseta in the Lake Los Carneros neighborhood of Goleta. My family loves our area which includes the open space around Lake Los Carneros as well as the beautiful Stow House property. The open land and natural habitats within our city's borders are what truly attest to Goleta being The Goodland. We have lived in our current home for 29 years and can't think of anywhere else we'd rather be.

It has come to our attention that the Heritage Ranch Project, as currently proposed, would destroy important wildlife habitat and encroach into Los Carneros Creek's Protection Area. My wife and I recognize that affordable housing is greatly needed in our area; however, this should not supersede Goleta's city policies that are in place to protect our local environment. We urge the City to use the current 2021 map of the creek to determine the correct setback for this project in regards to Los Carneros Creek.

Thank you for doing the right thing on behalf of the residents as well as the plants and animals that live and thrive in Goleta!

Sincerely,
Carter and Wendy Morgan
6542 Camino Caseta

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Public Comment No. 14

From: [Anne Diamond](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Wednesday, March 23, 2022 6:21:40 PM

Dear Ms. Dominguez,

We are alarmed by the proposal to build housing not meeting the Cities requirement to protect wildlife. This will have negative impact not only on the environment but on the quality of life in this area. The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.

We support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.

The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank you for your time and attention on this important matter.

Sincerely,

Anne and Dan Diamond

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Public Comment No. 15

From: [M. Russell](#)
To: [Kim Dominguez](#)
Subject: Protect Los Carneros - March 28th Meeting Comments
Date: Wednesday, March 23, 2022 9:39:07 PM

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank you,
Maureen Russell

From: [Peter Conn](#)
To: [Kim Dominguez](#)
Subject: Protect Los Carneros Creek Re: Heritage Ridge Project
Date: Wednesday, March 23, 2022 9:52:03 PM

Dear Goleta Planning Commission,

I admire Goleta's protection of its water ways and wildlands while providing much needed housing, especially affordable housing.

Please protect Los Carneros Creek and it surrounding habitat by having the Heritage Ridge Project redesigned so there will be the required 100 feet buffer between it and the current 2021 map of the creek.

Please, this enormous project, as beneficial as it might be in this point in time, must not be given a variance. In the end our creeks and wildlife habitat are as important or more so than the many man-made edifices we plunk down all over our planet.

Please request that this 332 unit rental complex be redesigned so the minimum 100 feet buffer remains everywhere.

Thank you.

Paulina Conn

Santa Barbara resident who cares about all our precious creeks and habitat.

We are all connected. We must all stay within our rules.

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Public Comment No. 17

From: [Terry Kleid](#)
To: [Kim Dominguez](#)
Date: Thursday, March 24, 2022 8:24:01 AM

Dear Ms. Dominguez,

I am a local citizen, and I am writing to voice my concerns about a development that is proposed near the Los Carneros Creek.

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek

Thank you,

Terry Kleid

From: [Kathleen M. Boehm](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Thursday, March 24, 2022 10:09:48 AM

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Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 18

As an advocate for protection for our natural resources and adherence to City of Goleta's environmental protection policies, I object to Heritage Ridge development going forward as it is now proposed. Please review the flora, fauna, and creek protection that will be irreparably damaged with this proposal. Do not let the ruin occur.

Sincerely,

Kathleen Boehm 805.687.6218

From: [Patrick McDermott](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge project
Date: Thursday, March 24, 2022 10:00:09 AM

Hello -

I'm writing in support of the EDC's efforts to protect Los Carneros creek while providing the much needed housing our community needs.

Some key points:

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank you,

Patrick McDermott
1599 Sinaloa Dr
Santa Barbara CA
93108

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Patrick McDermott | mcdermottglobal@gmail.com

From: [Heather Shea](#)
To: [Kim Dominguez](#)
Subject: Update the Heritage Ridge setback from Los Carneros Creek
Date: Thursday, March 24, 2022 1:45:38 PM

To the Goleta Planning Commission,

As an engaged and actively concerned citizen of Goleta, I am writing to encourage you to request that the Heritage Ridge developers redraw the 100 ft. setback from Los Carneros Creek to reflect the most recent creek map (2021).

The wildlife corridor of the creek is worth maintaining/protecting, and it will not affect the number of units being built. Honoring the current creek map is the right thing to do.

Thank you for your attention to this matter,

Heather Shea
170 Verona Avenue
Goleta, CA 93117

Item No. B.2
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Case Number 14-049-GPA-VTM-DP
Public Comment No. 21

This comment from Bill Shelor was sent to 3 of the Planning Commissioners. It was then forwarded to Kim Dominguez, Management Assistant by Commissioner Maynard for inclusion into the Public Comment for this item.

From: Katie Maynard <kmaynard@cityofgoleta.org>
Sent: Thursday, March 24, 2022 2:00 PM
To: Kim Dominguez <kdominguez@cityofgoleta.org>
Subject: Fw: Heritage Ridge project

FYI

From: Katie Maynard
Sent: Thursday, March 24, 2022 1:59 PM
To: Katie Maynard <kmaynard@cityofgoleta.org>
Subject: Fwd: Heritage Ridge project

----- Forwarded message -----

From: Bill Shelor <bill.shelor@yahoo.com>
Date: Thu, Mar 24, 2022 at 1:34 PM
Subject: Heritage Ridge project
To: Jennifer Smith <>, Jennifer Fullerton <>, Katie Maynard <>

Dear Goleta Planning Commissioners,

I am writing you to underscore significant concerns with the proposed Heritage Ridge residential project that need to be satisfactorily addressed by the Goleta Planning Commission.

This project is sited in the fastest growing area of Goleta. Several recent planning studies and EIR's have identified issues that this project has failed to address and will actually exacerbate.

Several years ago Goleta commissioned several studies related to the recreational needs of our community. A Recreational Needs Assessment concluded that this specific area of Goleta was entirely deficient when it came to providing Active Recreational opportunities for area residents.

The EIR for the Villages at Los Carneros (VLC) concluded that this part of Goleta was deficient in providing active recreational opportunities to local residents. The VLC project did not provide adequate opportunities for active recreation for local residents, the project actually exacerbated the deficiency by adding 1500 new residents without addressing these essential needs.

A review of Goleta's Capital Improvement Program indicates that there are no future pending projects in this area that have adequate acreage to address these needs. A review of the map of this area substantiates that this area of Goleta is entirely deficient in providing opportunities for active recreation. Residents who seek active recreational opportunities will have to travel miles away to other area of Goleta. This is not safe for children walking or on bikes and thus unacceptable.

The Heritage Ridge project is the last and only opportunity to mitigate this significant negative impact.

The EIR for the Heritage Ridge project validates what the Recreational Needs Assessment and VLC EIR have already concluded. There is a significant need for active recreation in this part of Goleta. Residents in all other parts of Goleta have reasonable access to active recreational opportunities. Why is this project not adequately addressing these needs? Is it OK to permanently leave this area underserved?

For undisclosed reasons, the Heritage Ridge project decreased the area dedicated to recreation from 3 acres to 2 acres. Why was this reduced? The proposed mitigation for this reduction is to require the project applicant to pay in-lieu fees. This is an entirely inadequate mitigation.

Other than the Heritage Ridge site, there are not any other parcels of land in this part of Goleta where active recreation can be sited. There are no nearby schools or parks that can address these unmet needs.

In-lieu fees collected will not be adequate to purchase land and provide these opportunities. Most likely, in-lieu fees collected will be used to purchase or upgrade existing sites elsewhere in Goleta. The residents of this area will continue to be totally underserved. The proposed in-lieu mitigation is entirely inappropriate and insufficient, as it provides nothing substantive for the 3,000 residents of this area.

If the amount of proposed active recreational space was considered adequate, then why are in-lieu fees being assessed? The active recreation space proposed is 6600 square feet. This translates to an area that is 81 feet by 81 feet. This is smaller than the infield of a baseball diamond and much smaller than a youth soccer field.

Where do these Goleta residents go to attend practices for Dos Pueblos Little League, Goleta Boys and Girls Club soccer, Goleta Valley Softball, AYSO soccer, flag football, etc? The acreage provided is clearly not sufficient for these basic active recreational needs. Payment of in-lieu fees will not mitigate any of the deficiencies that have been clearly identified in the Recreation Needs Assessment and the two EIR's for the residential projects in this part of Goleta.

I recognize that it is difficult to design a project from the dais, as staff provides you with a "take it or leave it" decision with little ability to amend the project description. Once again there is a discernable lack of coordination among Goleta's Boards and Commissions that have reviewed this project (DRB and Parks and Recreation), staff has intentionally bifurcated input from the DRB and Parks and Recreation Committee and instructed each decision-making entity to vote up or down on staff recommendations with the admonition that "further discussion is not part of your purview".

Note that the Parks and Recreation Commission had significant concerns that this project did not meet the specific needs delineated in the Recreational Needs Assessment. The DRB was never informed of the deficiency in active recreational space in this area of Goleta, thus there was no Board discussion of how to mitigate this deficiency.

Please take the time to thoroughly consider this problem and work with the Project Applicant and Staff to create a permanent solution for these Goleta residents that the City Council can ultimately support.

Thank you for your service.

Bill Shelor

From: [Courtney Reynolds](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge project
Date: Friday, March 25, 2022 10:12:06 AM

Hi Kim,

Thanks for taking comments on this!

Im reaching out to voice my concern on this project as it would destroy wildlife habitat and encroach into the Los Carneros Creek's stream side protection area.

While we need affordable housing I support it in a way that doesn't come at a cost to native wildlife.

Thank you for your time.

Courtney Reynolds



Item No. B.2
Public Hearing - Heritage Ridge Residential
Case Number 14-049-GPA-VTM-DP
Public Comment No. 23

March 25, 2022

Chair Jennifer Fullerton
City of Goleta Planning Commission
130 Cremona Drive, Suite B
Goleta, CA 93117
Submitted by email to KDominguez@CityofGoleta.org

Re: Heritage Ridge Residential Development Project

Dear Chair Fullerton and Commissioners:

Thank you for the opportunity to comment on the Heritage Ridge Residential Development Project (“Project”). The Environmental Defense Center (“EDC”) submits these comments on behalf of The Goodland Coalition, Citizens Planning Association, Sierra Club, by and through the Los Padres Chapter, Santa Barbara Urban Creeks Council, and Santa Barbara Audubon Society. EDC and our clients seek to ensure that the Final Environmental Impact Report (“FEIR”) fully discloses the potential impacts of the proposed residential development at Heritage Ridge. As discussed herein, the FEIR is inadequate and must be revised to correct incomplete, inaccurate, and outdated information. The most egregious defect in the FEIR is the deletion of the 2021 biological resources map, which was included in the Revised Draft EIR (“RDEIR”). Other deficiencies include the improperly narrow Project Objective, failure to adequately analyze, disclose, and mitigate significant impacts to biological resources and land use, and failure to provide an alternative that is capable of avoiding or substantially lessening such impacts. These deficiencies must be addressed, and the FEIR revised, before the Planning Commission can consider action on the Project application.

Our clients do not oppose the Project. Their goals are to (1) ensure the FEIR uses the legally required and correct data to establish the proper baseline under CEQA, and fully discloses the Project’s potential impacts to ensure informed decision making; (2) achieve compliance with General Plan policies for habitat protection, most notably Policy CE 2.2’s requirements regarding a minimum one-hundred-foot Stream Protection Area (“SPA”); (3) protect or restore the mapped coastal sage scrub Environmentally Sensitive Habitat Area (“ESHA”); and (4) mitigate significant impacts to biological resources.

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 Los Padres 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. 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.

This letter covers the following topics, demonstrating why the FEIR cannot be certified as currently written:

- The Environmental Analysis is Incomplete, Outdated, and Inaccurate.
 - The Environmental Setting is Inaccurate.
 - The Analysis of Impacts to Biological Resources Omits Significant Impacts, Omits Mitigation Measures, and is Inadequate.
 - The FEIR Omits Land Use Impacts Related to Conflicts with Specific General Plan Policies and Does Not Accurately Analyze and Disclose Other Land Use and Policy Consistency Impacts.
 - The FEIR Omits Traffic Impacts.
- The Project Objective is Unduly Narrow.
- The Project Description Omits Information.
- The FEIR Must be Revised to Include Alternatives that Avoid or Substantially Lessen Impacts to Biological Resources and Land Use.

The following discussion explains why the FEIR cannot be certified and the Project cannot be approved under its current configuration. The Commission must ensure that the FEIR is adequate by directing staff to make corrections *before* considering the Project on its merits, including consideration of impacts and consistency with the General Plan. We will submit additional comments in the event the Commission decides to proceed with action on the Project, including consideration of findings.

I. The FEIR Cannot be Certified as Currently Written.

A. The Environmental Impact Analysis is Incomplete, Outdated, and Inaccurate.

CEQA requires an agency to identify the significant effects of a proposed project on the environment, including direct, indirect, and cumulative effects. CEQA Guidelines §§ 15126.2,

15130. As such, an EIR must contain “[a]n adequate description of adverse environmental effects...to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR.” *Sierra Club v. Cty. of Fresno* (2018) 6 Cal. 5th 502, 514. “[A] sufficient degree of analysis” is required to enable decisionmakers to make an intelligent decision, taking environmental consequences into account. *Id.*; also see CEQA Guidelines § 15151. “The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.” CEQA Guidelines § 15125(c). An EIR must also contain discussion of significant environmental effects which cannot be avoided if the proposed project is implemented, including those which can be mitigated. *Id.* at § 15126.2(c). Significant irreversible environmental changes caused by the project must also be disclosed. *Id.* at § 15126.2(d).

The FEIR for Heritage Ridge fails to comply with the mandates set forth in CEQA. The FEIR starts with an incorrect baseline from which to analyze the effects of the Project, contains an inadequate analysis of the impacts of the Project on biological resources, and inadequately analyzes the Project’s land use and policy consistency impacts. In addition, the narrow Project Objective and range of alternatives violates CEQA and undermines the City’s discretion to consider a Project that avoids or minimizes adverse impacts and complies with important City policies.

1. The Environmental Setting is Inaccurate.

As a threshold issue, CEQA requires a discussion of the environmental “setting” or “baseline,” which consists of the “physical environmental conditions in the vicinity of the project, *as they exist* at the time the notice of preparation is published, or *if no notice of preparation is published, at the time environmental analysis is commenced....*” CEQA Guidelines § 15125(a)(1) (emphasis added). CEQA acknowledges and requires an accurate baseline from which to judge the impact of the proposed project. *See* § 15126.2(a) (“In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.”) This environmental setting “will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” *Id.* § 15125(a). An accurate depiction of the environmental setting is thus critical to “the fundamental goal of an EIR” which is to “to inform decision makers and the public of any significant adverse effects a project is likely to have on the physical environment.” *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 Cal. 4th 439, 447. CEQA Guidelines also require “special emphasis ... on environmental resources that are rare or unique to that region and would be affected by the project.” CEQA Guidelines § 15125(c).

Under CEQA, the purpose of determining the environmental setting or baseline in an environmental analysis is to “[t]o give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.” *Id.* § 15125(a). Notably, courts have long recognized a critical principle under CEQA

that the act is “...to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.

The FEIR for Heritage Ridge uses an incorrect baseline from which to analyze the effects of the Project, most notably by (1) deleting a 2021 map that was in the RDEIR and replacing it with a 2015 map to depict an outdated, irrelevant baseline for the SPA setback, (2) omitting appropriate protocol-level surveys for special status wildlife, (3) relying on reconnaissance-level biological surveys undertaken during drought, (4) incorrectly identifying ESHA as non-ESHA, and (5) dismissing the presence of coastal sage scrub, which resulted in skewed impact analyses.

a. The Baseline for the Streamside Protection Area is Incorrect and Must be Corrected

In May 2021 when the City released its Re-Notice of Availability for the RDEIR (<https://www.cityofgoleta.org/home/showpublisheddocument/25224/637565845532370000>), it notified the public that the City had determined that changes to the scope of the Project and to the CEQA checklist since the initial Draft EIR was completed in 2016 required the City to conduct additional environmental analysis and recirculate the RDEIR. The Re-Notice states:

“...since completion of the prior Draft EIR for the prior design iteration of the project, new regulatory requirements and updated CEQA guidelines and thresholds (updated in late-2018), as well as changes to the project-level environmental and cumulative setting in the vicinity of the Project have occurred. As a result of these changes, additional analysis of topics... were added to the EIR.” (Re-Notice of Availability, Heritage Ridge Residential Development Project, May 2021).

The Re-Notice then lists several sections of the prior Draft EIR that were being recirculated, *including 4.3 (Biological Resources) and 4.9 (Land Use)*. *Id.* This Re-Notice commenced new environmental review, thus resetting the environmental setting and existing conditions against which impacts were assessed to 2021.

Consistent with the Re-Notice, the RDEIR included updated information on biological resources, including a 2021 aerial photo/map, Figure 4.3-2, which shows the SPA based on the vegetative cover of Los Carneros Creek in 2021, and delineates the one-hundred-foot setback within the Towbes’ property boundary. The RDEIR contains other updated baseline information pertaining to biological resources as well as other issue areas throughout, as compared to the DEIR.¹

¹ Where conditions fluctuate over time, CEQA does allow an agency to define existing conditions “by referencing historic conditions, or conditions expected when the project becomes operational, or both” (Guidelines § 15125(a)), however, substantial evidence must support that determination. Here, the City has already determined that updating the biological resources information was required, and cannot now change that determination and ignore information because it is inconvenient for the applicant.

The FEIR released in early 2022, on the other hand, replaced the correct 2021 SPA baseline map in Figure 4.3-2 of the RDEIR with a 2015 SPA map, which pre-dates commencement of environmental review for the RDEIR. The 2021 map in the RDEIR, which was specifically updated to reflect current conditions in Figure 4.3-2, has now been replaced by the older 2015 map.² (FEIR at 9-3 and 9-4) By replacing Figure 4.3-2 in the FEIR with the 2015 SPA baseline map, the FEIR presents the incorrect CEQA baseline and skews environmental review.

Using the correct baseline to accurately depict physical conditions on the site is critically important because General Plan Policy CE 2.2 requires the SPA to be a minimum of one hundred feet to protect the biological integrity of Los Carneros Creek.³ Riparian vegetation along the Creek grew south toward the Project site between 2015 and 2021. As noted in the RDEIR,

Based on the 2020 and 2021 surveys and mapping of the off-site riparian vegetation, the original 100-foot SPA buffer extends slightly farther (additional 23 feet) into the Project site than the 10 feet mapped in 2009. The 100-foot SPA buffer from the outer edge of the current arroyo willow riparian canopy extends 33 feet into the Project site (see Figure 4.3-2)."

(RDEIR at 4.3-36; *See also* 4.3-37, 2-10 stating, "The project includes a request for a SPA buffer reduction of up to 33 feet in the northeast corner of the project site. If granted, the buffer would range in width from 67 to 100 feet.")

The FEIR states on 9-4 and 9-5 that "the project has been designed to meet the 100-foot setback requirement," however, in actuality, while parking spaces were removed and Buildings 8

² FEIR Figure 4.3-2 was not "updated" in the FEIR but was instead backdated from the 2021 conditions presented in the RDEIR to conditions in 2015.

³ General Plan Policy CE 2.2 states:

"Streamside Protection Areas. [GP/CP] A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer shall be as follows:

- a. The SPA upland buffer shall be 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The City may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The City may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.
- b. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable economic use of the parcel, subject to approval of a conditional use permit. (Amended by Reso. 09-30, 5/19/09 and Reso. 09-59, 11/17/09)"

and 9 were shifted five and two feet, respectively (FEIR at 9-63), the SPA remains less than one hundred feet.

Because the City notified the public that it was updating the biological resources section and then proceeded to do so in its RDEIR and in most of its FEIR, it cannot now revert to an older aerial survey map from which to judge the SPA baseline. Doing so is misleading and omits critical information that should be considered by decisionmakers and the public. *See Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 462-463 (lead agency may not omit impacts based on “conditions existing when the EIR was prepared”).

In sum, the 2021 map in Figure 4.3-2 in the RDEIR provides an accurate description of the existing physical conditions, *at the time the updated environmental review commenced* in 2021, upon which the City and the public may assess the Project’s likely impacts, and therefore it must be used to establish the baseline under CEQA. The FEIR must provide the City with meaningful, accurate, and complete information that objectively discloses the potential impacts of the Project on the existing environment. The RDEIR identified impacts to the SPA as it currently exists; nothing has changed in the physical environment since then to justify a change. The City cannot omit material information that was available in the RDEIR and pretend that it doesn’t exist. To do so misleads the public and decisionmakers. The 2021 SPA baseline would “give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts,” whereas the 2015 baseline would not because the project will be built after 2021, not in 2015. *See* CEQA Guidelines § 15125(a). **Therefore, the SPA baseline must be corrected to comply with CEQA so the Commission can properly evaluate Project’s impacts and consistency with the General Plan, including Policy CE 2.2, and consider the Project on its merits.**

b. The RDEIR and FEIR Update Baseline Information for Other Impact Analyses so it is Internally Inconsistent and Illegal for the FEIR to Backdate the SPA Baseline Information.

The RDEIR and FEIR update biological and other baseline information using more current information with the striking exception of the SPA baseline, which the FEIR backdates from 2021 in the RDEIR to a 2015 SPA baseline.⁴ (FEIR Figure 4.3-2) The following examples highlight this inconsistency in the FEIR’s use of updated versus backdated baseline information:

- The FEIR updated the DEIR and RDEIR to identify the presence of California red-legged frogs near the Project site. (FEIR at 9-18)

⁴ The updates to the DEIR and RDEIR baseline information were ascertained by comparing baseline information in the DEIR, RDEIR, and FEIR; *See* City of Goleta, *Heritage Ridge Revised Draft Environmental Impact Report (EIR)* PowerPoint for Public Hearing at Slide 14 stating, “Changes to environmental and cumulative setting” (June 2021). (Attachment A)

- The FEIR updates the DEIR and RDEIR to disclose the presence of three willow trees on the site.⁵ (FEIR at 4.3-24)
- The FEIR updates the DEIR and RDEIR information on wildlife movement by citing to the 2020 Creek and Watershed Management Plan. (FEIR at 4.3-33, Footnote 7)
- The FEIR updates the status of monarch butterfly to “Federal Candidate Species,” which occurred in 2021. (FEIR at 4.3-13)
- The RDEIR and FEIR updated the DEIR’s biological surveys by adding “2021 reconnaissance-level surveys.” (FEIR at 4.3-1)
- The RDEIR and FEIR updated the list of cumulative impacts to 2021 to provide “the most up-to-date lists available at the time of the preparation of the Revised Draft EIR.” (FEIR at 9-46)
- The RDEIR and FEIR updated the traffic analysis and appropriately updated baseline traffic information, including baseline bus trips to pre-pandemic 2019 levels. (FEIR at 4.13-4) The FEIR traffic analysis also uses baseline information from 2020 (EDD) and 2021 (DOF). (FEIR at 4.13-8)
- The RDEIR and FEIR updated the DEIR’s baseline wastewater generation to 2020 levels: “prior to the start of the COVID-19 pandemic in early 2020, GWSD was generating approximately 2.1 mgd of sewage, leaving about 1 mgd of remaining capacity (Mark Nation, General Manager/Superintendent, Goleta West Sanitary District, personal communication, March 1, 2021).” (FEIR at 4.14-3)
- The RDEIR and FEIR updated the DEIR’s baseline data regarding access to telecommunications facilities: “approximately 98 percent of households have access to telecommunication infrastructure, including telephone and cable access (California Cable & Telecommunications Association 2020).” (FEIR at 4.14-5)
- The RDEIR and FEIR updated the DEIR’s baseline information regarding solid waste diversion rates: “However, the current diversion rate for Santa Barbara County, including the City of Goleta was most recently identified as 69 percent (County of Santa Barbara Public Works, 2020).” (FEIR at 4.14-14)
- The RDEIR and FEIR updated the DEIR’s baseline information regarding the number of gas stations: “There are approximately 13 gasoline stations, but no

⁵ FEIR at 4.3-24 made the following tracked changes to the RDEIR, “Three willow trees are present on site and would be replaced at a ratio of 10:1 as required by the Project-specific Conditions of Approval. ~~No native trees are present on site or are proposed for removal.~~”

petroleum refineries in the City of Goleta (U.S. EIA 2020b, GasBuddy 2021).” (FEIR at 4.15-1)

- The FEIR and RDEIR updated the DEIR’s baseline information regarding energy sources: “In 2019, SCE’s power mix consisted of 35.1 percent renewable resources (wind, geothermal, biomass, solar, and small hydroelectric), 16.1 percent natural gas, 8.2 percent nuclear generation, 7.9 percent large hydroelectric facilities, and 32.7 percent other and unspecified (i.e., electricity that has been purchased through open market transactions and is not traceable to a specific generation source) sources (SCE, 2020).” (FEIR at 4.15-2)
- The RDEIR and FEIR updated the DEIR baseline regarding petroleum consumption: “Santa Barbara County consumed an estimated 177 million gallons of gasoline and 19 million gallons of diesel fuel in 2019, which was approximately 1.2 percent of statewide gasoline consumption and approximately 1.1 percent of statewide diesel fuel consumption (CEC, 2020c).” (FEIR at 4.15-3)
- The FEIR updates the RDEIR and DEIR baseline related to CARB attainment levels: “In addition, in February 2021, the CARB approved changing the O3 designation status from attainment to non-attainment for the state standard. The change in designation is anticipated to be finalized by the California Office of Environmental Law in late 2021.” (FEIR at 4.2-2. Underlining represents text added to the FEIR.)
- The RDEIR updated baseline information in the DEIR and the FEIR subsequently updated that information regarding the number of ozone exceedances: “As shown in Table 4.2-2, between 2017 and ~~2019~~ 2020, the state one-hour ozone standard was exceeded once in 2017. The state PM10 standard was exceeded 12 times in 2017, four times in 2018, ~~and~~ twice in 2019, and 10 times in 2020, and the federal PM10 standard was exceeded once in 2017. Additionally, the federal PM2.5 standard was exceeded nine times in 2017, ~~and~~ once in 2018, and seven times in 2020. The standards for ozone (8-hour), CO, and NO2 have not been exceeded in the last ~~three~~ four years.” (FEIR at 4.2-3; *See also* Table 4.2-2. Underlining and strikethrough represent text revised for the FEIR.)

These examples demonstrate that the RDEIR and FEIR updated the information from the original DEIR to provide more current baseline information upon which to gauge impacts. *A critical exception is that information in the RDEIR was changed in the FEIR to delete the updated habitat map.* Apparently, after release of the RDEIR, the applicant emailed plans based on the backdated 2015 SPA baseline directly to Rincon Consultants, the author of the FEIR, for Rincon to insert into the FEIR, with tacit approval by City staff.⁶ The City asked the applicant to

⁶ Email from Jaren Nuzman, TK Consulting to Nicole West, Rincon Consultants (November 15, 2021); *see also* Preliminary Grading-Plan C-2.1 (November 12, 2021) (Attachment B); *see also* Email from Mary Chang, City of

update the City's administrative draft FEIR "to reflect no SPA buffer reduction."⁷ As a result, the FEIR's SPA baseline was then backdated to 2015 to give the illusion that the Project achieves the minimum required one-hundred-foot SPA.

It is noteworthy that the applicant's planning team initially found that the SPA information needed to be updated in the 2021 RDEIR, stating, "Section 4.3 – Biological Resources - Regarding the SPA, this Section already includes a good summary of the SPA issue, but I believe it will need to be updated to reflect the request for the reduction."⁸ Similarly, the applicant's engineering team used a 2021 aerial photo to determine that the SPA encroachment was 33 feet.⁹ Thus, the applicant requested that the SPA baseline information be updated from the 2015 SPA baseline map (DEIR Figure 4.3-2) to the 2021 map (RDEIR Figure 4.3-2).

It is inappropriate for the applicant and the City to change the RDEIR's 2021 SPA baseline map back to the 2015 SPA baseline map to give the appearance that the Project achieves compliance with the minimum hundred-foot SPA requirement. As discussed below in Sections I.C.2.a. and I.C.3., the FEIR's use of the outdated, improper CEQA baseline for the SPA masks the Project's impact on the biotic quality of Los Carneros Creek and the related Land Use impact associated with the Project's conflict with General Plan Policy CE 2.2.

c. The RDEIR Improperly Omits Protocol-level Surveys Necessary to Identify Special-status Wildlife.

Protocol-level surveys¹⁰ for special-status species were not conducted for the FEIR, leading to significant omissions of biological resources impacted by the Project. Such surveys are necessary to document the locations of special-status species and habitats in order for the FEIR to evaluate biological impacts. The CEQA Responsible Agency California Department of Fish and Wildlife ("CDFW") commented on the RDEIR for the Project. In its trustee capacity, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat in the state, and, for purposes of CEQA, provides biological expertise during public agency environmental review efforts, focusing specifically on projects.¹¹ In its letter regarding the RDEIR, CDFW stated that:

In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including protocol survey results for CEQA-rare,

Goleta, to Jaren Nuzman, TK Consulting and Nicole West, Rincon Consultants, stating, "I'm fine of the two of you want to run through the changes. I don't need (or have time) to." (November 9, 2021).

⁷ Email from Mary Chang, City of Goleta, to Jared Nuzman, TK Consulting (December 28, 2021).

⁸ Email from Steve Fort, AICP, Senior Planner, SEPPS (on behalf of applicant) to Mary Chang, City of Goleta (October 27, 2020).

⁹ Ashley and Vance Engineering, Inc., Preliminary Grading-Drainage Plan (May 26, 2020; Grading-Drainage Plan File Path in margin dates Plan as May 27, 2021). Attachment C.

¹⁰ Protocol-level surveys involve species-specific methodologies which have been approved by the California Department of Fish and Wildlife ("CDFW") and the U.S. Fish and Wildlife Service ("USFWS").

¹¹ Letter from Erinn Wilson-Olgin, Environmental Program Manager I, South Coast Region, CDFW to Mary Chang City of Goleta (June 21, 2021) at 5 ("CDFW (2021)").

California Species of Special Concern (SSC), or CESA-listed species (including fully protected species) that could occur in the Project footprint need to be disclosed...¹²

Here, only “reconnaissance-level surveys of the Project site were conducted.” (FEIR at 4.3-1; *see also* FEIR Appendix D Watershed Environmental at 1-3 (August 11, 2020); *see also* FEIR Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 7.)

Accurate surveys are necessary so that the City can adequately disclose the presence of special-status species, which triggers ESHA designation.¹³ Therefore, protocol level surveys which involve specific methodologies adopted by the US Fish and Wildlife Service (“USFWS”) and CDFW for certain special-status wildlife species are critically important for documenting the baseline ESHA conditions.¹⁴ The City of Goleta’s CEQA Environmental Thresholds and Guidelines Manual states, “Field searches should be conducted in such a manner that they will locate any listed or special-status species that may be present/a resident or that may utilize the site on a seasonal rather than year-round basis.”¹⁵ However, the FEIR Biological Report in Appendix D acknowledges under “Limitations, Assumptions, and Use Reliance” that it did not perform protocol level surveys, and that species not observed could be present:

The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. (FEIR, Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 31.)

The FEIR claims this is “a standard legal disclaimer.” EDC staff has not frequently seen such language in biological evaluations and this language underscores the problems with conducting mere reconnaissance-level wildlife surveys. Reconnaissance-level surveys are not sufficient to establish the presence or absence of species.

¹² *Id.*

¹³ City of Goleta General Plan Policy CE 1.1 stating, “Definition of Environmentally Sensitive Habitat Areas. [GP/CP] ESHAs shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria: a. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and that could be easily disturbed or degraded by human activities and developments.” (September 2006) (“City of Goleta (2006)”).

¹⁴ California Department of Fish and Wildlife, *Survey and Monitoring Protocols and Guidelines*, <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281282-amphibians> (June 4, 2021); *See also* US Fish and Wildlife Service, *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83914&inline> (August 2005) (“USFWS (2005)”).

¹⁵ City of Goleta, County of Santa Barbara *Environmental Thresholds and Guidelines Manual* Appendix A at A-10 <https://www.cityofgoleta.org/home/showpublisheddocument/23913/637321442847330000> (October 2002) (“City of Goleta (2002)”).

The FEIR states that, “no threatened or endangered species have the potential to occur within the project area due to lack of suitable habitat.” (FEIR at 9-21) However, CEQA also elevates review of “rare” species, which includes the Fully Protected white-tailed kite and candidate species monarch butterfly which was found “warranted” for listing by the US Fish and Wildlife Service. White-tailed kites are regularly observed on the site, which contains important foraging habitat. Both species have been observed onsite (including adult and larval monarch butterflies) where habitat has been documented.¹⁶

Furthermore, after the City identified federally threatened California red-legged frogs (“CRLF”) a short distance up Los Carneros Creek from the Project site,¹⁷ the FEIR was modified to acknowledge this. (FEIR at 9-18) The FEIR contradicts itself by finding CRLF have the potential to occur onsite while also claiming on the same page there is no potential for threatened species to occur onsite. (FEIR at 9-21)

Twenty-five special-status wildlife species are listed in the RDEIR as having a “low” probability of occurring onsite. (FEIR at 4.3-13) Given the limited reconnaissance surveys, the presence or absence of these species cannot be conclusively determined. (FEIR, Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 31)

An example of the failure of the FEIR to adequately survey and disclose the presence of species habitat pertains to the CRLF. The FEIR incorrectly finds that suitable CRLF “dispersal habitat is more than 500 feet upstream from the Project site.” (FEIR at 9-19) This finding is based on a mischaracterization of the City of Goleta Creek and Watershed Management Plan (“CWMP”) which finds that there is suitable “habitat for aquatic species” north of Los Carneros Road. However, the CRLF is not strictly aquatic. It is amphibious and spends significant time outside of aquatic habitats. The CWMP does not find there is no suitable dispersal habitat at the Project site. In fact, dispersal habitat is present at the Project site. “The 640-foot long culvert beneath Highway 101 may provide a semi-permeable movement link for some species, such as CRLF, which are capable of long-distance dispersal through rough terrain and can spend considerable periods of time in highly disturbed, upland habitats (pers. observ.).”¹⁸ Therefore, this federally threatened species, which lives and breeds just .4 miles upstream on Los Carneros Creek and is capable of traveling overland for two miles, may occur on the Project site.

The FEIR states that CRLF are not likely to be present because there was “only a limited band of riparian habitat” and because of the “noise and vibration disturbances from U.S. 101 and UPRR.” (FEIR at 4.3-17) However, a “red-legged frog was found in September 2001 at the plunge pool associated with the culvert under Highway 101 between the Highway and the parallel railroad tracks” in Devereux Creek which lacks native riparian habitat. The CRLF

¹⁶ Hunt at 10 and 11.

¹⁷ Hunt at 4; *See also* Letter from EDC to Mary Chang, Supervising Senior Planner, Planning and Environmental Review Department, City of Goleta at 5 – 6 (June 28, 2021) (“EDC (2021)”).

¹⁸ Hunt at 4.

sighting in Devereux Creek occurred approximately forty feet south of U.S. 101 and approximately one hundred feet north of the UPRR tracks during the EIR process for the Haskell's Landing Project.¹⁹ By comparison, Los Carneros Creek is approximately sixty feet south of U.S. 101 and eighty feet north of the UPRR tracks.²⁰ CRLF have also been documented in close proximity to the UPRR tracks and Highway 101 in Bell Canyon and Tecolote Creek.²¹ Given this information, it is clear that noises, disturbances, and lack of riparian habitat do not dissuade CRLF from occupying creeks adjacent to both the UPRR tracks and Highway 101. Therefore, the FEIR's dismissal of the potential presence of CRLF is inconsistent with prior CRLF observations in Goleta.

The FEIR also improperly dismisses the potential occurrence of CRLF at the Project site and in the SPA because "Areas within 500 feet of the creek are not suitable upland transitional habitat." (FEIR at 4.3-17) However, coyote brush scrub is present on the Project site within eighty to five hundred feet of Los Carneros Creek and this specific habitat type provides both "red-legged frog aestivation foraging and dispersal habitat."²²

The City's Environmental Thresholds and Guidelines Manual states, "In some instances a biological consultant survey of the site is required to determine the presence or absence of sensitive species."²³ However, presence or absence of CRLF cannot be conclusively determined without performing protocol-level surveys adopted by USFW and CDFW.²⁴ The adopted CRLF survey protocols state, "For sites with no suitable aquatic breeding habitat, but where suitable upland dispersal habitat exists, it is difficult to support a negative finding with the results of any survey guidance. Therefore, this Guidance focuses on site assessments and surveys conducted in and around aquatic and riparian habitat."²⁵ However, no CRLF protocol surveys were conducted in aquatic or riparian habitats of Los Carneros Creek. (FEIR 4.3-1; *See also* FEIR Appendix D, Watershed Environmental at 1-3, (August 2020); *See also* FEIR Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 7 (May 2006).)

¹⁹ California Coastal Commission, *Staff Report Memo from South Central Coast District Staff to Commissioners and Interested Public Re: Agenda Item Th8b, Application No. 4-09-038 (Oly Chadmar/Haskell's Landing)* <https://documents.coastal.ca.gov/reports/2010/11/Th8b-11-2010.pdf> (November 17, 2010); *See also*: Watershed Environmental, Inc., *Biological Assessment, Goleta Fire Station No. 10, 7592 Hollister Avenue (APN 079-210-048) Goleta California*, Prepared for City of Goleta at 12 - 13 <https://www.cityofgoleta.org/home/showdocument?id=13845> (June 24, 2010); *See also*: Google Earth 2019.

²⁰ Google Earth (2019).

²¹ City of Goleta (2006) Figure 4-1.

²² Marylee Guinon LLC and Olberding Environmental, Inc., *Addendum to the California Red-Legged Frog Focused Surveys Report for the Indian Valley Property Town of Moraga, Contra Costa County* at 17. <https://www.moraga.ca.us/DocumentCenter/View/190/California-Red-Legged-Frog-Addendum-PDF> (June 2015); *See also* Hunt (2021) at 4.

²³ City of Goleta (2002) at 37.

²⁴ USFWS (2005).

²⁵ *Id.* at 1.

Furthermore, CRLF survey protocols recommend nighttime surveys.²⁶ “Most of these overland movements occur at night.”²⁷ However, while the FEIR identifies general reconnaissance level nighttime surveys in 2014, these were not protocol level CRLF surveys. (FEIR Appendix D, Rincon Consultants, *Biological Resource Assessment Heritage Ridge Residential Project APNs: 073-060-031 through 073-060-043 Goleta, Santa Barbara County, California* at 7) Given the lack of protocol-level surveys (FEIR at 4.3-1 and FEIR Appendix D) and incorrect presumption on FEIR page 9-20 that the species could not move down the Creek or hop the railroad tracks to the Project site,²⁸ the FEIR mischaracterizes the site and potential for CRLF to occur there.

The presence of CRLF in Los Carneros Creek is significant with respect to the need for a minimum 100-foot SPA. SPAs are intended to “serve as habitat for fish and wildlife,” and “provide wildlife movement corridors.”²⁹ A 100-foot SPA would encompass a portion of the upland scrub habitat along the northern property line (Figure 1) potentially providing cover for CRLF in upland areas on the project site.³⁰ (FEIR Appendix D, Watershed Environmental Figure 1 (August 11, 2020)) Scrub vegetation cover within the 100-foot SPA buffer could assist wildlife, potentially including CRLF, when dispersing west toward Tecolotito Creek and west then north to Bishop Ranch, or west then south toward Los Carneros Wetlands along the wildlife movement corridors depicted in the FEIR’s Wildlife Corridor Analysis.³¹ (FEIR Appendix D, Dudek, *Wildlife Corridor Analysis for the Heritage Ridge Project*, Figure 9 (September 2, 2014).)

In sum, the FEIR preparation did not involve the necessary research or protocol level, aquatic, and nighttime CRLF surveys to identify CRLF presence or alternately to demonstrate absence, and incorrectly found no potential for this species onsite.³² (FEIR at 4.3-13; *See also* FEIR Appendix D, *Species Potential to Occur Table – Updated April 2021* at D-6) New information demonstrates that dispersal habitat is present and that CRLF occur near the Project site. The significant omission of CRLF and failure to undertake necessary surveys renders the FEIR environmental baseline, biological impact analyses, and conclusions related to the SPA incorrect. As a result, and as discussed further above, reducing the SPA below the minimum of one hundred feet (which the Project does do when the correct information is used to determine the SPA boundaries) and eliminating the native vegetation in the SPA poses a significant impact to Los Carneros Creek’s biological resources.

²⁶ USFWS (2005) at 6.

²⁷ USFWS (2002) at 12.

²⁸ California red-legged frog is *The Celebrated Jumping Frog of Calaveras County* written about by Mark Twain and can easily jump over railroad tracks.

²⁹ City of Goleta (2006) Policy CE 2-1 at 4-13.

³⁰ Hunt (2021) at 4.

³¹ *Id.* at 2 – 5.

³² *Id.* 4.

d. The FEIR Improperly Relies on Surveys that were Conducted During a Severe Drought.

EDC's letter regarding the RDEIR included Comment 5.7 which stated, "The Surveys Were Conducted During a Severe Drought."³³ The FEIR response to this comment refers to Master Response 7. (FEIR at 9-45) However, with respect to surveys being completed during a severe drought, the FEIR's Response is wholly conclusory stating, "While surveys within the last ten years were completed during years with precipitation below the mean average (below 18.37 inches), special status plant habitat such as undisturbed native vegetation is not present." (FEIR at 9-22) This statement lacks a basis in evidence because surveys were not conducted during years of normal or above average precipitation.

Furthermore, the Response only addresses special status plant species and not wildlife species which are affected by droughts, such as CRLF. While the FEIR responds to EDC's comment that CRLF was omitted from the RDEIR, it does not address the effect of droughts on the potential presence of CRLF. "During periods of wet weather, starting with the first rains of fall, some individuals [CRLF] make overland excursions through upland habitats."³⁴ During 2013 – 2015 and in 2021, the region was undergoing the worst drought in its history during what the Santa Barbara County Water Agency Director called "an all-time low;" therefore, species such as CRLF requiring wet conditions would be unlikely to be documented in upland areas such as the site.³⁵ Reconnaissance level surveys that occurred during the drought are deficient for identifying species like CRLF in upland habitat. Therefore, the FEIR's Response 5.7 is inadequate and not supported by substantial evidence.

Biological surveys must be properly timed to ensure identification of special-status species. The City's Environmental Thresholds and Guidelines Manual Biological Survey Guidelines state:

Investigations should be conducted at the proper season and time of day when special-status species are both evident and identifiable. Field surveys should be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify plants of concern, and during periods critical to the species such as nesting for birds or larval development for amphibians.³⁶

Accordingly, the EIR must be revised to include surveys that occur at the proper times to adequately disclose the presence of species and habitats.

³³ EDC (2021) at 9-11.

³⁴ USFWS (2002) at 12.

³⁵ Nick Welsh, Santa Barbara County's 10-Year Rainfall Average at 'All-Time Low', Santa Barbara Independent (April 8, 2021) ("Welsh (2021)").

³⁶ City of Goleta (2002) at A-10.

e. The FEIR Baseline Mischaracterizes the Coastal Sage Scrub Mapped as ESHA in the General Plan as Non-ESHA.

The FEIR incorrectly claims the coastal sage scrub mapped as ESHA in the City's General Plan is not ESHA.³⁷ (FEIR at 9-6 – 9-10) The mapped ESHA supports the three characteristic species listed in the General Plan definition of coastal sage scrub ESHA (California sagebrush, California encelia, and coyote brush).³⁸ (FEIR at 9-7) While the FEIR states that “Coyote brush is not mentioned as coastal sage scrub,” the General Plan lists coyote brush as one of three characteristic coastal sage scrub species.³⁹ (FEIR at 9-7) The existing vegetation matches the General Plan's definition of coastal sage scrub, which includes “a drought-tolerant, Mediterranean habitat characterized by soft-leaved, shallow-rooted subshrubs such as California sagebrush (*Artemisia californica*), coyote bush (*Baccharis pilularis*), and California encelia (*Encelia californica*).”⁴⁰ The existing vegetation mapped as ESHA has “both the compositional and structural characteristics of... coastal sage scrub” with the species composition reflecting coastal sage scrub in the early phases of ecological succession.⁴¹ The FEIR incorrectly finds the mapped coastal sage scrub ESHA is not ESHA and inadequately responds to and omits responses to EDC, Hunt and Associates Biological Consulting, and CDFW comments on the RDEIR.

i. The CDFW and Hunt and Associates Biological Consulting Submitted Substantial Evidence that Coastal Sage Scrub Mapped as in the General Plan as ESHA is ESHA.

CEQA responsible agency CDFW finds that the coastal sage scrub the City mapped as ESHA in 2006, which remains mapped as ESHA in the General Plan, is ESHA.⁴² “[G]iven the local losses of this vegetation community in the coastal Goleta area, CDFW considers this a locally sensitive vegetation community.”⁴³

The FEIR omits CDFW's finding that the coastal sage is sensitive vegetation, omits CDFW's reasoning for finding the coastal sage scrub to be sensitive, and omits a response to CDFW's reasoning. (FEIR Response 6.4 at 9-66) The FEIR does not respond to the central argument by CDFW that the coyote brush scrub is properly mapped as ESHA because it is locally rare and therefore a sensitive plant community as determined by CDFW.⁴⁴ Not only does the FEIR fail to respond to CDFW's primary reason for finding the coastal scrub on the Project site to be ESHA, it implies the CDFW does not find the coastal scrub vegetation to be ESHA by stating, “studies conclude that this is not a California Department of Fish and Wildlife (CDFW)

³⁷ City of Goleta General Plan Figure 4-1.

³⁸ General Plan Policy CE 5.3 at 4-21.

³⁹ *Id.*

⁴⁰ City of Goleta (2006) Policy CE 5.3 at 4-21; *See also*: Hunt (2021) at 6 and 9.

⁴¹ City of Goleta (2006) Policy CE 5.3 at 4-21; *See also*: Hunt (2021) at 8 - 9.

⁴² Letter from Erinn Wilson-Olgin, Environmental Program Manager I, South Coast Region, CDFW to Mary Chang, City of Goleta at 1 (June 29, 2021).

⁴³ *Id.* at 6.

⁴⁴ CDFW (2021) at 6.

or other sensitive plant community.” To the contrary, CDFW did find the vegetation to be environmentally sensitive.⁴⁵

Lawrence Hunt of Hunt and Associates Biological Consulting, a widely respected firm that works for applicants, agencies, and community groups, also finds that the mapped coastal sage scrub is ESHA. “Coyote brush scrub meets the definition of ESHA in CE Policy 1.1 and the description of coastal sage scrub in CE Policy 5.3(a). By not recognizing coyote brush scrub as a localized, disturbance-associated form of coastal sage scrub, the City sets a precedent that could eliminate other occurrences of this valuable habitat that would significantly fragment and degrade the remaining patches of coyote brush-dominated coastal sage scrub within the City General Plan area.”⁴⁶ Coyote brush scrub is a type of coastal sage scrub and the vegetation mapped as ESHA meets the compositional and structural parameters of coastal sage scrub ESHA defined in Policy CE 5.3.⁴⁷ It is coastal sage scrub undergoing recovery after disturbance. The area mapped as ESHA is coastal sage scrub because coyote brush scrub is an early successional stage of coastal sage scrub.⁴⁸ Following disturbances in coastal sage scrub communities, coyote brush establishes as a disturbance-follower or “pioneer species” in the first step in ecological succession, i.e., the process of reestablishing coastal sage scrub community following disturbances.⁴⁹ Even the FEIR acknowledges this: Coyote brush “stands in southern California tend to be largely at the beginning stages of ecological succession towards a steady state (e.g., maturity), such as scrub.” (FEIR at 4.3-4 – 4.3-5) The FEIR omits a response to the central argument by Hunt and Associates that coyote brush scrub is an early successional stage of coastal sage scrub recovering from disturbance and is therefore properly designated ESHA.⁵⁰ (FEIR Response 7.18 at 9-72) The FEIR is incorrect to then find that the mapped ESHA is not coastal sage scrub and is not ESHA.

An additional reason that the mapped coastal sage scrub ESHA is environmentally sensitive is because eighty-five percent of coastal sage scrub in coastal California has already been removed.⁵¹ In Goleta, little coastal sage scrub remains, and it is one of the rarest types of ESHA in the City.⁵²

The FEIR does not respond to RDEIR comments, including new evidence submitted by CDFW, Hunt and Associates, EDC, and Audubon regarding coastal sage scrub ESHA, and

⁴⁵ *Id.*

⁴⁶ Hunt (2021) at 6.

⁴⁷ *Id.* at 7; *See also* City of Goleta General Plan Policy CE 5.3 at 4-21 (September 2006).

⁴⁸ *Id.*

⁴⁹ *Id.* at 7, 9, and 10; *See also* Cal State University of Long Beach, *Native plant identification key for the Palos Verdes Peninsula, California* (August 8, 2011); *See also*: Granada Native Garden, *The Granada Native Garden Newsletter* stating, “coyote brush is one of the first shrubs to appear after other plants have disappeared.” <https://granadanativegarden.org/2014/02/07/coyote-brush-an-under-appreciated-native/> (February 7, 2014); *See also*: Wikipedia, *Baccharis pilularis* stating “Coyote brush is known as a secondary pioneer plant in communities such as coastal sage scrub.” (https://en.wikipedia.org/wiki/Baccharis_pilularis) (June 21, 2021).

⁵⁰ Hunt (2021) at 6 – 11.

⁵¹ *Id.* at 7.

⁵² City of Goleta General Plan Figure 4-1.

where the FEIR includes responses, its responses to comments are inadequate and merely restate the RDEIR's findings.

- ii. The Coastal Sage Scrub Mapped as ESHA is ESHA Because it Supports Special-status Species and their Requisite Habitats.

The site supports at least thirty-nine species of birds, several of which nest on the site, and white-tailed kites which regularly forage onsite, including within the mapped ESHA, to feed chicks supporting nesting and reproduction in nearby nest sites.⁵³ White-tailed kite is a Fully Protected Species pursuant to the California Fish and Game Code.⁵⁴ Hunt found that, “[m]apped ESHA and adjacent grassland to the west of the mapped ESHA provides food resources for all life history stages of this endangered” monarch butterfly, and observed this species onsite.⁵⁵ Regardless of the findings noted herein by CDFW, Hunt, and EDC that the coastal sage scrub is properly mapped as ESHA pursuant to General Plan Policy CE 5.3, “requisite habitats” for special-status species such as white-tailed kites and monarch butterflies are by definition ESHA in the City of Goleta.⁵⁶ Therefore, the area is ESHA as defined in the General Plan.

However, the FEIR does not respond to observations and comments by Hunt and Associates that the mapped coastal sage scrub ESHA supports special-status species by Hunt and is therefore ESHA.⁵⁷ (FEIR at 4.9-9, 9-48, and 9-55) Similarly, the FEIR failed to respond to EDC's comment that habitats which supporting special-status species are by definition ESHA pursuant to General Plan Policies 1.2(1), 8.1, and 8.2.⁵⁸ (FEIR at 4.9-9, 9-48, and 9-55)

The FEIR also failed to respond to evidence submitted by EDC showing that the site contains high biodiversity reflected by the 2021 observation of at least thirty-nine bird species during a short period of time in 2021.⁵⁹ In fact the FEIR incorrectly claims the area has “low biological diversity.” (FEIR at 9-7) Given the failure to address specific points raised in EDC's, CDFW's, and Hunt's comments on the RDEIR, the FEIR's responses to comments are

⁵³ Audubon bird list; *see also* CDFW (2021) at 4; *see also* Hunt (2021) at 9 - 16.

⁵⁴ California Fish and Game Code Section 3511.

⁵⁵ The United States Fish and Wildlife Service found the monarch butterfly is warranted to be listed under the federal Endangered Species Act but that listing is precluded by a backlog of work. Xerces Society available at <https://xerces.org/press/much-needed-federal-protection-for-americas-beloved-monarch-butterfly-warranted-but-precluded> (December 15, 2020) (“Xerces Society (2020)”); *See also* Hunt at 13 stating, “Monarch butterflies are a Candidate for Listing as Endangered.” Note that the FEIR at 4.3-13 lists “foraging” habitat onsite but omits breeding habitat documented onsite (Hunt (2021) at 10-11 and 16).

⁵⁶ City of Goleta General Plan Policies CE 1.2(1), CE 8.1, and 8.2.

⁵⁷ Hunt (2021) at 10.

⁵⁸ Letter from Linda Krop, Chief Counsel, EDC, Rachel Kondor, Staff Attorney, EDC, and Brian Trautwein, Environmental Analyst/Watershed Program Coordinator, EDC to Mary Chang, Supervising Senior Planner, City of Goleta at 28 – 28 and Attachment A – List of Bird Species Observed at Heritage Ridge Site by Santa Barbara Audubon Biologists in 2021 (June 2021) (“EDC (2021)”); *See also* City of Goleta General Plan Policies CE 1.2(1), 8.1, and 8.2.

⁵⁹ EDC (2021) at Attachment D: List of Bird Species Observed at Heritage Ridge in 2021, Mark Holmgren and Steve Gaulin, Santa Barbara Audubon Society (June 2021).

inadequate under CEQA. Moreover, given evidence from CDFW and Hunt as well as evidence cited herein, the FEIR is clearly incorrect that the mapped ESHA is not ESHA.

f. The FEIR Omits Coastal Sage Scrub ESHA in the Southern Portion of the Eastern Side of the Project Site Because it Uses the Incorrect 2015 Baseline Vegetation Conditions.

The FEIR presents the incorrect vegetation conditions in the southern portion of the eastern side of the site Project site. Figure 4.3-1 maps this area northeast of the intersection of Camino Vista and Via Luisa as “*Brassica nigra* and other mustards (Upland Mustards) Herbaceous Semi-Natural Alliance.” (FEIR at 4.3-4) However, Figure 4.3-1 is based on an outdated 2015 aerial photography which does not reflect the correct CEQA baseline of 2021 when environmental review in the RDEIR commenced. (FEIR Figure 4.3-1 at 4.3-4 stating, “Imagery provided by Google and its licensors © 2015.”) Mustards are annual plants which die each summer, however, Figures 2a – 2c, 3a and 3b below demonstrate that while much of the area mapped in the FEIR as mustards includes mustards which die during the dry season (beige and light brown colors in Figures 2a – 2c), the southern portion of the area mapped in Figure 4.3-1 as mustards remains dark green during the dry season. The dark green vegetation includes perennial species consisting of coyote brush (*Baccharis pilularis*) and *Encelia californica*, which are two of the three species listed in Policy CE 5.3 as constituting coastal sage scrub ESHA. Therefore, by using the improper baseline of 2015, the FEIR fails to capture the presence of coastal sage scrub ESHA which has since become established in this area of the Project site depicted as a purple polygon in Figures 2a – 2c below.

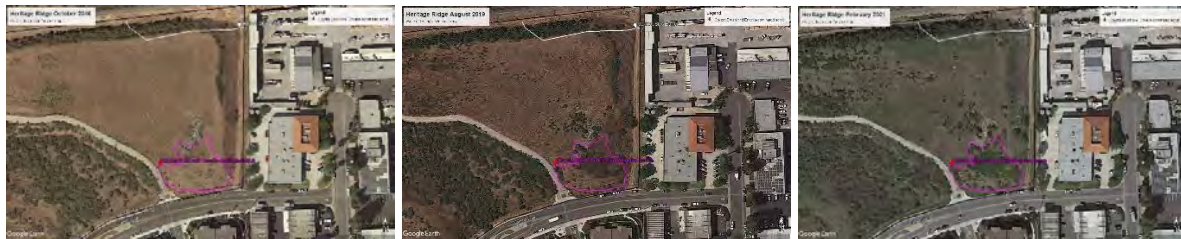
The FEIR’s characterization of the southern portion of the east side as dominated by nonnative mustard plants is no longer accurate because the area is no longer dominated by mustard and is now dominated by characteristic coastal sage species which qualify the area as ESHA. (Figure 2a, 2b, 2c, 3a, and 3b) In fact, Audubon biologists characterize this area as significant ESHA. Given the improper reliance on a now obsolete 2015 aerial photograph (Figure 4.3-1), the FEIR uses the incorrect CEQA baseline which undermines the FEIR’s analysis of impacts and skews the FEIR’s conclusions.

FEIR consultants conducted “a vascular plant survey” in “March through June 2015.” (FEIR 4.4-3) While “an additional site survey was conducted on March 26, 2021” the southeast corner is now dominated primarily by *Encelia californica* (which was hydroseeded in 2013 according to the FEIR at 4.3-6) and coyote brush. (Figures 2a, 2b, 2c, 3a, and 3b) The FEIR dismisses this coastal sage scrub ESHA because the *Encelia californica* was hydroseeded, stating:

In 2021 *California encelia* is present in the southwest [sic] portion of the site mapped as upland mustard (*Brassica nigra* and other mustards Herbaceous Semi-Natural Alliance, 42.011.00). As discussed in the Revised Draft EIR, this species was included in the hydroseed mix applied in 2014 and the presence of this species does not indicate a “naturally occurring” community. As discussed in Revised Draft EIR Section 4.3, *C. encelia* was a component of the native

grassland/scrub hydroseeded on the fill slope in 2014 and mapped as upland mustard. If this was a “naturally occurring community,” the membership rules for the alliance/association would apply. (FEIR at 9-11)

However, hydroseeding does not disqualify an area from meeting the definition of ESHA in Policy CE 5.3, and other relevant City documents do not disqualify habitats established by hydroseeding.⁶⁰ Furthermore, CDFW, the state agency statutorily charged with advising the City regarding biological issues in CEQA documents, finds that habitats established as mitigation, e.g., by hydroseeding, may still retain important values and must be considered in EIRs: “The DEIR should consider the vegetation as present, even if it was planted as part of mitigation for another project” i.e., by hydroseeding for Willow Springs.⁶¹ However, in contradiction with the CDFW and the City’s own planning documents, including the General Plan and CEQA Thresholds and Guidelines Manual, the FEIR dismisses the vegetation established in the southern portion of the eastern side of the site as a result of hydroseeding as not qualifying as ESHA. As a result, the FEIR uses an improper baseline for the vegetation in the southern position of the east side of the site.



Figures 1a, 1b, and 1c. Development of coyote brush – *Encelia californica* scrub ESHA in southern portion of eastern side of Heritage Ridge site during 2016, 2019, and 2021. In 2016 the perennial scrub species are scattered (Figure 1a). By 2019 the scrub species form a dense cover of coastal sage scrub (Figure 1b). By 2021 the coastal sage scrub has matured and exhibits the composition and structure of coastal sage scrub ESHA as defined in Policy CE 5.3 (Figures 1c, 2a, and 2b). Google Earth.



Figures 2a and 2b. Coyote brush and *Encelia californica* scrub vegetation community in southern portion of eastern side of Heritage Ridge site. EDC. May 24, 2021.

⁶⁰ City of Goleta General Plan Policy CE 5.3, City of Goleta (2002), and City of Goleta *Environmental Review Guidelines* available at <https://www.cityofgoleta.org/home/showpublisheddocument/1319/635689476246700000> (August 19, 2008) do not disqualify a habitat or reduce the importance of habitat established through restoration actions such as hydroseeding native shrubs.

⁶¹ CDFW (2021) at 6.

2. The FEIR's Analysis of Impacts to Biological Resources Omits Significant Impacts, Omits Mitigation Measures, and is Inadequate.

An EIR must “identify and focus on the significant effects of the proposed project on the environment.” CEQA Guidelines § 15126.2(a). In its analysis of impacts, the EIR document should discuss “relevant specifics of the area, the resources involved...[and] alterations to ecological systems...” *Id.* The CEQA Guidelines Environmental Checklist, located in Appendix G, requires an agency to consider Biological Resources and determine if there is a “substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species...” or on “any riparian habitat or other sensitive natural community...” CEQA Guidelines, Appendix G (IV)(a-b). This Checklist also requires determining whether there are substantial adverse effects on the movement of native fish or wildlife, wildlife corridors, or if a conflict will arise with local policies or ordinances designed to protect biological resources such as a tree preservation policy. *Id.* at (IV)(d-e). As indicated further in the Checklist, CEQA *mandates* a finding of significance if an agency finds that the project has “the potential to significantly degrade the quality of the environment [or] substantially reduce the habitat of a fish or wildlife species...” CEQA Guidelines, Appendix G (XI).

When an EIR fails to adequately identify and consider existing environmental conditions, such as wetlands and wildlife refuges, it is “impossible for the EIR to accurately assess the impacts the project would have on wildlife and wildlife habitat or to determine appropriate mitigation measures for those impacts.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722.

Here, the FEIR fails to adequately consider the impacts to biological resources, due to an inadequate analysis of the habitat value of the SPA for Los Carneros Creek, omits discussion of impacts to the mapped and unmapped coastal sage scrub ESHA, and fails to discuss the cumulative impact of the Project and other projects on wildlife movement through the SPA. Because the FEIR misses the mark on analyzing and acknowledging the full impacts of the Project on the environment, it also fails to identify alternatives or mitigation measures that would avoid or minimize those impacts, as required by law.

a. *The FEIR Fails to Adequately Analyze the Significant Impacts to Los Carneros Creek from the SPA Buffer Reduction.*

Los Carneros Creek is mapped as ESHA in the City's General Plan and is part of a wildlife movement corridor.⁶² Reducing the SPA to less than one hundred feet and removing the existing scrub vegetation along the northern side of the Project site would result in significant impacts to the Creek's biotic quality and function as a wildlife corridor.⁶³ Commenting on the RDEIR, Hunt states, “[r]emoving native cover vegetation to accommodate the requested reduction in the SPA buffer from 100 feet to 67 feet is part of a larger sound wall construction

⁶² General Plan Figure 4-1.

⁶³ Hunt (2021) at 2.

process that would significantly degrade the already tenuous physical connection for terrestrial wildlife moving between the project site and Los Carneros Creek ESHA via the SPA buffer.”⁶⁴

Los Carneros Creek provides habitat for the threatened CRLF in the vicinity of the Project.⁶⁵ “[T]he project site is physically connected to natural reaches of Los Carneros Creek upstream of Highway 101. The FEIR incorrectly states that Los Carneros Creek does not provide suitable habitat for California red-legged frogs (*Rana draytonii*), a State- and Federal-listed species. In fact, CRLF have been recently observed in highly disturbed sections of the lower reaches of the creek, within 0.4 air miles of, and physically connected to, the ‘daylighted’ reach north of the project site (City of Goleta Creek and Watershed Management Plan, 2020).”⁶⁶ The Los Carneros Creek culvert contains a semi-permeable connection for CRLF to move from breeding habitat upstream from Highway 101 to the Creek downstream from Highway 101 and to the Project site.⁶⁷

The Project would remove a substantial patch of scrub vegetation currently located within the Los Carneros Creek SPA, resulting in a significant impact to the biotic quality of the Creek.⁶⁸ “Constructing the 900-foot long sound wall will likely require removing the entire 0.51-acre patch of coyote brush scrub in this area, which would cause a significant adverse impact to the biotic quality of Los Carneros Creek ESHA (Fig. 1).”⁶⁹ Thus, the FEIR’s use of the improper 2015 baseline enables the Project to encroach into the SPA causing a significant impact which the FEIR fails to disclose because of its illegal reliance on the 2015 baseline. Furthermore, the FEIR relies on alleged compliance with Policy CE 2.2’s one-hundred-foot SPA requirement to find that the Project does cause a significant impact to Los Carneros Creek. (FEIR at 9-2) Therefore, the Project causes a significant impact to the Creek because the SPA as measured in 2021 is less than one hundred feet.

b. The Loss of Coastal Sage Scrub Within and Outside of the Mapped ESHA and the Loss of Quailbush Scrub is a Significant Impact Which the FEIR Omits.

Coastal sage scrub and quailbush scrub are important sensitive plant communities.⁷⁰ Most coastal sage scrub within the City and coastal California has been lost to development.⁷¹ The FEIR incorrectly finds impacts to coastal sage scrub within the mapped ESHA and outside of the mapped ESHA along with the loss of quailbush scrub to be less than significant and fails to mitigate for the significant loss.

⁶⁴ *Id.*

⁶⁵ City of Goleta, *Creek and Watershed Management Plan* at 103
<https://www.cityofgoleta.org/home/showpublisheddocument/24655/637484869064670000> (November 2020).

⁶⁶ Hunt (2021) at 4.

⁶⁷ *Id.* at 2 – 4.

⁶⁸ *Id.* at 4.

⁶⁹ *Id.*

⁷⁰ CDFW at 6.

⁷¹ Hunt (2021) at 7; *See also* City of Goleta General Plan Figure 4-1.

i. The FEIR Omits Significant Impacts to Coastal Sage Scrub within the Mapped ESHA.

The FEIR fails to consider the significant impact caused by the Project's removal of habitat mapped as coastal sage scrub ESHA. Hunt finds that the mapped ESHA is a "valuable habitat" used by special-status species and raptors including "white-tailed kites (*Elanus leucurus*), a State Fully Protected species, as foraging habitat, and by other raptors, including Cooper's hawk (*Accipiter cooperi*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), and turkey vulture."⁷² "Coyote brush scrub on the project site mapped as ESHA in particular, provides foraging, nesting, roosting, and cover habitat for a wide variety of wildlife."⁷³ Santa Barbara Audubon Society submitted a list of thirty-nine bird species observed in June 2021.⁷⁴ Hunt concludes that, "The coastal sage scrub patch mapped as ESHA is sufficiently large to be viable."⁷⁵ Furthermore, "Coastal sage scrub is now practically non-existent with the City limits" and, "The remaining patches of coyote brush scrub mapped as ESHA in the City limits are significantly declining in extent and quality."⁷⁶

"Removing ESHA protection for the coyote brush scrub mapped as sage scrub ESHA on Figure 4-1 in the City of Goleta General Plan will result in significant impacts to biological resources on the project site."⁷⁷ Removal of the mapped ESHA would cause a significant impact because the Project would have a substantial adverse effect on coastal sage scrub which is a sensitive natural community.⁷⁸ According to Hunt, "The entire project area, including the coyote brush scrub mapped as ESHA by the City of Goleta, will be graded and developed."⁷⁹ Furthermore, "Loss of coyote brush scrub (ESHA) on the project site as a whole may represent up to 10% of such habitat remaining in the City limits."⁸⁰ In fact, "Loss of ESHA protection and elimination of the mapped ESHA and adjacent scrub habitats throughout the project site will substantially reduce or eliminate species diversity or abundance, the amount of nesting habitat for birds, foraging habitat for white-tailed kites... ."⁸¹

Hunt concludes that, "removal of ESHA protections for coyote brush scrub currently mapped as ESHA on-site and loss of the project site as open space habitat for wildlife will substantially increase habitat fragmentation."⁸² "Fragmentation and loss of foraging habitat is likely to negatively affect the local distribution and reproductive output of kites as prey resources decline and the landscape becomes energetically more 'expensive' as foraging habitat within

⁷² Hunt (2021) at 9.

⁷³ *Id.* at 13.

⁷⁴ Attachment D: List of Bird Species Observed at Heritage Ridge in 2021, Mark Holmgren and Steve Gaulin, Santa Barbara Audubon Society (June 2021).

⁷⁵ Hunt (2021) at 15.

⁷⁶ *Id.* at 10 and 12.

⁷⁷ *Id.* at 11.

⁷⁸ *Id.* at 11 - 13 and 15; *See also*: CEQA Guidelines Appendix G, Section IV(e).

⁷⁹ *Id.* at 15.

⁸⁰ *Id.*

⁸¹ *Id.* at 11.

⁸² *Id.* at 15.

their home ranges.”⁸³ Kites “seldom forage more than 0.5-mile from the nest when breeding. (Hawbecker, 1942). Henry (1983) found the mean breeding home range to be as low as 0.2-mile.” (FEIR at 4.3-17) Therefore the Project “could cause kites to abandon historic nest sites.”⁸⁴ Removal of ESHA “will substantially reduce or eliminate species diversity or abundance, the amount of nesting habitat for birds, foraging habitat for white-tailed kites, larval and adult food sources for monarchs, and will further isolate important open space habitats such as Bishop Ranch, Lake Los Carneros Park, and the Goleta Slough.”⁸⁵

Accordingly, the FEIR must be revised to acknowledge the Project’s significant impacts to coastal sage scrub within the mapped ESHA.

ii. The FEIR Omits Significant Impacts to Coastal Sage and Quailbush Scrub Communities Located Outside the Mapped ESHA.

The scrub communities which comprise a significant portion of the site include quailbush scrub and coyote brush scrub (a form of coastal sage scrub). (FEIR Figure 4.3-1 at 4.3-4 and Table 4.3-1 at 4.3-7) These areas are biologically significant, and removal poses a significant impact.⁸⁶ As discussed in Section II.B.2. above, impacts to mapped ESHA are significant and must be avoided. Removal of other scrub vegetation communities outside of the mapped ESHA as proposed also poses a significant biological impact.⁸⁷ The FEIR does not propose to mitigate this significant direct loss of native vegetation communities and wildlife habitats. (FEIR at 4.3-38) However, it is necessary and feasible to mitigate the loss of non-ESHA vegetation communities and wildlife habitats both onsite, which is preferred if feasible, and offsite.

The EIR incorrectly states that there will not be any direct impacts to ESHA, thus ostensibly obviating the need to mitigate for any impacts. (FEIR at 4.3-30) The FEIR also incorrectly finds white-tailed kite habitat is limited and of low quality and that loss of white-tailed kite foraging habitat is a less than significant impact. (FEIR at 4.3-28) The FEIR omits impacts to monarch butterfly a candidate species for listing under the Endangered Species Act.⁸⁸ Without an accurate disclosure of impacts, the FEIR never fully acknowledges the need to minimize or avoid impacts of the Project on the environment, in violation of CEQA.

CDFW concludes that the loss of coastal sage scrub is a significant impact that will “have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications.”⁸⁹ Hunt concludes that the loss of coastal sage scrub represents a significant permanent impact. “Development of the site will all but eliminate the site as wildlife habitat and thus would be a permanent impact to biological resources. Removing ESHA protection for

⁸³ *Id.* at 9 – 10.

⁸⁴ Hunt (2021) at 9 - 10.

⁸⁵ *Id.* at 11.

⁸⁶ Hunt (2021) at 11 – 15; *See also* CDFW (2021) at 6

⁸⁷ *Id.* at 11 – 15.

⁸⁸ Xerces Society (2020); *See also* Hunt (2021) at 11 and 13-16.

⁸⁹ CDFW (2021) at 6.

coyote brush scrub on-site establishes a precedent to eliminate similar mapped (as ESHA) and unmapped coyote brush scrub occurrences within the City limits.”⁹⁰ The FEIR omits these significant impacts caused by the loss of coastal sage scrub and quailbush scrub habitats located outside the mapped ESHA.

iii. The FEIR Proposes No Mitigation Measures for Loss of Scrub Habitats

The main purpose of an EIR is to identify ways in which the significant environmental impacts of a project can be minimized or avoided. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 565. Thus, an EIR must include a discussion of “feasible measures which could minimize significant adverse impacts...” CEQA Guidelines § 15126.4(a)(1). Indeed, according to the California Supreme Court, “[t]he core of an EIR is the mitigation and alternatives sections.” *Id.* at 564. The discussion on mitigation must distinguish between measures proposed by the project proponents and others proposed by the lead agency and must also identify mitigation measures for each significant environmental effect identified in the EIR. CEQA Guidelines § 15126.4(a)(1)(A). An agency’s failure to comply with the procedural mandates of CEQA is prejudicial when the violation precludes informed decision making and public participation. *Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1375.

CEQA requires that significant impacts be mitigated to less than significant or to the maximum extent feasible.⁹¹ However, the FEIR’s response to EDC’s comments incorrectly claim that no mitigation is necessary, and therefore significant impacts caused by loss of the mapped and unmapped coastal sage scrub ESHA are not mitigated. (FEIR at 4.3-29 – 30, and 38; *See also* FEIR at 9-6 – 9-11 and 9-59) CDFW finds that the FEIR has, “[i]nadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities.”⁹² In fact, the FEIR omits habitat replacement mitigation for the loss of mapped coastal sage scrub ESHA. (FEIR at 4.3-29 – 30, and 38; *See also* FEIR at 9-6 – 9-11 and 9-59) Therefore, substantial evidence from CDFW, Hunt, Audubon, and the General Plan demonstrates that the FEIR is deficient because the loss of coastal sage and quailbush scrub communities are significant impacts and these significant impacts are not mitigated as required by CEQA.

iv. The FEIR Must Mitigate the Loss of Scrub Vegetation by Preserving and/or Restoring Coastal Sage Scrub in the Proposed Park, Wildlife Corridor, Wildlife Corridor Spur, Infiltration Gardens, and SPA.

When significant impacts to habitats are unavoidable, as with the Project, onsite mitigation is preferable to offsite mitigation.⁹³ The Project causes a significant impact on scrub

⁹⁰ Hunt (2021) at 16.

⁹¹ CEQA Guidelines Sections 15091(a).

⁹² CDFW (2021) at 6.

⁹³ City of Goleta (2002) at 44 - 45.

vegetation communities and associated bird and wildlife habitat by removing one hundred percent of the onsite coastal sage and quailbush scrub habitats.⁹⁴ “Avoidance” is the preferred mitigation for impacts to habitats.⁹⁵ It may be feasible to avoid mapped ESHA within the park, however, the need to protect cultural resources with geotextile fabric and soil may preclude preservation of this habitat. If avoidance of impacts to the scrub vegetation communities and associated wildlife habitats is infeasible or only partially feasible, then the Project must incorporate “Onsite Mitigation” to substantially lessen impacts to scrub habitats.⁹⁶ Under this scenario in which avoidance may be infeasible, adequate Onsite Mitigation of unavoidable impacts to habitats involves habitat restoration at a 3:1 ratio (three acre restored for every acre removed).⁹⁷

Onsite Mitigation must include restoration of coastal sage scrub habitat in the SPA, park, Wildlife Corridor, Wildlife Corridor Spur, the extension of our recommended Wildlife Corridor Spur east of Building 3 south to Camino Vista, and the upper slopes of the Infiltration Gardens to substantially lessen impacts. The onsite portion of the one-hundred-foot SPA already includes scrub vegetation including large coyote brush and elderberry plants, however, the Project would remove this vegetation.⁹⁸ (Figure 3) Coastal sage scrub provides critical linkages to riparian habitats, would provide cover and upland habitat for riparian species, and would enhance the wildlife movement function of the SPA.⁹⁹ Therefore, the SPA would be an appropriate site for mitigating the loss of scrub habitats. However, the portion of the SPA located onsite is not large enough to accommodate the acreage of restoration necessary to mitigate the loss of scrub habitats.

⁹⁴ Hunt (2021) at 11 - 15.

⁹⁵ City of Goleta (2002) at 44.

⁹⁶ *Id.*

⁹⁷ A 3:1 mitigation ratio is necessary because (1) restored habitats lack the function and values of natural habitats, (2) onsite habitats would not be as valuable because they would be surrounded by Project buildings and parking lots, and (3) the ratio must account for temporal impacts due to the time it would take the replacement habitat to mature and replace the functions and values of the removed habitat. *See e.g.*, County of Ventura, *Comparison of ESHA Mitigation Ratios in Coastal Communities* at 9-4 stating, “L.A. County is using a mitigation ratio of 3:1 for CSS/Chaparral.” https://ventura.granicus.com/MetaViewer.php?view_id=83&clip_id=5065&meta_id=661238

⁹⁸ Hunt (2021) Figure 1 at 5.

⁹⁹ Hunt (2021); *See also* John Dixon, Ph.D., Ecologist and Wetland Coordinator, California Coastal Commission, Memorandum to Ventura Staff re: *Designation of ESHA in the Santa Monica Mountains* at 13 <https://www.coastal.ca.gov/ventura/smm-asha-memo.pdf> (March 25, 2003).



Figure 3. “Northeastern corner of project site: green polygon covers approximately 0.51 acres of coyote brush scrub vegetation along the northern edge of project site. SPA boundary associated with Los Carneros Creek is represented by the yellow line; 100-foot SPA buffer limit is represented by the black line; the proposed buffer reduction to 67 feet is indicated by the pale blue line. The SPA buffer reduction would directly impact about 0.17 acres, or 33%, of the coyote brush scrub covered by the green polygon. All lines are approximate. Image dated 28 February 2021.” Hunt (2021) Figure 1 at 5.

The park is another area where mitigation of lost scrub habitats can occur. Part of the park is proposed to be landscaped with coastal sage species. To properly restore coastal sage scrub and mitigate project impacts, the plants must be from local, i.e., Goleta Slough seed sources, to preserve the genetic integrity of local plant populations.¹⁰⁰

Coastal sage scrub must also be restored in (1) the Wildlife Corridor, (2) the Wildlife Corridor Spur connecting to the park, and (3) our recommended Extension of the Wildlife Corridor Spur south to Camino Vista east of Building 3 (Figure 4), in order to help ensure mitigation complies with CEQA. The upper banks of the Infiltration Gardens must also be restored to coastal sage scrub habitat.

¹⁰⁰ Belnap, Jayne, *Genetic Integrity: Why Do We Care? An Overview of the Issues*, https://www.fs.fed.us/rm/pubs/int_gtr315/5_belnap.pdf April 12, 2021.

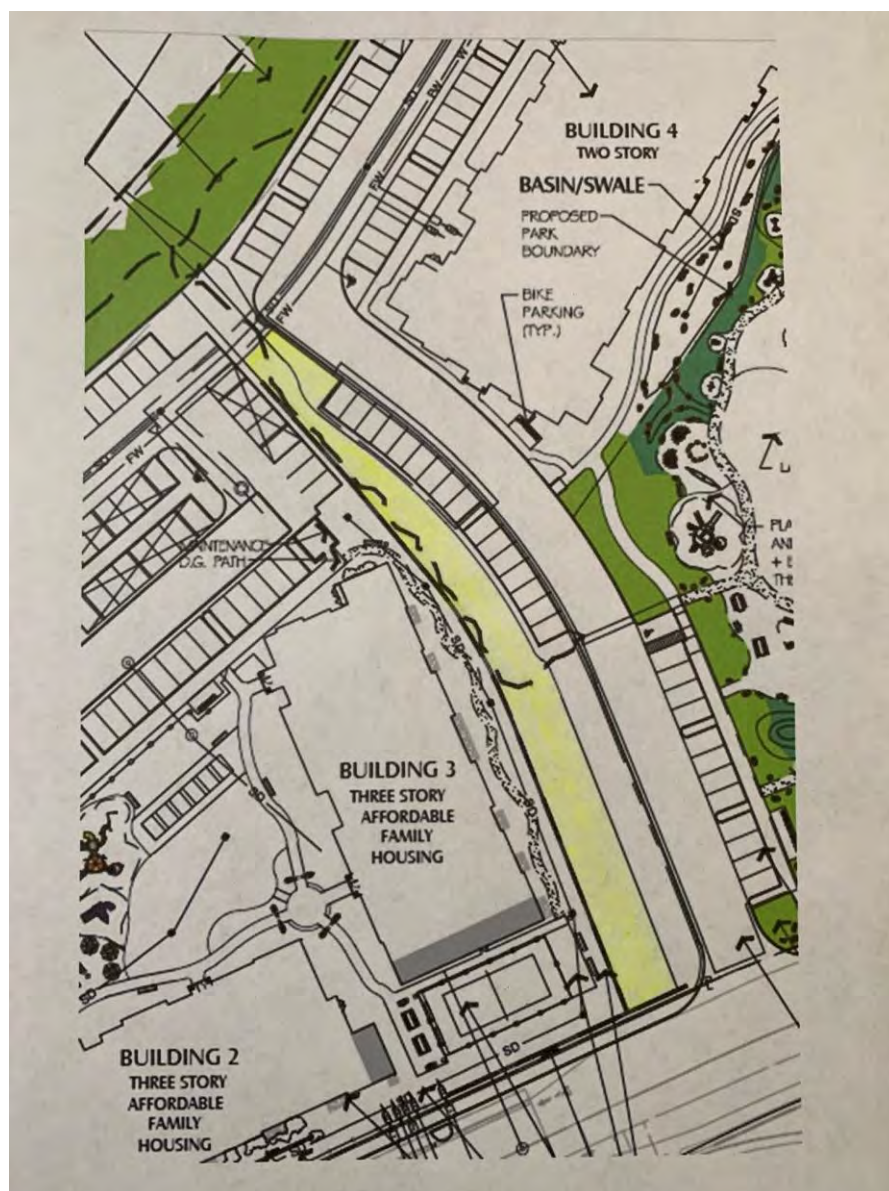


Figure 4. Wild Corridor and Wildlife Corridor Spur to Camino Vista. (Yellow polygon.) EDC. 2021.

Absent sufficient onsite creation of coastal scrub habitats to mitigate for loss of non-ESHA scrub communities, “Off-site Mitigation” through coastal sage scrub restoration is acceptable as a last resort.¹⁰¹ Areas suitable for creating, enhancing, restoring, and preserving coastal sage scrub and other scrub communities are present at Lake Los Carneros, Bishop Ranch, and near Highway 101 and Los Carneros Road. Lake Los Carneros and the areas near the northbound Highway 101 onramp and offramp at Los Carneros Road are mapped as coastal sage scrub ESHA but appear degraded and in need of restoration. Restoration of coastal sage scrub at

¹⁰¹ City of Goleta (2002) at 44 - 45.

Lake Los Carneros City Open Space appears consistent with the Lake Los Carneros Management Plan.¹⁰²

Coastal sage scrub communities created or restored onsite and/or offsite must be (1) designated ESHA and (2) maintained and protected in perpetuity in order to ensure impacts from the permanent loss of scrub habitats are mitigated to less than significant or to the maximum extent feasible.¹⁰³

c. The FEIR Finds Impacts to the Wildlife Corridor are Less than Significant with Mitigation but Omits Adequate Mitigation.

The FEIR incorrectly claims that impacts to wildlife corridors are less than significant with mitigation, (FEIR at 4.3-32; *see also* FEIR at 9-11 – 9-16), but mitigation is insufficient to lessen impacts below a level of significance. Hunt finds, “Constructing the proposed sound wall along the northern boundary of the project site could substantially disrupt wildlife movement between the ‘daylighted’ reach of Los Carneros Creek and the project site via the SPA buffer, as well as movement along the UPRR corridor.”¹⁰⁴ CDFW concludes, “This on-site wildlife linkage is important for small- (raccoon, striped skunk) and medium- (coyote and bobcat) sized mammal species that use the wetlands and foothills to hunt, seek shelter, breed, and conduct other normal behaviors important for their survival, especially within the wilderness-urban interface.”¹⁰⁵

The significance of the impact is well established, with even the FEIR finding the impact to wildlife movement would be substantial without adequate mitigation. (FEIR at 4.3-32) Unfortunately, the FEIR’s mitigation measure providing a twenty-five to forty-foot-wide corridor adjacent to heavily trafficked Los Carneros Road is woefully inadequate. CDFW determined,

The scientifically accepted minimum width for a functioning wildlife linkage is 1000 feet from any human disturbance or uses, including edge effects (Monica, 2003). The effective corridor width is the minimum spatial dimension needed to mitigate human influence on animal movement through the corridor (Ford et al., 2020). The current site starts at 1,000 feet wide at the northern boundary and narrows to 400 feet at the southern boundary. CDFW is concerned that 25-40 feet is not adequate to ensure the continued, unimpacted use of this corridor by the species the DEIR identifies as currently relying on it.¹⁰⁶

¹⁰² Santa Barbara County Parks Department, *Lake Los Carneros Updated Management Plan* at 42 – 43 available at <https://www.cityofgoleta.org/home/showpublisheddocument/9425/635689476246700000> (1999).

¹⁰³ *See e.g.*, City of Goleta, General Plan Policy CE 1.7 at 4-11 stating, “Where appropriate, mitigation sites shall be subject to deed restrictions. *Mitigation sites shall be subject to the protections set forth in this plan for the habitat type unless the City has made a specific determination that the mitigation is unsuccessful and is to be discontinued.*” (*Emphasis added.*)

¹⁰⁴ Hunt (2021) at 4 and 14 - 15.

¹⁰⁵ CDFW (2021) at 3.

¹⁰⁶ *Id.*

CDFW also finds, “The proposed 25-40-foot-wide wildlife movement corridor is not adequate in size and constitutes an impact to a known wildlife movement corridor, as identified by Conservation Biology Institute.”¹⁰⁷ CDFW notes that, “CDFW is concerned pushing this corridor between a sound wall and a road will result in increased death as roads create noise and vibration that interfere with ability of reptiles, birds, and mammals to communicate, detect prey, or avoid predators.”¹⁰⁸ Moreover, increased traffic on Los Carneros Road would increase roadkill, and “increased number of dogs, cats, and other pets can act as subsidized predators, killing millions of wild animals each year (Courchamp and Sugihara, 1999) (May and Norton, 1996).”¹⁰⁹ Increased lighting “can impair the ability of nocturnal animals to navigate through a corridor (Beier, 2006) and has been implicated in decline of reptile populations (Perry and Fisher, 2006).”¹¹⁰

In light of the significance of impact to wildlife movement and the FEIR’s inadequate mitigation, CDFW advises the City to include sufficient mitigation: “CDFW recommends a scientifically defensible wildlife corridor width be required. CDFW recommends keeping the minimum width of 400 feet that the property currently provides for wildlife use and movement.”¹¹¹ However, the City omitted this necessary measure.

Given the evidence in the record, including CDFW’s letter which cites to at least eleven scientific and technical studies that impacts to wildlife movement are significant and are not mitigated, and given the City’s omission of CDFW’s mitigation measure, the FEIR incorrectly finds impacts to wildlife movement are mitigated to a less than significant level.

d. The FEIR Improperly Finds that Impacts to White-tailed Kites Caused by Loss of Foraging Habitat are Less than Significant and Omits Mitigation for this Loss.

White-tailed kites are a Fully Protected Species which regularly forages at the Project site to secure food to support nesting, reproduction, survival, and persistence of the species in the Goleta area.¹¹² The Project could eliminate all foraging habitat on the Project site.¹¹³ This would force white-tailed kites to have to fly farther and for longer periods of time to find hunting grounds and forage for food to survive and feed chicks.¹¹⁴ In addition, the Project site is part of an important “corridor” which forms a “meaningful connection” between Lake Los Carneros, where kites nest, and the Goleta Slough, where kites forage.¹¹⁵ The Project would disconnect this corridor interfering with kites’ foraging needed to support nesting. “For these reasons, Project-

¹⁰⁷ CDFW (2021) at 2 - 3.

¹⁰⁸ *Id.* at 3.

¹⁰⁹ *Id.* at 4.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Hunt (2021) at 12; *See also* CDFW (2021) at 4.

¹¹³ Hunt (2021) at 14.

¹¹⁴ *Id.*

¹¹⁵ Email from Mark Holmgren, Wildlife Biologist and Ornithologist, to Brian Trautwein, Senior Analyst/Watershed Program Director, EDC and Rachel Kondor, Staff Attorney, EDC (March 25, 2022).

related impacts to raptors, including the white-tailed kite, a Fully Protected species, are substantial.”¹¹⁶

“It is generally acknowledged and confirmed by UCSB biologist Mark Holmgren and his research associate, Morgan Ball, that where Kite roosting and/or nesting occur, the grassland feeding areas which provide a critical component of the Kites' habitat (food) must be preserved where feasible if the Kite is to survive at all. This is because successful nesting cannot occur if the raptors cannot secure adequate calories to sustain themselves and to nourish their chicks... It would not be logical if Kite roosting and nesting areas protected in all Kite habitat locations, ignored the critical foraging area also necessary to sustain life for the raptors and their offspring.”¹¹⁷ “Fragmentation and loss of foraging habitat is likely to negatively affect the local distribution and reproductive output of kites as prey resources decline and the landscape becomes energetically more “expensive” as foraging habitat within their home ranges. This could cause kites to abandon historic nest sites.”¹¹⁸ The Project, “will substantially reduce or eliminate... foraging habitat for white-tailed kites.”¹¹⁹ “Project impacts would potentially reduce the number and/or restrict the range of the white-tailed kite or contribute to the continued abandonment of a nesting site and/or loss of significant foraging habitat for a given nest territory. This would result in “take” as defined under CEQA.”¹²⁰ CDFW is concerned that the EIR concludes, “that removal of 17.4 acres of suitable foraging habitat, well within the range of average territory sizes, would not significantly affect white-tailed kites.”¹²¹ The FEIR incorrectly classifies this as a less than significant impact. (FEIR at 4.3-28 and 9-16 – 9-18)

The FEIR’s response to comments about loss of white-tailed kite foraging habitat is inadequate and includes incorrect information. The FEIR finds, “foraging habitat is not specifically treated as ESHA in the General Plan.” (FEIR at 9-17) This is a false statement because the General Plan requires protection of special-status species foraging habitat as ESHA: “All development shall be located, designed, constructed, and managed to avoid disturbance of adverse impacts to special-status species and their habitats, including spawning, nesting, rearing, roosting, foraging, and other elements of the required habitats.”¹²² Foraging is necessary for the species reproduction and survival, and the Project site is well documented as foraging habitat.

As a result of incorrectly finding that loss of all white-tailed kite foraging habitat on the site is less than significant, the FEIR improperly omits mitigation. CDFW finds that mitigation is necessary to avoid a significant impact.¹²³ CDFW recommends sufficient mitigation for loss of white-tailed kite foraging habitat: “Permanent impacts to foraging habitat for white-tailed kite should be offset by setting aside replacement habitat to be protected in perpetuity under a

¹¹⁶ *Id.*

¹¹⁷ California Coastal Commission, *Staff Report for Application No. A-4-STB-93-154-CC, and --A2 (Arco Dos Pueblos Golf Links)* at 86 (May 31, 2002).

¹¹⁸ Hunt (2021) at 10.

¹¹⁹ *Id.*

¹²⁰ CDFW (2021) at 4.

¹²¹ *Id.*

¹²² City of Goleta General Plan Policy 8.2 at 4-25.

¹²³ CDFW (2021) at 5.

conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968.”¹²⁴ However, the FEIR’s responses to CDFW, Hunt, and EDC reject the need for mitigation for the significant loss of white-tailed kite foraging habitat in violation of CEQA. (*See e.g.*, FEIR at 9-18)

e. The FEIR Omits Cumulative Impacts to Biological Resources.

Cumulative impacts must be considered under CEQA as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” CEQA Guidelines § 15355. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” *Id.* at § 15355(b). In order to assure an adequate evaluation of cumulative impacts, an EIR must either include a list of “past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency,” or a summary of projections contained in a local, regional, or statewide plan. CEQA Guidelines § 15130(b)(1).

Here, the FEIR does not adequately respond to comments regarding the Project’s impacts cumulative impacts on biological resources. Most notably, the FEIR improperly dismisses the cumulative impacts on wildlife corridor/linkage caused by the Project and the Los Carneros Way Realignment Project. The Project would cause cumulative impacts to wildlife movement along the documented wildlife corridor because the Project in combination with other Projects “increases contact and conflict of wildlife with humans, pets, traffic, degraded habitat, lighting, noise, etc.”¹²⁵

In Comments 5.14 – 5.18 on the RDEIR,¹²⁶ EDC identified a reasonably foreseeable probable project (City of Goleta Capital Improvement Project (“CIP”) R-13) which, when combined with the Project, would adversely affect biological resources including wildlife use of the wildlife corridor/linkage CDFW identifies as significant.¹²⁷ (Figure 5) According to the FEIR’s Wildlife Corridor Analysis and as shown in Figures 7 and 8 below, the wildlife corridor/linkage “extends along the northern and western portions of the Project site to the east and along Los Carneros Road and eventually south (off-site) to the Los Carneros Wetlands.” (FEIR Appendix D, Dudek, *Wildlife Corridor Analysis for the Heritage Ridge Project* at 17. September 2, 2014) The FEIR finds that, “Maintaining this wildlife linkage is important for many small- (raccoon, striped skunk, etc.) and medium- (coyote and bobcat) sized mammal species that use these areas (wetlands and foothills) to hunt, seek shelter, breed, and conduct other normal behaviors important for their survival, especially within the wildness-urban interface.” (*Id.*) The Heritage Ridge Project and CIP Project R-13 would narrow this wildlife corridor/linkage and cumulatively impede wildlife, but the FEIR omits this cumulative impact.

¹²⁴ *Id.*

¹²⁵ Dr. Scott Cooper, Biologist, Audubon Society email to Brian Trautwein, Senior Analyst/Watershed Program Director, EDC and Rachel Kondor, Staff Attorney, EDC (March 25, 2022).

¹²⁶ EDC (2021) at 17 – 23.

¹²⁷ CDFW (2021) at 2 – 3.



Figure 5. The Los Carneros Way Realignment Project (CIP Project R-13) would combine with the Project to adversely impact wildlife movement from the SPA through the site to the Los Carneros Wetlands. From City Council Staff Report. March 19, 2019.

Narrow wildlife corridors/linkages increase impacts and are detrimental to species using the corridors/linkages:

One important negative effect of corridors is introduced because of their long and narrow shape. This shape creates boundaries between conservation and degraded areas. Species tend to behave differently at these boundaries, or edges, of habitat fragments, and there is concern that in creating habitat patches such as corridors, the high ratio of edge to area might be detrimental to species using the corridor.¹²⁸

The FEIR incorrectly claims that “the proposed project effectively removes the potential to construct CIP projects I-20, R-13, and R-18” so cumulative impacts would not be significant. (FEIR at 9-46 – 9-47) However, vacating forty feet of the fifty-foot width of the South Los Carneros Road ROW / slope easement east of the Road adjacent to the Project (*Id.*) would have no bearing on the feasibility of Project R-13 which is not adjacent to or physically connected to the Project site. Project R-13 is located south of Calle Koral which, in turn, is located south the Project site.¹²⁹ (Figures 5 and 6) Therefore, the Project component involving vacating the ROW/slope easement would not remove the potential for Project R-13.

¹²⁸ Conservation Corridor, *Corridor Concerns Webpage* <https://conservationcorridor.org/#> (June 26, 2021).

¹²⁹ Memo from Peter Imhof, Planning Director, City of Goleta to Planning Commission Chair and Members at 3 (January 10, 2022).

Graphic 4 Easement Vacation/ Dedication

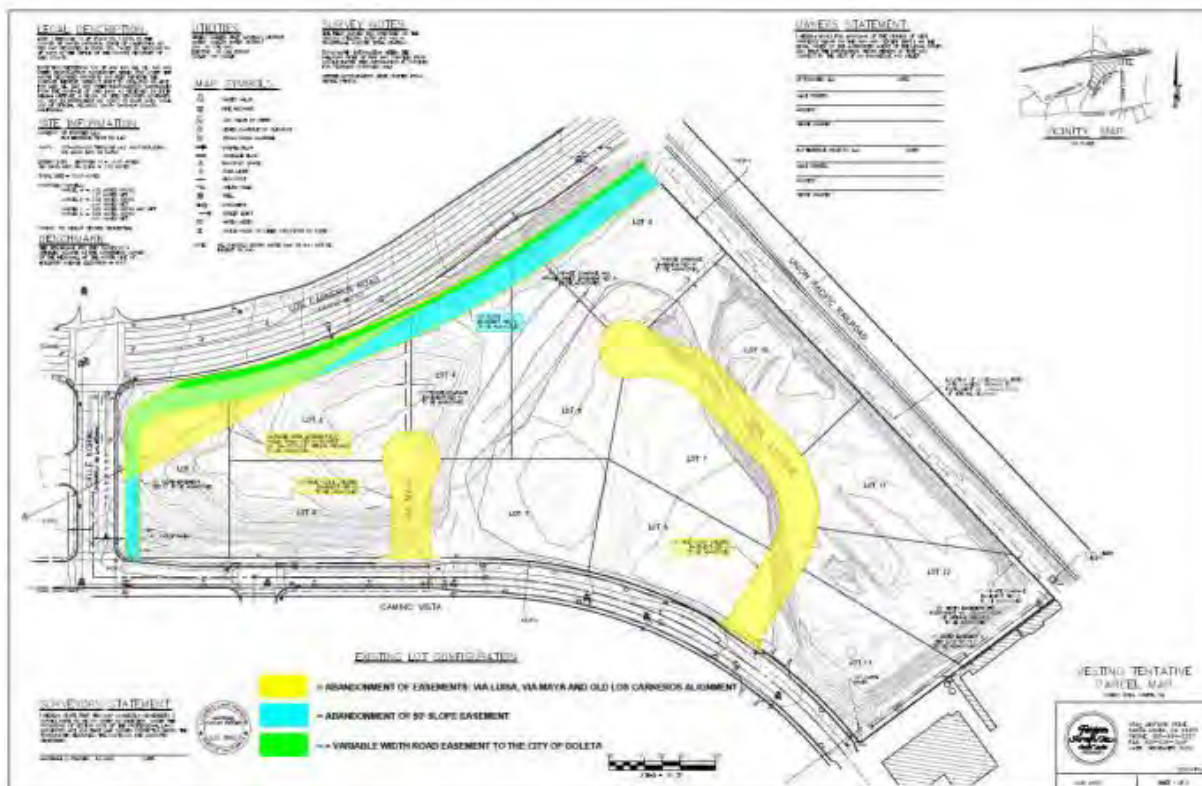


Figure 6. The ROW easement (yellow) and slope easements (blue) being abandoned in relation to the Heritage Ridge Project are not adjacent to or physically connected to Project R-13 and therefore do not affect Project R-13 which is located southwest of and across Calle Koral from the Heritage Ridge Project Site. City of Goleta Planning Commission Staff Report for Heritage Ridge Project at 8. March 17, 2022.

Project R-13 would realign Los Carneros Way east into the Los Carneros Wetlands (Figure 5) in conflict with General Plan Policy CE 3.5, which requires a fifty-foot buffer for “Wetlands Outside the Coastal Zone.”¹³⁰ Project R-13 would result in impacts to biological resources including wildlife movement along the same important wildlife corridor/linkage into which the Heritage Ridge Project would impinge.¹³¹ Project R-13 would increase the distance

¹³⁰ City of Goleta General Plan Policy CE 3.5 at 4-17; *See also* letter from Cecilia Brown, The Goodland Coalition to Kim Dominguez on behalf of the City of Goleta Planning Commission regarding project R-13 (May 20, 2021) (“Brown (2021)”).

¹³¹ Letter from Brian Trautwein, Environmental Analyst/Watershed Program Coordinator, EDC to Goleta Mayor and City Council and Goleta Planning Commission (May 24, 2021); *see also* Letter from Eddie Harris, Director, Urban Creeks Council to Charlie Ebeling, Public Works Director, City of Goleta (April 9, 2021); *see also* Letter from Dr. Kathryn Emery, Executive Director, Santa Barbara Audubon Society to Goleta City Council (April 10, 2021); *see also* Email letter from George Relles, Convenor, The Goodland Coalition to Charlie Ebeling, Goleta Public Works Director (April 6, 2021); *see also* email from Catherine Mullin, Sierra Club Santa Barbara to Charlie Ebeling, Goleta Public Works Director (April 9, 2021); *see also* letter from Molly Troup, Science and Policy Director, Santa Barbara Channelkeeper to Charlie Ebeling, Public Works Director, City of Goleta (April 23, 2021),

wildlife would have to travel over paved road and dodge traffic (the proposed three-way intersection of realigned Los Carneros Way, Camino Vista, and Calle Koral) within the wildlife corridor/linkage. (Figures 5 and 7)

Furthermore, contrary to the FEIR's claim at 9-47, Project R-13 is reasonably foreseeable. Underscoring this, the City Public Works Department and City Council declined to remove Project R-13 from the CIP list in 2021 despite tremendous public support for doing so.¹³² Therefore, the fact that Project R-13 is on the City's CIP list, coupled with the City's opposition to removing Project R-13 from the CIP list, demonstrates that Project R-13 is reasonably foreseeable and may be probable.

In addition, the Planning Commission Staff Report depicts the Project with Project R-13 implemented wherein Los Carneros Way is realigned into the Los Carneros Wetland impinging on the important wildlife corridor, and the current Los Carneros Way is abandoned, leaving no doubt that the Project is reasonably foreseeable, planned, and probable. (Compare Los Carneros Way alignment in Figures 5 and 6) The Heritage Ridge Project, coupled with Project R-13, would cause a potentially significant cumulative effect on wildlife movement but the FEIR improperly dismisses Project R-13 and omits this cumulative impact.



Figure 7. The combined wildlife corridor connecting Los Carneros Creek to the Los Carneros Wetlands would be impaired by the Project and the realigning of Los Carneros Way. Google Earth.

see also Email letter from Ken Palley, Santa Barbara Surfrider, the City of Goleta Mayor and City Council and Charlie Ebeling, City of Goleta Public Works Director (April 9, 2021); *see also* Brown (2021).

¹³² *Id.* In May of 2021, the Goleta Staff and City Council elected to leave CIP Project R-13 on the CIP list despite strong objections and concerns about biological impacts voiced by EDC, EDC's clients, other community groups, and community members.



Figure 8. Wildlife Corridors and Linkages.¹³³ Note the wildlife linkage east of the Heritage Ridge (dark blue hash marks) site narrows to twenty-five feet between the UPRR tracks and Calle Koral. Project R-13 would further narrow the linkage. FEIR Appendix D. *Wildlife Corridor Analysis for the Heritage Ridge Project. Figure 4.* 2022.

f. The Project Would Result in a Significant Impact to Biological Resources Because It Would Conflict with Local Policies Protecting Biological Resources, Including ESHA and Tree Preservation Policies.

Pursuant to the CEQA Guidelines and as stated in the FEIR, “The Project would have a significant impact on biological resources if it would conflict with local policies or ordinances protecting biological resources such as a tree protection policy or ordinance.”¹³⁴ As discussed in more detail in Section I.C.3 below, the Project would conflict with numerous General Plan policies protecting biological resources, including the City’s ESHA, stream, and tree protection policies. These conflicts result in a significant impact to biological resources.

¹³³ The FEIR defines “wildlife corridor” and “linkage” in Appendix D, Dudek, *Wildlife Corridor Analysis for the Heritage Ridge Project* at 2 – 4 (September 2, 2014).

¹³⁴ CEQA Guidelines Appendix G, Section IV(e); *See also* FEIR “Significance Thresholds” at 4.3-26 – 27.

3. The FEIR Omits Land Use Impacts Related to Conflicts with Specific General Plan Policies and Does Not Accurately Analyze and Disclose Other Land Use and Policy Consistency Impacts.

An EIR must “discuss any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans.” CEQA Guidelines §15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918. As part of this discussion, an agency must consider and indicate whether the Project would “[c]ause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” CEQA Guidelines, Appendix G, Section XI(b). A conflict with such a plan or policy - adopted in order to avoid or mitigate environmental effects - can indicate a potentially significant impact on the environment. *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903, 929; *also see Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-784.

If a lead agency fails to identify the relationship of the Project to relevant local plans in an EIR, that EIR may be inadequate because failure to disclose any such inconsistencies violates CEQA’s information disclosure mandate, constituting a failure to “proceed in ‘a manner required by law’.” *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 386; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510, 514–16.

Here, the FEIR either fails to disclose inconsistency with several relevant elements of the Goleta General Plan Conservation Element outright, or omits detail in the discussion sufficient to enable the public to understand and meaningfully consider the issues raised. (FEIR at 9-48 – 9-59)

a. *The Project Would Violate Policy CE 2.2 Because it Lacks a One-hundred Foot SPA and There is No Evidence that the Project Would be Infeasible with a One-hundred-foot SPA.*

Under the City’s General Plan Policy, CE 2.2, the City may increase or reduce to no less than 25’ the width of the SPA upland buffer on a case-by-case basis, if “(1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project’s impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.” City of Goleta General Plan Conservation Element Policy 2.2(a). CEQA defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” CEQA Guidelines § 15364.

The Project’s SPA is less than one-hundred feet, the minimum required pursuant to the General Plan Policy CE 2.2. As discussed above and in sharp contrast to the RDEIR, the FEIR uses the incorrect SPA baseline for the impact analysis to find that the Project does not fall within the one-hundred-foot setback. However, using the correct 2021 baseline map used in the RDEIR, the SPA is less than the minimum one hundred feet. The applicant has claimed that

redesigning the Project's stormwater plan as recommended by EDC's stormwater engineer, RJR Engineering, Inc. ("RJR"), so the Project can include a one-hundred-foot SPA would be a "less desirable option."¹³⁵ The applicant has not met the burden of evidence demonstrating that a one-hundred-foot SPA is *infeasible*, which is required before the City can consider reducing the SPA to below the one hundred-foot minimum.

EDC's clients retained a highly qualified stormwater engineer, RJR, to evaluate the Project stormwater plan to identify changes which would enable the SPA to be increased.¹³⁶ RJR found that standard, cost-effective measures such as distributed stormwater capture and infiltration would feasibly enable the southeast Infiltration Garden to be reduced in size, allowing Buildings to be shifted a short distance to the South away from the SPA and freeing up room to increase the SPA without reducing the number of affordable or market rate units. The applicant claims that the stormwater plan cannot be modified because it has been "carefully designed to meet City/State requirements."¹³⁷ However, the Central Coast Regional Water Quality Control Board ("CCRWQCB") which enforces the "State requirements," reviewed RJR's analysis and generally concurs with RJR's conclusion that decentralized stormwater measures could free up space to increase the SPA.¹³⁸

As a comparison, Comstock Homes' Village at Los Carneros ("VLC") proposed a thirty-five-foot SPA. When our clients raised concern over consistency with Policy CE 2.2, the City published an EIR errata with the unsupported claim that a one-hundred-foot SPA was infeasible. However, at our clients' request, Mr. Comstock voluntarily redesigned VLC over a two-week period to increase the SPA from thirty-five to over one hundred feet to comply with Policy CE 2.2, without losing a single unit. There is no evidence that compliance with the SPA setback in this case is infeasible.

Furthermore, as discussed above, evidence in the record from Hunt and Associates Biological Consulting determined that reducing the SPA below one hundred feet results in significant impacts to the biotic community of Los Carneros Creek. Given the lack of evidence that a one-hundred-foot SPA is infeasible, evidence from RJR that increasing the SPA is feasible, and evidence that reducing the SPA would cause a significant impact to the biotic quality of the Creek, the Project would violate Policy CE 2.2.

b. The Project Would Violate Policy CE 2.3 Because it Allows Uses in the SPA Which are Prohibited by the General Plan.

Policy CE 2.3 specifies uses allowed in SPAs, including restoration, agriculture where it is compatible with protecting riparian habitat, maintenance of existing roads, driveways, and

¹³⁵ Letter from Tim Kihm, TK Consulting, to Ms. Mary Chang, City of Goleta at 2. (September 3, 2020) ("TK Consulting (2020)").

¹³⁶ Letter from Robert W. Anderson, R.C.E, Juris Doctorate, Principal Engineer – RCE 58383 (CA), RJR Engineering, Inc to Environmental Defense Center (February 3, 2022). (Attachment E)

¹³⁷ TK Consulting (2020) at 2.

¹³⁸ Email from Lucas Sharkey, PE, Stormwater Unit, CCRWQCB to Brian Trautwein, Environmental Analyst/Watershed Program Director, EDC (March 10, 2022) (Attachment F) ("CCRWQCB (2022)").

utilities, nature education, and other very limited uses. However, the proposed sound wall and drive aisle which would eliminate native vegetation, isolate Los Carneros Creek, and hinder wildlife movement in the SPA,¹³⁹ are not enumerated uses allowed pursuant to Policy CE 2.3. Therefore, the Project would violate Policy CE 2.3.

- c. *The Project Would Violate Policy CE 2.4 Because it Fails to Place the SPA in a Deed Restriction or Conservation Easement to Present Future Subdivision.*

Policy CE 2.4 requires the SPA to be placed in a conservation easement or deed restriction, however this Policy is omitted from the FEIR. This stems from the use of the incorrect and outdated baseline map from which to measure the SPA boundaries. The Project does not propose a conservation easement or deed restriction and violates Policy CE 2.4.

- d. *The Project Could Violate General Plan Policy CE 1.3 Because it Would Fail to Protect Unmapped Coastal Sage Scrub ESHA.*

The site contains 8.2 acres of coyote brush scrub and quailbush scrub identified by CDFW as ESHA. (FEIR Table 4.3-1 at 4.3-7) Note that the FEIR Figure 4.3-1 at 4.3-2 uses an outdated 2015 aerial photograph as its baseline, that scrub communities have expanded since 2015, and that Table 4.3-1 and Figure 4.3-1 exclude coastal sage scrub that has established in the eastern portion of the site since 2015 (Figure 2a -2c and 3a and 3b above). These communities are identified by CEQA Responsible Agency CDFW as “sensitive vegetation communities,” i.e., ESHA.¹⁴⁰ Only roughly 2.19 acres of this vegetation is mapped as ESHA but according to CDFW all 8.2 plus acres are ESHA.¹⁴¹ Very little scrub vegetation remains within the City.¹⁴² Given this, the Project would violate Policy CE 1.3 by removing unmapped as ESHA.

- e. *The Project Would Violate Policy CE 1.4 Because the Project Would Allow Development in an Area where ESHA was Previously Illegally Removed.*

The Planning Commission must find the Project inconsistent with Policy CE 1.4 - Illegal Destruction of ESHA because the Project would include development within an area of mapped ESHA which was previously illegally removed. (Figures 9 – 13) The FEIR finds that, “As discussed in Section 4.3, Biological Resources, of the Revised Draft EIR, pursuant to the City of Goleta General Plan Policy CE 1.5, an Environmentally Sensitive Habitat Area (ESHA) designation may be removed if a site-specific biological study contains substantial evidence that an area previously shown as an ESHA on Figure 4-1 of the General Plan does not contain habitat that meets the definition of an ESHA (*excluding illegal removal*).” (FEIR at 9-6; *emphasis added*) Evidence shows that the Project would take advantage of prior illegal ESHA removal by

¹³⁹ Hunt (2021) at 2.

¹⁴⁰ CDFW (2021) at 5 - 6.

¹⁴¹ *Id.*

¹⁴² *Id.*; See also General Plan Figure 4-1.

replacing the northern portion of the mapped coastal sage scrub ESHA – which was previously removed - with development. While the FEIR claims that the mapped ESHA is not currently ESHA, the illegal removal occurred before the City first opined in 2012 that the mapped ESHA is not ESHA and after the applicant’s consultant, Dudek, opined that the area was ESHA. The City cannot go back in time to claim that the mapped ESHA was not ESHA when illegally destroyed between 2007 and 2012. The Project’s reliance on prior illegal destruction of ESHA constitutes a violation of Policy CE 1.4.

Mapped ESHA was removed in 2008 and/or 2009 for grading during flood control emergency stockpiling under 08-158-EMP and/or under Towbes’ related permit for stockpiling (08-77-LUP), in conflict with Permit Condition 16 in each respective Permit. (Figures 9 – 11) Condition 16 of 08-158-EMP required staking and no encroachment beyond stakes. Condition 16 of 08-77-LUP required no removal of native trees, shrubs, or vegetation.

The City acknowledged mapped ESHA in 2008, called it disturbed based on a 2008 Tricia Wotipka (Dudek) biology memo (“Wotipka Memo”), and did not find it non-ESHA. The 2008 Wotipka Memo finds (1) onsite coyote brush scrub is a variant of coastal sage scrub,¹⁴³ (2) onsite coyote brush is disturbed and degraded, and (3) impacts to coyote brush would not be significant.¹⁴⁴ The Wotipka Memo does not find that the coastal sage scrub is not ESHA. In fact, Wotipka/Dudek subsequently drafted a restoration plan specifically to mitigate project impacts to coastal sage scrub ESHA, thereby acknowledging the coyote brush scrub was ESHA.¹⁴⁵

Dudek prepared the Coastal Sage Scrub Mitigation Plan (“Plan”) in April and June 2009, calling it a “proposal to mitigate the impacts on the *Environmentally Significant Habitat Area (ESHA) consisting of coastal sage vegetation.*”¹⁴⁶ (Emphasis added.) The Plan would “mitigate the loss of 1.23 acres of disturbed, low quality coyote brush scrub habitat with the establishment of 1.42 acres of high quality coastal sage scrub habitat.”¹⁴⁷ The Plan analyzed consistency with the General Plan’s ESHA policies, further demonstrating Dudek considered the coyote brush scrub habitat to be ESHA.¹⁴⁸

Additional mapped ESHA, including one of the protected willow trees,¹⁴⁹ was removed in 2010 – 2011 under 10-124-LUP prior to the City first opining that the mapped coastal sage scrub ESHA was not ESHA. (Figures 10 – 13) The willow tree was located in the northern portion of the mapped ESHA which was removed. The willow tree grew back and is currently a

¹⁴³ This conclusion is consistent with the findings of CDFW and Hunt in comments on the RDEIR.

¹⁴⁴ Memo from Tricia Wotipka, Biologist, Dudek, to Peter Brown, Brownstein Farber Hyatt Schrek, LLP re Coastal Sage Scrub Assessment Willow Springs North Project, Goleta (April 16, 2008).

¹⁴⁵ Letter from Tricia Wotipka, Project Manager/Biologist and David Stone, Planning Manager, Dudek, to Ms. Anne Wells, Planning and Environmental Services, City of Goleta at 1 (June 9, 2009); See also Letter from Tricia Wotipka, Project Manager/Biologist and David Stone, Planning Manager, Dudek, to Ms. Natasha Heifitz, Planning and Environmental Services, City of Goleta at 1 (August 17, 2009) (“Dudek (2009)”).

¹⁴⁶ Letter from Tricia Wotipka, Project Manager/Biologist and David Stone, Manager, Dudek to Ms. Anne Wells, Planning and Environmental Services, City of Goleta at 1 (June 9, 2009); See also Dudek (2009) at 1.

¹⁴⁷ Dudek (2009) at 10-11.

¹⁴⁸ *Id.* at 3 – 10.

¹⁴⁹ Willow trees are “Protected Trees” that must be avoided pursuant to General Plan CE Policies 9.1 and 9-4.

large specimen willow and remains a Protected Tree pursuant to Policy CE 9.1, but would be replaced with development in the area of the prior illegal removal of mapped ESHA.

The mapped ESHA, including the protected willow tree, was removed before the City first opined it was not ESHA in 2012¹⁵⁰ and after Dudek had determined it was ESHA. The northern portion of the mapped ESHA including a protected tree were removed for grading under three City permits, two of which required that no native shrubs, trees, or vegetation be removed. ESHA and tree removal violated permit conditions and General Plan policies. Thus, mapped ESHA was illegally destroyed.¹⁵¹

In its discussion of prior site disturbances, the FEIR does not disclose the history of illegal ESHA removal after ESHA designation in 2006 and prior to 2013. (FEIR Response 7.5 at 9-68 – 69) Given the above evidence and analysis, the Project violates Policy CE 1.4 by failing to protect the area of mapped ESHA which was illegally destroyed.



Figure 9. September 2007. Prior to removal of north portion of mapped ESHA. Note that scrub vegetation and the willow tree (green polygon south of Via Luisa) mapped as ESHA extends north of Via Luisa approximately to the property line south of the railroad tracks. Google Earth.

¹⁵⁰ City of Goleta, *City Council Resolution 12-47 (Certifying Willow Springs II EIR)* at pdf pages 34-35 (July 17, 2012); See also City of Goleta, *City Council Resolution 12-48 (Approving Vesting Tentative Tract Map)* at pdf 54-56 (July 17, 2012); See also City of Goleta, *City Council Resolution 12-49 (Approving Development Plan for Willow Springs II and Minor CUP for Boundary Wall)* at pdf 95 – 96 (July 17, 2012). (Note that Reso. 12-50 requires planning native vegetation to enhance raptor foraging and use of the area.)

¹⁵¹ See Attachment G summarizing and analyzing City permits, plans, and resolutions which document the prior illegal destruction of mapped ESHA.



Figure 10. General Plan Figure 4-1. ESHA Map. Note mapped ESHA extends north including location of willow tree shown in Figure 9 almost to northern property line near the railroad tracks which are depicted as the dark black line near the top of Figure 10.



Figure 11. June 2009. Post removal of northern portion of mapped ESHA south of railroad tracks. Note removal of scrub vegetation and exposed soil north of willow tree (green polygon) and Via Luisa in area mapped as ESHA in Figure 2 above. Compare Figure 12 to Figures 10 and 11 above to illustrate how scrub vegetation mapped as ESHA surrounding and north of willow tree and south of property line was removed between September 2007 and June 2009. Google Earth.



Figure 12. August 2010. Prior to removal of Protected Tree (Arroyo willow; *Salix lasiolepis*) in mapped ESHA (green polygon) south of Via Luisa. Google Earth.



Figure 13. April 2011 after removal of Protected Tree (Arroyo willow; *Salix lasiolepis*) in mapped ESHA (tree location designated by green polygon). Compare to Figure 11 above to illustrate removal of tree occurred in mapped ESHA. Note additional stockpiling or grading visible in April 2011 in mapped ESHA north of willow tree location. Google Earth.

f. The Project Would Violate Policies CE 1.6 and 5.3 Because it Would Allow Destruction of Coastal Sage Scrub ESHA.

Policy CE 1.6 requires protection of ESHA. The mapped coastal sage scrub ESHA is characterized as coyote brush scrub, however coyote brush scrub is a “variant” and an early successional stage of coastal sage scrub recovering from disturbance.¹⁵² It contains the plant species composition and structure of coastal sage scrub in early successional stages meeting the definition of coastal sage scrub ESHA in Policy CE 5.3. Therefore, as coastal sage scrub, it is ESHA. Moreover, CDFW finds the coyote brush scrub where it is mapped as ESHA and where it is not mapped as ESHA, as well as the quailbush scrub, to be locally sensitive plant communities qualifying as ESHA.¹⁵³

Furthermore, these habitats support at least thirty-nine species of birds, some of which nest on the site.¹⁵⁴ In addition, as discussed above, the scrub habitats support special-status species, including the fully protected white-tailed kite which forages on the site, providing an essential food source to support nearby nesting activities. Habitats which support special-status species are ESHA pursuant to the General Plan’s ESHA definition, as discussed below.¹⁵⁵ The Project would remove the coyote brush scrub ESHA, where it is mapped as ESHA and where it is not mapped as ESHA, and quailbush scrub ESHA in violation of Policies CE 1.6 and 5.3.

Policy CE 5.3 requires revegetation projects to use “plants or seeds collected within the same watershed whenever feasible.”¹⁵⁶ However, the Landscape Plan and FEIR do not disclose the source of native plant materials to be used in revegetation areas, including the SPA, park coastal sage scrub, native meadow, infiltration gardens, and wildlife corridors.¹⁵⁷ Therefore the Project is inconsistent with Policy CE 5.3(d).

g. The Project Would Violate Policies CE 9.4 and 9.5 Because it Would Destroy Protected Trees and Alternatives Which Avoid the Trees Were Not Considered.

Willow trees are Protected Trees under General Plan Policy CE 9.1 and must be avoided if feasible pursuant to Policies CE 9.4 and 9.5. The Project would remove three willow trees in the northern part of the mapped ESHA, in the sensitive quailbush scrub vegetation community in the southwest corner of the site near Calle Koral, and in the southeast corner (RDEIR at 4.3-5),

¹⁵² Hunt (2021); *See also* Dudek (2009).

¹⁵³ CDFW (2021).

¹⁵⁴ Attachment D, Audubon list of bird species present at Project site.

¹⁵⁵ General Plan Policy 1.2(1) designates as ESHA “Other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law.” In addition, Policy CE 8.1 ESHA Designation states that, “Requisite habitat for special-status plants and animals, including... species protected under provisions of the Fish and Game Code shall be preserved and protected, and their occurrences, including habitat requirements, shall be designated ESHA.” Foraging habitat is a requisite habitat for white-tailed kites because without foraging habitat kites cannot nest and feed their young, much less survive.

¹⁵⁶ City of Goleta General Plan Policy CE 5.3(d) at 4-21.

¹⁵⁷ The applicant has expressed interest in potentially using local native coastal sage scrub species in the wildlife corridors instead of “ornamental natives” as currently proposed in the landscape plan.

violating Policy CE 9.4. No alternatives consider avoiding the trees, violating Policies CE 9.4 and 9.5. The FEIR's statement that willow trees would be replaced is insufficient to comply with Policies CE 9.4 and CE 9.5. Moreover, willow trees are not included in the landscape plan.¹⁵⁸

h. The Project Would Violate Policies CE 1.2(l), 8.1, and 8.2 Because it Would Destroy Special-status Species ESHA.

Conservation Element Policy 1.2(l) requires that habitat areas for wildlife and plant species that are designated as rare, threatened, or endangered under state or federal law be designated as ESHA. Conservation Element Policy CE 8.2 requires development to avoid disturbing special status species and their habitats, including areas where those species nest, roost, forage, or raise young.

The Project conflicts with General Plan Policies CE 1.2(l), 8.1, and 8.2 because it would destroy foraging habitat for the rare, state-protected white-tailed kite. The ESHA "is an important element in the foraging landscape for raptors and other wildlife."¹⁵⁹ The FEIR's consistency analysis mentions Policy CE 1.2, but only as far as denouncing the existing mapped coastal sage scrub ESHA. (FEIR at 4.9-2) The FEIR omits consideration of Policy CE 1.2(l)'s requirement to protect habitat of sensitive species as ESHA.

The FEIR lists Policy CE 8.2, which requires protection of "special-status species" "foraging" habitat, however the FEIR's discussion of this Policy omits the fact that special-status white-tailed kites, a Fully Protected Species under the California Fish and Game Code,¹⁶⁰ regularly forage over the site, constituting ESHA. (FEIR at 4.3-13 and 4.9-19) Instead, in a sleight of hand, the FEIR's discussion of Policy CE 8.2 references the discussion of Policy CE 8.1 which does not specifically list foraging habitat. However, the FEIR omits Policy CE 8.1's requirement to protect "requisite habitats for individual occurrences of special-status" species. (FEIR at 4.9-18)

The Project would remove all white-tailed kite foraging habitats on the Project site, violating General Plan Policies CE 1.2(l), CE 8.1, and CE 8.2, resulting in "'take' as defined under CEQA" forcing this special-status bird of prey to fly farther and hunt longer, expending limited energy to find new hunting grounds and food sources to raise its chicks, and potentially forcing abandonment of long-used nesting sites, such as at Lake Los Carneros.¹⁶¹

The FEIR's discussion of Land Use Impacts related to policy inconsistencies is fundamentally flawed as it either omits or inadequately considers Policies CE 1.2¹⁶², CE 1.3, CE 1.4, CE 1.6, CE 2.2, CE 2.3, CE 2.4, CE 5.3, CE 8.1, CE 8.2, CE 9.1, CE 9.4, and CE 9.5.

¹⁵⁸ True Nature, Preliminary Habitat Exhibit and Landscape Plan (October 29, 2021). *See also* True Nature, Preliminary SPA Buffer Exhibit (October 29, 2021).

¹⁵⁹ Hunt (2021) at 14.

¹⁶⁰ CDFW, Fully Protected Animals website available at <https://wildlife.ca.gov/Conservation/Fully-Protected> (March 7, 2022).

¹⁶¹ Hunt (2021) at 9 – 15; *See also* CDFW (2021) at 4 – 5.

¹⁶² The FEIR lists Policy CE 1.2 at page 4.9-12 but *omits the language of the Policy* at 4.9-9 and 4.9-12.

4. The FEIR Omits Traffic Safety Impacts Caused by Exporting 92,000 Cubic Yards of Soil.

The FEIR discloses the Project's operational traffic (12,809 VMT daily and 4,675,285 annual VMT) and operational cumulative traffic in vehicle miles traveled but omits the 9,200 to 20,444 truck trips needed to export 92,000 cubic yards of soil. (FEIR at 4.3-7 – 4.3-8) Export is expected to take 133 to 154 days (19-22 weeks) for up to 154 truck trips per day. (FEIR at 2-23) Having up to seventy-seven truck trips per day, including fully loaded dump trucks over 133 to 154 days, represents a clear traffic hazard which would last up to five months. However, the FEIR omits this important data, the City's 2020 Threshold of Significance for Traffic Safety Impacts, analysis of traffic safety impacts, and the potential for traffic safety impacts.

The FEIR also omits the haul routes and destination of the 10,222 fully loaded trucks so it is impossible for the public and decisionmakers to evaluate the full impact to traffic levels, greenhouse gas ("GHG") emissions, and traffic safety. For example, if the trucks would go uphill, that would increase GHG emissions. If the trucks or Project traffic would go on narrow or windy roads or through an identified "high collision incident or rate location"¹⁶³ this would increase traffic safety impacts.

However, the FEIR omits the City's 2020 Thresholds of Significance for Traffic Safety Impacts.¹⁶⁴ According to the City's 2020 VMT Study:

High Incident Collision Locations Project trip distribution & assignment shall be performed and cross-referenced with high incident or rate locations identified from the City's SSARP or LRSP. If SSARP or LRSP data is not available or expired, high incident locations can be identified with data from the Statewide Integrated Traffic Records System. If it's found that a project generates traffic at a high collision incident or rate location the project generated movements should be cross referenced with the movements that are associated with the predominant collision.

Conditions that maybe considered Potentially Significant Impacts: If the proposed project generates traffic an identified high collision incident or rate location and the project generated trip turning movements are consistent with the predominant collision pattern.¹⁶⁵

¹⁶³ City of Goleta, Resolution No. 20-44: A resolution of the City Council of the City of Goleta, California, adopting guidelines for the implementation of vehicle miles travelled, including vehicle miles travelled thresholds of significance, for land use and transportation projects in the City of Goleta and finding the same is not a project subject to the California Environmental Quality Act; *See also* City of Goleta, *Vehicle Miles Traveled Threshold Study* (2020) at 81 available at <https://www.cityofgoleta.org/home/showpublisheddocument/23879/637317146340270000> ("City of Goleta (2020)").

¹⁶⁴ City of Goleta (2020) at 81 and Appendix C, page 3.

¹⁶⁵ *Id.* at 81.

The FEIR's omission of this Threshold of Significance for Traffic Safety Impacts, truck trips, haul routes, identified high collision incident or rate locations, destinations associated with exporting stockpiled soil, and analysis of traffic safety impacts undermines the FEIR's ability to properly inform the public and decisionmakers about the Project's impacts.

B. The Project Objective is Unduly Narrow.

Under CEQA, the lead agency must include within the project description a "clearly written statement of objectives that will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR." CEQA Guidelines § 15124(b). If the project objective is "impermissibly truncated" or "artificially narrow," the range of alternatives will be too narrowly constrained. *Cty of Inyo* (1977) 71 Cal.App.3d 185, 201; *N. Coast Rivers All. v. Kawamura* (2015) 243 Cal. App. 4th 647, 669.

Here, the FEIR sets one Project Objective as a specific range of units per acre (20 to 25). (FEIR at 2-8) This unduly narrows the range of alternatives the agency can then analyze in the FEIR, and will outright preclude other reasonable options. *See N. Coast Rivers All.*, 243 Cal. App. 4th at 669. Had the agency considered a range of housing units, for example, it is possible that alternatives with different, less environmentally damaging development configurations could have been considered, while still meeting Project Objectives.

A failure to include relevant information in an EIR constitutes a prejudicial abuse of discretion if it "precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process." *Id.* at 670 (internal citations omitted). In this case, the FEIR's limited Project Objectives hamper public participation and a full environmental analysis, including a reasonable range of alternatives to the Project.

C. The Project Description Omits Information.

1. The Project Description Omits the Destination and Route for Exporting Over 92,000 Cubic Yards of Soil.

The Project description was updated to specify the volume of stockpiled soil to be exported from the site to 92,000 cubic yards. (FEIR at 2-10) However, the destination for this exported material is not provided, so it is unclear how many vehicle miles traveled (VMT) will be necessary to export the soil. (FEIR at 2-10 and 2-14) This is a significant deficiency in the Project Description because export will involve between 9,200 and 20,444 one-way truck trips (4,600 and 10,222 roundtrips). (FEIR at 2-23) Failure to disclose the export destination and route including intersections undermines the FEIR's ability to evaluate traffic and traffic safety impacts.

2. The Project Description Omits the Required Major Conditional Use Permit for The SPA Buffer Reduction.

The Project would encroach into the required minimum one-hundred-foot SPA as discussed below in Section I.C.3.d.¹⁶⁶ General Plan Policy CE 2.2(b) requires a Major Conditional Use Permit (“MCUP”) to reduce the SPA.¹⁶⁷ The FEIR’s Project Description Required Approvals Section is deficient for omitting the required MCUP. (FEIR at 2-21)

D. The FEIR Must be Revised to Include an Alternative that Avoids or Substantially Lessens Impacts to Biological Resources and Land Use.

Given the significant effects to biological resources and land use (i.e., general plan inconsistency), the FEIR must analyze an alternative that avoids or substantially lessens such impacts. CEQA Guidelines § 15126.6(a). To avoid impacts and ensure consistency with the general plan, the FEIR must include an alternative that maintains a 100-foot creek setback and protects mapped ESHA. Such an alternative can be devised by including some or a combination of the following components:

- **Protect the SPA setback** by (1) shifting development in the northeast portion of the Project site (including Buildings 9 and 10, sound wall, and perimeter landscaping) further to the south, and/or (2) reducing the number of market rate units.

The shift in development could be accomplished by utilizing decentralized stormwater management measures to reduce the surface area of the retention basins providing space to shift development south away from the SPA.¹⁶⁸ The reduction in surface area of the bioretention basins could also be achieved by retaining somewhat more fill onsite and making the basins deeper,¹⁶⁹ and/or incorporating more “subsurface Advanced Drainage System (ADS) Stormtech Chamber system” (FEIR at 4.3-32).¹⁷⁰ The applicant informed the City that “additional underground stormwater chambers” would be “a less desirable option” but not infeasible.¹⁷¹ The Infiltration Garden Basin in the southeast corner can be deepened to offset the smaller surface area because there is adequate fill onsite to elevate the final grade to ensure groundwater is sufficiently below the basin floor, so groundwater would not pond in the basin’s bottoms, while being sensitive to view impacts.¹⁷²

¹⁶⁶ The FEIR does not disclose an incursion into the SPA due to the inclusion of an outdated aerial map in violation of CEQA. See Sections I.A.1.a, I.A.1.b, and I.A.3.a for a complete discussion of this matter.

¹⁶⁷ City of Goleta General Plan Policy CE 2.2(b) at 4-13 – 4-14.

¹⁶⁸ RJR (2021) at 1, 2, 5, 8, and 9.

¹⁶⁹ *Id.* at 5 - 6.

¹⁷⁰ See also *Westar Mixed-Use Village Final EIR* at 4.8-17 – 4.8-18 stating, “Peak flow rate mitigation is provided by underground detention storage comprised of a gallery of 60” diameter pipes underlain by a 2.7-foot layer of crushed rock and filter fabric, separator device at the inlet for collecting pollutants, a bypass of separator for high volume flows, and manholes for maintenance. All flow into the basin is filtered for debris and sediment with devices with a capacity to treat a water quality flow rate of 7.2 cfs each and will pass the 100-year peak flow rate without resuspension of trapped pollutants. This approach will minimize expensive maintenance of the detention gallery and prolong the infiltrative capacity of the soil.” (July 2012); see also: StormTech Website <https://www.stormtech.com/designtool> (June 24, 2021).

¹⁷¹ TK Consulting (2020) at 2.

¹⁷² RJR (2021) at 5 – 6; See also CCRWQCB (2022).

Finally, while EDC's clients do not oppose the Project or number of units, per se, the SPA setback could be protected by reducing the number of market rate units in this area. However, given that only modest changes to the stormwater plan are necessary to increase the SPA, it is clear that the Project can feasibly provide the minimum one-hundred-foot SPA while providing the number and mix of units proposed.

- **Protect mapped ESHA and Protected Trees** by (1) maintaining and restoring the habitat within the proposed park, and (2) reducing the development footprint.

Protecting habitat within the park would still allow some public use (including park facilities such as playground, picnic tables, trails, Chumash interpretive facilities, exercise equipment, and/or parcourse) on the western side of the park area. Retaining or alternately restoring the coastal sage scrub ESHA over the archaeology site would help protect the cultural resources and by recreating pre-European plant communities, may enhance the cultural landscape.

The development footprint should be reduced by the acreage needed to protect mapped ESHA in the areas northwest, northeast, and east of the park, which we estimate at approximately .75 to one acre. This reduction in the development footprint could be offset by increasing density in the rest of the Project to retain the number and mix of units proposed, or by reducing the number of market rate units.

This alternative would retain the number of affordable housing units, utilize existing infrastructure, provide a public neighborhood park, protect and preserve on-site cultural resources, and develop multifamily residential housing, thus meeting the basic Project Objectives. The alternative would be feasible in that it would retain most, if not all, of the proposed residential units. Perhaps most importantly, this alternative would achieve compliance with CEQA, by avoiding or substantially lessening the significant effects of the Project, and state planning law, by assuring consistency with the City's General Plan.

II. The Planning Commission Cannot Recommend Approval of the Project Because the Required Findings Cannot be Made.

As discussed above, the Commission cannot recommend action on the Project because the EIR cannot be certified. Even so, it is clear based on the evidence cited herein that the Project cannot be approved because it is inconsistent with several City General Plan policies. Should the Commission decide to proceed with consideration of findings on the Project, we will comment in more detail at that time.

III. Conclusion

As the above analysis shows, the FEIR as currently drafted is inadequate in a number of respects. It is of paramount importance that the Commission direct staff to correct the FEIR's SPA baseline to comply with CEQA and to match the 2021 baseline correctly set forth in the

RDEIR, as well as address the FEIR's other inadequacies and inconsistencies before this Project moves to the next stage of consideration by the Planning Commission or the City Council.

Thank you for your consideration of our comments.

The image shows two handwritten signatures in blue ink. The signature on the left is 'Brian Trautwein' and the signature on the right is 'Rachel Kondor'.

Brian Trautwein
Senior Analyst/Watershed Program Director

Rachel Kondor
Staff Attorney

Attachments:

- Attachment A: City of Goleta, *Heritage Ridge Revised Environmental Impact Report (EIR)* PowerPoint for Public Hearing at Slide 14 (June 2021)
- Attachment B: Preliminary Grading-Plan C-2.1 (November 12, 2021)
- Attachment C: Ashley and Vance Engineering, Inc., Preliminary Grading-Drainage Plan (May 26, 2020; Grading-Drainage Plan File Path in margin dates Plan as May 27, 2-21)
- Attachment D: List of Bird Species Observed in 2021
- Attachment E: February 3, 2022 Letter from Robert W. Anderson, R.C.E, Juris Doctorate, Principal Civil Engineer – RCE 58383 (CA), RJR Engineering, Inc to EDC
- Attachment F: March 10, 2022 Email from Lucas Sharkey, PE, Stormwater Unit, CCRWQCB to Brian Trautwein, Environmental Analyst/Watershed Program Director, EDC
- Attachment G: Analysis and Summary of City of Goleta Permits, Plans, and Resolutions Documenting Prior Illegal Destruction of ESHA

cc: The Goodland Coalition
Citizens Planning Association
Sierra Club Los Padres Chapter
Santa Barbara Urban Creeks Council
Santa Barbara Audubon Society
California Department of Fish and Wildlife

Attachment A

Revised Draft EIR

- An EIR requires recirculation if:
 - Significant new information is added
 - New significant impacts or mitigation measures are identified
 - The severity of an impact increases
- Portions of the Draft EIR were recirculated to reflect:
 - Project design changes
 - New regulatory requirements
 - Updated CEQA guidelines
 - Changes to environmental and cumulative setting



Heritage Ridge Revised Draft Environmental Impact Report (EIR)



Attachment B

1:10,000
1"=100'-0"



- LEGEND**
- PROPOSED IMPROVEMENT
 - EXISTING AREA
 - CLIMATE



PROJECT INFORMATION

PROJECT NAME	GRADING PLAN
PROJECT LOCATION	LOT 10, BLOCK 1, SUBDIVISION 1
PROJECT OWNER	DMCA
PROJECT ENGINEER	ASHLEY VANCE ENGINEERING, INC.
PROJECT DATE	2023
PROJECT SCALE	1"=100'-0"
PROJECT SHEET	C-2.1
PROJECT TOTAL	10 SHEETS

- NOTES**
1. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 2. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 3. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 4. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 5. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 6. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 7. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 8. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 9. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.
 10. EXISTING LOT 10, BLOCK 1, SUBDIVISION 1.

ASHLEY VANCE ENGINEERING, INC.

10000 N. 100TH AVE., SUITE 100
DUBLIN, CA 94568
916.481.1111
www.ashleyvance.com

**REFERENCE: 2023
CITY OF DUBLIN
PRELIMINARY
GRADING PLAN
C-2.1**

Attachment C

HERITAGE RIDGE
16.04 acres

US 101 East-Bound - Average 35,000 vehicles per day
UPRR - Minimum of 6 Surfliner Trains per day

(Clock Counterclockwise Loop Freeway 22 North)

ESHA Canopy Boundary (approx.)
ESHA

SPA 100 Setback (approx.)
29' 100' 35'

SPA 100 Setback (approx.)

- = Project Site No Impact to SPA Setback: 15.82 acres or 98.68% (approx.)
- = Landscape Area Inside of SPA Setback: 0.11 acre or 0.66% (approx.)
- = Drive Aisle Inside of SPA Setback: 0.11 acre or 0.66% (approx.)

UPRR - Minimum of 6 Surfliner Trains per day

On-Ramp - Average 35,000 vehicles per day

(Green Channelized Turnoff (Access to I-15))

Stn. (approx.)

ESHA

(road) Angkor

154

Handwritten musical notation on a yellowed page.

2000

1875



Impact to SPA

Area Inside of SH

Inside of SPA :

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 103–110

= Drive Aisle Inside of SPA Setback: 0.11 acre or 0.66% (approx.)

[illegible]

C-2.1

Attachment D

List of bird species observed at Heritage Ridge in 2021 by Mark Holmgren and Steve Gaulin, Santa Barbara Audubon Society

American Crow
American Goldfinch
Anna's Hummingbird
Ash-throated Flycatcher
Barn Swallow
Bewick's Wren (evidence of breeding)
Blue-gray Gnatcatcher
Brown-headed Cowbird
Bushtit
California Scrub-Jay
California Thrasher
California Towhee
Cassin's Kingbird
Cliff Swallow
Common Yellowthroat
Cooper's Hawk
European Starling (non-native)
House Finch
Lesser Goldfinch
Northern Mockingbird
Northern Rough-winged Swallow
Nuttall's Woodpecker
Oak Titmouse
Orange-crowned Warbler
Red-shouldered Hawk
Red-tailed Hawk
Red-winged Blackbird
Rock Pigeon
Ruby-crowned Kinglet
Say's Phoebe (evidence of breeding)
Scaly-breasted Munia (non-native)
Song Sparrow
Spotted Towhee
Turkey Vulture
Western Gull
Western Kingbird
White-crowned Sparrow
White-tailed Kite
Wrentit

Attachment E



Civil Engineering
Land Planning
Hydrology / Flood Control
Capital Improvements
Public Works Services
Stormwater Management

February 3, 2022

ENVIRONMENTAL DEFENSE CENTER

906 Garden Street
Santa Barbara, California

Subject: **STORMWATER QUALITY REVIEW**

Location: **HERITAGE RIDGE PROPOSED DEVELOPMENT
NORTHEAST OF CALLE KORAL AND CAMINO VISTA**

Ladies and Gentlemen:

RJR Engineering & Consulting, Inc. (RJR) has prepared this letter to address a summary of RJR's review and evaluation of the stormwater treatment program and assess compliance with the City's 100-foot Stream Protection Area Policy (SPA) as it relates to the reduction for the project setback to the Los Carneros Creek Stream described in the City of Goleta General Plan Policy CE-2.2. After a detailed review, RJR determined that this letter was a more effective avenue of communicating concerns and suggesting opportunities that should be considered.

This letter will discuss several topics and recommend mitigating solutions that includes approaches to better satisfy the SPA and accomplish more prudent and effective stormwater mitigation measures to reduce or eliminate pollutants of concern.

In summary, it is the findings of RJR that several design areas and considerations are incomplete or improper because the project fails to implement prudent stormwater measures and designs, given the sensitivity of the site location. Where possible RJR outlines and provides explanations or technical rational (or suggestions) as to why the design is improper, or some advice on a more suitable design criterion. The project should address design issues outlined in this letter to reduce the SPA encroachment.

It is RJR's opinion that good alternative stormwater measures should be undertaken to ensure adequate stormwater treatment and provide additional space onsite to enlarge the SPA and increase the treatment for pollutants of concern. RJR recommends the developer approach the



design with a series of decentralized treatment¹ measures², and hybrid treatment train designs³. In addition, with the additional fill stockpile, the developer could increase site elevations that effectively creates a greater separation from groundwater to the stormwater treatment location. The increased elevations provide geotechnical benefits⁴ as well as increased residency time for stormwater treatment and increased volume capacity. Finally, these prudent measures can reduce the size of treatment areas so that these areas can be better utilized for a more efficient site design to better meet the SPA while better addressing pollutant mitigation.

To understand RJR's comments, it is important to enumerate various site conditions and design efforts, followed by critical issues and RJR recommendations for design changes.

GENERAL SITE DESCRIPTION⁵

The project site is located in the Inland area of the City and is situated on unaddressed parcels located on the north side of Camino Vista between Aero Camino and Calle Koral Roads in the City of Goleta, Santa Barbara County (APNs 073-060-031 through -043).

Access to the Heritage Ridge site is from Camino Vista Road. The 17.36 gross acre (16.2 net acres) Heritage Ridge site is bounded on its north by Union Pacific Railroad (UPRR) tracks, on the east by industrial buildings on Aero Camino Road, on its south by Camino Vista Road and Willow Springs II apartments, and on its west by S. Los Carneros Road/Overpass.

The Project site is relatively flat to gently sloping except for the moderately steep slopes that define the boundary of the stockpile soils along the perimeter of the archaeological area and the eastern, western, northern, and southwestern property lines.

Topography within the archaeological area is characterized by a modest ridge that trends generally northwest to southeast between 25 and 36 feet above sea level (ASL). Low-lying level soils drain generally to the south. Soil stockpiling has resulted in elevating surrounding topography to approximately 43 ASL. As a result, the central portion of the site has the highest elevations on the property and forms a ridge that divides the site drainage, with approximately

¹ The overriding policy to LID/Post Construction treatment measures which RJR Engineering & Consulting recommend was to create decentralized facilities and hybrid treatment trains (see Footnote 3) in order to enhance stormwater treatment and provide more room to enlarge the SPA.

² This approach creates redundancy and reduces the risk of future failures or ineffective stormwater treatment (see Footnote 3).

³ BMPs usually cannot treat every pollutant consistently, therefore best practice designs utilize a system called a BMP 'treatment train.' These systems consist of various BMPs laid out in series so that one BMP's effluent is the next BMP's influent which in turn treats another pollutant. This redundancy also provides a safety factor approach if a BMP were to fail in the sequence (Footnote 2).

⁴ The increased thickness of fill provides arching to reduce settlements or dynamic settlements related to ground shaking (seismic settlement, liquefaction etc.)

⁵ The description provided is from: <https://www.cityofgoleta.org/city-hall/planning-and-environmental-review/ceqa-review/heritage-ridge>



half of the site draining in a westerly direction and half of the site draining in an easterly direction from the higher, center portion of the site.

Figure 1: Site Location



Ultimately, all runoff from the site drains through existing storm drains and into a 7.25-acre treatment wetland located south of the Willow Springs property. Runoff entering the treatment wetland drains across 500 feet and 950 feet of wetland vegetation before leaving the Willow Springs property at Hollister Avenue.

Soils in the Project area are mapped as Goleta fine sandy loam, 0% to 2% slopes, Milpitas-Positas fine sandy loam, 2% to 9% slopes, and Xerorthents cut and fill areas⁶. A sparse to moderate growth of weeds and brush covers the site. Vegetative cover on the property is variable and dependent upon the activity of the stockpile⁷.

Also proposed is a two-acre neighborhood public park to be dedicated to the City in the center of the site and three above ground bioinfiltration retention basins. The site would be served by three access points onto Camino Vista. Preliminary raw earthwork volumes are estimated at 178,000 cubic yards of cut and 15,500 cubic yards of fill and 115,000 cubic yards of export.

⁶ United States Geological Survey 1982

⁷ Mac Design Associates 2014



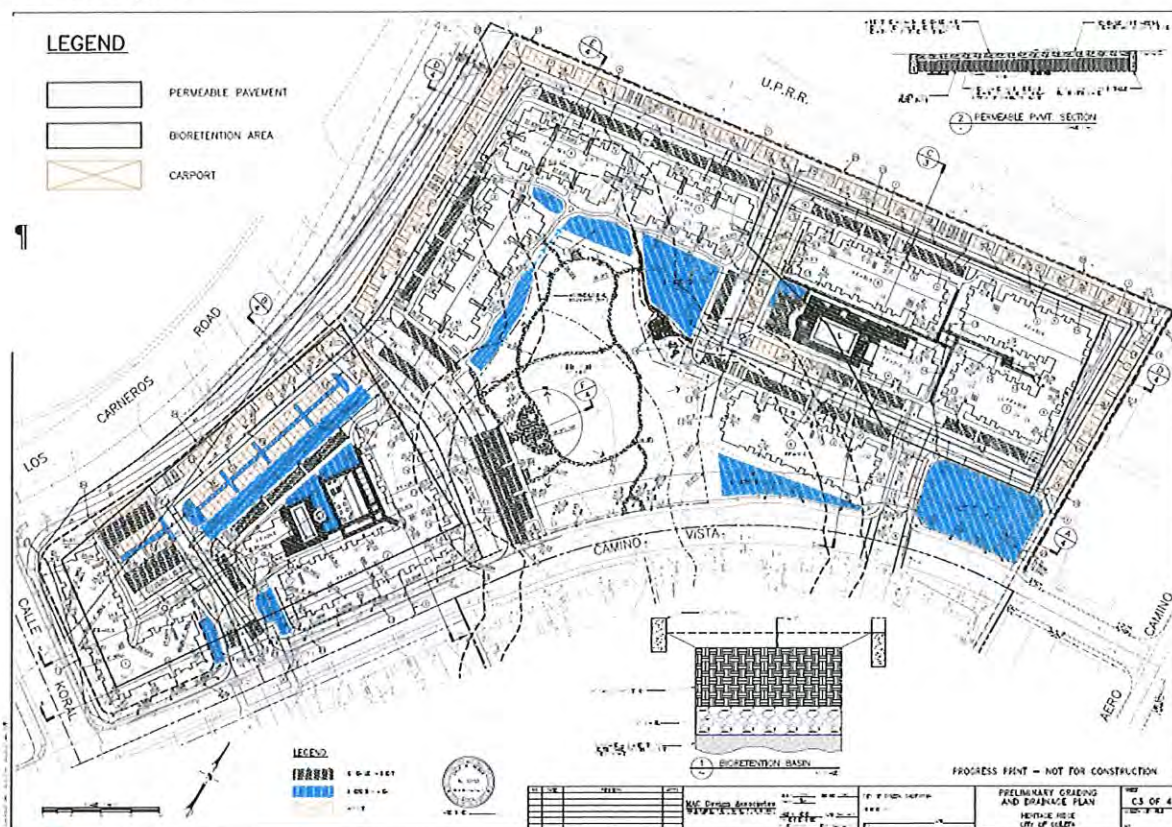
PROPOSED STORMWATER DESIGN

The project stormwater treatment (post construction BMP's) is outlined in two reports prepared by MAC Design Associates⁸. A further discussion and cursory analysis are presented in the EIR by Rincon Associates for the project⁹. Pre-and Post-Runoff flowrates were analyzed in reports presented in Footnotes 4 and 5¹⁰ and are summarized in Figure 2.¹¹

Figure 2: Project Flowrates for Pre- and Post-Development

Return Period	Pre-Development Runoff, cfs	Post-Development Runoff, cfs	Difference, cfs
100	95.3	90	-5.3
50	83.0	80	-3.0
25	70.8	69	-1.8
10	56.3	56	0

The following plan generally provides the intended stormwater post-construction BMPs from the referenced reports.



⁸ "The Preliminary Stormwater Control Plan for Heritage Ridge", dated February 2, 2016 and "The Preliminary Hydraulic Report for North Willow Springs", dated August 27, 2014 (Appendix G, EIR referenced in Footnotes 5 and 7)

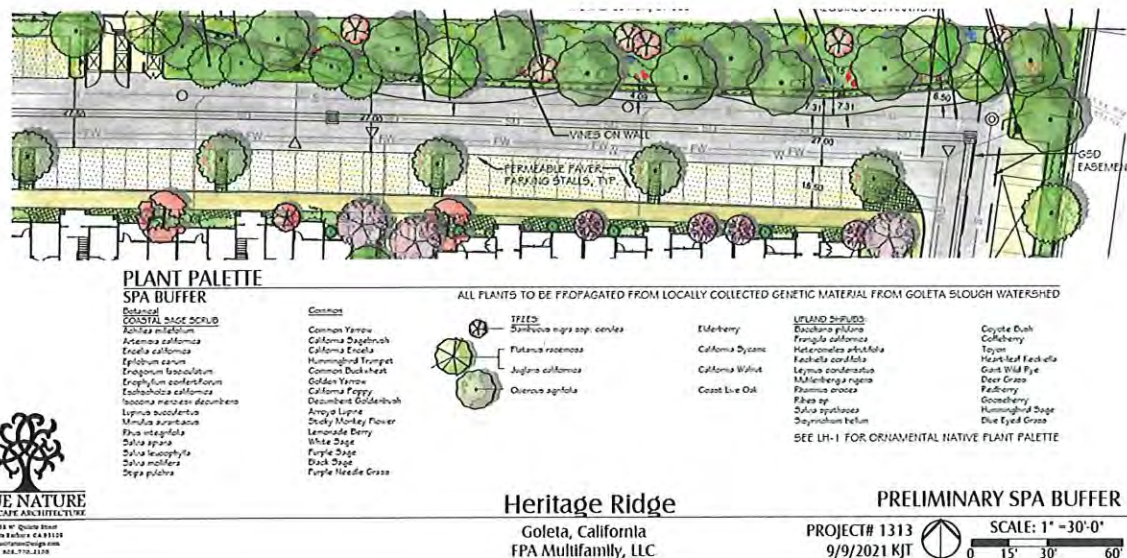
⁹ <https://www.cityofgoleta.org/home/showpublisheddocument/11726/636015216740100000>, page 213, et al.

¹⁰ RJR did not perform an independent review or verify these values.

¹¹ <https://www.cityofgoleta.org/home/showpublisheddocument/11726/636015216740100000>, page 214.



The following exhibit was provided subsequent to the stormwater reports illustrating permeable pavers along the northern parking area.



FINDINGS AND CONCLUSIONS

The project site has several technical challenges, which include but not limited to:

Creek Setback: The developer has requested a reduced SPA for the project from 100 feet to approximately 67 feet. One of the many reasons for the SPA is to protect resources. As discussed above on Page 1, the project fails to implement prudent stormwater measures and designs, given the sensitivity of the site. The SPA can be increased while enhancing the more prudent stormwater treatment(s) by implementing good and effective alternative stormwater measures described in this letter.

Close Proximity to Wetlands: The close proximity to sensitive habitats (ESHA) creates an increased pressure to ensure that treatment facilities are properly designed to remove pollutants of concern.

Archaeological Area: The center portion of the subject property contains an area of archaeological significance which is to be protected by limiting development over the area. The area is planned to be utilized as a central park area.

High Groundwater: Geotechnical reports¹² for the site indicate groundwater levels are on the order of 10 feet or less from existing ground surface not the deeper elevations reported in the

¹² EarthSystems, 2008, 2012 and 2020



EIR which in an inadequate analysis of the related geotechnical issues¹³. Such conditions require elevated design considerations. As previously stated, consideration should be given to raising site grades (Page 1) to enhance stormwater treatment while providing space to increase the SPA while being sensitive to visual impacts.

High Clay Content Soils: The geotechnical reports bore logs and more specifically the index tests indicate that the soils are layers of clay and sandy soils with varying degree of clay contents, with most descriptions being a “clayey sand” for the near surface conditions.

Low Infiltration and Transmissivity Rates: The upper clayey sands index and testing suggest marginal infiltration rates. Such soils require alternative designs measures and special considerations to accomplish the necessary treatment.

Pollutants of Concern: The project EIR, various publications, and Google Earth indicate that runoff from the project site flows into the Los Carneros Wetlands, then to Los Carneros Creek south of Hollister Avenue, then to Tecolotito Creek, then to the Goleta Slough.

Tecolotito Creek and Los Carneros Creek are considered the primary sources of fresh water for the Slough. According to California’s 2010 Integrated Report¹⁴, which is developed by the State Water Resources Control Board (SWRCB) pursuant to the Clean Water Act, both Tecolotito Creek and the Goleta Slough are designated as impaired waterways¹⁵.

Tecolotito Creek is listed as impaired due to the following pollutants:

- Chloride
- Sodium

Los Carneros Creek is listed as impaired due to the following pollutants:

- Nitrates
- Escherichia coli (E. coli)
- pH
- Enterococcus
- Electrical Conductivity

The Goleta Slough is listed as an impaired estuary due to pathogens from unknown sources, urban runoff/storm sewers, and natural sources, and due to “priority organics” from non-point sources.

¹³ EIR identifies groundwater at Subsurface water was encountered at approximate depths ranging from 22.5 to 38 feet below the existing ground surface- Section 4.5.1.a. <https://www.cityofgoleta.org/city-hall/planning-and-environmental-review/ceqa-review/heritage-ridge>

¹⁴ https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

¹⁵ https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/previous_editions/2011_basin_plan_r3_complete.pdf



Proposed design¹⁶ is based on the following table provided in the stormwater design report¹⁷:

Table 1. Project Data

Project Name/Number	Heritage Ridge
Application Submittal Date	
Project Location	APN: 073-060-031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042 & 043
Project Phase No.	N/A
Project Type and Description	360 unit residential apartment project consisting of 8 buildings containing the units and 2 recreation buildings. Two of the buildings will be Senior Housing, containing 132 units. The remaining 6 buildings, containing 228 units, will be Work Force Housing.
Total Project Site Area (acres)	16.2 Acres
Total New Impervious Surface Area	303,578 Square Feet
Total Replaced Impervious Surface Area	N/A
Total Pre-Project Impervious Surface Area	0
Total Post-Project Impervious Surface Area	303,578 Square Feet
Net Impervious Area	303,578 Square Feet
Watershed Management Zone(s)	WMZ 1
Design Storm Frequency and Depth	95 th Percentile = 2.2 inches
Urban Sustainability Area	N/A

The plan implements a series of central bio-infiltration systems and an underground Stormtech chambers. In general, the proposed stormwater plan meets the City requirements for stormwater treatment, in terms of area/volume. However, the project stormwater design fails to consider several aspects and important concepts that will result in a failure to meet the requirements to mitigate pollutants of concern that arise from the proposed development.

1). **Invalid Infeasible Area Determination is Not Correct:** The project consultant(s) states¹⁸: *"Constraints occur in the center park area due to higher elevations and underlying soils that are considered archaeologically sensitive. Drive aisles are constrained due to the proposed underground utility lines necessary to serve the project. Landscaped areas adjacent to the buildings are constrained due to seismic/liquefaction and settlement concerns expressed by the project Soils Engineer due to high ground water elevations."*

RJR rejects this assertion for a variety of reasons as anecdotal design and construction techniques are available and well demonstrated to design around the hazards identified in the reports. The reports are concerned about the disposal of stormwater, however, make no mitigation measures to groundwater mounding related to irrigation, a far greater contributor and impact to

¹⁶ RJR did not verify these values

¹⁷ "Preliminary Stormwater Control Plan for Heritage Ridge", dated February 2, 2016, prepared by MAC Design Associates

¹⁸ "Preliminary Stormwater Control Plan for Heritage Ridge", dated February 2, 2016, prepared by MAC Design Associates, page 3.





groundwater and vadose zone¹⁹. Deepened foundations, impermeable barriers, select grading and other measures can be cost effectively implemented to create more de-centralized treatment facilities and reduce impacts to the site plan to allow for more efficient placement of buildings to reduce the intrusions into SPA areas. Such measures are considered standard construction practices and reasonable for similar types of construction sites.

2). High Groundwater Separation can be Reduced to Increase Treatment Depths and Reduce Areas: The project designers should be able to increase treatment volumes and reduce the impact to site area by reducing the distance from the stormwater treatment facilities to the static groundwater levels. Separations may be reduced to 3 feet may be considered if the following parameters are evaluated and considered: (a) groundwater mounding analysis, (b) suitable stormwater pre-treatment, (c) volumetric receptor capacity, and the (d) design of the overflow and/or bypass structures are judged by the site professional to be adequate to prevent overtopping and meet the site suitability criteria specified in this section. There is no evidence or reference to an analysis by a hydrogeologist or civil engineer to make appropriate assessments. RJR did not find the necessary analysis and evaluation and it appears the project engineer defaulted to 10-foot separations from the stormwater treatment measures to groundwater.

3). Restrictions of Treatment due to Utility Lines is Incorrect: As mentioned in “(Item 1)” above, the design consultant erroneously states that the utility lines constrain the stormwater design. This is inaccurate as utility lines can be re-routed in a more efficient manner and/or grouped in shared trenches. These trenches can then be then offset in the streets or aisles and backfilled with slurry. The presence of utility lines does not provide a reason to restrict potential stormwater treatment measures. The use of permeable pavers can be implemented in streets where utility lines are situated, thereby allowing the designers to reduce the area required by centralized treatment systems and greater provisions for the SPA.

4). Site Planning should Incorporate Stormwater Measures in the Initial Design: Beginning in 2014, new and redevelopment in the City of Goleta must be designed to prevent water quality impacts from occurring, during both the construction phase, as well as throughout the life of the project, by implementing Post-Construction Stormwater Management. This includes the use and implementation of the Santa Barbara County Stormwater Technical Guide for Low Impact Development. The Technical Guide requires measures be implemented to reduce the discharge of pollutants to the “maximum extent practicable” (MEP) to protect water quality. According to the Phase II Small MS4 General Permit Order 2013-0001-WQ, effective July 1, 2013, the MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility.

¹⁹ The vadose zone (unsaturated zone) is the terrestrial subsurface that extends from the surface to the regional groundwater table. The vadose zone has low water content relative to the saturated zone below the water table.





The new residential units associated with the Project would introduce a variety of pollutants typical of residential development to a site that is currently vacant and undeveloped. We assume that construction related pollutants will be mitigated by NPDES/SWPPP measures.

However, hydrocarbons and heavy metals from vehicles, automotive products, pool chemicals associated with recreational facilities, could be spilled, or dumped into the storm drain system. Furthermore, impermeable surfaces such as driveways would accumulate deposits of oil, grease, and other vehicle fluids and hydrocarbons (which can be toxic to aquatic organisms at low concentrations), while preventing infiltration of polluted runoff during storm events and facilitating the off-site transport of pollutants.

Nutrients from fertilizers and animal waste along walking trails, including nitrogen and phosphorous, can result in excessive or accelerated growth of vegetation or algae, resulting in oxygen depletion and additional impaired uses of water.

Heavy metals from various urban uses, such as lead, cadmium, and copper are the most common metals, can be toxic to aquatic organisms at the downstream wetland or where discharges to the ocean occur.

In summary, these are just a few examples of the residential pollutants that could be contained in the first flush of runoff from the area associated with residents and associated uses (car washing, chemical cleaners, pets, gross pollutants such as trash, etc.).

Project EIR articulates certain stormwater measures to mitigate the discharge of pollutants. Consideration should be given to alternative stormwater treatment measures, considering the close proximity to riparian areas (wetlands etc.). However, the plans have limited management practices and as discussed herein, the measures are improperly or poorly designed and implemented. Given the sensitive nature of the site and its location, a heightened threshold of pollutant mitigation should be implemented to ensure that pollutants of concern are properly mitigated prior to discharge off-site.

Finally, the public policy in the NPDES permits does not permit the projects to declare certain stormwater measures infeasible or not reasonable because they are not compatible with the development, but rather the project should start with the implementation of the necessary stormwater measures and then incorporate the development around the stormwater measures. The site plan should incorporate all available stormwater resources and management practices as part of the initial site design, not the other way around. The site plan appears to have added stormwater measures as convenient. Give the project location, challenges, and constraints, as well as the request for reduced SPA decentralized measures and more effective incorporation of stormwater measures will provide an improved mitigation for pollutants of concern and reduce the centralized treatment facilities, thereby allowing the project to comply with the SPA more effectively as buildings and other project elements can be more strategically sited.





5). Failure to Implement Pre-Treatment (Hybrid Train) Before the Bio-Infiltration will Result in a Failure of the System to Remove Pollutants and will Subsequently Fail: An essential element to the implementation and success of a bio-infiltration system is a pre-treatment management measures and/or a hybrid train.

Pretreatment systems capture trash, sediment, and/or other pollutants from stormwater runoff before delivery to the storage or infiltration area. Pretreatment needs will vary significantly depending on the contributing drainage area composition and use. Pretreatment can include structures such as sumped and trapped inlets, sediment/grit chambers or separators, media filters, inlet inserts, filter strips, forebays, swales, or other appropriate prefabricated or proprietary designs to remove sediment, floatables, and/or hydrocarbons from stormwater runoff prior to being conveyed to a bioinfiltration/bioretenention management practices.

The pretreatment approach should be matched to site characteristics. Bioinfiltration / bioretention rely on flow through soil media to provide water quality treatment. Media layers can become clogged, particularly when runoff has high quantities of sediment. To avoid reduce the potential for bioinfiltration failures, runoff from areas generate high sediment loads or particulates should be directed to pre-treatment. The use of decentralized areas, while a more complicated design process will allow for the necessary pre-treatment (filters in catch basins) and then divert the runoff to the decentralized bioinfiltration/ bioretention treatment area. Again, such mitigation measures should allow for more efficient use of site space and for greater compliance with the SPA.

The current design fails to address any component of the design necessary for bioinfiltration systems, as well as the Stormtech bioretention underground system to operate successfully. The system will subsequently fail to mitigate pollutants of concern, as asserted by the reports and plans.

6). Failure to Provide Suitable Compost and Treatment Media will not be Successful with the Removal of Pollutants of Concern: The treatment media is a critically essential element for bioinfiltration/biofiltration systems. These systems capture and sequester pollutants long enough to allow the media break down pollutant compounds. Naturally occurring microorganisms (bacteria, fungi, protists, etc.) release enzymes during feeding activity. These enzymes break molecular bonds, reducing hazardous substances into less toxic and non-toxic compounds. This decay is biodegradation and, eventually, all organic material will break down into basic elements. While this process can and does occur in nature (natural attenuation), it works most effectively through controlled applications of a bio-media that will encourage the growth of pollution-eating microbes. Compost in the media mix delivers the microbial populations responsible for biodegradation, breaking down compounds that generate odors and/or contribute to other forms of pollution.



Planting media should consist of 60 to 80% fine sand and 20 to 40% compost. Sand should be free of wood, waste, coating such as clay, stone dust, carbonate, etc. or any other deleterious material. All aggregate passing the No. 200 sieve size should be non-plastic. Sand for bioretention should be analyzed by an accredited lab using #200, #100, #40, #30, #16, #8, #4, and 3/8 sieves (ASTM D 422 or as approved) and meet specific gradation. The gradation of the sand component of the media is believed to be a major factor in the hydraulic conductivity of the media mix. If the desired hydraulic conductivity of the media cannot be achieved within the specified proportions of sand and compost (#2), then it may be necessary to utilize course gradation sand.

Compost should be a well decomposed, stable, weed free organic matter source derived from waste materials including yard debris, wood wastes, or other organic materials not including manure or biosolids meeting standards developed by the US Composting Council (USCC). The product shall be certified through the USCC Seal of Testing Assurance (STA) Program (a compost testing and information disclosure program). This will include Infiltration Rates (5 inches per hour etc); Origin; Organic Matter; Carbon and Nitrogen Ratios; Maturity/Stability; Toxicity; Nutrient Content; Salinity; and pH. Compost for bioretention should be analyzed by an accredited lab using #200, ¼ inch, ½ inch, and 1-inch sieves (ASTM D 422) and meet gradation specifications. Failure to properly implement proper compost and sand to ensure adequate media, will result in the generation of nitrogen and phosphorous, and then general failure to breakdown pollutant compounds, as described above.

Given the location and proximity of the site to sensitive habitat, as well as the intense development with limited to no pre-treatment will create a significant stressor on the bioinfiltration systems. It is essential for systems with pre-treatment to have proper design of the treatment media. It is also necessary to have O&M Manuals and future replacement and funding in place to ensure the media is replaced every 5 to 10 years, as typically required.

7). Improper Planting Palette for a Bioinfiltration System: The treatment media discussed in "Item 6" must be permeable enough to allow runoff to filter through the media, while having characteristics suitable to promote and sustain a robust vegetative cover crop. In addition, much of the nutrient pollutant uptake (nitrogen and phosphorus) is accomplished through adsorption and microbial activity within the soil profile. Therefore, the soils must balance soil chemistry and physical properties to support biotic communities above and below ground.

A diverse community of native plants is recommended to minimize susceptibility to insect and disease infestation and reduce long-term maintenance requirements. A mixture of ground-cover, grasses, shrubs, and trees is generally recommended to create a microclimate that can ameliorate urban stresses, discourage weed growth, and reduce maintenance needs.

Plant material in a bioinfiltration/bioretention SMP removes nutrients and stormwater pollutants through vegetative uptake and microbial community support, removes water through





evapotranspiration, creates pathways for infiltration (in bioinfiltration SMPs) through root development and plant growth, improves aesthetics, provides habitat, and helps to stabilize soil.

The lowest elevation in bioinfiltration systems must support plant species adapted to standing and fluctuating water levels. Given the low infiltration and transmissivity rates, water fluctuations will be slow, and require plants to endure longer periods of standing water (as well as other related stressors).

The middle and upper elevation supports a slightly drier group of plants, but still tolerates fluctuating water levels. The surrounding plants are at the highest elevation and generally supports plants adapted to drier conditions. However, plants in all zones should be native and drought tolerant.

8). Smaller De-Centralized Systems should be Incorporated to Improve Stormwater Treatment and Provide More Space for the Stream Projection Area (SPA): An underlying component of Green Infrastructure (GI) / Low Impact Development (LID) is the use of de-centralized management practices. The use of a series or abundant smaller areas reduces the need for the larger centralized systems. Such practices have been demonstrated to be more economical and more effective to localized treatment. If one decentralized system failures, there are numerous other measures in place to treat stormwater. Also, the developer can convert planters into treatment areas, rather than dedicate useful land and resources into specialized larger central systems. The project fails to incorporate the use of not only pre-treatment measures as discussed above but incorporates a centralized systems for a project with several constraints and challenges. Such an approach increases the likelihood of a system failure and/or reduced effectiveness by clogging over time. As such, the current design will more likely than not be unsuccessful to mitigate pollutants of concern, as discussed above.

9). Infiltration Rates for Compacted / Constructed Conditions: Percolation rates were based on native soils. While the Geotechnical Consultant references that the infiltration rate for native soil is higher than compacted conditions²⁰, the Civil Consultant designing the system uses native soil values in compacted areas. Nor does the Civil Consultant refer to this issue in the design, nor note that the areas of compacted fill will need to be verified. Therefore, the design is erroneous and incorrect, and will need to be re-evaluated and redesigned.

²⁰ "Geotechnical Engineering Report Updated, Heritage Ridge Apartments, North of Calle Koral and Camino Vista, Goleta, California"; prepared by Earth Systems, dated May 12, 2020.





CLOSING

This letter presents RJR's findings and opinions as to the stormwater post-construction/LID design. As noted, the project has several constraints and challenges while requesting a SPA reduction from the adjacent riparian habitat.

In summary, it is the findings of RJR that several design areas and considerations are incomplete or improper because the project fails to implement prudent stormwater measures and designs, given the sensitivity of the site location.

Where possible RJR outlines and provides explanations or technical rational (or suggestions) as to why the design is improper, or some advice on a more suitable design criterion. Any reduction of a creek setback (SPA) should address the site design and design issues outlined in this letter.

It is RJR's opinion that alternative stormwater measures should be undertaken to ensure adequate stormwater treatment and provide additional space onsite to enlarge the SPA and increase the treatment for pollutants of concern.

RJR recommends the developer approach the design with a series of decentralized treatment²¹ measures²², and hybrid treatment train designs²³. In addition, with the additional fill stockpile, the developer could increase site elevations that effectively creates a greater separation from groundwater to the stormwater treatment location. The increased elevations provide geotechnical benefits²⁴ as well as increased residency time for stormwater treatment and increased volume capacity.

Finally, these measures can reduce the size of stormwater treatment areas so that these areas can be better utilized for a prudent and more efficient site design to better meet the SPA while better addressing pollutant mitigation and prevent unnecessary pollutants from being introduced into sensitive habitats down gradient of the proposed project.

In all cases, the opinions and information provided in the letter can be readily verified in design manuals or with simple web searches.

²¹ The overriding policy to LID/Post Construction treatment measures which RJR Engineering & Consulting recommend was to create decentralized facilities and hybrid treatment trains (see Footnote 3) in order to enhance stormwater treatment and provide more room to enlarge the SPA.

²² This approach creates redundancy and reduces the risk of future failures or ineffective stormwater treatment (see Footnote 3).

²³ BMPs usually cannot treat every pollutant consistently, therefore best practice designs utilize a system called a BMP 'treatment train.' These systems consist of various BMPs laid out in series so that one BMP's effluent is the next BMP's influent which in turn treats another pollutant. This redundancy also provides a safety factor approach if a BMP were to fail in the sequence (Footnote 2).

²⁴ The increased thickness of fill provides arching to reduce settlements or dynamic settlements related to groundshaking (seismic settlement, liquefaction etc.)





It is not RJR's intent to find fault, but to provide input and advice to protect the environment and assist the advancement of the project.

If you have any questions, please do not hesitate to give us a call at (805) 485-3935.

RJR ENGINEERING & CONSULTING, INC.

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Massachusetts PE 54080

Washington PE 47559
Oregon RCE 84690
North Carolina PE 43503
Delaware PE 22422

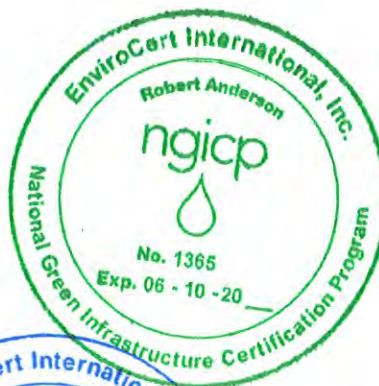
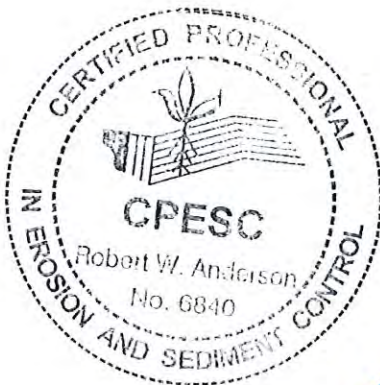
South Dakota PE11546
North Dakota PE 8252
Maryland PE 52275

Colorado PE 44734
New York PE 92272
Georgia RCE 043088

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California Certified QSP/QSD #21902 & Trainer of Record (ToR) – Construction
California Certified /QISP #004 & Trainer of Record (ToR) – Industrial
Certified Stormwater Manager (APWA)

Certified CESSWI #3270 & Trainer
Certified CPSWQ #0920 & Trainer
Certified CPMSM #0223 & Trainer
Certified CPISM #001 & Trainer
Qualified Stormwater Manager #001
National Green Infrastructure (NGICP) #1365

APWA CSM Executive Council Past President | EnviroCert International, Inc. Chairman of the Board & Executive Director | Commerical Pilot – Fixed Wing and Helicopter Pilot





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ENGINEERING REGISTRATIONS

Registered Civil Engineer, State of California, RCE 58383
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Registered Civil Engineer, State of Arizona, RCE 51923
Registered Civil Engineer, State of Oregon, RCE 84690
Registered Civil Engineer, State of North Dakota, PE 8252
Registered Civil Engineer, State of South Dakota, PE 11546
Registered Civil Engineer, State of Nevada, PE 22968
Registered Civil Engineer, State of North Carolina PE 43503
Registered Civil Engineer, State of Maryland PE 52275
Registered Civil Engineer, State of Georgia RCE 43088
Registered Civil Engineer, State of Massachusetts PE 54080
Registered Civil Engineer, State of Delaware, PE 22422
Engineer in Training: State of California, XE101589

CERTIFICATIONS

Qualified SWPPP Developer and Practitioner (QSP/QSD) # 21902 & CA CGP Trainer of Record (ToR)
Qualified Industrial SWPPP Practitioner (QISP)/Compliance Group Leader # 004 & CA IGP Trainer of Record (ToR)
Certified Professional Erosion and Sediment Control (CPESC) #6840 & Approved Instructor
Certified Stormwater Management Professional (CSM) – Past President APWA National Committee
Certified Professional Stormwater Quality Management (CPSWQ) #0920 & Approved Instructor
Certified Professional in Municipal Stormwater Management (CPMSM) #0223 & Approved Instructor
Certified Erosion, Sediment, and Stormwater Inspector (CESSWI) # 3270 and Approved Instructor
Certified Professional Industrial Stormwater Manager (CPISM) #001 and Approved Instructor

LICENSES

NAUI Open Water Diver
Commercial Private Pilot – Single Engine, High and Complex Performance, Instrument-Rate (Airmen 3233983)
Private Helicopter (Airmen 3233983)

EDUCATION

Penn State University, Energy and Sustainability Policy Program (World Campus – Bachelors of Science Program)
Southern California Institute of Law, 2004, *Juris Doctorate, Cum Laude and Valedictorian*
Southern California Institute of Law, 2002 *Bachelor of Science in Law*
University of California, Davis, 1980-1986; Undergraduate Studies in *Geology*
Ventura Junior College, 1980, Liberal Arts/General Studies; *Associates of Arts Degree*

PUBLICATIONS

Anderson, R.W., Urban Drainage Infiltration and Pollutant Removal for Varying Soil Conditions; In-Progress; Stormwater Magazine, Forrester Media.

GeoSyntec Consultants, Anderson, R.W., Wilson, C., and Goldsmith, M, Qualified Stormwater Manager Training and Presentation Manuals, First Edition, EnviroCert International, Inc.

Hardebeck, N., Anderson, R.W., and Chase, M, 2019, Certified Professional In Industrial Stormwater Management (CPISM) General Principles and Presentation Manuals, First Edition, EnviroCert International, Inc.

Anderson, R.W., Black, A., and Goldsmith, M., et. al., Senior Editors, 2016, Certified Professional In Erosion and Sediment Control (CPESC) General Principles Review and Presentation Manuals, Fourth Edition, EnviroCert International, Inc.

Anderson, R.W., Goldsmith, M, and Black, A., Senior Editors, 2015, Certified Professional In Stormwater Quality Management, (CPSWQ) General Principles Review and Presentation Manuals, Second Edition, EnviroCert International, Inc.

Anderson, R.W., Goldsmith, M, and Black, A., Senior Editors, 2015, Certified Professional In Municipal Stormwater Management, (CPMSM) General Principles Review and Presentation Manuals, Second Edition, EnviroCert International, Inc.

Anderson, R.W. and Goldsmith, M., Partnerships and Customer Service Play Key Roles in EnviroCert's Future; Environmental Connections, International Erosion Control Association, July/August 2014, Volume 8, Issue 3, page 8 – 9.

Anderson, R.W., APWA's CSM Program: More Than Just Another Test; APWA Reporter, American Public Works Association, February 2014, page 21.

PROFESSIONAL AFFILIATIONS/MEMBERSHIP

American Society of Civil Engineers - *Member*

National Society of Professional Engineers - *Member*

American Council of Consulting Engineers– *Member*

Coastal Education and Research Foundation – *Member*

American Public Works Association - *Member*

National Council of Engineering Examiners – *Member*

NON-PROFIT EXPERIENCE, BOARDS, AND LEADERSHIP ROLES

EnviroCert International, Inc., Executive Director/President of the Board of Directors, 2014 to Present

Past President, APWA Certified Stormwater Managers National Committee (2012 – 2016)

Student Bar Association/SCIL: *President* (2003-2004); *Vice President* (2002-2003); *Class Rep* (2001-2002)

American Council of Consulting Engineers– *Member* – Chapter Treasure and Vice President (2010-2014)

California Society of Professional Engineers- *Chapter Treasurer* (1999 and 2000)

Truckee Airport Community Advisory Team (ACAT); *Member, Vice President; President* (2009 – 2012)

PROFESSIONAL EXPERIENCE

ENVIROCERT INTERNATIONAL, INC., Executive Director/President of the Board of Directors, 2014 to Present: Chief Executive Officer directing all operational, business affairs, and financial efforts for the non-profit. Technical lead for all development and development and expansion of Professional Certifications. Negotiated

contract agreements for licensing affiliates with Malaysia, Canada, and Australia. Presented over 100 presentations to various government (including the EPA, USDA and Department of Forestry), municipalities, and international groups, and various stakeholder groups on various issues, technical standards, regulations and new technologies and developments related to erosion and sediment control and stormwater quality and management.

STATE OF CALIFORNIA BOARD OF CIVIL ENGINEERS AND LAND SURVEYORS – Outside Consultant, Enforcement Cases/Technical Expert, 2014 to Present

RJR ENGINEERING & CONSULTING, President, 1993 to Present; Various Consulting Firms (1986 to 1993)

Mr. Anderson has 33 years' experience in California in the fields of civil and geotechnical engineering in the areas of tract, residential, commercial, and public agency consulting. For the past 25 years, Mr. Anderson has been a principal engineer and owner of RJR Engineering responsible for all financial, administration, business development, business aspects, as well as engineering design and project management for over 3,500 engineering projects including improvement plans, cost estimates, land planning and design reports. He specializes in land development projects for residential and public works projects.

Mr. Anderson is currently employed as an outside contractor to the State Board of Engineers for the State of California, as a technical expert reviewing possible violations and criminal cases in the practice of civil engineering. These tasks include reviewing complaints on engineers, determination, and analysis of possible negligence and/or criminal actions, preparation of reports, and coordination with various County District Attorneys or the State Attorney General's Office, and serving as a technical engineering expert in the respective cases. Mr. Anderson currently serves as the civil and geotechnical engineering, hydrology, and stormwater management review and/or design consultant for various departments' municipal and institutional agencies.

Administration and Management: Responsible for all financial, economic, administration, business development, technical standards, business aspects, employee supervision for 12 to 25 staff over the past 25 years, as well as engineering design and project management for over 3,500 engineering projects including improvement plans, cost estimates, land planning, design reports, project management, and expert witness.

Civil Engineering: With over 33 years of experience Mr. Anderson has performed as the project manager, in responsible charge, and/or performing all phases of design and coordination of civil engineering design, management and construction management for residential developments, including residential custom residences and small to large tract developments (365 developments). Land planning, tentative maps, rough and precise grading and drainage, engineering improvement plans. Plans include mass grading, rough grading, remedial mitigation plans, precise grading, storm drain, sewer, water (fire, domestic, and recycled), and dry utilities; street designs; retaining walls; traffic plans, line of sight analysis, striping, and lighting plans.

Hydrology and drainage studies including watershed management, HEC-HMS and HECRAS studies, WSPG for pipe systems; sediment transport and scour plans, and a wide variety of flood control projects. Performed detailed hydraulic analysis for open channels, drop structures, outlets structures, and river and stream restoration and stabilization. This has also included design and construction of sewer treatment basins, water pump station modeling, hydraulic designs for existing and sewer systems including pump stations; and local and regional detention and retention basins. Performed detailed CLOMR studies and levee certifications thru FEMA.

Previously or currently serve as a civil engineering and geotechnical reviewer to City of Calabasas, City of Santa Paula, County of Ventura, City of Thousand Oaks, and City of Moorpark. Have prepared or sat on numerous committees for various manuals and agency guidelines for hydrology, stormwater, and geotechnical practice, as well as, MS4 mapping, reports and oversight for various agencies. Currently is the principal engineer for the hydrology, drainage and water quality consultant for Pepperdine University for the Campus Life Project on the EIR and CUP submittals, as well as other campus improvement projects.

EIR Technical Consultant: Prepared over 75 EIR technical sections on water quality, hydrology, coastal and geotechnical engineering, and reviewed over 80 additional reports as an Agency representative. Recent EIR

projects include the Chevron Tank Farm in San Luis Obispo, Hydrology and Water Quality EIR studies for Chevron Tank Farm, Excelaron in San Luis Obispo County, Whittier Oil Field Expansion, and Conoco Phillips Refinery Expansion in Santa Maria / Nipomo area, sewer and hydrology for Biola University in La Mirada California, Campus Life and Marie Canyon Debris Dam for Pepperdine University.

Geotechnical Consulting: Mr. Anderson has had over 25 years of scheduling and performing geotechnical exploration, testing, analysis, data compilation, and report preparation. Exploration has included hollow stem; mud auger; Bucket Auger; CPT Soundings; and backhoe and hand dug test pits for projects on hillsides, level ground, soft soils; and rock slopes. Wide variety of in-situ testing with bore holes and CPT tests, as well as, piezometers, inclinometers, and pressuremeter performance testing. Responsibilities have included geotechnical laboratory scheduling and performing testing. Lab testing experience includes soil moisture and dry density, Atterberg limits, direct shears, triaxial tests, unconfined compression tests, and torsion ring shear residual tests; sieve and hydrometer (long and short tests); consolidation and one-dimensional compression-swell; expansion index; compaction testing; R-Values; sulphate, pH, chloride, and resistivity testing. Performed a wide range of geotechnical engineering analysis including hydroconsolidation, expansive soils, detailed soils settlements, and slope stability (using StableJ, Stedwin, SlopeW, and a variety of other commercial and personally developed programs) for existing and proposed slopes including landslides (over 150), temporary excavations, rockfall, slope deformation analysis, assessment, mitigation and remedial measures; utility trenches under drained and undrained conditions for reservoirs, ponds, mining operations, debris and detention basins, soil, and rock slopes. Mitigation measures have included designing shoring measures, slope pins, buttresses, stability fills, tie backs (up to 300 kips), soil nails, soldier pile systems, retaining walls, and removal and recompaction, as well as hybrid systems. Seismic analysis including site periods, peak ground accelerations, design spectrums, deterministic and probabilistic analysis; and EZ Frisk. Detailed analysis and mitigation for liquefaction, lateral spread, ground lurching, and seismic settlement.

Retaining wall and foundation geotechnical design parameters including lateral earth pressures, coefficient of frictions, skin frictions, active and at-rest pressures, bearing capacity, pile capacity, and passive resistance pressures, compaction, lateral, traffic, and other surcharges. Designed a wide variety of foundations including conventional, shallow to deep piles, battered pile systems, tie back and post-grouted tie back systems, structural matts, post-tensioned slabs, underpinning, and shoring designs. Structural pavement design and specifications for a variety of deep lift, two- and three-layered systems, and paver systems ranging from residential streets to public arterials to freeways and interstates.

Field operations have included extensive hillside development (over 2,00 grading projects), soft clay sites, high groundwater conditions, and beach properties, and offshore and shorelines structures. Grading operations have ranged from conventional minor cut and fills to deep canyon cleanouts and mass grading operations up to 15 million cubic yards. Other experience has included landslide mitigations up to 175 feet deep repairs; retaining walls up to over 125 feet in height including post-grout tie backs, segmented geosynthetic supported retaining walls and slope facing up to 125 feet in height; deep fills up to 200 feet in height; in-situ soil repairs with fabrics, soil densification, stone columns, vibroflotation; pile driving; soil mixing, and pressure injection. Projects have ranged from Capital Improvements roadways, water systems, stormdrains up to 102 inches, jack and bore operations, bridges, dams, custom residential developments and small to larger tracts; commercial developments; midrise buildings (36 stories) and retail/industrial strips, and University developments and improvements.

Water Quality: Performed several dozen projects to assess water quality projects, water resources assessment and testing, and groundwater assessments and statistical analysis. This includes landfill monitoring, water sampling, statistical analysis and compliance reporting for Ventura Regional Sanitation District for Toland Landfill; Bailard Landfill; River/Coastal Landfill. Water quality and storm water testing for numerous streams including Las Virgenes Creek, Medea Creek, Trancas Creek, Ventura River, Arroyo Simi, and Calleguas for TMDL assessments and pollutant loading modeling via WMS.

Coastal Engineering: Performed or supervised over 300 Coastal Engineering projects which have included modeling, analysis, design and construction in Santa Barbara, Ventura, and Los Angeles, Counties, as well as Oregon, Mexico and Costa Rica.

Municipal Consulting and Services: Mr. Anderson has provided engineering services including an acting City Engineer (City of Moorpark), third party plan check, and various City or County consulting to 3 counties and 8 Cities over the past 25 years. These services have ranged from providing DRC reviews, designs, reviews, bonding, cost estimates, contract administration, industrial and commercial stormwater inspections and public work inspection and construction management.

Stormwater Management and Quality: Mr. Anderson has prepared erosion and sediment control plans for civil plans starting in the mid 1980's. With the implementation of the NPDES and MS4 programs in the 1990's thru the early 2000's as California adopted the various permits, Mr. Anderson has assisted private and public clients to comply with NPDES stormwater permit requirements as they policies were adopted for construction, municipal, and industrial sites. This experience includes managing and technical aspects of various permit compliance, regulations, and renewals, including grant writing, funding, storm drain system and outfall mapping, GIS setup, annual reports, audits, public outreach and technical committee coordination, and notice of violation response.

This work has included performing a wide range and complex services for Storm Water Pollution Prevention Plan (SWPPP) development and review, monitoring and inspections, documentation and training services for Construction, Municipal and Industrial storm water permits, as well as, management, development and oversight of MS4 permits, Spill Control Prevention Plans for airports, various private and public, agricultural, and industrial clients. He has extensive knowledge and experience in hydrology, geotechnical, and erosion control/stormwater management led to numerous projects and specialization in stream bank stabilization, and restoration that has directly used the erosion and sediment control measures. It is estimated that he has prepared or overseen the preparation of plans and/or reports for over 2,000 local or statewide permits for various projects in California.

Mr. Anderson has assisted with preparation of County or local (City) ordinances for stormwater measures during construction that were covered under the GCP and non-covered activities. This work has included preparation technical manuals and/or participated on committees and technical advisory groups, which included acting as the chairman or lead editor, in regards to requirements for SWMP, SUSMP, SWPPP, and LID requirements. I have performed extensive analysis using Rusle (and now Rusle2) and Musle calculations for projects. This has included developing and refining parameters to be used on projects. Established report framework and guidelines, established requirements, standard specifications, details, and worksheets to address construction site runoff structural and non-structural BMP's to be implemented during construction activities. Established plan check checklists, fee schedules, bonding requirements, and inspection fees and requirements.

Performed detailed analysis, design, and report preparation (E&SP, SWPPP, USMP, JUSMP, SWMP, and SUSMP) of structural and non-structural BMP measures for Capital Improvement Projects (including numerous linear projects), spreading basins to address bacteria and nutrients with regional mitigation affects to address the multi-use benefits for flood control and recreation, commercial and industrial complexes, dams, bridges, and re-development projects. Other associated projects included landfills, sewer treatment plans, water stations, and transfer stations. General studies also included computer modeling to assess the appropriate measures using STEPL, WMS, County of Los Angeles WMMS, and Sedcad.

Performed detailed erosion and sediment control plans and reports, as well as associated water quality studies to assess impacts of landfills, septic systems, and watershed management studies. Performed water quality studies and designed control measures for golf courses, recreation areas, stream restoration, and residential developments in ESHA areas, with detailed statistical analyses to measure annual results.

Performed detailed modeling for mitigation of creeks and watershed management plans to correct impairments. This has included use of WMS, which provides interface use of HEC-HMS, TR-55, TR-20, Rational, NFF, HMS, MODRAT, as well as, SWMMM interface and spatially distributed model, GSSHA (formerly CASC2D) and also interface with HEC-RAS 4.0.

Currently revising or participating with several City (permittees) local permits to incorporate post-construction and LID requirements. Prepared technical manuals and/or participated on committees and technical advisory groups, which included acting as the chairman or lead editor, in regards to design, analysis, implementation and construction specifications of post-construction BMP's and/or LID requirements to target pollutants of concern for specific land use(s) to the MEP.

Established report framework and guidelines, design procedures, established requirements, standard specifications, details, and worksheets for post-construction BMP's. Established plan-check checklists, fee schedules, bonding requirements, and inspection fees and requirements.

Prepared guidelines or frameworks for covenants, easements, landscape maintenance districts (LMD's) or back up LMD's, and guidelines for Operation and Maintenance manuals for post-construction BMP's.

Performed detailed analysis, design, calculations, plans, exhibits, operation and maintenance manuals, LMD's for the HOA or City oversight, and report preparation for post-construction BMP measures for various single-family residences, multi-family residences, small to large tracts, as well as, commercial, retail and residential developments, retro-fits, re-developments. These measures included non-structural and structural BMP's, typically consisting of a series of measures to target pollutants of concerns. These measures have been limited to measures that are typically associated with arid and semi-arid regions given the work experience.

The various types of BMPs' including pervious pavers and other infiltration methods, bioswales/bioretenion, grass swales, filter strips, dry wells, various wetland designs, etc., are methods and controls that he has been designing and implementing in Malibu, Santa Barbara, Monterey, and San Luis Obispo Counties for over 20 years.

In general, Mr. Anderson has designed (including several dozen design spreadsheets), observed construction, prepared operation and maintenance manuals, set up landscape maintenance districts, and performed life cycle economic analysis for almost every single BMP measures for non-point source and point source pollution encompassing erosion and sediment control measures. These measures have included post-construction and LID measures for the past 15 years. In many cases, he typically designs BMPs with the approach of redundancy and generally consist of hybrid trains, where I have learned from testing and observations to situate BMP measures in sequences and various combinations.

He has had extensive experience with the design and construction of various types of impoundments, especially various types of ponds and basins. In addition, this experience has been extended to forest and mining reclamation projects where I have extensive experience with erosion control measures.

Extensive experience coordinating with landscape and landscape architects to develop planting schemes that are compatible with the slope and drainage conditions, as well as, issues related to fire clearing zones on conjunction with the competing interests for slope stability and E&S control.

Recently, Mr. Anderson has been designing Post Construction BMP's measures for the Gas Company and Edison projects in Central and Southern California; establishing a post construction design standards and monitoring programs for the City of Moorpark; and, performs QSP, water quality monitoring, and post construction BMP designs and monitoring for Pepperdine University.

Presentations and Training: Frequent guest lecturer on hydrology, landslide mitigation, stormwater, erosion and sediment control techniques, and stream and bluff restoration at various universities and colleges, as well as, various Public Agencies (seminars and presentations). Mr. Anderson has prepared and provided lectures to various public agencies, various regulatory groups and water districts, and other consulting groups on various aspects of the Clean Water Act, various facets of the NPDES permits, California General Permit, various aspects of Erosion and Sediment Control techniques and philosophies, and bioengineering techniques and implementation with slope stability and environmental mitigation. Mr. Anderson has worked with various agencies in the Southern California region developing, managing, updating, and plan checking stormwater management policies, local ordinances, and MS4 programs.

Finally, Mr. Anderson has provided hundreds of lectures, key note speaker, or presentations to various private groups and organizations, stakeholders, NGO's, and governmental agencies including the EPA across the US. Presentations and consultations internationally include Malaysia, Canada, Australia, Thailand, Korea, Japan, Mexico, Costa Rica and India. Mr. Anderson has provided an estimate 375 training sessions to over an estimated 1,200 people for EnviroCert, APWA, and CASQA.

Attachment F

Brian Trautwein

From: Sharkey, Lucas@Waterboards <Lucas.Sharkey@waterboards.ca.gov>
Sent: Thursday, March 10, 2022 9:38 AM
To: Brian Trautwein; Cassady, Mark@Waterboards
Cc: Rachel Kondor
Subject: RE: Heritage Ridge - New stormwater report from RJR Engineering, Inc

Brian,

Thanks again for sharing this. We have taken a look at the conclusions developed by RJR. We don't see any glaring issues and generally agree with the conclusions.

Lucas Sharkey, PE :: Stormwater Unit :: Central Coast Regional Water Quality Control Board
Mail: 895 Aerovista Place, San Luis Obispo, CA :: Tel: (805)594-6144
For complaints or discharges :: <https://calepacomplaints.secure.force.com/complaints/>

From: Brian Trautwein <btrautwein@environmentaldefensecenter.org>
Sent: Tuesday, March 1, 2022 9:26 AM
To: Sharkey, Lucas@Waterboards <Lucas.Sharkey@waterboards.ca.gov>; Cassady, Mark@Waterboards <Mark.Cassady@Waterboards.ca.gov>
Cc: Rachel Kondor <RKondor@environmentaldefensecenter.org>
Subject: Heritage Ridge - New stormwater report from RJR Engineering, Inc

EXTERNAL:

Hi Lucas and Mark,

Please find attached a new report on the Heritage Ridge Project's stormwater plan.

Note that RJ Engineering from Ventura found that feasible, cost-effective alternative stormwater measures can reduce the size of the stormwater basin in the SE corner thereby freeing up space on the site to increase the Stream Protection Area (SPA) which must be a minimum 100' whenever feasible per Goleta City General Plan Policy CE 2.2.

Please take a look at the report and let me know if you have any questions. If you believe that RJR's approach would enable an increase in the SPA, it would be great to have the RWQCB concur with this finding.

The Planning Commission hearing is March 28.

Best,
Brian

BRIAN TRAUTWEIN (he, him, his)

Environmental Analyst / Watershed Program Coordinator
Environmental Defense Center
(805)963-1622 ext. 108
www.EnvironmentalDefenseCenter.org

CONFIDENTIALITY NOTE: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this

Attachment G

Analysis and Summary of City of Goleta Permits, Plans, and Resolutions Documenting Prior Illegal Destruction of ESHA

Emergency Permit 08-158-EMP for flood control to stockpile sediment from its Goleta Slough Basins ran from Aug 28, 2008 to October 23 with a potential 30-day extension.

- Acknowledged ESHA mapped onsite. Called it disturbed and isolated. (Cites to Dudek 4-16-08 Wotipka Memo).
- Found that no new or exacerbated biological impacts were expected.
- Condition 16 required staking of west end of stockpile area and no entry west of stakes (potentially meaning no entry into mapped ESHA).
- The June 2009 Google Earth appears to show they encroached into the north tip of mapped ESHA west of the stockpile. (Figures 2 and 3) The mapped ESHA extends almost to the railroad tracks and is visible pre-removal in September 2007. (Figures 1 and 2)

LUP 08-177-LUP is linked to the emergency permit 08-158-EMP and Grading Permit #89^[1]. It was issued for Towbes on November 6, 2008 and was valid for “24 months from the date of issuance.”

- Condition 16 states “no native... shrubs... shall be removed as a result of stockpiling.”
- The June 2009 Google Earth image (Figure 3) depicts grading (exposed soil) and appears to show they encroached into the north tip of mapped ESHA west of the stockpile and removed native shrubs in violation of 08-177-LUP Condition 15, Policies CE 1.4 (Illegal Destruction of ESHA), 1.6 (Protection of ESHAs), and 1.8 (ESHA Buffers), and 5.3 (Protection of Coastal Bluff Scrub, Coastal Sage Scrub, and Chaparral ESHA).

10-124-LUP was issued to Towbes for grading November 18, 2010.

- For stockpiling up to “116,500 cubic yards.”
- Permits grading for 24 months to Nov. 18, 2012.
- It is a “related case” to 08-158-EMP, Grading Permit #89, and 08-77-LUP.
- Condition 15 states “no native trees, shrubs, or other vegetation shall be removed as a result of stockpiling.”
- Between August 2010 (Figure 4) and April 2011 (Figure 5) Google Earth images show that additional grading occurred and the native willow tree vegetation in the north part of mapped ESHA was removed. (The native tree grew back by August 2012 and is present today.)
- It appears that grading under 10-124-LUP resulted in removal of the native willow tree in violation of 10-124-LUP Condition 15, Policies CE 1.4 (Illegal Destruction of ESHA), 1.6 (Protection of ESHAs), 1.8 (ESHA Buffers), 9.1 (Preservation of Protected Trees), 9.2 (Tree Protection Plan), and 9.4 (Tree Protection Standards #1, 3, 4, and 5).

^[1] EDC was not provided Grading Permit #89 in response to EDC’s PRA requests.

12-169-LUP (Extended by *15-014-LUP EXT*) was issued to Towbes on January 13, 2013 to use stockpiled soil for grading to construct Camino Vista.

- Neither the LUP nor EXT appears to reference ESHA.
- Google Earth images show that additional ESHA was apparently removed Dec 2013 – June 2014 one to two years after the City determined it was not ESHA, however, it was still officially designated as ESHA in the General Plan.^[2]
- More was apparently removed Feb 2016 – June 2016.
- All the rest of the northern tip of mapped ESHA appears to have been removed Feb 2018 – Aug 2018 six year after it had been determined to be non-ESHA, however, it was still officially mapped as ESHA in the City’s General Plan and had not been formally undesignated when removed, and it remains mapped ESHA even today.

2008 Wotipka Memo: Dudek found coyote brush scrub was degraded but did not find it was non-ESHA

2009 Dudek Coastal Sage Scrub ESHA Restoration Plans: Dudek found that the coyote brush scrub was ESHA.

Council Resolutions 12-47, 12-48, and 12-49 adopted on July 17, 2012: This appears to be the first time the City determined the mapped coastal sage scrub ESHA was not ESHA. Resolution 12-48 found it was degraded and that it may support kite foraging but not nesting. Resolution 12-49 explained why the mapped ESHA was not considered ESHA in more detail than Resolution 12-48. However, the mapped ESHA was not removed from General Plan Figure 4-1 and remains formally mapped ESHA even today.

Los Carneros Road Overhead Record Drawing Plans^[3] (March 25, 2013)

- Maps dense trees at or near the site of mapped ESHA (PDF page 14 (Sheet EC-1))
- Maps “Staging Area” in location of northern tip of mapped ESHA (PDF page 16 (Sheet CSA-1))

^[2] General Plan Figure 4-1.

^[3] The City has not provided these plans which EDC requested pursuant to the PRA.

From: [Don McDermott](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Residential Apartment Project
Date: Friday, March 25, 2022 9:19:12 PM

Dear Ms. Dominguez

Please forward my comments below to the Planning Commission.

Thank you,
Don McDermott

Dear Planning Commissioners,

Please ensure that this development respects the 2021 map of Los Carneros Creek.

Residents new and existing alike will appreciate the 100 ft setback for the entire project.

We must protect our creekside wildlife habitats and corridors!

Thank You

Don McDermott
484 Cole Pl.
Goleta CA 93117

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 25

From: [Irene Cooke](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project Public Comment
Date: Saturday, March 26, 2022 12:41:17 PM

To the Planning Commission:

As a Goleta resident, I am generally proud of our City's record of environmental stewardship. However, it has come to my attention that aspects of the Heritage Ridge project, scheduled for a Planning Commission hearing on Monday, March 28, 2022, would violate City environmental policies, destroying coastal sage scrub, altering wildlife corridors, and impinging on a stream protection area. Goleta City policy requires protection of designated stream areas and coastal sage scrub, so it is important that the City should follow its own environmental policies, both now and as a precedent for the future.

I support the Environmental Defense Center's request to redesign the project, protecting the creek and important habitat, while still providing the same amount of housing for our community. Moving the project completely out of the creek buffer area as required by Goleta City policies would ensure the required 100 ft. creek buffer, protect sensitive habitat, and minimize impacts to the wildlife corridor.

Providing affordable housing for our human community is an urgent issue and we must move forward with reasonable solutions. We must, however, also recognize the urgency of protecting our natural community – the habitat for plants and animals who share the Goodland with us. Please ensure that this project complies with our City's existing regulations and policies for the benefit of all.

Respectfully submitted,

Irene Cooke

374 Moreton Bay Lane #2

Goleta, CA 93117

From: [Raziel Davison](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge development on Carneros Creek
Date: Saturday, March 26, 2022 2:34:07 PM

To Whom it May Concern,

I am writing to support the demand that development on Heritage be at least 100ft offset from Carneros Creek.

Sincerely,

Raziel Davison

Raziel Davison, Ph.D.
Lecturer, Integrative Anthropological Sciences
Research Associate, Broom Center for Demography
University of California, Santa Barbara
Santa Barbara, CA 93106

From: [Vicki Chen Ben-Yaacov](#)
To: [Kim Dominguez](#)
Subject: Public Comment - Heritage Ridge development
Date: Saturday, March 26, 2022 3:33:30 PM

Hello,

I would like to submit a public comment at the 3/28 meeting regarding the Heritage Ridge development plan. I am currently out of the country so I am hoping you will consider this email.

I urge the Planning Commission to reconsider the current proposal of the Heritage Ridge Development.

The project needs to be redesigned to protect the creek and important habitat while still providing the same amount of housing for our community. I am requesting modest changes to the stormwater plan to move the Project completely out of the creek buffer area as required by Goleta City policies.

Thank you,
Vicki Ben-Yaacov, PhD.
Board Member, GUSD

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 28

From: [Susan R. Davidson](#)
To: [Kim Dominguez](#)
Subject: Los Carneros Development
Date: Saturday, March 26, 2022 4:25:53 PM

The environment must be considered of course and many will make excellent points about sustainability. My concern is where are you going to get the water to support more development? Given existing drought conditions agriculture and existing development will be rationing water within a short period of time. More development will make all of our water rates go up as we compete for water. Please demonstrate how much water it will take to create this proposed development and where is it coming from????

Thank You,
Susan Davidson

Sent from my iPhone

To: City of Goleta Planning Commission

From: Stephanie Moret

Re: Heritage Ridge – Los Carneros Creek

Date: 3-26-22

To the City of Goleta Planning Commission,

Regarding the Heritage Ridge development project, I am writing to encourage the planning commission to 1) follow the planning guidelines and protect the streamside protection area on Los Carneros Creek, 2) use the current 2021 map of the creek to guide enforcement of the habitat and creek policies, and 3) encourage developers to adopt a mindset that we can have both housing and natural resource protection!

Thanking You,

Stephanie Moret, PhD
Conservation Planning and Environmental Science Lecturer, UCSB
Board Member, Urban Creeks Council

From: [Stephanie Moret](#)
To: [Kim Dominguez](#)
Subject: Comments for Heritage Ridge hearing on March 28th
Date: Saturday, March 26, 2022 4:30:49 PM
Attachments: [Heritage Ridge Letter -SM 3-26-22.docx](#)

Hi Kim,
Thanks for passing these Heritage Ridge comments along! -Stephanie

To the City of Goleta Planning Commission,

Regarding the Heritage Ridge development project, I am writing to encourage the planning commission to 1) follow the planning guidelines and protect the streamside protection area on Los Carneros Creek, 2) use the current 2021 map of the creek to guide enforcement of the habitat and creek policies, and 3) encourage developers to adopt a mindset that we can have both housing and natural resource protection!

Thanking You,

Stephanie Moret, PhD

Conservation Planning and Environmental Science Lecturer, UCSB

Board Member, Urban Creeks Council

From: [Steve Ferry](#)
To: [Kim Dominguez](#)
Subject: Comments on Heritage Ridge Project
Date: Saturday, March 26, 2022 6:16:06 PM

Goleta Planning Commission

Dear Commissioners:

Heritage Ridge is a housing development of 332 rental units, proposed to be built adjacent to Los Carneros Creek in Goleta. 104 of these rental units would be much-needed affordable housing. I support a balanced approach which provides affordable housing that our community needs, protects wildlife habitat and the creek, and upholds the City's habitat and creek policies. While I applaud the City staff and the developer for proposing affordable housing, the project has significant flaws.

The project does not meet the 100-foot setback established in Goleta's General Plan. This, to me, is an unacceptable flaw. The proposed plan would violate the City's design guidelines and destroy important wildlife habitat by encroaching into Los Carneros Creek's Streamside Protection Area. This would establish a dangerous precedent for future projects. City staff must ensure that all current and future development projects meet all of the City's requirements, not weaken the requirements for developers' convenience and profit.

As currently proposed, the project would not meet the City's requirement for a minimum 100-foot buffer, which protects Los Carneros Creek. The project relies on an outdated map and therefore does not achieve a true 100-foot setback from the creek. The project must be changed to be based on the current 2021 map of the creek as the correct basis for determining the minimum. The project must be designed to not intrude into the 100-foot setback from the true edge of the creek. This change would entail a modest redesign that still would allow the developer to build their desired number of units and achieve a healthy profit.

A coalition of local community groups including the Environmental Defense Center, the Urban Creeks Council, the Goodland Coalition, the Citizens Planning Association, the Sierra Club Los Padres Chapter, and the Santa Barbara Audubon Society has been working with the developer to improve the project. I urge the Planning Commission to require the reasonable design changes advocated by the coalition.

Thank you for considering my comments.

Stephen J. Ferry
5557 Camino Galeana



Social Justice Ministry

March 16, 2022

Planning Commission, City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Commissioners:

Heritage Ridge is a large development proposed for 332 rental units, 104 of which would be much-needed affordable housing, next to Los Carneros Creek in Goleta. We applaud our city's efforts to provide more affordable housing, which is in keeping with our religious principle: To respect the inherent worth and dignity of every person. We believe that all of our Goleta citizens deserve shelter at an affordable price.

HOWEVER, as currently proposed, the project would not meet Goleta's requirement for developers to protect our creeks with a minimum 100-foot buffer, and it would set a bad policy precedent. As such, this development is in conflict with another basic UU principle: Respect for the interdependent web of all existence of which we are a part. We are concerned that, as proposed, the Heritage Ridge project will destroy sensitive wildlife habitat and encroach into Los Carneros Creek's protection area.

Therefore, we join with the Environmental Defense Center to ask that the project be redesigned to protect the creek and important habitat while still providing the same amount of housing for our community. We are requesting modest changes to the stormwater plan to move the project completely out of the 100-foot creek buffer area as required by Goleta City policies. This will minimize impacts to the wildlife corridor, while still moving forward to provide Goleta with necessary affordable housing.

Most Respectfully,
Carolyn Chaney, Chair

The **Social Justice Ministry** of the *Live Oak Unitarian Universalist Congregation of Goleta, CA*

349 Moreton Bay Lane #1, Goleta, CA 93117

cchaney@sfsu.edu

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 32

From: [Phil Resch](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge creek setback
Date: Sunday, March 27, 2022 5:24:39 AM

Please do not compromise Carneros Creek in this development. Keep the 100 foot setback.

Thank you.
Phil Resch
Goleta Resident

Please excuse all typos:)

From: [Trina Gault](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge
Date: Sunday, March 27, 2022 7:30:49 AM

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 33

The City must use the current 2021 map of the Los Carneros streamed to enforce the City's requirement of set backs.

Thank you,
Trina Gault

From: [Laura Keaton](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Sunday, March 27, 2022 8:26:18 AM

Hello,

I'd like to submit the following comments regarding the planned Heritage Ridge Project:

- In its current form, the Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that the community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- To help do so, experts have advised that the City must use the current 2021 map of the Creek to determine the correct creek setback. I urge you to do so.

We need to take a longer lens on what our development projects cost the environment. Streams and ecosystems that we quickly destroy cannot be restored as quickly, easily, or fully, and often not at all. Continuously failing to protect our natural environment will leave us with a planet that can no longer support life, and that certainly defeats the purpose of developing homes for us to love in at all.

Thank you,
Laura Keaton

Sent from my iPhone

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 35

From: [Laura Keaton](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Sunday, March 27, 2022 8:26:18 AM

Hello,

I'd like to submit the following comments regarding the planned Heritage Ridge Project:

- In its current form, the Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that the community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- To help do so, experts have advised that the City must use the current 2021 map of the Creek to determine the correct creek setback. I urge you to do so.

We need to take a longer lens on what our development projects cost the environment. Streams and ecosystems that we quickly destroy cannot be restored as quickly, easily, or fully, and often not at all. Continuously failing to protect our natural environment will leave us with a planet that can no longer support life, and that certainly defeats the purpose of developing homes for us to love in at all.

Thank you,
Laura Keaton

Sent from my iPhone

From: [Kelly Hildner](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge creek setback
Date: Sunday, March 27, 2022 5:01:42 PM

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 36

Hi Kim,

I am writing because I am unable to attend the planning commission meeting tomorrow, but I want to lend my voice to the public comments. As proposed, the development would not meet the City's 100-foot buffer and would destroy important wildlife habitat. Please redesign the project to protect Los Carneros Creek with the required setback per City policy. I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies. Please ensure that the City uses the current 2021 map of the Creek to determine the correct creek setback and upholds the 100-foot buffer requirement.

Thank you,
Kelly Hildner
6823 Silkberry Lane
Goleta, CA 93117

805-729-2610

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 37

From: [Diane Gulley](#)
To: [Kim Dominguez](#)
Subject: Re: Heritage Housing Meeting March 28, 2022
Date: Monday, March 28, 2022 8:57:19 AM

Hi Kim,
I meant to say that I am a gold star sister.
Thank you so much for all you do,
Diane Gulley

On Sunday, March 27, 2022, 06:04:29 PM PDT, Diane Gulley <goodboyboise@yahoo.com> wrote:

kdominguez@cityofgoleta.org

TO:

Jennifer Fullerton, Chair
Jennifer Smith, Vice Chair
Elrawd MacLearn, Commissioner
Katie Maynard, Commissioner
Sam Ramirez, Commissioner
Agenda
Peter Imhof, Secretary
Winnie Cai, Assistant City
Attorney
Linda Gregory, Recording Clerk

RE: Heritage Ridge Housing Plan.

Please include my written input March 28th at the meeting regarding who gets to live in the Heritage Ridge Housing in Goleta.

"Please include veterans.

I am a Blue Star Sister. My brother was killed in Vietnam. It breaks my heart to see Veterans suffering, needing help and some are homeless."

Thank you,

Diane Gulley

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 38

From: masseybarb@aol.com
To: [Kim Dominguez](#)
Cc: masseybarb@aol.com
Subject: Heritage Ridge, Item B.2 on March 28th hearing agenda
Date: Monday, March 28, 2022 7:39:12 AM

Chair Maynard and Commissioners,

The Heritage Ridge FEIR you are to review is inadequate and needs to be corrected. The EDC comment letter of March 25, 2022 clearly points out the considerable amount of incorrect information that is being used in the current FEIR.

I ask that you direct the applicant of the Heritage Ridge Project to go back and take sufficient time to correct the incomplete, inaccurate, and outdated information, and other deficiencies and only then return with a revised FEIR. The current FEIR has been a huge waste of the time of the Planning staff, Planning Commission, and the Public. The residents of Goleta deserve an adequate FEIR.

Thank you, Barbara Massey

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 39

From: [Amy Reinholds](#)
To: [Kim Dominguez](#); [Mary Chang](#)
Subject: Public Comment for 3/28/2022 Public Hearing B.2 22-144, Heritage Ridge Residential Apartment Project
Date: Saturday, March 26, 2022 6:48:06 PM

To the City of Goleta Planning Commissioners,
Thank you for listening to public comments about the Public Hearing B.2 22-144 Heritage Ridge Residential Apartment Project

I live in the City of Goleta, have experienced how difficult it is for employees of local businesses to find housing in the area, and I am in favor of the Heritage Ridge proposal before the Planning Commission on March 28. This is the third and final phase of the existing Willow Springs apartment community. Although ideally I would like to see more rentals that are restricted to lower income levels, I am supportive that this Heritage Ridge project will include 104 income-restricted affordable rentals (41 of those specifically for seniors), which is 31 percent of the development. These affordable rentals for residents with household incomes in the “low” and “very low” income categories will be managed by the Housing Authority of Santa Barbara County, which has a good track record of managing affordable housing throughout the county, including 11 buildings in Goleta. The City of Goleta needs these 104 affordable rentals, and this Heritage Ridge project should move forward. I ask the Planning Commission to approve this project.

Because this residential rental development application began in 2014, when Goleta did not have an inclusionary housing requirement for rental residential development, this development is not required to provide any affordable units, so these are 104 income-restricted affordable rentals that the City of Goleta wouldn’t normally expect to have. What a bonus during a challenging time!

Also, this is good use of the land that is already identified for multifamily housing in the City of Goleta’s General Plan and Zoning Ordinance, north of the existing Willow Springs Apartments, adjacent to Los Carneros Road and Aero Camino Road, and directly south of US 101 and the Union Pacific Railroad. It will use an existing water allocation intended for use by Heritage Ridge and the Willow Springs apartment community. The General Plan also identifies it as an Affordable Housing Opportunity Site.

From researching past work on this project, I don’t see this area has any environment issues that can’t be mitigated. The project team has worked with local environmental groups to avoid impacts to Los Carneros Creek, which is located off the site, between the railroad and the south-bound Highway 101 onramp at Los Carneros Road (hydrologically separated from the site by the railroad). This infill area is surrounded by the railroad track, the 101, and Los Carneros and an industrial area on the other side. My understanding is that the City of Goleta, and the biologists and other scientists hired to look at the Environmental Sensitive Habit

issues back in 2015 and several times between 2018 and 2020 have concluded that there are no environmental sensitive areas that needs to be protected.

The good news is this Heritage Ridge development will also improve the environment in several ways:

- 1) Implementing site and landscape design to enhance the wildlife corridor, which improves important circulation of local wildlife
- 2) Protecting environmental resources by providing setbacks from environmentally sensitive habitat areas
- 3) Protecting and preserving cultural resources underlying the proposed park open space, and coodinating closely with local Chumash Native American tribal representatives to integrate plants important to past Chumash uses and incorporate symbolic Chumash heritage features in the 2-acre public neighborhood park
- 4) Dedicating land to the City for its circulation and bikeway plan
- 5) Installation of solar panel systems and EV charging stations throughout the development

Finally, I think the most important benefit for our community is that 104 households of seniors and families will be able to have safe and affordable rentals to continue to live, work, and go to school in Goleta, to continue to be part of our community.

Why is this important to me? I know first-hand how difficult it is to find housing, when my husband and I relocated for his new job in Goleta in 2020. It took us 5 months to find a home. There are many members of the community who work for local employers who still aren't able to find housing in Goleta, and it's especially challenging for people whose incomes are in the low and very low levels.

Thank you for considering my comments,
Amy Reinholds
312 Coronado Drive
Goleta, CA

From: [Kelsey Perry](#)
To: [Kim Dominguez](#)
Date: Sunday, March 27, 2022 1:26:58 PM

"Heritage Ridge Residential Apartment Project of a General Plan Amendment to remove an Environmental Sensitive Habitat Area designation"

Regarding the above,

I am a concerned resident of Goleta who understands the immense value that riparian corridors have for our community. Since the Heritage Ridge development is to continue, it must be completed in a way that is sensitive to existing habitat at Los Carneros Creek.

Why would we bend the rules for this project? Surely, staff planning this complex can revisit their design and accommodate existing riparian habitat. Our city and county cannot allow developers to keep destroying habitat in a place as threatened as the Southern California coast. Let Goleta be an example for how to navigate environmental protection challenges while simultaneously addressing the housing crisis for our human inhabitants. There is a way for us to build without more destruction - let's honor the creativity of planners and challenge developers to build sensitively. Do not allow this project to ignore sensitive habitat along with the other functions that the creek will serve for our community (channelling storm water).

Can staff please read my comment at the next meeting? I cannot attend.

Thank you,
Kelsey Perry

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 41

From: tracgeology@aol.com
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Sunday, March 27, 2022 7:28:08 PM

Dear Ms. Dominguez;

1. I support a balanced approach for this project which provides affordable housing that our community needs, and also protects the wildlife habitat and Creek. In addition, upholds the City's habitat and creek policies.
2. However, the Heritage Ridge Project's current design would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
3. The City needs to use the current 2021 map of the Creek to determine the correct minimum creek setback.

Thank you for your consideration.

William Tracy
470B Linfield Place
Goleta CA 93117

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 42

From: [Audrie Krause](#)
To: [Kim Dominguez](#)
Subject: Comment on Heritage Ridge project setback requirement
Date: Sunday, March 27, 2022 7:47:08 PM

Dear Commissioners,

I am a resident of Goleta and am writing to express my agreement with the concerns raised by the Environmental Defense Center on behalf of The Goodland Coalition, Citizens Planning Association, Sierra Club Los Padres Chapter, Urban Creeks Council, and Audubon Society.

As the EDC has noted, the Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area. I support a balanced approach that provides affordable housing, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies. Please use the current 2021 map of the Creek to determine the correct creek setback.

Thank you,

Audrie Krause
6037 Suellen Court
Goleta, CA 93117

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 43

From: [Laurie Preston](#)
To: [Kim Dominguez](#)
Subject: Protect Los Carneros Creek
Date: Monday, March 28, 2022 9:44:42 AM

Hi Kim,

I agree with the EDC comments below.

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek setback

Laurie Preston



March 28, 2022

Dear City of Goleta Planning Commissioners,

SUBJECT: Heritage Ridge Residential Apartment Project of a General Plan amendment to remove an Environmental Sensitive Habitat Area designation: Vesting Tentative Map that consolidates 13 lots into 4 lots: a Development Plan for 332 units; and Certification of an EIR and adoption of CEQA Findings, and Statement of Overriding Considerations under CEQA.

The League of Women Voters of Santa Barbara is a non-partisan organization which seeks to educate our community on critical issues such as the Heritage Ridge housing development.

The proposed Heritage Ridge apartment buildings and site plan with park are consistent with our current housing positions which prioritize affordable housing for all family types for local residents and workers. The developers, Goleta City planners and the County's Housing Authority team led by John Polanskey should be commended for making the most out of the opportunities this site presents. There was no requirement for any affordable housing initially because the planned units are rentals but the final plans call for 104, or 31% affordable units. We also appreciate the extra planning that has incorporated wishes of our Chumash neighbors in many aspects of the site including the design themes for the 2 acre neighborhood park.

The League's environmental positions support protection of environmentally sensitive streams which provide for animal habitat areas. The developers have worked with community groups, City of Goleta planners and environmental experts to ensure that the current plan will provide those protections. Four different habitat surveys were conducted, the last two performed by scientists hired by the City of Goleta. The updated EIR has determined that there are no potential negative impacts that cannot be mitigated. The site was redesigned to allow for a full 100' buffer to be accommodated and buildings were lowered to 2 stories in some areas to better appreciate mountain views.

The League of Women Voters of Santa Barbara strongly supports this project and believes that after a number of years of planning and listening to community concerns it is time to move forward to get this housing ready to serve its' much-needed purpose.

Please contact Cheryl Rogers at cherplan6714@gmail.com with any questions.

Sincerely,

Vicki Allen

VP Communication, League of Women Voters of Santa Barbara

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 45

From: [Daniel McCarter](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge, Planning Commission Meeting B.1 22-144
Date: Monday, March 28, 2022 9:52:43 AM

Comments regarding Heritage Ridge Residential Apartment Project

The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.

Support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.

The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank you,
Daniel McCarter
President of the Santa Barbara Urban Creeks Council

Sent from my iPad

From: [Dominique Jullien](#)
To: [Kim Dominguez](#)
Subject: Protecting land and creeks from development
Date: Monday, March 28, 2022 10:08:12 AM

Dear Mr. Dominguez,

I am writing to express concern about the proposed development known as Heritage Ridge. While housing shortage is a real problem in Goleta, and while we critically need affordable housing in particular, the project as it currently stands does not meet the City's requirement for developers to protect our creeks with a minimum 100-foot buffer. The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area. I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies. The City must use the current 2021 map of the Creek to determine the correct creek setback. I urge you to implement changes to the current plan and protect our fragile environment in the interest of all.

Sincerely,

Dominique Jullien.

--

Dominique Jullien

Professor of Comparative Literature and French Studies

Chair, Comparative Literature and Translation Studies Program

UC Santa Barbara

(805) 893 6056

jullien.complit.ucsb.edu/

[Borges, Buddhism and World Literature: A Morphology of Renunciation Tales](#)

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 47

From: [Gayle](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge needs to protect Los Carneros Creek
Date: Monday, March 28, 2022 10:15:17 AM

Dear City of Goleta Planning Commission,

As a member of the Sierra Club, a docent for the Land Trust of Santa Barbara County, and a 33-year homeowner in Goleta, I am writing to ask you to adhere to the City's requirement for developers to plan a 100-foot buffer to protect the City's creeks. Specifically, please require that the developers of Heritage Ridge redesign the project so that Los Carneros creek, the habitat, and the the wildlife corridor that it provides are not adversely compromised.

Both the residential structures and the stormwater plan should be out of the creek buffer area. It is what our policy now requires.

I'm confident that under your stewardship, the City of Goleta Planning Commission can provide the leadership required to balance the need for affordable housing as well as safe-guarding our precious, irreplaceable creek areas. You are responsible for maintaining the GoodLand - please do what is right for posterity's sake.

Respectfully submitted,

Gayle Labrana
230 Hillview Dr
Goleta, CA 93117
805-455-3543

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 48

From: [Jeffrey Souther](#)
To: [Kim Dominguez](#)
Subject: Protect Carneros Creek
Date: Monday, March 28, 2022 10:30:59 AM

The Heritage Ridge development should maintain a 100 feet setback from Carneros Creek.

Jeff Souther

From: [Caroline Adams](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Monday, March 28, 2022 10:32:14 AM

Dear Goleta Planning Commission,

I am shocked that the City is not following its own requirement on this project for a creek buffer. We know the importance of creeks for so many things, from sustainable beaches and flood control, to the very survival of native flora and fauna. While I recognize the lack of affordable housing, destroying a different public asset is not the solution. The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area. We need to protect wildlife habitat and Los Carneros Creek, and **uphold the City's own habitat and creek policies.**

Refusal to follow the policy also undermines public trust in officials. The City must use the current 2021 map of the Creek to determine the correct creek setback. There are many other options for redevelopment that do not require further impingement on the already minimal natural lands in our city. Please at least re-design the project to protect sensitive habitat.

Sincerely,
Caroline Adams

From: [Rachel Kondor](#)
To: [Kim Dominguez](#)
Cc: [Jennifer Fullerton](#); [Katie Maynard](#); [Sam Ramirez](#); [Jennifer Smith](#)
Subject: Heritage Ridge Submittal
Date: Monday, March 28, 2022 10:37:15 AM
Attachments: [Hunt_HerRidgeRDEIR_CommLtrFinal_2021_06_28.pdf](#)
[HuntCV_2021_06_28.pdf](#)

** Public comment also forwarded to Commissioner MacLearn with attachments

Good morning Ms. Dominguez and Planning Commissioners:

We would like to submit this report by Hunt and Associates, along with Larry Hunt's CV, for your consideration regarding the Heritage Ridge Project. This was submitted for the RDEIR last year, but may not be in your record before the Commission so we thought we should include it before tonight's hearing. Thank you,

Rachel

RACHEL KONDOR (she/her/hers)

STAFF ATTORNEY
906 Garden Street
Santa Barbara, CA 93101
805.963.1622 ext. 113
www.EnvironmentalDefenseCenter.org

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Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 51

From: [Catherine Black](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge development
Date: Monday, March 28, 2022 10:41:45 AM

Sent from [Mail](#) for Windows

If approved, I agree that this development should be setback at least 100 feet from Carneros Creek. There should also be a requirement that appropriate planting be installed to prevent erosion into the creek.

I also question this sized of this development and whether it includes enough affordable housing units. By affordable I mean units that someone making \$15 per can afford. \$3000 per month rent for a one bedroom one bath unit is not affordable even if it is shared.

From: [Andrea Estrada](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Development
Date: Monday, March 28, 2022 11:11:07 AM

Good morning. I am a Goleta resident writing to voice my concern about the new Heritage Ridge housing development's proximity to Los Carneros Creek.

I understand the continuing need for new housing in the City of Goleta, but ***I believe it's essential that the City take a balanced approach that upholds its habitat and creek policies while seeking to meet the community's needs.***

The Heritage Ridge Project would encroach into Los Carneros Creek's streamside protection area and destroy critical wildlife habitat. The City ***must*** use the current 2021 map of the creek to determine the appropriate creek setback.

Thank you.

--

Andrea Weir Estrada

From: [Brier & Laurie](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project: Please Protect Sensitive Habitat Area
Date: Monday, March 28, 2022 11:13:20 AM

The Heritage Ridge housing is very much needed and I support it's construction. I would like to ask the City Council to consider an "environmentally sensitive" modification to the current building plans and design in a 100 foot setback to Los Carneros Creek.

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
-
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
-
- The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank you very much for your consideration,
J. Brierley Preston
428 Daytona Drive
Goleta

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 54

From: [Joyce & Mark](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge setback
Date: Monday, March 28, 2022 11:41:14 AM

I am a resident of the City of Goleta.

I urge the Goleta City Planning Commission to respect and apply the 100ft setback determined for streams in Goleta to the Heritage Ridge development. This 100ft setback condition was determined as a result of careful determination as to what is necessary for the safety of our streams, wildlife, and condition of endpoint of stream flow. This Heritage Ridge development is in the planning stage and this is time for the developers to do a redesign to accommodate the 100ft setback.

Respectfully,

Joyce Gauvain

March 28, 2022

To: City of Goleta Planning Commissioners,

SUBJECT: Heritage Ridge Residential Apartment Project

I would like to support the current plan for the Heritage Ridge housing development. I believe there are a few misunderstandings about what has been done to accommodate environmental concerns. To some extent I think this is an example of 'perfect being the enemy of good'.

I first looked at the Heritage Ridge site several years ago and it seemed like an ideal location for affordable housing - an undeveloped infill site that is identified as an Affordable Housing Opportunity site in the General Plan.

Even though no affordable units were required, I was very pleased that the developer joined forces with the County's Housing Authority and came up with a new plan that provides 104 affordable units for a total of 31%.

I believe the developer and planners worked with environmental groups in good faith to redesign the site to provide a 100' buffer and lowered buildings where mountain views were threatened. I agree it's important to provide special protections for environmentally sensitive areas, wildlife corridors, and to avoid impacts to Los Carneros Creek, which is located off-site between the railroad and the south-bound Highway 101 onramp at Los Carneros Road, and is hydrologically separated from the site by the Union Pacific Railroad. I am satisfied that the City of Goleta planners have done what is needed to ensure that appropriate procedures are being followed for CEQA, including which map is appropriate and protections will be in place.

I am also personally concerned about the number of local residents who have had to move out of the South County over the last decade. We are losing younger families and workers, in particular, so the jobs housing balance and length of commutes continues to worsen. In August we were declared the least affordable County in the Country according to realtor.com so I am also concerned with creating and protecting neighborhoods where local workers can live and thrive.

I would like to thank everyone who has worked for a number of years to get this project to where it is now including the Towbes/RTA/FPA developers, County Housing Authority, City of Goleta planners, and community groups who engaged the EDC and continued to monitor progress on changes that could address their concerns.

Linda Honikman
Affordable Housing Advocate

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 56

From: [Robert Bernstein](#)
To: [Kim Dominguez](#)
Subject: Planning Commission Comment on Heritage Ridge Tonight
Date: Monday, March 28, 2022 10:09:49 AM

This comment is for the Planning Commission hearing tonight (March 28, 2022) on Heritage Ridge. Item B.2 on the agenda.

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Goleta badly needs affordable housing. But we cannot sacrifice what little remains of creeks and wetlands to build new housing. The Heritage Ridge developer is asking for an exemption to build on such sensitive habitat along Los Carneros Creek.

About 85% of wetlands have been destroyed in the US due to human development. This has to stop.

A balanced approach is possible that preserves this sensitive habitat along Los Carneros Creek and still allows construction of this housing. Please use the current 2021 map of Los Carneros Creek to define the allowed area for development. Please do not make an exemption that destroys any more of our dwindling creek and wetland habitat in Goleta.

Robert Bernstein
7100 Georgetown Road
Goleta, CA 93117
(805) 685-1283 (H)
robert@robert.name

From: [Fran Davis](#)
To: [Kim Dominguez](#)
Subject: Heritage Creek development
Date: Monday, March 28, 2022 12:22:32 PM

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 57

Dear Kim Dominguez,

As a resident of Goleta, I wish to advocate for maintenance of a 100-foot buffer zone between Los Carneros Creek and the development footprint of the Heritage Creek development. The choice of Heritage Creek as a name points to significance of this riparian area, important historically as well as biologically.

Fran Davis
249 Moreton Bay Lane
Goleta, CA 93117

[Fran](#)

To: Kim Dominguez, Mgmt Assistant Planning and Environmental Review Dept., City of Goleta Planning Commission
kdominguez@cityofgoleta.org

Re: Heritage Ridge Residential Apartment Project (Case Nos. 14-049-GPA-VTM-DP-DRB; APNs 073-060-031 to -043)

From: Sierra Club Santa Barbara Group

Dear City of Goleta Planning Commission,

We the Sierra Club of Santa Barbara are concerned about the failure of the Heritage Ridge Project Final EIR to use the correct baseline to evaluate Los Carneros Creek's Streamside Protection Area ("SPA"). Under CEQA, the City's Final EIR must use the baseline that provides the most accurate picture possible of the Project's impacts. The FEIR backdated the RDEIR's Figure 4.3-2 from the current and correct CEQA baseline of 2021 to an outdated 2015 map which was used in the DEIR and no longer provides the most accurate picture possible of the environmental setting and impacts. Notably, the SPA baseline in Figure 4.3-2 is the only information the EIR backdates; all other information revised in the EIR was updated. Therefore, the FEIR uses an improper and illegal baseline for the SPA and this skews the FEIR's impact analysis.

Sierra Club is very concerned that the Project, as currently designed, fails to adhere to the Goleta General Plan/Coastal Land Use Plan Conservation Element Policy CE 2.2. The Goleta General Plan Policy CE 2.2 clearly states that the Streamside Protection Area shall be a minimum of one hundred feet outward on both sides of the creek:

The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer shall be as follows: a. The SPA upland buffer shall be 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater.

The SPA can only be reduced to less than one hundred feet if two conditions are met. First, in order to reduce the SPA, the Project must be infeasible with a one-hundred-foot SPA. However, a one-hundred-foot SPA is feasible. Sierra Club and our coalition submitted a detailed report from RJR Engineering demonstrating that cost-effective decentralized stormwater capture measures would enable a smaller infiltration basin in the southeast corner which in turn provides room to move development south providing more space for the SPA.

Second, in order to reduce the SPA, the reduction must not cause a significant impact to the Creek. However, reducing the SPA causes a significant impact to the Creek. Sierra Club and our coalition hired Lawrence Hunt and Associates Biological Consulting Services which submitted comments on the RDEIR demonstrating that reducing the SPA causes a significant impact to the Creek by eliminating the native habitat located adjacent to the Project site and impairs wildlife movement. Modest design changes are feasible which would achieve the required minimum one-hundred-foot SPA and avoid the significant impact to Los Carneros Creek.

The Goleta General Plan was developed with much foresight and in-depth research on watershed-based land use planning. It determined that Watershed-Based Land Use Planning is paramount when making land use and development decisions based on the studied relationship and impact to the health of a watershed system. Each creek is important in its own right and is important to our community habitat as a whole. The City's creeks follow the natural flow of water from headwaters to outlets in the Goleta Slough. Each stage of a watershed provides a functional component of the natural hydrologic cycle that, when disrupted or damaged, degrades the entire system and its coincident natural systems.

The Goleta General Plan's policies provide for the City to maintain the ecological continuity of habitats of its watershed systems to the maximum extent feasible. In addition, environmentally sensitive habitat areas and riparian corridors are identified and protected through policies that balance the preservation of natural resources with land use needs and hazard mitigation. Taken together, this balance is critical to healthy, functional watershed systems from local headwaters to the Slough, the Santa Barbara Channel, and the marine environment.

It is intuitively inherent that the City's policies use the most up to date data and resources available when determining ESHA and SPA boundaries during an EIR for new developments. The SPA measurement for the Heritage Ridge Project must therefore use maps and photographs from 2021. The Heritage Ridge Project final EIR mostly uses updated information except for the SPA setback. We have determined that it is possible, and preferable for optimal drainage, that the plans' stormwater design be amended to allow for modest movement of a few buildings which would then result in the minimum required one-hundred-foot SPA setback.

We, the Sierra Club, are in support of this project as a whole. Affordable housing is crucial to our community. This Project will help to address that lack. At this time nothing has been built yet. Our request is only to adjust the design so that it adheres to City policies.



805.967.2500

www.SBSCChamber.com

Mailing Address: 5662 Calle Real #204, Goleta, CA 93117
Visitor Center: 120 State Street, St F. Santa Barbara, CA 93101

March 28, 2022

Planning Commission
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: Heritage Ridge Project

Dear Planning Commissioners:

On behalf of the Santa Barbara South Coast Chamber of Commerce, from Goleta to Carpinteria, we would like to offer our support for the Heritage Ridge Residential Apartment Project. The Chamber has identified the clear need for more housing as a major barrier to our region's economic development. We support projects like Heritage Ridge that address this challenge while also ensuring that they are a good fit for our community.

The Heritage Ridge Project has been under review since 2014, and over the past 8 years they have worked 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 affordable housing to our area, but it is also a great fit for our community due to its focus on quality design, view corridors, and planned park and street frontage improvements.

The project's 332 units fall well within the guidelines set by the General Plan's density and use policies. The 104 affordable units will also satisfy ten percent of the Goleta's 6th Cycle RHNA numbers for low and very low income.

We hope that the planning commission will keep in mind the economic and community benefits offered by the Heritage Ridge Project moving forward. Increasing our local rental housing supply is more important now than ever, especially if we can do so with a project that not only works to be a part of our community but actively improves it as well.

Thank you for supporting local housing,

KRISTEN MILLER | President/CEO
SANTA BARBARA SOUTH COAST CHAMBER OF COMMERCE
(805) 967-2500 ext. 108 | Kristen@SBSCChamber.com

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 60

From: Casey Caldwell <casey2caldwell@gmail.com>
Sent: Monday, March 28, 2022 5:04 PM
To: Mary Chang <mchang@cityofgoleta.org>
Subject: statement of support, Heritage Ridge

Dear Ms. Chang,

I am writing to submit a statement of support for the Heritage Ridge Apartment project. Our community urgently needs housing, and it seems that the team behind Heritage Ridge has exercised extreme conscientiousness about how they went about planning and organizing this project. I speak in approval.

Thank you,

James Caldwell

From: [Karen](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Wednesday, March 23, 2022 4:56:50 PM

Ms. Dominguez,

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City should use the current 2021 map of the Creek to determine the correct creek setback.
- As a birdwatcher, I see the urgent importance of undisturbed creek habitat.

Please let's be good stewards of the land and maintain the health and vitality of Goleta's riparian ecosystem. Not doing so will set a terrible precedent for future development.

Thank you,
Karen Dorfman
Goleta homeowner

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 62

From: [Robert F Else](#)
To: [Kim Dominguez](#)
Subject: We need housing, but please protect Los Carneros Creek and important habitat
Date: Wednesday, March 23, 2022 5:46:48 PM

I stand with the EDC and their request that the project be redesigned to protect the creek and important habitat while still providing the same amount of housing for our community.

The EDC is requesting modest changes to the stormwater plan to move the Project completely out of the creek buffer area **as required by Goleta City policies.**

Thank you,
Robert Else
6891 Pasado Road
Goleta, CA

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 63

From: [BILL WOODBRIDGE](#)
To: [Kim Dominguez](#)
Subject: Heritage Ranch- Los Carneros Creek
Date: Wednesday, March 23, 2022 8:37:45 PM

Hello Goleta Planning Commissioners-

I'm a resident of Goleta. I lived at Willow Springs several years ago and plan to move back there. I am very opposed to the Towbes' Corporation attitude that they are "special" and need not abide by the standing creek setback requirements in the City of Goleta. Towbes is a monopolistic large scale apartment developer only concerned with squeezing every last unit possible onto a site to make every last dime possible in profits. They care about nothing else. The project they built at Cortona Place looks like a series of prison cells, totally paved over with concrete and asphalt, with barely a blade of greenery visible from nearly all points of view. It is sterile, boxy and ugly looking. I have great fear of what their Heritage Ranch project will look like. But to encroach on the Los Carneros Creek biodiversity is unacceptable and inexcusable.

Please do not submit to their request for an exemption to the Goleta Creek setback rules.

Thanks,

Bill Woodbridge

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 64

From: [Jeannette Welling](#)
To: [Kim Dominguez](#)
Subject: Protect Los Carneros Creek and important habitat
Date: Wednesday, March 23, 2022 9:29:26 PM

To whom it may concern:

Protect Los Carneros Creek. Save the wildlife habitat and uphold the city's Creek policies with a plan that will not allow the Heritage Ridge Project affordable housing to encroach into Los Carneros Creek's Streamside Protection Area.

The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank you for your consideration.

Jeannette Welling
2450 Pleasant Way Unit G
Thousand Oaks, CA 91362

From: [Kelsey Maloney](#)
To: [Kim Dominguez](#)
Subject: Comments on the Los Carneros Creek project
Date: Thursday, March 24, 2022 10:14:19 AM

Good morning. I would like to add these comments to the the 3/28 planning commission meeting:

I am a UCSB graduate, and one of the reasons I fell in love with this area and decided to stay (for 10+ years now) is because of the nature that surrounds Santa Barbara and Goleta. I value this region because the people here have always been interested in protecting and preserving the natural beauty of the Central Coast.

The Heritage Ridge Project could negatively impact important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area. I would like to see a balanced approach to development, where both workforce housing (which is needed) and the preservation of this important wildlife habitat and Creek can happen simultaneously. The City must use the current 2021 map of the Creek to determine the correct creek setback.

Please ensure that the wildlife habitat is protected and preserved for future generations.

Thank you,

--

Kelsey Maloney
Grant Writer
805-946-0504

From: [Ken Palley](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Thursday, March 24, 2022 5:32:39 PM

Dear Ms. Dominguez,

As a resident of "Noleta" who spends a lot of time in Goleta I am very concerned about the proposed Heritage ridge Project as it is currently proposed. With wetlands and riparian habitat in Santa Barbara and Goleta small enough and getting smaller all the time it seems that this project is very likely to have a very negative impact on the Los Carneros creek which I thought was a Protected Area. We do need affordable housing but not at the cost of environmental destruction. I support a more balanced approach that does provide affordable housing but at the same time protects Los Carneros Creek and its valuable habitat. The project should comply with the City of Goleta's habitat and creek protection policies and guidelines. Personally I would like to see a 100 ft setback from the creek but at a minimum the project should make setback determination based on the 2021 map of Los Carneros Creek to make its determination as to the size of the setback.

Thank you in advance for protecting our natural habitat

Respectfully
Kenneth Palley
805 722-4037

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 67

From: [marilyn kandus](#)
To: [Kim Dominguez](#)
Subject: Protect Los Carneros Creek and Habitat
Date: Thursday, March 24, 2022 9:16:00 PM

Please protect the los Carneros creek and its habitat.

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek setback.

Thank You,
Mari Kandus
Homeowner

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 68

From: [Janet](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Friday, March 25, 2022 10:51:41 AM

Please consider these important points when addressing the Heritage Ridge project:

-
- The Heritage Ridge Project's current design would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct minimum creek setback.

Janet koed
805-689-7453

Sent from my iPhone

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 69

From: [Sylvia](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge project
Date: Friday, March 25, 2022 4:58:39 PM

Planning Commission;

Please insist that the Heritage Ridge project be re-configured to comply with Goleta City policy. Stream protection areas and coastal sage scrub must be protected per environmental policies. This includes a 100 foot buffer to protect Los Carneros Creek and important small animal and bird habitat.

A re-design can accomplish this and provide the same number of units.

Thank you for your consideration,

Sylvia Sullivan

7388 A Chapman Pl.

Goleta, CA 93117

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 70

From: [Joanne](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Sunday, March 27, 2022 6:56:20 AM

Dear Ms. Dominguez,

It has been called to my attention that:

- The Heritage Ridge Project would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.
- I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.
- The City must use the current 2021 map of the Creek to determine the correct creek setback.

Sincerely,

Joanne D'Egidio

From: eharris@silcom.com
To: [Kim Dominguez](#)
Cc: [dan mccarter](#)
Subject: UCC input - Heritage Ridge hearing
Date: Monday, March 28, 2022 11:01:37 AM

Item No. B.2
Public Hearing - Heritage Ridge Residential Apt Project
Case Number 14-049-GPA-VTM-DP
Public Comment No. 71

Santa Barbara Urban Creeks Council (UCC), a 501(c)(3), has many members and supporters who live in Goleta. We are represented by the Environmental Defense Center (EDC) in this development review, along with other groups who are voices for protection of valuable and diminishing habitat and creek values. We agree with points raised by EDC about the inadequacy of the FEIR.

If allowed to move forward, the current design would encroach into the Streamside Protection Area (SPA) of Los Carneros Creek. It would also destroy important wildlife habitat, and diminish the value of an important wildlife corridor.

We support affordable housing and don't want to stop the project. But an approval must also respect the needs of Goleta's natural environment.

Goleta's current housing needs do not give entitlement to developers to ignore city policy. The housing crunch increases the imperative that more diligent planning be done. The city can plan for affordable housing that allows essential watershed planning to be included. The city can and must do both.

Problems and inconsistencies with the EIR that have been identified in EDC's letter must be addressed. The 2021 map showing Los Carneros Creek's riparian extent must be used to determine the SPA, and the minimum creek setback must be respected as called for in city policy.

Please make sure that inaccuracies in the FEIR are addressed and ask the developer to redesign the project to respect city policy.

Thank you,

Eddie Harris
Santa Barbara Urban Creeks Council

The Heritage Ridge Project's current design would destroy important wildlife habitat and encroach into Los Carneros Creek's Streamside Protection Area.

I support a balanced approach which provides affordable housing that our community needs, protects the wildlife habitat and Creek, and upholds the City's habitat and creek policies.

The City must use the current 2021 map of the Creek to determine the correct minimum creek setback.

From: [Corinne Heyning Laverty](#)
To: [Kim Dominguez](#)
Subject: Heritage Ridge Project
Date: Thursday, March 24, 2022 10:21:06 AM

With regard to the proposed 332 rental project next to Los Carneros Creek in Goleta, I support a balanced approach that not only provides much needed affordable housing for our community, but protects the wildlife habitat and Creek. I respectfully call upon the Goleta Planning Commission to uphold the City's habitat and creek policies and to utilize the current 2021 Creek map in determining the appropriate set back.

Saving our wild communities/ecosystems is good for everyone and I am sure that the future residents of the proposed project will benefit greatly from living within an environmentally responsible building site. The birds, butterflies, flowers and trees, the creek itself will provide much joy.

Thank you for considering my thoughts.

Corinne Heyning Laverty

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Corinne Heyning Laverty

North America's Galapagos: The Historic Channel Islands Biological Survey

University of Utah Press, February 2020

<https://uofupress.lib.utah.edu/north-americas-galapagos/>

www.channelislandscalifornia.com