

From: [Lesley Miller](#)
To: [City Clerk Group](#)
Subject: Attn City Council, Goleta City Hall regarding Ekwill Street extension
Date: Saturday, September 21, 2019 3:06:46 PM

Dear Goleta City Council,

I'm writing in support of your decision to approve the Ekwill Street and Fowler Road Extensions Project. As a nearby homeowner we are eager to see improvements made in this area that will encourage more bike traffic, greater safety, and improved access to Old Town. As stated in the environmental review findings, the most recent Addendum to 11-EIR-02 was prepared pursuant to the requirements of the California Environmental Quality Act and CEQA Guidelines, and it was determined that the project would not exceed the impacts identified in the original Final EIR. At this stage, Thornwood Real Estate's request to consider an appeal seems to be a purposeful stalling of a project that our city council and citizens are eager to move forward. I'd be so curious to know their actual motivation for such an appeal—my guess is that it's purely for a financial gain of some kind.

I appreciate the city's thorough environmental review and it's findings—now let's get going. Every day that passes is a day where both students and university employees could be easily riding to work, families could be biking to the beach, and fewer cars would be polluting the road.

Sincerely,

Lesley Miller
Resident and homeowner in Old Town Goleta

September 28, 2019

Beth A. Collins
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VIA EMAIL

Mayor Paula Perotte and Honorable City Council Members
Attn: Deborah Lopez, City Clerk
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

RE: October 1, 2019 City Council Meeting, Agenda Item No. B.1, Appeal by Thornwood Real Estate, LLC of Planning Commission Resolution 19-07 Approving a CEQA Addendum to the Final Environmental Impact Report (FEIR) for the Ekwill Street and Fowler Road Extensions Project (State Clearinghouse [SCH] No. 2004061072), Case No. 11-EIR-02

Dear Mayor and Councilmembers:

We represent Thornwood Real Estate, LLC ("TRE"), owner of property located at APNs 071-170-79, 071-170-80 and 071-170-83 in the City of Goleta ("City"). (See Exhibit A [figure showing TRE parcels].) In total, the properties exceed 19 acres and are bordered by Old San Jose Creek on the west, Technology Drive on the east, Ekwill Street on the north and Fowler Road to the south (collectively, the "Property"). In 2014, TRE submitted applications to develop the Property with warehouses and industrial buildings and has dutifully pursued the proposed development since that time. TRE worked closely with City staff to ensure development of the Property would be coordinated with the City's proposed Ekwill Street and Fowler Road Extensions Project (the prior version of the project where both Ekwill and Fowler go through and provide new connections in Old Town) ("Prior Project"), which is purposed with improving transportation in and around Old Town Goleta. TRE designed the development on its Property to satisfy new restrictions imposed on the Property by the Prior Project and, at the request of the City, has been awaiting construction of the Fowler Road Extension improvements until proceeding further with its development.

In 2016, TRE stipulated to the condemnation of a right-of-way ("ROW") across the Property to facilitate the construction of the Fowler Road Connection (a part of the Prior Project) across the southern portion of the Property. (See Exhibit B [design of Fowler Road Extension across the Property].) In other words, as of 2016, the City and TRE had settled upon a mutually agreeable design of the Fowler Road Connection that would complement, rather than restrict, development on the Property, while satisfying the City's objectives.

Since that time and without any coordination with or notice to TRE, the City has drastically changed the Prior Project and obtained a coastal development permit ("CDP") from the Coastal Commission with a different plan for the Fowler Road Extension. Not only does this course of action substantially impact the proposed development on the Property, but it ignores the past five years of collaboration that created a mutually agreeable design of the Fowler Road Extension. (See Exhibit C [figure showing modified Project's impacts on proposed development].) Accordingly, we respectfully request that the City grant TRE's appeal and deny approval of the Addendum and the Final Biological Mitigation and Monitoring Plan

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("FBMMP") so that further coordination and outreach can take place regarding the design of the Project. It should be noted that, although the appeal before the Council is technically related to the Addendum for the FBMMP, that FBMMP is being prepared to comply with the CDP. The Council has the power to put off the adoption of the Addendum, to direct staff to negotiate further with TRE, and even to direct staff to coordinate with the Coastal Commission about potential modifications to the CDP to address issues raised here. The Council has the responsibility to consider the fairness of the City's actions, litigation risks associated with denying this appeal or from a potential challenge to the existing CDP (since as discussed below the landowner did not receive notice from the Coastal Commission of the action on the CDP), and the costs and benefits of the current Project. If the City chooses to move forward with the Project in its current iteration, TRE will pursue all available relief as discussed further below.

I. HISTORY OF THE EKWILL/FOWLER PROJECT AND DEVELOPMENT AT THE PROPERTY

The purpose of the Prior Project is to reduce congestion on Hollister Avenue while enhancing regional access and connectivity between and within Old Town Goleta and the Airport. After significant community and stakeholder outreach, the Prior Project was initially designed to, among other things: (1) extend Ekwill Street from Kellogg Avenue to Fairview Avenue ("Ekwill Street Extension"); (2) add improvements to State Route 217 on-ramps and off-ramps at Hollister Avenue; and, (3) extend South Street to Fairview Avenue ("Fowler Road Extension"). The environmental impacts for these proposed improvements were analyzed in the Final Environmental Impact Report for the Project ("Prior Project EIR"), which was certified by the City in 2011.

Because the Fowler Road Extension proposed crossing the Property, the City filed a lawsuit in March 2015 to acquire a right-of-way across TRE's Property by way of eminent domain. In 2016, the City and TRE settled the lawsuit and stipulated to a Judgment and Final Order of Condemnation which granted the City the ROW to construct the Fowler Road Extension across the Property in return for monetary consideration. (See Exhibit B.)

While the development of the Prior Project was ongoing, TRE submitted an application to develop its Property with warehouses and industrial buildings. To ensure compatibility with the Prior Project's final design, TRE designed the development to satisfy setbacks imposed by the Fowler Road Extension and, pursuant to direction from the City (which would not allow processing of the TRE application until the Fowler Extension was approved and funded), has been in a holding pattern.

II. THE MODIFICATIONS TO THE PRIOR PROJECT, THE CDP, AND THE ADDENDUM ARE FUNDAMENTALLY UNFAIR

After the certification of the Prior Project EIR and the settlement of the eminent domain lawsuit, the City undertook significant changes to the Prior Project without involvement or notice to TRE. Most significantly, the City eliminated the Fowler Road Extension across the Property. In its stead, the City now proposes constructing a natural filtration device ("bioswale") and the restoration of riparian habitat within the entirety of the ROW. These changes, according to the City's staff report, were necessitated due to the Prior Project's close proximity to the Airport, state funding cuts, and the Prior Project's riparian impacts.

In March 2018, the Coastal Commission, also without notice to TRE, granted a CDP for the redesigned Project with the following conditions: (1) the preparation and submission to the Commission of the FBMMP; and, (2) the ROW be held as open space in perpetuity. Presumably to comply with the CDP, the City prepared the Addendum and the FBMMP now on appeal before the Council.

While the City was processing its application at the Coastal Commission, and changing the Prior Project, the City was communicating with TRE's representative about TRE's application. Even though the City

knew that the changes to the Fowler Road Extension would significantly impact TRE's proposed project, it failed to mention the pending CDP application, hearing, or the proposed changes to the Prior Project.

While we understand the City's initial motivation for completing the Prior Project and achieving its circulation and transportation goals, the changes to the Prior Project and associated lack of notice to TRE are blatantly unfair and ignore reasonable alternatives:

- **Lack of Notice or Engagement Prior to Project Changes:** As mentioned above, TRE has cooperated with the City over the past five years to ensure compatibility between the Prior Project and proposed development on the Property. However, TRE was not consulted, at any time, prior to or during the City's modifications to the Fowler Road Extension. Stakeholder engagement is critical to sound planning and development. Ignoring this fact, TRE was only notified of the changes to the Prior Project in June 2019, a year after the Coastal Commission conditionally granted the CDP and two years after the City decided to modify the Prior Project. This lack of notice to a landowner directly impacted by the Prior Project is flawed; additional outreach must be conducted before the Project is undertaken.
 - o While the staff report for this appeal claims that "considerable community outreach efforts" were undertaken in 2018 regarding the changes to the Project, it is unclear what these efforts included. For example, it is unclear whether staff consulted this Council regarding the changes or held any public stakeholder meetings. And, in any event, these "considerable" efforts did not include engagement with TRE, an immediate neighbor and a property owner directly impacted by the changes.
- **The CDP Was Issued in Violation of the Coastal Act:** The Coastal Act requires written public notice be given to "any affected person" prior to a public hearing on an application for a CDP. (Pub. Res. Code, § 30621(a).) Coastal Commission regulations further provide that where notice is not properly given, a CDP may be revoked upon application by the party improperly noticed. (Code Regs., tit. 14, §§ 13106, 13105.) As mentioned above, TRE was not provided notice of the Coastal Commission hearing on the Project's CDP until over a year after it occurred, when it received notice of the City's June 2019 Planning Commission hearing. TRE was further ensured by the City staff after the Planning Commission hearing that TRE was notified of the CDP hearing in 2018. However, the Coastal Commission's September 19, 2019 response to a Public Records Act request by TRE's counsel did not include any evidence that TRE received notice. Instead, the Commission sent evidence that suggests that TRE did not receive notice of the hearing on the CDP. Accordingly, if the issues noted in this letter are not resolved, TRE has no choice but to seek revocation of the City's CDP or to file litigation.
- **The Project Changes Substantially Impact the Property:** In 2016, TRE agreed to convey a portion of its Property to the City with the mutual understanding that the City would use that area of TRE's property to construct the Fowler Road Extension. (Exhibit B [map showing area that was appraised and basis of settlement].) The road would have required any development on the Property to be setback 20 feet; TRE designed its development on its Property with that understanding. Ignoring this agreement, the City modified the Prior Project so that the entire area formerly designated for construction of Fowler Road Extension will now be covered with environmentally sensitive habitat area ("ESHA"). ESHA mandates a development setback of 100 feet from the edge of the riparian canopy. As shown in Exhibits C and E, the required setback intrudes significantly into the proposed development on the TRE Property. This change significantly impacts the TRE planned project, rendering its proposed development infeasible. Again, the City made these changes without notifying TRE and only after TRE had sold the

property to the City.¹ If TRE was aware the City would use the area for ESHA, the negotiations would have differed substantially. In fact, there would not have been a basis for the City to condemn that property for mitigation planting. There are plenty of City owned properties that can host mitigation.

The impacts on the TCE Property and issues with notice could have been avoided with adequate and prompt outreach by the City. In fact, the City could have developed a Project significantly improved than the one now proposed. For example, the FBMMP states that 5.1 acres of mitigation lands are needed to offset the Project's impacts and that the Prior Project EIR required "top priority" be given to selecting mitigation lands along Old San Jose Creek. However, the FBMMP selects less than one acre of land within this "top priority" area for mitigation lands, with 3.98 acres being selected outside the watershed. The FBMMP claims that "suitable areas" within the watershed for mitigation were "too small, fragmented, not owned by the City of Goleta, or not available for purchase." If the City had engaged with TRE in selecting mitigation land, TRE could have offered land it owns adjacent to Old San Jose Creek with higher ecological value and which would not have had the negative impacts on TRE's proposed development.²

Furthermore, the City proposes to create ESHA on the portion of the Property TRE sold to the City – including the planting of over 80 trees. This new habitat is in close proximity to the Airport's runway, which poses significant safety and land-use concerns discussed further below. (See Exhibit A.) The City could have requested that TRE dedicate certain mitigation lands on APN 071-170-80 in lieu of planting the ESHA within the ROW. Locating the mitigation on this APN would have permitted rehabilitation of Old San Jose Creek, as prioritized in the Prior Project EIR, while avoiding the safety concerns posed by the Airport's runway and the setback conflict with TRE's proposed development.³

Finally, and most significantly, it is unclear why any construction need take place on Fowler Road at all given the Fowler Road Extension is no longer proposed. Why does the City need to expend the money when there will be no circulation benefit? The proposed construction (a knuckle cul de sac) will intrude into riparian habitat, create permanent impacts, and violate the setback requirements for ESHA. Further, the proposed construction will require .21 acres of mitigation lands be planted and it will significantly impact TRE's proposed development. This seems like an unnecessary burden given the Fowler Road Extension is not being constructed and the benefits of the Extension (e.g., connectivity from the Airport to Old Town Goleta) will not be realized.⁴

¹ The City acknowledges that the changes to the Project were made in 2017. However, the City does not acknowledge when it became aware that changes to the Project were required or whether it knew in 2016, when the ROW was conveyed, that the Fowler Road Extension would be eliminated from the Project.

² The City's staff report on the appeal states: "In the summer of 2018, City staff made considerable community outreach efforts to select certain mitigation sites, due to concerns about effects to eucalyptus trees and monarch butterflies in the Santa Barbara Shores and Ellwood Mesa Groves." TRE, the owner of the property directly affected by the Project, was not notified of the potential mitigation sites during this time period. TRE also did not hear of any such efforts from its neighbors. Who was notified during this outreach effort?

³ Similarly, if the City had engaged with TRE, the City would know that TRE does not necessarily oppose the construction of the bioswale located on a portion of the Property TRE sold to the City. The bioswale offers necessary improvements like stormwater control to the Property and the surrounding area. However, the expansion of ESHA outside the boundaries of the bioswale creates the setback impacts on the Property noted above.

⁴ Further, as part of TRE's development project, it would be a condition of approval for TRE to complete Technology Drive, a connector road located between Ekwill Street and Fowler Road. With the elimination of the Fowler Road Connection, Technology Drive will be taking the burden of trips through Old Town that

In sum, the process undertaken by the City in modifying and approving the modifications to the Prior Project violates the principals of fairness. The City failed to give notice to TRE, the landowner impacted by the Project changes, and then placed the burden of the changes to on TRE, significantly impacting the viability of TRE's proposed development. As such, TRE requests that the City continue its consideration of the Addendum and FBMMP until after the parties can meet and consider alternative Project designs that are mutually agreeable. However, if the City proceeds with the Project as currently designed, TRE will consider all potential options for challenging the Project as noted above and below.

III. THE ADDENDUM VIOLATES CEQA

Only minor changes to a project may be addressed in an addendum. (CEQA Guidelines, § 15164.) If changes to a project will cause new significant environmental effects or substantially increase the severity of a previously identified effect, the lead agency must prepare a subsequent or supplemental EIR. (CEQA Guidelines, § 15162; Pub. Res. Code, § 21166.) An agency's decision to prepare an addendum, rather than a subsequent or supplemental EIR, must be supported by substantial evidence. (*Mani Bros. Real Estate Grp. v. City of Los Angeles*(2007) 153 Cal.App.4th 1385, 1404-05; *Ventura Foothill Neighbors v. County of Ventura* (2014) 232 Cal.App.4th 429, 436.) Conclusory assertions that project changes will not cause new significant environmental effects or substantially increase the severity of a previously identified effect does not satisfy this standard. (*Id.*; see also Pub. Res. Code, § 21082.2(c).)

Relevant to TRE, the changes proposed to the Prior Project create new significant environmental effects. Accordingly, the City cannot analyze the changes to the Prior Project in the Addendum; a subsequent or supplemental EIR must be prepared.

A. Land Use Impacts Resulting from the Project Changes Are Unanalyzed

The Addendum states that the Prior Project's proposed mitigation lands, including the proposed ESHA on the Property, "would be consistent with the City of Goleta's land-use policies, the proposed City of Goleta Monarch Butterfly Inventory and Habitat Management Plan, Ellwood Mesa Trails and Habitat Restoration Project, and the University of California Santa Barbara (UCSB) North Campus Open Space Plan" and, as such, would not result in any new land use related impacts. However, the Addendum fails to mention the 1993 Airport Land Use Plan ("1993 ALUP") or analyze the consistency of the modifications to the Prior Project with the ALUP.⁵

The 1993 ALUP, adopted by the Santa Barbara County Airport Land Use Commission ("ALUC"), sets forth permitted land uses, building height restrictions and soundproofing standards for areas surrounding the Airport. The 1993 ALUP specifies that development of new incompatible land uses is restricted within the airport safety areas, which include the Property. Incompatible land uses include "[a]ny use which would . . . attract large concentrations of birds, or which may otherwise affect safe air navigation within the area." (1993 ALUP, p. 43.) The Addendum contains no analysis of the consistency of the modifications to the Prior Project with these policies, despite addition of ESHA (including 80 trees) directly within the airport safety areas. Indeed, the FBMMP acknowledges that "Old San Jose Creek provides habitat for many birds, including raptors" and seven special-status wildlife species were observed in the FBMMP's study area. (FBMMP, p. 15.) The modified Project increases this habitat around Old San Jose Creek, which will

cannot outlet to Fairview Avenue. Furthermore, if the TRE project cannot be constructed, the City will have to fund the Technology Drive improvements itself.

⁵ This is especially concerning as the City stated the changes to the Prior Project were necessitated by the proximity to the Airport.

increase the bird habitat within the ALUP.⁶ In other words, the changes to the Project render the Project inconsistent with the ALUP.

The Addendum also provides no analysis of the proposed update to the 1993 ALUP (“2019 Draft ALUP”). The 2019 Draft ALUP contains heightened airspace protection standards. For example, the 2019 Draft ALUP states that only “farm crops that do not attract wildlife” and “other uses not in structures and not exceeding a usage intensity of 10 people per any single acre” are permitted in Safety Zone 1, which partially covers the portion of TRE’s Property that it sold to the City. (2019 Draft ALUP at 3-11; Exhibit A.) The 2019 Draft ALUP further specifies that wooded areas, forests, and tree farms are incompatible in Safety Zone 1. (*Id.* at 3-16.) The Project changes are inconsistent with these policies, as they propose the planting of 80 trees in Safety Zone 1.

In sum, the changes to the Prior Project create new significant land use-related impacts, which the Addendum fails to analyze, and which lead to significant new impacts such that a subsequent or supplemental EIR must be prepared.⁷

B. The Project Changes Will Generate New Traffic Impacts

The Addendum states that the EIR Traffic Impact Analysis, prepared in 2008, found that under Project conditions, “six of the intersections identified in Goleta’s traffic model are forecast to operate at an improved Volume/Capacity ratio for forecast year 2035 . . . Operational phase impacts to traffic and transportation are considered to be beneficial.” Without further analysis, the Addendum then concludes that: “Although the removal of the full Fowler Road Extension to S. Fairview Avenue may slightly attenuate these beneficial impacts, overall, the Project would still improve traffic conditions by reducing congestion, providing a more direct east-west access across Old Town from implementation of the Ekwil Street Extension, and enhancing biking and pedestrian walkways in Old Town.” This analysis is insufficient.

For one, the Addendum provides no support (e.g., an updated traffic impact analysis, modeling, etc.) for its statement that the modified project (with no Fowler Road Extension) will still improve traffic conditions. As mentioned above, conclusory statements are not substantial evidence. Furthermore, the changes to the Prior Project undermine the traffic impact analysis in the Prior Project EIR. The Prior Project EIR relies on both the Fowler Connection Road and the Ekwil Connection Road in making a finding that the Prior Project would improve traffic conditions by reducing congestion. (Prior Project EIR at 53-58.) The Prior Project EIR does not analyze the impacts or benefits of just constructing the Ekwil Street Extension (e.g., the impacts to Ekwil now that all traffic diverted from Hollister will be directed to Ekwil). To fill this gap, the Addendum would need to analyze the impacts of only incrementally decreasing Hollister Avenue traffic – the objective of the Prior Project – and the additional traffic the Ekwil Street Connection will serve as a result of eliminating the Fowler Road Extension. This is especially significant considering the City is proposing reducing Hollister Avenue to a two lane road as part of its Hollister Avenue Complete Streets

⁶ The Addendum fails to explain how the creation of ESHA in the ROW does not modify the conclusion in the Prior Project EIR that it is consistent with the ALUP because the “proposed project use as road ways is not considered an incompatible use within airport safety areas 1, 2, and 3.” (EIR at Appendix F-8.)

⁷ The Addendum also fails to analyze the consistency with the City’s General Plan. General Plan Policy TE 5.3 specifically calls for the construction of Fowler Street to connect with Fairview Avenue and South Kellogg Avenue “to more efficiently collect existing and future traffic from the southern portion of the Old Town area and from the Santa Barbara Airport, and to divert a portion of trips having origins or destinations in this area away from a congested segment of Hollister Avenue in Old Town between Fairview Avenue and SR-217.” With the modifications to the Prior Project, the Fowler Road Extension will no longer be consistent with this policy.

Corridor Project. (See July 2013 Draft Traffic Operations Study Two-Lane Hollister Avenue, p. 2 [estimating 140 more peak hour trips for “Ekwill-Fowler” if Hollister Avenue is reduced to two lanes].)

Because the Addendum failed to update the Traffic Impact Analysis, the Addendum cannot properly find that the elimination of the Fowler Road Extension will not create new significant impacts. Accordingly, a subsequent or supplemental EIR must be prepared.

C. The Changes to the Project Will Increase Hazards to the Airport

The Addendum states that “the proposed Project modifications . . . will result in a reduced roadway improvement footprint (temporary and permanent), habitat restoration, and reduced construction effort for all three roadway improvement components. Accordingly, no new hazards and hazardous materials-related impacts would occur.” The Addendum, however, completely fails to analyze the hazard impacts associated with the new ESHA planned in the ROW, which, as discussed above, will attract new wildlife to the area.

As noted in both the 1993 ALUP and the 2019 Draft ALUP, wildlife, particularly bird strikes, pose significant hazards to airports. (See 1993 ALUP, p. 43; 2019 Draft ALUP, p. 3-20.) The Federal Aviation Administration has even issued a report warning of these potential hazards and recommends that a 5 mile wildlife buffer be provided around airports. (See FAA Advisory Circular No. 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports (Aug. 28, 2007/) (FAA Advisory) “[m]ost public-use airports have large tracts of open, undeveloped land that provide added margins of safety and noise mitigation. These areas can also present potential hazards to aviation if they encourage wildlife to enter an airport’s approach or departure airspace or air operations area”). The Addendum fails to acknowledge the safety hazards associated with the proposed modifications to the Fowler Road Extension and its close proximity to the Airport. This analysis must be provided in a subsequent or supplemental EIR.

The City’s staff report on the appeal claims that the ESHA created in the ROW will not result in a significant increase in bird habitat in the area and will thus not pose a significant safety risk. The staff report claims that the “440-acre Goleta Slough Ecological Reserve, and two creeks with riparian habitat . . . are situated between the Airport and the ditch. Consequently, restoration activities within the proposed 0.34-acre area where native vegetation would be re-established within and around the ditch would not be likely to have any discernable effect on bird populations at the airport.” For one, this analysis is not provided in the Addendum and thus should not be considered. But even so, this statement is incorrect. As shown in Exhibit D, the Goleta Slough is on the other side of the Airport, away from the runway located near the Property. Conversely, the ESHA proposed to be planted in the ROW is squarely within the approach to the Airport’s runway with only marginal riparian habitat in close proximity. In other words, there is no evidence to support the staff report’s claim that the planting of ESHA within the property TRE sold to the City will not “have any discernable effect” on safety hazards at the Airport.⁸

D. The Project’s Impacts Can Be Avoided

The complete connection of Fowler Road to Fairview Avenue lost as part of the modifications creates a “road to nowhere” scenario. While removal of a portion of Fowler Road reduced the impact to riparian trees and Old San Jose Creek, the City has created a solution that is incomplete and provides only partial

⁸ The staff report further claims that staff have been in communication with the Airport about the development of the Project and the Airport has not expressed any concerns. However, the staff report fails to mention whether staff has communicated with the ALUC, the entity with land use control over the area surrounding the Airport, or the Federal Aviation Administration about the proposed modifications to the Prior Project.

benefit to the traffic circulation improvements contemplated for the Goleta Old Town industrial area and vicinity of the Airport. Yet the Fowler improvement that remains, including the “knuckle” at Technology Drive, continues to move forward and remove 8 riparian trees identified as ESHA in the General Plan. Given the loss in connections of the Prior Project, the City should assess whether the continued removal of ESHA is justified for a road project that does not provide the services contemplated and approved by the City.

Further, the mitigation site proposed in the ROW does not provide the highest ecological value for restoration and mitigation. There are other areas within Old San Jose Creek that would provide higher ecological value. The documents note that options were scarce and not on City-owned property. However, as noted above, TRE has offered alternative mitigation locations within the immediate vicinity, and along Old San Jose Creek, on its Property in areas that would provide greater ecological benefit, less impact to TRE, and less impact to Airport hazards. As the City never engaged with TRE regarding these options, they have not come to fruition. TRE is open to engaging in discussions with the City to evaluate other mitigation site options.

E. ESHA Setback Determination and Mapping Discrepancies

Because the Fowler Road Extension was eliminated from the Prior Project, no construction at Fowler Road is justified, especially when it will destroy ESHA and require further mitigation.

As noted in the staff report on the appeal, City General Plan Policy CE 1.4 requires protection for ESHA areas mapped in Figure 4-1 even if the habitat has been illegally removed. As such, General Plan Policies 2.2 and 2.3 come into play to determine the Streambed Protection Area, or riparian buffer. Per Policy 2.3(d) construction of public roads are allowed in ESHA “provided there is no feasible, less environmentally damaging alternative.” Since the modifications to Fowler result in a “road to nowhere,” we disagree that there are no less environmentally damaging alternatives. Construction on Fowler Road will not serve its original purpose, and its impact on ESHA should be reconsidered.

Further, we find it unfair that the TRE will be held to a stringent setback for ESHA that does not exist, but this setback does not also apply to the modified. Per the exemption above, we think the partial extension of Fowler Road should be reevaluated through this lens as it is removing ESHA without fulfilling the connectivity purpose of the approved Project. It is also our understanding that as part of the New Zoning Ordinance discussions that occurred at the Planning Commission last week, the Planning Commission denied allowing public roadway as an exemption to ESHA setback policies. In fact, the Planning Commission has moved to require a Major Conditional Use Permit for such improvements. This on its own should make the City reconsider the modifications it has made to the Prior Project and review whether a road without connection justifies the removal of ESHA – and whether the funding associated with this reduced scope is justified.

Finally, as noted above, the modification of the Prior Project includes restoration of the entirety of the property that TRE sold to the City with ESHA. However there is a discrepancy in the mapping provided in the General Plan versus the mapping provided in the City’s FBMMP which misrepresents the ESHA demarcation in the General Plan. Per the City’s Streambed Protection policies, the extent of the ESHA is critical in quantifying the impact on ESHA and the setback that will occur to the TRE project. As such, further analysis and coordination with City Staff is required to map ESHA to ensure accuracy and consistency moving forward.

IV. CONCLUSION

We have serious concerns with the City's proposed course of action. We ask that the City grant the appeal, or in the alternative, put off acting so that we can have an opportunity to discuss these concerns further with the Council and staff. We believe a better solution can be arrived at through coordination and cooperation.

Sincerely,

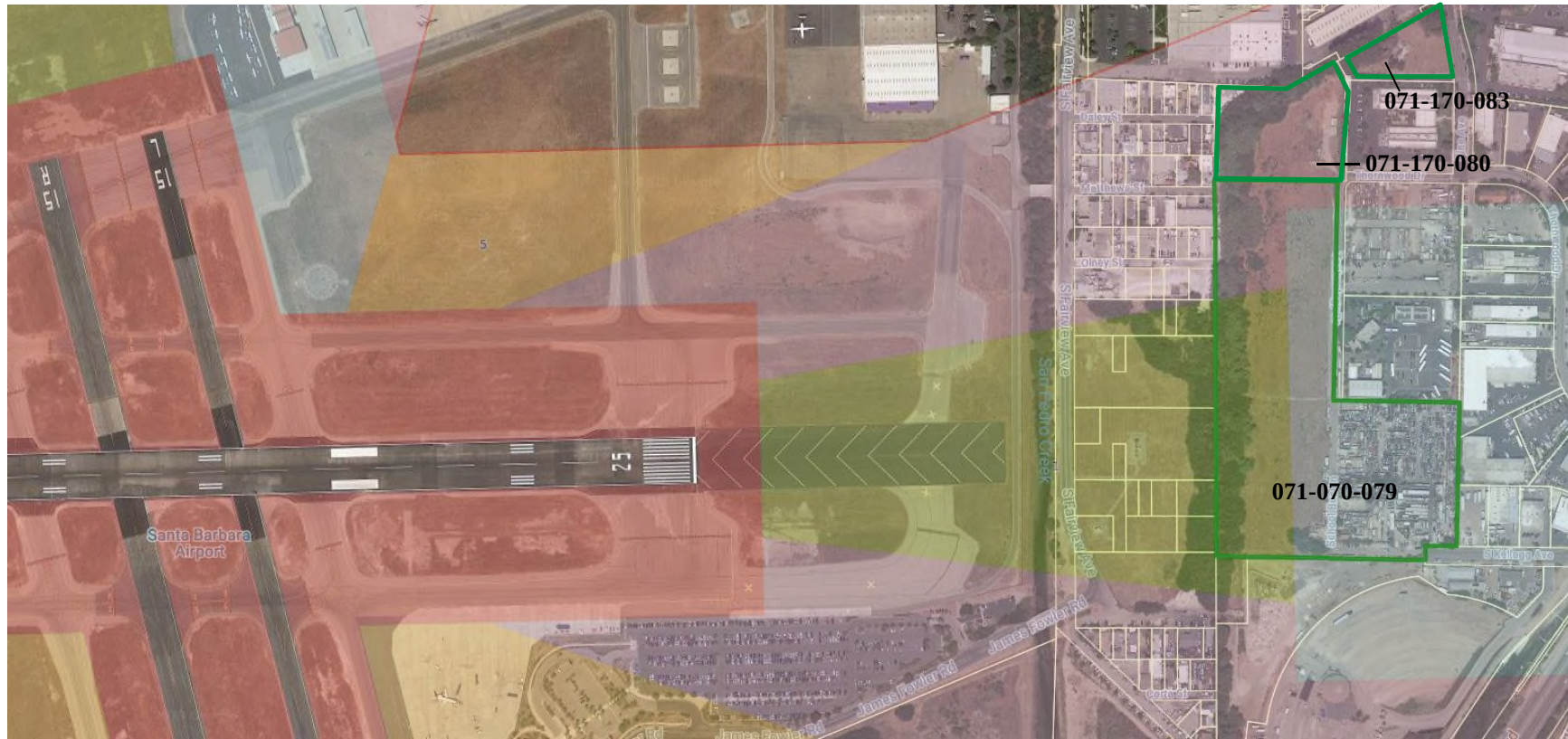
A handwritten signature in blue ink, appearing to read "Beth Collins", followed by a horizontal line.

Beth A. Collins

19793332

Exhibit A

Overlay of Draft ALUP with TRE Properties



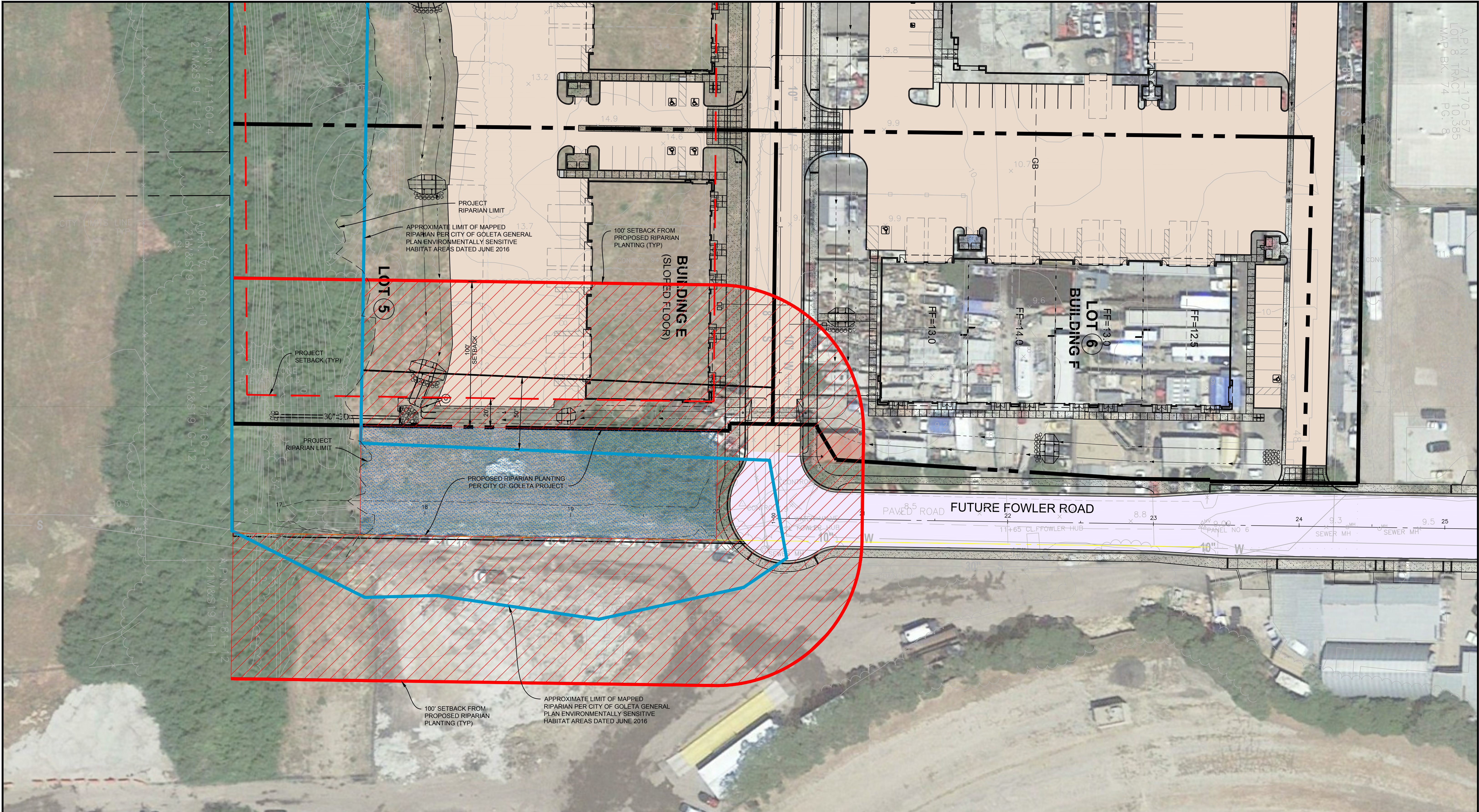
Draft Airport Land Use Compatibility Plan

AIRPORT SAFETY ZONES

- SAFETY ZONE 1 - RUNWAY PROTECTION ZONE
- SAFETY ZONE 2 - INNER APPROACH/DEPARTURE ZONE
- SAFETY ZONE 3 - INNER TURNING ZONE
- SAFETY ZONE 4 - OUTER APPROACH/DEPARTURE ZONE
- SAFETY ZONE 5 - SIDELINE ZONE
- SAFETY ZONE 6 - TRAFFIC PATTERN ZONE
- PRIMARY SURFACE
- RUNWAY

Exhibit B

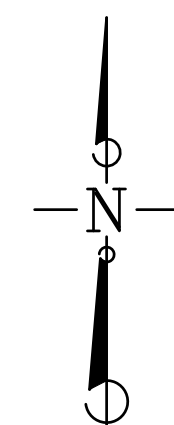
Exhibit C



IMPORTANT NOTICE

ALL UTILITY LOCATIONS ARE APPROXIMATE
CONTRACTOR IS TO NOTIFY UNDERGROUND
SERVICE ALERT TWO WORKING DAYS PRIOR
TO STARTING ANY EXCAVATION OR RESUR-
FACING.

CALL TOLL FREE 1-800-422-4133



SCALE: 1"=30'
GRAPHIC SCALE



PLOTTED: Thursday, September 26, 2019 12:05:53 PM

EXHIBIT
WILLOW INDUSTRIAL PARK

CASE # 14-019-TM-DP-DRB
CITY OF GOLETA, CALIFORNIA

9/26/19



FLOWERS & ASSOCIATES, INC.
201 N. Calle Cesar Chavez, Suite 100
Santa Barbara, CA 93103
Telephone (805) 966-2224

PRELIMINARY
NOT FOR CONSTRUCTION DATE: _____

0704_PRELIM EXHIBIT_ESHA APPEAL EXHIBIT.DWG

W.O. 0704

Exhibit D

Airport Surroundings



Exhibit E

