

**From:** [Ken Pearlman](#)  
**To:** [Kim Dominguez](#)  
**Subject:** Corrections to Misinformation on Heritage Ridge Project Provided to the Planning Commission at April 25 meeting  
**Date:** Monday, May 02, 2022 9:18:05 AM

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

Dear Chair Fullerton and Commissioners:

During the April 25, 2022 Planning Commission meeting several inaccurate statements were made to the Commission. I wish to correct two such statements:

### **Issue #1**

In response to a question posed by a Commissioner, the EIR consultant stated that the FEIR contains mitigation for impacts to white-tailed kites. **This is inaccurate.** While the FEIR does speak to mitigation measures to avoid ground disturbance during construction (FEIR Pages 4.3-29 and 4.3-30), **it is important to clarify that the project will result in a permanent loss to foraging habitat for white-tailed kites without compensation**, which the California Department of Fish and Wildlife considers to be take of a Fully Protected Species (Fish and Game Code, Division 4, Section 3000-4903). See also California Department of Fish and Wildlife letter dated April 25, 2022 (which you received previously), specifically pages 5-6, which states: “CDFW disagrees with the conclusion the FEIR makes that the site provides marginal foraging habitat and no significant impact to the species would result from the Project. 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” (CDFW 4/25/22 letter, page 5).

The FEIR states that kites have been observed foraging over the project site (FEIR Page 4.3-14). In addition, the Hunt & Associates Biological Consulting Services June 28, 2021 letter, which you received previously, states that “Grassland and scrub habitats on the project site, including the coyote brush scrub habitat mapped as ESHA, are used by white-tailed kites (*Elanus leucurus*), a State Fully Protected species, as foraging habitat. . .” (page 9).

What is particularly important to emphasize is this distinction: the FEIR speaks only to the avoidance of construction disturbance during nesting; **it does not mitigate for the permanent net loss of white-tailed kite foraging habitat on the site. There is no replacement habitat for the foraging habitat that will be lost due to this project.** This was made clear in CDFW’s April 25, 2022 letter: “Permanent impacts to foraging habitat for white-tailed kite should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement. . .” (Page 6). Therefore, due to absence of replacement habitat and with the disagreement of CDFW, there needs to be compensatory mitigation.

Further, the FEIR states that “. . . foraging habitat is not specifically treated as ESHA in the General

Plan. . .” (FEIR Page 9-17). **This is incorrect, as the General Plan does treat foraging habitat as ESHA**, as evidenced in the following two General Plan policies:

Policy CE 8.2: Protection of habitat areas.

*“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.”*

Policy CE 1.2 (I) Designation of Environmentally Sensitive Habitat Areas.

*“: . . ESHAs generally include but are not limited to the following. . .*

*(1) other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law.”*

**Taking these two policies together, since the white-tailed kite is designated as fully protected, it is considered rare. Given that white-tailed kites use the project site for foraging, the habitat (which is inclusive of foraging habitat) is considered ESHA.**

## **Issue #2**

The Planning Commission was also told at this meeting that there are no federally listed or candidate species on the site. **However, this is an inaccurate statement.** The monarch butterfly (*Danaus plexippus*) is a candidate species for listing under the federal Endangered Species Act and was documented in 2021 foraging and breeding on site. (Hunt and Associates letter, pages 13 and 15).

In summary, these are just two examples of misinformation provided to the Commission at its April 25 meeting. Thank you for the opportunity to provide the necessary corrections.

Sincerely,

Kenneth Pearlman  
33 Sanderling Lane  
Goleta, CA 93117

May 18, 2022

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

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

Dear Goleta Planning Commission:

I will assume you have received, and read, other and more scientifically informative letters regarding the Heritage Ridge project. I will spare you from repeating what they most likely have stated.

I, as part of the bird loving community in Santa Barbara County, have become aware that the Heritage Ridge project is considering eliminating another piece of our iconic White-Tailed Kite's hunting ground. While this Heritage Ridge area appears small, it is an area that has provided meals for raptors. It is vitally important to keep as much as possible of this area "wild" if we are to maintain any chance at keeping this once common and spectacular raptor in our area.

I have lived in Santa Barbara since 1969. I have witnessed housing and commercial projects, with their vast paved parking lots, destroy habitat after habitat. Most with little consideration to the fact that we are messing with nature's food chain.

As I see it, we are ruthlessly and systematically eliminating nature's grocery stores.

Please pay attention to these concerns. They are important to our world.

Thank you for your consideration,



Sharon Metsch  
mplsyrp451@outlook.com

July 8, 2022

City of Goleta Planning Commission  
130 Cremona Drive, Suite B  
Goleta, CA 93117  
*Submitted by email to [KDominguez@CityofGoleta.org](mailto:KDominguez@CityofGoleta.org)*

**Re: Heritage Ridge Residential Project FEIR**

Dear Goleta Planning Commission:

I have been a resident of the Goleta Valley for 39 years. During that time, I have seen wildlife habitat in the valley gradually but substantially diminish. The proposed Heritage Ridge project would continue this process and have serious negative effects on our treasured wildlife.

Although there are several features of the Heritage Ridge project that should be improved, I will address only one in this letter: the need to better protect the White-tailed Kite by providing appropriate mitigation for the loss of the kite's foraging habitat. These are my main points:

The White-tailed Kite is a fully protected species under California law<sup>1</sup> and is an iconic symbol of the Goleta Valley.

The White-tailed Kite's habitat in the Goleta Valley has been whittled away over the years (death by a thousand cuts).

The proposed Heritage Ridge project must provide mitigation to compensate for the loss of White-tailed Kite foraging habitat.

**The White-tailed Kite (WTK) is a fully-protected species under California law and is an iconic symbol of the Goleta Valley.**

Anyone, even non-birders, is thrilled to see this graceful white raptor hovering over grasslands in search of prey, then slowly descending, as if on a parachute, to the ground to snatch its prey with its talons. The White-tailed Kite has been an iconic symbol of the Goleta Valley for generations of residents. However, its population locally has been steadily declining.<sup>2,3</sup> It would be a shame, and contrary to State law, if the proposed

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<sup>1</sup> CDFG Code Section 3511(3)(b)(12).

<sup>2</sup> Holmgren, Mark; "White-tailed Kite is Under Siege Says Researcher"; The Current; University of California, Santa Barbara, November 3, 1998.

<sup>3</sup> Lehman, P. E. "The Birds of Santa Barbara County, California", Revised Edition, May 2022, available at <http://www.sbcobirding.com/lehmanbosbc.html>, 2022, page 212, "... many of the foraging and nesting areas they have used in the Goleta and Santa Maria Valleys and elsewhere are subject to loss, fragmentation, and more

Heritage Ridge project continues the trend of reducing the kite's foraging habitat in Goleta, bit-by-bit, without mitigating for this habitat loss by permanently preserving suitable foraging habitat elsewhere in the City.

The White-tailed Kite is a Species of Special Concern and is fully-protected under California law. State law prohibits the "take"<sup>4</sup> of any fully-protected species. According to the California Department of Fish and Wildlife (CDFW), "Impacts to special status wildlife species are considered significant under CEQA unless they are clearly mitigated below a level of significance."<sup>5</sup> (emphasis added). In the case of the proposed Heritage Ridge project, not only has the impact to the White-tailed Kite's foraging habitat not been mitigated adequately, but the FEIR wrongly claims that the loss of foraging habitat does not need to be mitigated at all!<sup>6</sup>

**The White-tailed Kite's habitat in the Goleta Valley has been whittled away over the years (death by a thousand cuts).**

The development of open space in Goleta over the years has, in most cases, destroyed White-tailed Kite foraging habitat. The FEIR itself notes, "Urban development and other land-use conversion have resulted in the removal of substantial amounts of raptor foraging habitat in the Goleta area."<sup>7</sup> A study by Dudek<sup>8</sup> concluded that, by 2017, "an estimated total of approximately 498 acres of suitable kite foraging habitat has been or is anticipated to be impacted in the (Goleta Valley) region by past, present, or probable future projects."<sup>9</sup> Undoubtedly, more kite foraging habitat in Goleta has been lost in the five years since 2017. Each of the twenty-two projects in Table 1 of the Dudek study undoubtedly claimed that their small project would not significantly affect the overall available kite foraging habitat without adequately considering the cumulative loss of this habitat across all projects. Indeed, the Heritage Ridge FEIR states, "The Project's contribution (13.47 acres) to the loss of raptor habitat would not result in a significant cumulative effect at a regional-level, nor would it cause a region-wide raptor population to drop below self-sustaining levels . . . therefore cumulative impacts are less than

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frequent disturbance. Thus, we are likely to see a general decline in the number of kites breeding and perhaps wintering near the more urban areas . . . "

<sup>4</sup> "Take" is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

<sup>5</sup> Letter from CDFW, South Coast Region, to Mary Chang, City of Goleta, "Comments on the Final EIR Heritage Ridge Residential Project, SCH #2015041014, Santa Barbara County", April 25, 2022, page 6.

<sup>6</sup> FEIR, p. 9-18.

<sup>7</sup> FEIR, p. 4.3-17.

<sup>8</sup> Dudek Technical Memorandum, "Response to Comment on White-tailed Kites from the California Department of Fish and Wildlife for the Santa Barbara Airport Master Plan Project", June 5, 2017, page C-6.

<sup>9</sup> The study area encompasses the area potentially used by white-tailed kites in the Goleta Valley. It includes the City of Goleta (City), UCSB, and areas under County of Santa Barbara jurisdiction extending from Dos Pueblos Canyon east to the City of Santa Barbara western boundary.

significant.”<sup>10</sup> Willow Springs II made a similar claim<sup>11</sup>, the Airport Taxiway H Project made a similar claim<sup>12</sup>, the Village at Los Carneros made a similar claim<sup>13</sup>, etc., etc. It is clear that White-tailed Kite foraging habitat in Goleta is being reduced steadily and inexorably. This process, unless mitigated, will eventually result in a loss of so much foraging habitat that there will be insufficient habitat to sustain a population of White-tailed Kites in Goleta. This will result in the inevitable “death by a thousand cuts” for the kite.

**The Heritage Ridge project must provide mitigation for causing the loss of White-tailed Kite foraging habitat.**

Statements in the FEIR about the loss of White-tailed Kite foraging habitat are inadequate because they do not accurately interpret the Goleta General Plan. The General Plan requires protection of the foraging habitat of special-status species. Specifically, policy CE 8.2 states that “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” (emphasis added). Obviously, the ability to forage and obtain sufficient food is vital for White-tailed Kite survival. The Heritage Ridge site has been well-documented as foraging habitat for the kite<sup>14</sup>. However, the Heritage Ridge FEIR incorrectly states that loss of all White-tailed Kite foraging habitat on the site is less than significant. As stated above, this is yet another example of the “death by a thousand cuts” syndrome that has greatly diminished the White-tailed Kite’s habitat in the Goleta Valley for decades and now threatens the kite’s very existence in the City of Goleta!

The FEIR concludes that there is no need for mitigation for loss of White-tailed Kite foraging habitat. However, in CDFW’s letter to the City of Goleta, expert neutral biologists at CDFW concluded that mitigation is necessary to avoid a significant impact. The letter states, “CDFW disagrees with the conclusion the FEIR makes that the site provides marginal foraging habitat and no significant impact to the species would result from the Project. 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.”<sup>15</sup> CDFW recommends sufficient mitigation for loss of

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<sup>10</sup> FEIR, page 4.3-40.

<sup>11</sup> Willow Springs II FEIR, Section 4.3, Biological Resources, page 4.3-31, “The incremental loss of 6.0 acres of suitable foraging habitat would not have a significant effect on regional raptor populations, as 6.0 acres represents a small percentage of the raptor foraging habitat in the Goleta area.”

<sup>12</sup> Dudek Technical Memorandum, page C-6, “Taxiway H project permanent impacts to 6.1 acres of potential foraging habitat for white-tailed kites would not contribute substantially to the overall impacts . . .”

<sup>13</sup> Village at Los Carneros FEIR, page 4.3-21, “Given the site’s fragmented condition and proximity to urban development, it is of significantly less regional importance . . .”

<sup>14</sup> The FEIR, page 4.3-14, states, “At the Goleta Slough, whitetailed kites forage regularly and have been recorded roosting in small numbers. Kites have been observed foraging over the Project site.”

<sup>15</sup> CDFW letter, page 5.

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 conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands . . .” and that “An appropriate non-wasting endowment should be provided for the long term management of mitigation lands.”<sup>16</sup> I agree with the CDFW’s conclusion. **It is absolutely necessary for the City to require mitigation for the loss of White-tailed Kite foraging habitat caused by the proposed Heritage Ridge development.** The mitigation should require setting aside permanently-protected viable White-tailed Kite foraging habitat in Goleta with additional sufficient funding for its management.

## Conclusion

I sincerely hope that the Planning Commission will recommend mitigation for the loss of White-tailed Kite foraging habitat due to the Heritage Ridge Project. The gradual, incremental loss of habitat must be reversed if the iconic White-tailed Kite is to survive in the Goleta Valley.

Heritage Ridge is a large project, probably costing on the order of tens or hundreds of millions of dollars. Acquiring an easement for White-tailed Kite foraging habitat would be a very small percentage of the project’s total cost. This is an expense that the developer can undoubtedly easily bear.

Thank you for considering my comments.

Stephen J. Ferry  
5557 Camino Galeana

CC

Goleta City Council

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<sup>16</sup> CDFW letter, page 6.

**From:** [Darlene Hernandez](#)  
**To:** [Mary Chang](#)  
**Subject:** I support Heritage Ridge Park project  
**Date:** Wednesday, November 9, 2022 7:45:36 PM

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Dear City of Goleta Planning Commission,

I am writing to support the Heritage Ridge Park project. The park's Chumash cultural theme features and landscape will provide imagery that celebrates the heritage and history of the original inhabitants of the land and their connection to nature. The nature playground feature will provide recreation and education space for creativity, physicality, and an opportunity to engage in social experiences. Our community needs this 2-acre public neighborhood park that provides a cultural interpretative space. I love to bring my family and children to show them where I grew up and to share with them the history and culture of our land. Appreciate everyone's time and assistance with this project. Thank you.

Best Regards,  
Darlene Hernandez  
Born and Raised in SB & Goleta  
1932 Crimea Ct.  
Santa Maria, CA 93458  
805-886-8039



**From:** [Alexis Doulton](#)  
**To:** [Kim Dominguez](#); [Mary Chang](#)  
**Subject:** Heritage Ridge Park Project  
**Date:** Thursday, November 10, 2022 12:29:16 PM

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Item No. B.1  
Public Hearing - Heritage Ridge Residential Apt Project  
Case Number 14-049-GPA-VTM-DP  
Public Comment No. 5

Dear City of Goleta Planning Commission,

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

Alexis Doulton  
Santa Barbara, CA

**From:** [Christian Jacinto](#)  
**To:** [Kim Dominguez](#)  
**Subject:** Heritage Ridge Park Project  
**Date:** Thursday, November 10, 2022 1:05:15 PM

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Dear City of Goleta Planning Commission,

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

Sincerely, Christian Jacinto 4764 Ashdale street, Santa Barbara Ca, 93110

**From:** [Loryann Velez](#)  
**To:** [Mary Chang](#)  
**Subject:** Heritage Ridge Park project  
**Date:** Thursday, November 10, 2022 4:00:48 PM

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Dear City of Goleta Planning Commission,

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

LoryAnn Velez  
1305 Dahlia Ct #204  
Carpinteria Ca 93013



November 14, 2022

Item No. B.1  
Public Hearing - Heritage Ridge Residential Apt  
Project Case Number 14-049-GPA-VTM-DP  
Public Comment No. 8

Dear City of Goleta Planning Commissioners,

SUBJECT: Heritage Ridge Residential Apartment Project, items B.1, B.2, B.3

The League of Women Voters of Santa Barbara is a non-partisan organization which seeks to educate our community on critical land use planning and policy issues. This letter confirms our support of the Heritage Ridge housing development and park which was first described in our letter of March 28, 2022.

The proposed Heritage Ridge project is consistent with our current housing positions which prioritize affordable housing for all family types including low income. There was no requirement for any affordable housing initially but the final plans call for 31% affordable units to be managed by the County's Housing Authority. Their plan to accommodate veterans, very low and low income families, seniors and residents with medical needs in the mix of affordable units is also a significant community benefit.

The League's environmental positions support protection of Environmentally Sensitive Habitat Areas (ESHA) and streams which provide for animal habitat. We believe the concerns about providing a consistent 100' buffer from the creek have been addressed and we like the additional native vegetation that has been added throughout the site at EDC's suggestion.

We agree with staff recommendations described in items B.1, B.2 and B.3 which include certification of the final Environmental Impact Report, removal of the ESHA designation, and the development plan for 332 units that include 102 affordable units plus 2 manager units.

We appreciate the considerable time spent by the Environmental Defense Center (EDC), the RTA developer, the County's Housing Authority, the site designers and the City of Goleta's planners and consultants to find the best outcome possible on this site for overall community benefit.

Since we wrote our letter in March we understand there were concerns about the planned park not fulfilling more active recreation preferences of some residents. We understand the need for more active recreation such as ball fields in Goleta, but the size of this parcel and the need to honor Chumash history of the site are more consistent with the original plans for a 2 acre neighborhood park. We appreciate the extra planning that has incorporated wishes of our Chumash neighbors in many aspects of the park including the addition of a tot lot and exercise stations that also continue the Chumash cultural theme. We thank all groups who worked together on creating options for the park design that could accommodate more active areas. We will leave it to Goleta neighbors and other stakeholders to decide which option is the best.

The League of Women Voters of Santa Barbara still 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 Linda Honikman at [housing@lwvsantabarbara.org](mailto:housing@lwvsantabarbara.org) with any questions.

Sincerely,

A handwritten signature in black ink that reads "Vicki Allen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Vicki Allen

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



November 14, 2022

Item No. B.1  
Public Hearing - Heritage Ridge Residential Apt Project Case Number 14-049-GPA-VTM-DP  
Public Comment No. 9

Chair Jennifer Fullerton  
City of Goleta Planning Commission  
130 Cremona Drive, Suite B  
Goleta, CA 93117  
*Submitted by email to [KDominguez@CityofGoleta.org](mailto:KDominguez@CityofGoleta.org)*

**Re: Heritage Ridge Residential Development Project**

Dear Chair Fullerton and Commissioners:

The Environmental Defense Center (“EDC”) submits these comments on the Heritage Ridge Residential Development Project (“Project”) on behalf of our clients The Goodland Coalition, Citizens Planning Association, Sierra Club, by and through the Santa Barbara-Ventura Chapter, Santa Barbara Urban Creeks Council, and Santa Barbara Audubon Society.

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

For many months, EDC and our clients have worked with Heritage Ridge owners to improve upon the design of the Project to ensure compliance with the City’s General Plan and City policies, ordinances, and requirements and to reduce the impact of the Project on the

environment and wildlife. The Project now includes the required 100-foot Streamside Protection Area and establishment and protection of new coastal sage scrub habitat in acknowledgement of mapped coastal sage Environmentally Sensitive Habitat Area (“ESHA”) that would be lost to the development.

Accordingly, our clients have reached a settlement agreement with Heritage Ridge owners, the result of which is now enshrined in (1) the Revised Site Plan (2) Exhibits CL-1, CL-2, CL-3, and LH-1<sup>1</sup> dated 9/22/22, and (3) Park Options 1 or 2 in the Staff Report<sup>2</sup>, which Heritage Ridge owners have submitted to the City (or will submit shortly). If the Planning Commission, and ultimately the City Council, approve the Project as delineated in the Revised Site Plan, Exhibits CL-1, CL-2, CL-3, and LH-1 dated 9/22/22, and Park Option 1 or 2 in the Staff Report, our clients do not oppose the Project.

In addition, while our clients do not oppose the Project as designed in the Revised Site Plan, Exhibits CL-1, CL-2, CL-3, and LH-1, with Park Options 1 or 2 in the Staff Report, our clients adamantly oppose Park Option 3. Our clients wish to see the Project establish coastal sage scrub habitat in recognition of the loss of two acres of coastal sage scrub currently mapped as ESHA. This new coastal sage will function as wildlife habitat and natural open space for humans to enjoy. However, the active recreation elements of the ½ basketball court and disc golf in Option 3 of the Staff Report (Option 2 of the FEIR) would interfere with this goal because their inclusion would break up the contiguous wildlife habitat that will be created by planting coastal sage scrub native plants in Park Options 1 and 2 in the Staff Report (Options 1 and 3 in the FEIR).

Pursuant to our clients’ settlement with Heritage Ridge owners, we now request the City add a condition of approval encompassing the agreement we have reached to ensure the Project can go forward and the provisions agreed upon will remain in effect for the life of the Project. We request that the Planning Commission recommend the approval of Option 1 (Low Active Park Design) or Option 2 (Moderate Active Park Design) in the Staff Report (Options 1 or 3 in the FEIR) to the City Council with a condition of approval to reflect the design elements in the Revised Site Plan and its four exhibits (LH-1, CL-1, CL-2, CL-3). Specific language of the proposed condition of approval, which will cover planting of native habitat, and maintenance and protection of that habitat, will be provided for your consideration at the hearing tonight.

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<sup>1</sup> Staff Report at 464 – 466. We have informed City staff that the Staff Report seems to have accidentally omitted the Exhibit LH-1.

<sup>2</sup> The Staff Report and FEIR Park Option numbers do not match. In the FEIR, Option 2 has the basketball court whereas in the staff report, Option 3 has the basketball court.

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

cc: The Goodland Coalition  
Citizens Planning Association  
Sierra Club Los Padres Chapter  
Santa Barbara Urban Creeks Council  
Santa Barbara Audubon Society



Item No. B.1  
Public Hearing - Heritage Ridge Residential Apt  
Project Case Number 14-049-GPA-VTM-DP  
Public Comment No.10

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

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November 14, 2022

To: Members of the Planning Commission  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Subj: Concerns Regarding Agenda Item “B.1 22-543 Continued Review of Heritage Ridge 332 Residential Apartment Project,” meeting date November 14, 2022

Ref. (1) Goleta Water District Standards and Specifications for the Construction of Water Facilities, June 2020 (273 pages).

Dear Members of the Planning Commission:

Neither the applicant’s presentation nor the City’s presentation contain any information detailing the Goleta Water District’s permitting requirements specific to this project. Briefly, my primary concern, including the shared opinion of multiple neighbors, is the new water demand and resulting effect on the Goleta Water District’s (GWD) resources especially since we are currently experiencing a State wide drought (i.e., California’s Second Water Conservation Regulation went into effect on June 10, 2022). Attachment 1 contains pages 1 – 14 of Reference 1, in particular Part II “Water Service Applications” which details: Application Processing During Prohibition of New Water Connections, Affordable Housing Projects, Allocation of Historic Water Credit or Entitlement, etc.,

Additionally, page 67 of the Staff report states, “At present, the 17.36-gross acre Project site is vacant and generates no water demand. However, Willow Springs I, Willow Springs II, and the Project are entitled to a combined 100.89 AFY in accordance with the Court judgment described above. Water service to the Project site would be provided by the GWD.” Nonetheless: 1) Is the court judgment valid during a statewide drought, 2) Is the GWD employing their “Application Processing During Prohibition of New Water Connections” that may prevent this project and/or a part of this project from hopefully moving forward, and 3) Are there any other water related demand concerns that could potentially impact this project. Perhaps the Applicant and/or City Staff could explain to the Planning Commission/General Public how each unique housing element may be approved by the GWD specifically under the constraint of a statewide drought. Ideally, both the City and the GWD must invest in new infrastructure resources that increase our water supply in an attempt to offset future water demands from residential developments such as this.

Thank you for your time,

David Gaughen

ATTACHMENT 1

ATTACHMENT 1

**GOLETA WATER DISTRICT  
SANTA BARBARA COUNTY  
CALIFORNIA**



**STANDARDS & SPECIFICATIONS FOR  
THE CONSTRUCTION OF WATER FACILITIES**

**June 2020**



## **General Manager Regulations**

### **TITLE 4: Water Service**

These regulations implement Policy as adopted by the Goleta Water District Board of Directors through Resolution and by Ordinance in the ordinary course of Legislative Business. The policies and procedures contained in the Regulations form the entirety of the authority granted to the Officers and Staff to carry out the daily operations of the District. All previous iterations of Title 4: Water Service Regulations issued by the General Manager are rescinded and superseded by this document. General Manager Regulations are prepared and approved under the direction of the Assistant General Manager and formally accepted by the General Manager consistent with District Code Section 1.01.040.

General Manager Acceptance

Date

6/30/20

**GOLETA WATER DISTRICT  
STANDARDS & SPECIFICATIONS  
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## **PART I – GENERAL REQUIREMENTS**

### **1.01 – General Requirements**

#### **1.01.01 Applicability**

These Standards & Specifications apply to water system facilities that are to become an extension or modification of the Goleta Water District's (District) water supply system. The design requirements, criteria, and technical requirements set forth in Parts I, III, IV, and V apply to all modifications or extensions of the District's system. However, the procedural requirements set forth in Part II apply only to applicants who are required to improve or add to the District's water supply system as a condition of a project being undertaken.

#### **1.01.02 Purpose**

These Standards & Specifications establish standard procedures for applying for new or expanded water service, and for the design, and construction of water facilities that are to modify, repair, or extend the existing District water supply system.

#### **1.01.03 Definitions**

The terms below shall be used in these Standards & Specification as defined herein.

**Acceptance** – The formal written acceptance by the District of water supply system improvements that have been completed in all respects in accordance with the Plans and Specifications and any deviations approved separately in writing by the District.

**Agreement** – The application and agreement for construction of water facilities between the District and Applicant.

**Applicant** – The individual(s) or entity applying to the District for new or expanded water service connection and/or construction of water system facilities.

**Backfill** – The material used to refill excavated trench from top of pipe bedding to roadway subgrade.

**Bedding** – That material surrounding the pipe used to support and protect the pipe. The bedding extends from four inches below the bottom of the pipe to 12 inches above the top of pipe.

**Board** – The Board of Directors of the District.

**City** – The City of Goleta unless noted otherwise.

**Commercial Agricultural Purposes** – as used in Goleta Water District Code Section 1.04.020 (A), 'means the growing of crops or raising of animals for the production of either food or fiber that is sold or donated to a tax-exempt organization for mass distribution.

**Contract** – For work to be performed on behalf of an Applicant, Contract shall mean the written agreement between the Applicant and its Contractor. For work to be performed under a public works contract between the District and a Contractor, the term Contract shall mean the contract between the District and the contractor.

**Contract Documents** – The GWD Standards & Specification for the Construction of Water Facilities, the Plans (Construction Drawings) which show the work to be constructed, and all other applicable bidding and contractual documents.

**Contractor** – The individual(s), partnership, corporation, joint venture, or other legal entity having a contract or agreement with an Applicant to construct permitted work. When imperative statements are directed to the Contractor in the District Specifications it is the Applicant's responsibility to ensure that those directives are carried out as set forth in the District Specification.

**County** – The County of Santa Barbara.

**District** – The Goleta Water District, its successors, and assignees.

**District Code** – The Goleta Water District Code.

**District General Manager Regulations** – The Goleta Water District Rules and Regulations set forth by the Goleta Water District General Manager including all amendments, and revisions.

**District Standards & Specifications** – These Standards & Specification for the Construction of Water Facilities for the Goleta Water District included in the General Manager Regulations.

**Easements** – A right of access and/or use over, through, on, or under the property of another.

**Final Approval** – Final approval shall mean either the final discretionary approval by the applicable land use agency of an application for development of a project such as a subdivision map or development plan meeting the following conditions:

1. the entire project was reviewed by the District in conjunction with the land use or its subsequent building permit application, and
2. the entire project received a Preliminary Conditions Letter or Conditional Can and Will Serve Letter from the District that is still in effect.

or, for an application for which discretionary land use approval is not required, final approval shall mean the approval (or issuance) by the applicable land use agency of a land use permit or equivalent entitlement for a project meeting the following conditions:

1. the project was reviewed by the District in conjunction with the land use or its subsequent building permit application, and
2. the project received a Preliminary Conditions Letter or Conditional Can and Will Serve Letter from the District that is still in effect.

**General or District Manager** – The General Manager of the Goleta Water District or his or her authorized representative.

**Inspector** – An inspector on staff or under contract with the Goleta Water District.

**Measurable Rainfall (or Measurable Precipitation)** – Any precipitation or rainfall event, or series of events, within any 48 hour period that results in cumulative precipitation greater than or equal to 0.5 inches.

**Material** – All pipe, valves, fittings, structures, trench backfill, pipe bedding and other items that are required to complete the work as required by the Plans and Specifications.

**Plans** – Construction drawings, including water plans and profiles, cross sections, detail drawings, signed and stamped by the District Engineer or his/her authorized licensed representative, which show the location, character, dimensions and details for the work to be constructed.

**Project Engineer or Design Engineer** – The Applicant's civil engineer, having a current valid license to practice civil engineering in the State of California.



**Record Drawings** – A set of the project plans marked to show revisions and/or changes as a record of the construction that was performed.

**Specifications** – The directions, provisions, and requirements contained herein and as supplemented by such provisions and/or technical specifications pertaining to the method and manner of performing the work or to the quantities and qualities of materials to be furnished under the permit or Contract.

**State** – The State of California.

**Uniform Plumbing Code** – The Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials as supplemented by CRC, Title 24, Part 5 (California Plumbing Code), edition in effect at time of project construction.

**Work** – All construction, repair, maintenance or other work to be performed under District direction, whether in or out of contract, in accordance with the Plans, Specifications, special provisions, and/or permit.

#### **1.01.04 Abbreviations**

The abbreviations below shall be defined in these Standards & Specifications as follows:

AASHTO	American Association of State Highway and Transportation Officials
ACI	American Concrete Institute
ADA	Americans with Disabilities Act
ANSI	American National Standards Institute
ASCE	American Society of Civil Engineers
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
AWS	American Welding Society
AWWA	American Water Works Association
Caltrans	California State Department of Transportation
CADD	Computer aided design and drafting
CCWSL	Conditional Can and Will Serve Letter
Code	Goleta Water District Code
CRWQCB	California Regional Water Quality Control Board
FCWSL	Final Can and Will Serve Letter
GIS	Geographic Information System
GWD	Goleta Water District
HCF	Hundred Cubic Feet
IAPMO	International Association of Plumbing and Mechanical Officials
NEMA	National Electrical Manufacturers Association
NSF	National Sanitation Foundation
PCL	Preliminary Conditions Letter
PWSD	Preliminary Water Service Determination
SSPWC	Standard Specifications for Public Works Construction (Green Book)
WSC	District Water Supply and Conservation Department

#### **1.02 – California Environmental Quality Act (CEQA) Implementation Guidelines**

The District shall implement California Environmental Quality Act (CEQA) pursuant to State CEQA Implementation Guidelines, California Code of Regulations, Title 14, Section 15022(d).

To provide consistency with the current State CEQA Guidelines, the District objectives, criteria and procedures will be applied in accordance with the California Code of Regulations, Title 14, Section 15022(a). The most current version and any future revisions to the state CEQA Guidelines (15000 et. seq.) shall be applicable to the District.

**PART II**  
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## **PART II – WATER SERVICE APPLICATIONS**

### **2.01 – Application Requirements**

#### **2.01.01 District Application**

Applications for new or expanded water service are reviewed and processed in accordance with the definitions and procedures outlined in Title 5 of the District Code and these Standards & Specifications.

##### **A. Request for Water Service**

All Applicants seeking New Water Service for New Development or other uses as defined in District Code, Chapter 5.04 within the District service area must submit a completed Application to the District along with the applicable fee and requested supporting material, including project plans and cross-connection survey form. The request for water service must identify the property by street address and/or Assessor Parcel Number and must also include a complete project description, including calculations for fire system maximum demand and maximum domestic and irrigation demands in gallons per minute, along with fixture counts. .

The water service application form and cross connection survey form are available from the District upon request.

The District will determine the water service availability for, and summarize the proposed project through, the issuance of a Preliminary Water Service Determination (PWSD). The PWSD will direct the Applicant to the Santa Barbara County Planning and Development Department or the City of Goleta Planning and Environmental Service Department to inform the County or City of the availability of service.

The Applicant must return a signed copy of the PWSD to the District prior to a Preliminary Conditions Letter for water service being issued. If the Applicant is not applying to the County or City for a permit, then a PWSD is not necessary.

##### **Determination to use Recycled Water**

For Applicants seeking recycled water, the District will determine whether or not recycled water is available and the conditions required to be met by the Applicant to obtain recycled water service. In accordance with State law, Applicants must use recycled water for designated uses whenever it is reasonably available.

##### **B. Application Time Frames**

An application will be active for a period of one year from the date of submittal to the District and will expire at the end of that one-year time frame unless extended. A complete application may be extended for an additional time period of one year following a written request to the General Manager by the Applicant prior to the date of expiration of the application. Applications are not transferrable.

##### **C. Preliminary Conditions Letter**

If water service is available to serve the proposed project, the District will issue a Preliminary Conditions Letter (PCL) to the Applicant, which may address at least the following matters as applicable:

1. A preliminary estimate of the water allocation and New Water Supply Charge for the proposed project consistent with the procedures set forth in District Code, Chapter 5.08.
2. A determination whether plans are necessary for District Plan Check review and approval.
3. A preliminary determination of new water system improvements required to serve the proposed project.
4. Right-of-way and/or easement requirements as applicable.
5. Fire Department Conditions Letter requirements as applicable.
6. Backflow prevention device requirements as applicable.

If there are any changes made to the project after the PCL has been issued, the changes must be submitted in writing to the District by the Applicant. The changes will be reviewed to determine if the PCL must be revised. If unauthorized changes are made without District approval, the PCL may be voided by the District.

A PCL is valid for a period of one year from the date of issuance and expires at the end of that one year unless extended. A PCL may be extended by the General Manager for one or more extensions of up to one year following a written request to the General Manager that is received by the District prior to the date of expiration. A PCL is not a contract. It is issued in compliance with the current District rules and regulations related to the approval of an application for water service. A proposed project will be subject to any applicable future changes and modifications in District rules and regulations. If the project or property ownership changes, a new application and fee to process the application for water service will be required.

#### **2.01.02 Fees**

The Applicant must pay the applicable fees to the District for the new and/or expanded water supply, meter service, and for the costs and expenses incurred by the District during the Application processing, design, and construction phases of the proposed project. The timing of such payment must be consistent with the District Code and as set forth in the Preliminary Conditions Letter for the proposed project. In instances where no land use approval is required for a requested new or expanded water supply, the New Water Supply Charge may be paid as set forth in the Preliminary Conditions Letter, prior to issuance of a Final Can and Will Serve Letter.

A list of fees and charges for obtaining water service is available from the District upon request.

#### **2.01.03 Conditional and Final Can and Will Serve Letter**

A Conditional Can and Will Serve Letter (CCWSL) may be issued for the proposed project following completion of a Plan Check and determination of any required deposits or fees. Conditions in the PCL or CCWSL may be revised by the District prior to issuance of a Final Can and Will Serve Letter (FCWSL) if any of the following occur: 1) The District determines that there have been changes or additions to the application or proposed project; 2) There have been changes to the applicable District rules, regulations, code, standards and/or specifications; 3) Changes are required by other public agencies such as the County Department of Public Health.

A FCWSL is not a guarantee of water service. If a FCWSL has been required, one will be issued by the District upon all of the following conditions having been met:

1. The District has determined that the proposed improvement can and will be served by the District.
2. The Applicant has received all necessary County or City approvals and provided a certified copy of the final building permit.

3. The District has reviewed the relevant approved County or City Conditions of Approval, and the District has made any resulting necessary revisions to the PCL or CCWSL.
4. All financial arrangements have been met including payment of all fees, charges, and deposits, and the posting of all required securities, i.e., letters of credit or bonds, acceptable to the District.
5. All conditions required by the District for issuance of a FCWSL have been met.

#### **2.01.04 Temporary Water Service**

Temporary Water Service as defined in District Code Chapter 6.12 may be provided for the following:

- Construction interim. Examples include: dust control, job site offices, model homes, water system testing, water system repair, etc.
- Special temporary uses. Examples include: circuses, bazaars, fairs, temporary restaurants, etc.

Temporary water service may be permitted for up to a maximum period of 18 months. An approved temporary water service connection is not a guarantee of water service and may be terminated at any time and is subject to District water availability.

For temporary water service, an application for Water Service must be submitted including proposed use and expected duration of the temporary service (not to exceed 18 months). At the Applicant's cost, a backflow prevention device must be installed and inspected by the District prior to the activation of service.

Temporary service will normally be provided through a fire hydrant or 'end drain'. If the Applicant requires more than one temporary meter, a separate application is required for each service requested. If service is provided through a fire hydrant, fire department approval may be required prior to installing a temporary service connection.

After Application approval and receipt of fees and deposits, if sufficient water is available, the District will install the temporary meter and backflow device and perform necessary inspections. Once installed and tested, temporary water service will be activated, and billing will commence. The monthly bill will include monthly meter and backflow charges, along with a commodity charge as set forth in Appendix A of the District Code).

Unless a request for an extension of time to continue use of the temporary water service is submitted in writing no later than 10 business days prior to the expiration date of the service, and the District approves the extension request, the temporary service will be terminated and the meter removed on the termination date set forth in the Application. A written request for extension of time must provide an explanation and documentation justifying the extended time period.

If an Applicant with an active temporary service desires to relocate the temporary meter, an additional written request including any changes in use or duration must be submitted along with an installation administration charge. Approval of meter relocation is subject to additional review and backflow testing inspection by the District.

#### **2.01.05 Affordable Housing Projects**

The District will plan for proposed developments that include housing affordable to lower income housing as defined in Government Code section 65589.7(d)(1). District staff will assist developers of those projects through the new water service application process.

Pursuant to California Government Code Section 65589.7(c), the District will not deny or condition the final approval of an application for services to, or reduce the amount of service applied for by, a proposed development that includes housing units affordable to lower income households unless the District makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following reasons:

1. The District does not have “sufficient water supply,” as defined in paragraph (2) of subdivision (a) of Government Code Section 66473.7, or is operating under a water shortage emergency as defined in Section 350 of the Water Code, or does not have sufficient water treatment or distribution capacity, to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
2. The District does not have sufficient water treatment or distribution capacity to serve the proposed development, as demonstrated by a written engineering analysis and report on the condition of the treatment works to serve the needs of the proposed development.
3. The District is subject to a compliance order issued by the State Department of Health Services prohibiting new water connections.
4. The applicant has failed to agree to reasonable terms and conditions relating to the provision of services generally applicable to development projects seeking service from the District, including, but not limited to, the requirements of local, state, or federal laws or regulations or the payment of a fee or charge imposed under Government Code section 66013.

#### **2.01.06 Application Processing During Prohibition of New Water Connections**

When the District has temporarily ceased approving applications for new or additional potable water allocations pursuant to a resolution of the Board of Directors, District staff will accept applications solely in order to determine whether a new water allocation may be required for a project, and in order to process applications for which no new water allocation is required.

Upon request by an authorized project applicant or property owner, staff shall research potential historical credits for a property and provide such information to the applicant or property owner without requiring a specific project application and application fee. Upon request, staff will provide historic water credit to any property owner prior to accepting an application and fee. No fee will be required for an inquiry regarding historic water credits for a property

If during the course of a project specific application, staff determines that the project being applied for would require a new water allocation; staff shall deny the application and shall not proceed to process the application further. No refund of the initial application fee is permissible. The applicant shall be notified promptly of the denial of the application. Staff shall notify the applicant that he or she may submit a future application for the proposed project at such time as the Board of Directors determines that water is available for new water service allocations.

#### **2.01.07 Allocation of Historic Water Credit or Entitlement**

Where a parcel with an historic water credit or entitlement, including a New Water Service credit as defined by District Code Section 5.16.041.B, has been subdivided into multiple parcels:

1. Absent an agreement or other document that is acceptable to the District specifying the relative apportionment of credit amongst the subdivided parcels, the District shall allocate the proportional water credit amongst the subdivided parcels based upon evidence of the location and extent of the prior water use on the original parcel.
2. In the absence of any records of apportionment of credit or evidence that is acceptable to the District of the location and extent of prior water use on the original parcel, the District will

apportion the historic water credit or entitlement based upon each of the subdivided parcel's proportional size relative to the original parcel.

#### **2.01.08 Accessory Dwelling Units and Junior Accessory Dwelling Units**

The development or conversion of an existing structure to an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit, both as defined in Code Section 1.04, does not constitute New Development for which New Water Service is required and is not subject to the SAFE Water Supplies Ordinance. (California Government Code section 65852.2 and District Code Title 5)

An Applicant for an Accessory Dwelling Unit that is required to be separately metered as set forth in Code Section 6.20.020 may satisfy the separate meter requirement of that provision through the installation of a private submeter.



**From:** [Kathleen Pappo](#)  
**To:** [Mary Chang](#); [Kim Dominguez](#)  
**Subject:** Heritage Park mtg. tonight  
**Date:** Monday, November 14, 2022 3:26:45 PM

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Dear City of Goleta Planning Commission,

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

Kathleen Pappo  
2762 Vista Mesa Drive  
Rancho Palos Verdes, CA 90275

Jason Pappo  
6004 W. Park Drive  
Chino Hills, CA 91709

Damon Pappo  
2246 Faust Ave.  
Long Beach, CA 90815

We are Chumash descendants of Martin Geele of Santa Rosa Island, Channel Islands of the coast of Santa Barbara.

Thank you.

Kathleen Pappo